

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Application of The Dayton :  
Power and Light Company to: Case No. 11-5730- EL-FAC  
Establish a Fuel Rider. :  
- - -

PROCEEDINGS

before Mr. Bryce McKenney and Mr. Gregory Price,  
Attorney Examiners, at the Public Utilities  
Commission of Ohio, 180 East Broad Street, Room 11-C,  
Columbus, Ohio, called at 10 a.m. on Thursday,  
December 20, 2012.

- - -

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- - -

1 APPEARANCES:

2 Dayton Power and Light Company  
3 By Mr. Randall V. Griffin  
4 1065 Woodman Drive  
5 Dayton, Ohio 45432

6 On behalf of the Applicant.

7 FirstEnergy Service Company  
8 By Mark A. Hayden  
9 76 South Main Street  
10 Akron, Ohio 44308

11 Calfee, Halter & Griswold LLP  
12 By Mr. N. Trevor Alexander  
13 1100 Fifth Third Center  
14 21 East State Street  
15 Columbus, Ohio 43215

16 Calfee, Halter & Griswold LLP  
17 By Mr. James F. Lang  
18 and Ms. Laura McBride  
19 1405 East Sixth Street  
20 Cleveland, Ohio 44114

21 On behalf of the FirstEnergy Solutions.

22 Bruce J. Weston, Ohio Consumers' Counsel  
23 By Ms. Kyle L. Kern,  
24 Assistant Consumers' Counsel  
25 10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

On behalf of the Residential Consumers of  
The Dayton Power and Light Company.

Mike DeWine, Ohio Attorney General  
By Mr. William L. Wright,  
Chief, Public Utilities Section  
Mr. Thomas W. McNamee,  
Principal Assistant Attorney General  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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Joint Exhibit	Identified	Admitted
1 Stipulation and Recommendation	6	--

- - -

DP&L Exhibit	Identified	Admitted
1 Public Version of the Prefiled Direct Testimony of David J. Crusey, CFA, FRM ERP	7	8
1 Confidential Version of the Prefiled Direct Testimony of David J. Crusey, CFA, FRM ERP	7	8
2 Prefiled Direct Testimony of G. Aaron Cooper	9	9
3 Prefiled Direct Testimony of Gregory S. Campbell, CPA	9	10
6 Quarterly Report about the Fuel Rider, 2011	10	11
7 Quarterly Report about the Fuel Rider, 2010	11	11
8 Prefiled Direct Testimony of Nathan C. Parke and Affidavit	11	12

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OCC Exhibit	Identified	Admitted
1 Prefiled Direct Testimony of Greg Slone	12	13

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Commission-Ordered Exhibit	Identified	Admitted
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1 Report of the Management Performance and Financial Audit of the Fuel and Purchased Power Rider of The Dayton Power and Light Company	13	14
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1A Report of the Management Performance and Financial Audit of the Fuel and Purchased Power Rider of The Dayton Power and Light Company - Confidential Version	13	14
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1 Thursday Morning Session,

2 December 20, 2012.

3 - - -

4 EXAMINER MCKENNEY: Let's go on the  
5 record. The Public Utilities Commission of Ohio  
6 calls at this time and place Case No. 11-5730-EL-FAC,  
7 being in the Matter of the Dayton Power and Light  
8 Company to Establish a Fuel Rider.

9 Let's go ahead and begin by taking  
10 appearances starting with the company.

11 MR. GRIFFIN: Yes. I am Randall V.  
12 Griffin representing Dayton Power and Light Company.  
13 My address is 1065 Woodman Drive, Dayton, Ohio 45432.

14 MS. KERN: Good morning, your Honors. On  
15 behalf of the Ohio Consumers' Counsel, 10 West Broad  
16 Street, Suite 1800, Columbus, Ohio 43215, Bruce J.  
17 Weston and I am Kyle Kern, Assistant Consumers'  
18 Counsel.

19 MR. ALEXANDER: Good morning. On behalf  
20 of the FirstEnergy Solutions, my name is Trevor  
21 Alexander from the law firm Calfee, Halter &  
22 Griswold, 21 East State Street, Suite 1100, Columbus,  
23 Ohio 43215. Also appearing are Mark Hayden from  
24 FirstEnergy Service Company; Jim Lang and Laura  
25 McBride from Calfee, Halter & Griswold.

1 MR. McNAMEE: On behalf of the staff of  
2 the Public Utilities Commission of Ohio, Mike DeWine,  
3 Attorney General, the State of Ohio, I'm Thomas  
4 McNamee, Assistant Attorney General. The address is  
5 180 East Broad Street, Columbus, Ohio.

6 EXAMINER MCKENNEY: All right. Thank  
7 you, all. I believe there is one pending motion in  
8 this case, a motion for protective order filed by the  
9 company on October 4. At this time we will go ahead  
10 and grant that motion.

11 MR. GRIFFIN: Thank you, your Honor.

12 EXAMINER MCKENNEY: I also believe there  
13 is a stipulation filed in this case; is that correct?

14 MR. GRIFFIN: There has been, your Honor,  
15 and I have that ready to present and mark.

16 EXAMINER MCKENNEY: All right.

17 MR. GRIFFIN: I don't know if the  
18 preference is to mark this as a company exhibit or  
19 joint exhibit. Could we mark it Joint Exhibit No. 1?

20 EXAMINER MCKENNEY: It will be so marked  
21 as Joint Exhibit 1.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 MR. GRIFFIN: And I should note it has  
24 been signed by the staff and OCC. FirstEnergy  
25 Solutions and IEU, who are both parties to this case,

1 have not signed it, but they have indicated they do  
2 not oppose it.

3 EXAMINER MCKENNEY: Is that correct?

4 MR. ALEXANDER: That's correct, your  
5 Honor.

6 EXAMINER MCKENNEY: All right.

7 MR. GRIFFIN: And if you look on the  
8 first page of that stipulation, you'll see that there  
9 are several pieces of things that have been filed in  
10 this case that are also going to be stipulated into  
11 evidence as support for the stipulation. So with  
12 your Honors' permission, I'll start that process.

13 EXAMINER MCKENNEY: You may proceed.

14 MR. GRIFFIN: Now, what has been marked  
15 for identification as DP&L Exhibit 1 is the Prefiled  
16 Direct Testimony of Mr. David J. Crusey.

17 Oops. Sorry. Apparently made enough  
18 copies for everyone except me, but since I know  
19 what's in these I'll survive. That was also filed in  
20 a confidential version under seal with the  
21 Commission. I did not bring enough copies for  
22 everyone. I think everyone else has received them,  
23 but I have an envelope for your Honors and the court  
24 reporter that I would ask be marked for  
25 identification as DP&L Exhibit 1 Confidential.

1 EXAMINER MCKENNEY: It will be so marked.

2 (EXHIBITS MARKED FOR IDENTIFICATION.)

3 MR. GRIFFIN: And I would move that into  
4 evidence without objection.

5 EXAMINER MCKENNEY: Any objections?

6 MR. McNAMEE: None.

7 MR. ALEXANDER: No, your Honor.

8 MS. KERN: No, your Honor.

9 EXAMINER MCKENNEY: It will be so  
10 admitted.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 MR. GRIFFIN: Thank you. Just for the  
13 record, as well, Mr. Crusey was deposed on this  
14 testimony earlier by OCC, and he was asked if he had  
15 any corrections to that testimony. So with your  
16 permission I will read the one correction that he  
17 made.

18 EXAMINER MCKENNEY: Please.

19 MR. GRIFFIN: He said on page 21 of 32 of  
20 Mr. Crusey's testimony the question starting on row  
21 14, the last sentence of the response of those four  
22 optimizations that were executed in late 2011 that  
23 have no economic consequences until 2012, one of  
24 those four optimizations was executed and completed  
25 in 2009 for 2012. So, in other words, there were



1 four optimizations that had 2012 consequences. He  
2 had indicated that the four were in 2011. When he  
3 went back and looked at it more carefully, three were  
4 in 2011, one was in 2009.

5 The second exhibit that I would like  
6 marked and admitted into evidence without objection  
7 is the Testimony of G. Aaron Cooper, also with the  
8 company. And I have marked that as DP&L Exhibit No.  
9 2.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MR. GRIFFIN: Did I miss somebody? I  
12 actually have a copy of this. Okay. I'm sorry, your  
13 Honor. And without objection I would move that into  
14 evidence.

15 EXAMINER MCKENNEY: Any objections?

16 MR. McNAMEE: No objection.

17 MS. KERN: No objection.

18 EXAMINER MCKENNEY: We have marked DP&L  
19 Exhibit 2 and admitted it into evidence.

20 (EXHIBIT ADMITTED INTO EVIDENCE.)

21 MR. GRIFFIN: What I have marked as DP&L  
22 Exhibit 3 is the Prefiled Testimony of Mr. Greg  
23 Campbell, also an employee of the company. I did it  
24 again. I am used to working with one judge, I'm  
25 afraid.

1           And without objection, I would move that  
2 into evidence as Exhibit 3, DP&L 3.

3           EXAMINER MCKENNEY: Any objections?

4           MR. McNAMEE: No objections.

5           MS. KERN: No objection.

6           (EXHIBIT MARKED FOR IDENTIFICATION.)

7           EXAMINER MCKENNEY: Marked Exhibit 3 and  
8 admitted into evidence.

9           (EXHIBIT ADMITTED INTO EVIDENCE.)

10          MR. GRIFFIN: During the deposition  
11 process there were a couple of other exhibits marked,  
12 but they are not going to be admitted so we are now  
13 going to be slightly out of sequence in terms of  
14 numbering. But this next document that is going to  
15 be submitted into evidence I've marked as DP&L  
16 Exhibit 6. This consists of one of the quarterly  
17 reports that's filed with the Commission relating to  
18 the fuel factor. And without objection I would ask  
19 that it be admitted into evidence as well.

20          EXAMINER MCKENNEY: Any objections?

21          MR. McNAMEE: None.

22          MS. KERN: No objection, your Honor.

23          (EXHIBIT MARKED FOR IDENTIFICATION.)

24          EXAMINER MCKENNEY: It will be so marked  
25 and admitted into evidence.

1 (EXHIBIT ADMITTED INTO EVIDENCE.)

2 MR. GRIFFIN: And then a second quarterly  
3 report. This time from the year 2010 has been marked  
4 as DP&L Exhibit 7. And I request that it also be  
5 admitted into evidence at this time.

6 EXAMINER MCKENNEY: Any objections?

7 MR. McNAMEE: No objection.

8 MS. KERN: No objection.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 EXAMINER MCKENNEY: It will be so marked  
11 and also admitted into evidence.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 MR. GRIFFIN: And I believe that was  
14 Exhibit 7.

15 EXAMINER MCKENNEY: Yes.

16 MR. GRIFFIN: In support of the  
17 stipulation is the Prefiled Testimony by Nathan C.  
18 Parke, and I have included with that an affidavit  
19 since, as your Honors know, the parties have  
20 indicated that they can waive cross-examination  
21 without Mr. Parke appearing. But I noticed when I  
22 looked through this, that there was no affidavit to  
23 the testimony so I had Mr. Clark -- I'm sorry,  
24 Mr. Parke sign an affidavit so I would ask that both  
25 of those together be marked as DP&L Exhibit 8.

1 EXAMINER MCKENNEY: It will be so marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. GRIFFIN: And, your Honor, I believe  
4 that closes the evidentiary presentation the company  
5 is going to put on. I think OCC may have some  
6 exhibits.

7 EXAMINER MCKENNEY: Is there any  
8 objection to DP&L Exhibit 8?

9 MR. McNAMEE: No objection.

10 MS. KERN: No, your Honor.

11 EXAMINER MCKENNEY: It will be so  
12 admitted.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 MS. KERN: Your Honor, OCC would move for  
15 the admission of Greg Slone OCC Exhibit 1. However,  
16 I do not have a copy of Mr. Slone's direct testimony  
17 as filed in the docket. If we could just have it  
18 marked as OCC Exhibit 1 and then move for its  
19 admission.

20 EXAMINER MCKENNEY: It will be marked.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 EXAMINER MCKENNEY: Is there any  
23 objection to the admission of the testimony?

24 MR. McNAMEE: No objection.

25 MR. GRIFFIN: No, your Honor.

1 EXAMINER MCKENNEY: It will be so  
2 admitted.

3 (EXHIBIT ADMITTED INTO EVIDENCE.)

4 MR. McNAMEE: Everyone else is marking  
5 things, I have things to mark as well.

6 EXAMINER MCKENNEY: All right.

7 MR. McNAMEE: Your Honors, at this time I  
8 would ask to have marked as Commission-Ordered  
9 Exhibit 1 the Report of the Management Performance  
10 and Financial Audit of the Fuel and Purchased Power  
11 Rider of The Dayton Power and Light Company filed  
12 in -- excuse me, in this docket on April 29, 2011,  
13 marked, please, marked as Commission-Ordered Exhibit  
14 1.

15 EXAMINER MCKENNEY: It will be so marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 MR. McNAMEE: And there is a confidential  
18 version of that that I would ask to have marked as  
19 Commission-Ordered Exhibit 1A.

20 EXAMINER MCKENNEY: Also marked  
21 accordingly.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 MR. McNAMEE: Okay. And would ask to  
24 have those admitted.

25 EXAMINER MCKENNEY: Any objection to

1 those being admitted?

2 MR. McNAMEE: No objection.

3 MS. KERN: No, your Honor.

4 EXAMINER MCKENNEY: Seeing none they will  
5 be so admitted.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 MR. McNAMEE: That's all I have.

8 EXAMINER MCKENNEY: All right. Thank  
9 you, everyone.

10 At this time we will go off the record.

11 (Thereupon, the hearing was concluded at  
12 10:11 a.m.)

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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 Thursday, December 20,  
2012, and carefully compared with my original  
stenographic notes.

---

Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-5631)

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

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Summary: Transcript Transcript for hearing that was held on 12/20/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.