

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the Fuel :
Adjustment Clauses for : Case No. 09-872-EL-FAC
Columbus Southern Power : Case No. 09-873-EL-FAC
And Ohio Power Company. :

In the Matter of the :
Commission Review of the : Case No. 10-2929-EL-UNC
Capacity Charges of Ohio :
Power Company and Columbus:
Southern Power Company. :

In the Matter of the :
Application of Columbus :
Southern Power Company and:
And Ohio Power Company for: Case No. 11-346-EL-SSO
Authority to Establish a : Case No. 11-348-EL-SSO
Standard Service Offer :
Pursuant to Section :
4928.143, Revised Code, in:
the Form of an Electric :
Security Plan. :

In the Matter of the :
Application of Columbus : Case No. 11-349-EL-AAM
Southern Power Company and: Case No. 11-350-EL-AAM
Ohio Power Company for :
Approval of Certain :
Accounting Authority :

In the Matter of the :
Application of Columbus :
Southern Power Company for:
Approval of a Mechanism :
To Recover Deferred Fuel : Case No. 11-4920-EL-RDR
Costs Ordered Under :
Section 4928.144, Ohio :
Revised Code. :

1 In the Matter of the :
 2 Application of Ohio Power :
 3 Company for Approval of a :
 4 Mechanism to Recover : Case No. 11-4921-EL-RDR
 5 Deferred Fuel Costs :
 6 Ordered Under Section :
 7 4928.114, Ohio Revised :
 8 Code. :
 9
 10 In the Matter of the :
 11 Application of the Fuel :
 12 Adjustment Clauses for :
 13 Columbus Southern Power : Case No. 11-5096-EL-FAC
 14 Company and Ohio Power :
 15 Company and Related :
 16 Matters. :
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 18 In the Matter of the :
 19 Fuel Adjustment Clauses :
 20 For Columbus Southern : Case No. 12-3133-EL-FAC
 21 Power Company and Ohio :
 22 Power Company. :
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 24 In the Matter of the :
 25 Fuel Adjustment Clauses : Case No. 13-572-EL-FAC
 For Ohio Power Company. :
 In the Matter of the :
 Fuel Adjustment Clauses : Case No. 13-1286-EL-FAC
 For Ohio Power Company. :
 In the Matter of the :
 Fuel Adjustment Clauses : Case No. 13-1892-EL-FAC
 For Ohio Power Company. :
 In the Matter of the :
 Application of Ohio Power :
 Company to Adopt a Final :
 Implementation Plan for : Case No. 14-1186-EL-RDR
 the Retail Stability Rider:

In the Matter of the :
Application of Ohio Power :
Company for Administration:
of the Significantly : Case No. 15-1022-EL-UNC
Excessive Earnings Test :
Pursuant to R.C. 4928.143 :
(F) and Ohio Adm. Code :
4901:1-35-10. :

In the Matter of the :
Application of Ohio Power :
Company for Administration:
of the Significantly : Case No. 16-1105-EL-UNC
Excessive Earnings Test :
Pursuant to R.C. 4928.143 :
(F) and Ohio Adm. Code :
4901:1-35-10. :

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PROCEEDINGS

Before Greta See and Sarah Parrot, Attorney
Examiners, at the Public Utilities Commission of
Ohio, 180 East Broad Street, Room 11A, Columbus,
Ohio, called at 10:00 a.m. on Tuesday, January 24th,
2017.

- - -

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Tuesday Morning Session,
January 24th, 2017

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HEARING EXAMINER SEE: Let's go on the
record. Scheduled for hearing today before the
Commission at this time are a number of cases.

Case No.09-872-EL-FAC and Case No.
09-873-EL-FAC, being entitled In the Matter of the
Fuel Adjustment Clauses for Columbus Southern Power
Company and Ohio Power Company.

Case No. 10-2929-EL-UNC, entitled In the
Matter of the Commission Review of the Capacity
Charges of Ohio Power Company and Columbus Southern
Power Company.

Case Nos. 11-346-EL-SSO and Case No.
11-348-EL-SSO, being entitled In the Matter of the
Application of Columbus Southern Power Company and
Ohio Power Company for Authority to Establish a
Standard Service Offer Pursuant to Revised Code
Section 4928.143 in the Form of an Electric Security
Plan.

And Case Nos. 11-349-EL-AAM and
11-350-EL-AAM, In the Matter of the Application of
the Columbus Southern Power Company and Ohio Power
Company for Approval of Certain Accounting authority.

Case Nos. 11-4920-EL-RDR, and Case No. 11-4921-EL-RDR, In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Mechanisms to Recover Deferred Fuel Costs as Ordered Under Revised Code Section 4928.144.

Okay. Then Case No. 11-5906-EL-FAC, being entitled In the Matter of the Application of the Fuel Adjustment Clauses for Columbus Southern Power Company and Ohio Power Company and Related Matters.

And continuing, Case No. 12-3133-EL-FAC, Case No. 13-572-EL-FAC, Case No. 13-1286-EL-FAC, and Case No. 13-1892-EL-FAC, being entitled In the Matter of the Fuel Adjustment Clauses for Columbus Southern Power Company and Ohio Power Company. And a few more.

Case No. 14-1186-EL-RDR, entitled In the Matter of the Application of The Ohio Power Company to Adopt a Final Implementation Plan for the Retail Stability Rider, and Case No. 15-1022-EL-UNC and Case No. 16-1105-EL-UNC, In the Matter of the Application of The Ohio Power Company for Administration of the Significantly Excessive Earnings Test for Revenue Years 2014 and 2015.

1 Now, I would like to take appearances of
2 the parties.

3 On behalf of Ohio Power Company.

4 MR. NOURSE: Thank you, your Honors. On
5 behalf of Ohio Power Company, Steven T. Nourse, 1
6 Riverside Plaza, 29th floor, Columbus, Ohio 43215.

