

Confidential Release

Case Number: 15-298-GE-CSS

Date of Confidential Document: 2/11/2016

Release Date: 3/5/2019

Page Count: 106

Document Description: Proceeding- Vol. 1 and 2, Feb. 1, 2016 and Feb. 2, 2016

RECEIVED-DOCKETING DIV
2019 MAR -5 PM 1:25
PUCO

“Consent to Release to the PUCO DIS Website”

Name Sarah J. Pano
Reviewing Attorney/Examiner's Signature

Date Reviewed 03/05/19



Public Utilities Commission

John R. Kasich, Governor
Andre T. Porter, Chairman

Commissioners

Asim Z. Haque
Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

CONFIDENTIAL

Confidential treatment has been requested for the following document:

Case Number: 15-0298-GE-CSS

Page Count: 106

Date Filed: February 11, 2016

Filed By: Armstrong & Okey, Inc.

On Behalf Of: Duke Energy Ohio, Inc.

Summary of Document: Proceedings Volume I and Volume II from February 1, 2016 and February 2, 2016.

Staff Initials: memo



RECEIVED-BOOKING CL.
2016 FEB 11 PM 5:06
PUCO

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the	:	
Complaint of:	:	
	:	
Jeffrey Pitzer,	:	
	:	
Complainant,	:	Case No. 15-298-GE-CSS
	:	
vs.	:	
	:	
Duke Energy, Ohio, Inc.,	:	
	:	
Respondent,	:	

- - -

PROCEEDINGS

before Ms. Sarah Parrot, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at
10:00 a.m. on Monday, February 1, 2016.

- - -

VOLUME I

CONFIDENTIAL SECTION

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

PUCO

2016 FEB 11 PM 4:52

FILED - COLUMBUS, OHIO

1 APPEARANCES:

2 Droder & Miller Co., LPA
3 By Mr. Donald A. Lane
4 125 West Central Parkway
5 Cincinnati, Ohio 45202

6 On behalf of the Complainant.

7 Duke Energy Ohio, Inc.
8 By Ms. Amy B. Spiller
9 Deputy General Counsel
10 139 East Fourth Street, 1303-Main
11 Cincinnati, Ohio 45202

12 Eberly McMahon Copetas, LLC
13 By Mr. Robert A. McMahon
14 2321 Kemper Lane, Suite 100
15 Cincinnati, Ohio 45206

16 On behalf of the Respondent.

17 Bruce J. Weston, Ohio Consumers' Counsel
18 Office of the Ohio Consumers' Counsel
19 By Mr. Terry L. Etter
20 Assistant Consumers' Counsel
21 10 West Broad Street, Suite 1800
22 Columbus, Ohio 43215

23 Carpenter, Lipps & Leland, LLP
24 By Ms. Kimberly W. Bojko
25 280 North High Street, Suite 1300
Columbus, Ohio 43215

On behalf of the Residential Customers of
Duke Energy Ohio, Inc.

- - -

1

2

3

4

5

6 (CONFIDENTIAL PORTION.)

7 EXAMINER PARROT: I would just note at
8 this point we have closed the doors and we are now
9 entering a confidential session.

10 Mr. Lane, we will start with you. I guess
11 we need our witness, I just realized.

12 MR. LANE: Your Honor, before we start,
13 this is not confidential, but I just wanted to state
14 something for the record. Obviously, Mr. Pitzer and
15 Ms. Lykins are very interested in the outcome of
16 these proceedings. Unfortunately, they had to leave.
17 Ms. Lykins occasionally has problems with her
18 medication and so they had to go home. Mr. Pitzer
19 will be rejoining us tomorrow.

20 EXAMINER PARROT: Okay. Thank you.

21 MS. SPILLER: Your Honor, I guess before
22 we are back on the record, is he testifying, Don?

23 MR. LANE: No. He is here as a
24 representative.

25 EXAMINER PARROT: And we are on the

1 record.

2 MS. SPILLER: Oh, I'm sorry.

3 MR. LANE: And he will not be testifying.

4 EXAMINER PARROT: If you are ready, go
5 ahead, Mr. Lane.

6 MR. LANE: Okay.

7 - - -

8 DIRECT EXAMINATION (Continued)

9 - - -

10 By Mr. Lane:

11 Q. Ms. Byndon, I would like you to go back to
12 what we have marked as Pitzer Exhibit B. That's the
13 one I started to ask you about.

14 A. Okay.

15 Q. Then we got a little sidetracked. So on
16 there you see a -- you see a reference to what says
17 "Account Note Add." Do you see that?

18 A. Yes, yes.

19 Q. You would agree with me, would you not,
20 that suggests there is actually a separate account
21 note that would have been added with this account
22 into the CMS; is that correct?

23 A. Yes.

24 Q. All right. Should that note at the time
25 have been -- that it was entered, should that note

1 have been part of the customer service database?

2 A. Yes.

3 Q. All right. And that would have been a
4 note, whatever it was, that would have been a note
5 that would have been part of the database for this
6 customer account; is that correct?

7 A. That would have been the note part of the
8 customer database?

9 Q. Correct, for this account.

10 A. Yes.

11 Q. All right. And it appears as though that
12 note was added on September 22 of 2011. Do you see
13 that?

14 A. Yes.

15 Q. All right. And, Ms. Byndon, do you know
16 whether or not -- well, strike that.

17 Based on what you told us back in
18 December, you would agree with me, would you not,
19 that that note should still be in existence as we sit
20 here today; is that right?

21 A. Yes.

22 Q. Now, I would like you to go to what's been
23 marked as Pitzer Exhibit C. These are a little
24 difficult to read, but we did talk about these back
25 in December. On the right-hand side where you see

1 the word that says "Pending," it's about four lines
2 down.

3 A. Yes.

4 Q. All right. And then there are three white
5 blocks there with writing in those. Do you see
6 those?

7 A. Yes.

8 Q. Now, you would agree with me, would you
9 not, that those are additional account notes; is that
10 correct?

11 A. Under pending additional account notes?

12 Q. No, no. Those three highlighted boxes,
13 those are additional account notes, aren't they?

14 A. Well --

15 Q. Whatever is in those boxes, that
16 designation, there are some additional account notes
17 on the account. The information in those white
18 blocks shows that, doesn't it?

19 A. Yeah. I don't know -- I am just stuck
20 because they are not really account notes but maybe
21 some account information.

22 Q. Account information, that's fine. That's
23 fine. Okay. Now, I believe the block next to -- or
24 the second highlighted block there, I am going to
25 call them "highlighted" because that's what they look

1 like to me. That says "SPEC." Do you see that?

2 A. Yeah, the second one, yes.

3 Q. Okay. And I believe that indicates that
4 there are special conditions that relate to what I'll
5 refer to as the Easterling account, doesn't it?

6 A. Well, it could relate to the account.

7 Q. Right. It's -- it shows that there are
8 special conditions placed on this account, doesn't
9 it?

10 A. Yes.

11 Q. All right. And, again, if there are
12 special conditions, those conditions would be entered
13 into the -- into the CMS, wouldn't they?

14 A. Yes.

15 Q. And to your knowledge, those special
16 conditions would still exist today for -- the special
17 conditions that were on the account at that time
18 would still exist in the CMS today, wouldn't they?

19 MR. McMAHON: Objection. No foundation as
20 to any time.

21 EXAMINER PARROT: I am going to overrule
22 the objection.

23 A. I don't know that they would still exist
24 today, but you mean if you were able to access them
25 today?

1 Q. Correct.

2 A. I -- yeah, I have a little hesitation
3 because the account is so old and so I'm not sure if
4 special condition codes can be accessed.

5 Q. Okay. Well, we talked a minute ago about
6 some account notes that were entered in September of
7 2011. And you testified that those account notes
8 that were entered in September of 2011 would still be
9 accessible if you access the account today. And what
10 I am asking is the special conditions that are noted
11 on Exhibit C, if you access the account today, would
12 special conditions relating to the account likewise
13 be in existence if you access the account information
14 today?

15 A. Yes.

16 Q. All right. Now, Mr. McMahon asked you, I
17 believe, if the CMS also shows billing information,
18 payment information, late charges, and you said it
19 does include all of that; isn't that correct?

20 A. Yes.

21 Q. All right. So if Duke were to provide
22 account related information today or within the last
23 several months while this dispute has been ongoing,
24 that information would have been available, wouldn't
25 it?

1 A. It would show, like, if a payment was made
2 on the account? Is that --

3 Q. Right. A payment made, a late charge
4 assessed, special conditions, notes, that sort of
5 thing would be available and could be produced by
6 Duke; isn't that correct?

7 A. Yes. Yes.

8 Q. All right. Bear with me for one minute.

9 All right. I want you to turn, if you
10 would, to Pitzer Exhibit D that's also in front of
11 you. And fortunately this is a little bit easier to
12 read. Do you see, Ms. Byndon, there in "Current
13 Instructions" it says "Side door, customer elderly,
14 please give time to answer door." Do you see that?

15 A. Yes.

16 Q. All right. Is that an example of a note
17 or an account instruction that would be part of the
18 CMS on this account?

19 A. It would have been an instruction that the
20 meter reader saw that would be on the account, yeah.
21 Meter reading.

22 Q. And why do you indicate it would be
23 instructions for a meter reader? What in the
24 document leads you to that conclusion?

25 A. It says "Meter Reading Instructions."

1 Q. Okay. Would that instruction also be
2 important for someone who was visiting the residence
3 on behalf of Duke for any other reasons?

4 MR. McMAHON: Objection. Vague,
5 ambiguous. Calls for speculation.

6 EXAMINER PARROT: Overruled.

7 A. These are specific to the meter readers,
8 so I don't know that anybody else has access to those
9 meter reading instructions.

10 Q. This is part of the CMS, isn't it?

11 A. Yes.

12 Q. All right. Would somebody who was going
13 to the residence, wouldn't you agree with me somebody
14 that's going to the residence to do something like a
15 disconnection would have access to CMS information?

