

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :  
Application of The Dayton :  
Power and Light Company :  
to Establish a Standard : Case No. 16-395-EL-SSO  
Service Offer in the Form :  
of an Electric Security :  
Plan. :

In the Matter of the :  
Application of The Dayton :  
Power and Light Company : Case No. 16-396-EL-ATA  
for Approval of Revised :  
Tariffs. :

In the Matter of the :  
Application of The Dayton :  
Power and Light Company : Case No. 16-397-EL-AAM  
for Approval of Certain :  
Accounting Authority. :

- - -

PROCEEDINGS

before Mr. Bryce McKenney, Attorney Examiner, at the  
Dayton Municipal Building, Council Chambers, Second  
Floor, 101 West Third Street, Dayton, Ohio, called at  
1:00 p.m. on Tuesday, September 27, 2016.

- - -

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- - -

1 APPEARANCES:

2 Faruki Ireland & Cox, PLL  
3 By Mr. Charles J. Faruki  
4 and Mr. Jeffrey S. Sharkey  
5 110 North Main Street, Suite 1600  
6 Dayton, Ohio 45402

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

9 Bruce J. Weston, Consumers' Counsel  
10 By Mr. Kevin F. Moore  
11 Assistant Consumers' Counsel  
12 10 West Broad Street, Suite 1800  
13 Columbus, Ohio 43215-3485

14 On behalf of the Residential Consumers of  
15 The Dayton Power and Light Company.

16 Advocates for Basic Legal Equality, Inc.  
17 By Mr. Ellis Jacobs  
18 130 West Second Street, Suite 700 East  
19 Dayton, Ohio 45402

20 On behalf of the Edgemont Neighborhood  
21 Coalition.

22 The City of Dayton, Ohio  
23 By Ms. Bridget M. Findlay  
24 Assistant City Attorney  
25 Department of Law  
101 West Third Street  
P.O. Box 22  
Dayton, Ohio 45401

On behalf of the City of Dayton.

Utility Workers Union of America  
AFL-CIO Local 175  
By Mr. Greg Adams  
2307 Embury Park Road  
Dayton, Ohio 45414

On behalf of the Utility Workers Union of  
America, Local 175.

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1 Tuesday Afternoon Session,  
2 September 27, 2016.

3 - - -

4 EXAMINER McKENNEY: We'll go on the  
5 record. Good afternoon. The Public Utilities  
6 Commission of Ohio calls for public hearing at this  
7 time and place Case No. 16-395-EL-SSO, being In the  
8 Matter of the Application of The Dayton Power and  
9 Light Company to Establish a Standard Service Offer  
10 in the Form of an Electric Security Plan.

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

14 With me this afternoon are  
15 representatives of the Public Utilities Commission of  
16 Ohio. They're in the back of the room. If you have  
17 any questions regarding utility matters unrelated to  
18 this case, you're welcome to bring those matters to  
19 them.

20 I believe there are also representatives  
21 of The Dayton Power and Light Company, and the Ohio  
22 Consumers' Counsel as well.

23 At this time, I'd like to take the  
24 appearances of the parties that are here. I'll begin  
25 with The Dayton Power and Light Company.

1 MR. FARUKI: Thank you, your Honor. Good  
2 afternoon. I'm Charlie Faruki from Faruki Ireland &  
3 Cox, Counsel of Record for The Dayton Power and Light  
4 Company. With me is my partner, Jeffrey Sharkey,  
5 from the same firm.

6 Let me also add that DP&L has here a  
7 customer service representative. I'm going to ask,  
8 with your permission, for her to stand. Since  
9 sometimes people have a question about a bill and --  
10 yes, would you stand. So, your Honor, if someone has  
11 a question of a billing nature or something about  
12 their account, as opposed to testimony to offer, they  
13 can see this nice lady and she will see that it gets  
14 straightened out.

