

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Vectren :
Energy Delivery of Ohio, :
Inc., for Approval of an : Case No. 13-1571-GA-ALT
Alternative Form of :
Regulation. :

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PROCEEDINGS

before Ms. Mandy Willey Chiles, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-A, Columbus, Ohio, called at 10
a.m. on Tuesday, January 21, 2014.

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APPEARANCES:

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On behalf of the Applicant.

Bruce E. Weston,
Ohio Consumers' Counsel
By Mr. Larry S. Sauer
and Mr. Joseph P. Serio,
Assistant Consumers' Counsel
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On behalf of the Residential Consumers of
Vectren Energy Delivery of Ohio, Inc.

Mike DeWine, Ohio Attorney General
By Mr. William L. Wright,
Section Chief
Public Utilities Section
Mr. Ryan P. O'Rourke,
Assistant Attorney General
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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1 Tuesday Morning Session,
2 January 21, 2014.

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4 EXAMINER CHILES: We'll go ahead and go
5 on the record. The Public Utilities Commission of
6 Ohio has called for hearing at this time and place
7 Case No. 13-1571-GA-ALT being in the Matter of the
8 Annual Application of Vectren Energy Delivery of
9 Ohio, Inc., for Approval of an Alternative Form of
10 Regulation.

11 My name is Mandy Chiles, and I am the
12 Attorney Examiner assigned by the Commission to hear
13 this case. Let's begin by taking appearances of the
14 parties. On behalf of Vectren.

15 MR. WHITE: Thank you, your Honor. Mark
16 Whitt and Andrew Campbell for the law firm of Whitt
17 Sturtevant LLP, 88 East Broad Street, Suite 1590,
18 Columbus, Ohio 43215.

19 EXAMINER CHILES: Thank you.
20 OCC.

21 MR. SAUER: Thank you, your Honor. On
22 behalf of the residential customers of Vectren Energy
23 Delivery of Ohio, Office of the Ohio Consumers'
24 Counsel, Bruce J. Weston, Consumers' Counsel, Joseph
25 P. Serio and Larry S. Sauer, Assistant Consumers'

1 Counsel, 10 West Broad Street, Suite 1800 Columbus,
2 Ohio 43215.

3 EXAMINER CHILES: Thank you.

4 And staff.

5 MR. O'ROURKE: Thank you, your Honor.

6 Ryan O'Rourke with the Ohio Attorney General's
7 Office, Public Utilities Section, representing staff
8 today. My address is 180 East Broad Street, 6th
9 Floor, Columbus, Ohio 43215.

10 EXAMINER CHILES: Thank you.

11 I understand that a stipulation has been
12 filed by Vectren and staff and also that all parties
13 have agreed to admission of all testimony filed in
14 this case including supplemental and rebuttal
15 testimony and will waive cross-examination; is that
16 correct?

17 MR. WHITE: That is correct.

18 MR. SAUER: That is correct.

19 EXAMINER CHILES: Thank you. Let's go
20 ahead and mark the exhibits then and then you may
21 move for their admission.

22 You want to begin?

23 MR. WHITT: Certainly, your Honor. One
24 point of clarification, I don't have a strong
25 preference, but I am not sure if we are going to move

1 in the comments of the parties as opposed to
2 testimony?

3 MR. SAUER: We typically have marked and
4 included in the record the comments and reply
5 comments that were filed, and I was assuming we would
6 do the same thing in this case as well.

7 EXAMINER CHILES: I have no preference.
8 Whatever the parties would like to mark and admit to
9 the record.

10 MR. SAUER: That would be our preference.

11 MR. WHITE: That's fine. Would you like
12 me to start with my exhibits?

13 EXAMINER CHILES: Mr. O'Rourke?

14 MR. O'ROURKE: Yeah, we had intended to
15 move our comments in.

16 EXAMINER CHILES: Okay. Thank you.

17 Mr. Whitt, you can begin.

18 MR. WHITT: Thank you, your Honor.
19 Vectren would move -- would mark for identification
20 the following exhibits: Exhibit 1 would be its
21 application.

22 EXAMINER CHILES: So marked.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 MR. WHITT: Exhibit 2 would be the direct
25 testimony of James Francis.

1 EXAMINER CHILES: So marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. WHITT: Exhibit 3 would be the direct
4 testimony of Scott Albertson.

5 EXAMINER CHILES: So marked.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 MR. WHITT: Exhibit 4 would be the
8 supplemental direct testimony of Scott Albertson.

9 EXAMINER CHILES: So marked.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MR. WHITT: And Exhibit 5 would be reply
12 comments of Vectren Energy Delivery of Ohio.

13 EXAMINER CHILES: So marked.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 MR. WHITT: And Vectren would, therefore,
16 move for the admission of the exhibits marked VEDO 1
17 through 5.

18 EXAMINER CHILES: Just to confirm are
19 there any objections to the admission of Vectren
20 Exhibits 1 through 5?

21 MR. SAUER: No objections.

22 EXAMINER CHILES: Hearing none Vectren
23 Exhibits 1 through 5 will be admitted.

24 (EXHIBITS ADMITTED INTO EVIDENCE.)

25 EXAMINER CHILES: All right.

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OCC.

MR. SAUER: Thank you, your Honor. OCC would ask to be marked as Exhibit 1 OCC comments that were filed on October 30.

EXAMINER CHILES: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SAUER: Exhibit 2 would be OCC reply comments that were filed on November 13.

EXAMINER CHILES: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SAUER: Exhibit 3 would be the direct testimony of Steven Hines that was filed January 14 of 2014.

EXAMINER CHILES: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SAUER: Exhibit 4 would be the direct testimony of Bruce Hayes that was filed on January 14 of 2014.

EXAMINER CHILES: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SAUER: And Exhibit 5 would be the supplemental testimony of Bruce Hayes that was filed on January 17 of 2014.

EXAMINER CHILES: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

1 MR. SAUER: OCC would ask those exhibits
2 be moved into evidence as well.

3 EXAMINER CHILES: Is there any objection
4 to OCC Exhibits 1 through 5?

5 Hearing none they will be admitted.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 EXAMINER CHILES: Mr. O'Rourke.

8 MR. O'ROURKE: Thank you, your Honor.
9 Staff has marked two exhibits. The first is the set
10 of comments that staff submitted on October 30, 2013.
11 The second exhibit is the set of reply comments that
12 staff submitted on November 13, 2013.

13 We would move those into evidence.

14 (EXHIBITS MARKED FOR IDENTIFICATION.)

15 EXAMINER CHILES: Do any of the parties
16 intend to mark and move into admission the partial
17 stipulation?

18 MR. WHITT: Yes, your Honor. Vectren
19 would move and I believe staff will be moving as well
20 for the admission of what we have marked as Joint
21 Exhibit 1 which is the stipulation between the
22 company and staff.

23 EXAMINER CHILES: Okay. Just to finish
24 with staff's exhibits are there any objections to the
25 admission of Staff Exhibits 1 and 2?

1 MR. SAUER: No objection.

2 EXAMINER CHILES: Hearing none Staff
3 Exhibits 1 and 2 will be admitted.

4 (EXHIBITS ADMITTED INTO EVIDENCE.)

5 EXAMINER CHILES: And the stipulation
6 will be marked as, did you say, Joint Exhibit 1?

7 MR. WHITT: Yes, your Honor.

8 EXAMINER CHILES: It is so marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 EXAMINER CHILES: Before you move for its
11 admission I just have one question for counsel about
12 the stipulation. If you turn to page 2 of what's
13 been marked as Joint Exhibit 1, I just have a
14 question about the meaning of the first sentence. It
15 says "Except for enforcement purposes, neither the
16 stipulation nor the information and data contained
17 herein or attached hereto shall be cited as precedent
18 in any future proceedings for or against any party,
19 or the Commission itself, if the Commission approves
20 the stipulation."

21 That sometimes is just a little confusing
22 to me. Can either of you confirm what that sentence
23 means? Are you intending to say the Commission, if
24 it approves the stipulation, may not cite this
25 stipulation or the information or data in the future

1 as precedent?

2 MR. O'ROURKE: Your Honor, I don't think
3 from staff's perspective we were attempting to bind
4 the Commission in anything that it can cite to. It
5 was more a reflection that this is a compromised
6 position, and it shouldn't be cited against staff in
7 a future proceeding.

8 EXAMINER CHILES: Okay. Thank you for
9 clarifying that.

10 Are there any objections to the admission
11 of Joint Exhibit 1?

12 Hearing none Joint Exhibit 1 will be
13 admitted.

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 EXAMINER CHILES: I believe that is all
16 the exhibits.

17 Let's talk about a briefing schedule.
18 Let's see, today is January 21. It looks like from
19 my calculation the company's current alternative rate
20 plan is scheduled to end on February 22.

21 MR. WHITT: That's correct, your Honor,
22 and for what it's worth I have discussed a possible
23 schedule with counsel for OCC; I have not discussed
24 it with staff. I am happy to do so unless the Bench
25 has its own schedule.

1 EXAMINER CHILES: You can go ahead.

2 MR. WHITT: I had talked with counsel
3 from OCC having initial briefs on January 30 and
4 reply briefs on February 7.

5 EXAMINER CHILES: That's fine with the
6 Bench.

7 Mr. O'Rourke?

8 MR. O'ROURKE: That's fine.

9 EXAMINER CHILES: OCC?

10 MR. SAUER: Yes, that's fine with us.

11 EXAMINER CHILES: I was going to propose
12 something longer, but shorter would be great given
13 the short amount of time we have here. So initial
14 briefs will be due you said January 30?

15 MR. WHITT: Yes, your Honor.

16 EXAMINER CHILES: And reply briefs will
17 be due February 1.

18 MR. WHITT: February 7.

19 MR. SAUER: February 7.

20 EXAMINER CHILES: I'm sorry. That would
21 be a very short reply period.

22 Is there anything further to come before
23 us today?

24 All right. Thank you. Hearing nothing
25 we are adjourned.

(Thereupon, the hearing was concluded at
10:10 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, January 21,
2014, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5806)

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Summary: Transcript in the matter of Vectren Energy Delivery of Ohio, Inc. hearing held on 01/21/14 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.