

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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Direct Energy Business,	:	
LLC,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 14-1277-EL-CSS
	:	
Duke Energy Ohio, Inc.,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Mr. Nicholas Walstra, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:15 a.m. on Tuesday, June 13, 2017.

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APPEARANCES:

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By Mr. Mark A. Whitt
and Ms. Rebekah J. Glover
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88 East Broad Street
Columbus, Ohio 43215

On behalf of Direct Energy Business, LLC.

Duke Energy Ohio, Inc.
By Ms. Amy B. Spiller
Deputy General Counsel,
Ms. Elizabeth H. Watts
Associate General Counsel,
and Ms. Jeanne W. Kingery
Associate General Counsel,
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Cincinnati, Ohio 45201-0960

On behalf of Duke Energy Ohio, Inc.

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INDEX TO EXHIBITS

- - -

DIRECT ENERGY BUSINESS EXHIBITS ADMITTED

1	Direct Testimony of Teresa Ringenbach	9
2	Direct Testimony of Robert Kennelly (Public Version)	9
3	Direct Testimony of Timothy Abbott (Confidential Version)	9
4	Duke Energy Ohio, Inc. Certified Supplier Tariff, P.U.C.O. Electric Tariff No. 20 (2013 Version)	9
5	Duke Energy Ohio, Inc. Certified Supplier Tariff, P.U.C.O. Electric Tariff No. 20 (Current Version)	9
6	Certified Supplier Service Agreement, effective as of September 3, 2010	9
7	Deposition of Timothy Abbott	9
8	Deposition of Daniel L. Jones	9
9	Deposition of Dana Adams	9
10	Deposition of Jennifer Seamon	9

- - -

DUKE ENERGY OHIO EXHIBITS ADMITTED

1	Direct Energy Business, LLC, v. Duke Energy Ohio, Answer of Duke Energy Ohio (August 13, 2014)	9
2	Duke Energy Ohio, Inc. Certified Supplier Tariff, P.U.C.O. Electric Tariff No. 20 (January 1, 2012)	9

INDEX (Continued)

- - -

DUKE ENERGY OHIO EXHIBITS ADMITTED

3	PJM Open Access Transmission Tariff, ER10-2710-000 (September 17, 2010)	9
4	Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., FERC Docket No. ER11-4040-000 (July 14, 2011)	9
5	PJM Manual 29, Revision 23 (January 1, 2012)	9
6	PJM InSchedule User Guide, Revision 1 (August 29, 2012)	9
7	Direct Testimony of Timothy Abbott (Confidential Version) (April 14, 2015)	9
8	Direct Testimony of Timothy Abbott (Public Version) (April 14, 2015)	9
9	Deposition of Teresa Ringenbach (April 21, 2015)	9
10	Deposition of Robert Kennelly (April 21, 2015)	9
11	Deposition of Andrew Vance (April 21, 2015)	9
12	Deposition of Marjorie Philips (April 21, 2015)	9
13	Discovery Responses of Direct Energy, DEO-INT-01-005 DEO-INT-01-018 DEO-INT-01-020 DEO-RPD-01-001 DEO-RFA-01-001 DEO-RFA-01-002 DEO-RFA-01-003	9

1	INDEX (Continued)	
2	- - -	
3	DUKE ENERGY OHIO EXHIBITS	ADMITTED
4	14 Discovery Responses of Duke Energy Ohio,	9
5	DIRECT-INT-01-003	
6	DIRECT-INT-01-006	
7	DIRECT-INT-01-007	
8	DIRECT-INT-01-008	
9	DIRECT-INT-01-009	
10	DIRECT-POD-01-002 (c) (supplemental)	
11	DIRECT-POD-01-002 (f)	
12	DIRECT-POD-01-002 (g)	
13	DIRECT-POD-01-002 (h)	
14	DIRECT-POD-01-002 (q)	
15	DIRECT-POD-03-005	
16	15 Direct Energy Business, LLC, v.	--
17	Ohio Edison Company and The Cleveland	
18	Electric Illuminating Company,	
19	PUCO Case No. 17-791-EL-CSS, Complaint	
20	(March 20, 2017)	
21	16 Direct Energy Business, LLC, v.	--
22	Ohio Edison Company and The Cleveland	
23	Electric Illuminating Company,	
24	PUCO Case No. 17-791-EL-CSS,	
25	Answer (April 10, 2017)	
26	17 Ohio Edison Company and The Cleveland	--
27	Electric Illuminating Company v.	
28	Direct Energy Business, LLC,	
29	U.S. District Court	
30	Case No. 5:17-cv-00736,	
31	Complaint (April 10, 2017)	
32	18 Ohio Edison Company and The Cleveland	--
33	Electric Illuminating Company v.	
34	Direct Energy Business, LLC,	
35	U.S. District Court	
36	Case No. 5:17-cv-00736,	
37	Motion to Dismiss (May 12, 2017)	
38	- - -	
39		
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Tuesday Morning Session,
June 13, 2017.

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EXAMINER WALSTRA: The Public Utilities
Commission of Ohio has called for hearing at this
time and place, Case No. 14-1277-EL-CSS, a complaint
brought by Direct Energy Business, LLC, versus Duke
Energy Ohio, Incorporated.

My name is Nick Walstra. I'm the
Attorney Examiner assigned by the Commission to hear
the case.

We'll begin by taking appearances from
the parties. Direct.

MR. WHITT: Thank you, your Honor. On
behalf of the Complainant, Direct Energy Business,
LLC, Mark Whitt and Rebekah Glover from the firm of
Whitt Sturtevant, LLP, 88 East Broad Street, Suite
1590, Columbus, Ohio 43215.

EXAMINER WALSTRA: Thank you.
Duke.

MS. WATTS: Thank you, your Honor, and
good morning again. On behalf of Duke Energy Ohio,
Amy B. Spiller, Elizabeth H. Watts, and Jeanne W.
Kingery, 139 East Fourth Street, Cincinnati, Ohio
45201.

1 EXAMINER WALSTRA: Thank you.

2 We had some discussion off the record
3 about stipulating to the evidence. Who wants to --
4 Mr. Whitt, do you want to --

5 MR. WHITT: Yes, your Honor.

6 EXAMINER WALSTRA: -- explain the
7 process?

8 MR. WHITT: Thank you, your Honor.

9 The counsel for the parties have
10 conferred a few times before today and have agreed
11 that certain testimony and other documents should be
12 admitted by stipulation; that both sides would waive
13 cross-examination of each other's witnesses.

14 I have received an exhibit list from
15 Duke. I've discussed the list with Ms. Watts, and I
16 believe we have agreed that was it Exhibits 1 through
17 13 would be admitted? I think the last two exhibits
18 on your list we had discussed referencing those
19 documents through administrative notice.

20 MS. WATTS: On your list or my list?

21 MR. WHITT: On your list.

22 MS. WATTS: Last four documents.

23 MR. WHITT: Last four documents?

24 MS. WATTS: Yeah. The list goes through
25 18 and it's the last four documents.

1 MR. WHITT: Okay. So I think the
2 agreement is that the parties would stipulate to the
3 admission of Duke Exhibits 1 through 14.

4 Direct has identified 10 exhibits. I've
5 discussed those with Ms. Watts and believe that Duke
6 will stipulate to the admission of those exhibits as
7 well. I have not filed an exhibit list. I will file
8 such a list today. I'm more than happy to go through
9 the items that will be on that list if the Bench so
10 desires.

11 EXAMINER WALSTRA: Is that your
12 understanding, Ms. Watts?

13 MS. WATTS: Yes, your Honor, that's
14 correct. And I believe we have agreed to stipulate
15 to the admission of what would be on Mr. Whitt's
16 list, but I would like to reserve a final opportunity
17 to review it when it's filed just in case, but I
18 don't anticipate that there would be any problem with
19 the list that's been proposed.

20 EXAMINER WALSTRA: Okay. Duke filed an
21 exhibit list yesterday that is in the docket
22 identifying 18 exhibits. With the stipulation of the
23 parties, we'll admit Exhibits 1 through 14 into the
24 record. Exhibits 15 through 18 we'll take
25 administrative notice of.

1 (EXHIBITS ADMITTED INTO EVIDENCE.)

2 MS. WATTS: Thank you, your Honor.

3 EXAMINER WALSTRA: And regarding Direct,
4 they will file their evidence later today. We will
5 take, is it Exhibits 1 through 10?

6 MR. WHITT: Yes, your Honor.

7 EXAMINER WALSTRA: They will be admitted.
8 I'll allow Duke an opportunity to object after the
9 filing if need be.

10 (EXHIBITS ADMITTED INTO EVIDENCE.)

11 MS. WATTS: Thank you. And certainly if
12 there's a need for that, it will happen within 24
13 hours.

14 EXAMINER WALSTRA: Okay. Otherwise, we
15 also discussed a briefing schedule. Initial briefs
16 will be due July 21st, with replies due August 11th.
17 Anything else to come before the Bench?

18 MR. WHITT: Nothing from Direct, your
19 Honor.

20 MS. WATTS: Nothing further from Duke,
21 your Honor.

22 EXAMINER WALSTRA: All right. Well,
23 thank you, everybody.

24 (Thereupon, at 10:20 a.m., the hearing
25 concluded.)

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, June 13, 2017, 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.

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in

Case No(s). 14-1277-EL-CSS

Summary: Transcript In the Matter of the Complaint of Direct Energy Business, LLC vs. Duke Energy Ohio, Inc., hearing held on June 13, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn