

BEFORE THE

PUBLIC UTILITIES COMMISSION OF OHIO

THE DAYTON POWER AND LIGHT COMPANY

CASE NO. 12-3062-EL-RDR

CASE NO. 12-3266-EL-AAM

STORM DAMAGE RECOVERY REQUEST

**TESTIMONY IN RESPONSE
TO STAFF AUDIT REPORT**

OF MICHAEL E. BARRETT

- ☐ **MANAGEMENT POLICIES, PRACTICES, AND ORGANIZATION**
- ☐ **OPERATING INCOME**
- ☐ **RATE BASE**
- ☐ **ALLOCATIONS**
- ☐ **RATE OF RETURN**
- ☐ **RATES AND TARIFFS**
- ☒ **OTHER**

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO
TESTIMONY IN RESPONSE
TO STAFF AUDIT REPORT OF
MICHAEL E. BARRETT

ON BEHALF OF
THE DAYTON POWER AND LIGHT COMPANY

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PURPOSE OF TESTIMONY	2
III.	ANALYSIS OF ISSUES	3
IV.	CONCLUSION	13

1 **I. INTRODUCTION**

2 **Q. Please state your name, current position, and business address.**

3 A. My name is Michael E. Barrett. I am a principal in the firm of MBarrett Consulting,
4 LLC. My business address is 911 Symphony Beach Lane, Apollo Beach, FL 33572.

5 **Q. On whose behalf are you testifying?**

6 A. I am testifying on behalf of The Dayton Power & Light Company ("DP&L").

7 **Q. What is your educational and professional background?**

8 A. I am the principal and founder of MBarrett Consulting, LLC ("MBarrett"), which
9 specializes in providing financial advisory services to the power & utility industry.
10 Prior to MBarrett, I was a partner with Ernst & Young LLP ("EY"), one of the Big
11 Four accounting firms for fifteen years. At EY, I was their National Director –
12 Utilities from 1998 until 2006, when I became the Southeast Area Power & Utilities
13 Sector Leader. Prior to EY, I was at Coopers & Lybrand ("C&L") for seventeen
14 years, progressing from supervisor to partner in 1988, and serving as their national
15 utility industry leader for business assurance services. At both EY and C&L, I
16 specialized in providing audit and financial consulting services to electric, gas, water
17 and wastewater companies. Prior to C&L I was a field auditor for the Federal Energy
18 Regulatory Commission ("FERC").

19 I graduated from the University of Scranton in 1976 with a Bachelor of Science in
20 Accounting. I am a certified public accountant in Florida, Pennsylvania and Georgia.

1 I have practiced public utility accounting for over 32 years in addition to my 4 years
2 with FERC. My experience includes performing financial audits of electric and gas
3 utilities, rural electric cooperatives, and energy marketers and traders. During the
4 course of my career, I have worked with clients on a number of complex accounting
5 and ratemaking transactions that involved the application of Statement of Financial
6 Accounting Standard No. 71, Accounting for the Effects of Certain Types of
7 Regulation (currently Accounting Standards Codification ("ASC") 980, Regulated
8 Operations. I have testified as an expert witness in regulatory proceedings and
9 arbitrations over 40 times. I also co-authored a biennial report "Survey of FERC
10 Compliance Audit Findings" published by the Corporate Accounting Committee. My
11 curriculum vita is attached at Attachment 1.

12 **II. PURPOSE OF TESTIMONY**

13 **Q. What is the purpose of your testimony?**

14 A. The purpose of my testimony is to provide my opinion on certain issues raised by the
15 Staff of the Public Utilities Commission of Ohio ("Commission") associated with its
16 review of DP&L storm-related restoration costs.

17 **Q. Have you read the Comments Filed on Behalf of the Staff and the Staff Audit**
18 **Report?**

19 A. Yes I have.

20 **Q. Do you agree with Staff's recommendations in this matter?**

1 A. No.

2 **Q. Can you summarize why you disagree with Staff?**

3 A. Yes. I disagree with Staff's recommendation that DP&L be denied recovery of certain
4 storm costs that the Commission has previously authorized DP&L to defer as a
5 regulatory asset. Many third parties, such as investors, lenders, auditors, and rating
6 agencies, have relied on the Commission's orders and the historical precedents that
7 have been set by the Commission, and it would be unreasonable to deny recovery of
8 the storm expenses in light of that reliance. Further, Staff's justification for its
9 recommendation – an ad hoc financial analysis used to apply retroactive ratemaking to
10 the last twelve years of DP&L's financial results – is unprecedented.

