

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of The Dayton : Case No. 13-0833-EL-POR
Power and Light Company for : Case No. 13-0837-EL-WVR
Approval of Its Energy :
Efficiency and Peak Demand :
Reduction Program Portfolio :
Plan for 2013 through 2015 :

- - -

PROCEEDINGS

before Mr. Bryce McKenney, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, 11th Floor, Room 11-A, Columbus, Ohio, called
at 10:02 a.m. on Tuesday, October 22, 2013.

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APPEARANCES:

Williams Allwein & Moser, LLC
By Mr. Christopher J. Allwein
1500 West Third Avenue, Suite 330
Columbus, Ohio 43212

On behalf of the Sierra Club.

Carpenter Lipps & Leland LLP
By Mr. Rebecca L. Hussey
280 North High Street, Suite 1300
Columbus, Ohio 43215

On behalf of EMC Development Company,
Inc.

Boehm, Kurtz & Lowry
By Ms. Jody Kyler Cohn
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

On behalf of Ohio Energy Group.

Ohio Attorney General Mike DeWine
By Mr. Thomas G. Lindgren
180 East Broad Street, Sixth Floor
Columbus, Ohio 43215

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

Ohio Consumers' Counsel Bruce J. Weston
By Ms. Kyle L. Kern
Ten West Broad Street, Suite 1800
Columbus, Ohio 43215-3485

On behalf of the Office of Ohio
Consumers' Counsel.

Ohio Partners for Affordable Energy
By Ms. Colleen L. Mooney
231 West Lima Street
Findlay, Ohio 45389-1793

On behalf of the Ohio Partners for
Affordable Energy.

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1 APPEARANCES: (Continued)

2 EnerNOC, Inc.
3 By Mr. Gregory J. Poulos
4 471 East Broad Street, Suite 1520
5 Columbus, Ohio 43215

6 On behalf of EnerNOC, Inc.

7 McNees Wallace Nurick LLC
8 By Mr. Matthew R. Pritchard
9 21 East State Street, 17th Floor
10 Columbus, Ohio 43215-4228

11 On behalf of Industrial Energy Users
12 of Ohio.

13 The Dayton Power and Light Company
14 By Ms. Judi L. Sobecki
15 1065 Woodman Drive
16 Dayton, Ohio 45432

17 On behalf of The Dayton Power and Light
18 Company.

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Tuesday Morning Session,
October 22, 2013.

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ATTORNEY EXAMINER MCKENNEY: Let's go on the record at this time. Good morning. The Public Utilities Commission of Ohio calls for hearing at this time and place Case Nos. 13-0833-EL-POR and 13-0837-EL-WVR being In the Matter of The Application of The Dayton Power and Light Company for Approval of Its Energy Efficiency Portfolio Plan.

My name is Bryce McKenney, and I'm the attorney examiner assigned by the Commission to hear this case. At this time I'd like to take the appearances of the parties. Let's begin with the company, and then we'll move around the table.

MS. SOBECKI: Thank you, your Honor. Judi Sobeki on behalf of The Dayton Power and Light Company, 1065 Woodman Drive, Dayton, Ohio 45432.

MR. POULOS: Thank you, your Honor. Greg Poulos with EnerNOC, Columbus, Ohio.

MS. KERN: Thank you, your Honor. On behalf of the Ohio Consumers' Counsel, Bruce J. Weston, 10 West Broad Street, Columbus, Ohio 43215. I'm Kyle Kern, Assistant Consumers' Counsel.

ATTORNEY EXAMINER MCKENNEY: Thank you.

1 MR. LINDGREN: On behalf of the
2 Commission staff, Ohio Attorney General Mike DeWine,
3 by Thomas Lindgren, Assistant Attorney General,
4 180 East Broad Street, Sixth Floor, Columbus, Ohio
5 43215.

6 ATTORNEY EXAMINER MCKENNEY: Thank you.

7 MS. MOONEY: On behalf of Ohio Partners
8 for Affordable Energy, I'm Colleen Mooney, 231 West
9 Lima Street, Findlay, Ohio.

10 ATTORNEY EXAMINER MCKENNEY: Thank you.

11 MS. KYLER COHN: On behalf of the Ohio
12 Energy Group, David Boehm, Michael Kurtz, I'm Jody
13 Kyler Cohn from the firm of Boehm, Kurtz & Lowry,
14 36 East Seventh Street, Cincinnati, Ohio 45202.

15 ATTORNEY EXAMINER MCKENNEY: Thank you.

16 MR. PRITCHARD: On behalf of the
17 Industrial Energy Users of Ohio, I am Matt Pritchard
18 with the law firm of McNeese, Wallace & Nurick,
19 21 East State Street, Columbus, Ohio 43215.

20 MS. HUSSEY: Good morning, your Honor.
21 On behalf of the EMC Development Company, Rebecca
22 Hussey, Carpenter Lipps & Leland LLP, 280 North High
23 Street, Suite 1300, Columbus, Ohio 43215.

24 ATTORNEY EXAMINER MCKENNEY: Thank you.

25 Is there anyone else here that would like to make an

1 appearance?

2 All right. At this time is the company
3 prepared to present its first witness?

4 MS. SOBECKI: Yes, your Honor. I think
5 as a preliminary matter, I'd like to mark my exhibits
6 first. I have already provided them to the court
7 reporter; and there's a stack in front of you, your
8 Honor.

9 They are voluminous documents. All the
10 parties have them. I have a few extra copies, but I
11 saved some trees. And I'll indicate the date on
12 which all of them have been filed so all the parties
13 have ready access. If somebody wants copies, let me
14 know.

15 The first one is Joint Exhibit No. 1, and
16 that is the Stipulation and Recommendation.

17 The next exhibit would be Company Exhibit
18 No. 1, and that is the Application of The Dayton
19 Power and Light Company for Approval of Its Energy
20 Efficiency and Peak Reduction Program Portfolio Plan.
21 That was filed on April 15, 2013.

22 And I apologize. I neglected to mention
23 that the Joint Exhibit 1 stipulation was filed on
24 October 2, 2013.

25 The next exhibit I'd like to have marked

1 is Company Exhibit 2, which is the Proof of
 2 Publication that was filed yesterday, October 21,
 3 2013.

4 And the last exhibit would be Company
 5 Exhibit 3, which is the testimony of Emily W. Rabb.
 6 That was docketed on October 2, 2013.

7 ATTORNEY EXAMINER MCKENNEY: All right.
 8 They will each be so marked as Joint Exhibit 1, the
 9 Stipulation and Recommendation; Company Exhibit 1,
 10 the application; Company Exhibit 2, Proof of
 11 Publication; and Company Exhibit 3, the prefiled
 12 direct testimony of Emily Rabb.

13 (EXHIBITS MARKED FOR IDENTIFICATION.)

14 MS. SOBECKI: Yes, your Honor. Thank
 15 you. With that, I would call Emily Rabb.

16 ATTORNEY EXAMINER MCKENNEY: All right.
 17 Ms. Rabb, would you please raise your right hand.

18 (Witness sworn.)

19 ATTORNEY EXAMINER MCKENNEY: Thank you.
 20 Please be seated.

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EMILY W. RABB

being first duly sworn, as prescribed by law, was examined and testified as follows:

DIRECT EXAMINATION

By Ms. Sobecki:

Q. Ma'am, can you please state your name for the record?

A. Emily Rabb.

Q. And by whom are you employed, and what is your position?

A. I'm employed by The Dayton Power and Light Company. I'm the Supervisor of Regulatory Operations.

Q. And you have before you in your binder what has been marked as Joint Exhibit No. 1 and Company Exhibit No. 3. Do you have those?

A. Yes.

Q. And can you please identify those for us?

A. Yes. Joint Exhibit 1 is the Stipulation and Recommendation In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Energy Efficiency Portfolio Plan.

And Company Exhibit 3 is my testimony in support of the stipulation.

Q. Okay. And, ma'am, with respect to

1 Exhibit 3, your testimony, do you have any changes or
2 corrections you'd like to make to that?

3 A. Yes. On page 5, line 49, I said that 12
4 of the 13 intervening parties were signatory parties
5 to the stipulation. Subsequently, after I filed my
6 testimony, the additional party indicated they would
7 sign the stipulation; so that number should be
8 updated from 12 to 13.

9 Q. Okay. Thank you, ma'am. Do you have any
10 other changes?

11 A. No.

12 Q. Okay. And if I were to ask you all of
13 the questions as they appear in your prefiled
14 testimony here today, would your answers be the same?

15 A. Yes.

16 Q. And those would be true to the best of
17 your knowledge?

18 A. Yes.

19 MS. SOBECKI: I have nothing further.

20 ATTORNEY EXAMINER MCKENNEY: Does anyone
21 have cross-examination of this witness?

22 Seeing none, thank you, Ms. Rabb. I have
23 no questions. All right.

24 MS. SOBECKI: Your Honor, with that, I
25 would move to admit Joint Exhibit No. 1 and Company

1 Exhibits 1, 2, and 3.

2 ATTORNEY EXAMINER MCKENNEY: Any
3 objection to the admission of Joint Exhibit 1 or
4 Company Exhibits 1, 2, and 3? Seeing none, they will
5 be so admitted.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 ATTORNEY EXAMINER MCKENNEY: Mr. Allwein,
8 would you like to make an appearance.

9 MR. ALLWEIN: Good morning, your Honor.
10 I apologize for being late. Christopher J. Allwein,
11 Williams Allwein & Moser, 1500 West Third Avenue,
12 Suite 330, Columbus, Ohio 43212, on behalf of the
13 Sierra Club. And I do have a motion that I wanted to
14 make a move to have admitted this morning.

15 ATTORNEY EXAMINER MCKENNEY: We will
16 address that issue when we finish with the testimony.

17 MR. ALLWEIN: Thank you, your Honor.

18 ATTORNEY EXAMINER MCKENNEY: Thank you.

19 Does that conclude everything for the
20 company?

21 MS. SOBECKI: Yes, your Honor. The
22 company has nothing further.

23 ATTORNEY EXAMINER MCKENNEY: Thank you.

24 OCC.

25 MS. KERN: OCC would like to call Wilson

1 Gonzalez. I've placed a copy of Mr. Gonzalez's
2 testimony there, and I have copies if anyone needs
3 it.

4 ATTORNEY EXAMINER MCKENNEY:

5 Mr. Gonzalez, please raise your right
6 hand.

7 (Witness sworn.)

8 ATTORNEY EXAMINER MCKENNEY: Thank you.
9 Please be seated.

10 Ms. Kern, you may proceed.

11 - - -

12 WILSON GONZALEZ

13 being first duly sworn, as prescribed by law, was
14 examined and testified as follows:

15 DIRECT EXAMINATION

16 By Ms. Kern:

17 Q. Good morning, Mr. Gonzalez. Can you
18 please identify yourself for the record?

19 A. Wilson Gonzalez.

20 Q. And are you the same Wilson Gonzalez
21 whose direct testimony was filed in this docket on
22 October 21, 2013?

23 A. Yes, I am.

24 MS. KERN: Your Honor, I would like to
25 have marked for purposes of identification as OCC

1 Exhibit 1 the direct testimony of Wilson Gonzalez.

2 ATTORNEY EXAMINER MCKENNEY: It will be
3 so marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 Q. (By Ms. Kern) And on whose behalf do you
6 appear today?

7 A. On behalf of the Ohio Consumers' Counsel.

8 Q. Do you have your prepared direct
9 testimony with you on the stand?

10 A. Yes, I do.

11 Q. And did you prepare this testimony or
12 have it prepared at your direction?

13 A. Yes.

14 Q. Do you have any changes or corrections to
15 your testimony?

16 A. No, I don't.

17 Q. If I asked you the same questions that
18 appear in your direct testimony today, would your
19 answers be the same?

20 A. Yes.

21 MS. KERN: Your Honor, I tender
22 Mr. Gonzalez for cross-examination.

23 ATTORNEY EXAMINER MCKENNEY: Does anyone
24 have cross-examination for Mr. Gonzalez? Seeing no
25 one, thank you, Mr. Gonzalez. I have no questions.

1 THE WITNESS: Thank you, your Honor.

2 ATTORNEY EXAMINER MCKENNEY: All right.

3 Ms. Kern.

4 MS. KERN: I would like to move OCC
5 Exhibit 1.

6 ATTORNEY EXAMINER MCKENNEY: Any
7 objection to the admission of OCC Exhibit 1? Seeing
8 none, it will be so admitted.

9 (EXHIBIT ADMITTED INTO EVIDENCE.)

10 ATTORNEY EXAMINER MCKENNEY: Mr. Allwein,
11 you indicated that you had something you wanted to
12 address?

13 MR. ALLWEIN: Yes. Thank you, your
14 Honor. Good morning. I received word from the
15 Sierra Club's national litigation team. They went
16 through the stipulation upon recommendation from the
17 local chapter, and they approved the stipulation per
18 their standards.

19 They made a request that the Sierra Club
20 be added as a signatory party to the stipulation, so
21 yesterday I filed in the docket a notice basically
22 requesting that the Sierra Club be added as a
23 signatory party to the stipulation. I labeled that
24 notice as Sierra Club Exhibit 1, and I have copies of
25 it.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 ATTORNEY EXAMINER MCKENNEY: Are you
3 seeking the admission of Sierra Club Exhibit 1?

4 MR. ALLWEIN: Pardon me?

5 ATTORNEY EXAMINER MCKENNEY: Do you seek
6 the admission of Sierra Club Exhibit 1?

7 MR. ALLWEIN: Yes, your Honor. I would
8 move the Sierra Club Exhibit 1 into evidence.

9 ATTORNEY EXAMINER MCKENNEY: Any
10 objection to the admission of Sierra Club Exhibit 1?
11 It will be so admitted.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 ATTORNEY EXAMINER MCKENNEY: Thank you,
14 Mr. Allwein.

15 Anything further?

16 MS. SOBECKI: Your Honor, the company has
17 nothing further.

18 ATTORNEY EXAMINER MCKENNEY: Anything
19 from the intervening parties? Seeing nothing, we are
20 adjourned.

21 Let's go off the record. Thank you,
22 everyone.

23 (The hearing was concluded at
24 10:12 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 Tuesday, October 22, 2013, and carefully compared with my original stenographic notes.

Margaret A. Marsh, Registered
Professional Reporter.

(73689-MM)

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-0833-EL-POR, 13-0837-EL-WVR

Summary: Transcript in the matter of The Dayton Power and Light Company hearing held on 10/22/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Marsh, Margaret