

FILE

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FARUKI IRELAND & COX P.L.L.

ATTORNEYS AT LAW

500 Courthouse Plaza, S.W. 10 North Ludlow Street Dayton, Ohio 45402 937-227-3700 Fax 937-227-3717

R. Holtzman Hedrick
(937) 227-3727
rhedrick@ficlaw.com

February 9, 2009

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Attention: Renee Jenkins
Docketing Division
180 E. Broad Street, 10th Floor
Columbus, OH 43215

RECEIVED-DOCKETING DIV
2009 FEB 10 AM 9:54
PUCO

RE: DP&L ESP Filing, Case No. 08-1094-EL-SSO

Dear Ms. Jenkins:

Enclosed are deposition transcripts of Shelley J. Dickstein and Mark R. Frye, for filing in the above-captioned matter. These depositions were recently received by DP&L, and are being filed pursuant to DP&L's Notice of Filing Depositions, which was filed on February 6, 2009.

Very truly yours,

R. Holtzman Hedrick

R. Holtzman Hedrick

RHH/tcs
Enclosures

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1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO
2 IN THE MATTER OF THE
3 APPLICATION OF THE Case No. 08-1094-EL-SSO
4 DAYTON POWER & LIGHT
5 COMPANY FOR APPROVAL OF
6 ITS ELECTRIC SECURITY PLAN

7 IN THE MATTER OF THE
8 APPLICATION OF THE Case No. 08-1095-EL-ATA
9 DAYTON POWER & LIGHT
10 COMPANY FOR APPROVAL OF
11 ITS REVISED TARIFFS
12 IN THE MATTER OF THE

13 APPLICATION OF THE Case No. 08-1096-EL-AAM
14 DAYTON POWER & LIGHT
15 COMPANY FOR APPROVAL OF
16 CERTAIN ACCOUNTING
17 AUTHORITY PURSUANT TO
18 ORC SECTION 4905.13

19 IN THE MATTER OF THE
20 APPLICATION OF THE Case No. 08-1097-EL-UNC
21 DAYTON POWER & LIGHT
22 COMPANY FOR APPROVAL OF
23 ITS AMENDED CORPORATE
24 SEPARATION PLAN

25 * * *

26 Deposition of SHELLEY J. DICKSTEIN,
27 Witness herein, called by The Dayton Power & Light
28 Company for cross-examination pursuant to the
29 Rules of Civil Procedure, taken before me,
30 Caryl L. Blevins, a Notary Public in and for the
31 State of Ohio, at the offices of Faruki, Ireland &
32 Cox, 500 Courthouse Plaza, S.W., 10 N. Ludlow
33 Street, Dayton, Ohio, on Thursday, the 5th day of
34 February, 2009, at 1:36 o'clock p.m.

<p style="text-align: right;">Page 2</p> <p>1 EXAMINATION CONDUCTED PAGE</p> <p>2 BY MR. FARUKI:..... 5</p> <p>3</p> <p>4 EXHIBITS MARKED</p> <p>5 (Thereupon, DP&L Dickstein Deposition</p> <p>6 Exhibit 59, Ms. Dickstein's prefile</p> <p>7 testimony with attachments, was marked</p> <p>8 for purposes of identification.)..... 6</p> <p>9 (Thereupon, DP&L Dickstein Deposition</p> <p>10 Exhibit 60, City of Dayton's response</p> <p>11 to DP&L's production of documents</p> <p>12 request, first set, and responsive</p> <p>13 documents, was marked for purposes of</p> <p>14 identification.)..... 44</p> <p>15</p> <p>16 QUESTION AND ANSWER MARKED</p> <p>17 Q. You agree with me that if there are</p> <p>18 programs that allow low-income customers either</p> <p>19 not to pay their bills or to pay only fractions of</p> <p>20 their bills, those programs are relevant to the</p> <p>21 circumstances of the at-risk population, are they</p> <p>22 not?</p> <p>23 A. I imagine that they are. Not having</p> <p>24 the details as to how this filing will impact</p> <p>25 their situation further causes concern.</p>	<p style="text-align: right;">Page 5</p> <p>1 SHELLEY J. DICKSTEIN</p> <p>2 of lawful age, Witness herein, having been first</p> <p>3 duly cautioned and sworn, as hereinafter</p> <p>4 certified, was examined and said as follows:</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MR. FARUKI:</p> <p>7 Q. I'm Charlie Faruki. We met before</p> <p>8 the deposition.</p> <p>9 A. Uh-hum.</p> <p>10 Q. Would you tell us your full name and</p> <p>11 where you work.</p> <p>12 A. Shelly Jane Dickstein. I work at the</p> <p>13 City of Dayton.</p> <p>14 Q. And have you been deposed before?</p> <p>15 A. No.</p> <p>16 Q. All right. Briefly, you'll need to</p> <p>17 keep your voice up since this is a telephone</p> <p>18 deposition and we have some other people on the</p> <p>19 phone.</p> <p>20 A. Okay.</p> <p>21 Q. And they'll break in if they can't</p> <p>22 hear either one of us. If you need to take a</p> <p>23 break at any time other than when a question is</p> <p>24 pending, let me know.</p> <p>25 If you don't understand any of my</p>
<p style="text-align: right;">Page 3</p> <p>1 REQUEST FOR DOCUMENT</p> <p>2 Q. This is a screen shot of something</p> <p>3 that the New York Times had in its online edition?</p> <p>4 A. Uh-hum.</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. And the page is titled Vacant Homes</p> <p>8 Abundant in Buffalo. What was the article from</p> <p>9 which this came?</p> <p>10 A. It was an article that was discussing</p> <p>11 the cities across the country with the most</p> <p>12 vacancies.</p> <p>13 Q. Do you know when it was published?</p> <p>14 A. I do not.</p> <p>15 Q. Do you have the article?</p> <p>16 A. I do not have it with me.</p> <p>17 Q. But you do have one?</p> <p>18 A. Uh-hum. Yes.</p> <p>19 MR. FARUKI: I'll make a request for</p> <p>20 that.</p> <p>21 MS. BECK: Sure..... 26</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 6</p> <p>1 questions, let me know that. Is all that</p> <p>2 agreeable?</p> <p>3 A. Yeah.</p> <p>4 (Thereupon, DP&L Dickstein Deposition</p> <p>5 Exhibit 59, Ms. Dickstein's prefile testimony with</p> <p>6 attachments, was marked for purposes of</p> <p>7 identification.)</p> <p>8 BY MR. FARUKI:</p> <p>9 Q. I'll give you a copy of what our</p> <p>10 reporter has marked as Exhibit 59 (providing), a</p> <p>11 copy of your prefile testimony in this case.</p> <p>12 Did you bring anything else with you</p> <p>13 today?</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. What was your involvement with</p> <p>16 writing this testimony?</p> <p>17 A. I was involved with the staff members</p> <p>18 who pulled the -- the data and the statistics</p> <p>19 together to answer the questions.</p> <p>20 Q. Did you write some of the testimony</p> <p>21 yourself?</p> <p>22 A. No, I did not.</p> <p>23 Q. Who wrote it?</p> <p>24 MS. BECK: If you know, you can</p> <p>25 answer.</p>
<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES:</p> <p>2 On behalf of the Dayton Power & Light Company:</p> <p>3 Faruki, Ireland & Cox</p> <p>4 By: Charles D. Faruki</p> <p>5 R. Hickman Hedrick</p> <p>6 Attorneys at Law</p> <p>7 500 Courthouse Plaza, S.W.</p> <p>8 10 N. Ludlow Street</p> <p>9 Dayton, Ohio 45403</p> <p>10 On behalf of the City of Dayton, Ohio:</p> <p>11 City Attorney's Office</p> <p>12 By: Suzanne P. Beck</p> <p>13 Assistant City Attorney</p> <p>14 101 W. First Street</p> <p>15 P.O. Box 22</p> <p>16 Dayton, Ohio 45401</p> <p>17 and</p> <p>18 Schottenstein, Zox & Dunn</p> <p>19 By: Christopher L. Miller (Telephonically)</p> <p>20 Attorney at Law</p> <p>21 Arena District</p> <p>22 250 West Street</p> <p>23 Columbus, Ohio 43215</p> <p>24 On behalf of the Ohio Consumers' Counsel:</p> <p>25 Office of the Ohio Consumers' Counsel</p> <p>By: Gregory J. Fowler (Telephonically)</p> <p>Assistant Consumers' Counsel</p> <p>30 W. Broad Street</p> <p>Suite 1500</p> <p>Columbus, Ohio 43215</p> <p>***</p>	<p style="text-align: right;">Page 7</p> <p>1 THE WITNESS: I'm not certain who</p> <p>2 composed the answers to all of the questions after</p> <p>3 the group meeting.</p> <p>4 BY MR. FARUKI:</p> <p>5 Q. Well, who was in the group, then?</p> <p>6 A. Diane Shannon in our management</p> <p>7 budget office; John Gower, our director of</p> <p>8 planning; myself, and I can't remember. I know</p> <p>9 someone from the law department was there. I</p> <p>10 can't remember if it was Suzanne or John Danish.</p> <p>11 Q. Is that the whole group?</p> <p>12 A. Uh-hum.</p> <p>13 Q. She needs an audible response.</p> <p>14 A. Oh, yes. I'm sorry. Yes.</p> <p>15 Q. Okay. And so am I correct that</p> <p>16 you're sponsoring this testimony, but you did not</p> <p>17 write it?</p> <p>18 A. Correct.</p> <p>19 Q. And you don't know who the author is?</p> <p>20 A. I do not.</p> <p>21 Q. What did you read before you decided</p> <p>22 to adopt or sponsor this testimony?</p> <p>23 A. Well, the information the answers are</p> <p>24 based on I'm very well aware of because it's</p> <p>25 information we've been talking about for years at</p>