16 A. Not this information. This is for the
17 meter reader. I don't know that anybody else has
18 access to that.

19 Q. Is there a separate database that only the
20 meter readers have access to?

21 A. There is a held -- handheld information
22 that they could see this, but when they are meter
23 reading instructions, I don't know that anybody else
24 has access to that. I don't know that any other
25 workers has access to that.

1 Q. Okay. Do the workers generally have
2 access to the CMS?

3 A. No, not CMS.

4 Q. All right. Is the CMS set up only for
5 meter readers?

6 A. So when I say "CMS," they don't have --
7 they have access to some information that will
8 carry-over to their handheld, but they're not looking
9 at specifically CMS. They are looking at some
10 information that is transferred to another device
11 from CMS, and that's why I don't know that anybody
12 else outside of a meter reader has access to it.

13 Q. Okay. Let's back up. This is -- this
14 screen -- this is a screenshot of Exhibit D; isn't
15 that right?

16 A. Yes.

17 Q. Okay. This is a screenshot from the CMS;
18 isn't that right?

19 A. Yes.

20 Q. All right. So this information is part of
21 the CMS for this account; isn't that correct?

22 A. That is correct.

23 Q. All right. So if someone had access to
24 the CMS, they would have access to this information;
25 isn't that correct?

1 A. If they had access to CMS. But the
2 information that meter readers see is not CMS; it's
3 information that is transported from CMS.

4 Q. Okay. I am not asking about that. I am
5 saying if someone had access to CMS, they would have
6 access to this information; isn't that correct?

7 A. Correct. Yeah.

8 Q. And wouldn't you agree with me the fact
9 that the customer of this address was elderly is
10 something that's important to note on the account?

11 A. For the meter reader, yes.

12 Q. It's important to note on the account for
13 any purpose, isn't it?

14 A. I mean, I don't know for anybody outside
15 of the meter reading like the customer service
16 specialist, I don't know necessarily it's important
17 that they know that they are elderly.

18 Q. Okay. But if somebody were to go to the
19 residence and perform any type of service, wouldn't
20 you agree with me this is information that's
21 important for them to know?

22 A. It could be important, yes.

23 Q. And just for the record, what date was
24 that information entered in? It looks like it's
25 January 24 of 2011; isn't that correct?

1 A. That's correct.

2 Q. Okay. So this would have been a note that
3 would have been in the account on November 4 of 2011;
4 isn't that right?

5 A. Yes.

6 Q. Okay. Now, Ms. Byndon, I believe
7 Mr. McMahon asked you some questions about a 10-day
8 notice letter; is that correct?

9 A. 10-day notice.

10 Q. You are familiar with what a 10-day notice
11 letter is?

12 A. I have some familiarity, yes.

13 Q. A 10-day disconnection notice.

14 A. Yes.

15 Q. I would like you to turn to Pitzer
16 Exhibit E, please. Is this an example of a final
17 disconnection notice?

18 A. It looks like it. I know that we issue
19 them. I can't say that I specifically know the
20 details of the final disconnect notice.

21 Q. Okay. But you are aware they are issued,
22 correct?

23 A. Yes, yes.

24 Q. And if I am not mistaken, I believe
25 Mr. McMahon may have shown you one when you were

1 testifying before.

2 A. I don't remember.

3 MR. McMAHON: That's not true.

4 Q. Okay. I apologize. All right. But you
5 are familiar with the fact that Duke issues final
6 disconnection notices; is that correct?

7 A. Yes.

8 Q. All right. And this may be where my
9 confusion arose. I believe Mr. McMahon may have
10 asked you that the fact that a final disconnection
11 notice is issued is something that shows up in CMS;
12 isn't that correct?

13 A. Yes, yes, sir.

14 Q. So on a customer account, a final
15 disconnection notice would be referenced in the CMS
16 records for that account; isn't that true?

17 A. Yes.

18 Q. All right. And, Ms. Byndon, you would
19 agree with me, would you not, that Exhibit E actually
20 has some, although some of it is redacted, it does
21 have some actual customer information that shows at
22 the top; isn't that correct?

23 MR. McMAHON: Objection, your Honor. She
24 has already indicated she is not familiar with the
25 contents. The document speaks for itself.

1 Q. If you need to take a look at it, take
2 your time, but I am really only referring to the top
3 part.

4 EXAMINER PARROT: Hang on just a second.

5 Q. Okay. Ms. Byndon, having --

6 MR. McMAHON: There's an objection
7 pending.

8 MR. LANE: Oh, I'm sorry. I apologize.

9 EXAMINER PARROT: Overruled.

10 A. Okay.

11 Q. Okay. Let me -- let me rephrase. So you
12 would agree with me, Ms. Byndon, now that you have
13 had a chance to look at it, there is actual customer
14 information that appears at the top of this sheet; is
15 that correct? In other words, there's a city, state,
16 and zip code.

17 A. Yes, uh-huh.

18 Q. All right. Thank you. Okay. I would
19 like you to refer to Pitzer Exhibit C, please, which
20 should be in front of you. Now, Ms. Byndon, this
21 particular screenshot shows account activity from the
22 CMS for the Easterling account for dates that include
23 November 4, doesn't it?

24 A. Yes, uh-huh.

25 Q. All right. And you would agree with me

1 and we talked about this back in December, that this
2 document shows that Mr. Danzinger arrived to fulfill
3 a work order at 12:12 p.m.; isn't that correct?

4 A. Yes.

5 Q. And that's on November 4, correct?

6 A. Yes.

7 Q. And this document also shows, doesn't it,
8 that Mr. Danzinger completed his work at 12:16 on
9 that same date; isn't that correct?

10 A. That is correct.

11 Q. So that shows a span of time of 4 minutes,
12 doesn't it?

13 A. Yes.

14 MR. LANE: All right. No further
15 questions.

16 EXAMINER PARROT: Ms. Bojko.

17 MS. BOJKO: Can I have one minute?

18 Thank you, your Honor.

19 - - -

20 CROSS-EXAMINATION (Continued)

21 By Ms. Bojko:

22 Q. Ms. Byndon, on the screenshots on the
23 customer account where it says "CS," "CS" stands for
24 "customer status"; is that correct? For instance, if
25 you look at Pitzer C.

1 A. Okay.

2 Q. At the top it says "CS good."

3 A. Yes, uh-huh.

4 Q. And that stands for "customer status"; is

5 that correct?

6 A. That is correct.

7 Q. And here it says customer status is good;

8 is that correct?

9 A. That is correct.

10 Q. And when it says customer status good,

11 that means that the customer has made their payments

12 on the account; is that correct?

13 A. That is correct.

14 Q. Could you turn to what's been marked as

15 Pitzer Exhibit B, please. Pitzer Exhibit B, you

16 explained to me in the public session that "DNP" was

17 disconnect for nonpay; is that correct?

18 A. That is correct.

19 Q. And here the disconnect for nonpay order

20 request was issued on November 2; is that correct?

21 A. Yes.

22 Q. And this screen does not designate whether

23 it was electric or gas; is that correct?

24 A. That is correct.

25 Q. So you would assume from this screenshot

1 that it was for both electric and gas?

2 A. Correct.

3 Q. And then on November 3, it says "Batch DNP
4 Order Fllr Auto Pool." Do you see that?

5 A. Uh-huh.

6 Q. Does that mean that it was sent to the
7 technicians in order to dispatch or have the work
8 order performed?

9 A. Yes.

10 Q. And then on November 3, as well, 33
11 minutes later, it says "Batch DNP Order Issued." Do
12 you see that?

13 A. Uh-huh.

14 Q. Does that mean that the work order was
15 actually assigned to a worker?

16 A. It was available to be assigned to the
17 worker.

18 Q. And then do you see on this screenshot on
19 November 4, 2011, 12:10, it says "DNP Order Cancel"?

20 A. Yes.

21 Q. Does it designate whether the cancellation
22 order is for electric or gas on this screenshot?

23 A. No.

24 Q. So would you have to assume that was for
25 both?

1 A. No. I just -- I can't assume because I
2 wouldn't know if it was for one or the other. I
3 couldn't assume it was one or the other or both.

4 Q. You just don't have enough information on
5 that screen.

6 A. Right.

7 Q. And it's your understanding that after a
8 DNP is assigned -- DNP worker, that that DNP worker
9 then goes to the house; is that correct?

10 A. That's correct.

11 Q. And a DNP worker would have access to the
12 CMS system?

13 A. No.

14 Q. A DNP worker would have access to meter
15 reading instructions; is that correct?

16 A. That I don't know. I don't know.

17 Q. A DNP worker does actually read the meter;
18 is that correct?

19 A. I don't think it's the same crew. You
20 mean, when they are out there to read -- to do the
21 action?

22 Q. Yes.

23 A. Would they get a read on the meter?

24 Q. Do they read the meter?

25 A. Yeah, they will get a read on the meter.

1 Q. Do you have in front of you what's been
2 marked as OCC Exhibit D Confidential?

3 A. I don't have an exhibit listed as D.

4 Q. It would be OCC-POD-04-003.

5 A. Okay. Yes, I have it.

6 Q. And does this appear to be a discovery
7 response from Duke to OCC?

8 A. Yes.

9 Q. And you've seen this before; is that
10 right?

11 A. Yes.

12 Q. And you are the responsible party listed
13 on the bottom of the document?

14 A. Yes.

15 Q. And this requests or asks Duke to "provide
16 all documents or other data Duke has regarding all
17 special conditions included in or on the Easterling
18 account in the Customer Database System, Mobile Up,
19 system, or elsewhere"; is that correct?

20 A. Uh-huh.

21 Q. And you see that there was an additional
22 response and then a revised request and a
23 confidential response to the revised request; is that
24 correct?

25 A. Yes.

1 Q. And the revised request asks Duke to
2 produce all documents or other data Duke has
3 regarding all special conditions as defined and used
4 by yourself in your deposition; is that correct?

5 A. That is correct.

6 Q. And in response to this, Duke attached a
7 screenshot which you discussed with Mr. Pitzer which
8 I believe is labeled as Mr. Pitzer Exhibit D?

