

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :

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Application of The :

Dayton Power and Light : Case No.

Company to Establish a : 09-1012-EL-FAC

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Fuel Rider :

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PROCEEDINGS

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before Gregory Price and Jonathan Tauber,

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Attorneys Examiner, held at the Public Utilities

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Commission of Ohio, 180 East Broad Street,

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Hearing Room No. 11-C, Columbus, Ohio, on

14

Wednesday, October 19, 2011, at 2:00 P.M.

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Armstrong & Okey, Inc.

222 East Town Street, 2nd Floor

23

Columbus, Ohio 43215

(614) 224-9481 - (800) 223-9481

24

Fax - (614) 224-5724

25

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APPEARANCES:

Mr. Randall V. Griffin
Chief Regulatory Counsel
and
Ms. Judi Sobecki
The Dayton Power and Light Company
1065 Woodman Drive
Dayton, Ohio 45432

On behalf of The Dayton Power
and Light Company.

Mr. Thomas W. McNamee
Assistant Attorney General
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the
Public Utilities Commission of Ohio.

McNess Wallace & Nurick LLC
By Mr. Joseph E. Olikier
21 East State Street, 17th Floor
Columbus, Ohio 43215

On behalf of the Industrial Energy
Users of Ohio.

Ms. Kyle L. Kern
and
Mr. Larry Sauer
Assistant Consumers' Counsel
10 West Broad Street
Columbus, Ohio 43215

On behalf of the Residential
Customers of the Dayton Power
and Light Company.

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1 Wednesday Afternoon,
2 October 19, 2011.

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4 ATTORNEY EXAMINER TAUBER: The
5 Public Utilities Commission of Ohio has called
6 for hearing at this time and place Case No.
7 09-1012-EL-FAC being in the matter of
8 the application of The Dayton Power and Light
9 Company to establish a rider.

10 My name John Tauber, I am the
11 Attorney Examiner assigned by the Commission to
12 preside over this hearing.

13 MR. OLIKER: Your Honor, could we go
14 off the record for a second?

15 ATTORNEY EXAMINER TAUBER: Sure.

16 (DISCUSSION OFF THE RECORD)

17 ATTORNEY EXAMINER TAUBER: Let's go
18 back on the record. I would also like to note
19 for the record that Gregory Price is the other
20 Attorney Examiner assigned to preside over this
21 hearing.

22 At this time let's take the
23 appearances of the parties starting with the
24 Staff.

25 MR. MCNAMEE: On behalf of the Staff

1 of the Public Utilities Commission of Ohio, Mike
2 DeWine, Attorney General of Ohio. I am Thomas
3 W. McNamee, Assistant Attorney General. The
4 address is 180 East Broad Street, Columbus,
5 Ohio.

6 ATTORNEY EXAMINER TAUBER: Thank
7 you.

8 MR. OLIKER: Joseph Olikier on behalf
9 of the Industrial Energy Users of Ohio, the law
10 firm of McNeese Wallace & Nurick, 21 East State
11 Street, Columbus, Ohio 43215.

12 ATTORNEY EXAMINER TAUBER: Thank
13 you.

14 MS. KERN: Thank you, Your Honor.
15 Kyle Kern, Assistant Consumers' Counsel here on
16 behalf of the residential customers of The
17 Dayton Power and Light Company, and the Office
18 of the Ohio Consumers' Counsel, Bruce J. Weston,
19 Interim Consumers' Counsel, 10 West Broad
20 Street, Columbus, Ohio 43215.

21 ATTORNEY EXAMINER TAUBER: Thank
22 you.

23 MR. GRIFFIN: I am Randall Griffin
24 representing The Dayton Power and Light Company,
25 Chief Regulatory Counsel with the company. My

1 business address is 1065 Woodman Drive, Dayton,
2 Ohio 45432. With me today is Judi Sobecki who
3 is also entered as an attorney for this case.

4 ATTORNEY EXAMINER TAUBER: Thank
5 you. Are there any preliminary matters that
6 need to be addressed this afternoon?

7 MR. GRIFFIN: No, Your Honor. I
8 would plan to introduce as Joint Exhibit No. 1
9 the stipulation and recommendation before I call
10 a witness.

11 ATTORNEY EXAMINER TAUBER: You said
12 that shall be Joint Exhibit No. 1?

13 MR. GRIFFIN: Yes. I request that
14 it be marked as such.

15 ATTORNEY EXAMINER TAUBER: It shall
16 be so marked.

17 (EXHIBIT MARKED FOR PURPOSES OF
18 IDENTIFICATION)

19 MR. GRIFFIN: And I would request
20 that this be moved into evidence at this time.

21 Your Honor, I would like to call
22 our one and only witness, Mr. Nathan C. Parke.

23 And I would mark for identification
24 his prefiled testimony in this case as Company
25 Exhibit 1.

1 (EXHIBIT HEREBY MARKED FOR
2 IDENTIFICATION PURPOSES)

3 ATTORNEY EXAMINER TAUBER: It shall
4 be so marked.

5 (WITNESS SWORN)

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7 NATHAN C. PARKE
8 called as a witness on behalf of the Applicant,
9 being first duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Griffin:

12 Q. Mr. Parke, do you have a copy of
13 your prefiled testimony?

14 A. Yes, I do.

15 Q. And was this testimony prepared by
16 you or under your supervision and control?

17 A. Yes, it was.

18 Q. And just for identification purposes
19 does it consist of six pages of text, a cover
20 page and a table of contents?

21 A. Yes, it does.

22 Q. Do you have any changes, corrections
23 or modifications to make to that testimony?

24 A. I do not.

25 Q. And if I asked you these questions

1 again today under oath would your answers be
2 the same?

3 A. Yes, they would.

4 Q. And you affirm and adopt this
5 testimony?

6 A. I do.

7 Q. Could you state your conclusion and
8 recommendation with respect to the stipulation?

9 A. As stated on page 6, I recommend
10 that the Commission approve it without
11 modification.

12 Q. Thank you. And I would also request
13 that you turn to the stipulation itself, which
14 has been marked as Joint Exhibit No. 1, and turn
15 in particular to page 10, paragraph 14. Do you
16 have that?

17 A. Yes, I do.

18 Q. Could you explain what that
19 paragraph does, and how it will affect, and how
20 it will be implemented during the 2013 audit?

21 A. As the paragraph states, there will
22 be a financial and managerial audit in 2013
23 based on the 12 months ending period December
24 31st, 2012.

25 Q. Thank you. And on the following

1 page of paragraph 16, could you turn to that?

2 Do you have that?

3 A. Yes, I do.

4 Q. And could you read that last
5 sentence out loud?

6 A. "Except with respect to paragraph 14
7 this stipulation shall terminate on December
8 31st, 2012 unless extended by written agreement
9 of the settling parties.

10 Q. And could you explain your
11 understanding of how that sentence interacts
12 with paragraph 14 which you just looked at?

13 A. It says that the paragraph 14 will
14 continue to exist and there will be an audit in
15 2013 for 2012.

16 MR. GRIFFIN: Thank you. Is that
17 sufficient?

18 MR. OLIKER: Could we go off the
19 record for a second?

20 ATTORNEY EXAMINER TAUBER: Sure.
21 Let's go off the record.

22 (DISCUSSION OFF THE RECORD)

23 ATTORNEY EXAMINER TAUBER: Let's go
24 back on the record.

25 Q. Mr. Parke, while we were off

1 the record there was a short side bar. If I
2 could follow up on that.

3 What is your understanding with how
4 the terms of this stipulation will apply for
5 that 2012 period in the 2013 audit?

6 A. The terms of the stipulation will
7 apply for the 2012 period of the audit conducted
8 in '13.

9 MR. GRIFFIN: Thank you. With that,
10 Your Honor, I have no further questions, and Mr.
11 Parke is available for cross-examination.

12 ATTORNEY EXAMINER TAUBER: Thank
13 you, Mr. Griffin. Are there any questions for
14 Mr. Parke on cross-examination?

15 MS. KERN: No, Your Honor.

16 MR. OLIKER: No, Your Honor.

17 MR. MCNAMEE: No, Your Honor.

18 ATTORNEY EXAMINER TAUBER: Thank
19 you, Mr. Parke. You may be excused.

20 MR. GRIFFIN: And I would request
21 that Mr. Parke's testimony be entered into
22 evidence at this time.

23 ATTORNEY EXAMINER TAUBER: Are there
24 any objections to DP&L Exhibit 1, the testimony
25 of Mr. Parke? Hearing none, DP&L Exhibit 1

1 shall be admitted.

2 (EXHIBIT HEREBY ADMITTED INTO
3 EVIDENCE)

4 ATTORNEY EXAMINER TAUBER: We also
5 have Joint Exhibit 1.

6 MR. GRIFFIN: Yes. I previously
7 moved for that admission.

8 ATTORNEY EXAMINER TAUBER: Are there
9 any objections to Joint Exhibit 1, the
10 stipulation and recommendation? Hearing none,
11 the stipulation and recommendation, Joint
12 Exhibit 1, shall be admitted into the record.

13 (EXHIBIT ADMITTED INTO EVIDENCE)

14 ATTORNEY EXAMINER TAUBER: Are
15 there any other matters to come before the
16 Commission this afternoon?

17 MR. MCNAMEE: Yes. There is one. I
18 would ask to have marked for identification as
19 Commissioned Ordered Exhibit 1 the public
20 version of the audit in this case. And as 1-A
21 the confidential version of the audit in this
22 case, and move the admission of both of them.

23 (EXHIBITS MARKED FOR THE PURPOSE OF
24 IDENTIFICATION)

25 ATTORNEY EXAMINER TAUBER: Any

1 objections to Commission Ordered Exhibit 1 and
2 1-A which is the Staff audit report?

3 MR. GRIFFIN: Your Honor, there is
4 no objection. I would like to clarify for
5 the record though that while we waive
6 cross-examination on this, and we don't object
7 to its admission, the fact that it's going into
8 evidence should not be interpreted as meaning
9 the Company agrees with every statement or
10 conclusion that is in it.

11 ATTORNEY EXAMINER TAUBER: And with
12 that notation Commission Ordered Exhibit No. 1
13 and 1-A shall be admitted into the record.

14 (EXHIBITS HEREBY ADMITTED INTO
15 EVIDENCE)

16 ATTORNEY EXAMINER TAUBER: Is there
17 anything else to come before the Commission this
18 afternoon? Hearing none, this hearing shall be
19 adjourned. Thank you all.

20 (At 2:20 P.M. the hearing was
21 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on
October 19, 2011, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 09-1012-EL-FAC

Summary: Transcript Transcript of The Dayton Power and Light Company hearing held on 10/19/11 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.