

## 1           BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2                               - - -

3       In the Matter of the               :  
4       Application of The Dayton       :  
5       Power and Light Company       : Case No. 08-1094-EL-SSO  
6       For Approval of Its               :  
7       Electric Security Plan.       :

8                               - - -

## 9                               PROCEEDINGS

10       before Mr. Gregory A. Price and Ms. Kimberly Bojko,  
11       Hearing Examiners, at the Public Utilities Commission  
12       of Ohio, 180 East Broad Street, Room 11-C, Columbus,  
13       Ohio, called at 10:00 a.m. on Wednesday, February 11,  
14       2009.

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16                               ARMSTRONG & OKEY, INC.  
17                               222 East Town Street, 2nd Floor  
18                               Columbus, Ohio 43215  
19                               (614) 224-9481 - (800) 223-9481  
20                               Fax - (614) 224-5724

21                               - - -

## 1 APPEARANCES:

2 Faruki, Ireland &amp; Cox, PLL

By Charles J. Faruki

3 Jeffrey S. Sharkey

Marc D. Amos

4 500 Courthouse Plaza, SW

10 North Ludlow Street

5 Dayton, Ohio 45402

6 The Dayton Power and Light Company

7 By Judi L. Sobecki

1065 Woodman Drive

8 Dayton, Ohio 45432

9 On behalf of the Dayton Power and  
Light Company.

10 Janine L. Migden-Ostrander

11 Consumers' Counsel

By Jacqueline Lake Roberts

12 Michael E. Idzkowski

Richard Reese

13 Gregory J. Poulos

Assistant Consumers' Counsel

14 Office of the Ohio Consumers' Counsel

10 West Broad Street, Suite 1800

15 Columbus, Ohio 43215

16 On behalf of the Office of the  
Ohio Consumers' Counsel.

17 Ohio Hospital Association

18 By Richard L. Sites

155 East Broad Street, 15th Floor

19 Columbus, Ohio 43215

20 Bricker &amp; Eckler, LLP

By Thomas J. O'Brien

21 100 South Third Street

Columbus, Ohio 43215

22 On behalf of the Ohio Hospital  
23 Association.

## 1 APPEARANCES: (Continued.)

2 Bell & Royer Co., LPA  
3 By Barth E. Royer  
4 33 South Grant Avenue  
5 Columbus, Ohio 43215

6 The Ohio Environmental Council  
7 By Nolan Moser  
8 1207 Grandview Avenue, Suite 201  
9 Columbus, Ohio 43212

10 On behalf of the Ohio Environmental  
11 Council.

12 Ohio Partners for Affordable Energy  
13 By David C. Rinebolt  
14 Colleen L. Mooney  
15 231 West Lima Street  
16 Findlay, Ohio 45839

17 On behalf of the Ohio Partners for  
18 Affordable Energy.

19 Bricker & Eckler, LLP  
20 By Thomas J. O'Brien  
21 100 South Third Street  
22 Columbus, Ohio 43215

23 On behalf of the Ohio Manufacturers'  
24 Association.

25 Vorys, Sater, Seymour & Pease, LLP  
By M. Howard Petricoff  
Stephen M. Howard  
52 East Gay Street  
Columbus, Ohio 43216-1008

Constellation Energy Group  
By Cynthia Fonner  
550 West Washington Boulevard, Suite 300  
Chicago, Illinois 60661

On behalf of the Constellation Energy  
Group.

1 APPEARANCES: (Continued.)

2 Vorys, Sater, Seymour & Pease, LLP  
3 By Howard Petricoff  
4 Stephen M. Howard  
5 Michael J. Settineri  
6 52 East Gay Street  
7 Columbus, Ohio 43215

8 On behalf of the Honda of America Mfg. ,  
9 Inc.

10 Bell & Royer Co., LPA  
11 By Barth Royer  
12 33 South Grant Avenue  
13 Columbus, Ohio 43215

14 On behalf of the Dominion Retail, Inc..

15 Craig I. Smith  
16 2824 Coventry Road  
17 Cleveland, Ohio 44120

18 On behalf of the Cargill, Incorporated.

19 Schottenstein, Zox & Dunn Co., LPA  
20 By Christopher L. Miller  
21 Andre Porter  
22 250 West Street  
23 Columbus, Ohio 43215

24 On behalf of the City of Dayton.

25 Chester, Willcox & Saxbe, LLP  
By John W. Bentine  
Mark S. Yurick  
Matthew S. White  
65 East State Street, Suite 1000  
Columbus, Ohio 43215

On behalf of the Kroger Company.

1 APPEARANCES: (Continued.)

2 Public Utilities Commission of Ohio

3 Richard Cordray, Attorney General

4 Duane Lucky, Section Chief

5 By Thomas Lindgren

6 Thomas McNamee

7 Assistant Attorneys General

8 Public Utilities Section

9 180 East Broad Street

10 Columbus, Ohio 43215

11 On behalf of the Public Utilities  
12 Commission of Ohio.

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1 Wednesday Morning Session,  
2 February 11, 2009.

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4 EXAMINER PRICE: Let's go on the record.

5 Good morning. The Public Utilities  
6 Commission is set for hearing at this time and place  
7 in Case No. 08-1094-EL-SSO, et al., in the matter of  
8 the application of the Dayton Power and Light Company  
9 for approval of electric security plan.

10 My name is Gregory Price, with me is  
11 Kimberly Bojko. We're the attorney examiners  
12 assigned to preside over today's hearing.

13 MR. FARUKI: Morning again, your Honors.  
14 My name is Charlie Faruki from Faruki, Ireland & Cox,  
15 counsel for the applicant, Dayton Power and Light  
16 Company. I'm accompanied by my partner, Jeffrey  
17 Sharkey. I'll have Mr. Sobecki enter her appearance.

18 MS. SOBECKI: Judi Sobecki, senior  
19 counsel for Dayton Power and Light Company.

20 MR. LINDGREN: Good morning, your Honors,  
21 on behalf of the staff of the Public Utilities  
22 Commission of Ohio, Attorney General Richard Cordray,  
23 Duane Lucky, Chief of the Public Utilities Section,  
24 Thomas Lindgren and Thomas McNamee, Assistant  
25 Attorneys General, 180 East Broad Street, 9th

1 Floor, Columbus, Ohio 43215.

2 MR. SMITH: On behalf of Cargill, Inc.,  
3 Craig I. Smith, attorney at law, Cleveland, Ohio.

4 MS. McALISTER: Thank you, your Honor.  
5 On behalf of the Industrial Energy Users-Ohio,  
6 McNees, Wallace & Nurick, Lisa McAllister and Sam  
7 Randazzo, 21 East State Street, Columbus, Ohio 43215.

8 MR. O'BRIEN: Your Honor, on behalf of  
9 the Ohio Hospital Association, Richard L. Sites, 155  
10 East Broad Street, 15th Floor, Columbus, Ohio,  
11 43215, and Thomas J. O'Brien, Bricker & Eckler, LLP,  
12 100 South Third Street.

13 On behalf of the Ohio Manufacturers'  
14 Association, Thomas J. O'Brien, same address.

15 MR. PETRICOFF: On behalf of Honda of  
16 America Manufacturing, Inc., Tony Long, 24000 Honda  
17 Parkway, Marysville, Ohio, M. Howard Petricoff from  
18 the law firm of Vorys, Sater, Seymour and Pease.

19 On behalf of Constellation New Energy,  
20 once again the law firm of Vorys, Sater, Seymour and  
21 Pease, and Cynthia Fonner, 550 West Washington  
22 Street, Suite 300, Chicago, Illinois.

23 MR. ROYER: Morning, your Honor, on  
24 behalf of Dominion Retail, Inc., Barth Royer, Bell &  
25 Royer, 33 South Grant Avenue, Columbus, Ohio.

1                   Also here on behalf the Ohio  
2 Environmental Council, and there are some additional  
3 appearances on behalf of OEC.

4                   EXAMINER PRICE: Thank you.

5                   MR. WILLIAMS: On behalf of Nolan Moser,  
6 1207 Grandview Avenue, Columbus, Ohio, 43212. Also  
7 on behalf of the Ohio Environmental Council, Todd  
8 Williams of the same address.

9                   MR. PORTER: Morning, your Honor. On  
10 behalf of the City of Dayton Law Director, Mr. John  
11 Danish, Andre Porter from the law firm of  
12 Schottenstein, Zox & Dunn, 250 West Street, Columbus,  
13 Ohio, and additionally Mr. Christopher Miller.

14                   MS. ROBERTS: On behalf of all the  
15 residential rate payers of Dayton Power and Light,  
16 Janine Migden-Ostrander, Richard C. Reese, Jacqueline  
17 Lake Roberts, Michael Idzkowski, and Gregory J.  
18 Poulos and also Chris Allwein, an intern with our  
19 firm and has a certificate from the Supreme Court to  
20 practice under supervision.

21                   EXAMINER PRICE: Thank you.

22 Mr. Rinebolt.

23                   MR. RINEBOLT: On behalf of Ohio Partners  
24 For Affordable Energy, David C. Rinebolt and Colleen  
25 L. Mooney, 231 West Lima Street, P. O. Box 1793,



1 Findlay, Ohio, 45839.

2 MR. WHITE: On behalf of The Kroger  
3 Company, John Bentine, Mark Yurick, and Matthew  
4 White, 65 East State Street, Columbus, Ohio, law firm  
5 of Chester, Willcox & Saxbe.

6 EXAMINER PRICE: Thank you. Is that  
7 everybody?

8 It's the Bench's understanding that the  
9 parties at this time would like to engage in further  
10 settlement discussions. Accordingly we will continue  
11 today's hearing until February 17 at 10:00 o'clock.  
12 Thank you all.

13 (Hearing concluded at 10:07 a.m.)

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2 CERTIFICATE

3 I do hereby certify that the foregoing is a  
4 true and correct transcript of the proceedings taken  
5 by me in this matter on Wednesday, February 11, 2009,  
6 and carefully compared with my original stenographic  
7 notes.

8 Julieanna Hennebert, Registered  
9 Professional Reporter, and  
Notary Public in and for the  
State of Ohio.

10 My commission expires February 19, 2013.

11  
12 (JUL-1370)

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 08-1094-EL-SSO**

Summary: Transcript Dayton Power and Light 2/11/09 electronically filed by Mrs. Jennifer Duffer on behalf of Hennebert, Julieanna Mrs. and Armstrong & Okey, Inc.