<p style="text-align: right;">Page 8</p> <p>1 the City of Dayton, so the data that was gathered 2 I read and then the testimony as it was drafted I 3 read. 4 Q. And by the data, you mean the things 5 that are contained in it and attached to it? 6 A. Correct. 7 Q. Did you look at any portions of 8 DP&L's filing in this case? 9 A. I did look at a few. 10 Q. Which portions did you look at? 11 A. I believe it was the overview of the 12 filing and the economic development portions. 13 Q. By the overview, you mean the 14 executive summary? 15 A. Yes. 16 Q. And economic development, what did 17 you read there? 18 A. I read about the -- the three factors 19 for -- or the three programs, new programs, that 20 they were looking at introducing. Book I, I 21 believe, was what was cited. 22 Q. Did you look at testimony about that 23 or the chapter? 24 A. I did also look at testimony from 25 Mr. Wagner.</p>	<p style="text-align: right;">Page 11</p> <p>1 in the course of deciding to file it? 2 A. Contact by DP&L? 3 Q. Between DP&L and the city. 4 A. Okay. I believe there was at least 5 one conversation with Mr. Young and 6 Miss Strasburg. 7 Q. And would you identify 8 Miss Strasburg? 9 A. Jenny Strasburg at DP&L. 10 Q. Are you aware she's not a DP&L 11 employee? 12 A. No. I'm just aware she's connected 13 somehow. 14 Q. Okay. Was there any contact with 15 anybody in DP&L's management? 16 A. Not to my knowledge. 17 Q. Are you aware of the purposes of the 18 filing of this case? 19 MS. BECK: Can you be more specific? 20 Do you mean the intervention or the original 21 filing? 22 MR. FARUKI: No, the company filing. 23 THE WITNESS: Yes. 24 BY MR. FARUKI: 25 Q. What are they?</p>
<p style="text-align: right;">Page 9</p> <p>1 Q. Did you read any other testimony in 2 the case besides that of Mr. Wagner? 3 A. I did not. 4 Q. Did you look at any other portion of 5 the filing besides the economic development piece 6 and the overview, or executive summary piece? 7 A. I don't believe so. 8 Q. Whom do you report to within the 9 city? 10 A. Rashad Young. 11 Q. The city manager? 12 A. Correct. 13 Q. And who reports to you? 14 A. I have the Office of Economic 15 Development that directly reports to me. 16 Q. Any other group or department that 17 reports to you? 18 A. No. 19 Q. How many people are in the Office of 20 Economic Development? 21 A. Approximately fourteen. 22 Q. Are you aware that DP&L has had a 23 relationship with the city over the years other 24 than simply billing for electricity? 25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. The -- as it relates to -- I believe 2 it's Senate Bill 221 and the impacts of that bill, 3 my understanding is the filing addresses how they 4 will address or meet the goals of that bill and 5 identify cost recovery as it relates to revenue 6 loss meeting those goals. 7 Q. Have you looked at the Senate bill 8 itself? 9 A. No, I have not. 10 Q. So you haven't read any of the law 11 that required this filing? 12 A. No. 13 Q. Have you done any analysis of the 14 costs that DP&L will incur to comply with the 15 bill? 16 A. No, I have not. 17 Q. Have you done any analysis of the 18 programs that DP&L is proposing to implement? 19 A. No, I have not. 20 Q. Have you done any analysis of the 21 costs of those programs? 22 A. No. 23 Q. Was your testimony based on any other 24 previous -- well, I shouldn't say previous. 25 Was your testimony based on any other</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Were you involved in that 2 relationship? 3 A. Not directly. 4 Q. What does that mean? 5 A. The relationship was garnered by 6 individuals higher than me. I've only been in my 7 position for the last year and a half, so the 8 relationship -- my director and the city manager 9 staff managed that relationship more directly than 10 myself. 11 Q. When you say my director, who would 12 that be? 13 A. Norm Essman. 14 Q. And what's his position? 15 A. He's retired from the city. 16 Q. Who's his successor, if there is one? 17 A. I am the successor. 18 Q. Oh, okay. So it would have been 19 Mr. Essman and the city manager that you're saying 20 would be responsible for the relationship? 21 A. Yes. 22 Q. Anybody else? 23 A. No, not that I'm aware of. 24 Q. Was there any contact with DP&L other 25 than by the filing of this testimony, of course,</p>	<p style="text-align: right;">Page 13</p> <p>1 testimony in any proceeding? 2 A. No, not to my knowledge. 3 Q. And you don't offer opinions with 4 regard to Books II and III of the case; is that 5 right? 6 A. That's correct. 7 Q. Do you know what Book II deals with? 8 A. No. 9 Q. Do you know what Book III deals with? 10 A. Not specifically. 11 Q. Generally? 12 A. No. 13 Q. You don't know, then, I take it, 14 what -- I'll withdraw that. 15 Are you aware that there are certain 16 targets that the legislation sets that DP&L needs 17 to meet? 18 A. Generally speaking, I am. 19 Q. And do you know what it will cost in 20 dollars for DP&L to meet those targets? 21 A. I do not. 22 Q. Are you aware of the programs that 23 are available for low-income customers of the 24 company to assist them with paying their bills? 25 A. I am generally aware that there is</p>

<p style="text-align: right;">Page 14</p> <p>1 assistance made to those needing help paying 2 bills. 3 Q. Do you know any of the details? 4 A. No. 5 Q. Do you know any of the programs? 6 A. Not specifically, other than utility 7 assistance. 8 Q. Do you know the types of assistance? 9 A. Not specifically. 10 Q. Generally? 11 A. Just that -- I just know that when 12 there are situations of -- where an individual has 13 difficulty paying their bills, that there is some 14 relief provided, but I don't know the details of 15 how it's provided and to what extent. 16 Q. Or what type of relief? 17 A. Correct. 18 Q. Same question with regard to 19 potential shutoffs of service. Are you aware of 20 the programs that are available to people in that 21 circumstance? 22 A. Again, generally, not specifically. 23 Q. What do you know generally about 24 that? 25 A. That there are -- when hardships or</p>	<p style="text-align: right;">Page 17</p> <p>1 the details as to how this filing will impact 2 their situation further causes concern. 3 MR. FARUKI: Read that back to me. 4 (Record read.) 5 MR. FARUKI: If you'd mark that 6 answer. 7 BY MR. FARUKI: 8 Q. I'll get to that answer in a minute, 9 but just so my record is clear, you agree with me 10 that the availability of programs for low-income 11 electric customers -- I'm not dealing with gas -- 12 A. Uh-hum. 13 Q. -- low-income electric customers is 14 pertinent to the circumstances of the at-risk 15 population that you address in your testimony? 16 A. Yes. 17 Q. And then with regard to the answer 18 that I just had the reporter read back, when you 19 say not having the details as to how this filing 20 will impact their situation further causes 21 concern, I think my question is when you are 22 saying you don't have the details as to how this 23 filing will impact their situation, what do you 24 mean? 25 A. It is -- not having the specifics as</p>
<p style="text-align: right;">Page 15</p> <p>1 extenuating circumstances are presented, that the 2 company does try and work with individuals. 3 Q. Do you know what DP&L's Smart Grid 4 plan is? 5 A. Not -- no. 6 Q. Do you know what DP&L's AMI, or 7 Advanced Metering Infrastructure, plan is? 8 A. Not specifically. I've read about 9 both of those things in the filing. 10 Q. Do you know what they cost? 11 A. I can't say off the top of my head. 12 I know I've read it. 13 Q. The subject of your testimony deals 14 with the effect of a rate increase on the at-risk 15 population within the city; is that right? 16 A. As well as the city itself. 17 Q. Okay. And if you are going to be 18 rendering opinions about the effect of a rate 19 increase on the at-risk population, why did you 20 not do an investigation of what services and 21 programs are available to that population with 22 regard to their electric bills? 23 A. Part -- partly because of the timing 24 of the -- this deposition came on rather quickly, 25 so it was difficult to do a lot of extenuating</p>	<p style="text-align: right;">Page 18</p> <p>1 to how the cost recovery is going to occur or the 2 impact as it relates to the rate causes concern 3 that it will exacerbate the situation for many of 4 our citizens in the city. 5 Q. Did you seek to learn these specifics 6 as to how the cost recovery will occur? 7 A. Based on conversation with counsel, 8 it was presented to me that they were not clearly 9 defined in the filing. 10 Q. Are you aware that the filing 11 contains them? 12 A. No. 13 Q. Did you look yourself? 14 A. I looked at the summary and the 15 economic development section. 16 Q. Well, the summary that you're talking 17 about is the executive summary, right? 18 A. Uh-hum, uh-hum. 19 Q. She needs a yes. 20 A. Yes. 21 Q. And you wouldn't expect to find all 22 of the detail of something in an executive 23 summary, would you? 24 A. No. 25 Q. Did you look beyond the executive</p>
<p style="text-align: right;">Page 16</p> <p>1 investigation. 2 Two, partly because any kind of rate 3 increase certainly adds to the hardship that has 4 been increasing exponentially in the City of 5 Dayton on its residents and existing businesses. 6 Q. Let's take those one at a time. You 7 say the deposition came on quickly, but before you 8 filed your testimony in this case -- 9 A. Uh-hum. 10 Q. -- as opposed to the deposition 11 that's occurring right now today -- 12 A. Uh-hum. 13 Q. -- why didn't you do an investigation 14 of the programs that were available to people who 15 are in the at-risk population with regard to their 16 electric bills? 17 A. I guess I didn't think about doing 18 that prior to the testimony. 19 Q. You agree with me that if there are 20 programs that allow low-income customers either 21 not to pay their bills or to pay only fractions of 22 their bills, those programs are relevant to the 23 circumstances of the at-risk population, are they 24 not? 25 A. I imagine that they are. Not having</p>	<p style="text-align: right;">Page 19</p> <p>1 summary to find the answer to the question as to 2 how the cost recovery would occur? 3 A. I did not. 4 Q. When you say that you don't have, to 5 use your words, the details as to how this filing 6 will impact their situation, what you mean is that 7 you don't know how DP&L's filing would impact the 8 situation of the at-risk population; is that 9 right? 10 A. Could you repeat that, please? 11 Q. I'll have her read it back. She'll 12 do a better job. 13 (Record read.) 14 THE WITNESS: Correct. 15 BY MR. FARUKI: 16 Q. Take a look at your profile 17 testimony. Did you bring a set with you? 18 A. Uh-hum. 19 Q. She needs a yes. 20 A. Yes. 21 Q. Am I correct that before writing 22 this, you did not read any of the DP&L testimony 23 in the case beyond that of Mr. Wagner? 24 A. Correct. 25 Q. Does the utility rate section of the</p>

<p style="text-align: right;">Page 20</p> <p>1 city government report to you?</p> <p>2 A. It does not.</p> <p>3 Q. Where is that utility rate section or</p> <p>4 group in the city organization?</p> <p>5 A. I believe that reports to our</p> <p>6 Department of Finance.</p> <p>7 Q. Who heads that?</p> <p>8 A. That's headed by Cheryl Garrett.</p> <p>9 Q. I'm sorry. What was the first name?</p> <p>10 A. Cheryl.</p> <p>11 Q. Cheryl?</p> <p>12 A. Uh-hum.</p> <p>13 Q. And does Cheryl Garrett report to</p> <p>14 you?</p> <p>15 A. No, she does not.</p> <p>16 MR. MILLER: Charlie, this is Chris.</p> <p>17 For clarification, can we ask the question of</p> <p>18 whether there is a utility rate department? You</p> <p>19 referred to it that way.</p> <p>20 MR. FARUKI: Yeah. I was getting to</p> <p>21 that, Chris.</p> <p>22 MR. MILLER: Thank you.</p> <p>23 BY MR. FARUKI:</p> <p>24 Q. And who does Cheryl Garrett report</p> <p>25 to?</p>	<p style="text-align: right;">Page 23</p> <p>1 The purpose of your testimony was not</p> <p>2 to offer opinions on the merits of DP&L's</p> <p>3 application in this case; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. The question on page four that begins</p> <p>6 at line three asks what materials and information</p> <p>7 you reviewed.</p> <p>8 Was everything that you personally</p> <p>9 reviewed, then, attached as your exhibits?</p> <p>10 A. Yes.</p> <p>11 Q. Were those exhibits developed for</p> <p>12 this case or were they preexisting materials that</p> <p>13 you had within the city?</p> <p>14 A. Preexisting materials.</p> <p>15 Q. Why don't we look at those for a</p> <p>16 minute starting with your SJD-3.</p> <p>17 A. Uh-hum.</p> <p>18 Q. This looks to me as if it is pieces</p> <p>19 of a presentation, whether that's a PowerPoint</p> <p>20 presentation or something else; is that right?</p> <p>21 A. Correct, correct.</p> <p>22 Q. I know that these are separately</p> <p>23 numbered, but are there parts of this that are all</p> <p>24 one presentation?</p> <p>25 A. The majority of these are indeed</p>
<p style="text-align: right;">Page 21</p> <p>1 A. Stanley Earley.</p> <p>2 Q. And Stanley Earley is an assistant</p> <p>3 city manager?</p> <p>4 A. Deputy city manager.</p> <p>5 Q. Deputy. Thank you. And what is</p> <p>6 Cheryl Garrett's department or group called?</p> <p>7 A. Director of finance.</p> <p>8 Q. And then is there some formally named</p> <p>9 unit within the finance department that deals with</p> <p>10 utility rates?</p> <p>11 A. I'm not aware of what that unit would</p> <p>12 be.</p> <p>13 Q. Or even if there is one. It may be</p> <p>14 just that they're employees of the finance</p> <p>15 department?</p> <p>16 A. Correct.</p> <p>17 Q. When you read the portion of DP&L's</p> <p>18 filing that deals with economic development, did</p> <p>19 you form any opinions about the economic</p> <p>20 development plans of DP&L?</p> <p>21 A. No, I didn't. I did not.</p> <p>22 Q. Do you know anything about the</p> <p>23 history of DP&L's economic development efforts</p> <p>24 with the city?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 24</p> <p>1 slice -- slides pulled from a variety of</p> <p>2 presentations that we have made throughout the</p> <p>3 years.</p> <p>4 Q. Just from formatting, it looks like 3</p> <p>5 through 15 of the SJD pages are similar in format.</p> <p>6 A. Uh-hum.</p> <p>7 Q. Was this from one presentation or</p> <p>8 more than one?</p> <p>9 A. I can't say with any certainty</p> <p>10 because we -- like I say, we use a lot of this</p> <p>11 information in a variety of different ways.</p> <p>12 Q. Just again focused on 3 through 15,</p> <p>13 why were they originally created?</p> <p>14 A. Many times they're created as bond</p> <p>15 presentations so that we can depict the economic</p> <p>16 conditions in the city as well as regular updates</p> <p>17 to the City Commission of our economic impact.</p> <p>18 Q. And in 3 through 15 I didn't see</p> <p>19 anything in that information or in these charts</p> <p>20 and graphs regarding electric utilities costs</p> <p>21 except for page three; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. So SJD-4 through 15 are various facts</p> <p>24 about Dayton and its residents, but you're not</p> <p>25 commenting on 4 through 15 on electric rates; is</p>
<p style="text-align: right;">Page 22</p> <p>1 Q. What do you know about that?</p> <p>2 A. I know about their brownfield</p> <p>3 funding, recovery -- or funding that they've</p> <p>4 provided in the past.</p> <p>5 I know about some of the programs</p> <p>6 they had related to business retention and</p> <p>7 expansion. We've worked with DP&L on a variety of</p> <p>8 business expansions or issues related to</p> <p>9 utilities.</p> <p>10 Q. You're not offering opinions in this</p> <p>11 case with regard to DP&L's business retention or</p> <p>12 expansion programs; is that right?</p> <p>13 A. That's right.</p> <p>14 Q. If you take a look at the bottom of</p> <p>15 page three of your testimony --</p> <p>16 A. Uh-hum.</p> <p>17 Q. -- you have a question that you</p> <p>18 respond to at lines twenty and twenty-one where</p> <p>19 you're asked the purpose of your testimony.</p> <p>20 A. Uh-hum.</p> <p>21 Q. And you say the purpose of my</p> <p>22 testimony is to describe current conditions in the</p> <p>23 city and the potential impact of an increase in</p> <p>24 DP&L's rates on the city as well as at-risk</p> <p>25 residential and commercial citizens.</p>	<p style="text-align: right;">Page 25</p> <p>1 that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And then looking at SJD-3, it has the</p> <p>4 annual electric utility costs. Do you know why</p> <p>5 the number decreased from '07 to '08?</p> <p>6 A. I do not.</p> <p>7 Q. It looks like there was an over three</p> <p>8 million dollar decrease between those two years;</p> <p>9 is that right?</p> <p>10 A. Uh-hum.</p> <p>11 MS. BECK: Yes or no.</p> <p>12 BY MR. FARUKI:</p> <p>13 Q. Is that a yes?</p> <p>14 A. Yes. I'm sorry.</p> <p>15 Q. And maybe I can shorten this up. For</p> <p>16 any of these years, '05, '06, '07, and '08, do you</p> <p>17 know why the bills were at the level they were?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know anything about the city's</p> <p>20 electric usage other than what is on this page?</p> <p>21 A. No, I do not.</p> <p>22 Q. Have you looked at -- I'll withdraw</p> <p>23 that.</p> <p>24 Do you know whether the city takes</p> <p>25 power pursuant to a contract or a tariff?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. No.</p> <p>2 Q. The average of ten million two</p> <p>3 hundred fifty-eight thousand eight hundred</p> <p>4 forty-nine dollars that is on SJD-3 is simply an</p> <p>5 average of the four figures shown above?</p> <p>6 A. Correct.</p> <p>7 Q. You're not offering an opinion in</p> <p>8 this case, I take it, that whether it's eight</p> <p>9 million, ten million, or eleven million, that</p> <p>10 that's an unreasonable number to pay for the power</p> <p>11 that the city uses, are you?</p> <p>12 A. No, I'm not.</p> <p>13 Q. If you go back, then, to pages that</p> <p>14 begin SJD -- maybe we'll take them one at a time.</p> <p>15 SJD-16.</p> <p>16 A. Uh-hum.</p> <p>17 Q. That's headed Vacant Homes Abundant</p> <p>18 in Buffalo and appears to be a reproduction of</p> <p>19 something from the New York Times.</p> <p>20 A. Correct.</p> <p>21 Q. I take it from the print, the New</p> <p>22 York Times online?</p> <p>23 A. Correct.</p> <p>24 Q. This is a screen shot of something</p> <p>25 that the New York Times had in its online edition?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. That's the percentage of population</p> <p>2 change that shows the migration from the center</p> <p>3 core to the exurbs.</p> <p>4 Q. Center core meaning the legal</p> <p>5 boundaries of the city?</p> <p>6 A. Correct.</p> <p>7 Q. The source of this data was what?</p> <p>8 A. Typically when we're dealing with</p> <p>9 population change within Montgomery County, we're</p> <p>10 looking at MSA and census data.</p> <p>11 Q. You say typically. Do you know if</p> <p>12 that was done here or are you guessing?</p> <p>13 A. I do not. I am assuming that we used</p> <p>14 the same source.</p> <p>15 Q. But that's a guess?</p> <p>16 A. Correct.</p> <p>17 Q. The regional decentralization, or</p> <p>18 sprawl, title refers to the phenomenon of people</p> <p>19 moving away from an incorporated central city?</p> <p>20 A. Correct.</p> <p>21 Q. You're not offering an opinion that</p> <p>22 DP&L caused that, are you?</p> <p>23 A. No.</p> <p>24 Q. In fact, it is widely recognized that</p> <p>25 regional decentralization, or sprawl, has a host</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Uh-hum.</p> <p>2 Q. Yes?</p> <p>3 A. Yes.</p> <p>4 Q. And the page is titled Vacant Homes</p> <p>5 Abundant in Buffalo. What was the article from</p> <p>6 which this came?</p> <p>7 A. It was an article that was discussing</p> <p>8 the cities across the country with the most</p> <p>9 vacancies.</p> <p>10 Q. Do you know when it was published?</p> <p>11 A. I do not.</p> <p>12 Q. Do you have the article?</p> <p>13 A. I do not have it with me.</p> <p>14 Q. But you do have one?</p> <p>15 A. Uh-hum. Yes.</p> <p>16 MR. FARUKI: I'll make a request for</p> <p>17 that.</p> <p>18 MS. BECK: Sure.</p> <p>19 BY MR. FARUKI:</p> <p>20 Q. Did the article attribute any of</p> <p>21 these vacancy problems to electric rates, either</p> <p>22 in Dayton or some other city?</p> <p>23 A. Not that I recall.</p> <p>24 Q. You're not offering an opinion here</p> <p>25 that the vacancy -- it's described here as vacant</p>	<p style="text-align: right;">Page 30</p> <p>1 of causes; isn't that right?</p> <p>2 A. Yes.</p> <p>3 Q. And what are those causes?</p> <p>4 A. Obsolete housing, perceptions of</p> <p>5 safety, retail and -- retail and shopping. I'm</p> <p>6 trying to remember.</p> <p>7 (Pause in proceedings.)</p> <p>8 BY MR. FARUKI:</p> <p>9 Q. You paused. I wasn't sure if you</p> <p>10 were done.</p> <p>11 A. I was done.</p> <p>12 Q. Okay. With regard to those three</p> <p>13 phenomena that you just listed, obsolete housing,</p> <p>14 perceptions of safety, and retail and shopping</p> <p>15 issues, you're not offering an opinion here that</p> <p>16 DP&L has caused any of those, are you?</p> <p>17 A. No.</p> <p>18 Q. Perhaps to shorten this up, with</p> <p>19 regard to your exhibits that follow page SJD-3, in</p> <p>20 other words, from SJD-4 through 18, where you list</p> <p>21 various facts and events that affect Dayton,</p> <p>22 you're not offering an opinion in this case that</p> <p>23 DP&L has caused these various facts and events,</p> <p>24 are you?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 28</p> <p>1 units per one hundred people, but I'll just call</p> <p>2 it the vacancy rate.</p> <p>3 You're not offering an opinion here</p> <p>4 that the vacancy rate in Dayton is caused by DP&L,</p> <p>5 are you?</p> <p>6 A. No, I am not.</p> <p>7 Q. Is the figure of 2.0 accurate for</p> <p>8 Dayton, or was it at the time?</p> <p>9 A. Yes.</p> <p>10 Q. SJD-17, I take it, comes from another</p> <p>11 city presentation that you had for another</p> <p>12 purpose; in other words, it wasn't prepared just</p> <p>13 for this case?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know what purpose this was</p> <p>16 prepared for? Looks like it might be a budget</p> <p>17 piece, but do you know?</p> <p>18 A. It could have been a budget update or</p> <p>19 an update to other groups that we do throughout</p> <p>20 the city.</p> <p>21 Q. Were any of the issues shown on this</p> <p>22 page something that you are saying that DP&L</p> <p>23 caused?</p> <p>24 A. No.</p> <p>25 Q. SJD-18 is designed to show what?</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. If you'd go back to your</p> <p>2 profile testimony, do you know what consideration</p> <p>3 of the at-risk population DP&L made in putting</p> <p>4 together its filing?</p> <p>5 A. I do not.</p> <p>6 Q. On pages four and five -- actually,</p> <p>7 four, five, and six, you have questions, the same</p> <p>8 sort of question on page four going to population;</p> <p>9 page five, line eleven, going to employment; page</p> <p>10 five, line twenty-two, going to housing; and then</p> <p>11 page six, line seven, going to the economy. Do</p> <p>12 you see those questions?</p> <p>13 A. Yes, I do.</p> <p>14 Q. So what you are doing is commenting</p> <p>15 sort of question by question on the issues that</p> <p>16 you see regarding population, employment, housing,</p> <p>17 and economy in those questions?</p> <p>18 A. Correct.</p> <p>19 Q. With regard to the issues that you</p> <p>20 see concerning population, you're not expressing</p> <p>21 here an opinion that DP&L is contributing to the</p> <p>22 city's population loss, are you?</p> <p>23 A. No.</p> <p>24 Q. Same question, ma'am, with regard to</p> <p>25 page five, line eleven. You are not offering an</p>

<p style="text-align: right;">Page 32</p> <p>1 opinion that DP&L is contributing to any 2 degradation in employment within the city of 3 Dayton, are you? 4 A. No. 5 Q. You recognize that DP&L is itself a 6 large employer in this area? 7 A. Yes. 8 Q. You recognize that DP&L has a good 9 number of union jobs in this area? 10 A. Yes. 11 Q. And that DP&L also has a significant 12 number of white-collar jobs within Dayton? 13 A. Yes. 14 Q. At the bottom of page five, the 15 question is asked on page five and answered on 16 page six, you are not offering an opinion that 17 DP&L has contributed to the state of affairs 18 regarding housing that you describe, are you? 19 A. No. 20 Q. The same question on page six with 21 regard to the state of affairs regarding the 22 economy. The question at line seven, you are not 23 offering an opinion that DP&L has contributed to 24 that, are you? 25 A. No.</p>	<p style="text-align: right;">Page 35</p> <p>1 programs that will help to attract and retain 2 businesses, did you consider those programs in 3 formulating this opinion? 4 A. I did not have information related to 5 those programs prior to the testimony filing. 6 Q. Did you seek it? 7 A. No. 8 Q. So you formulated an opinion that a 9 rate increase would negatively affect efforts for 10 economic development without even considering 11 whether there are programs available that would 12 mitigate that problem; is that correct? 13 A. Not exactly. Not understanding, 14 again, the mechanisms for the cost recovery and 15 not understanding all of the details related to 16 the programs would still cause concern if there 17 were increases to the city itself, given our 18 financial crisis, or to the general community at 19 large. 20 Q. So to use your language, you're 21 rendering this opinion on page seven without 22 understanding either the mechanisms for cost 23 recovery or the details of the programs; is that 24 true? 25 A. Yes.</p>
<p style="text-align: right;">Page 33</p> <p>1 Q. On page six, lines sixteen and 2 seventeen, you have a sentence running from 3 sixteen onto seventeen that says any increase in 4 electricity rates would be an unreasonable burden 5 upon Dayton's at-risk population. 6 A. Uh-hum. 7 Q. Given that you've told me that you 8 don't know the details of the programs that are 9 available to the members of that at-risk 10 population, you really don't have a basis to make 11 this conclusion, do you? 12 A. Yes, because I believe these last few 13 pages illustrate a very dire situation in the city 14 of Dayton, and I believe that any rate increase or 15 any increase increases the burden. 16 Q. You're aware that many people in the 17 at-risk population never pay their utility bills 18 so that for those people, whether their bill is 19 ten dollars, a hundred dollars, or a thousand 20 dollars doesn't make any difference? 21 A. Are you asking me to agree with that 22 or -- 23 Q. I'm asking you if you are aware of 24 that. 25 A. No.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And do you know whether there would 2 be an increase to the city if the rates proposed 3 by DP&L were implemented? 4 A. No. 5 Q. At the bottom of page seven you say 6 that the departure of jobs from the city and an 7 increase in DP&L's rates would make the city of 8 Dayton a less attractive area for economic 9 development. Do you see that? 10 A. Yes. 11 Q. First of all, the fact that jobs are 12 leaving the city, you would agree with me, is not 13 something that you can lay at the feet of DP&L; is 14 that right? 15 A. Correct. 16 Q. And a reliable electric distribution 17 system is something that either an existing or a 18 new or an expanding business would have to 19 consider because businesses require reliable 20 service, too, correct? 21 A. Correct. 22 Q. So let me back up a step. You are 23 aware from reading the executive summary that part 24 of the reason for filing this case -- I'll 25 withdraw that. Let me give you an easier</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. You are making your conclusion here 2 about an increase in electricity rates being an 3 unreasonable burden without having examined the 4 extent to which programs for the at-risk 5 population would ameliorate that problem; is that 6 correct? 7 A. Yes. 8 Q. Forgive me if I asked this already. 9 On the question at the bottom of page six with 10 regard to economic development efforts, you are 11 not offering criticisms of the piece of the filing 12 that you said that you read with regard to 13 economic development; is that correct? 14 A. I'm sorry. Can you repeat that? 15 Q. I'll have her do that. 16 (Record read.) 17 THE WITNESS: Correct. 18 BY MR. FARUKI: 19 Q. The question on page seven on lines 20 eighteen and nineteen, you render the opinion that 21 an increase in rates would negatively impact 22 efforts for economic development. Do you see 23 that? 24 A. Yes. 25 Q. If there are economic development</p>	<p style="text-align: right;">Page 37</p> <p>1 question. 2 The Book II of the filing was not a 3 book that you read; is that correct? 4 A. Correct. 5 Q. An aging, unmodernized distribution 6 system for an electric utility is also something 7 that would make the city of Dayton a less 8 attractive area for economic development; is that 9 true? 10 A. True. 11 Q. You don't know the extent to which 12 the filing that we're dealing with here contains 13 in Book II a plan for improvement and 14 modernization of DP&L's distribution system, do 15 you? 16 A. I don't know to the extent or details 17 of that. 18 Q. On page eight the question that 19 begins at line five has an answer that lists some 20 of the obstacles to economic development efforts. 21 A. Uh-hum. 22 Q. That's right? 23 A. Yes. 24 Q. That answer does not list poor 25 service or a lack of reliability from DP&L, right?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Correct.</p> <p>2 Q. But if there was a high degree of</p> <p>3 poor service or lack of reliability from DP&L,</p> <p>4 would you list that as an obstacle to the economic</p> <p>5 development efforts?</p> <p>6 A. Yes.</p> <p>7 Q. When you are talking about DP&L</p> <p>8 customers in your testimony, are you limiting it</p> <p>9 to residential customers or residential as well as</p> <p>10 nonresidential?</p> <p>11 A. Residential and commercial,</p> <p>12 nonresidential.</p> <p>13 Q. And with regard to commercial</p> <p>14 customers, before preparing your testimony, or</p> <p>15 adopting it, did you talk to any commercial or</p> <p>16 industrial customers?</p> <p>17 I'm leaving aside residential. Did</p> <p>18 you talk to any commercial or industrial</p> <p>19 customers?</p> <p>20 A. Specifically about this filing or in</p> <p>21 general?</p> <p>22 Q. Well, we'll start with that.</p> <p>23 A. Not about the filing.</p> <p>24 Q. Did you talk with any nonresidential</p> <p>25 customers about DP&L's service?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. So when you say one cent, you weren't</p> <p>2 thinking monthly or annually, you're just thinking</p> <p>3 anytime?</p> <p>4 A. Monthly would probably be the</p> <p>5 reference.</p> <p>6 Q. So let me ask my question that I</p> <p>7 asked before again. Focusing on the commercial</p> <p>8 and industrial group of customers, your opinion is</p> <p>9 that even an increase of one cent would harm the</p> <p>10 commercial and industrial customers?</p> <p>11 A. Yes.</p> <p>12 Q. And have you talked to any commercial</p> <p>13 and industrial customer who said that they could</p> <p>14 not pay one penny more per month?</p> <p>15 A. No.</p> <p>16 MR. FARUKI: Off the record.</p> <p>17 (Thereupon, an off-the-record</p> <p>18 discussion was had.)</p> <p>19 BY MR. FARUKI:</p> <p>20 Q. Let me ask you a few questions about</p> <p>21 the first of your exhibits, SID-1.</p> <p>22 A. Uh-hum.</p> <p>23 Q. The first paragraph of that is headed</p> <p>24 qualifications, and there's nothing listed here</p> <p>25 about either utility rates or utility analysis; is</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Yes. I interact frequently with</p> <p>2 business or commercial industrial users of DP&L.</p> <p>3 Q. And did you talk to any of them in</p> <p>4 preparation for your testimony or in preparation</p> <p>5 of this written testimony?</p> <p>6 A. No.</p> <p>7 Q. And in lines eighteen through twenty</p> <p>8 on page eight, I take it that opinion is supposed</p> <p>9 to include residential as well as nonresidential</p> <p>10 customers?</p> <p>11 A. Yes.</p> <p>12 Q. And, again, leaving aside residential</p> <p>13 for a minute, what is the basis for that with</p> <p>14 regard to commercial or industrial customers?</p> <p>15 A. Commercial and industrial customers</p> <p>16 are equally concerned with the increase of costs</p> <p>17 for doing business and routinely come to us asking</p> <p>18 for assistance in reduction of costs related to</p> <p>19 utilities.</p> <p>20 Q. And how does the city assist them?</p> <p>21 A. The city has various incentive</p> <p>22 programs that we can help for extenuating</p> <p>23 circumstances or improvements to buildings that</p> <p>24 require additional service, electrical service.</p> <p>25 Q. Do you know the extent to which DP&L</p>	<p style="text-align: right;">Page 42</p> <p>1 that right?</p> <p>2 A. That's right.</p> <p>3 Q. You're not claiming expertise in</p> <p>4 those subjects?</p> <p>5 A. Correct.</p> <p>6 Q. Under the professional experience</p> <p>7 section of this, there is nothing listed about</p> <p>8 utility rates there; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. If you turn to page two under</p> <p>11 education, I didn't see anything listed there</p> <p>12 about electric utility rates. Is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And just so my question is adequate,</p> <p>15 am I correct that your education did not include</p> <p>16 any component regarding utility rates?</p> <p>17 A. You are correct.</p> <p>18 Q. Your employment history section of</p> <p>19 this makes no reference to utility rates. Do I</p> <p>20 take it that your employment history has not had</p> <p>21 electric rate responsibilities?</p> <p>22 A. Correct.</p> <p>23 Q. Same question with regard to the</p> <p>24 professional development and service section of</p> <p>25 your biography. Am I correct that there is none</p>
<p style="text-align: right;">Page 40</p> <p>1 has similar efforts?</p> <p>2 A. Generally, yes.</p> <p>3 Q. And what do you know about that?</p> <p>4 A. Again, I know that in working with</p> <p>5 companies and DP&L, that there are -- there is</p> <p>6 assistance provided through engineering and</p> <p>7 through reduction of costs for particular --</p> <p>8 particular situations.</p> <p>9 Q. So again staying on commercial and</p> <p>10 industrial customers as opposed to residential</p> <p>11 ones, your opinion is that an increase of even one</p> <p>12 cent a month would be detrimental to the</p> <p>13 commercial and industrial customers?</p> <p>14 MS. BECK: I'll object just to the</p> <p>15 extent it doesn't indicate a month in there on</p> <p>16 line nineteen.</p> <p>17 MR. FARUKI: Well, I'll ask that</p> <p>18 question.</p> <p>19 BY MR. FARUKI:</p> <p>20 Q. When you say even an increase of one</p> <p>21 cent in line nineteen, what is that supposed to</p> <p>22 mean in terms of time?</p> <p>23 A. I believe that the intent of the</p> <p>24 testimony is that any increase exacerbates or</p> <p>25 creates further hardship.</p>	<p style="text-align: right;">Page 43</p> <p>1 with regard to electric utility rates?</p> <p>2 A. Correct.</p> <p>3 Q. Do you know to what extent DP&L's</p> <p>4 filing is designed to recover costs of programs</p> <p>5 that DP&L must implement to meet targets in the</p> <p>6 new legislation?</p> <p>7 THE WITNESS: Can you repeat that?</p> <p>8 (Record read.)</p> <p>9 THE WITNESS: Just in the --</p> <p>10 generally from the readings of the executive</p> <p>11 summary and the economic development portions.</p> <p>12 BY MR. FARUKI:</p> <p>13 Q. And what did you learn there?</p> <p>14 A. That while the programs may reduce</p> <p>15 costs or usage, that there would be an investment</p> <p>16 necessary for DP&L to make to implement those</p> <p>17 programs and that recovery of costs was needed.</p> <p>18 Q. And you're not expressing an opinion</p> <p>19 that that's unreasonable, are you?</p> <p>20 A. No.</p> <p>21 Q. I looked at the documents that were</p> <p>22 produced this morning in response to a document</p> <p>23 request.</p> <p>24 Did you participate in gathering</p> <p>25 documents in response to that question?</p>

<p style="text-align: right;">Page 44</p> <p>1 A. I'm not certain I understand what 2 document request you're talking about. 3 (Thereupon, DP&L Dickstein Deposition 4 Exhibit 60, City of Dayton's response to DP&L's 5 production of documents request, first set, and 6 responsive documents, was marked for purposes of 7 identification.) 8 MR. FARUKI: For the people on the 9 phone, Exhibit 60 is the City of Dayton's 10 responses to DP&L's document request, and there 11 were documents that were produced accompanying 12 that, so I've marked both the document request 13 responses and the documents themselves that 14 accompanied it as one exhibit. 15 BY MR. FARUKI: 16 Q. Let me give you Exhibit 60 17 (providing). 18 A. Uh-hum. 19 Q. And I'll tell you that -- I'll 20 represent to you that that's the set of responses 21 that the city made to DP&L's request for 22 production of documents in this case, and then 23 after that are all of the documents that came with 24 it. 25 A. Uh-hum.</p>	<p style="text-align: right;">Page 47</p> <p>1 MR. POULOS: I do not. Thank you, 2 though. 3 MR. FARUKI: Okay. Did anybody else 4 join on the line while I was examining? Okay. I 5 think we're done. 6 (Thereupon, the deposition was 7 concluded at 2:33 o'clock p.m.) 8 * * * 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 45</p> <p>1 Q. Take a minute and look at that and 2 tell me if you've seen it before. 3 (Pause in proceedings.) 4 THE WITNESS: I've not seen this 5 prior to -- 6 BY MR. FARUKI: 7 Q. And when you say that, you're looking 8 at the document request responses itself. Turn 9 past that to the documents. 10 A. Uh-hum. 11 Q. And there is maybe a quarter of an 12 inch or so of documents. Did you participate in 13 gathering any of those? 14 A. Yes. 15 Q. When I looked through those, I didn't 16 see any of them that related to or discussed 17 electric rates. 18 Instead, they discussed the same 19 subjects basically as the attachments to your 20 testimony concerning population, flight from the 21 city, and things like that; is that right? 22 A. Correct. 23 MR. FARUKI: Thank you. I -- 24 MR. POULOS: Charlie, I'm sorry. 25 This is Greg. Could you tell me what's on the</p>	<p style="text-align: right;">Page 48</p> <p>1 I, SHELLEY J. DICKSTEIN, do hereby certify 2 that the foregoing is a true and accurate 3 transcription of my testimony. 4 5 6 7 8 Dated _____ 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 46</p> <p>1 first page of the attachment? Is it 000683? 2 MR. FARUKI: You mean the -- yes, it 3 is. At the top of the page, 000673. 4 MR. POULOS: 673? 5 MR. FARUKI: And the title of the 6 document, Greg, is the City of Dayton's responses 7 to DP&L's request for production of documents to 8 the City of Dayton, first set. 9 MR. POULOS: Okay. I have it. 10 Because the first actual document in response is 11 00683. I got you. I just wanted to make sure I 12 had the right thing. 13 MR. FARUKI: Yeah, you do. The 14 documents themselves which follow the certificate 15 of service begin with 683. 16 MR. POULOS: Okay. Thank you. 17 MR. FARUKI: What I did was mark 18 Bates numbers 683 through 740 as Exhibit 60. 19 MR. POULOS: Okay. Thank you. 20 MR. FARUKI: Ms. Dickstein, that's 21 all I have. I'm not sure if anybody else has a 22 question. Thank you. 23 THE WITNESS: All right. 24 MR. FARUKI: Greg, do you have any 25 questions?</p>	<p style="text-align: right;">Page 49</p> <p>1 STATE OF OHIO) 2 COUNTY OF MONTGOMERY) SS: CERTIFICATE 3 I, Caryl L. Blevins, a Notary 4 Public within and for the State of Ohio, duly 5 commissioned and qualified, 6 DO HEREBY CERTIFY that the 7 above-named SHELLEY J. DICKSTEIN, was by me first 8 duly sworn to testify the truth, the whole truth 9 and nothing but the truth. 10 Said testimony was reduced to 11 writing by me stenographically in the presence 12 of the witness and thereafter reduced to 13 typewriting. 14 I FURTHER CERTIFY that I am not a 15 relative or Attorney of either party, in any 16 manner interested in the event of this action, 17 nor am I, or the court reporting firm with which 18 I am affiliated, under a contract as defined in 19 Civil Rule 28(D). 20 21 22 23 24 25</p>

1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this ____ day of _____, 2009.
4
5

6 CARYL L. BLEVINS, RPR, CRR
7 NOTARY PUBLIC, STATE OF OHIO
8 My commission expires 7-16-2013
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<p>A</p> <p>above-named 49:7</p> <p>Abundant 3:8 26:17 27:5</p> <p>accompanied 44:14</p> <p>accompanying 44:11</p> <p>ACCOUNTING 1:10</p> <p>accurate 28:7 48:2</p> <p>action 49:16</p> <p>actual 46:10</p> <p>additional 39:24</p> <p>address 12:4 17:15</p> <p>addresses 12:3</p> <p>adds 16:3</p> <p>adequate 42:14</p> <p>adopt 7:22</p> <p>adopting 38:15</p> <p>Advanced 15:7</p> <p>affairs 32:17,21</p> <p>affect 30:21 35:9</p> <p>affiliated 49:18</p> <p>age 5:2</p> <p>aging 37:5</p> <p>agree 2:17 16:19 17:9 33:21 36:12</p> <p>agreeable 6:2</p> <p>allow 2:18 16:20</p> <p>ameliorate 34:5</p> <p>AMENDED 1:14</p> <p>AMI 15:6</p> <p>analysis 12:13,17,20 41:25</p> <p>annual 25:4</p> <p>annually 41:2</p> <p>answer 2:16 6:19,25 17:6,8,17 19:1 37:19 37:24</p> <p>answered 32:15</p> <p>answers 7:2,23</p> <p>anybody 10:22 11:15 46:21 47:3</p> <p>anytime 41:3</p> <p>APPEARANCES 4:1</p> <p>appears 26:18</p> <p>application 1:2,5,8,12 23:3</p> <p>APPROVAL 1:3,6,9 1:13</p> <p>Approximately 9:21</p> <p>area 32:6,9 36:8 37:8</p> <p>Arena 4:15</p> <p>article 3:8,10,15 27:5,7 27:12,20</p> <p>aside 38:17 39:12</p> <p>asked 22:19 32:15 34:8 41:7</p> <p>asking 33:21,23 39:17</p>	<p>asks 23:6</p> <p>assist 13:24 39:20</p> <p>assistance 14:1,7,8 39:18 40:6</p> <p>assistant 4:10,20 21:2</p> <p>assuming 29:13</p> <p>attached 8:5 23:9</p> <p>attachment 46:1</p> <p>attachments 2:7 6:6 45:19</p> <p>Attorney 4:10,15 49:15</p> <p>Attorneys 4:5</p> <p>Attorney's 4:8</p> <p>attract 35:1</p> <p>attractive 36:8 37:8</p> <p>attribute 27:20</p> <p>at-risk 2:21 15:14,19 16:15,23 17:14 19:8 22:24 31:3 33:5,9,17 34:4</p> <p>audible 7:13</p> <p>author 7:19</p> <p>AUTHORITY 1:10</p> <p>availability 17:10</p> <p>available 13:23 14:20 15:21 16:14 33:9 35:11</p> <p>average 26:2,5</p> <p>aware 7:24 9:22 10:23 11:10,12,17 13:15,22 13:25 14:19 18:10 21:11 33:16,23 36:23</p> <p>B</p> <p>back 17:3,18 19:11 26:13 31:1 36:22</p> <p>based 7:24 12:23,25 18:7</p> <p>basically 45:19</p> <p>basis 33:10 39:13</p> <p>Bates 46:18</p> <p>Beck 3:21 4:9 6:24 11:19 25:11 27:18 40:14</p> <p>begins 23:5 37:19</p> <p>behalf 4:2,7,17</p> <p>believe 8:11,21 9:7 11:4 12:1 20:5 33:12 33:14 40:23</p> <p>better 19:12</p> <p>beyond 18:25 19:23</p> <p>bill 12:2,2,4,7,15 33:18</p> <p>billing 9:24</p> <p>bills 2:19,20 13:24 14:2 14:13 15:22 16:16,21 16:22 25:17 33:17</p> <p>biography 42:25</p> <p>Blevins 1:21 49:3 50:5</p>	<p>bond 24:14</p> <p>book 8:20 13:7,9 37:2,3 37:13</p> <p>Books 13:4</p> <p>bottom 22:14 32:14 34:9 36:5</p> <p>boundaries 29:5</p> <p>Box 4:11</p> <p>break 5:21,23</p> <p>Briefly 5:16</p> <p>bring 6:12 19:17</p> <p>Broad 4:20</p> <p>brownfield 22:2</p> <p>budget 7:7 28:16,18</p> <p>Buffalo 3:8 26:18 27:5</p> <p>buildings 39:23</p> <p>burden 33:4,15 34:3</p> <p>business 22:6,8,11 36:18 39:2,17</p> <p>businesses 16:5 35:2 36:19</p> <p>C</p> <p>call 28:1</p> <p>called 1:18 21:6</p> <p>Caryl 1:21 49:3 50:5</p> <p>case 1:2,5,8,12 6:11 8:8 9:2 11:18 13:4 16:8 19:23 22:11 23:3,12 26:8 28:13 30:22 36:24 44:22</p> <p>cause 35:16</p> <p>caused 28:4,23 29:22 30:16,23</p> <p>causes 2:25 17:2,20 18:2 30:1,3</p> <p>cautioned 5:3</p> <p>census 29:10</p> <p>cent 40:12,21 41:1,9</p> <p>center 29:2,4</p> <p>central 29:19</p> <p>certain 1:10 7:1 13:15 44:1</p> <p>certainly 16:3</p> <p>certainty 24:9</p> <p>certificate 46:14 49:2</p> <p>certified 5:4</p> <p>certify 48:1 49:6,14</p> <p>change 29:2,9</p> <p>chapter 8:23</p> <p>Charles 4:4</p> <p>Charlie 5:7 20:16 45:24</p> <p>charts 24:19</p> <p>Cheryl 20:8,10,11,13 20:24 21:6</p> <p>Chris 20:16,21</p> <p>Christopher 4:14</p>	<p>circumstance 14:21</p> <p>circumstances 2:21 15:1 16:23 17:14 39:23</p> <p>cited 8:21</p> <p>cities 3:11 27:8</p> <p>citizens 18:4 22:25</p> <p>city 2:10 4:7,8,10 5:13 8:1 9:9,11,23 10:8,15 10:19 11:3 15:15,16 16:4 18:4 20:1,4 21:3 21:4,24 22:23,24 23:13 24:16,17 25:24 26:11 27:22 28:11,20 29:5,19 32:2 33:13 35:17 36:2,6,7,12 37:7 39:20,21 44:4,9 44:21 45:21 46:6,8</p> <p>city's 25:19 31:22</p> <p>Civil 1:20 49:19</p> <p>claiming 42:3</p> <p>clarification 20:17</p> <p>clear 17:9</p> <p>clearly 18:8</p> <p>Columbus 4:16,21</p> <p>come 39:17</p> <p>comes 28:10</p> <p>commenting 24:25 31:14</p> <p>commercial 22:25 38:11,13,15,18 39:2 39:14,15 40:9,13 41:7,10,12</p> <p>commission 1:1 24:17 50:6</p> <p>commissioned 49:5</p> <p>community 35:18</p> <p>companies 40:5</p> <p>company 1:3,6,9,13,19 4:2 11:22 13:24 15:2</p> <p>comply 12:14</p> <p>component 42:16</p> <p>composed 7:2</p> <p>concern 2:25 17:2,21 18:2 35:16</p> <p>concerned 39:16</p> <p>concerning 31:20 45:20</p> <p>concluded 47:7</p> <p>conclusion 33:11 34:1</p> <p>conditions 22:22 24:16</p> <p>CONDUCTED 2:1</p> <p>connected 11:12</p> <p>consider 35:2 36:19</p> <p>consideration 31:2</p> <p>considering 35:10</p> <p>Consumers 4:17,18,20</p> <p>contact 10:24 11:2,14</p>	<p>contained 8:5</p> <p>contains 18:11 37:12</p> <p>contract 25:25 49:18</p> <p>contributed 32:17,23</p> <p>contributing 31:21 32:1</p> <p>conversation 11:5 18:7</p> <p>copy 6:9,11</p> <p>core 29:3,4</p> <p>CORPORATE 1:14</p> <p>correct 7:15,18 8:6 9:12 13:6 14:17 19:14,21,24 21:16 23:4,21,21 24:22 25:1,2 26:6,20,23 28:14 29:6,16,20 31:18 34:6,13,17 35:12 36:15,20,21 37:3,4 38:1 42:5,8,9 42:12,13,15,17,22,25 43:2 45:22</p> <p>cost 12:5 13:19 15:10 18:1,6 19:2 35:14,22</p> <p>costs 12:14,21 24:20 25:4 39:16,18 40:7 43:4,15,17</p> <p>counsel 4:17,18,20 18:7</p> <p>country 3:11 27:8</p> <p>County 29:9 49:2</p> <p>course 10:25 11:1</p> <p>court 49:17</p> <p>Courthouse 1:23 4:5</p> <p>Cox 1:23 4:3</p> <p>created 24:13,14</p> <p>creates 40:25</p> <p>crisis 35:18</p> <p>criticisms 34:11</p> <p>cross-examination 1:19 5:5</p> <p>CRR 50:5</p> <p>current 22:22</p> <p>customer 41:13</p> <p>customers 2:18 13:23 16:20 17:11,13 38:8 38:9,14,16,19,25 39:10,14,15 40:10,13 41:8,10</p> <p>D</p> <p>D 4:4</p> <p>Danish 7:10</p> <p>data 6:18 8:1,4 29:7,10</p> <p>Dated 48:8</p> <p>day 1:24 50:3</p> <p>Dayton 1:3,6,9,13,18 1:24 4:2,6,7,11 5:13 8:1 16:5 24:24 27:22 28:4,8 30:21 32:3,12</p>
--	--	--	---	--

33:14 36:8 37:7 46:8 50:2 Dayton's 2:10 33:5 44:4,9 46:6 dealing 17:11 29:8 37:12 deals 13:7,9 15:13 21:9 21:18 decentralization 29:17 29:25 decided 7:21 deciding 11:1 decrease 25:8 decreased 25:5 defined 18:9 49:18 degradation 32:2 degree 38:2 department 7:9 9:16 20:6,18 21:6,9,15 departure 36:6 depict 24:15 deposed 5:14 deposition 1:17 2:5,9 5:8,18 6:4 15:24 16:7 16:10 44:3 47:6 Deputy 21:4,5 describe 22:22 32:18 described 27:25 designed 28:25 43:4 detail 18:22 details 2:24 14:3,14 17:1,19,22 19:5 33:8 35:15,23 37:16 detrimental 40:12 developed 23:11 development 8:12,16 9:5,15,20 18:15 21:18,20,23 34:10,13 34:22,25 35:10 36:9 37:8,20 38:5 42:24 43:11 Diane 7:6 Dickstein 1:17 2:5,9 5:1,12 6:4 44:3 46:20 48:1 49:7 Dickstein's 2:6 6:5 difference 33:20 different 24:11 difficult 15:25 difficulty 14:13 dire 33:13 directly 9:15 10:3,9 director 7:7 10:8,11 21:7 discussed 45:16,18 discussing 3:10 27:7 discussion 41:18 distribution 36:16 37:5	37:14 District 4:15 document 3:1 43:22 44:2,10,12 45:8 46:6 46:10 documents 2:11,13 43:21,25 44:5,6,11 44:13,22,23 45:9,12 46:7,14 doing 16:17 31:14 39:17 dollar 25:8 dollars 13:20 26:4 33:19,19,20 DP&L 2:5,9 6:4 9:22 10:24 11:2,3,9,10 12:14,18 13:16,20 19:22 21:20 22:7 28:4,22 29:22 30:16 30:23 31:3,21 32:1,5 32:8,11,17,23 36:3 36:13 37:25 38:3,7 39:2,25 40:5 43:5,16 44:3 DP&L's 2:11 8:8 11:15 15:3,6 19:7 21:17,23 22:11,24 23:2 36:7 37:14 38:25 43:3 44:4,10,21 46:7 drafted 8:2 duly 5:3 49:4,8 Dunn 4:13 E Earley 21:1,2 easier 36:25 economic 8:12,16 9:5 9:14,20 18:15 21:18 21:19,23 24:15,17 34:10,13,22,25 35:10 36:8 37:8,20 38:4 43:11 economy 31:11,17 32:22 edition 3:3 26:25 education 42:11,15 effect 15:14,18 efforts 21:23 34:10,22 35:9 37:20 38:5 40:1 eight 26:3,8 37:18 39:8 eighteen 34:20 39:7 either 2:18 5:22 16:20 27:21 35:22 36:17 41:25 49:15 electric 1:4 15:22 16:16 17:11,13 24:20,25 25:4,20 27:21 36:16 37:6 42:12,21 43:1	45:17 electrical 39:24 electricity 9:24 33:4 34:2 eleven 26:9 31:9,25 employee 11:11 employees 21:14 employer 32:6 employment 31:9,16 32:2 42:18,20 engineering 40:6 equally 39:16 Essman 10:13,19 event 49:16 events 30:21,23 exacerbate 18:3 exacerbates 40:24 exactly 35:13 EXAMINATION 2:1 examined 5:4 34:3 examining 47:4 executive 8:14 9:6 18:17,22,25 36:23 43:10 exhibit 2:6,10 6:5,10 44:4,9,14,16 46:18 exhibits 2:4 23:9,11 30:19 41:21 existing 16:5 36:17 expanding 36:18 expansion 22:7,12 expansions 22:8 expect 18:21 experience 42:6 expertise 42:3 expires 50:6 exponentially 16:4 expressing 31:20 43:18 extent 14:15 34:4 37:11 37:16 39:25 40:15 43:3 extenuating 15:1,25 39:22 exurbs 29:3 F fact 29:24 36:11 factors 8:18 facts 24:23 30:21,23 Faruki 1:22 2:2 3:19 4:3,4 5:6,7 6:8 7:4 11:22,24 17:3,5,7 19:15 20:20,23 25:12 27:16,19 30:8 34:18 40:17,19 41:16,19 43:12 44:8,15 45:6 45:23 46:2,5,13,17 46:20,24 47:3	February 1:25 feet 36:13 fifty-eight 26:3 figure 28:7 figures 26:5 file 11:1 filed 16:8 filing 2:24 8:8,12 9:5 10:25 11:18,21,22 12:3,11 15:9 17:1,19 17:23 18:9,10 19:5,7 21:18 31:4 34:11 35:5 36:24 37:2,12 38:20,23 43:4 finance 20:6 21:7,9,14 financial 35:18 find 18:21 19:1 firm 49:17 first 2:12 4:10 5:2 20:9 36:11 41:21,23 44:5 46:1,8,10 49:7 five 31:6,7,9,10,25 32:14,15 37:19 flight 45:20 focused 24:12 Focusing 41:7 follow 30:19 46:14 follows 5:4 foregoing 48:2 Forgive 34:8 form 21:19 formally 21:8 format 24:5 formatting 24:4 formulated 35:8 formulating 35:3 forty-nine 26:4 four 23:5 26:5 31:6,7,8 fourteen 9:21 fractions 2:19 16:21 frequently 39:1 full 5:10 funding 22:3,3 further 2:25 17:2,20 40:25 49:14 G garnered 10:5 Garrett 20:8,13,24 Garrett's 21:6 gas 17:11 gathered 8:1 gathering 43:24 45:13 general 35:18 38:21 generally 13:11,18,25 14:10,22,23 40:2 43:10 getting 20:20	give 6:9 36:25 44:16 given 33:7 35:17 go 26:13 31:1 goals 12:4,6 going 15:17 18:1 31:8,9 31:10,11 good 32:8 government 20:1 Gower 7:7 graphs 24:20 Greg 45:25 46:6,24 Gregory 4:19 Grid 15:3 group 7:3,5,11 9:16 20:4 21:6 41:8 groups 28:19 guess 16:17 29:15 guessing 29:12 H half 10:7 hand 50:2 hardship 16:3 40:25 hardships 14:25 harm 41:9 head 15:11 headed 20:8 26:17 41:23 heads 20:7 hear 5:22 Hedrick 4:4 help 14:1 35:1 39:22 hereinafter 5:3 hereunto 50:1 high 38:2 higher 10:6 history 21:23 42:18,20 Holtzman 4:4 Homes 3:7 26:17 27:4 host 29:25 housing 30:4,13 31:10 31:16 32:18 hundred 26:3,3 28:1 33:19 I identification 2:8,14 6:7 44:7 identify 11:7 12:5 II 13:4,7 37:2,13 III 13:4,9 illustrate 33:13 imagine 2:23 16:25 impact 2:24 17:1,20,23 18:2 19:6,7 22:23 24:17 34:21 impacts 12:2 implement 12:18 43:5
---	---	---	---	---