9 A. Yes, uh-huh.

10 Q. And this is a screenshot that has two
11 instructions, there's a current instruction; is that
12 correct?

13 A. That's correct.

14 Q. And the current instruction says "Side
15 door, customer elderly, please give time to answer
16 door"?

17 A. Correct, uh-huh.

18 Q. And then there is a new instruction that
19 reads "AMR meter SD," assuming that means side door,
20 "customer elderly, please give time to answer door";
21 is that correct?

22 A. That is correct.

23 Q. And the new instruction is the instruction
24 that you stated was entered on January 24, 2011?

25 A. Yes.

1 Q. But the current instruction would have
2 been on the account prior to the January 24, 2011,
3 new notation or new instruction.

4 A. Correct, yes.

5 Q. And on this meter reading there is no
6 indication or distinction or separation of electric
7 or gas services; is that correct?

8 A. That is correct.

9 Q. Do you have in front of you, ma'am, what's
10 been marked as OCC Exhibit E Confidential, which is a
11 discovery response titled OCC-INT-03-107?

12 A. Yes.

13 Q. And does this discovery request -- have
14 you seen this discovery request before?

15 A. Yes.

16 Q. And you are the responsible person listed
17 on the discovery request on page 2?

18 A. Yes, uh-huh.

19 Q. And this discovery request was asking if
20 there was a security deposit on the account; is that
21 correct?

22 A. Yes, that is correct.

23 Q. And then there was a revised request
24 seeking whether there was a deposit related to
25 natural gas service; is that correct?

1 A. Yes.

2 Q. And in response to that, Duke produced two
3 screenshots; is that correct?

4 A. I see, yes, two screenshots, yes.

5 Q. And these screenshots are from the CMS
6 data system; is that correct?

7 A. Yes.

8 Q. And these screenshots reflect that a
9 deposit was required for the account; is that
10 correct?

11 MR. McMAHON: Objection. Calls -- excuse
12 me. Vague and ambiguous as to time frame, your
13 Honor. And object on relevance.

14 EXAMINER PARROT: Overruled.

15 A. So, I'm sorry, your question again was?

16 MS. BOJKO: Could you have it reread,
17 please.

18 (Record read.)

19 A. Yeah, it reflects that a deposit was
20 required for the service being disconnected.

21 Q. And in order to re -- restore service, the
22 customer would have to pay the \$190 listed?

23 MR. McMAHON: Objection, relevance.

24 EXAMINER PARROT: Overruled.

25 A. Eventually the customer would have to pay

1 the deposit, yes.

2 Q. Sure. And this screenshot, it doesn't
3 indicate which service it's for, gas or electric; is
4 that correct?

5 A. That's correct.

6 Q. Could you turn to page 2 of 2 of
7 OCC-INT-03-017 Confidential Supplemental. Is this a
8 similar screenshot to that which you were discussing
9 with Mr. Lane regarding Pitzer number B, Exhibit B?

10 A. Is it similar? Yeah.

11 Q. And in this screenshot on November 20, it
12 makes a distinction and says "Gas Service Order
13 Request" and "Gas Service Order Completion"; is that
14 correct?

15 A. That is correct.

16 Q. And on November 4 it also says at 12:18
17 there is a "Meter Read Add - Electric." Does that
18 mean somebody added a meter reading for the electric
19 meter?

20 A. Yes.

21 Q. And also on this screenshot it says that
22 there was, on November 4, there was a DNP order
23 canceled and there was also a DNP completion; is that
24 correct?

25 A. That is correct, yes.

1 Q. And those DNP order completion and
2 canceled do not specify whether they are for electric
3 or gas; is that correct?

4 A. That is correct.

5 Q. Do you have in front of you what has been
6 marked as OCC Exhibit G Confidential which is data
7 response to OCC-POD-04-005?

8 A. Yes.

9 Q. And is this a -- in this request does OCC
10 seek documents from or data from Duke that reference
11 or explain the cancellation of the gas disconnection
12 for the Easterling account from the Customer Database
13 System, Mobile Up system, or elsewhere?

14 MR. McMAHON: Object to the form of the
15 question, your Honor. Counsel is mischaracterizing
16 the detailed scope of the request and the response,
17 including as revised.

18 MS. BOJKO: I have been walking through
19 the initial requests, your Honor, with the revised.

20 EXAMINER PARROT: All right. Overruled.

21 A. Okay. I'm sorry.

22 Q. Would you like me to rephrase?

23 A. Yes, please.

24 Q. In the initial request, was OCC seeking
25 all documents or other data Duke has referenced or

1 explaining -- or that explain the cancellation of the
2 gas disconnection for the Easterling account in the
3 Customer Database System, Mobile Up system, and
4 elsewhere?

5 A. Yes.

6 Q. And does the revised request ask Duke to
7 produce documents or other data that Duke has
8 referenced or explained -- or that explain the
9 cancellation of the gas disconnection for the
10 Easterling account on or about November 4, 2011?

11 A. Yes.

12 Q. And in this response does Duke refer OCC
13 to an Exhibit 1 that was included in your deposition
14 transcript?

15 A. Yes.

16 Q. And does it also reference confidential
17 attachments?

18 A. Yes.

19 Q. If we could turn to those attachments. On
20 page 1 of 1 of OCC-POD-04-005 Confidential
21 Attachment, are you there?

22 A. Yes.

23 Q. And on -- is this a screenshot off of the
24 CMS system -- or of the CMS system?

25 A. Yes, uh-huh.

1 Q. And this says "Service Request Basic
2 Information"; is that correct?

3 A. Yes.

4 Q. And does this reflect on November 2, there
5 was an unissued work order?

6 A. Yes.

7 Q. And does it then reflect that on
8 November 3 it was Mobile Up or transferred to
9 probably the technician department?

10 A. Yes.

11 Q. Is that the department name?

12 A. No.

13 Q. Which department would it be?

14 A. It would be to our group that works
15 disconnects.

16 Q. Okay. Thank you. And then does it say
17 that disconnect order was issued on November 4, 2011?

18 A. Yes, it does.

19 Q. And then does it show that it was canceled
20 on November 4, 2011?

21 A. Yes.

22 Q. And this work order actually says that
23 it's related to sealing the gas meter; is that
24 correct?

25 A. That is correct, yes.

1 Q. And does this work order show that on
2 November 4, 2011, at 12:16 p.m., Joshua Danzinger
3 canceled the work order?

4 A. Yes.

5 Q. Could you turn to -- I'm sorry. That's a
6 duplicate. Thank you.

7 Ms. Byndon, are you familiar with the
8 Commission's disconnection rules?

9 A. I have some familiarity with them.

10 Q. Do you have in front of you what's been
11 marked as OCC Exhibit F Confidential which are
12 screenshots labeled OCC-POD-01-002 Confidential
13 Attachment?

14 A. Yes.

15 Q. And are these -- do these also appear to
16 be screenshots from the CMS system?

17 A. Yes.

18 Q. If you look on the second page which is up
19 at the top, it says page 3 of 25, are you there?

20 A. Yes.

21 Q. This is called "Residential Credit
22 Information Inquiry." Do you see that?

23 A. Yes. Uh-huh.

24 Q. And the customer of record is Estill
25 Easterling; is that correct?

1 A. Yes.

2 Q. And then if you look under "Spouse," does
3 it say "Gayle Lykins" with "daughter" in parenthesis?

4 A. Yes.

5 Q. So Gail Lykins was noted on the account;
6 is that correct?

7 A. She was noted when we verified the credit
8 information in December of 2012, yes.

9 Q. And she could have been noted in the
10 record prior to that?

11 A. No. This references what happened on
12 December 21, 2012.

13 Q. Well, it says it was last verified that
14 date; isn't that correct?

15 A. Then that's what would have been -- would
16 have been added to that account.

17 Q. So you are saying on December 21, 2012,
18 the customer of record would have remained Estill
19 Easterling when you did a credit verification?

20 A. Yes.

21 Q. And even though there is no indication of
22 the input of Gail Lykins, you're claiming today that
23 that's when that was inputted?

24 A. Yeah. That's what the verification --
25 that would have been -- that's what they would have

1 been verifying.

2 Q. And how often, under the Commission's
3 rules, do you do a credit verification?

4 A. Oh, I don't know.

5 MR. McMAHON: Objection, relevance.

6 EXAMINER PARROT: Overruled.

7 A. I don't know.

8 EXAMINER PARROT: You answered. That's
9 fine. Thank you.

10 Q. And also under "Owner" do you see the
11 notation on the account that says "Per Mrs. Request"?

12 A. Yes.

13 Q. And also under "Comments" do you see where
14 it says "Proactive Collection"?

15 A. Yes.

16 Q. Could you turn your attention to the next
17 page listed, page 4 of 25, please. Do you see on
18 January 20, 2011, there is a notation on the account
19 and this is called the "Account Note Inquiry"; is
20 that correct?

21 A. That is correct.

22 Q. And under the "Account Note Inquiry"
23 section on January 20, 2011, it says "Customer to be
24 rerouted from 21 to 2 per Jenny Karr entered reads
25 prior to reroute to avoid missing bill period." Is

1 that a notation about meter readers?

2 A. It's a notation about the -- when we would
3 read the meters, so not about meter readers, about
4 when we would read the meters.

5 Q. And it's a notation of a route change; is
6 that correct?

7 A. Yes.

8 Q. A route change with regard to meter
9 readers?

10 A. With regard to when we read the meters.
11 So I don't -- you know, it could be the same meter
12 readers that are reading the meter. So I don't know
13 that it is specific to the actual meter reader. It's
14 specific to when we read the meter.

15 Q. Okay. And the meter readers would need to
16 know about a route change; is that correct?

17 A. Yes.

18 Q. And the meter reader department would have
19 access to this screenshot?

20 A. Oh, that I don't know. Meter reader
21 department, I don't know that.

22 Q. And, I'm sorry, what did you say that CCI
23 meant previously?

24 A. Customer called in.

25 Q. So this account notes that on 11/21 a

1 customer called in?