7 HEARING EXAMINER SEE: And let's
8 continue around the table, please.

9 MR. PRITCHARD: Thank you, your Honors.
10 On behalf of IEU Ohio, Matt Pritchard with law firm
11 McNeese, Wallace & Nurick, 21 East State Street,
12 Columbus, Ohio 423215.

13 HEARING EXAMINER SEE: And,
14 Mr. Pritchard, could you state who you represent?

15 MR. PRITCHARD: I represent the
16 Industrial Energy Users of Ohio.

17 MR. BEELER: Thank you. On behalf of
18 the Staff of Public Utilities Commission of Ohio,
19 Ohio Attorney General Mike DeWine, Steven Beeler and
20 John Jones, Assistant Attorneys General, 30 East
21 Broad Street, 16th floor, Columbus, Ohio.

22 MS. WILLIS: Thank you, your Honors. On
23 behalf of the residential customers of The Ohio Power
24 Company, Bruce J. Weston, Consumers' Counsel, Office
25 of the Consumers' Counsel, 10 West Broad Street,

1 Suite 1800, Columbus, Ohio 43215. Thank you.

2 MS. COHN: Good morning. On behalf of
3 the Ohio Energy Group, Michael Kurtz and Jody Cohn
4 from the firm of Boehm, Kurtz & Lowry, 36 East
5 Seventh Street, Suite 1510, Cincinnati, Ohio 45202.

6 MS. BOJKO: Good morning, your Honors.
7 On behalf of the Ohio Manufacturers Association
8 Energy Group, Kimberly B. Bojko with the law firm
9 Carpenter, Lipps & Leland, 280 North High Street,
10 Suite 1300 Columbus, Ohio 43215.

11 MS. WHITFIELD: Good morning. On behalf
12 of the Kroger Company, Angela Paul Whitfield with the
13 law firm of Carpenter, Lipps & Leland, 280 North High
14 Street, Suite 1300, Columbus, Ohio, 43215.

15 MS. PETRUCCI: Good morning. On behalf
16 of Constellation Energy Group, the law firm of Vorys,
17 Sater, Seymour and Peas, Michael J. Settineri and
18 Gretchen Petrucci, 52 East Gay Street, Columbus, Ohio
19 43215.

20 HEARING EXAMINER SEE: Okay.

21 Mr. Nourse, I think you indicated a
22 preference to take up the matter of the outstanding
23 testimony and aps for rehearing.

24 MR. NOURSE: Yes, your Honor. And I
25 was -- I did not do a thorough search of that. Let

1 me start with rehearings, I guess.

2 I think the parties did deal with the
3 PIR rehearing sort of being the most substantive
4 relative to the issues that we had resolved in the
5 Global Settlement.

6 And so I assume you're referring to some
7 other Applications for Rehearing that are pending in
8 some of the other proceedings. And I would suggest
9 perhaps we can just talk about them individually, if
10 you had questions about any particular rehearing
11 applications that are pending.

12 You know, I just would say at the
13 outset, obviously the signatory parties, we're here,
14 can discuss anyone's viewpoint on that.

15 When you go beyond the PIR Application
16 for Rehearing, it sort of goes beyond what we
17 specifically agreed to in the settlement. So I want
18 to make sure we're all on the same page there.

19 HEARING EXAMINER SEE: Okay. Just a
20 moment. So that -- the testimony in 11-4920 has been
21 addressed in the settlement. Let's look at the
22 testimony, the remand testimony filed by the parties
23 in the capacity case -- I'm sorry, when I say the
24 capacity case, 10-2929.

25 MR. NOURSE: Yeah, and --

1 HEARING EXAMINER SEE: Hold on. Then go
2 ahead. Let's stick with the aps for rehearing then.
3 Let's address that one first and we'll finish that up
4 and move on.

5 MR. NOURSE: So I apologize, your
6 Honors, I did not do a search of pending rehearings
7 in the other proceedings. We tried to deal with the
8 most pertinent one, address the issues that that
9 addresses, the issues that we were resolving in the
10 PIR cases, 4920 and 4921, and so I apologize, I don't
11 have a list of the other rehearings that are pending.

12 If there are particular ones that you
13 would like to discuss or would like to have the
14 parties address, we can certainly do that.

15 HEARING EXAMINER SEE: Let's look at the
16 one in the RSR, Case No. 14-1186. There are
17 Applications for Rehearing pending that were filed by
18 IUE Ohio, OCC -- well, along with OHA and OMAEG. And
19 Krogers has an Application for Rehearing. Are those
20 Applications for Rehearing withdrawn?

21 MR. NOURSE: Your Honor, I'll make a
22 general statement, and then perhaps the parties that
23 have those rehearings can add in.

24 You know, what we did try to make clear
25 in the Global Settlement was that we were resolving

1 all the cases -- all the issues in the cases that we
2 were resolving, so it was intended to be a complete
3 settlement of those proceedings.

4 As I pointed out, we did deal with the
5 PIR rehearing specifically, but I guess my -- my
6 presumption, subject to statements by the other
7 parties, would be that once -- they could have
8 similar treatment.

9 In other words, they would be held in
10 abeyance pending the Commission's consideration of
11 the Global Settlement. And if the Global Settlement
12 is adopted, which does resolve all the issues in all
13 those cases, then by extension that would resolve the
14 rehearings as well.

15 HEARING EXAMINER SEE: Don't worry about
16 it. If you speak up a little I think we all can hear
17 you without the mic today.

18 MR. NOURSE: I have a problem with that
19 today. I'll try to --

20 HEARING EXAMINER SEE: Grab one of the
21 other mics. Let's hear from IEU.

22 MR. PRITCHARD: Your Honor, Mr. Nourse's
23 representation would be correct in that it is IEU
24 Ohio's intent that the Global Settlement would
25 resolve all of IEU Ohio's outstanding issues in

1 14-1186.

2 Procedurally I don't know if you want to
3 address them in an order adopting the stipulation, or
4 if we would move to withdraw them once something's
5 been done, but we -- we intended this settlement to
6 resolve our issues in that case, and any rehearing in
7 any of these cases.

8 HEARING EXAMINER SEE: Okay.
9 Ms. Willis.

10 MS. WILLIS: Thank you, your Honors.
11 OCC's position would be as stated by Mr. Nourse, that
12 the aps for rehearing in 14-1186 be given the same
13 treatment where the Commission, upon delivering a
14 final, nonappealable order on the Global Settlement,
15 then the ap for rehearing would become moot and
16 considered withdrawn.

17 And that's consistent -- for your
18 Honors' reference, consistent with the treatment set
19 out on the PIR on Page 11 of the stipulation which is
20 attached -- by the way, is attached to Mr. Allen's
21 testimony.

22 HEARING EXAMINER SEE: And on behalf of
23 Krogers, Ms. Whitfield.

24 MS. WHITFIELD: Yes, your Honor, I would
25 concur with what everybody else has said at the

1 table, that the Global Settlement is intended to --
2 would resolve the issues in the ap for rehearing, and
3 that would be moot assuming the Global Settlement is
4 approved.

5 HEARING EXAMINER SEE: We need you to
6 speak up.

7 MS. WHITFIELD: Sorry. Did you hear
8 that?

9 HEARING EXAMINER SEE: I heard it.

10 Ms. Bojko.

11 MS. BOJKO: Yes, your Honors. Thank
12 you. We would concur as well. We believe that the
13 Applications for Rehearing would be moot. Thank you.

14 HEARING EXAMINER PARROT: Anyone
15 authorized to speak on behalf of OHA?

16 MR. KURTZ: No, your Honors. But on
17 behalf of OEG, we agree.

18 HEARING EXAMINER SEE: Now, let's shift
19 focus to the --

20 HEARING EXAMINER PARROT: Ms. Willis --

21 MR. NOURSE: Can I clarify? I think the
22 discussion we just had was focused on the 1186 case,
23 perhaps, but I think it's probably fair to say that
24 the parties feel the same way about all pending
25 rehearings in all the proceedings. If I'm wrong,

1 someone can correct me there.

2 HEARING EXAMINER SEE: And I think
3 Ms. Willis did indicate that that was her
4 understanding for both cases.

5 MS. WILLIS: Yes.

6 HEARING EXAMINER PARROT: I just want to
7 be clear though. OCC has a pending Application for
8 Rehearing in the FAC docket, 11-5906, et al., and
9 that has to do with sort of a matter that's not
10 directly related, so I just want to get it on the
11 record today that it is OCC's intention to withdraw
12 that as well. That was filed on August 21st, 2015.

13 MS. WILLIS: Your Honors, yes, that
14 would be -- that would be our intention. It is
15 covered by the stipulations, so that would be our
16 intention.

17 HEARING EXAMINER PARROT: Thank you.

18 HEARING EXAMINER SEE: Now, let's shift
19 focus to the testimony that's been filed in some of
20 the dockets addressed in the Global Settlement
21 stipulation.

22 MR. NOURSE: And I'll just make a
23 general statement, your Honors, and certainly if you
24 have additional questions or other parties want to
25 weigh in, they are more than welcome, but I guess

1 we -- you know, we did not agree specifically in the
2 Global Settlement to put -- you know, to put all the
3 testimony in in all the cases that has been filed as
4 far as an evidentiary admission.

5 I do think the witnesses that are here
6 today are aware of the positions and the cases and
7 the filed positions.

8 Even though those testimonies in some
9 cases haven't been admitted into an evidentiary
10 record, they are still positions of record, and
11 certainly give context for the Global Settlement
12 terms, settlement terms as well as the -- you know,
13 the two witnesses that are here today to testify
14 about the three-part test and supporting the Global
15 Settlement consideration of the Commission.

16 So I don't think it's necessary, and I
17 don't think it's something we specifically agreed to.
18 Having said that, if it's your preference to do that,
19 you know, I don't think we -- the Company would have
20 an objection.

21 HEARING EXAMINER SEE: Anyone else wish
22 to weigh in on this matter?

23 MS. WILLIS: Yes, your Honor. With
24 respect to the testimony of Mr. Haugh submitted in
25 the 10-2929, we have two pieces of testimony this

1 morning that supports the settlement.

2 The prior piece of testimony by
3 Mr. Haugh provides a context for the settlement, and
4 justification for the residential benefits associated
5 with the stipulation.

6 So we would -- most certainly would like
7 that right now it is -- we don't intend to withdraw
8 that, we would like that admitted as an exhibit as
9 part of the process. So that we would move to have
10 that admitted this morning.

11 MR. NOURSE: And I'm sorry, I know
12 Mr. Beeler wants to say something. When I said I
13 didn't object, I assumed that you were either going
14 to not admit all the testimony because it's not
15 necessary, or -- or admit all the testimony and not
16 selected items. So thank you.

17 MR. BEELEER: And for your Honors'
18 benefits, Staff was intending on moving in the audits
19 for the FAC cases and some testimony from the SEET
20 case from Staff.

21 HEARING EXAMINER SEE: Did anyone else
22 have any position on the testimony being submitted
23 that has been filed in these cases coming into the
24 record?

25 (No response.)

1 HEARING EXAMINER SEE: Okay. Well, I
2 think the Bench's preference is that it either --
3 that it all come in, or that it all stay out.

4 Given that the dockets are at different
5 stages, then especially the testimony in the SEET
6 cases should come in, and the testimony in the remand
7 cases should come in, as well as the testimony in the
8 capacity case.

9 And I'm talking about, for example, not
10 just Staff's testimony in the SEET cases, but OEG's,
11 as well as the Company's.

12 MR. NOURSE: Right. So your Honors are
13 saying that in the SEET cases and the remand cases
14 and the capacity case, all filed testimony in those
15 dockets would be admitted into the record here today?

16 HEARING EXAMINER SEE: That has not
17 already been admitted into the record in the case,
18 yeah.

19 MR. NOURSE: Okay. Thank you. So there
20 is -- in the remand -- I'm sorry, in Case No.
21 10-2929, there is testimony that was filed by AEP and
22 then testimony filed by OCC, as well as a joint
23 testimony by OEG and OCC.

24 And there is testimony in Case No.
25 14-1186 filed also by AEP and OEG and OCC, and

1 jointly by OEG and OCC, same docket.

2 HEARING EXAMINER PARROT: It's the same
3 testimony.

4 HEARING EXAMINER SEE: And then there is
5 testimony by Mitchell, Allen, Ross and Allen,
6 Buckley, Duann -- Kollen, Allen, Duann, and again by
7 Collin, in the SEET cases. That would come into the
8 record in this case.

9 And then there's one other issue. There
10 are stipulations that were filed in the two SEET
11 dockets September 1st, 2016.

12 MR. NOURSE: Yes.

13 HEARING EXAMINER SEE: Mr. Nourse, what
14 was the intention with regard to those two
15 stipulations?

16 MR. NOURSE: I would say the SEET
17 stipulations should be held in abeyance pending the
18 Commission's consideration of the Global Settlement,
19 because the Global Settlement resolves -- proposes to
20 resolve all the issues in those SEET dockets with
21 additional parties also supporting.

22 So on the SEET stipulations I think we
23 would hold those in abeyance, and if the Global
24 Settlement is adopted they could be withdrawn or
25 considered withdrawn, as being superceded by the

1 Global Settlement.

2 MR. BEELER: And Staff agrees pending
3 Commission decision that the Global Settlement
4 supercedes the current stipulations.

5 HEARING EXAMINER SEE: Okay. Are there
6 any other matters that need to be addressed before we
7 get started with the witnesses this morning?

8 MR. NOURSE: Just one, your Honor. On
9 your same vein there of stipulations, we do have a
10 gridSMART stipulation which is slightly different in
11 the 1939 docket.

12 The parties, including parties that are
13 not part of this Global Settlement, had entered into
14 a settlement filed in the docket. We had a hearing
15 and briefing on it.

16 And there's just been one change to the
17 proposed resolution in that case in the Global
18 Settlement here, and that is to reallocate revenue
19 responsibility for the customer classes. So that was
20 noted in that 1939 docket, as you know, through a
21 filing, and it's noted here in the settlement.

22 So I don't think that settlement was
23 intended to be withdrawn as sort of supplemented or
24 amended, so I just wanted to make that clarification.

25 HEARING EXAMINER SEE: And had you

1 indicated there was correspondence filed by OCC and
2 the Company in that docket?

3 MR. NOURSE: Yes.

4 HEARING EXAMINER SEE: Okay.

5 MR. BEELER: And one more, your Honor.
6 I mentioned the Staff audit. I'm not sure when you
7 had the discussion about testimony coming in or not,
8 if the Staff audits from the FAC cases would come in,
9 or do you want me to do that separately?

10 HEARING EXAMINER SEE: Let's do that
11 separately.

12 MR. NOURSE: We have no objection to
13 that, your Honors.

14 HEARING EXAMINER SEE: Okay.

15 MR. BEELER: Want me to go ahead and do
16 it?

17 HEARING EXAMINER SEE: Go ahead.

18 MR. BEELER: Okay. Staff would request
19 to move into the record Staff Exhibits 1 and 1A,
20 which is the Report of Management/Performance and
21 financial audits of the FAC of Ohio Power Company
22 filed in dockets 11-5906-EL-FAC, 12-3133-EL-FAC,
23 13-0572-EL-FAC, 13-1892-EL-FAC, and 13-1286-EL-FAC.

24 And, your Honors, Staff Exhibit 1 would
25 be the public version and Staff Exhibit 1A would be

1 the confidential version.

2 HEARING EXAMINER SEE: And which report
3 was that, Mr. Beeler? And if you have the date
4 filed.

5 MR. BEELER: I do have the dates here.
6 It was the report filed on November 30th, 2015.
7 Sorry about that.

8 We would also ask for Staff Exhibits 2
9 and 2A to be moved in the record, and this is a
10 report filed on May 9th, 2014, and that is in Case
11 No. 13-1892-EL-FAC. And that's another Report of
12 Management/Performance and financial audits of the
13 fuel and Purchased Power Rider, and the alternative
14 energy rider of Ohio Power Company.

15 And then -- and again, that's -- Staff
16 Exhibit 2 would be the public version and Staff
17 Exhibit 2A would be the confidential version.

18 And finally, Staff Exhibit 3 is the
19 report filed on October 6, 2014, and that's a report
20 filed by Baker Tilly, and that's in Case No.
21 11-59-06-EL-FAC, Case No. 12-3133-EL-FAC,
22 13-572-EL-FAC, 13-1892-EL-FAC, and 13-1286-EL-FAC.
23 And I think we covered the testimony from the SEET
24 case. I think that's all in.

25 HEARING EXAMINER SEE: We didn't -- do

1 you want to mark --

2 MR. BEELEER: Sure. Staff Exhibit 4
3 would be the prefiled testimony of Joseph Buckley
4 filed on August 15th, 2016.

5 MR. NOURSE: Your Honors, I didn't think
6 we were going to mark all the testimony because we
7 have done -- agreed to admit all the testimony in all
8 those cases you referenced earlier.

9 MR. BEELEER: That was my thoughts, too.

10 MR. NOURSE: I can see the audit
11 reports, they are kind of a unique animal.

12 MS. WILLIS: Your Honors, the --

13 HEARING EXAMINER SEE: Hold on just a
14 second, please. Ms. Willis.

15 MS. WILLIS: Yes, perhaps suggesting
16 that we could take administrative notice of these
17 materials has the same effect, and that way we don't
18 have to go through and mark exhibits.

19 MR. NOURSE: I would concur.

20 HEARING EXAMINER SEE: I understand it's
21 time consuming, but let's go through -- we have
22 already started to mark the audit reports and
23 Mr. Buckley's testimony. Let's go through and go
24 ahead and mark the remaining testimony.

25 MR. NOURSE: Of Staff, your Honor?

1 HEARING EXAMINER SEE: Staff has only
2 moved in Mr. Buckley's, and I believe that is all
3 they would need to mark in any of the cases.

4 MR. NOURSE: I guess if you have a list
5 of them, your Honor. If you prefer to put them in,
6 maybe you can just assign numbers. I don't have a
7 list in front of me of all the testimony.

8 HEARING EXAMINER SEE: Okay. Let's try
9 this way.

10 HEARING EXAMINER PARROT: All right.
11 Let's take the remand docket, 10-2929, 11-346,
12 et al., and 14-1186. AEP filed testimony of Company
13 Witness Allen on October 4th, 2016, how would you
14 like to mark that, Mr. Nourse?

15 MR. NOURSE: Well, your Honor, I
16 don't -- there's a lot of exhibits in that case, as
17 you may well recall, and I don't have the numbers in
18 front of me.

19 HEARING EXAMINER PARROT: Let's identify
20 it as a remand exhibit.

21 MR. NOURSE: Well, okay.

22 HEARING EXAMINER PARROT: Does that
23 work?

24 MR. NOURSE: I'm open to any numbering
25 you want to do, but I guess remand --

1 HEARING EXAMINER PARROT: Company AEP
2 Remand Exhibit No. 1. So marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 HEARING EXAMINER PARROT: Ms. Willis,
5 OCC filed the testimony of OCC Witnesses Duann and
6 Haugh on October 18th, 2016. Do you have a
7 preference?

8 MS. WILLIS: Let's mark Mr. Haugh's
9 testimony as OCC Remand 1, and Mr. Duann as OCC
10 Remand 2.

11 HEARING EXAMINER PARROT: So marked.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 HEARING EXAMINER PARROT: And then also
14 on that same date, October 18th, 2016, OCC/OEG filed
15 the testimony of OCC/OEG Exhibit -- I'm losing it --
16 Witness Kollen.

17 MS. WILLIS: If we could mark those as
18 OCC/OEG Joint Remand Exhibit 1.

19 HEARING EXAMINER PARROT: So marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 HEARING EXAMINER SEE: Let's go to the
22 testimony filed in the SEET cases. AEP has the
23 testimony of Mr. Mitchell filed on June 1st. And
24 Mr. Allen in 15-10 -- in Case No. 15-1022.

25 MR. NOURSE: Thank you, your Honor. I

1 would mark those as AEP Exhibit Remand Exhibit No. 1
2 for Mr. Allen --

3 HEARING EXAMINER SEE: I'm sorry, there
4 is no remand exhibits, there is no testimony in the
5 SEET dockets.

6 MR. NOURSE: My apologies. AEP Ohio
7 Exhibit 1 for Mr. Allen, Exhibit 2 for Mr. Mitchell.
8 Thank you.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 HEARING EXAMINER SEE: And in the Case
11 No. 16-1105, you have testimony filed on May 16th,
12 for Ross and Allen.

13 MR. NOURSE: Okay. Thank you, your
14 Honor. Please mark those as AEP Exhibit 1 for
15 Mr. Allen and Exhibit 2 for Mr. Ross.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 HEARING EXAMINER SEE: Okay.
18 Mr. Buckley's testimony has already been marked.
19 Mrs. Willis, you filed the testimony of Mr. Duann and
20 Supplemental Testimony for Mr. Duann.

21 MS. WILLIS: If your Honor, if we could
22 mark those as OCC Exhibit 1 for the direct of
23 Mr. Duann and OCC Exhibit 1A for the supplemental of
24 Mr. Duann.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 HEARING EXAMINER SEE: Thank you. And
2 OEG has the testimony of Mr. Kollen filed on August
3 15th and the testimony of Mr. Kollen supplemental
4 testimony filed on September 19th.

5 MS. COHN: Please mark the direct as OEG
6 Exhibit 1, and the supplemental as OEG Exhibit 1A.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 HEARING EXAMINER SEE: Commissioners,
9 did I miss AEP supplemental testimony filed by
10 Mr. Allen on September 13th in these dockets?

11 MR. NOURSE: I guess we'll make that
12 Exhibit 3, if that's okay.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 HEARING EXAMINER SEE: Okay. And there
15 were no objections to the admission of that
16 testimony.

17 Let's move to our first witness this
18 morning.

19 MR. NOURSE: Thank you, your Honor. AEP
20 Ohio calls William A. Allen.

21 HEARING EXAMINER SEE: Mr. Allen, if
22 you'd raise your right hand. Do you affirm that the
23 information you're about to give is true?

24 MR. ALLEN: Yes, I do.

25 HEARING EXAMINER SEE: Thank you. Have

1 a seat. Mr. Nourse.

2 MR. NOURSE: Your Honor, I'd like to
3 mark Mr. Allen's prefiled testimony for January 6th
4 as AEP Ohio Exhibit 101 to avoid any confusion with
5 Company Exhibits in the other cases. Do you need a
6 copy?