11 **III. ANALYSIS OF ISSUES**

12 **Q. Can you describe the costs at issue?**

13 A. Yes. In 2008, DP&L incurred substantial Operation and Maintenance ("O&M") costs
14 to respond to Hurricane Ike. The Commission authorized DP&L to defer those costs
15 and other 2008 storm costs, less a three-year average of storm costs, as a regulatory
16 asset in 2009.

17 **Q. What is the basis for using regulatory accounting in the company's financial**
18 **statements?**

19 A. Generally Accepted Accounting Principles in the United States (GAAP) includes
20 guidance that allows for regulatory accounting. That is the recognition of regulatory

1 assets and liabilities based on actions of the rate setter whereby these incurred costs
2 are included in rates in different time periods from when they would normally be
3 recorded under GAAP. It is included in the guidance under ASC 980, Regulated
4 Operations. This guideline includes the old Statement of Financial Accounting
5 Standard No 71, Accounting for Effects of Certain Types of Regulation, and other
6 related guidance. The purpose of the guidance is to reflect in the financial statements
7 the economic effects of cost-based rate regulation of utilities.

8 **Q. Can you summarize the guidance?**

9 **A.** Yes. ASC 980.05-5 states that:

10 *“Regulators sometimes include costs in allowable costs in a period other than*
11 *the period in which the costs would be charged to expense by an unregulated*
12 *entity. For the regulated entity, that procedure can do any of the following:*

13 *a. Create assets (future cash inflows that will result from the rate-making*
14 *process)*

15 *b. Reduce assets (reductions of future cash inflows that will result from the*
16 *rate-making process)*

17 *c. Create liabilities (future cash outflows that will result from the rate-making*
18 *process).”*

19 This guideline is the support for a company to defer as an asset an already incurred
20 cost and to include it as an expense in future years as rates are collected that include

1 that cost. It is also the guidance that would require the recognition of a liability today
2 for revenues that are being provided to cover a future cost.

3 **Q. Is there guidance on when to rely on accounting deferral orders from the**
4 **Commissions?**

5 A. Yes, such guidance is provided in ASC 980.05-8. It states:

6 *“Unless an accounting order indicates the way a cost will be handled for rate-*
7 *making purposes, it causes no economic effects that would justify deviation*
8 *from the GAAP applicable to business entities in general. The mere issuance of*
9 *an accounting order not tied to rate treatment does not change an entity's*
10 *economic resources or obligations. In other words, the economic effect of*
11 *regulatory decisions—not the mere existence of regulation—is the pervasive*
12 *factor that determines the application of GAAP.”*

13 This guidance establishes that the Company may record a deferral based on a deferral
14 order only if there is the expected economic effect of rate recovery. The current
15 Commission practice of issuing accounting deferral orders and permitting subsequent
16 rate treatment consistent with the deferral order meets these requirements. If the
17 Commission were to adopt Staff’s recommendations, this relationship will be broken
18 for future Commission deferral orders. Or said differently, management and auditors
19 will not be able to rely on expectations of future rate recovery from a deferral order
20 and will have to wait for a final rate order to determine the proper accounting.

21

1 **Q. Are there other applicable accounting rules or standards?**

2 A. Yes. The Uniform System of Accounts, promulgated by the Federal Energy
3 Regulatory Commission ("FERC"), authorizes a utility to record an expense as a
4 regulatory asset if it is "probable that such items will be included in a different
5 period(s) for purposes of developing rates that the utility is authorized to charge for its
6 utility services." FERC Uniform System of Accounting, Account 182.3, ¶ B
7 (emphasis added).