2 A. Yes.

3 Q. And -- strike that.

4 Could you turn to page 5 of 25, please.

5 And this is yet a different screenshot on CMS; is
6 that correct?

7 A. That is correct.

8 Q. And this contains similar but different
9 information; is that correct?

10 A. Similar but different information in terms
11 of what?

12 Q. Well, it has some of the same dates and
13 some of the same information.

14 A. Yes.

15 Q. But it doesn't appear to have all of the
16 dates and all of the information; is that correct?

17 MR. McMAHON: Objection. Vague,
18 ambiguous. Compared to what?

19 MS. BOJKO: I'll rephrase, your Honor.

20 Q. We just went through a screenshot, went
21 through it with Mr. Pitzer, and then there is another
22 one on OCC Exhibit 3 Confidential, page 2 of 2, that
23 has between --

24 MR. McMAHON: I'm sorry. Did you say OCC
25 Exhibit 3?

1 MS. BOJKO: E. Sorry.

2 MR. McMAHON: D?

3 MS. BOJKO: E.

4 EXAMINER PARROT: Why we don't like to use
5 letters.

6 MS. BOJKO: Sorry.

7 EXAMINER PARROT: Too many rhyming letters
8 cause confusion.

9 MS. BOJKO: My eyes read 3.

10 A. Mine don't have "E" on it.

11 Q. Okay. This is OCC-INT-03-017.

12 A. Okay.

13 Q. It's page 2 of 2. Are you there?

14 A. Yes.

15 Q. So on this screenshot you have listed,
16 just for an example, on November 4 you have 1, 2, 3,
17 4 items listed, but on this screenshot I was just
18 asking you about that's page 5 of 25 on OCC Exhibit F
19 Confidential, there's only two notations for
20 November 4; is that correct?

21 A. That is correct, yes.

22 Q. So even though they provide some of the
23 same information, each screenshot does not always
24 provide the same information; is that fair?

25 A. Yes.

1 Q. And similarly this screenshot on page 5 of
2 25 doesn't show the same information that was listed
3 on page 4 of 25; is that correct?

4 A. Yeah, because this is just showing some
5 history. This is speaking to the transactions that
6 happen on the -- those -- that day.

7 Q. Okay. So it's fair to say that there are
8 many different screenshots in CMS, as I think you
9 have pointed out before, and some that contain the
10 same information and some that contain similar
11 information?

12 A. Yes.

13 Q. And on page 5 of 25 on OCC-POD-01-002
14 Confidential, on this screenshot we can see that
15 there was a disconnect for nonpay, completion of
16 electric on 11/4, and cancellation of gas on 11/4; is
17 that correct?

18 A. Yes, that is correct.

19 Q. And so we're clear, you are not sure
20 sitting here today whether Duke has produced all
21 screenshots, some screenshots; is that correct?

22 MR. McMAHON: Objection. Relevance and
23 now arguing discovery.

24 EXAMINER PARROT: I think we covered this
25 already, but that was with Mr. Lane, I think, so go

1 ahead, Ms. Bojko.

2 MS. BOJKO: Oh, sorry.

3 EXAMINER PARROT: I'll give you a little
4 latitude here. I am not sure, had you finished your
5 question? Let's see. Yes, you had.

6 Do you need us to reread it?

7 THE WITNESS: Yes, please.

8 (Record read.)

9 A. Some screenshots, all screenshots based on
10 this quarter? Do you mean all?

11 Q. All, all.

12 A. Yeah, I am not sure if they produced all.

13 MS. BOJKO: Thank you. That is all I
14 have, your Honor.

15 EXAMINER PARROT: Thank you, Ms. Bojko.

16 Mr. McMahon.

17 MR. MCMAHON: Thank you, your Honor.

18 - - -

19 CROSS-EXAMINATION (Continued)

20 By Mr. McMahon:

21 Q. Ms. Byndon, you have what's in front of
22 you already, it's been marked Pitzer Exhibit C as in
23 cat.

24 A. Yes.

25 Q. Okay. And I believe this is the document

1 that you were answering some questions from opposing
2 counsel regarding the events of November 4, 2011,
3 correct?

4 A. Yes.

5 Q. And this entry in CMS -- strike that.

6 This is a screenshot from CMS, right?

7 A. Yes.

8 Q. Okay. And this document relates to the
9 disconnection of electric service at the subject
10 property?

11 A. Yes.

12 Q. And does it identify the technician who
13 completed that DNP order?

14 A. Yes.

15 Q. And what's his name?

16 A. Joshua Danzinger.

17 Q. Okay. You are looking halfway, right
18 smack in the middle of the screenshot?

19 A. Yes.

20 Q. Does it show the time he showed up at the
21 property?

22 A. Yes.

23 Q. And the time he opened and completed that
24 DNP order?

25 A. Yes.

1 Q. And he got a meter reading on the electric
2 meter?

3 A. Yes.

4 Q. And then the time that he opened and
5 canceled the DNP order with respect to the gas
6 service?

7 A. On this screenshot? Not -- you see the
8 electric.

9 Q. Okay.

10 A. Not the gas.

11 Q. What does it mean to seal the electric
12 meter?

13 A. That means that we stopped all flow of
14 electricity to that meter.

15 Q. By doing what?

16 A. I'm not sure about the technical terms of
17 it other than sealing off the flow to the electric
18 meter.

19 Q. Is it something that can be done remotely
20 or physically at the meter?

21 A. Well, for this meter it's done -- it has
22 to be done physically.

23 Q. Okay. So if Mr. Danzinger completed the
24 DNP order with regard to the electric that means he
25 physically sealed the meter at this property?

1 A. Yes, yes.

2 Q. This might sound silly, but I assume one
3 cannot do that by sitting in his truck?

4 A. No. He would have to actually go to the
5 meter to actually accomplish that, yes.

6 Q. Now, also on Exhibit C there was some
7 questions about the reference, the highlighted code,
8 I believe Mr. Lane referred to it, up there toward
9 the right-hand corner SPCD, I think you identified
10 that as special condition?

11 A. Yes.

12 Q. Does that box, that highlighted acronym,
13 does that identify when this particular special
14 condition was added to this account?

15 MS. BOJKO: Objection. Friendly cross.

16 EXAMINER PARROT: Overruled.

17 A. Your question again? I'm sorry.

18 MR. McMAHON: It might be easier if you
19 read it back, please.

20 (Record read.)

21 A. No.

22 Q. So as you look at Pitzer Exhibit C, is
23 there any information there to answer that question
24 as to when a special condition was added to this
25 account?

1 A. No, no.

2 Q. Now, there have been some questions as to
3 whether certain people might have access to things --
4 information within CMS. Within Duke Energy Ohio are
5 there different levels of access to CMS?

6 A. Yes.

7 Q. And could you explain that to the Attorney
8 Examiner, please.

9 A. Yeah. Depending on what your use for --
10 let's just say a customer service representative
11 would have full access to account information, but if
12 you did not have a need for customer account
13 information, you may just see specifics on the
14 account. I am just trying to think of an example,
15 but maybe you just -- maybe you just -- you see
16 disconnect orders. You might be able to just see
17 disconnect orders but there are different levels of
18 access.

19 Q. Now, you still have the Pitzer Exhibit C
20 if front of you?

21 A. Yes.

22 Q. There was a question about the "CS: Good"
23 customer status. To the right of that entry that you
24 were talking about in response to Ms. Bojko's
25 question, do you see where it also says "Status/Date:

1 Final 7/9/13"?

2 A. Yes.

3 MS. BOJKO: Objection.

4 Q. What does that mean?

5 MS. BOJKO: Objection.

6 EXAMINER PARROT: Hang on a second.

7 Grounds, Ms. Bojko?

8 MS. BOJKO: It's beyond the scope of -- I

9 am not sure what to call it, recross?

10 EXAMINER PARROT: I am purposely

11 avoiding --

12 MS. BOJKO: So I think it's beyond the

13 scope of that and it's also leading and it's also

14 friendly cross.

15 EXAMINER PARROT: All right. I am going

16 to overrule your objections.

17 A. So your question was do I see that date?

18 Q. Right. What does the "Final 7/9/13" mean?

19 A. That means that this account finaled out

20 of that name of Easterling in July of 2013.

21 Q. And is that -- where it says

22 "Status/Date," is that information related at all to

23 the date directly to the left of there?

24 A. Yes. It would be. It would be the status

25 of the account when it finaled in July of 2013.

1 Q. Okay. So as of that date the customer
2 status was good.

3 A. Yes, yes.

4 EXAMINER PARROT: What do you mean by
5 "finaled"?

6 THE WITNESS: The final bill, that means
7 the account was taken out of the name of Easterling
8 and placed into maybe somebody else's name or just
9 that that account will no longer exist as active.

10 EXAMINER PARROT: Okay. Thank you.

11 Q. And as you sit here today, do you know
12 whose name this particular account went into as of
13 July 9, 2013?

14 A. Do I know whose name?

15 Q. Yes.

16 A. I think it went into Pitzer's name after
17 this account.

18 Q. Okay. Do you have in front of you OCC
19 Exhibit D, that is dog?

20 A. I don't have letters on mine.

21 Q. It's OCC-POD-04-003.

22 A. Yes.

23 Q. Okay. Is a meter reading instruction a
24 special condition?

25 A. No.

1 Q. Do you have, it's OCC Exhibit E, it's the
2 discovery OCC-INT-03-017? It has the discovery
3 request and the response, two-page response, and then
4 a couple of attachments.

5 A. Yes.

6 Q. Okay. As you look at this discovery
7 response and the attachments, can you confirm for the
8 Attorney Examiner when the security deposit that
9 counsel asked you about, when that was requested?

10 A. It was requested on November 21, 2011.

11 Q. So if you turn to page 2 of 2 on the
12 attachments, please. As you look at that document,
13 can you explain to the Attorney Examiner what
14 happened with respect to this account on November 21,
15 2011?

16 A. There was a payment that posted on the
17 21st.

18 Q. At what time?

19 A. It looks like 1:08 p.m. There was a
20 credit block placed on the account. And then an
21 account note added. And then there was a credit
22 block -- the credit block was released and a work
23 file was added. And then another credit block was
24 added and then released and then a work file was
25 added.

1 Q. Now, the entries on this page 2 of 2 are
2 in chronological order from the bottom going up,
3 right?

4 A. Yes.

5 Q. And I don't know that the copy in front of
6 you is clear or not, but the copy I am looking at
7 says pending payment, 1 p.m.? And then a credit
8 block, 1:06 p.m.?

9 A. Yes.

10 Q. Okay. So the pending payment happened 6
11 minutes before the next entry.

12 A. Yes.

13 Q. And are you familiar with what the details
14 are about the credit block and those events after the
15 payment was made?

16 A. Am I familiar with what those details are?
17 Yes.

18 Q. Can you explain that to the Attorney
19 Examiner, please?

20 MS. BOJKO: Objection, objection.

21 EXAMINER PARROT: Overruled. I would like
22 to know.

23 A. So typically for a credit block is when
24 the information or request was made on the account
25 maybe to restore service or to get service and there

1 wasn't sufficient information provided. We'll, you
2 know, block the account from any service
3 transactions, starting service or stopping service
4 until we can verify some additional credit
5 information. So it prevents it from being -- any
6 restoring of service until some information is
7 verified or given or . . .

8 Q. Now, what information does someone need to
9 make that payment at 1 p.m. on November 21, 2011?

10 A. You can make a payment with the account
11 number.

12 Q. And to your knowledge was the payment that
13 was made that day adequate to restore service that
14 had been disconnected?

15 MS. BOJKO: Objection.

16 EXAMINER PARROT: Overruled.

17 A. Yes, it was -- it was -- it was adequate.

18 Q. Can you make a payment without knowing an
19 account number?

20 A. No.

21 EXAMINER PARROT: Ms. Byndon, I am still
22 confused as to what is reflected. Why it was added
23 and then released and then it was added again and
24 released again. Can you just explain to me what this
25 is showing me?

1 THE WITNESS: And I don't know
2 specifically why they were added other than maybe
3 they were asking for specific information about the
4 account to verify that they could get the service
5 restored. Maybe they credit blocked it. Maybe they
6 were able to get the information. So maybe there was
7 some confusion about what information was being
8 provided. But I can't speak to why it was done.

9 EXAMINER PARROT: Twice.

10 THE WITNESS: Twice.

11 EXAMINER PARROT: Okay.

12 Q. (By Mr. McMahon) If someone doesn't have a
13 customer's Social Security number when they first
14 call but then gets it when they call a second time,
15 could that explain this chain of events?

16 MS. BOJKO: Objection. That's purely
17 leading. She just said she didn't know.

18 EXAMINER PARROT: Sustained.

19 Q. Now, could you look at OCC Exhibit G which
20 is OCC-POD-04-005.

21 A. Yes.

22 Q. In the confidential response to the
23 revised requests at the bottom of the first page of
24 this exhibit, do you see where there is a reference
25 to one attachment and then a supplemental attachment?

1 A. Yes. Uh-huh.

2 Q. The supplemental attachment is not
3 attached to this exhibit marked by the OCC, is it?

4 A. I don't see it. I just see the one
5 attachment.

6 Q. Okay. Could you look at OCC Exhibit F, up
7 at the upper right-hand corner, the first page says
8 page 2 of 25.

9 A. Okay.

10 Q. If you turn to page 4 of 25, I believe it
11 was Ms. Bojko asked you questions about the entry on
12 November 21, the "CCI Issued," customer called in.
13 Do you see that?

14 A. Yes.

15 Q. Okay. Is that entry related at all to the
16 entries that you were talking about earlier on --
17 sorry. That chronological list that I was showing
18 you earlier and the Attorney Examiner was asking you
19 questions about?

20 A. Yes. So it shows that the customer made a
21 payment, so if that's reflected in the payment there
22 on the 21st, and then -- that's what that reflects.

23 Q. Okay. And reflects the customer called in
24 about that payment?

25 A. It reflects that the customer called in

1 and requested the service to be restored because of
2 the payment, so that's what that CCI issued, credit
3 on, per the payment that was made.

4 Q. Okay.

5 A. So someone requested that this credit --
6 the service be restored since there was a payment.

7 MR. McMAHON: Sorry, your Honor. I am
8 just confirming if I have anything further.

9 Your Honor, may we approach?

10 EXAMINER PARROT: You may.

11 MR. McMAHON: Handing the witness what
12 has been marked as DEO Exhibit F. For the record,
13 it's OCC-POD-04-001 Confidential Attachment.

14 EXAMINER PARROT: So marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 Q. Ms. Byndon, do you have that document
17 that's been marked as DEO Exhibit F?

18 A. Yes.

19 Q. Do you also have in front you what's
20 previously been marked as Pitzer Exhibit B as in boy?

21 A. Yes.

22 Q. Could you explain to the Attorney Examiner
23 if DEO Exhibit F relates at all to any of the entries
24 in Pitzer Exhibit B?

25 A. Yes -- excuse me. Yes. It would reflect

1 in the account note that was entered on the 22nd of
2 September.

3 Q. Okay. You are referring to the entry on
4 Pitzer Exhibit B that is one, two, three, four, five
5 lines from the bottom?

6 A. Yes.

7 Q. The note says "Account Note Add"?

8 A. Yes.

9 Q. And could you explain what note was added
10 as reflected in DEO Exhibit F?

11 A. That account note would have been this
12 customer was on some pilot program or participating
13 in a pilot program.

14 MR. McMAHON: I have nothing further, your
15 Honor.

16 EXAMINER PARROT: All right. Thank you.

17 - - -

18 REDIRECT-EXAMINATION (Continued)

19 By Mr. Lane:

20 Q. Ms. Byndon, I want to go back just one
21 question. With respect to Pitzer Exhibit C, the
22 special conditions on the account.

23 A. C?

24 Q. Yes.

25 A. Okay.

1 Q. This is the one we had the highlighted
2 blocks and it said something about special
3 conditions. Mr. McMahon asked you if that particular
4 highlighted portion shows when those special
5 conditions were added. Isn't it true that if we
6 actually had the printout of the special condition,
7 we would be able to ascertain when that was added;
8 isn't that correct?

9 A. If you had the printout of when it was --
10 what it was --

11 Q. We would be able to determine when it was
12 added.

13 A. I'm trying to reflect on the screen that
14 says what it is. It doesn't -- even on the screen
15 that shows what it is, it doesn't have when it was
16 entered.

17 Q. So if a special condition is added to the
18 account, then the CMS does not tell us when the
19 special condition -- condition was added.

20 A. Well, I was -- I'm sorry, I thought your
21 question was would the special condition code screen
22 tell you when it was added. But if there was a
23 special condition code added, it would tell when it
24 was added, yes.

25 Q. Okay. So if we had a printout of what the

1 special condition was that's referenced on Exhibit C,
2 we would be able to tell when that condition was
3 added to the account, correct?

4 A. Not of when it was. When it was added,
5 yeah, if --

6 Q. Right.

7 A. Yeah.

8 Q. Okay. That's all.

9 A. I mean, I guess for me, in my mind, it's
10 two different things. What the special condition
11 code is doesn't tell me when it was added. But when
12 it was added, if there was -- there should be some
13 record.

14 Q. All right. That's what I was asking.
15 Thank you very much.

16 MR. LANE: Nothing further.

17 EXAMINER PARROT: Ms. Bojko.

18 MS. BOJKO: Yes, one moment, your Honor.

19 - - -

20 RECROSS-EXAMINATION (Continued)

21 By Ms. Bojko:

22 Q. Could you look at OCC Exhibit E
23 Confidential, which was OCC-INT-03-017 Confidential
24 Supplemental Response, Attachment 2 of 2? Are you
25 there?

1 A. Yes.

2 Q. The pending payment that you were
3 questioned about from your counsel, this screen does
4 not show the amount of the pending payment, does it?

5 A. No, it doesn't.

6 Q. And you have no idea if that pending
7 payment was a partial payment on the account or a
8 complete payment on the account, correct?

9 A. I would know that it was enough to restore
10 the service based on the fact that they issued a
11 credit on it.

12 Q. Because somebody calls in and is
13 requesting information -- as I understood your
14 explanation about the credit block, on and off, you
15 said if somebody calls in inquiring about the account
16 that, they would put that on the account, correct?

17 A. If they didn't have adequate information
18 to get it. Adequate -- if they didn't provide
19 adequate information to get what they are asking for
20 on the account then they're credit blocked. So let's
21 just say they didn't know the account number right
22 away, if they didn't provide some specific
23 information, we would block their credit.

24 Q. Right. And that would occur whether
25 somebody was making a payment or not, if they called

1 in to inquire into the account, correct?

2 A. No. Usually it's done if there's an order
3 request, not just if they were just calling to get
4 specific account information. If there is an order
5 that's requested and there is not enough information
6 given, they will lock the credit. They will put a
7 credit lock on it. But if a customer calls in to
8 ask, you know, how much a payment is, there wouldn't
9 be a credit -- the credit lock is specific to an
10 order.

11 Q. I thought you told us earlier today that
12 if somebody that wasn't the customer of record called
13 in and didn't have the credit information, Social
14 Security number or the proper name, that then you
15 would also put a credit block.

16 A. No. That was an account note. The credit
17 block is specific to an order.

18 Q. And based on this screen, looking at this
19 screen on its face, it doesn't say what type of order
20 was or was not requested; is that correct?

21 A. That's correct.

22 MS. BOJKO: Your Honor, at this time I
23 would like to have marked as OCC Exhibit H.

24 EXAMINER PARROT: H.

25 MS. BOJKO: H, a discovery response,

1 requesting response to OCC-POD-03-005.

2 EXAMINER PARROT: So marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MS. BOJKO: May I approach, your Honor?

5 EXAMINER PARROT: You may.

6 MR. McMAHON: Your Honor, I could wait for
7 a question, but we are now getting beyond the scope,
8 as Ms. Bojko is introducing new exhibits into the
9 record, or appears to be attempting to do so.

10 MS. BOJKO: I am not, your Honor. The
11 attachment is one that was referenced by Counsel.

12 EXAMINER PARROT: Okay.

13 Q. (By Ms. Bojko) Ms. Byndon, do you have in
14 front of you what's been marked as OCC Exhibit H?
15 Ms. Byndon, do you have in front of you --

16 A. Oh, I'm sorry. Yes, yes.

17 Q. -- what appears to be a discovery response
18 from Duke to OCC, titled OCC-POD-03-005?

19 A. Yes.

20 Q. And does this discovery request request
21 all documents or other evidence Duke has
22 demonstrating that a Duke employee went to the
23 property and provided notice or made an attempt to
24 provide notice?

25 MR. McMAHON: Your Honor, for the record,

1 I object. Ms. Byndon is not identified as the person
2 responsible. It's a legal objection provided by
3 legal. She is not identified as the company's
4 witness with regard to this discovery request.

5 MS. BOJKO: There is no company witness
6 identified in it. If I can get a couple more
7 questions in, I will lay the proper foundation.

8 EXAMINER PARROT: Overruled.

9 A. Yes.

10 Q. And if you look at the supplemental
11 response provided at the bottom, does it reference
12 OCC-POD-04-005 Confidential?

13 A. Yes.

14 Q. And is this the OCC-POD-04-005
15 Supplemental Confidential Attachment that was
16 referenced in the discovery request OCC-POD-04-005
17 where -- in which your counsel just asked you about?

18 A. Yes.

19 Q. And does the supplemental confidential
20 attachment that your counsel just asked you about, is
21 this a screenshot from the CMS system?

22 A. This?

23 Q. Yes.

24 A. It's not one I'm familiar with, no.

25 Q. You are not disputing that it was a --

1 some kind of data screenshot produced by Duke in
2 discovery that would reflect some information that
3 Duke has?

4 MR. McMAHON: Objection. Lack of
5 foundation. The witness just testified she is not
6 familiar with it.

7 MS. BOJKO: Your Honor, Counsel referenced
8 this document in response, and she said she knew
9 about it when he asked her about it, and so I am now
10 showing her the document.

11 MR. McMAHON: And, your Honor, I did not
12 ask Ms. Byndon if she knew anything about the
13 document. I asked if that document was attached to
14 Exhibit G. That's all.

15 EXAMINER PARROT: You did, Mr. McMahan.

16 MS. BOJKO: Your Honor, I am sorry for
17 misspeaking, but I would just note she is the company
18 witness that is talking about the data systems and
19 all the different screenshots from all the different
20 areas. I think that we have a right to ask her about
21 this one. If she doesn't know, she can say she
22 doesn't know.

23 MR. McMAHON: She already did.

24 EXAMINER PARROT: She has. That's my
25 problem, I guess.

1 MS. BOJKO: I think I need a couple more.
2 I think she said there -- that this -- she didn't
3 know if it was in CMS. I'm not --

4 EXAMINER PARROT: She said she is not
5 familiar with it.

6 MS. BOJKO: Oh, she did actually say that?

7 EXAMINER PARROT: Anything else?

8 MS. BOJKO: Your Honor, I guess it's -- we
9 have been provided different screenshots with
10 different information and she recognized all of them
11 except for this one. I guess I can explore with her
12 where she thinks this one came from, and the
13 information appears to be the same as in all the
14 other screenshots that we've looked at.

15 EXAMINER PARROT: Well, that's what I am
16 saying. I am going to sustain the objection with
17 respect to the question that's pending, but if you
18 have a follow-up.

19 MS. BOJKO: Sure.

20 EXAMINER PARROT: To try to do that. Go
21 ahead.

22 MS. BOJKO: Thank you.

23 Q. (By Ms. Bojko) So you've never seen this
24 type of screenshot in CMS; is that your testimony
25 today?

1 A. Yes. This doesn't look like -- this isn't
2 a screenshot I'm familiar with in the CMS.

3 Q. Does it appear to be a Duke document?

4 A. Yes.

5 Q. And does it appear to have similar
6 information of what we've been discussing with regard
7 to the Orchard property, 1312, and work statuses --
8 status, as well as actions taken, and employees being
9 en route and on site?

10 A. Yes, it does indicate this is information,
11 yes.

12 Q. So this could be one of the different
13 documents that you can click on through the CMS
14 system to get to?

15 MR. McMAHON: Objection.

16 EXAMINER PARROT: Overruled. You may
17 answer if you know. If you don't, just say that.

18 A. I don't. It's not a screen I'm familiar
19 with it, no. It's not a screen I'm familiar with.

20 Q. And you are familiar with the information
21 contained therein that states that there was a Duke
22 employee on site of the property on November 4, 2011,
23 at 12:12 p.m.; is that correct?

24 MR. McMAHON: Objection. Lack of
25 foundation. The witness has already testified she's

1 not familiar with this document, your Honor.

2 MS. BOJKO: Your Honor, I asked if it
3 contained information that she was familiar with such
4 as a worker being on site to the property at that
5 date and time which she has already testified to.

6 MR. McMAHON: Then asked and answered.

7 EXAMINER PARROT: If you are able to
8 answer.

9 THE WITNESS: Okay. I need the question
10 again though.

11 MS. BOJKO: Could I have it reread,
12 please?

13 (Record read.)

14 A. Yes, it does have similar information.
15 The address, location, the action that was taken, and
16 these are the times that were referenced in the other
17 document.

18 Q. And this appears to be a document that was
19 produced by the nonpay business unit?

20 A. I'm assume so, because that's what it says
21 here.

22 Q. Thank you.

23 Do you -- Ms. Byndon, are you aware of
24 what the information or what the column labeled
25 "Expiry" would mean?

1 A. No. I sure don't.

2 MS. BOJKO: I have no further questions.

3 Thank you, your Honor.

4 Thank you, Ms. Byndon.

5 (OPEN RECORD.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the	:	
Complaint of:	:	
	:	
Jeffrey Pitzer,	:	
	:	
Complainant,	:	Case No. 15-298-GE-CSS
	:	
vs.	:	
	:	
Duke Energy, Ohio, Inc.,	:	
	:	
Respondent,	:	

- - -

PROCEEDINGS

before Ms. Sarah Parrot, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at
10:00 a.m. on Tuesday, February 2, 2016.

- - -

VOLUME II

CONFIDENTIAL SECTION

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Droder & Miller Co., LPA
3 By Mr. Donald A. Lane
4 125 West Central Parkway
Cincinnati, Ohio 45202

5 On behalf of the Complainant.

6 Duke Energy Ohio, Inc.
7 By Ms. Amy B. Spiller
8 Deputy General Counsel
9 139 East Fourth Street, 1303-Main
10 Cincinnati, Ohio 45202

11 Eberly McMahon Copetas, LLC
12 By Mr. Robert A. McMahon
13 2321 Kemper Lane, Suite 100
14 Cincinnati, Ohio 45206

15 On behalf of the Respondent.

16 Bruce J. Weston, Ohio Consumers' Counsel
17 Office of the Ohio Consumers' Counsel
18 By Mr. Terry L. Etter
19 Assistant Consumers' Counsel
20 10 West Broad Street, Suite 1800
21 Columbus, Ohio 43215

22 Carpenter, Lipps & Leland, LLP
23 By Ms. Kimberly W. Bojko
24 280 North High Street, Suite 1300
25 Columbus, Ohio 43215

26 - - -

1

2

3

4

(CONFIDENTIAL PORTION.)

5

6

EXAMINER PARROT: All right. So at this point, though, Ms. Bojko indicated she did, so we are now going to go into a confidential session again.

8

9

Ms. Bojko, your questions for the confidential session.

10

MS. BOJKO: Thank you.

11

- - -

12

CROSS-EXAMINATION (Continued)

13

By Ms. Bojko:

14

Q. Do you have in front of you,

15

Mr. Danzinger, what has been marked as OCC H, which is OCC-POD-03-005 with confidential attachment?

17

A. Which one?

18

Q. L, it's OCC-POD-03-005.

19

A. Is that one of the two you just handed me?

20

Q. No. We handed out it earlier before we

21

realized it was a confidential document.

22

A. Have you got another copy of it?

23

Q. I have an extra copy.

24

MS. BOJKO: May I approach?

25

EXAMINER PARROT: You may.

1 A. Thank you again.

2 Q. Sir, do you have in front of you what's
3 been marked as OCC Exhibit H?

4 A. I do.

5 Q. And, sir, does this appear to be a
6 discovery response from Duke Energy Ohio?

7 A. It does.

8 Q. And the responsible party is listed as
9 "Legal"?

10 A. It does.

11 Q. But if you turn the page to the
12 attachment -- oh, excuse me, before we turn the page.
13 Does the response reference Supplemental Attachment
14 OCC-POD-05 -- 04-005 Confidential at the bottom?

15 MS. SPILLER: I am going to object to the
16 extent it also references other responses. That
17 misstates the response.

18 MS. BOJKO: Your Honor, I mean, it says
19 what it says. I am trying to show why it's attached.
20 I will rephrase the question.

21 Q. Does the last sentence of the discovery
22 response after objections and referencing other
23 documents, does it say "See also, Supplemental
24 Attachment OCC-POD-04-005 Confidential"?

25 A. That is what it states.

1 Q. Okay. And so then if you turn to the
2 attachment, is this -- is this the referenced
3 attachment? Does it say in the right-hand corner
4 OCC-POD-04-005 Supplemental Confidential Attachment?

5 A. It does.

6 Q. And on the left side it says "Business
7 Unit," it says "Nonpay," and that's the business unit
8 you work in; is that correct? You did in 2011.

9 A. Did work in, yes.

10 Q. And is this -- do you recognize this as a
11 log or a screenshot from the document system at Duke?

12 A. This isn't what I am used to seeing, but I
13 can see that it has the address in question and a
14 complete seal. My completions on it.

15 Q. So it's information that you would have
16 inputted in the system that would have transferred to
17 a report?

18 A. Of some type, yes, a report I am
19 unfamiliar with, but yes.

20 Q. And you said you are familiar with the
21 data that's contained in this report?

22 A. I can see the -- it contains my responses,
23 but like I said, this is not something that I've ever
24 seen on my personal computer at work.

25 Q. And the data that you would have entered

1 in, this reflects that you did, in fact, seal the
2 electric meter; is that correct?

3 A. It does.

4 Q. And it says that you sealed the electric
5 meter at 12:16 p.m.; is that correct?

6 A. Yes.

7 Q. And then it also shows when you were on
8 site at 12:12; is that correct?

9 A. Yes.

10 Q. And so it shows that you were at the
11 property for four minutes; is that correct?

12 MS. SPILLER: Objection. I think that
13 mischaracterizes the document. And also the
14 witness's testimony concerning the activities that
15 day.

16 EXAMINER PARROT: Overruled.

17 Mr. Danzinger, you can explain to us,
18 though, how this accounts for your time on this
19 exhibit.

20 A. It does show that I was on site with the
21 electric account for four minutes.

22 Q. And then it also shows that for the gas
23 account you were on site at 12:16. You were en
24 route, meaning you left the property, at 12:16; is
25 that correct?

1 A. En route to the gas meter?

2 Q. Yes.

3 A. No. That's without moving my truck
4 because I just -- you have to press "en route" before
5 you press "on site." It's just that order, so.

6 Q. Okay. So this shows that you were -- you
7 canceled the gas meter order, is that correct, or it
8 was canceled?

9 A. Yes.

10 Q. And the "en route" of 12:01 in here would
11 have been entered as when you left the prior
12 property; is that correct?

13 A. That is correct.

14 Q. So it took you 11 minutes approximately to
15 get to this property from your last property?

16 A. Yes.

17 Q. And then after you hit "complete," you
18 would have then hit "en route" to your next property;
19 is that correct?

20 A. Correct.

21 Q. So that "en route" would have started
22 approximately 12:16 p.m.?

23 A. Yes.

24 Q. And does it show on here that the gas DNP
25 was canceled because the meter was locked? That the

1 indication of the cancel reason No. 1?

2 A. I see the No. 1. I'm sorry. Restate what
3 you said.

4 Q. Sure. Do you see the No. 1 under "Cancel
5 Reason"?

6 A. Yes.

7 Q. And then if you look in the left-hand
8 corner it has a key that says "Cancel Reason 01"
9 equals "locked"?

10 A. Okay. Yes.

11 Q. So on this report it states that the
12 reason the gas disconnect was canceled was because it
13 was locked.

14 A. Correct.

15 Q. So you would have entered in your system
16 that the gas meter was locked?

17 MS. SPILLER: Objection. Relevance.

18 EXAMINER PARROT: Overruled.

19 A. That's what the paper states.

20 Q. And to determine that, you would have had
21 to go and check the gas meter to determine if it was
22 locked or you could not gain access?

23 A. Not necessarily.

24 Q. Do you have in front of you what's been
25 marked as OCC Exhibit K which is a POD-01-007?

1 A. Is that part of this document you just
2 gave me?

3 Q. No. It's a new document. It's POD --
4 Pitzer-POD-INT -- it was marked as Exhibit K. It is
5 a screenshot. We handed it to you right before.

6 A. Screenshot of what one?

7 Q. It says Pitzer-POD-01-007 Confidential
8 Attachment at the top.

9 A. Yes, I have that.

10 Q. You have that? Okay. And does this
11 appear to be a screenshot from the CMS system?

12 A. I don't know what that is.

13 Q. Do you recognize the information on it
14 such as DNP order cancel, DNP order issue?

15 MS. SPILLER: Your Honor, the witness has
16 just said he doesn't know what this document is.

17 EXAMINER PARROT: Overruled.

18 A. I can see what it says, but I have no idea
19 what -- where this came from.

20 Q. So you don't know that this is where the
21 system inputs in the customer database that the DNP
22 order was canceled? You don't know where that
23 information comes from?

24 A. No, I don't.

25 Q. Okay. Do you have in front of you what's

1 marked as OCC Exhibit G which is a data response
2 marked OCC-POD-04-005? Do you have that up there?
3 Do you have that one in front of you?

4 A. Not yet. No. I don't know what I am
5 looking for. I have got too much paperwork. I don't
6 know what any of it is.

7 EXAMINER PARROT: I don't think the
8 exhibits from yesterday are there, so you are going
9 to need to provide that to him.

10 MS. BOJKO: May I approach, your Honor?

11 EXAMINER PARROT: You may.

12 A. Thank you.

13 Q. Does this appear to be a discovery
14 response -- a request and a response to
15 OCC-POD-04-005?

16 A. It does.

17 Q. And if you look at the bottom of, it's
18 actually on page 2, does it say the person
19 responsible is "Legal" and "Bob Ries"?

20 A. It does.

21 Q. And, sir, does this ask for all documents
22 or data Duke has that reference or explain the
23 cancelation of the gas disconnection for the
24 Easterling account in the Customer Database System?

25 MS. SPILLER: Your Honor, I am going to

1 object. A couple of grounds here. One is relevance.
2 This case does not concern the disconnection of gas
3 service. Mr. Danzinger has not been identified as
4 the person responsible for this particular answer.

5 EXAMINER PARROT: Overruled.

6 THE WITNESS: Reread the question.

7 (Record read.)

8 A. That is what the document reads.

9 Q. And at the bottom of the response, after
10 objections, does it reference two discovery responses
11 OCC-POD-04-005 Confidential and Supplemental
12 Attachment OCC-POD-04-005 Confidential, which is the
13 one we just discussed?

14 A. It does.

15 Q. And if you could turn to the next page is
16 the attachment titled at the top OCC-POD-04-005
17 Confidential Attachment?

18 A. Yes.

19 Q. And does this appear to be a screenshot
20 from CMS?

21 A. Nothing I'm familiar with seeing. I am
22 not sure what it is.

23 Q. Okay. Do you see your name is identified
24 in the document?

25 A. I do.

1 Q. And that name references a cancelation of
2 the gas disconnect at 12:16 p.m.; is that correct?

3 A. I do.

4 Q. I'm sorry; is that correct?

5 A. Yes, that is correct.

6 Q. Thank you. So this document actually says
7 that you canceled the disconnect for gas on 11/4/11
8 at 12:16 p.m.; is that correct?

9 A. That is what it says.

10 Q. Now, you should have in front of you a
11 document that was just handed to you before you left
12 the room marked OCC Exhibit M and it is two-pages,
13 front and back. The front of the first one of
14 screenshots looks like this. Do you have that in
15 front of you?

16 A. Yeah.

17 Q. Okay. And does this document appear to be
18 a screenshot from the Easterling account, if you
19 know?

20 MS. SPILLER: Your Honor, if I could just
21 pause for a moment. We were presented a total --
22 it's three total pages?

23 MS. BOJKO: Yes.

24 MS. SPILLER: But it looks like one is a
25 duplication.

1 MS. BOJKO: Aren't your first and third
2 pages the same? I mean, this is how the document was
3 produced, so I guess --

4 MS. SPILLER: I don't know that I can say
5 that. It's not attributed to any response from us.

6 MS. BOJKO: Well, it was a large stack of
7 collective documents that were forwarded by the
8 company in response to provide us what you had
9 provided via subpoena to the Complainant, so there
10 was no particular discovery request. You just
11 produced a large stack of documents.

12 MS. SPILLER: If you look at the legend at
13 the bottom right, though, your first and third pages
14 have the same Bates labeling.

15 MS. BOJKO: Okay. I'm fine with removing
16 the third page, your Honor, if that's Counsel's
17 concern. Again, I was trying to be complete by
18 providing what was provided to us.

19 EXAMINER PARROT: So we are taking off the
20 back page?

21 MS. BOJKO: We can eliminate the last page
22 if it gives Counsel heartburn.

23 EXAMINER PARROT: Okay.

24 MS. SPILLER: I don't know that it's
25 heartburn, Ms. Bojko, but it's simply that there are

1 duplicate documents there.

2 MS. BOJKO: May I continue, your Honor?

3 EXAMINER PARROT: Yes.

4 Q. (By Ms. Bojko) Mr. Danzinger, do you have
5 in front of you what is a two-page document now
6 that's been marked as OCC Exhibit M which is a
7 screenshot from Duke's CMS system?

8 A. I do.

9 Q. Does this appear to be a screenshot
10 containing information about the cancelation and
11 completion of the work that you performed at the
12 Easterling property on November 4?

13 MS. SPILLER: I am going to object to the
14 lack of foundation with this witness. I think it is
15 well outside the scope of his testimony in this
16 proceeding.

17 MS. BOJKO: I think I just asked if it
18 reflects the work that he performed which would be in
19 the scope of his testimony.

20 MS. SPILLER: Well, you are asking if it
21 is a screenshot from a particular database. He has
22 indicated he is not familiar with that system.

23 MS. BOJKO: Your Honor, I'll rephrase the
24 question. I can ask another question.

25 EXAMINER PARROT: That's what I was trying

1 to see. I think we got interrupted a while back when
2 we were getting into foundation and I am not sure we
3 covered that ground, so let's do that.

4 MS. BOJKO: Okay.

5 Q. (By Ms. Bojko) Sir, just so we're clear,
6 the -- it's your understanding that on November 4,
7 2011, you had -- a DNP was issued for both the gas
8 and electric service at the Easterling property; is
9 that correct?

10 A. That is my understanding.

11 Q. Okay. And they were both scheduled for
12 you to go out and do the disconnection on November 4,
13 2011; is that correct?

14 A. Yes.

15 Q. And you performed the electric
16 disconnection, but you did not perform the gas
17 disconnection and you canceled the gas disconnection;
18 is that correct?

19 A. That is what I am being told.

20 Q. And you have no reason to disbelieve -- or
21 not believe what you are being told? I mean, that's
22 what you are testifying to; is that correct?

23 A. Yes.

24 MS. BOJKO: Okay. If I may have one
25 moment, your Honor?

1 EXAMINER PARROT: You may.

2 MS. BOJKO: Your Honor, I have no further
3 questions for this witness. Thank you.

4 EXAMINER PARROT: Any redirect,
5 Ms. Spiller?

6 MS. SPILLER: No, your Honor.

7 EXAMINER PARROT: Okay. Let's go back on
8 the public record.

9 (OPEN RECORD.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

3

4

5 (CONFIDENTIAL PORTION.)

6 EXAMINER PARROT: Ms. Bojko.

7 MS. BOJKO: Thank you, your Honor. May I

8 approach?