7 HEARING EXAMINER SEE: Yes.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 MS. WILLIS: Is that Remand Exhibit?

10 MR. NOURSE: No, it's AEP Ohio Exhibit
11 101. And I would note -- your Honors, I would note
12 that the Global Settlement is attached to this
13 testimony, and that is marked Exhibit WAA-GS1,
14 because the Global Settlement that was filed in the
15 docket --

16 HEARING EXAMINER SEE: Okay.

17 - - -

18 William A. Allen
19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Nourse:

23 Q. Mr. Allen, do you have the document we
24 just marked in front of you?

25 A. I do.

1 Q. And was this your prefiled testimony
2 prepared by you or under your direction?

3 A. Yes, it was. Yes, it is.

4 Q. And do you have -- Let's go with typos
5 and corrections next, and then I want to ask you some
6 additional questions.

7 A. I have one correction on Page 9 in
8 Footnote 2. The value of \$63.42 should be \$63.92,
9 and that's consistent with the value in the testimony
10 on Line 10 above.

11 Q. Okay. Any other typos or corrections?

12 A. No.

13 Q. Okay. Thank you. I'd also like to
14 reference the -- with respect to the RSR, Retail
15 Stability Rider, provisions in this settlement that
16 are part of Paragraph 3A starting on Page 8. And in
17 connection with 3A-2, in the subparts there, A
18 through D -- A through F, actually, there are some
19 references to specific rates for specific customer
20 classes. Do you see that?

21 A. I do.

22 Q. And I note in Paragraph 2A on Page 9
23 that the GS1 customers have a 24-month period for
24 collection of the RSR going forward. Is that your
25 understanding?

1 A. Yes, it is.

2 Q. And is it your understanding that unlike
3 the other general service customer schedules dealt
4 with in Paragraph 2D at the bottom of Page 9 that
5 involve a two-block rate structure that's listed
6 there and carrying over on Page 10, does that apply
7 to GS1 customers?

8 A. No, it does not. In drafting the
9 settlement the single block rate for the GS1
10 customers was inadvertently omitted, but it was
11 shared with all the parties as we worked through
12 the -- through the settlement process.

13 The rate -- the single block rate that
14 would apply to GS1 customers is 5.63 mils per
15 kilowatt-hour, or equivalently 0.00563 dollars per
16 kilowatt-hour. And the rate impacts included as
17 Exhibit A to the stipulation include those single
18 block rates for the GS1 customers.

19 Q. Okay. So on Exhibit A to the
20 stipulation, Page 1 for the Ohio Power rate zone,
21 Page 3 for the Columbus Southern Power rate zone,
22 reflect the rate that you just read into the record?

23 A. That's correct.

24 Q. Okay. Thank you. I'd also like to ask
25 you a clarifying question on Page 16 of the Global

1 Settlement.

2 A. Okay.

3 Q. A couple questions here relating to
4 Paragraph G, the BTCR pilot program. And the -- the
5 BTCR pilot is available to signatory and nonopposing
6 parties, correct?

7 A. That's correct.

8 Q. So if we look at Paragraph G2 and some
9 of the references that are in G2 to signatory
10 parties, those references actually apply to both
11 signatory and nonopposing parties; is that correct?

12 A. That's correct. And the nonopposing
13 parties are also listed on Page 17 as participating
14 members in the BTCR, the pilot.

15 Q. And just to clarify further, the -- on
16 Page 17 of the settlement, the first two complete
17 sentences on that page contain references to the
18 signatory parties.

19 And would you agree that the intent and
20 meaning of the stipulation in those two sentences is
21 to also reference nonopposing parties?

22 A. Yes, that's correct.

23 Q. Okay. Thank you. And then finally I'll
24 ask you a couple questions about -- to clarify or
25 break out the residential component of three of the

1 aspects in the settlement.

2 I note that your testimony already talks
3 about the -- the residential share, so to speak, of
4 the \$100 million payment. Do you recall that?

5 A. Yes, I do.

6 Q. And then similarly, can I ask you with
7 respect to the -- with respect to the payment that
8 would be made for the SEET cases, \$20.3 million in
9 total, can you tell me the residential share for that
10 number?

11 A. The residential share of the SEET credit
12 would be approximately \$6.5 million.

13 Q. And by extension, the nonresidential
14 share would be the balance of the 20.3?

15 A. That's correct.

16 Q. Okay. And then similarly, with the
17 Phase-in Recovery Rider adjustment that starts on
18 Page 10, in Paragraph B and carries over to Page 11,
19 that \$97.4 million adjustment, can you break out the
20 residential share of that?

21 A. The residential share for residential
22 customers in the Ohio Power rate zone would be
23 approximately \$27.8 million, with the residual
24 benefitting the nonresidential customers in the Ohio
25 Power rate zone.

1 Q. And then finally, with respect to the
2 gridSMART Phase II in Paragraph E that starts on
3 Page 14, the agreement there calls for an allocation
4 to residential customers of 45 percent, which is less
5 than the allocation that was recommended in the prior
6 stipulation in that case. Do you recall that?

7 A. Yes, I do.

8 Q. And could you address the -- the
9 incremental value, if you will, of -- for residential
10 customers of that provision?

11 A. Sure. The total revenue requirement for
12 the gridSMART program as proposed by the Company was
13 approximately \$260 million over seven years.

14 Under the initial location that the
15 company had proposed in what was included in the
16 stipulation, the residential share of that revenue
17 requirement would have been approximately \$160
18 million.

19 Under the updated allocation of 45
20 percent included in this stipulation, the residential
21 share of that revenue requirement would be \$115
22 million, approximately, resulting in a net benefit of
23 this settlement of \$45 million as compared to the
24 stipulation that had previously been filed in the
25 gridSMART II case.

1 Q. Okay.

2 MR. NOURSE: Thank you, Mr. Allen. I
3 have no further questions, your Honor. I'd move for
4 admission of AEP Ohio Exhibit 101, Mr. Allen's
5 testimony, including Exhibit WAA-GS1, the Global
6 Settlement.

7 HEARING EXAMINER SEE: Mr. Nourse, did
8 you want to mark the stipulation separately?

9 MR. NOURSE: It you'd like me to, I
10 will.

11 HEARING EXAMINER SEE: That would be --
12 that would be nice, Mr. Nourse.

13 MR. NOURSE: If it pleases your Honors,
14 I'll mark the stipulation as Joint Exhibit 1. Thank
15 you.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 HEARING EXAMINER SEE: Now if I could
18 just teach my family that response. Sorry.

19 MR. NOURSE: I have the same problem.

20 HEARING EXAMINER SEE: Any
21 cross-examination for this witness, Mr. Pritchard?

22 MR. PRITCHARD: None.

23 HEARING EXAMINER SEE: Ms. Willis?

24 MS. WILLIS: No. Thank you, your Honor.

25 HEARING EXAMINER SEE: Ms. Cohn?

1 MS. COHN: No, your Honor.

2 HEARING EXAMINER SEE: Ms. Bojko?

3 MS. BOJKO: No. Thank you, your Honor.

4 HEARING EXAMINER SEE: Ms. Whitfield?

5 MS. WHITFIELD: No. Thank you, your
6 Honor.

7 HEARING EXAMINER SEE: Ms. Petrucci?

8 MS. PETRUCCI: No. Thank you.

9 HEARING EXAMINER SEE: Mr. Beeler?

10 MR. BEELER: No questions. Thank you.

11 HEARING EXAMINER SEE: Bench have
12 questions for Mr. Allen?

13 HEARING EXAMINER PARROT: A few.

14 - - -

15 EXAMINATION

16 By Hearing Examiner Parrot:

17 Q. Mr. Allen, if you could kindly turn to
18 Page No. 6 of what we just marked as Joint Exhibit 1,
19 the Global Settlement agreement.

20 A. I'm there.

21 Q. And this is the recital section of the
22 agreement, and I'm specifically looking at the
23 paragraph that addresses Case No. 09-872 and
24 08-973-EL-FAC. And this paragraph is talking about a
25 coal reserve in West Virginia. Do you see that?

1 A. Yes.

2 Q. And so it's referenced here in this
3 paragraph, but it's not -- the coal reserve isn't
4 referenced anywhere else that I could see within the
5 Global Settlement agreement.

6 So I just would like you to tell me what
7 the understanding is of the signatory parties with
8 respect to this coal reserve.

9 A. The understanding is that the
10 Commission's prior order to refund a portion of that
11 amount to customers will be the final value assigned
12 to that. It was my understanding that there was
13 still an open issue around the ultimate value. We
14 have accepted that this resolves all issues.

15 Q. Thank you. Let's turn the page, Page 7.
16 Same part of that stipulation, towards the top of the
17 page there it refers to the FAC dockets, and I'll
18 start just with case 11-5906-EL-FAC, and then there's
19 several other companion cases there. And
20 specifically, the paragraph is referencing that the
21 Commission selected Energy Ventures Analysis to
22 perform an audit of the fuel adjustment clause
23 mechanism for 2012, '13, and '14. Do you see where I
24 am there?

25 A. I do.

1 Q. We had two separate audit reports that
2 we have marked today, one of which I believe
3 addressed audit years 2012 and '13, and then the
4 second addressed 2014. And within both those audit
5 reports EVA offered for the Commission's
6 consideration various recommendations.

7 A. That's correct.

8 Q. Same kind of question there. What is
9 the signatory parties' intention with respect to
10 those audit recommendations?

11 A. The parties' position is that the
12 stipulation resolves all of the issues included in
13 those recommendations.

14 Q. Okay. Thank you. And this is sort of a
15 followup to that. The Commission had also indicated
16 that EVA would be asked to perform a final
17 reconciliation audit, and it's my understanding that
18 in the 2014 audit report EVA indicated that it didn't
19 yet have enough information at hand, there were too
20 many open issues for it to be able to perform that
21 audit.

22 Same kind of question. What is the
23 signatory parties' intention with respect to whether
24 there's any type of final audit done of the fuel
25 clause mechanism?

1 A. The signatory parties' position is that
2 this settlement is the final resolution of that case
3 as well.

4 HEARING EXAMINER SEE: Are there any --
5 with that, are there any objections to the admission
6 of Joint Exhibit 1? 101 -- or AEP Exhibit 101,
7 direct testimony of Mr. Allen?

8 (No response.)

9 HEARING EXAMINER SEE: With that,
10 Exhibit 101 and Joint Exhibit 1 are admitted into the
11 record.

12 (EXHIBITS ADMITTED INTO EVIDENCE.)

13 MR. NOURSE: Thank you, your Honor.

14 HEARING EXAMINER SEE: Thank you,
15 Mr. Allen.

16 (Witness excused.)

17 HEARING EXAMINER SEE: Ms. Willis.

18 MS. WILLIS: Thank you, your Honor. OCC
19 would call Michael P. Haugh to the stand.

20 HEARING EXAMINER SEE: Do you affirm
21 that the information you're about to give, Mr. Haugh,
22 is true?

23 MR. HAUGH: Yes.

24 HEARING EXAMINER SEE: Thank you. Have
25 a seat.

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Michael P. Haugh

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

DIRECT EXAMINATION

By Ms. Willis:

Q. Good morning, Mr. Haugh.

A. Good morning.

Q. Can you state your name and your
business address for the record, please?

A. Sure. Michael Haugh, my address is 10
West Broad Street, Suite 1800, Columbus, Ohio 43215.

Q. And by whom are you employed and in what
capacity?

A. The Office of the Ohio Consumer's
Counsel as the Assistant Director of Analytical
Services.

MS. WILLIS: At this time, your Honors,
I would ask to be marked as OCC Exhibit No. 3 the
direct testimony of Michael P. Haugh.

HEARING EXAMINER SEE: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

By Ms. Willis:

Q. Mr. Haugh, do you have what has been
marked as OCC Exhibit No. 3 in front of you?

1 A. I do.

2 Q. Can you identify that, please?

3 A. That's my direct testimony in the cases
4 covered in this hearing.

5 Q. And do you have any additions,
6 deletions, or corrections to that testimony?

7 A. No.

8 HEARING EXAMINER SEE: Your Honors, I
9 have a few clarifying questions for Mr. Haugh.
10 By Ms. Willis:

11 Q. Mr. Haugh, you testified that there are
12 benefits to the residential customer that flow out of
13 the settlement in this case; is that correct?

14 A. That is, yes.

15 Q. Can you identify and quantify those
16 residential benefits for me?

17 A. Sure. Taking Mr. Allen's testimony on
18 the stand previously, that comes out to approximately
19 \$141.4 million in total benefits to residential
20 customers.

21 Then take away the payments for the
22 Retail Stability Rider, which is approximately \$43.7
23 million, comes out to a net impact for the
24 residential class of \$97.7 million, not taking into
25 account the BTCR, which the -- the costs for that are

1 unknown at this point.

2 MS. WILLIS: Thank you, Mr. Haugh.
3 That's all the questions I have, your Honors. We
4 would move for the admission of OCC Exhibit No. 3
5 subject to cross-examination.

6 HEARING EXAMINER SEE: Cross-examination
7 for this witness, Ms. Petrucci?

8 MS. PETRUCCI: No questions.

9 HEARING EXAMINER SEE: Ms. Whitfield?

10 MS. WHITFIELD: No questions.

11 HEARING EXAMINER SEE: Ms. Bojko?

12 MS. BOJKO: No, thank you, your Honor.

13 HEARING EXAMINER SEE: Ms. Cohn?

14 MS. COHN: No questions, your Honor.

15 HEARING EXAMINER SEE: Mr. Pritchard?

16 MR. PRITCHARD: No questions, your
17 Honor.

18 HEARING EXAMINER SEE: Mr. Beeler?

19 MR. BEELEER: No questions. Thank you.

20 HEARING EXAMINER SEE: Mr. Nourse?

21 MR. NOURSE: No. Thank you.

22 HEARING EXAMINER SEE: Okay.

23 - - -

24 EXAMINATION

25 By Hearing Examiner Parrot:

1 Q. I'm just going to follow up the same
2 line of questioning I had for Mr. Allen. I believe
3 you were in the room for Mr. Allen's responses just
4 now.

5 I asked him some questions about the
6 signatory parties' intention with respect to the West
7 Virginia coal reserve, audit recommendations made by
8 EVA in the 2012 and '13 and the 2014 audit reports,
9 as well as final reconciliation audit.

10 Is your understanding of the signatory
11 parties' understanding consistent with Mr. Allen's
12 testimony?

13 A. Yes, it is.

14 HEARING EXAMINER PARROT: Thank you,
15 Mr. Haugh.

16 HEARING EXAMINER SEE: Okay. With that,
17 are there any objections to the admission of OCC
18 Exhibit 3?

19 MR. NOURSE: No, your Honor.

20 HEARING EXAMINER SEE: Hearing none, OCC
21 Exhibit 3 is admitted into the record.

22 (EXHIBIT ADMITTED INTO EVIDENCE.)

23 HEARING EXAMINER SEE: Mr. Haugh, you
24 may step down.

25 (Witness excused.)

1 HEARING EXAMINER SEE: Okay. So all of
2 the exhibits marked in the various cases covered by
3 the Global Settlement stipulation are admitted into
4 the record.

5 (EXHIBITS ADMITTED INTO EVIDENCE.)

6 HEARING EXAMINER SEE: With that, is
7 there anything else?

8 MR. KURTZ: Your Honor, one comment. As
9 noted on Page 22 of the stipulation, the parties
10 request, urge, a Commission order by February 28th,
11 so that the significant rate reductions and so forth
12 and benefits can start to flow by March 1. So I just
13 want to remind the Bench of that provision.

14 HEARING EXAMINER SEE: So noted. Thank
15 you.

16 MR. NOURSE: The same thing I was going
17 to note, your Honor, and just offer if there's
18 anything the parties can do to be helpful, such as a
19 proposed order or any kind of assistance you need,
20 let us know. We're ready to help.

21 MS. WILLIS: We are also prepared to
22 waive briefing. And we are I guess assuming there
23 would be no briefing. I would suggest that we would
24 recommend no briefing for this case, and allow it to
25 expedite matters and allow things to go forward.

1 HEARING EXAMINER SEE: I assume the
2 other parties are in agreeance?

3 MS. COHN: Yes.

4 MS. BOJKO: Yes.

5 MS. WHITFIELD: Yes.

6 MS. PETRUCCI: Yes.

7 MR. NOURSE: Yes.

8 MR. PRITCHARD: Yes.

9 HEARING EXAMINER SEE: Okay. If there's
10 nothing for -- briefs are waived, and if there's
11 nothing further, hearing is adjourned.

12 (Thereupon, the hearing was
13 concluded at 11:00 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 24th,
2017, and carefully compared with my original
stenographic notes.

Valerie J. Grubaugh,
Registered Merit Reporter
and Notary Public in and
for the State of Ohio.

My commission expires August 11, 2021

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 09-0872-EL-FAC, 09-0873-EL-FAC, 10-2929-EL-UNC, 11-0346-EL-SSO, 11-0348-EL-SSO,

Summary: Transcript In the Matter of Columbus Southern Power and Ohio Power Company, hearing held on January 24, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie