

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application :  
of the Significantly Excessive :  
Earnings Test under : Case No.  
Section 4928.143(F), Ohio : 15-928-EL-UNC  
Revised Code, and Rule :  
4901:1-35-03(C)(10), Ohio :  
Administrative Code for the :  
Dayton Power and Light Company. :

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PROCEEDINGS

Before Bryce McKenney, Attorney Examiner, held  
at the offices of the Public Utilities  
Commission of Ohio, 180 East Broad Street,  
Hearing Room 11-C, Columbus, Ohio, on Thursday,  
October 1, 2015, at 10:00 A.M.

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1 APPEARANCES:

2 Mr. Randall V. Griffin  
3 Chief Regulatory Counsel  
4 The Dayton Power and Light Company  
5 1065 Woodman Drive  
6 Dayton, Ohio 45432

7 On behalf of The Dayton Power  
8 and Light Company.

9 Mr. Thomas W. McNamee  
10 Assistant Attorney General  
11 180 East Broad Street, 6th Floor  
12 Columbus, Ohio 43215

13 On behalf of the Staff of the  
14 Public Utilities Commission  
15 of Ohio.

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1 Thursday Morning,  
2 October 1, 2015.

3 - - -

4 ATTORNEY EXAMINER: The Public  
5 Utilities Commission of Ohio calls for hearing  
6 at this time and place Case No. 15-928-EL-UNC  
7 being in the matter of the Application of  
8 Significantly Excessive Earnings Test for the  
9 Dayton Power and Light Company.

10 My name is Bryce McKenney, I am the  
11 Attorney Examiner assigned by the Commission to  
12 hear this case.

13 At this time I will take the  
14 appearances of the parties. Mr. Griffin.

15 MR. GRIFFIN: Yes. I am Randall  
16 Griffin, appearing on behalf of The Dayton Power  
17 and Light Company. And I have given my business  
18 card to the court reporter for address and phone  
19 number.

20 ATTORNEY EXAMINER: Thank you, Mr.  
21 Griffin. Mr. McNamee.

22 MR. MCNAMEE: On behalf of the Staff  
23 of the Public Utilities Commission of Ohio,  
24 William Wright, Section Chief, Public Utilities  
25 Section; I am Thomas McNamee, Assistant Attorney

1 General. The address is 180 East Broad Street,  
2 Columbus, Ohio.

3 ATTORNEY EXAMINER: Thank you, Mr.  
4 McNamee. It's my understanding that a  
5 stipulation and recommendation has been filed in  
6 this case between the staff and the company.  
7 Mr. Griffin, are you prepared to present a  
8 witness in support of that stipulation?

9 MR. GRIFFIN: I am, your Honor.  
10 First I would like to hand to, your Honor, three  
11 exhibits I would like marked as indicated on  
12 top.

13 What I have marked as Company  
14 Exhibit No. 1 is the original application in  
15 this case.

16 I have marked as Exhibit No. 2 a  
17 supplemental to that application.

18 And I have marked as Exhibit 3 the  
19 prefiled testimony of Mr. Eric Brown.

20 ATTORNEY EXAMINER: They will be so  
21 marked.

22 (EXHIBITS HEREBY MARKED FOR  
23 IDENTIFICATION PURPOSES)

24 MR. GRIFFIN: And I would like to  
25 call Mr. Brown to the stand.

1 (WITNESS SWORN)

2 - - -

3 ERIC R. BROWN

4 called as a witness, being first duly sworn,  
5 testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Griffin:

8 Q. Good morning, Mr. Brown. Could you  
9 state, or could you explain what your role is at  
10 Dayton Power, and what your role in this case  
11 has been?

12 A. I am employed as a regulatory  
13 analyst in the Regulatory Operations Department.  
14 I was involved in negotiations and preparation  
15 of the applications.

16 Q. And the document that has been  
17 marked Company Exhibit No. 3, is that your  
18 prefiled testimony?

19 A. That is.

20 Q. Do you have any changes or  
21 alterations to make to that?

22 A. I do not.

23 Q. If I asked you the same questions  
24 under oath today would your answers be the same?

25 A. They would.

1 MR. GRIFFIN: Your Honor, with that  
2 Mr. Brown is available for cross.

3 ATTORNEY EXAMINER: Thank you.  
4 Anything from staff?

5 MR. MCNAMEE: I have no questions,  
6 your Honor.

7 ATTORNEY EXAMINER: I have no  
8 questions. Thank you.

9 THE WITNESS: Thank you.

10 MR. GRIFFIN: With that, your Honor,  
11 I would move into evidence Company's Exhibit 1,  
12 2 and 3.

13 ATTORNEY EXAMINER: Objections to  
14 admit Company Exhibits 1, 2 and 3?

15 MR. MCNAMEE: No objections.

16 ATTORNEY EXAMINER: They will be so  
17 admitted.

18 (EXHIBITS ADMITTED INTO EVIDENCE)

19 MR. GRIFFIN: Then, your Honor, I  
20 have also marked as Joint Exhibit No. 1 the  
21 stipulation in this case, and I would request it  
22 also be moved into evidence.

23 ATTORNEY EXAMINER: It will also be  
24 admitted.

25 (EXHIBIT ADMITTED INTO EVIDENCE)



1                   MR. GRIFFIN: And that concludes the  
2 presentation of the Company, your Honor.

3                   ATTORNEY EXAMINER: Thank you, Mr.  
4 Griffin. Anything from staff?

5                   MR. MCNAMEE: Nothing at all.

6                   ATTORNEY EXAMINER: I have nothing  
7 further. If there is nothing we are adjourned.  
8 Thank you, everyone.

9                   (At 10:10 A.M. the hearing was  
10 concluded)

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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  
October 1, 2015, and carefully compared with my  
original stenographic notes.

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Michael O. Spencer,  
Registered Professional  
Reporter.

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

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**Case No(s). 15-0928-EL-UNC**

Summary: Transcript in the matter of the Dayton Power and Light Company hearing held on 10/01/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.