

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application:
of the Ohio Development Services:
Agency for an Order Approving : Case No.
Adjustments to the Universal : 16-1223-EL-USF
Service Fund Riders of :
Jurisdictional Ohio Electric :
Distribution Utilities. :

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PROCEEDINGS

Before Greta See, Attorney Examiner, held at the
Public Utilities Commission of Ohio, 180 East
Broad Street, Hearing Room 11-C, Columbus, Ohio,
on Tuesday, August 9, 2016, at 10:00 A.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

APPEARANCES:

Bricker & Eckler
By Mr. Dane Stinson
100 South Third Street
Columbus, Ohio 43215

On behalf the Ohio Development
Services Agency.

Mr. Thomas W. McNamee
Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

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

Carpenter Lipps & Leland
By Mr. Ryan P. O'Rourke
280 North High Street, Suite 1300
Columbus, Ohio 32115

On behalf of Kroger Company.

Mr. Ajay Kumar
Staff Attorney
Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215

On behalf of Ohio Residential
Consumers.

McNees Wallace & Nurick
By Mr. Matthew R. Pritchard
21 East State Street, 17th Floor
Columbus, Ohio 43215

On behalf of IEU Ohio.

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1 Tuesday Morning Session,
2 August 9, 2016.

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4 ATTORNEY EXAMINER: Scheduled for
5 hearing today at this time in Case No.
6 16-1223-EL-USF being entitled In the Matter of
7 the Application of the Ohio Development Services
8 Agency for an Order Approving Adjustments to the
9 Universal Service Fund Riders of Jurisdictional
10 Ohio Electric Distribution Utilities.

11 My name is Greta See and I am the
12 Attorney Examiner assigned to this proceeding by
13 the Commission.

14 At this time I would like to take
15 appearances of the parties present. Let's start
16 with Ohio Development Services.

17 MR. STINSON: Yes, your Honor. On
18 behalf of the Ohio Development Services Agency
19 the law firm of Bricker & Eckler LLP, Dane
20 Stinson, 100 South Third Street, Columbus, Ohio
21 43215.

22 I have also been authorized to enter
23 the appearances of the following parties.

24 The Dayton Power and Light Company
25 by Randall V. Griffin, Judi L. Sobecki, Michael

1 J. Schuler, MacGregor Park, 1065 Woodman Avenue,
2 Dayton, Ohio 45432.

3 Duke Energy Ohio, Inc. by Elizabeth
4 H. Watts, 155 East Broad Street, Columbus, Ohio
5 43215.

6 Ohio Partners for Affordable Energy
7 by Colleen L. Mooney, Post Office Box 1793, 231
8 West Lima Street, Findlay, Ohio 45839.

9 And on behalf of the FirstEnergy
10 Corporation Carrie M. Dunn, 76 South Main
11 Street, Akron, Ohio 44308. Thank you.

12 And one other. Sorry. Also Ohio
13 Power by Steven T. Nourse and Matthew J.
14 Satterwhite, AEP Service Corporation, 1
15 Riverside Plaza, Columbus, Ohio 43215.

16 ATTORNEY EXAMINER: Okay. On behalf
17 of the Staff of the Ohio Public Utilities
18 Commission.

19 MR. MCNAMEE: On behalf of the Staff
20 of the Public Utilities Commission of Ohio I am
21 Thomas W. McNamee, Assistant Attorney General.
22 The address is 30 East Broad Street, 16th Floor,
23 Columbus, Ohio 43215.

24 ATTORNEY EXAMINER: On behalf of the
25 Kroger Company.

1 MR. O'ROURKE: Thank you, your
2 Honor. On behalf of Kroger, Kim Bojko and Ryan
3 O'Rourke of the law firm of Carpenter Lipps &
4 Leland. Our address is 280 North High Street,
5 Columbus, Ohio 43215. Phone Number 614-
6 365-4100.

7 ATTORNEY EXAMINER: On behalf of
8 Ohio Consumers' Counsel.

9 MR. KUMAR: On behalf of the
10 Residential Consumers of the State of Ohio, the
11 Ohio Consumers' Counsel, Bruce Weston, by Ajay
12 Kumar, 10 West Broad Street, 18th Floor,
13 Columbus, Ohio 43215.

14 ATTORNEY EXAMINER: On behalf of the
15 Industrial Energy Users of Ohio.

16 MR. PRITCHARD: Thank you. On
17 behalf of IEU Ohio, I am Matt Pritchard with the
18 law firm of McNees, Wallace & Nurick, 21 East
19 State Street, Columbus, Ohio 43215.

20 ATTORNEY EXAMINER: Mr. Stinson.

21 MR. STINSON: Yes, your Honor. I
22 have marked in this proceeding for
23 identification purposes the Joint Stipulation
24 and Recommendation as Joint Exhibit No. 1.

25 That Joint Stipulation has been

1 signed by the Ohio Development Services Agency,
2 Cleveland Electric Illuminating Company, Toledo
3 Edison Company, Ohio Edison, Ohio Power, Dayton
4 Power and Light, Duke Energy, IEU Ohio, and
5 Kroger.

6 The remaining parties to this
7 proceeding are not signatories to the Joint
8 Stipulation, but do not oppose it. Those would
9 be the PUCO Staff, the Office of the Ohio
10 Consumers' Counsel, and Ohio Partners for
11 Affordable Energy.

12 I have also marked for
13 identification purposes the testimony of Susan
14 M. Moser which supports the stipulation marked
15 as ODSA exhibit No. 1.

16 The parties to this proceeding have
17 authorized me to represent that they have no
18 cross-examination of Ms. Moser. And they have
19 also stipulated to the admission of Joint
20 Exhibit 1 and ODSA Exhibit No. 1.

21 ATTORNEY EXAMINER: And from Mr.
22 Stinson's representations I would assume that
23 there are no objections to the admission of
24 either Joint Exhibit 1 or ODSA Exhibit 1.

25 MR. MCNAMEE: Staff has no

1 objections. I would perhaps by way of
2 explanation note that the Staff's participation
3 in these proceedings, as the Bench knows, is
4 limited rather to sort of mathematical review of
5 the filings. That has been accomplished. No
6 problems were identified.

7 And so our failure to sign the
8 stipulation does not indicate any objection or
9 any problem with it, just rather it reflects our
10 rather limited role in the case.

11 ATTORNEY EXAMINER: If there is no
12 further objections, or, I am sorry, if there are
13 no objections, then Joint Exhibit 1 and ODSA
14 Exhibit 1 shall be admitted into the record.

15 (EXHIBITS HEREBY ADMITTED INTO
16 EVIDENCE)

17 ATTORNEY EXAMINER: Mr. Stinson,
18 were you planning on moving the Notice of Intent
19 to file the application?

20 MR. STINSON: Yes. I would mark
21 that as ODSA Exhibit No. 2.

22 (EXHIBIT HEREBY MARKED FOR
23 IDENTIFICATION PURPOSES)

24 ATTORNEY EXAMINER: Are there any
25 objections to the admission of ODSA Exhibit 2?

1 MR. MCNAMEE: No objection.

2 ATTORNEY EXAMINER: ODSA Exhibit 2
3 is admitted into the record.

4 (EXHIBIT HEREBY ADMITTED INTO
5 EVIDENCE)

6 ATTORNEY EXAMINER: Is there
7 anything further?

8 MR. KUMAR: Your Honor?

9 ATTORNEY EXAMINER: Mr. Kumar.

10 MR. KUMAR: Your Honor, I would just
11 like to note for the record that as is OCC's
12 longstanding practice in this case OCC neither
13 opposes or supports the stipulation.

14 ATTORNEY EXAMINER: Okay. Thank
15 you.

16 MR. O'ROURKE: Your Honor, from
17 Kroger's behalf, as we spoke off the record, it
18 would be our position to move the comments into
19 the record. And be happy to do this with an
20 administrative notice so Kroger's comments come
21 in and I think it would be fair to let
22 everybody's comments come in.

23 MR. STINSON: Your Honor, ODSA would
24 oppose the motion on the basis we have entered
25 into a stipulation of the NOI phase of the

1 proceeding. Kroger has reserved it's right to
2 present comments for a succeeding phase of
3 the proceeding by putting Footnote 4 in the
4 stipulation, and I don't think it's relevant to
5 make the comments a formal part of the record in
6 this proceeding. It has nothing to do with the
7 determination made in this proceeding in the NOI
8 phase.

9 ATTORNEY EXAMINER: You trailed off
10 a little bit at the end, Mr. Stinson. Could you
11 repeat that?

12 MR. STINSON: I am sorry. My
13 statement was that ODSA objects to admitting the
14 comments of the parties into the formal record.
15 Specifically Kroger has reserved its right in
16 Footnote 4 to raise objections in the comments
17 to the rate design in subsequent phases of this
18 proceeding or in future proceedings.

19 ODSA believes that submitting the
20 comments to the formal record are not relevant
21 and add nothing to the Commission's
22 determination of this NOI phase of
23 the proceeding.

24 MR. O'ROURKE: And Kroger would just
25 offer that offering its comments informs the

1 Commission of Kroger's position set fourth in
2 Footnote 4. And the parties had an opportunity
3 to file reply comments on Kroger's initial
4 comments.

5 I don't see how there could be any
6 harm to letting comments into the record.

7 MR. STINSON: I believe the
8 stipulation supersedes comments, your Honor.

9 ATTORNEY EXAMINER: Kroger's
10 request to allow Kroger's comments as well
11 the other comments filed in this docket into the
12 record is denied.

13 The Commission can look at
14 the record and the docket itself and get the
15 scope of Kroger's position as well as the other
16 parties' reply to those comments. At this point
17 they will not be allowed into the record.

18 MR. O'ROURKE: Thank your, your
19 Honor.

20 ATTORNEY EXAMINER: Is there
21 anything further?

22 MR. STINSON: Nothing, your Honor.

23 ATTORNEY EXAMINER: With that
24 the hearing is adjourned.

25 MR. STINSON: Thank you, your Honor.

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(At 10:15 A.M. the hearing was
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 August
9, 2016, and carefully compared with my original
stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 16-1223-EL-USF

Summary: Transcript In the Matter of the Application of the Ohio Development Services Agency for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Electric Distribution Utilities, hearing held on August 9, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.