8 Standards promulgated by the Financial Accounting Standards Board¹ similarly
9 provide that:

10 "Rate actions of a regulator can provide reasonable assurance of
11 the existence of an asset. An entity shall capitalize all or part of
12 an incurred cost that would otherwise be charged to expense if
13 both of the following criteria are met:

14 a. It is probable (as defined in Topic 450) that future revenue
15 in an amount at least equal to the capitalized cost will result
16 from inclusion of that cost in allowable costs for rate-making
17 purposes.

18 b. Based on available evidence, the future revenue will be
19 provided to permit recovery of the previously incurred cost
20 rather than to provide for expected levels of similar future costs.
21 If the revenue will be provided through an automatic rate-
22 adjustment clause, this criterion requires that the regulator's
23 intent clearly be to permit recovery of the previously incurred
24 cost.

25 A cost that does not meet these asset recognition criteria at the
26 date the cost is incurred shall be recognized as a regulatory asset
27 when it does meet those criteria at a later date."

¹ The text of the Securities and Exchange Commission order requiring utilities to comply with FASB standards is available at <http://www.sec.gov/rules/other/2013/33-9398.pdf>.

1 Financial Accounting Standards Codification, § 980-340-25-1 (emphasis added).

2 A utility may therefore defer expenses under governing accounting rules only if
3 subsequent recovery of the expense is "probable."

4 **Q. Do third parties rely on the fact that Commission Orders authorize a utility to**
5 **record expenses as regulatory assets on a utility's financial records?**

6 A. Yes. As discussed above, a Commission Order authorizing a utility to record an
7 expense as a regulatory asset indicates to investors and lenders that the amounts will
8 probably be recovered in a future period. Those parties thus make decisions to invest
9 in a utility or to lend money to a utility based upon the Commission's Order.

10 **Q. Can you describe the Staff's recommendations regarding whether DP&L should**
11 **be permitted to recover its deferred expenses associated with Hurricane Ike and**
12 **other 2008 storms?**

13 A. Yes. In the January 3, 2014 Staff Audit Report (pp. 1-2) and in Staff's June 17, 2013
14 Comments (pp. 4-6), Staff recommended that the Commission deny DP&L's request
15 to recover the regulatory asset on DP&L's books associated with Hurricane Ike and
16 other 2008 storms because the Staff believed that DP&L's historic O&M expenditures
17 have been too low and that DP&L's historic earnings have been too high.

18 **Q. What would be the impact of Staff's recommendation if it was adopted?**

19 A. If the Staff's recommendation was adopted by the Commission, then DP&L will be
20 forced to record as additional expense in the current period the amounts that have been

1 deferred (or included as an asset) on DP&L's balance sheet since 2008, pursuant to the
2 Commission's deferral Order.

3 **Q. Would recording those amounts as an expense in the current period have a**
4 **negative impact on DP&L?**

5 A. Yes, doing so would have a very significant negative impact. Specifically, recording
6 the deferred amounts as an expense now will have a significant negative impact on
7 DP&L's current expenses, which would significantly reduce its earnings. That
8 reduction will have a negative impact on DP&L's debt-to-equity ratio during a time of
9 significant restructuring of the Company, which could impact its ability to attract
10 capital and to fund needed capital projects.

11 **Q. Are there other impacts that the Commission should consider?**

12 A. Yes. If the Commission were to deny recovery of that regulatory asset, that Order
13 could have long-term consequences for DP&L and the other utilities in Ohio:

- 14 • First, investors and lenders could begin to view utility regulation in Ohio as
15 undergoing significant negative change because of the Commission's policy
16 change away from permitting recovery of prudently incurred costs that have
17 received a deferral order;
- 18 • Second, the Commission's use of retroactive ratemaking to justify the
19 disallowance of the storm costs represents a significant change in Commission
20 policy.

1 Both of those items would likely increase the cost of capital for Ohio utilities
2 because of the perceived added risk for utilities in the state; and

3 • Finally, the companies and their auditors who rely on the deferral order and the
4 related precedent of recovery in rates may be forced to wait for the actual rate
5 order before the deferrals could be recognized for financial reporting purposes.

6 **Q. Can you explain why investors and lenders may begin to view Ohio utility**
7 **regulation less favorably?**

8 A. Yes. Investors prefer to reduce or eliminate risk and uncertainty. The Commission's
9 current practice of issuing timely deferral orders and then permitting recovery of the
10 deferred amounts provides certainty. Investors and lenders know that once a deferral
11 order is issued, the only remaining uncertainty is whether the company has included
12 only reasonable, prudent costs in the deferral. If the Commission adopts Staff's
13 recommendations, that would mark a significant change in policy around the
14 Commission's deferral orders. That change, along with the use of retroactive
15 ratemaking in the justification, increases the uncertainty to the investors and lenders.

16 **Q. Can you give an example?**

17 A. Yes. DP&L's 2008 storms costs provide a good example of how this policy change
18 would affect investors and lenders. The costs were incurred in 2008 and DP&L
19 received a deferral order in 2009. Based on past Commission practices, the investors
20 and lenders had a reasonable expectation that those costs would be recovered. The

1 only uncertainties for the investors and lenders were when that recovery would occur
2 and whether the deferred costs were reasonable and prudent.

3 However, the Staff recommendation would indicate that this assumption was incorrect
4 on the part of the investors and lenders. Now in 2013, the Staff has recommended that
5 the Commission no longer follow its past practices of allowing recovery of costs that
6 were reasonable and prudently incurred and for which the Commission had previously
7 issued a deferral order. Such an action would create additional risks and uncertainties
8 that investors and lenders would have to evaluate, which would likely lead to different
9 decisions than those made in the past. This added risk will lead to increased costs of
10 capital for DP&L and potentially for other utilities in the state.

11 **Q. You stated that adoption of the Staff's recommendation may increase the cost of**
12 **capital for Ohio utilities. Can you explain?**

13 A. As noted above investors look to eliminate risk. Many investors make investment
14 decisions based on the risk adjusted returns provided by the entity. The change in the
15 treatment of past storm costs – which were reasonably and prudently incurred – will
16 be a surprise. This surprise will change their view of the risk adjusted return an
17 investment in DP&L can realize.

18 Indeed, investors have substantial experience with the "prudently incurred" standard.
19 However, investors have no experience with the new standards being advocated by
20 Staff. If Staff's recommendations in this case were adopted, then investors in Ohio
21 utilities will need to reconsider whether amounts that the Commission has authorized
22 to be deferred are probable of recovery. To conduct that analysis, investors will have

1 to consider, among other things, whether a utility's historic earnings were too high or
2 whether its historic expenses were too low. How could investors make those
3 evaluations? The result of adopting the Staff's recommendation would be to create
4 significant additional uncertainty and risk regarding whether Ohio utilities would be
5 able to recover amounts that they have been authorized to defer.

6 The investor(s) cannot go back and change their decision. However, as far as
7 continuing with their investment or making future investments, adoption of the Staff's
8 recommendation would force investors to require higher returns because of the added
9 risk.

10 **Q. What would DP&L have to do to provide higher returns in order to continue to**
11 **attract capital?**

12 **A.** DP&L would need to ask this Commission to approve a higher return on equity so that
13 it could continue to attract capital.

14 **Q. You indicate above that Staff's recommendation to disallow these storm costs**
15 **constitutes retroactive ratemaking. Can you explain?**

16 **A.** Yes. The Staff's justification for disallowing the storm costs is based on an ad hoc
17 analysis of the financial results of DP&L over the past twelve years. Staff annualizes
18 distribution O&M expenses over the twelve years and compares each year to the
19 amount allowed in the last test year. Based upon its analysis, Staff asserts that DP&L
20 did not incur distribution O&M expenses in each year equal to what was allowed in
21 the 1991 test year that was later used in the 1999 Electric Transition Plan ("ETP")

1 case. Staff then summed the differences and compared them to the total storm costs
2 incurred; Staff asserts that the difference shows that DP&L's distribution O&M
3 expense reductions outweighed storm O&M costs.

4 With this analysis, Staff is in essence re-doing the rates that were agreed to in the 1999
5 ETP case based on the 1991 test year. The Commission issued an order that the rates
6 in 1999 were just and reasonable. Now, the Staff would conclude that they were not
7 just and reasonable and should have been lower. Then, the Staff recommends that
8 DP&L's reduced distribution O&M spending be used to offset the reasonably incurred
9 storm costs that the Commission had approved for deferral. That is retroactive
10 ratemaking with the Staff depending only on the fact that distribution O&M expenses
11 were not incurred at the same level as they were included in the 1991 test year.

12 **Q. If the Commission were to consider DP&L's historic O&M expenses, are there**
13 **other items that the Commission should consider?**

14 A. Yes. The Staff's analysis focuses on one element of costs: distribution O&M
15 expenses. It fails to consider all the other elements of costs that are included in
16 determining utility rates. Staff's analysis fails to consider DP&L's investments in
17 capital assets, with the related depreciation and return requirements, that played a
18 substantial role in achieving the distribution O&M expense reductions. If the
19 Commission considers the level of technological and business transformation that has
20 occurred since 1991 in DP&L distribution operations, Staff's focus on just the one
21 element, distribution O&M expenses, is seriously flawed. Expecting the 2011 and
22 1991 distribution O&M expenses to be comparable as the Staff is doing would be the

1 same as expecting the old rotary dial phones to do the same thing in the same way as
2 today's smartphones.

3 **Q. Can you explain your earlier conclusion that companies and their auditors will**
4 **have to wait for the final rate order to determine if a regulatory asset can be**
5 **recorded?**

6 A. Yes. A regulatory asset is recorded when the recovery of incurred costs is probable of
7 future recovery in rates. Currently, for those companies under the Commission's
8 jurisdiction, there is a high probability of recovery on certain types of costs like storm
9 restoration costs. This is because the Commission has established the precedent of
10 providing deferral accounting orders and then allowing recovery of those reasonably
11 and prudently incurred costs in rates. If the Commission were to adopt Staff
12 recommendations, those precedents would no longer exist and the deferrals would not
13 be recorded until a final rate order authorizing recovery of the costs in rates was
14 issued. So in the case of the 2008 storm costs, they would have been expensed in
15 2008 and would not be deferred until the Commission authorized the recovery of those
16 costs. That result would create significant fluctuations in company earnings.

17 **IV. CONCLUSION**

18 **Q. Can you summarize your testimony?**

19 A. Yes. I believe that Staff's recommendation that the Commission disallow the recovery
20 of storm costs that have already received a deferral order is not appropriate. Staff's
21 use of an ad hoc analysis of historical distribution O&M expenses and failure to

1 consider all the other cost elements included in base rates to support its
2 recommendation is seriously erroneous. Staff's use of retroactive ratemaking would
3 be a significant departure in policy and may cause significant concern among investors
4 and lenders.

5 Finally, the Commission should follow its historical precedent of allowing the
6 recovery of reasonable and prudently incurred costs once a deferral accounting order
7 is issued, because failing to do so would indicate to investors and lenders that they
8 cannot rely upon such orders. The timely recording of deferred costs may no longer
9 occur and companies may be forced to wait until a final rate order allowing cost
10 recovery is issued to record the deferral.

11 **Q. Does this conclude your direct testimony?**

12 **A.** Yes, it does.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Testimony in Response to Staff Audit Report of Michael E. Barrett has been served via electronic mail upon the following counsel of record, this 17th day of January, 2014:

Melissa R. Yost, Esq., (Counsel of Record)
Larry S. Sauer, Esq.
Assistant Consumers' Counsel
Office of The Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
yost@occ.state.oh.us
sauer@occ.state.oh.us

Attorneys for Office of the Ohio Consumers' Counsel

Mark S. Yurick, Esq.
(Counsel of Record)
Zachary D. Kravitz, Esq.
TAFT STETTINIUS & HOLLISTER LLP
65 East State Street, Suite 1000
Columbus, OH 43215
myurick@taftlaw.com
zkravitz@taftlaw.com

Attorneys for The Kroger Company

Bryce A. McKenney
Gregory A. Price
Attorney General's Office
Public Utilities Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, OH 43215
Bryce.McKenney@puc.state.oh.us
Greg.Price@puc.state.oh.us

s/ Jeffrey S. Sharkey _____
Jeffrey S. Sharkey

Attachment 1

Michael E. Barrett, CPA

Curriculum Vitae and Summary of Professional Testimony

Michael Barrett is the Principal with MBarrett Consulting, LLC. He has over 35 years of public accounting experience serving the power & utility industry. He is a retired partner with the firm of Ernst & Young LLP. Ernst & Young is one of the "Big Four" accounting firms and one of the largest professional services firms in the world. At Ernst & Young Mr. Barrett specialized in providing audit and consulting services to the electric, gas, water and wastewater industries. He is a Certified Public Accountant in several states including Pennsylvania, Georgia, and Florida. Mr. Barrett graduated cum laude from the University of Scranton in 1976 with a Bachelor of Science in Accounting. In 1976, Mr. Barrett started his career with the Federal Power Commission, which later became the Federal Energy Regulatory Commission, as a field auditor responsible for completing audits of electric and gas utilities for compliance with the Commission's Uniform System of Accounts. In 1980, he joined Harvey Hubbell, Inc. a manufacturing company in Orange, CT., as a senior internal auditor. There he was responsible for financial and operational audits of the various divisions of the Company. In 1981, he joined Coopers & Lybrand in their national utility industry program as a supervisor responsible for audits and consulting projects to utilities. He was admitted into the partnership in 1988 and served as the Firm's national utility industry leader for the business assurance line of business. In 1998, he joined the firm of Ernst & Young as National Director-Utilities. He relinquished that role in September 2006 and became the Firm's Southeast Area Power & Utility Sector Leader.

Mr. Barrett's experience includes financial audits of numerous electric and gas utilities including rural electric cooperatives, and several energy marketers and traders. He has also performed contract audits of power purchase agreements. He has also testified as an expert in regulatory proceedings and arbitrations. In addition to his audit experience his non-audit client experience has included examinations of prospective financial information and analysis of projections, assistance in mergers and acquisitions including due diligence and financial analysis, financial systems design and implementation and organization and staffing assessments.

Mr. Barrett is a member of the American Institute of Certified Public Accountants. He is a former member of the Corporate Accounting Committee of the Edison Electric Institute and American Gas Association. He has served as the Treasurer of the Alliance to Save Energy. Mr. Barrett also co-authored a biennial report "Survey of FERC Compliance Audit Findings" published by the Corporate Accounting Committee. He has also spoken at numerous industry conferences and training courses sponsored by both industry associations, Coopers & Lybrand and Ernst & Young. Below is a listing of his professional testimony, including his recent testimony before the LPSC.

Prepared under Attorney/Client Privilege

Year	Matter	Reference
2013	California-American Water Company for Approval of the Monterey Peninsula Water Supply Project and Authorization to Recover All Present and Future Costs in Rates Before the Public Utilities Commission of California	A.12-04-019 Filed April 23, 2012
2012	Narragansett Gas Company Annual Gas Cost Review Reconciliation before Rhode Island Public Utility Commission	N/A
	Niagara Mohawk Power Corporation Before the State of New York Public Service Commission	Docket Nos. NIMO 12-E-0201 and 12-G-0202
	Yankee Gas Services Company Before the Connecticut Public Utility Regulatory Authority	Docket No. 10-12-02
2010	South Jersey Gas Company In the Matter of Petition for Approval Of Increased Base Tariff Rates	BPU Docket No. GR 10010035
	United States of America vs. Louisiana Generating LLC	Civil Action No. 09-CV-100-RET-CN
2009	Entergy Gulf States, Inc. Before the Louisiana Public Service Commission	Consolidated Dockets U-21453, U-20925, U22092 (Subdocket J)
2008	United States of America vs. Kentucky Utilities Company	Civil Action No. 5:07-CV-75-KSF
	New Jersey Natural Gas Company Before the New Jersey Board of Public Utilities	Docket No. GR06060415
2006	Columbia Gas of Virginia, Inc. Before the Commonwealth of Virginia State Corporation Commission	Case Nos. PUE – 2005 – 00098, 10000
2005	United States of America vs. East Kentucky Power Cooperative, Inc.	Civil Action No. 04-34-KSF
	Florida Power & Light Company Before the Florida Public Utility Commission	Docket No, 050045-EI

Prepared under Attorney/Client Privilege

Year	Matter	Reference
	Application of Nevada Power for Authority to Adjust Electric Rates Before the Nevada Public Service Commission	N/A
2004	The United States et. al. vs. American Electric Power Company, et. al.	Civil Action Nos. C2 99-1182, C2 99-1250
	South Jersey Gas Company In the Matter of Petition for Approval Of Increased Base Tariff Rates	BPU Docket no. GR 03080683
	Application of Madison Gas and Electric Company for Authority to Adjust Electric and Natural Gas Rates Before the Wisconsin Public Service Commission	N/A
	Application of Wisconsin Public Service Company for Authority to Adjust Electric Rates Before the Wisconsin Public Service Commission	N/A
	Nicor Gas Company vs. Illinois Commerce Commission	Docket No. 01-0705, 02-0067, 02-0725
2001	Cinergy Corporation vs. The United States	N/A
2000	South Jersey Gas Company and Elizabethtown Gas Company Before the New Jersey Board of Public Utilities	N/A
1999	Delaware Electric Cooperative Before the Delaware Public Service Commission	Docket 99-457
	Investigation by the D.T.E. into Boston Edison's Compliance With the Department's Order in D.P.U. 93-37	DPU 97-95
1998	Public Service of New Hampshire, North Atlantic Energy Corporation, Northeast Utilities and Northeast Utilities Service Company vs. Public Utilities Commission of the State of New Hampshire	N/A

Prepared under Attorney/Client Privilege

Year	Matter	Reference
	Duquesne Light Company vs. State of Ohio	Re: Property Tax Assessment
1997	City of Warton, Pasadena and Galveston Texas Individually and as Class Representatives vs. Houston Lighting & Power Company and Houston Industries Finance, Inc.	Pursuant to Texas Rule of Civil Procedures Regarding Cause No. 96- 016613
	Application of ODEC for correction of Assessments of Gross Receipts Taxes and for a Refund - tax year 1997	Case No. PST970002
	American Bituminous Power Partners, L.P. vs. Monongahela Power Company	Case No 55-198-012-96 DAW
1992	Florida Cities Water Company vs. Hillsborough County, FL	N/A
	City of Palm Bay, FL and City of North Port, FL vs. General Development Utilities, Inc.	Arbitration
	North Carolina Municipal Power Agency No. 1 and Piedmont Municipal Power Agency vs. Duke Power Co.	Fourth Arbitration
	Seaboard Water Co. vs. Hillsborough County, FL	N/A
	The Florida Public Service Commission vs. General Development Utilities, Inc. Port Malabar and West Coast Divisions	Docket No. 911030-WS & Docket No. 911067-W

Prepared under Attorney/Client Privilege

Year	Matter	Reference
1991	City of Austin – City Commissions vs. Southern Union Gas Company	N/A
	Nevada Public Service Commission vs. Sierra Power Company	Docket No. 91-7079, et. al.
1989	Public Service Commission of The State of Tennessee vs. United Cities Gas Company	Docket No. 89-10017
1987	Central Florida Gas Company vs. Florida Public Service Commission	Docket No. 8970118-GU
1985	Public Service Commission of Delaware vs. Chesapeake Utilities Corporation Delaware Division	Docket No. 85-17
3	Eastern Shore Natural Gas Company vs. Federal Energy Regulatory Commission	Docket No. RP83-32-000
	Chesapeake Utilities - Citizens Division vs. Maryland Public Service Commission	Case No. 7952
1982	Chesapeake Utilities - Delaware Division vs. Delaware Public Service Commission	Docket No. 82-10

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/17/2014 4:47:17 PM

in

Case No(s). 12-3062-EL-RDR, 12-3266-EL-AAM

Summary: Testimony Testimony in Response to Staff Audit Report of Michael E. Barrett electronically filed by Mr. Jeffrey S Sharkey on behalf of The Dayton Power and Light Company