

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application :  
of the Significantly Excessive :  
Earnings Test under Section :Case No.  
4928.143(F), Ohio Revised Code, :17-1213-EL-UNC  
and Rule 4901:1-35-03(C)(10), :  
Ohio Administrative Code for The :  
Dayton Power and Light Company. :

In the Matter of the Application :  
of the Significantly Excessive :  
Earnings Test under Section :Case No.  
4928.143(F), Ohio Revised Code, :18-873-EL-UNC  
and Rule 4901:1-35-03(C)(10), :  
Ohio Administrative Code for The :  
Dayton Power and Light Company. :

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PROCEEDINGS

Before Gregory Price, Attorney Examiner, held at  
the Public Utilities Commission of Ohio, 180  
East Broad Street, Hearing Room 11-C, Columbus,  
Ohio, on Tuesday, October 23, 2018, at 10:00  
A.M.

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Armstrong & Okey, Inc.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
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APPEARANCES:

Mr. Michael J. Schuler  
1065 Woodman Drive  
Dayton, Ohio 45432

On behalf of The Dayton Power  
and Light Company.

Boehm, Kurtz & Lowry  
By Mr. Kurt J. Boehm  
36 East Seventh Street, Suite 150  
Cincinnati, Ohio 45202

On behalf of The Ohio Energy  
Group.

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.

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DP&L WITNESSES

DIRECT

CROSS

Nathan Parke

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1 Tuesday Morning,  
2 October 23, 2018.

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4 ATTORNEY EXAMINER: Good morning.  
5 The Public Utilities Commission of Ohio has set  
6 for hearing at this time and place Case Nos.  
7 17-1213-EL-UNC and Case No. 18-873-EL-UNC, being  
8 in the Matter of the Application of The Dayton  
9 Power and Light Company for Administration of  
10 the Significantly Excessive Earnings Test under  
11 Ohio Revised Code 4928.143(F) and Ohio  
12 Administrative Code 4901:1-35-10 for 2016.

13 And in the Matter of the Application  
14 of the Dayton Power and Light Company for  
15 Administration of the Significantly Excessive  
16 Earnings Test under Revised Code 4928.143(F) and  
17 Ohio Administrative Code 4901:1-35-10 for 2017  
18 respectively.

19 My name is Gregory Price, I am the  
20 Attorney Examiner assigned to preside at today's  
21 hearings. Let us begin by taking appearances  
22 starting with the Company.

23 MR. SCHULER: Good morning, your  
24 Honor. On behalf of The Dayton Power and Light  
25 Company Michael Schuler, address 1065 Woodman

1 Drive, Dayton, Ohio 45432.

2 ATTORNEY EXAMINER: Thank you. Ohio  
3 Energy Group.

4 MR. BOEHM: Good morning, your  
5 Honor. Kurt Boehm appearing on behalf of the  
6 Ohio Energy Group.

7 ATTORNEY EXAMINER: And Staff.

8 MR. MCNAMEE: For the Staff of the  
9 Public Utilities Commission of Ohio, Thomas W.  
10 McNamee, Assistant Attorney General. The  
11 address is 30 East Broad Street, 16th Floor,  
12 Columbus, Ohio 43215.

13 ATTORNEY EXAMINER: I understand we  
14 have a stipulation in today's case?

15 MR. SCHULER: Yes, that is correct,  
16 your Honor. We have a stipulation and a number  
17 of exhibits to follow it.

18 ATTORNEY EXAMINER: And Mr. Parke.

19 MR. SCHULER: And Mr. Parke will be  
20 the witness supporting the stipulation.

21 ATTORNEY EXAMINER: Call your  
22 witness.

23 MR. SCHULER: At this time the  
24 Company would like to call Nathan Parke to the  
25 stand.

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(WITNESS SWORN)

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NATHAN PARKE

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

ATTORNEY EXAMINER: Please be seated  
and state your name and business address for  
the record.

THE WITNESS: My name is Nathan C.  
Parke. Business address is 1065 Woodman Drive,  
Dayton, Ohio 45432.

ATTORNEY EXAMINER: Please proceed.

MR. SCHULER: Thank you, your  
Honor. I would like to first start by marking  
six separate exhibits in both case numbers.  
May I approach?

ATTORNEY EXAMINER: You may.

MR. SCHULER: First I would like to  
mark as Joint Exhibit 1, the Stipulation and  
Recommendation filed in both the aforementioned  
cases.

ATTORNEY EXAMINER: So marked.

(EXHIBIT MARKED FOR THE PURPOSE OF  
IDENTIFICATION)

MR. SCHULER: Then marked as DP&L

1 Exhibit 1, the application of Dayton Power and  
 2 Light Company in Case No. 17-1213-EL-UNC.

3 ATTORNEY EXAMINER: Shall be so  
 4 marked.

5 (EXHIBIT MARKED FOR IDENTIFICATION)

6 MR. SCHULER: Then marked as DP&L  
 7 Exhibit 2, the Confidential version of Exhibit  
 8 CAF-7 filed in Case No. 17-1213-EL-UNC.

9 ATTORNEY EXAMINER: It will be so  
 10 marked.

11 (EXHIBIT HEREBY MARKED FOR  
 12 IDENTIFICATION PURPOSES)

13 MR. SCHULER: I would like to have  
 14 marked as DP&L Exhibit 3 the Application of the  
 15 Dayton Power and Light Company in Case No.  
 16 18-873-EL-UNC.

17 ATTORNEY EXAMINER: It will be so  
 18 marked.

19 (EXHIBIT MARKED FOR IDENTIFICATION)

20 MR. SCHULER: I would like to have  
 21 marked as DP&L Exhibit 4 the confidential  
 22 version of Exhibit CAF-7 in Case No.  
 23 18-873-EL-UNC.

24 ATTORNEY EXAMINER: It will also be  
 25 so marked.



1 (EXHIBIT HEREBY MARKED FOR  
2 IDENTIFICATION PURPOSES)

3 MR. SCHULER: And finally I would  
4 like to have marked as DP&L Exhibit 5 the  
5 testimony of Nathan C. Parke filed in Case No.  
6 17-1213-EL-UNC and 18-873-EL-UNC.

7 ATTORNEY EXAMINER: That will be so  
8 marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION)

10 MR. SCHULER: Thank you, your Honor.  
11 May I proceed with the witness?

12 ATTORNEY EXAMINER: You may.

13 DIRECT EXAMINATION

14 By Mr. Schuler:

15 Q. Good morning, Mr. Parke.

16 A. Good morning.

17 Q. Do you have in front of you copies  
18 of the six exhibits that were just marked by the  
19 court reporter?

20 A. Yes, I do.

21 Q. Let's go through each one of those  
22 individually. Do you recognize Joint Exhibit 1?

23 A. Yes. That is the Stipulation and  
24 Recommendation filed in this case.

25 Q. And do you recognize DP&L Exhibit 1?

1           A.    Yes.  That is the application of  
2 Dayton Power and Light Company for their  
3 significantly excessive earnings test.  It was  
4 filed in 2017 for the 2016 year.

5           Q.    Do you recognize DP&L Exhibit 2?

6           A.    Yes.  That is the confidential  
7 attachment to the application.

8           Q.    Do you recognize DP&L Exhibit 3?

9           A.    Yes.  That is the company's  
10 application for the significantly excessive  
11 earnings test that was filed in 2018 for  
12 the 2017 year.

13          Q.    Do you recognize DP&L Exhibit 4?

14          A.    Yes.  That is the confidential  
15 attachment to that application.

16          Q.    Finally, do you recognize DP&L  
17 Exhibit 5?

18          A.    Yes.  That is my testimony that has  
19 been filed in this case.

20          Q.    Do you have any corrections to your  
21 testimony that is labeled as DP&L Exhibit 5?

22          A.    No, I do not.

23          Q.    If I asked you the same questions  
24 today would you answer them in the same manner?

25          A.    Yes, I would.

1 MR. SCHULER: Your Honor, at this  
2 time I have no further questions, and would  
3 offer Mr. Parke for cross-examination.

4 ATTORNEY EXAMINER: OEG.

5 MR. BOEHM: No questions, your  
6 Honor.

7 ATTORNEY EXAMINER: Staff.

8 MR. MCNAMEE: No, questions, your  
9 Honor.

10 ATTORNEY EXAMINER: You are excused.  
11 Thank you.

12 THE WITNESS: Thank you.

13 MR. SCHULER: Your Honor, at this  
14 time DP&L would move for the admission of Joint  
15 Exhibit 1 and DP&L Exhibits 1 through 5.

16 ATTORNEY EXAMINER: Any objections?

17 MR. MCNAMEE: No objection, your  
18 Honor, but I should clarify things a bit for  
19 the record.

20 The Bench will note that the  
21 stipulation does not include the signature of  
22 the Staff. That should not be taken as  
23 opposition. We do not oppose the adoption of  
24 the stipulation in this case.

25 Rather, the press of time and other

1 business simply didn't allow us the ability to  
2 review stipulations in the degree of  
3 thoroughness we normally do, and so we were not  
4 able to sign onto the document.

5 But, the outcome of that document,  
6 the resolution of the case, is just fine. We  
7 have no opposition to that at all.

8 And, in fact, I believe the parties  
9 agreed to stipulate in the testimony of Mr.  
10 Buckley which we will get to in a minute.

11 And, so there is no opposition to  
12 the stipulation in this case.

13 ATTORNEY EXAMINER: Thank you. It  
14 will be noted for the record. At this time we  
15 will admit Joint Exhibit 1 and DP&L Exhibits 1  
16 through 5.

17 (EXHIBITS ADMITTED INTO  
18 EVIDENCE)

19 ATTORNEY EXAMINER: Mr. McNamee.

20 MR. MCNAMEE: Your Honor, at this  
21 time I will ask to have marked for  
22 identification the prefiled testimony of Joseph  
23 P. Buckley filed in this case on October 9 of  
24 this year. It says the wrong year on there I  
25 notice.

1                   And I believe the parties have  
2 agreed to stipulate that testimony in without  
3 cross.

4                   ATTORNEY EXAMINER: Marked as Staff  
5 Exhibit 1.

6                   (EXHIBIT MARKED FOR THE PURPOSE OF  
7 IDENTIFICATION)

8                   ATTORNEY EXAMINER: Any objection to  
9 the admission of Staff Exhibit 1?

10                  MR. SCHULER: None from the Company,  
11 your Honor.

12                  MR. BOEHM: No, your Honor.

13                  ATTORNEY EXAMINER: It will be  
14 admitted.

15                  (EXHIBIT ADMITTED INTO  
16 EVIDENCE)

17                  MR. MCNAMEE: Your Honor, I would  
18 note that that testimony is, the conclusion of  
19 that testimony is consistent with the outcome  
20 recommended in the stipulation in this case.

21                  ATTORNEY EXAMINER: Thank you. One  
22 last housekeeping matter.

23                  MR. MCNAMEE: Yes.

24                  ATTORNEY EXAMINER: The joint  
25 stipulation indicates the parties asked that OEG

1 be granted intervention in 17-1213-EL-UNC. At  
2 this time we will grant intervention of OEG in  
3 that case.

4 MR. BOEHM: Thank you, Your Honor.

5 ATTORNEY EXAMINER: Anything else?

6 MR. MCNAMEE: Nothing

7 ATTORNEY EXAMINER: This case will  
8 be submitted on the record to the Commission,  
9 and we are adjourned.

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

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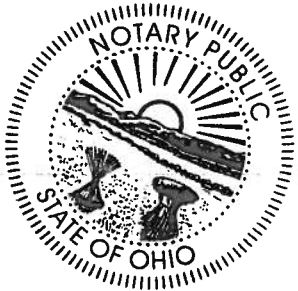
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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on October 23, 2018, and carefully compared with my original stenographic notes.

*Michael O. Spencer*  
Michael O. Spencer,  
Registered Professional  
Reporter.

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

**Commission of Ohio Docketing Information System on**

**11/7/2018 11:28:00 AM**

**in**

**Case No(s). 17-1213-EL-UNC, 18-0873-EL-UNC**

Summary: Transcript In the Matter of the Application of the Significantly Excessive Earnings Test under Section 4928.143(F), Ohio Revised Code, and Rules 4901:1-35-03(C)(10), Ohio Administrative Code for The Dayton Power and Light Company and In the Matter of the Application of the Significantly Excessive Earnings Test under Section 4923.143(F), Ohio Revised Code, and Rules 4901:1-35-03(C)(10), Ohio Administrative Code for The Dayton Power and Light Company, hearing held on October 23rd, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.