15 EXAMINER MCKENNEY: Thank you.

16 MR. FARUKI: Thank you.

17 EXAMINER MCKENNEY: Are there any other  
18 intervening parties here today?

19 OCC.

20 MR. MOORE: My name is Kevin Moore. I'm  
21 an attorney with the Office of the Ohio Consumers'  
22 Counsel. We're the government agency that represents  
23 the residential energy consumers of Dayton Power and  
24 Light in this proceeding.

25 EXAMINER MCKENNEY: Thank you.

1 Yes.

2 MR. JACOBS: Good afternoon, your Honor.  
3 My name is Ellis Jacobs. I'm an attorney with  
4 Advocates for Basic Legal Equality. I'm here on  
5 behalf of the Edgemont Neighborhood Coalition.

6 EXAMINER MCKENNEY: Thank you,  
7 Mr. Jacobs.

8 Yes.

9 MS. FINDLEY: Good afternoon. My name is  
10 Bridget M. Findley. I'm an Assistant City Attorney  
11 and I'm here on behalf of the City of Dayton.

12 EXAMINER MCKENNEY: Thank you.

13 Are there any other intervening parties  
14 here today?

15 MR. ADAMS: Greg Adams. I'm from Utility  
16 Workers Union of America, Local 175, out of Dayton,  
17 Ohio.

18 EXAMINER MCKENNEY: Thank you.

19 The purpose of today's public hearing is  
20 to receive comments from the public regarding the  
21 application filed by The Dayton Power and Light  
22 Company. It is not a question-and-answer session,  
23 but it is an opportunity to let the Commission know  
24 what you think about DP&L's application in this case.  
25 The local public hearings are only one aspect of this

1 process. There will also be an evidentiary hearing  
2 for the parties to represent their case to the  
3 Commission.

4 I would like to caution any party that  
5 has been granted intervention in this proceeding to  
6 be careful about testifying at these public hearings  
7 so as not to forfeit any right to make your case at  
8 the evidentiary hearing.

9 When you each arrived, you were offered  
10 the opportunity to sign up to testify. After I  
11 finish with this introduction, I will begin calling  
12 witnesses forward that signed up and ask you to come  
13 forward and face the court reporter. You will need  
14 to take an oath or affirmation that what you are  
15 about to say is the truth and then state your name  
16 and address for the record.

17 Your testimony will be considered part of  
18 the official record in this case, and it will be  
19 reviewed by the Commission before they make their  
20 final decision on the application. Additionally, the  
21 parties to the case and I will be permitted to ask  
22 questions, yet only for the purpose of clarifying  
23 your statement.

24 At this time, I'd like to begin calling  
25 the names forward.

1 First, I have Stephen Vining.

2 Please raise your right hand.

3 (Witness sworn.)

4 EXAMINER MCKENNEY: Thank you. You may  
5 proceed.

6 - - -

7 STEPHEN D. VINING  
8 being first duly sworn, as prescribed by law,  
9 testified as follows:

10 DIRECT TESTIMONY

11 MR. VINING: I'm Stephen D. Vining. I  
12 live at 379 Silvercrest Terrace, Beavercreek, Ohio.  
13 I've been a continuous DP&L customer since buying my  
14 home at that address in 1987. Thank you for this  
15 opportunity to comment on DP&L's proposed new  
16 electric security plan service stability rider.

17 The situation is very clear: Ohio  
18 implemented price deregulation with the clear intent  
19 to induce competition that would drive down the  
20 consumers' cost of electric power.

21 On the other hand, DP&L's own corporate  
22 statements, as covered by the "Dayton Daily News,"  
23 make it clear that the proposed service stability  
24 rider has the specific purpose of thwarting downward  
25 pressure on the consumers' cost of electric power by



1 forcing its customers to pay DP&L for the impact of  
2 rate competition.

3 If DP&L has withdrawn, or in the future  
4 withdraws, that rider described in the newspaper, but  
5 introduces another rider with the same purpose, my  
6 position today remains valid.

7 If you approve DP&L's proposed riser --  
8 rider, you will betray the public trust in you as a  
9 regulatory body. Your own mission statement on your  
10 web homepage cites your responsibility "...for  
11 facilitating competitive utility choices for Ohio  
12 consumers." You cannot facilitate competition if you  
13 allow DP&L to make customers pay for the corporate  
14 strategy to insulate DP&L from open-market  
15 competition.

16 In the strongest possible terms, I ask  
17 you to deny DP&L's request for the proposed new  
18 rider.

19 Thank you again for this opportunity to  
20 provide comment on this issue

21 EXAMINER McKENNEY: Thank you.

22 Do you have a copy of your comments?

23 MR. VINING: I do.

24 EXAMINER McKENNEY: You may leave them at  
25 the table.

1 Michelle Riley.

2 Please raise your right hand.

3 (Witness sworn.)

4 Thank you.

5 - - -

6 MICHELLE L. RILEY

7 being first duly sworn, as prescribed by law,

8 testified as follows:

9 DIRECT TESTIMONY

10 MS. RILEY: Thank you, your Honor. I  
11 appreciate this opportunity to speak with you. I  
12 sent a letter, which you have sent a letter back  
13 acknowledging. And the reason I'm here today is  
14 sometimes a letter really can't convey what the heart  
15 does, and I think it's just important, while we're  
16 going through these hearings, that you understand the  
17 community impact.

18 I was raised in Dayton. I'm the Chief  
19 Executive Officer for the Food Bank. I am the Vice  
20 Chair for the Ohio Association of Food Banks. And I  
21 also, prior to this, was the Chief Operating Officer  
22 for the YWCA.

23 Chronic homelessness, severe mental  
24 health issues, and domestic violence. You're  
25 probably wondering why that's important. It's

1 important because in the State of Ohio there are 12  
2 food banks. We are the very smallest in delivery  
3 area. We have Montgomery County, Preble, and Greene  
4 Counties, but we report the sixth-highest need. We  
5 bounce around -- the figures that we use are about  
6 two years old because we take them from the census  
7 tract in poverty -- between 125- and 127,000 people  
8 in those two-and-a-half counties report food  
9 insecurity.

10 And if you're in a nonprofit, you fish  
11 from the same pond. When you go to get funds for  
12 your nonprofit, you have to go to the same places.  
13 And oftentimes the reason DP&L's generosity in our  
14 community goes unsung is because they don't ask for  
15 recognition.

16 So we felt it was very important to come  
17 here today because -- for several reasons. In the  
18 last four years we received about \$91,000 to do the  
19 work that we do. We represent 107 nonprofits that  
20 feed the hungry; so soup kitchens, congregate meals,  
21 Good-to-Go Backpacks, shelters, pantries. Anyone who  
22 is feeding the hungry, they get their food from us.  
23 It was kind of set up before they understood best  
24 practice or the warehousing of the food.

25 So their generosity basically provided

1 forklifts, a new freezer and cooler for us which was  
2 -- enabled us to recover -- it quadrupled our space  
3 and we went from 5 million pounds of food being  
4 distributed in five years to 10 million pounds of  
5 food. That's a significant impact. They also  
6 provided, as I said, forklifts and racking for our  
7 new facility.

8 They also sponsor a school that was on  
9 our waiting list. We aren't involved in programming.  
10 We feel that the 107 nonprofits that we represent are  
11 responsible for programming. But we get involved if  
12 they don't have the capacity or the funding to do it.  
13 So currently we distribute 1,447 backpacks to kids  
14 who report food insecurity on the weekends. We had a  
15 waiting list.

16 And just to speak a moment about the  
17 culture at DP&L, you know, they don't make their  
18 employees give. So outside of their foundation and  
19 their giving, their employees took it upon themselves  
20 to raise funds and support the schools that were on  
21 our waiting list for the Good-to-Go Backpacks. And  
22 that was a big deal for us. 1,400 backpacks a week  
23 is a lot.

24 And then the last thing is that they also  
25 provided 10,000 light bulbs. They showed up in our

1 lines. We often distribute by mobile and we do that  
2 when we know that there is not a pantry or a location  
3 in poverty within a five-mile ring, so we'll take our  
4 mobiles in. And they showed up, employees, with  
5 these lightbulbs, to provide them to the clients that  
6 were in our lines.

7 So, in summary, we think they're hunger  
8 heroes. And we thought it was really important to  
9 show up today to tell you about that.

10 Any questions?

11 EXAMINER MCKENNEY: No. Thank you.

12 MS. RILEY: Thank you.

13 EXAMINER MCKENNEY: Jeff Hoagland.

14 Mr. Hoagland, I'm going to ask you to  
15 raise your right hand.

16 (Witness sworn.)

17 EXAMINER MCKENNEY: Thank you.

18 MR. HOAGLAND: Thank you.

19 - - -

20 JEFFREY C. HOAGLAND

21 being first duly sworn, as prescribed by law,  
22 testified as follows:

23 DIRECT TESTIMONY.

24 MR. HOAGLAND: My name is Jeff Hoagland.  
25 I'm President and CEO of the Dayton Development

1 Coalition, located at 40 North Main Street, Dayton,  
2 Ohio. We are a regional economic development  
3 organization representing 14 counties in the greater  
4 Dayton region with approximately 1.7 million people.

5 DP&L has been a crucial partner in the  
6 region's economic development efforts over the years.  
7 Since 1994, when the Dayton Development Coalition was  
8 founded, DP&L has been an integral partner in the  
9 region's economic development. DP&L leaders have  
10 been very instrumental in strategic opportunities  
11 from an economic-development standpoint in the  
12 region. And I think, as most people know, Dayton was  
13 hit pretty hard in 2007, 2008, 2009, but we have  
14 rebounded in a very large way.

15 Some examples include the BRAC that took  
16 place at Wright-Patterson Air Force Base in 2005,  
17 where Wright-Patt is now the largest single-site  
18 employer in the State of Ohio with 27,000 employees.  
19 DP&L played a major role in that.

20 Other companies locally include PSA  
21 Airlines at the Dayton International Airport.

22 NCR, which once left, is now home to  
23 companies like GE, Emerson, Midmark, Krush  
24 Technologies, and UDRI.

25 The old GM site is now home to Fuyao, the

1 largest glass company in the United States.  
2 \$480 million investment; over 1,600 employees. And  
3 once again, Dayton Power and Light played a very  
4 large and important role in that project.

5 Other projects in the region include  
6 Taylor Communications, which is formerly Standard  
7 Register; Whirlpool and Fram in Greenville, Ohio;  
8 NuVasive in West Carrollton; Clopay in Troy; and many  
9 others in this region.

10 DP&L has been very instrumental in these  
11 projects and, as I said, in many more. They've been  
12 a community supporter and partner for over 100 years.

13 The Dayton region needs DP&L to be  
14 successful. For our region to be successful we need  
15 a strong utility company. And this is something  
16 that, you know, as a regional economic development  
17 office, they've been a great partner and that's  
18 something we look forward to in the future.

19 And I would like to thank you for your  
20 time today. And I think we've submitted this  
21 electronically, but I will give you the -- our formal  
22 letter as well.

23 EXAMINER McKENNEY: Thank you.

24 MR. HOAGLAND: Thank you very much.

25 EXAMINER McKENNEY: Ken Neufeld.

1                   Mr. Neufeld, I'm going to ask you to  
2 raise your right hand.

3                   (Witness sworn.)

4                   EXAMINER MCKENNEY: Thank you.

5   - - -

6   KEN NEUFELD

7 being first duly sworn, as prescribed by law,  
8 testified as follows:

9   DIRECT TESTIMONY

10                   MR. NEUFELD: My name is Ken Neufeld.  
11 I'm the President and CEO of the Victoria Theatre  
12 Association located at 138 North Main Street, Dayton,  
13 Ohio. We are the owners and operators of the  
14 Victoria Theatre, the Benjamin and Marian Schuster  
15 Performing Arts Center, the Metropolitan Arts Center,  
16 and the Arts Garage.

17                   We attract, through our programs and the  
18 programs of our resident companies and others, almost  
19 500,000 people per year to the performing arts events  
20 in downtown Dayton.

21                   Through our many years of operating, we  
22 have maintained an excellent working relationship  
23 with Dayton Power and Light, and The DP&L Foundation.  
24 They have been beneficial partners in helping to see  
25 that our facilities operate in a cost-efficient



1 manner; that unserved members of our community are  
2 exposed to the performing arts; and that we have the  
3 financial wherewithal to ensure that we can continue  
4 to operate in a financially-sustainable manner well  
5 into the future.

6 DP&L was there to help with technical  
7 advice and rebates on electrical consumption when we  
8 wanted to save energy in our parking garage, and we  
9 saw significant savings to the organization almost  
10 immediately upon making much-needed renovations and  
11 changes.

12 When we sought to put a spotlight to the  
13 contribution of the African American visual artists  
14 in our community, DP&L provided early support to the  
15 Visual Voices Program that has become a regular and  
16 well-received part of our annual events and a  
17 highlight of the Visual Arts Calendar.

18 When we initiated our Next Stage Capital  
19 Campaign to support long-term capital projects and  
20 expanded programming, and to increase the size of our  
21 endowment, DP&L Foundation was there with a generous  
22 contribution to this initiative.

23 And when we wanted to develop a program  
24 that provided discounted tickets to patrons who were  
25 unable to afford to come to many of our programs,

1 DP&L supported us, and now we provide access to \$10  
 2 tickets to over 14,000 Cheap Seats Members in our  
 3 community; all sponsored by DP&L.

4 Over the years we have been privileged to  
 5 have senior executives from DP&L lend their expertise  
 6 and community perspective as members of our Board of  
 7 Trustees.

8 In conclusion and from our perspective, I  
 9 would regard DP&L and The DP&L Foundation as  
 10 exemplary corporate citizens in our community. Thank  
 11 you.

12 EXAMINER McKENNEY: Thank you.

13 Next I have Chris Kershner.

14 Please raise your right hand.

15 (Witness sworn.)

16 EXAMINER McKENNEY: Thank you.

17 - - -

18 CHRIS KERSHNER

19 being first duly sworn, as prescribed by law,  
 20 testified as follows:

21 DIRECT TESTIMONY

22 MR. KERSHNER: Good afternoon, PUCO  
 23 representatives. My name is Chris Kershner and I am  
 24 Vice President of Public Policy and Economic  
 25 Development for the Dayton Area Chamber of Commerce.

1           The Dayton Area Chamber of Commerce  
2 represents over 2,700 businesses throughout the  
3 greater Dayton region. Those businesses employ over  
4 200,000 individuals. We're the 25th largest Chamber  
5 of Commerce in the nation, which is a true testament  
6 to the integrity and health of our region's business  
7 community.

8           I am here today to testify in support of  
9 DP&L's proposed rate adjustment. DP&L is one of the  
10 most significant employers and corporate  
11 philanthropists in the Dayton region. With over  
12 1,300 employees, DP&L's impact on jobs, families, and  
13 our economy permeates throughout the Dayton region  
14 and right here in the City of Dayton.

15           Companies of this size and economic  
16 impact should not be taken lightly. It is extremely  
17 important that as a business community and state and  
18 local governments, we provide the necessary support  
19 to help our employer community thrive and continue to  
20 support good-paying jobs for good families in our  
21 community. If businesses like DP&L are not  
22 economically healthy, it will have a radiating affect  
23 in our community and jobs will suffer.

24           DP&L has invested in new facilities, new  
25 infrastructure, and new transmission lines, so that

1 they can provide better and more efficient service to  
2 our business community and residents throughout the  
3 region. It is with a broad vision and desire to  
4 provide excellent service to their customers that has  
5 driven DP&L to continue to invest in this critical  
6 infrastructure.

7 Now, for the financial integrity of the  
8 company and to service the debt incurred for these  
9 investments, DP&L needs to recoup some of these  
10 costs. This request is not out of line and it is  
11 similar to any other utility company throughout the  
12 world that needs to cover their costs. A matter of  
13 fact, I would commend DP&L for having the foresight  
14 to make the investments so that they can continue  
15 excellent electric service for our community which  
16 supports businesses, jobs, and families throughout  
17 the Dayton region.

18 Thank you for having me here today. I  
19 would be happy to answer any questions today or in  
20 the future.

21 EXAMINER McKENNEY: Thank you.

22 William Davis.

23 I'll ask you briefly to raise your right  
24 hand, please.

25 (Witness sworn.)

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EXAMINER MCKENNEY: Thank you.

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WILLIAM N. DAVIS, II

being first duly sworn, as prescribed by law,  
testified as follows:

DIRECT TESTIMONY

MR. DAVIS: According to J.D. Power, in a  
2015 study, overall satisfaction averages across the  
country was 668 of 1,000 points. DP&L scored below  
the average with 662, and was in the bottom third of  
midwest region midsized electric utilities.

In a 2013 report by Eaton Corporation,  
Ohio ranked in the top 10 states with the most  
reported outages in 2011, 2012, and 2013.

It seems to me that if DP&L wanted a rate  
hike, it should be to provide more reliable service,  
not maintain dirty coal plants that should be  
decommissioned. How the power is generated doesn't  
matter so much if flipping the switch doesn't light  
the room. We need 21st century technology  
implemented to save the planet. This is a matter of  
climate justice.

According to Naomi Klein in her extremely  
well-researched book called "This Changes Everything:  
Capitalism vs. The Climate," 2017 is the tipping

1 point for climate change. If we don't take  
2 substantial -- if we don't make substantial progress  
3 very soon, to stop and reverse the effects of carbon  
4 in the atmosphere, our planet will be in peril.  
5 Witness the increasing droughts, wildfires, and  
6 severe weather events worldwide. These events  
7 displace people and put stress on countries trying to  
8 do the right thing accepting refugees. But violence  
9 is also increasing and will only accelerate as the  
10 tides rise to cover islands and coastlines.

11           Maybe you don't believe the 95 percent of  
12 climate scientists who say this is a problem, but I  
13 will believe them over the 5 percent who have been  
14 paid by energy companies to lie about -- lie about it  
15 and protect profits. I do not think we should pay  
16 more to support corporations with plans that deny the  
17 realities of the environment. You cannot fool Mother  
18 Nature. We must close these plants as soon as  
19 possible and replace the capacity with renewables.

20           I will not accuse any of you of being  
21 under the influence of corporate money or undue  
22 political influence; I'll save that for the people  
23 that appointed you. But I hope you will put your  
24 decision in the context of what is right for your  
25 grandchildren and their families in the future; this

1 is what is at stake here. Thank you.

2 EXAMINER McKENNEY: Thank you.

3 Thank you, everyone. That concludes the  
4 list of names that I have who have signed up to  
5 testify. Is there anyone else here who would like to  
6 testify that did not sign up to do so?

7 (No response.)

8 EXAMINER McKENNEY: All right. Well,  
9 thank you everyone for coming. We do appreciate your  
10 input. Everything, as I said today, was transcribed  
11 by the court reporter. If you have any further  
12 questions, like I said at the beginning of the  
13 hearing, we do have representatives from the  
14 Commission, the Company, and numerous intervening  
15 parties, so feel free to reach out to them.

16 This concludes today's public hearing.  
17 We are adjourned.

18 (Thereupon, the public hearing concluded  
19 at 1:24 p.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, September 27, 2016, and carefully compared with my original stenographic notes.

---

Carolyn M. Burke, Registered Professional Reporter, and Notary Public in and for the State of Ohio.

My commission expires July 17, 2018.

- - -



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

**Commission of Ohio Docketing Information System on**

**10/11/2016 12:37:24 PM**

**in**

**Case No(s). 16-0395-EL-SSO, 16-0396-EL-ATA, 16-0397-EL-AAM**

Summary: Transcript Afternoon - In the Matter of the Application of The Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan; In the Matter of the Application of The Dayton Power and Light Company for Approval of Revised Tariffs and In the Matter of the Application of The Dayton Power and Light Company for Approval of Certain Accounting Authority, hearing held on September 27, 2016 at 1:00 p.m. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn