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PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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CASE NUMBERS 14-841-EL-SSO

14-842-EL-ATA

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Wednesday, September 10, 2014

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Public Utilities Commission of Ohio

Local Public Hearing, in the Matter of the  
Application of Duke Energy Ohio, Inc. for  
authority to establish a standard service offer  
pursuant to Ohio Revised Code 4928.143 in the  
form of an electric security plan, accounting  
modification, and tariffs for generation service  
and for authority to amend its tariffs.

Also Present:

HEARING OFFICER: Nick Walstra

COMMISSIONER: Asim Haque

1 HEARING OFFICER: We've gone on the  
2 record here. Thank you guys all for  
3 coming. We'll get started.

4 I'm Nick Walstra. I'm an attorney  
5 examiner with the Utilities Commission.  
6 I'm in the legal department. We're here  
7 in the Public Utilities Commission of  
8 Ohio public hearing set for this time  
9 and place, Case Numbers 14-841-EL-SSO  
10 and 14-842-EL-ATA, which is captioned in  
11 the Matter of the Application of Duke  
12 Energy of Ohio, Incorporated for  
13 authority to establish a standard  
14 service offer pursuant to Revised Code  
15 4928.143 in the form of an electric  
16 security plan, accounting modification,  
17 and tariff for generation service, and  
18 for authority to amend its certified  
19 supplier tariff PUCO No. 20.

20 With me here today is one of the  
21 Commissioner, Asim Haque. And he will  
22 leave us with some remarks.

23 MR. HAQUE: Good evening. As Nick  
24 said, my name is Asim Haque. I'm the  
25 vice chairman of the Public Utilities

1 Commission of Ohio.

2 Thanks to all of you for coming  
3 this evening. The process for how this  
4 hearing will proceed will be described  
5 by Mr. Walstra here very shortly, but  
6 what I wanted to tell you from a  
7 Commissioner's perspective is, we really  
8 value these local public hearings.  
9 They're extremely important to us. What  
10 you say -- and Mr. Walstra will tell  
11 about this. What you say ends up being  
12 part of the record, the full record of  
13 the case when we review the case. And  
14 so what you say tonight can have a lot  
15 of impact. And we very much encourage  
16 you to make remarks. We encourage you  
17 to testify. We encourage you to try to  
18 be as substantive as possible as you can  
19 be with your remarks. And I think that  
20 again, as a Commissioner who reviews  
21 these cases, these remarks can be very  
22 helpful. We're really grateful that  
23 you're here. And please feel free after  
24 the proceedings -- if you're not  
25 comfortable getting up and testifying

1 and putting yourself on the record for  
2 the case, please feel free to stay  
3 after. We would be happy to stay after  
4 and try and answer any questions that  
5 you might have. If in the event that we  
6 can't answer those questions, we'll make  
7 sure to get your contact information and  
8 get back in touch with you after the  
9 hearing to answer those questions.

10 So thank you very much again on  
11 behalf of the Public Utilities  
12 Commission of Ohio.

13 HEARING OFFICER: Thank you,  
14 Commissioner.

15 Also here with us today -- there  
16 are a few others from the Commission.  
17 Tammy is out front. You signed in with  
18 her. And Katie is over here from our  
19 Public Affairs. If you have questions,  
20 you can talk to both of them as well.  
21 You can talk to them after or questions  
22 outside if you need to. And there are  
23 also parties from that case here today.  
24 And I'll have them introduce  
25 themselves.

1 On behalf of the company?

2 MS. WATTS: Thank you, Your Honor.

3 On behalf of Duke Energy Ohio, Elizabeth  
4 Watts.

5 HEARING OFFICER: Thank you.

6 On behalf of the Ohio Consumers'  
7 Counsel?

8 MR. SERIO: Thank you, Your Honor.

9 On behalf of the residential utility  
10 customers of Duke Energy, Bruce J.  
11 Weston, Consumers' Counsel by Joseph P.  
12 Serio.

13 HEARING OFFICER: Thank you. Are  
14 there any other parties that are  
15 represented here today? Seeing none,  
16 I'll move on.

17 There are a number of parties that  
18 have intervened in this case that have  
19 an interest in the outcome. If people  
20 are interested in who those parties are,  
21 I can share that with you at the  
22 completion of the hearing.

23 Duke filed this application on May  
24 29th, 2014 requesting authority to  
25 establish a standard service offer for

1 the period commencing June 1, 2015. The  
2 local public hearings scheduled in this  
3 case are only one aspect of the process  
4 in this case. This is our third  
5 hearing -- public hearing so far.  
6 There's another one next week in  
7 Cincinnati on Thursday the 18th at  
8 noon. And there's an evidentiary  
9 hearing, which is scheduled to commence  
10 on October 22nd, 2014. And that takes  
11 place at the Commission offices in  
12 Columbus.

13 The purpose of tonight's hearing is  
14 to receive comments from the public  
15 regarding Duke's application in these  
16 cases. Unfortunately, this isn't a  
17 question-and-answer session. You may  
18 have questions. You can save those for  
19 us possibly after -- for the parties  
20 afterwards, but right now this is your  
21 opportunity to let the Commission know,  
22 as the Commissioner said, what you think  
23 about this case. It will go on the  
24 record. It will be shared with the rest  
25 of the Commissioners, and they will read

1           it and it will be taken into account  
2           when they make their ruling.

3           Tonight's hearing is being  
4           transcribed by a court reporter over  
5           there. If you plan to testify, please  
6           speak clearly so that the court reporter  
7           can accurately reflect your comments for  
8           the record. If you have a written  
9           statement, you can just share that with  
10          her, and she'll make sure that gets into  
11          the record.

12          When you got here, you were offered  
13          the opportunity to sign up to testify.  
14          Once I finish, I'll begin calling the  
15          witnesses forward who have signed up,  
16          ask you to come up. We'll just have you  
17          kind of stand in the middle here. We  
18          kind of got downgraded from our original  
19          room, so we don't have a podium or  
20          anything for you to stand at. You can  
21          just step forward there.

22          Since this is going into the  
23          record, I will have you take an oath or  
24          affirmation that what you say is the  
25          truth. This, like I said, could be part

1 of the official record. It will be  
2 reviewed by the Commission. We -- the  
3 parties could ask you questions if they  
4 so desire. But we do appreciate your  
5 participation in tonight's hearing. We  
6 want everyone who wishes to make a  
7 statement to have that opportunity to do  
8 so. If you decide that you don't want  
9 to testify, you can go onto the PUCO web  
10 site, look up the case number, which was  
11 14-841, and there is ways to submit  
12 written statements. You can mail them  
13 to the Commission, or I believe you can  
14 file those over the Internet.

15 So at this time, I'll begin calling  
16 witnesses forward.

17 Danny Cooper.

18 - - - - -

19 DANNY COOPER,

20 After having been first duly sworn, as  
21 hereinafter certified, was examined and testified  
22 as follows:

23 HEARING OFFICER: Will you state  
24 and spell your name for the record and  
25 give your address?



1           THE WITNESS: Danny Cooper,  
2           D-A-N-N-Y, C, double O, P-E-R. Address  
3           10867 Thornveiw in Sharonville, Ohio.

4           HEARING OFFICER: Thank you. Go  
5           ahead.

6           THE WITNESS: Okay. I looked over  
7           the -- some of the proposals. And what  
8           I'm trying to find out is my -- just to  
9           get a little background. I'm a retired  
10          Air Force Engineer. I worked on  
11          military and space systems, and no  
12          matter what systems we have, eventually  
13          they get to be -- they're obsolete. So  
14          I would hope that if there is any  
15          decommissioning of any facility that  
16          Duke has in the future, that you would  
17          have some costs that you have set aside  
18          to decommission those facilities. Is  
19          that correct?

20          HEARING OFFICER: I can't answer.

21          THE WITNESS: Okay. I understand.  
22          But along those lines, to me it looks  
23          like the proposal is for this facility  
24          to -- for the -- for the customers to  
25          bear the cost of this facility of any

1 decommissioning, any kind of work that  
2 needs to be done. And to me it should  
3 not be born on by the customer by  
4 Duke -- by customers, but should be by  
5 Duke itself. They shouldn't have costs  
6 -- the customer like us shouldn't come  
7 to any remediation, have any kind of  
8 cost to be born to decommission or to  
9 keep that facility within the --  
10 whatever the law dictates for the  
11 federal clean air act, clean water act.  
12 Those costs should be born by the  
13 contractor. That's Duke. It shouldn't  
14 be by the customer.

15 If I do a military system, I don't  
16 go back to the tax payer and say it's  
17 going to cost more to decommission  
18 this. I have to deduct those costs. I  
19 have to budget those costs. I have to  
20 pay those costs as a military engineer.  
21 So to me, the same thing applies to  
22 Duke. And Duke should be the ones  
23 paying for any kind of maintenance to  
24 keep this within federal guidelines and  
25 state, for the clean air act and water

1 act, and it shouldn't be based on --  
2 costs shouldn't come back to the  
3 customer. That's my opinion.

4 HEARING OFFICER: Thank you.

5 MR. HAQUE: Thank you very much.

6 THE WITNESS: Thank you.

7 HEARING OFFICER: Ken Flick.

8 THE WITNESS: Good evening  
9 everyone. Thank you. And thank you for  
10 letting me say what I need to say in  
11 front of you all. My name is Ken  
12 Flick --

13 HEARING OFFICER: Sir, I have to  
14 swear you in first to make sure what --

15 THE WITNESS: Yes.

16 - - - - -

17 KEN FLICK,

18 After having been first duly sworn, as  
19 hereinafter certified, was examined and testified  
20 as follows:

21 HEARING OFFICER: Okay. Now go  
22 ahead.

23 THE WITNESS: My name is Ken Flick,  
24 K-E-N, f-L-I-C-K. I live at 82 Tecumseh  
25 Drive in the village of New Miami,

1 Ohio. We are a small village. And the  
2 first thing that I would ask is that, if  
3 you all let Duke have these price  
4 increases, my village has a lot of folks  
5 that are not working. And how will that  
6 impact them? Also, twofold, those folks  
7 that are not working, how will it affect  
8 the tax payers who are subsidizing those  
9 folks who are not working? Cyclical, in  
10 a sense.

11 The other thing we wanted to know  
12 will be, if your village or your entity,  
13 say the city of Sharonville has a rate  
14 lock in place, how will that go forward  
15 and affect the rate lock for what a  
16 village or a city entity pays to Duke,  
17 or will they also have to shop like a  
18 lot of customers have?

19 Thirdly, has the Commission dealt  
20 with or are you aware that there are  
21 entities out there that are coming door  
22 to door, heavy handedly asking folks to  
23 switch providers of electrical service  
24 based on this opportunity that Duke has  
25 made themselves for.

1           Fourthly now, Duke is asking us,  
2           the tax payers, their people who are  
3           actually paying for their service, to  
4           help them deal with the costs of  
5           updating their services, their electric  
6           lines, their poles, et cetera, et  
7           cetera. You would think that with all  
8           the subsidies and such that have been  
9           given to Duke over the years, they would  
10          be able to weigh this out, make changes  
11          on a grand scale. And it sounds like  
12          that they want to put these changes into  
13          effect, be it upgrade poles, wiring,  
14          infrastructure within a matter of the  
15          time frame in which PUCO will allow them  
16          for this next rate generation up.

17                 Folks, thank you very much for  
18                 letting me speak my mind. You all have  
19                 a great evening. Thank you. Safe ride  
20                 home.

21                 HEARING OFFICER: Thank you.

22                 MR. HAQUE0: Thank you.

23                 HEARING OFFICER: I believe that's  
24                 all the witnesses that have come forward  
25                 right now. We'll go on recess for about

1 ten, 15 minutes until 7:00 to see if  
2 anyone else comes forward.

3 Feel free to come and go as you  
4 wish. And we'll just wait until 7:00  
5 just to wrap up for the record. Thank  
6 you.

7 - - - - -

8 (Recess had.)

9 - - - - -

10 HEARING OFFICER: All right. We'll  
11 go back on the record here. I didn't  
12 see anyone new walk in, and no one else  
13 signed up to testify, so we will wrap  
14 up. And this will conclude this  
15 evening's public hearing. This will be  
16 submitted on the record for the  
17 Commission's consideration in this  
18 case. Sounds like a lot of you guys  
19 have already been taking questions and  
20 getting those answered, hopefully.  
21 You're welcome to file additional  
22 comments if you want to in this case. I  
23 will, again, thank you guys all for  
24 coming. We really do appreciate you  
25 guys taking the time to make your

1 statements into the record and letting  
2 us know how you feel. So I hope you  
3 guys all have a nice evening, and thanks  
4 again.

5 MR. HAQUE: Mr. Cooper, Mr. Flick,  
6 thank you.

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8 (Hearing concluded at 7:03 p.m.)

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1 The State of Ohio, )  
 ) SS: CERTIFICATE  
2 County of Cuyahoga. )

3 I, Katrina L. Dearborn, Notary Public within  
4 and for the State of Ohio, duly commissioned and  
5 qualified, do hereby certify that the within-  
6 named witnesses were first duly sworn to testify  
7 the truth, the whole truth, and nothing but the  
8 truth in the cause aforesaid; that the testimony  
9 then given by him/her was by me reduced to  
10 stenotypy in the presence of said witnesses,  
11 afterwards transcribed on a computer, and that  
12 the foregoing is a true and correct transcript of  
13 the testimony so given by him/her as aforesaid.

9 I do further certify that this arbitration  
10 was taken at the time and place in the foregoing  
11 caption specified and was completed without  
12 adjournment.

11 I do further certify that I am not a  
12 relative, employee of, or attorney for any of the  
13 parties in the above-captioned action; I am not a  
14 relative or employee of an attorney for any of  
15 the parties in the above-captioned action; I am  
16 not financially interested in the action; I am  
17 not, nor is the court reporting firm with which I  
18 am affiliated, under a contract as defined in  
19 Civil Rule 28(D); nor am I otherwise interested  
20 in the event of this action.

17 IN WITNESS WHEREOF I have hereunto set my  
18 hand and affixed my seal of office at Cleveland,  
19 Ohio on this 20th day of September, 2014.

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Katrina L. Dearborn, Notary Public  
In and for the State of Ohio.  
my commission expires 11-02-15.



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

**Commission of Ohio Docketing Information System on**

**1/14/2015 3:45:03 PM**

**in**

**Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA**

Summary: Transcript Testimony from September 10, 2014 hearing held in Middletown, Ohio electronically filed by Ms. Katrina Dearborn on behalf of Dearborn Reporting Services