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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

- In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Electric Rates) Case No. 08-709-EL-AIR
- In the Matter of the Application of Duke Energy Ohio, Inc. for Tariff Approval) Case No. 08-710-EL-ATA
- In the Matter of the Application of Duke Energy Ohio, Inc. for Approval to Change Accounting Methods) Case No. 08-711-EL-AAM

PREPARED TESTIMONY
OF
LOWELL K. MILLER
FACILITIES OPERATIONS FIELD DIVISION
SERVICE MONITORING AND ENFORCEMENT DEPARTMENT

STAFF EXHIBIT _____

March 30, 2009

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PREPARED TESTIMONY OF LOWELL K. MILLER

1 **1. Q. Please state your name and business address.**

2 A. My name is Lowell K. Miller and my business address is 180 East Broad
3 Street, Columbus, Ohio 43215.

4
5 **2. Q. By who are you employed?**

6 A. The Public Utilities Commission of Ohio (PUCO) as the Facility and
7 Operations Field Division's (FOFD) Electric Specialist.

8
9 **3. Q. Please summarize your education and professional qualifications.**

10 A. I enlisted in the United States Navy after graduating high school in 1982.
11 The first year of service included the successful completion of the
12 following programs; Basic Electricity and Electronics, Avionics "A"
13 School and Advanced First Term Avionics. The period November 1983
14 through December 1989 I performed maintenance and troubleshooting
15 activities on avionic and weapon systems on the F/A-18 Hornet platform
16 and from January 1990 through August 1992 I worked as an instructor and
17 inspector/auditor for Strike Fighter Weapons School providing training to
18 fleet personnel related to the electronic weapons systems of the F/A-18. I
19 also audited training and testing procedures of fleet squadron personnel,
20 and tested new weapon system software versions for compatibility. From
21 February 2002 to September 2006 I was a FOFD electric field investigator

22 wherein I principally conducted field inspections and investigations to
23 ensure electric utility compliance with various Ohio Administrative Code
24 rules that pertain to electric distribution. In September 2006, I began my
25 current position as the FOFD electric specialist wherein I serve as the
26 FOFD electric distribution expert which includes the inspection,
27 investigation, review and evaluation of all electric distribution-related
28 issues.

29
30 **4. Q. What is the purpose of your testimony?**

31 My testimony will address objections raised by the Greater Cincinnati
32 Health Council (GCHC) and the Ohio Cable Telecommunications
33 Association (OCTA). I will first address the objections raised by GCHC.

34
35 **5. Q. GCHC objected to the Staff Report's failure to recommendation any
36 adverse affects on the Applicants requested rate increase for identified
37 substation recordkeeping irregularities. Why didn't Staff make such a
38 recommendation?**

39 A. Staff did not recommend any adverse affects for identified substation
40 irregularities because as stated in the Staff Report, the Applicant revised its
41 substation maintenance program incorporating Staff's recommendations
42 regarding maintenance record retention. Staff will continue to audit the

43 Applicant's records periodically to ensure Applicant maintains full
44 compliance.

45
46 **6. Q. GCHC objected to the Applicants unilateral change to its vegetation**
47 **line clearing schedule without submitting a required program notice to**
48 **Staff. In addition GCHC objected to Staff's apparent failure to**
49 **investigate the effect of this change on the Applicants system reliability.**
50 **Why didn't Staff make recommendations regarding vegetation**
51 **control?**

52 A. Applicant reverted to its original four year cycle once this issue was
53 discovered by Staff. Staff requested the Applicant ensure that the four year
54 cycle be completed for all distribution circuits by the end of calendar year
55 2008. Staff met with the Applicant to discuss and review progress of
56 achieving a four year cycle trim. Indications are that all distribution circuits
57 would meet this deadline (all distribution circuits would have a full circuit
58 trim at least once in the last four years by December 31, 2008). Staff will
59 audit the Applicant's records in 2009 to ensure the Applicant has met and is
60 maintaining the four year cycle commitment.

61
62 **7. Q. GCHC objected to the Staff Reports identification of 116 exceptions to**
63 **the National Electric Safety Code (NESC). Why didn't staff make any**
64 **recommendations regarding the 116 identified inspection exceptions?**

65 A. Staff inspected various pieces of distribution equipment including
66 substations, switch gear, underground pad-mounted transformers, poles and
67 associated equipment. Staff conducted 141 inspections related to the
68 equipment described above with a total of 4,827 individual pieces or units
69 of equipment inspected. Of the 4,827 individual units inspected, 116 units
70 were found to need some type of remediation. This equals a 2.4% exception
71 rate and is in line with exceptions found with other regulated electric
72 utilities. Staff also notes that the Applicant has been very responsive in
73 correcting exceptions found by Staff. No further actions are required at this
74 time.

75
76 **8. Q. The Ohio Cable Telecommunications Association (OCTA) objected**
77 **that the Staff Report did not make a recommendation barring the**
78 **Applicant from imposing “safety” standards that exceed the**
79 **requirements of the NESC on cable operator pole attachers?**

80 A. OCTA is referring to the Applicant’s language in their proposed Pole
81 Attachment/Conduit Occupancy Tariff under Technical Specifications. The
82 proposed tariff language states in part:

83 *All wireline attachments or occupancies shall be installed and*
84 *maintained by Licensee or on Licensee’s behalf and at its expense so as to*
85 *comply at least with the minimum requirements of the National*
86 *Electrical Safety Code, any requirements that may be established by*
87 *the Company and any other applicable regulations or codes promulgated*
88 *by federal, state, local or other governmental authority having jurisdiction.*
89

90 Staff does not interpret this to mean that the Applicant is imposing safety
91 requirements on pole attachers that exceed the NESC, but rather stating
92 specification requirements that pole attachers would have to meet.

93
94 **9. Q. OCTA objected as to why the Staff Report did not make it clear that**
95 **cable operator pole attachers are only required to begin to take**
96 **actions necessary to correct safety violations within 10 days of**
97 **receiving notice from the Applicant rather than correcting all**
98 **violations within 10 days?**

99 A. Staff reviewed the current and proposed pole attachment tariff and noted
100 that the language under the Safety Violations section remained essentially
101 unchanged and did not appear to be unreasonable. Therefore, staff did not
102 recommend a change.

103
104 **10. Q. OCTA objected as to why the Staff Report did not expressly make it**
105 **clear that the Applicant may only require cable operators to fix**
106 **conditions that interfere with existing facilities on a pole?**

107 A. Staff reviewed the current and proposed pole attachment tariff and noted
108 that the language under the Safety Violations section remained essentially
109 unchanged and did not appear to be unreasonable. Therefore, staff did not
110 recommend a change.

112 11. Q. Does this conclude your testimony?

113 A. Yes.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Testimony of **LOWELL K. MILLER** was served via electronic mail and regular U.S. mail, postage prepaid upon the following parties of record this 30th day of March, 2009.

Stephen A. Reilly
Assistant Attorney General

Duke Energy Ohio, Inc.
Elizabeth H. Watts
2500 Atrium II, 139 East Fourth Street
P.O. Box 960
Cincinnati, Ohio 45201-0960
Elizabeth.watts@duke.energy.com

TW Telecom of Ohio LLC
Pamela Sherwood
4625 W. 8th Street, Suite 500
Indianapolis, IN 46268
Pamela.sherwood@telecom.com

Ohio Consumers' Counsel
Ann M. Hotz, Counsel of Record
10 W. Broad Street
Suite 1800
Columbus, OH 43215-3420
hotz@occ.state.oh.us

Greater Cincinnati Health Council
Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, OH 45202-2852
dhart@douglasshart.com

Boehm, Kurtz & Lowry
David Boehm/Michael Kurtz
36 East 7th Street
URS Building
Suite 1510
Cincinnati, OH 45202-4454
dboehm@BKLawfirm.com

Vorys, Sater, Seymour & Pease
Steven M. Howard
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-3108
smhoward@vorys.com

Chester, Willcox & Saxbe LLP
John W. Bentine/Mark Yurick
65 E. State Street
Suite 1000
Columbus, OH 43215-4216
myurick@cwslaw.com

People Working Cooperatively, Inc.
Mary W. Christensen, Esq.
100 E. Campus View Blvd.
Columbus, OH 43235-4679
mchristensen@columbuslaw.org

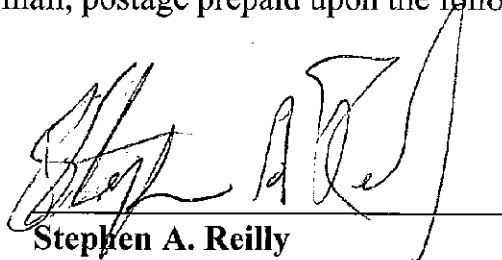
Bricker & Eckler, LLP
Sally Bloomfield/Thomas O'Brien
100 S. Third Street
Columbus, OH 43215-4236
tobrien@bricker.com

Albert Lane
7200 Fair Oaks Dr.
Cincinnati, OH 45237
AELMICTEN@aol.com

Ohio Partners for Affordable Energy
David Rinebolt/Colleen Mooney
231 West Lima Street
Findaly, OH 45840-3033
drinebolt@aol.com
cmooney2@columbus.rr.com

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Assistant Attorney General

Duke Energy Ohio, Inc.
Elizabeth H. Watts
2500 Atrium II, 139 East Fourth Street
P.O. Box 960
Cincinnati, Ohio 45201-0960
Elizabeth.watts@duke.energy.com

TW Telecom of Ohio LLC
Pamela Sherwood
4625 W. 8th Street, Suite 500
Indianapolis, IN 46268
Pamela.sherwood@telecom.com

Ohio Consumers' Counsel
Ann M. Hotz, Counsel of Record
10 W. Broad Street
Suite 1800
Columbus, OH 43215-3420
hotz@occ.state.oh.us

Greater Cincinnati Health Council
Douglas E. Hart
441 Vine Street
Suite 4192
Cincinnati, OH 45202-2852
dhart@douglasshart.com

Boehm, Kurtz & Lowry
David Boehm/Michael Kurtz
36 East 7th Street
URS Building
Suite 1510
Cincinnati, OH 45202-4454
dboehm@BKLawfirm.com

Vorys, Sater, Seymour & Pease
Steven M. Howard
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-3108
smhoward@vorys.com

Chester, Willcox & Saxbe LLP
John W. Bentine/Mark Yurick
65 E. State Street
Suite 1000
Columbus, OH 43215-4216
myurick@cwslaw.com

People Working Cooperatively, Inc.
Mary W. Christensen, Esq.
100 E. Campus View Blvd.
Columbus, OH 43235-4679
mchristensen@columbuslaw.org

Bricker & Eckler, LLP
Sally Bloomfield/Thomas O'Brien
100 S. Third Street
Columbus, OH 43215-4236
tobrien@bricker.com

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cmooney2@columbus.rr.com

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