

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the)
Application of The Dayton)
Power and Light Company) Case No. 12-426-EL-SSO
for Approval of its)
Market Rate Offer.)

In the Matter of the)
Application of The Dayton)
Power and Light Company) Case No. 12-427-EL-ATA
for Approval of Revised)
Tariffs.)

In the Matter of the)
Application of The Dayton)
Power and Light Company) Case No. 12-428-EL-AAM
for Approval of Certain)
Accounting Authority.)

In the Matter of the)
Application of The Dayton)
Power and Light Company) Case No. 12-429-EL-WVR
for Waiver of)
Certain Commission Rules.)

In the Matter of the)
Application of The Dayton)
Power and Light Company) Case No. 12-672-EL-RDR
to Establish Tariff Riders.)

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TELEPHONE DEPOSITION OF DAVID RINEBOLT

DATE: March 13, 2013 at 9:49 a.m.

PLACE: Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio

REPORTER: Casey G. Schreiner, RMR-RDR
Notary Public

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1 APPEARANCES:

2 On behalf of The Dayton Power and Light
3 Company (via telephone):

4 FARUKI, IRELAND & COX, P.L.L.:
5 Adam V. Sadlowski
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9 (937) 227-3700

10 On behalf of the Ohio Partners for Affordable
11 Energy (via telephone):

12 Ohio Partners For Affordable Energy
13 Trial Attorney:
14 Colleen L. Mooney
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1 I N D E X
2 EXAMINATION

3 Witness Name Page Line
4 DAVID RINEBOLT
5 Examination By Mr. Sadlowski 4 5

6 EXHIBITS
7 (None marked)

8 OBJECTIONS
9 (No Objections)

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1 DAVID RINEBOLT,
2 a Witness herein, called by the Plaintiff as if upon
3 Examination, was by me first duly sworn, as
4 hereinafter certified, deposed and said as follows:

5 EXAMINATION

6 BY MR. SADLOWSKI:

7 Q. Based on your resume, it appears you've
8 been deposed on prior occasions; is that correct,
9 Mr. Rinebolt?

10 A. No, it is not. I was not deposed in the
11 Duke case as I listed as my previous testimony.

12 Q. So this is your first time being deposed?

13 A. Yes, it is.

14 Q. Well, it's pretty straightforward. I'm
15 just going to ask you a series of questions about your
16 testimony. If for some reason you don't understand a
17 question, let me know, and I'll try to clarify that
18 question for you.

19 But based on the limited number of issues
20 in your testimony, I don't think we're going to be
21 here all that long today, which hopefully is a good
22 thing for you, and we can get out of here at a
23 reasonable hour.

24 A. Well, I do have to be in Cincinnati by
25 3:00, and it's a three-hour drive so --

1 Q. I don't think that's going to be a
2 problem, sir.

3 A. I love it.

4 Q. What is your current employment,
5 Mr. Rinebolt?

6 A. I am executive director of Ohio Partners
7 for Affordable Energy.

8 Q. Okay. And what are your duties and
9 responsibilities as executive director?

10 A. I'm responsible for the overall
11 management of the corporation. I am responsible for
12 management of seven weatherization and
13 energy-efficiency programs, and responsible for the
14 oversight of five fuel funds.

15 I also serve as counsel for the
16 organization, though I am not attorney of record in
17 this case.

18 Q. Okay. And what exactly does the Ohio
19 Partners for Affordable Energy do?

20 A. Ohio Partners for Affordable Energy has
21 three primary business lines: First is legislative
22 advocacy before the General Assembly and the Congress
23 of the United States related to federal- and
24 state-funded energy assistance programs and utility
25 regulatory and legislative framework.

1 Then we also provide advocacy services at
2 the Public Utility Commission and the Federal Energy
3 Regulatory Commission as advocates on behalf of our
4 member organizations and their clients.

5 The first function is to manage fuel
6 funds and energy-efficiency programs on behalf of
7 utility companies. We currently oversee a fuel fund
8 for the Dayton Power and Light Company; we also manage
9 an electric energy-efficiency program which is a part
10 of the Dayton Power and Light demand side management
11 portfolio.

12 Q. Thank you. Is the Ohio Partners for
13 Affordable Energy, is it registered in Ohio as a
14 corporation?

15 A. Yes. It is registered as a nonprofit
16 corporation, and it is recognized as a nonprofit by
17 the IRS under section 501(c)(3).

18 Q. Okay. And just for -- to shorten the
19 name up, I'm just going to refer to Ohio Partners for
20 Affordable Energy as Ohio Partners going forward; is
21 that okay?

22 A. That will be fine.

23 Q. And just for the court reporter's
24 convenience, as well. I know she doesn't want to type
25 that out.

1 A. I didn't name it.

2 Q. How many years have you worked there,
3 sir?

4 A. Since 1996. I started on April Fool's
5 Day. I'm not sure of the significance of that.

6 Q. And how long have you been the executive
7 director?

8 A. Since I became employed.

9 Q. Okay. The whole period of your tenure?

10 A. Uh-huh.

11 Q. Thank you. You had mentioned that you
12 are also an attorney; is that correct?

13 A. That is correct.

14 Q. Okay. What is your educational
15 background? Where did you go to school?

16 A. I have an undergraduate degree, a
17 Bachelor of Liberal Studies, from Bowling Green State
18 University in Bowling Green, Ohio.

19 I have a juris doctor degree from the
20 Columbus School of Law at the Catholic University of
21 America.

22 Q. And in preparing for today's deposition,
23 did you review any documents or papers?

24 A. I reviewed the State of Poverty Report
25 2012, which is attachment B or 2, I believe, to my

1 testimony.

2 I've also reviewed some of the documents
3 within the -- that have been filed in this docket,
4 primarily the applications filed by the company.

5 Q. And do you recall specifically which
6 portions of the filing that you reviewed?

7 A. I do not.

8 Q. Okay. Did you have any discussions or
9 communications with any third parties or anyone else
10 about today's deposition?

11 A. No, I did not.

12 Q. And, again, I'm not interested in
13 conversations you may have had with your counsel,
14 Ms. Mooney, but other than that?

15 A. No, I did not.

16 Q. Okay. Mr. Rinebolt, in preparing your
17 file testimony, could you briefly describe very
18 generally what was your process in preparing that
19 testimony; for example, what documents did you review
20 or consult, and whether any individuals provided you
21 with assistance in preparing that testimony.

22 A. I was not provided with any assistance in
23 preparing the testimony. I have worked in
24 anti-poverty programs since 1983, and so I have a long
25 period of experience.

1 As I indicated to you previously, we
2 currently run a fuel fund for the Dayton Power and
3 Light Company and for other utilities in the state.
4 So I have knowledge of how utilities are operated.
5 That's reflected in my testimony.

6 And that's basically it. The testimony
7 represents the sum of my experience, a review of
8 poverty statistics within the service territory. And
9 then, of course, it was apparent that there was no
10 request to continue the fuel fund as a part of the
11 company's application, so we filed this testimony in
12 order to place that issue before the commission.

13 Q. You had mentioned that your organization
14 also administers other fuel funds; is that correct?

15 A. That is correct.

16 Q. How many other fuel funds would that be?

17 A. We oversee a fuel fund that is funded by
18 the First Energy Corporation, their operating
19 companies; we oversee a Columbia Gas fuel fund, and we
20 oversee a fuel fund for Duke Energy Ohio.

21 Q. And then the Dayton Power and Light Fund,
22 as well, correct?

23 A. Yes, that's correct. Our member
24 agencies, of which there are 60 around the state, also
25 provide fuel fund benefits funded separately from the

1 ones that we are responsible for.

2 Q. Your member agencies, could you please
3 describe or explain which agencies are in the Dayton
4 Power and Light territory?

5 A. Yes, I can. The Northwest Ohio Community
6 Action Commission has responsibility for providing
7 services, weather and bill payment assistance
8 services, in Van Wert County, which the Dayton Power
9 and Light service territory has a small sliver of;
10 SOURCES, which is a community action agency serving
11 Mercer and Auglaize Counties; Tri-County Community
12 Action of Champaign, Logan and Shelby Counties;

13 The Community Action Partnership of the
14 Greater Dayton Area, which includes Darke, Preble,
15 Montgomery, and Greene Counties; the Community Action
16 Commission of Miami County, which serves Miami County;
17 the Community Action Committee of Fayette County;

18 The Clinton County Community Action
19 Organization; Warren County Community Services;
20 Highland County Community Action; Ross County
21 Community Action; Pickaway County Community Action;
22 SELF, capital S, capital E, capital L, capital F, in
23 Butler County; and Adams Brown Counties Community
24 Economic Opportunities.

25 That's quite a few organizations. I have

1 60 members. We cover all 88 counties.

2 Q. Okay.

3 A. And when I say "I", I should say OP&E, or
4 Ohio Partners.

5 Q. Thank you. And briefly for the record,
6 could you please describe the purpose of your
7 testimony, what it is you're advocating?

8 A. The purpose of my testimony is to urge
9 the commission to include in its final opinion and
10 order a continuation of the existing fuel fund, which
11 was authorized in Dayton Power and Light Company's
12 last standard service offer case, and also to expand
13 the level of funding provided because of increases in
14 poverty within the Dayton Power and Light Service
15 territory.

16 Q. And do you have a copy of your testimony
17 with you?

18 A. I do.

19 Q. Okay. Could you please turn to page 3 of
20 your testimony, and specifically I'm looking at lines
21 17 and 18.

22 A. Yes.

23 Q. And in that portion of your testimony,
24 you advocate that the funding increase from 400,000
25 dollars to 750,000 dollars per year; is that correct?

1 A. That is correct.

2 Q. Okay. Could you please describe how it
3 is you calculated the 750,000 dollar number, or what
4 the basis is for that number?

5 A. That's based on assessment of the demand
6 within the Dayton Power and Light service territory;
7 based on our experience managing DP and L's fuel fund
8 for the last four years; and also the information that
9 is generally provided to me by my member agencies
10 about demand for services within their service
11 territories.

12 Q. Mr. Rinebolt, you had indicated that it
13 was based on an increase in demand for services as the
14 reason for the request for the additional funds?

15 A. Both the demand --

16 Q. Is that correct?

17 A. Both the demand for services and
18 increases in the number of families in households in
19 poverty within the Dayton Power and Light service
20 territory.

21 Q. Have you done any sort of analysis or
22 study of the increase in demand for the types of
23 services being done by the fuel fund?

24 A. Not specifically regarding the fuel fund.
25 However, I sit on the Public Benefits Advisory Board,

1 which is a State government advisory committee that
2 oversees the Percentage Income Payment plan for the
3 electric that operates within the electric utilities,
4 and during the past five years, we have seen a
5 constant increase in the number of customers that have
6 taken advantage of that plan. So it was based on my
7 review of those statistics, among other things, that
8 brought me to the conclusion that an increase in the
9 fuel fund was warranted.

10 Q. Okay. And do you have any specific
11 statistics that would highlight or explain this
12 increased demand; for example, has there been a 10
13 percent increase, 20 percent increase in demand for
14 the fuel fund services?

15 A. I do not have statistics for the fuel
16 fund itself, because we open the fund generally on
17 March 1st; we keep the fund available to clients until
18 all the funding available is expended.

19 Once the funding is expended, customers
20 are not enrolled in the fund, and we do not keep
21 statistics on the number of customers of Dayton Power
22 and Light who are not able to be served because of a
23 lack of resources in the fund.

24 Q. Mr. Rinebolt, assuming that the Public
25 Utilities Commission issues an order that approves the

1 750,000 dollar fund that you advocate, what exactly
2 would be done with this money?

3 A. The funding -- assuming that it is
4 operated as the current fund, the funding would be
5 provided on an annual basis to Ohio Partners for
6 Affordable Energy.

7 Because we are a 501(c)(3) organization,
8 the Dayton Power and Light Company is able to take a
9 tax deduction for providing that funding to us. We
10 hold that funding in a bank account, and, actually,
11 the funding may be placed into short-term CDs, because
12 those, the assets associated with the CDs, are
13 insured.

14 Because of the size of our operation, it
15 is important to manage our finances so that all of the
16 funding that comes through this organization is
17 subject to deposit insurance of one type or another,
18 so we move money between certificates of deposits, a
19 savings account, and a checking account.

20 So the money is held within one of those
21 three accounts while it is in our possession. The
22 fuel fund is opened on or about March 1st every year.

23 When I say that it is opened, the
24 Department of Development, now the Ohio Development
25 Services Agency, has deployed a statewide web-based

1 benefits transfer system known as OCEAN.

2 The OCEAN system is utilized to determine
3 customer income and other characteristics that
4 determine eligibility for a variety of low-income
5 assistance programs, including bill payment assistance
6 programs.

7 When a client appears in one of our
8 agencies, they have to show a utility bill which they
9 need assistance in paying. The local agency evaluates
10 their income eligibility for the program under the
11 same criteria utilized --

12 Q. Mr. Rinebolt, may I interrupt you for one
13 second? When you said "the agency," would that be
14 your members, your member agencies?

15 A. My member agencies that handle intake for
16 the program.

17 Q. Okay.

18 A. They evaluate the client income based on
19 criteria utilized in the Percentage Income Payment
20 plan and the Home Energy Assistance Program.
21 Currently the income eligibility level for those
22 programs is 200 percent of the federal poverty line.

23 If the client meets that criteria and
24 demonstrates a need for assistance, then they are
25 authorized for a fuel fund benefit.

1 That authorization is entered into the
2 OCEAN system. The transactions are batched at the end
3 of the business day, and forwarded through the OCEAN
4 system to the Ohio Development Services Agency. The
5 data is electronically reviewed to ensure consistency
6 and proper formatting, and then is transferred the
7 same evening directly into the Dayton Power and Light
8 Company's billing system so that the credit appears on
9 the customer bills.

10 Then on a monthly basis, the department,
11 or the Ohio Development Services Agency, provides us
12 with data on the amount of funds that have been
13 obligated during the prior month. We then cut a check
14 to the Dayton Power and Light Company in that amount.

15 The agreement also provides for an 8
16 dollar administrative fee per client, and the
17 Development Services Agency notifies us of the number
18 of clients that have been served and invoices us at
19 rate of 8 dollars per client served. We then cut
20 another check and send that to the Ohio Development
21 Services Agency.

22 Q. Okay. Thank you for your explanation.
23 Are there any additional funds other than the amounts
24 that Dayton Power and Light contributes to the fuel
25 fund that are used for the bill payments?

1 A. Yes. There is funding from the
2 Percentage Income Payment plan; there is funding from
3 the Home Energy Assistance Program; and there also is
4 emergency funding that also comes from the Home Energy
5 Assistance Program.

6 Q. Mr. Rinebolt, am I correct that in your
7 file testimony, you take no position as to whether the
8 contribution to the fuel fund should be a
9 shareholder-funded contribution versus a rate-funded
10 contribution?

11 A. My testimony speaks for itself. We do
12 not take a position on that issue.

13 MR. SADLOWSKI: Okay. Thank
14 you. Just give me one minute. I'm going
15 to look through my notes. I may have
16 just a few more questions.

17 Let's go off the record for a
18 minute.

19 MS. MOONEY: We'll go off the
20 record.

21 (Discussion had off the record.)

22 BY MR. SADLOWSKI:

23 Q. Mr. Rinebolt, I only have a couple more
24 questions for you. Is it your position that the
25 program that is currently in place, the fuel fund

1 program currently in place, and its procedures would
2 continue and continue to be implemented as it has been
3 implemented in the past?

4 A. We would certainly recommend that it's
5 continued in that fashion. It has proven to be a very
6 efficient and effective approach to managing the
7 funds. It is the same approach that is used in a
8 number of other fuel funds in the state.

9 In my discussions with employees of other
10 utility companies, they have indicated that they find
11 this approach to be very efficient and better than
12 other approaches that they use in other states.

13 I would also point out that for its
14 involvement, Ohio Partners for Affordable Energy is
15 not compensated in any way.

16 Q. And do you recommend any changes to the
17 existing program?

18 A. No, I do not, other than an increase in
19 funding.

20 Q. Okay. Mr. Rinebolt, if you turn to page
21 6 of your testimony, and specifically I'm looking at
22 lines 4 through 6.

23 A. Uh-huh.

24 Q. You state that more than 30 percent of
25 all households are eligible for benefits from the

1 existing fuel fund.

2 A. That is correct.

3 Q. What is your basis for that?

4 A. The State of Poverty report, which is
5 attached as Exhibit DR-1 -- or DR-2.

6 Q. And that would -- I guess I'm looking for
7 the -- could you point me to the specific provisions
8 where I could find that data?

9 A. Yes, I can. Give me just a second here
10 to walk through it. All right. You can find data for
11 Auglaize County on page 18 of the report, on the third
12 group of data, which is headed "Poverty rates, 5-year
13 averages," the last line in that section provides the
14 number of -- the percentage of residence households
15 within each county that have incomes under 200 percent
16 of the poverty line.

17 The counties are listed in alphabetical
18 order in the report, and as you go through the report
19 and pick out the counties in the Dayton Power and
20 Light Service territory, you can look at the number of
21 customers that is in -- that have -- or the number of
22 counties that have customers or households with
23 incomes above -- above or below the -- or how many --
24 forgive me.

25 You can find the number of households

1 that have incomes under 200 percent of the poverty
2 line.

3 Q. And so the under 200 percent of the
4 poverty line is what makes -- or one of the factors
5 that makes them eligible for the benefits of the fuel
6 fund?

7 A. That is the income eligibility level at
8 which customers are eligible for benefits. In
9 anti-poverty circles, we generally believe that 200
10 percent is what we refer to as a self-sufficiency
11 income level; i.e., it provides a family with
12 sufficient income to meet their basic needs, house,
13 food, shelter, utilities.

14 I should also point out, however, that if
15 you look at the data from the Percentage Income
16 Payment plan or from the Home Energy Assistance
17 Program, which are the two major bill payment
18 assistance programs, you will find that the majority
19 of beneficiaries have incomes under 100 percent of the
20 federal poverty line.

21 Q. Okay. Also on page 6 of your testimony,
22 I'm looking at lines 11 through 12, you state that,
23 quote, All major Ohio utilities are making fuel funds
24 available to their customers this winter, close quote.

25 A. That is correct.

1 Q. Did I read that correctly?

2 A. That is correct.

3 Q. Could you please explain exactly what it
4 is -- what is the basis for that statement that other
5 major Ohio utilities are participating in a similar
6 fund?

7 Q. Well, obviously, we are aware of the
8 utility service territories where there are funds that
9 we manage. I am also aware, because on an annual
10 basis, my organization manages a series of trainings
11 for agency personnel that are responsible for customer
12 eligibility determinations and benefit determinations
13 at the local level, and part of that training involves
14 presentations from all of the major and some of the
15 smaller utilities in the state, and they, at the time
16 of those trainings in the fall, indicate whether or
17 not they have fuel funds available.

18 And in the past year's training, all of
19 the major utilities indicated that they had some form
20 of fuel fund available for customers that would
21 supplement federal and state utility payment
22 assistance benefits.

23 Q. Okay. And, Mr. Rinebolt, just for the
24 record, would you agree that your testimony does not
25 address any issues relating to DP and L's financial

1 integrity?

2 A. It does not. It only addresses the
3 financial --

4 Q. I'm sorry. Go ahead.

5 A. It only addresses the financial integrity
6 of our clients.

7 Q. And you have performed no analysis of DP
8 and L's financial integrity; is that correct?

9 A. Personally, I have not.

10 Q. And if the Public Utilities Commission
11 were not to establish or continue the existing fuel
12 fund, would the Dayton Power and Light be in violation
13 of any order or statute, to your knowledge?

14 A. Well, it is our reading of section
15 4928.02(L) that it is the policy of the State to
16 protect at-risk populations, including but not limited
17 to when considering the implementation of any new
18 advanced energy or renewable energy resource. I would
19 point you to the language that says, "but not limited
20 to."

21 It is our belief that an order from the
22 Commission that did not provide benefit to at-risk
23 populations to compensate for rate increases
24 associated with the proposed standard service offer of
25 the Dayton Power and Light Company would, in fact, be

1 in violation of State policy.

2 Q. One more question. If the Commission
3 were to adopt a fuel fund that is less than the
4 750,000 dollars that you recommend, would you also
5 agree that that would be in violation of State policy?

6 A. We would have to take -- I would have to
7 evaluate what the Commission has approved and the size
8 of the rate increase that had been approved by the
9 Commission and a variety of other factors.

10 So I can't speculate at this point, given
11 the totality of the circumstances in the case, whether
12 or not a lower number would comply with the statutory
13 requirement.

14 MR. SADLOWSKI: Sir, I believe
15 that's all I have for you today. Thank
16 you for your time.

17 THE WITNESS: No problem, Adam.
18 Thank you very much.

19 MR. SADLOWSKI: Hi. This is
20 Colleen Mooney again, and we won't waive
21 signature. So Dave will need to have a
22 copy of the transcript so he can read it
23 over.

24 MR. SADLOWSKI: And Dayton Power
25 and Light will request an expedited copy

1 of the transcript.

2 (Deposition concluded and
3 witness excused at 10:25 a.m.)

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SIGNATURE PAGE

Date of Deposition: March 13, 2013

Correction page(s) enclosed? Yes____ No____

How many correction pages?_____

DAVID RINEBOLT Date

- - -

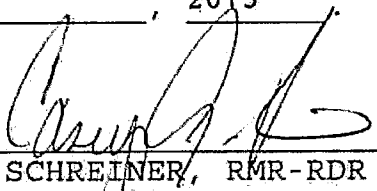
C E R T I F I C A T E

I, Casey G. Schreiner, a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was by me reduced to stenotype in the presence of said witness and afterwards transcribed; that the foregoing is a true and correct transcription of the testimony so given as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any of the parties in this action; that I am not a relative or employee of an attorney of any of the parties in this action; that I am not financially interested in this action, nor am I or the court reporting firm with which I am affiliated under a contract as defined in the applicable civil rule.

1
2 IN WITNESS WHEREOF, I have hereunto set
3 my hand and affixed my seal of office at Toledo, Ohio
4 on this 14th day of March, 2013

5
6 
7 CASEY G. SCHREINER, RMR-RDR
8 Notary Public
9 in and for the State of Ohio

10 My Commission expires December 26, 2016.
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in

Case No(s). 12-0426-EL-SSO, 12-0427-EL-ATA, 12-0428-EL-AAM, 12-0429-EL-WVR, 12-0672-EL-RDR

Summary: Deposition of David Rinebolt electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company