<p>43:16 implemented 36:3 improvement 37:13 improvements 39:23 incentive 39:21 inch 45:12 include 39:9 42:15 incorporated 29:19 increase 15:14,19 16:3 22:23 33:3,14,15 34:2,21 35:9 36:2,7 39:16 40:11,20,24 41:9 increases 33:15 35:17 increasing 16:4 incur 12:14 indicate 40:15 individual 14:12 individuals 10:6 15:2 industrial 38:16,18 39:2,14,15 40:10,13 41:8,10,13 information 7:23,25 23:6 24:11,19 35:4 Infrastructure 15:7 intent 40:23 interact 39:1 interested 49:16 intervention 11:20 introducing 8:20 investigation 15:20 16:1,13 investment 43:15 involved 6:17 10:1 involvement 6:15 Ireland 1:22 4:3 issues 22:8 28:21 30:15 31:15,19</p> <p>J</p> <p>J 1:17 4:19 5:1 48:1 49:7 Jane 5:12 Jenny 11:9 job 19:12 jobs 32:9,12 36:6,11 John 7:7,10 join 47:4</p> <p>K</p> <p>keep 5:17 kind 16:2 know 3:13 5:24 6:1,24 7:8,19 13:7,9,13,19 14:3,5,8,11,14,23 15:3,6,10,12 19:7 21:22 22:1,2,5 23:22 25:4,17,19,24 27:10</p>	<p>28:15,17 29:11 31:2 33:8 36:1 37:11,16 39:25 40:3,4 43:3 knowledge 11:16 13:2</p> <p>L</p> <p>L 1:21 4:14 49:3 50:5 lack 37:25 38:3 language 35:20 large 32:6 35:19 law 4:5,15 7:9 12:10 lawful 5:2 lay 36:13 learn 18:5 43:13 leaving 36:12 38:17 39:12 legal 29:4 legislation 13:16 43:6 Let's 16:6 level 25:17 Light 1:3,6,9,13,18 4:2 limiting 38:8 line 23:6 31:9,10,11,25 32:22 37:19 40:16,21 47:4 lines 22:18 33:1 34:19 39:7 list 30:20 37:24 38:4 listed 30:13 41:24 42:7 42:11 lists 37:19 look 8:7,9,10,22,24 9:4 18:13,25 19:16 22:14 23:15 45:1 looked 12:7 18:14 25:22 43:21 45:15 looking 8:20 25:3 29:10 45:7 looks 23:18 24:4 25:7 28:16 loss 12:6 31:22 lot 15:25 24:10 low-income 2:18 13:23 16:20 17:10,13 Ludlow 1:23 4:6</p> <p>M</p> <p>majority 23:25 making 34:1 managed 10:9 management 7:6 11:15 manager 9:11 10:8,19 21:3,4 manner 49:16 mark 17:5 46:17 marked 2:4,7,13,16 6:6 6:10 44:6,12 materials 23:6,12,14</p>	<p>MATTER 1:2,5,8,12 ma'am 31:24 mean 8:4,13 10:4 11:20 17:24 19:6 40:22 46:2 meaning 29:4 mechanisms 35:14,22 meet 12:4 13:17,20 43:5 meeting 7:3 12:6 members 6:17 33:9 merits 23:2 met 5:7 Metering 15:7 migration 29:2 Miller 4:14 20:16,22 million 25:8 26:2,9,9,9 minute 17:8 23:16 39:13 45:1 mitigate 35:12 modernization 37:14 Montgomery 29:9 49:2 month 40:12,15 41:14 monthly 41:2,4 morning 43:22 moving 29:19 MSA 29:10</p> <p>N</p> <p>N 1:23 4:6 name 5:10 20:9 named 21:8 necessary 43:16 need 5:16,22 needed 43:17 needing 14:1 needs 7:13 13:16 18:19 19:19 negatively 34:21 35:9 never 33:17 new 3:3 8:19 26:19,21 26:25 36:18 43:6 nineteen 34:20 40:16 40:21 nonresidential 38:10 38:12,24 39:9 Norm 10:13 Notary 1:21 49:3 50:6 number 25:5 26:10 32:9,12 numbered 23:23 numbers 46:18</p> <p>O</p> <p>object 40:14 obsolete 30:4,13 obstacle 38:4 obstacles 37:20</p>	<p>occur 18:1,6 19:2 occurring 16:11 offer 13:3 23:2 offering 22:10 26:7 27:24 28:3 29:21 30:15,22 31:25 32:16 32:23 34:11 office 4:8,18 7:7 9:14 9:19 50:2 offices 1:22 off-the-record 41:17 Oh 7:14 10:18 Ohio 1:1,22,24 4:6,7,11 4:16,17,18,21 49:1,4 50:2,6 okay 5:20 6:15 7:15 10:18 11:4,14 15:17 30:12 31:1 46:9,16 46:19 47:3,4 ones 40:11 online 3:3 26:22,25 opinion 26:7 27:24 28:3 29:21 30:15,22 31:21 32:1,16,23 34:20 35:3,8,21 39:8 40:11 41:8 43:18 opinions 13:3 15:18 21:19 22:10 23:2 opposed 16:10 40:10 ORC 1:11 organization 20:4 original 11:20 originally 24:13 overview 8:11,13 9:6 o'clock 1:25 47:7</p> <p>P</p> <p>P 4:9 page 2:1 3:7 22:15 23:5 24:21 25:20 27:4 28:22 30:19 31:8,9,9 31:11,25 32:14,15,16 32:20 33:1 34:9,19 35:21 36:5 37:18 39:8 42:10 46:1,3 pages 24:5 26:13 31:6 33:13 paragraph 41:23 part 15:23 36:23 participate 43:24 45:12 particular 40:7,8 partly 15:23 16:2 parts 23:23 party 49:15 Pause 30:7 45:3 paused 30:9 pay 2:19,19 16:21,21 26:10 33:17 41:14</p>	<p>paying 13:24 14:1,13 pending 5:24 penny 41:14 people 5:18 9:19 14:20 16:14 28:1 29:18 33:16,18 44:8 percentage 29:1 perceptions 30:4,14 personally 23:8 pertinent 17:14 phenomena 30:13 phenomenon 29:18 phone 5:19 44:9 piece 9:5,6 28:17 34:11 pieces 23:18 plan 1:4,14 15:4,7 37:13 planning 7:8 plans 21:20 Plaza 1:23 4:5 please 19:10 poor 37:24 38:3 population 2:21 15:15 15:19,21 16:15,23 17:15 19:8 29:1,9 31:3,8,16,20,22 33:5 33:10,17 34:5 45:20 portion 9:4 21:17 portions 8:7,10,12 43:11 position 10:7,14 potential 14:19 22:23 Poulos 4:19 45:24 46:4 46:9,16,19 47:1 power 1:3,6,9,13,18 4:2 25:25 26:10 PowerPoint 23:19 preexisting 23:12,14 prefile 2:6 6:5,11 19:16 31:2 preparation 39:4,4 prepared 28:12,16 preparing 38:14 presence 49:11 presentation 23:19,20 23:24 24:7 28:11 presentations 24:2,15 presented 15:1 18:8 previous 12:24,24 print 26:21 prior 16:18 35:5 45:5 probably 41:4 problem 34:5 35:12 problems 27:21 Procedure 1:20 proceeding 13:1 proceedings 30:7 45:3 produced 43:22 44:11</p>
---	--	---	---	--

<p>production 2:11 44:5 44:22 46:7 professional 42:6,24 programs 2:18,20 8:19 8:19 12:18,21 13:22 14:5,20 15:21 16:14 16:20,22 17:10 22:5 22:12 33:8 34:4 35:1 35:2,5,11,16,23 39:22 43:4,14,17 proposed 36:2 proposing 12:18 provided 14:14,15 22:4 40:6 providing 6:10 44:17 Public 1:1,21 49:4 50:6 published 3:13 27:10 pulled 6:18 24:1 purpose 22:19,21 23:1 28:12,15 purposes 2:8,13 6:6 11:17 44:6 pursuant 1:10,19 25:25 putting 31:3 p.m 1:25 47:7 P.O 4:11</p> <p>Q</p> <p>qualifications 41:24 qualified 49:5 quarter 45:11 question 2:16 5:23 14:18 17:21 19:1 20:17 22:17 23:5 31:8,15,15,24 32:15 32:20,22 34:9,19 37:1,18 40:18 41:6 42:14,23 43:25 46:22 questions 6:1,19 7:2 31:7,12,17 41:20 46:25 quickly 15:24 16:7</p> <p>R</p> <p>R 4:4 Rashad 9:10 rate 15:14,18 16:2 18:2 19:25 20:3,18 28:2,4 33:14 35:9 42:21 rates 21:10 22:24 24:25 27:21 33:4 34:2,21 36:2,7 41:25 42:8,12 42:16,19 43:1 45:17 read 7:21 8:2,3,17,18 9:1 12:10 15:8,12 17:3,4,18 19:11,13 19:22 21:17 34:12,16 37:3 43:8</p>	<p>reading 36:23 readings 43:10 really 33:10 reason 36:24 recall 27:23 recognize 32:5,8 recognized 29:24 record 17:4,9 19:13 34:16 41:16 43:8 recover 43:4 recovery 12:5 18:1,6 19:2 22:3 35:14,23 43:17 reduce 43:14 reduced 49:10,12 reduction 39:18 40:7 reference 41:5 42:19 referred 20:19 refers 29:18 regard 13:4 14:18 15:22 16:15 17:17 22:11 30:12,19 31:19 31:24 32:21 34:10,12 38:13 39:14 42:23 43:1 regarding 24:20 31:16 32:18,21 42:16 regional 29:17,25 regular 24:16 related 22:6,8 35:4,15 39:18 45:16 relates 12:1,5 18:2 relationship 9:23 10:2 10:5,8,9,20 relative 49:15 relevant 2:20 16:22 reliability 37:25 38:3 reliable 36:16,19 relief 14:14,16 remember 7:8,10 30:6 render 34:20 rendering 15:18 35:21 repeat 19:10 34:14 43:7 report 9:8 20:1,13,24 reporter 6:10 17:18 reporting 49:17 reports 9:13,15,17 20:5 represent 44:20 reproduction 26:18 request 2:12 3:1,19 27:16 43:23 44:2,5 44:10,12,21 45:8 46:7 require 36:19 39:24 required 12:11 residential 22:25 38:9 38:9,11,17 39:9,12</p>	<p>40:10 residents 16:5 24:24 respond 22:18 response 2:10 7:13 43:22,25 44:4 46:10 responses 44:10,13,20 45:8 46:6 responsibilities 42:21 responsible 10:20 responsive 2:12 44:6 retail 30:5,5,14 retain 35:1 retention 22:6,11 retired 10:15 revenue 12:5 reviewed 23:7,9 REVISED 1:7 right 5:16 13:5 15:15 16:11 18:17 19:9 22:12,13 23:3,20 24:21 25:9 30:1 36:14 37:22,25 42:1 42:2 45:21 46:12,23 routinely 39:17 RPR 50:5 Rule 49:19 Rules 1:20 running 33:2</p> <p>S</p> <p>safety 30:5,14 saying 10:19 17:22 28:22 says 33:3 Schottenstein 4:13 screen 3:2 26:24 seal 50:2 section 1:11 18:15 19:25 20:3 42:7,18 42:24 SECURITY 1:4 see 24:18 31:12,16,20 34:22 36:9 42:11 45:16 seek 18:5 35:6 seen 45:2,4 Senate 12:2,7 sentence 33:2 separately 23:22 SEPARATION 1:14 service 14:19 36:20 37:25 38:3,25 39:24 39:24 42:24 46:15 services 15:20 set 2:12 19:17 44:5,20 46:8 50:1 sets 13:16 seven 31:11 32:22</p>	<p>34:19 35:21 36:5 seventeen 33:2,3 Shannon 7:6 SHELLEY 1:17 5:1 48:1 49:7 Shelly 5:12 She'll 19:11 shopping 30:5,14 shorten 25:15 30:18 shot 3:2 26:24 show 28:25 shown 26:5 28:21 shows 29:2 shutoffs 14:19 significant 32:11 similar 24:5 40:1 simply 9:24 26:4 situation 2:25 17:2,20 17:23 18:3 19:6,8 33:13 situations 14:12 40:8 six 31:7,11 32:16,20 33:1 34:9 sixteen 33:1,3 SJD 24:5 26:14 SJD-1 41:21 SJD-16 26:15 SJD-17 28:10 SJD-18 28:25 SJD-3 23:16 25:3 26:4 30:19 SJD-4 24:23 30:20 slice 24:1 slides 24:1 Smart 15:3 sorry 7:14 20:9 25:14 34:14 45:24 sort 31:8,15 source 29:7,14 speaking 13:18 specific 11:19 specifically 13:10 14:6 14:9,22 15:8 38:20 specifics 17:25 18:5 sponsor 7:22 sponsoring 7:16 sprawl 29:18,25 SS 49:2 staff 6:17 10:9 Stanley 21:1,2 start 38:22 starting 23:16 state 1:22 32:17,21 49:1,4 50:6 statistics 6:18 staying 40:9 stenographically 49:11 step 36:22</p>	<p>Strasburg 11:6,8,9 Street 1:24 4:6,10,16 4:20 subject 15:13 subjects 42:4 45:19 successor 10:16,17 Suite 4:21 summary 8:14 9:6 18:14,16,17,23 19:1 36:23 43:11 supposed 39:8 40:21 sure 3:21 27:18 30:9 46:11,21 Suzanne 4:9 7:10 sworn 5:3 49:8 system 36:17 37:6,14 S.W 1:23 4:5</p> <p>T</p> <p>take 5:22 13:13 16:6 19:16 22:14 26:8,14 26:21 28:10 39:8 42:20 45:1 taken 1:20 takes 25:24 talk 38:15,18,24 39:3 talked 41:12 talking 7:25 18:16 38:7 44:2 targets 13:16,20 43:5 tariff 25:25 TARIFFS 1:7 telephone 5:17 Telephonically 4:14,19 tell 5:10 44:19 45:2,25 ten 26:2,9 33:19 terms 40:22 testify 49:8 testimony 2:7 6:5,11,16 6:20 7:16,22 8:2,22 8:24 9:1 10:25 12:23 12:25 13:1 15:13 16:8,18 17:15 19:17 19:22 22:15,19,22 23:1 31:2 35:5 38:8 38:14 39:4,5 40:24 45:20 48:3 49:10 Thank 20:22 21:5 45:23 46:16,19,22 47:1 thing 46:12 things 8:4 15:9 45:21 think 16:17 17:21 47:5 thinking 41:2,2 thousand 26:3 33:19 three 8:18,19 22:15 23:6 24:21 25:7 30:12</p>
--	---	--	--	--

<p>Thursday 1:24 time 5:23 16:6 26:14 28:8 40:22 times 3:3 24:14 26:19 26:22,25 timing 15:23 title 29:18 46:5 titled 3:7 27:4 today 6:13 16:11 told 33:7 top 15:11 46:3 transcription 48:3 true 35:24 37:9,10 48:2 truth 49:8,8,9 try 15:2 trying 30:6 turn 42:10 45:8 twenty 22:18 39:7 twenty-one 22:18 twenty-two 31:10 two 16:2 25:8 26:2 42:10 type 14:16 types 14:8 typewriting 49:13 typically 29:8,11</p> <hr/> <p>U</p> <p>uh-hum 3:4,18 5:9 7:12 16:9,12 17:12 18:18 18:18 19:18 20:12 22:16,20 23:17 24:6 25:10 26:16 27:1,15 33:6 37:21 41:22 44:18,25 45:10 understand 5:25 44:1 understanding 12:3 35:13,15,22 union 32:9 unit 21:9,11 units 28:1 unmodernized 37:5 unreasonable 26:10 33:4 34:3 43:19 update 28:18,19 updates 24:16 usage 25:20 43:15 use 19:5 24:10 35:20 users 39:2 uses 26:11 utilities 1:1 22:9 24:20 39:19 utility 14:6 19:25 20:3 20:18 21:10 25:4 33:17 37:6 41:25,25 42:8,12,16,19 43:1</p> <hr/> <p>V</p>	<p>vacancies 3:12 27:9 vacancy 27:21,25 28:2 28:4 vacant 3:7 26:17 27:4 27:25 variety 22:7 24:1,11 various 24:23 30:21,23 39:21 voice 5:17</p> <hr/> <p>W</p> <p>W 4:10,20 Wagner 8:25 9:2 19:23 wanted 46:11 wasn't 28:12 30:9 way 20:19 ways 24:11 weren't 41:1 West 4:16 we'll 26:14 38:22 we're 29:8,9 37:12 47:5 we've 7:25 22:7 WHEREOF 50:1 white-collar 32:12 widely 29:24 withdraw 13:14 25:22 36:25 witness 1:18 5:2 7:1 11:23 19:14 34:17 43:7,9 45:4 46:23 49:12 50:1 words 19:5 28:12 30:20 work 5:11,12 15:2 worked 22:7 working 40:4 wouldn't 18:21 write 6:20 7:17 writing 6:16 19:21 49:11 written 39:5 wrote 6:23</p> <hr/> <p>Y</p> <p>Yeah 6:3 20:20 46:13 year 10:7 years 7:25 9:23 24:3 25:8,16 York 3:3 26:19,22,25 Young 9:10 11:5</p> <hr/> <p>Z</p> <p>Zox 4:13</p> <hr/> <p>0</p> <p>000673 46:3 000683 46:1 00683 46:11 05 25:16</p>	<p>06 25:16 07 25:5,16 08 25:5,16 08-1094-EL-SSO 1:2 08-1095-EL-ATA 1:5 08-1096-EL-AAM 1:8 08-1097-EL-UNC 1:12</p> <hr/> <p>1</p> <p>1:36 1:25 10 1:23 4:6,20 101 4:10 15 24:5,12,18,23,25 18 30:20 1800 4:21</p> <hr/> <p>2</p> <p>2.0 28:7 2:33 47:7 2009 1:25 50:3 22 4:11 221 12:2 250 4:16 26 3:21 28(D) 49:19</p> <hr/> <p>3</p> <p>3 24:4,12,18</p> <hr/> <p>4</p> <p>4 24:25 43215 4:16,21 44 2:14 45401 4:11 45402 4:6 4905.13 1:11</p> <hr/> <p>5</p> <p>5 2:2 5th 1:24 500 1:23 4:5 59 2:6 6:5,10</p> <hr/> <p>6</p> <p>6 2:8 60 2:10 44:4,9,16 46:18 673 46:4 683 46:15,18</p> <hr/> <p>7</p> <p>7-16-2013 50:6 740 46:18</p>		
---	--	---	--	--