9 EXAMINER PARROT: You may.

10 - - -

11 CROSS-EXAMINATION (Continued)

12 By Ms. Bojko:

13 Q. Ms. Porter, do you have in front of you
14 what's been marked as OCC Exhibit 11, which is -- do
15 you have in front of you what's been marked as OCC
16 Exhibit 11 -- Exhibit L?

17 A. It's difficult. I couldn't read it, but I
18 have it.

19 Q. Well, does this appear to be an error
20 report that you had discussed previously in the
21 public section?

22 A. Yes.

23 Q. Okay. And does this error report, if you
24 look at the top two lines, does this error report
25 note that the top two unredacted lines -- I should

1 clarify. Does this report indicate that there was an
2 error on October 13, 2011?

3 A. I can't see it.

4 MS. SPILLER: I'm sorry, the top two
5 lines?

6 MS. BOJKO: Top two unredacted lines, yes.

7 MS. SPILLER: I am going to object because
8 this certainly misstates line 2.

9 MS. BOJKO: Line 2.

10 EXAMINER PARROT: Hang on just a second.

11 MR. CARMOSINO: Can I hand her my glasses?

12 MS. BOJKO: Thank you, Mr. Carmosino.

13 THE WITNESS: Oh, okay.

14 MS. BOJKO: Your Honor, may I rephrase
15 that question?

16 EXAMINER PARROT: Yes, let's try again.

17 Q. (By Ms. Bojko) The line that's numbered
18 291 and it's titled "Disconnect notice on bill for
19 customer in good standing." Do you see that?

20 A. I do.

21 Q. And does it say that -- indicate that
22 there was an error for the mailing or the document of
23 October 13, 2011?

24 MS. SPILLER: I am going to object. That
25 misstates the title.

1 A. It just says that there was a disconnect
2 notice on bill for customer that was in good
3 standing.

4 EXAMINER PARROT: Disconnect versus
5 disconnection, is that what we are talking about?

6 MS. SPILLER: Well, she is talking about
7 an error for the mailing.

8 A. It didn't reference mailing at all.

9 Q. I thought you said this was an error log.

10 MS. BOJKO: Your Honor, I'll withdraw and
11 rephrase.

12 EXAMINER PARROT: Let's try that again.

13 MS. BOJKO: Try to clarify.

14 Q. I thought you said this was an error log
15 that would be created if there was an error in the
16 mailings.

17 A. This is an error log that is used by our
18 revenue services department. So anything that
19 happens in our revenue services department will go on
20 this error log. If there was an error with print
21 mail, I would log it here. That's not related to
22 print mail.

23 Q. But it appears there was an error logged
24 by somebody regarding a disconnection notice on a
25 bill for a customer in good standing on October 13,

1 2011, correct?

2 A. That's correct.

3 MS. SPILLER: And I am going to object and
4 move to strike due to relevancy. This is after the
5 October bill was generated.

6 MS. BOJKO: Your Honor, I think it's very
7 relevant that we have a disconnect notice on a bill
8 for customer in good standing which is the exact
9 situation that we have for the Easterlings and it
10 says there is an error with this and I am trying to
11 understand if she has knowledge of that error on the
12 error log.

13 EXAMINER PARROT: Overruled.

14 A. I do not have knowledge of it.

15 Q. I didn't hear.

16 A. I do not have knowledge of it.

17 Q. And it appears from the error report that
18 there is an October 13, 2011, problem that was
19 resolved later in the month on October 30; is that
20 correct?

21 A. That's correct.

22 Q. Could you -- could you look at the line
23 number titled 295 -- or no, I'm sorry, 294.

24 A. 294. Yes, I see it.

25 Q. Does this state that "All DNP's are

1 suspended in all states due to middleware
2 communication issues until further notice"?

3 A. That's what it states.

4 Q. And it says it's for residential,
5 commercial, industrial, and governmental clients?

6 A. That's correct.

7 Q. And under that heading it says "Customer
8 Segment(s) Impacted." That's what that information
9 relates to, what type of customers are impacted by
10 this notice?

11 A. That's correct.

12 Q. And does that appear that the problem
13 began on October 20, 2011?

14 A. That's what the report shows.

15 Q. So from this it indicates that all DNPs
16 were suspended in all states due to this issue on
17 October 20, 2011?

18 MS. SPILLER: Objection, your Honor.
19 There is, one, a supposition about all states and, if
20 so, that's improper and irrelevant to this case.
21 This case concerns one customer in Ohio.

22 EXAMINER PARROT: Overruled.

23 A. That's what it states.

24 Q. And so this error that's noted on the
25 error log occurred in the same month that the

1 Easterlings received a disconnection notice and were
2 put on DNP status; is that correct?

3 A. That's correct.

4 Q. And on -- in your testimony you state that
5 Donnelley doesn't do a monthly report for other print
6 jobs; is that correct?

7 A. We were referencing the final notice.
8 Since it does not get inserts. It doesn't have,
9 like, a prep because the report that's MP-1 is a prep
10 for the new inserts that have been -- we had for
11 October, but the final notice or 10-day notice does
12 not get inserts so it doesn't have this prep.

13 Q. It doesn't have a report attached to it?

14 A. It doesn't have one created prior to the
15 month starting.

16 Q. And if there is an error in those print
17 jobs from Donnelley, then they would send an e-mail
18 to Duke directly; is that correct?

19 A. Yes.

20 Q. And just so I'm clear, this report is
21 created internally by Duke Energy Ohio, is that
22 correct, or Duke Energy?

23 A. Duke Energy.

24 Q. And it's applicable to Ohio; is that
25 correct?

1 A. It's applicable to all jurisdictions, the
2 tool that we use. I think we've redacted it to only
3 represent the states in question.

4 Q. The second page of the document is -- it
5 didn't fit on one page. The second page actually has
6 to be put at the end and if you look down at the same
7 line we were talking about, on line 294, so it's the
8 first blue highlighted block.

9 A. I'm sorry?

10 Q. On the second tier. Do you see that? It
11 starts with "other"?

12 A. Okay.

13 Q. And that other says "Non-pay disconnect
14 completion. Non-pay disconnects in error"; is that
15 correct?

16 A. That's what it says, yes.

17 Q. And then if you look at the exception on
18 the right side, it says "Sites/RevenueServicesStaff/
19 ExtendedStaff/Lists/Operational Problems and Issues."
20 Do you see that?

21 A. I do.

22 Q. And that all relates back to the DNP issue
23 that was cited on the first page that we discussed;
24 is that correct?

25 A. Yes.

1 MS. SPILLER: Your Honor, I am going to
2 object to this line of questioning. It's outside the
3 scope of Ms. Porter -- outside the scope of her
4 direct testimony and there has been no indication
5 that this is at all attributed to a mailing issue.

6 MS. BOJKO: I think she responded, your
7 Honor. But she -- it's an error log she referenced
8 in her testimony and that's what we are discussing,
9 the error log in the testimony.

10 EXAMINER PARROT: Overruled.

11 MS. BOJKO: I think there was an answer.

12 Thank you, your Honor. I have no further
13 questions.

14 MR. LANE: One follow-up to that, your
15 Honor.

16 EXAMINER PARROT: Yes.

17 - - -

18 CROSS-EXAMINATION (Continued)

19 By Mr. Lane:

20 Q. Line 294 that we were just talking about,
21 there is a column that says "Jurisdiction(s)
22 Impacted." Do you see that?

23 A. Yes.

24 Q. Okay. That says "Ohio" in that column,
25 does it not?

1 A. It does.

2 Q. And that would be Ohio?

3 A. That would be correct.

4 MR. LANE: Thank you.

5 EXAMINER PARROT: Any redirect for the
6 confidential section?

7 MS. SPILLER: Yes, please, your Honor.

8 - - -

9 REDIRECT EXAMINATION (Continued)

10 By Ms. Spiller:

11 Q. Ms. Porter you were just asked some
12 questions about an entry, it's under line 294.

13 A. Yes.

14 Q. Ms. Bojko asked you when that -- the
15 status on when that began, correct?

16 A. Correct.

17 Q. And I believe you said October 20, 2011?

18 A. That's correct.

19 Q. When was that issue resolved?

20 A. October 20, 2011.

21 Q. The entries that Ms. Bojko asked you
22 about, did any of those concern the mailings that
23 were performed by RR Donnelley on behalf of Duke
24 Energy Ohio?

25 A. No, they did not.

1 Q. Ms. Porter, do you know whether the
2 Easterling account was in good standing on October 13
3 of 2011?

4 A. I have no idea.

5 MS. SPILLER: Thank you. Nothing further,
6 your Honor.

7 EXAMINER PARROT: Ms. Bojko?

8 MS. BOJKO: Sure. Thank you.

9 - - -

10 RECROSS-EXAMINATION (Continued)

11 By Ms. Bojko:

12 Q. You're not familiar with Mr. Carmosino's
13 testimony that states they were -- that the
14 Easterlings were in good standing in August?

15 A. I have not heard his testimony.

16 Q. And you haven't read any documents on CMS
17 that notes that the customer was or was not in good
18 standing?

19 A. It is no the part of my job.

20 MS. SPILLER: Objection, your Honor.

21 There is no time frame associated with that.

22 MS. BOJKO: I'm sorry.

23 EXAMINER PARROT: Yeah, could you please
24 rephrase, Ms. Bojko?

25 MS. BOJKO: Certainly.

1 Q. You're not familiar with anything in CMS
2 that notes whether the customer was in good standing
3 or not in good standing from, I guess it would have
4 to be maybe June, July, through the end of 2011?

5 A. No, I am not.

6 Q. Your counsel just asked you about line 294
7 and this talks about all DNPs being suspended; is
8 that correct?

9 A. That's what it says, yes.

10 Q. And you don't know if the DNP associated
11 with any particular account was or was not suspended,
12 do you?

13 A. No, I do not.

14 Q. In response to your counsel you were
15 talking about the mailings, you weren't talking about
16 specific accounts such as the Easterlings, correct?

17 MS. SPILLER: Objection. That misstates
18 the testimony. The question was simply when the
19 identified issue was resolved.

20 MS. BOJKO: She actually asked if it
21 pertained to the mailings.

22 EXAMINER PARROT: Overruled.

23 A. 294 is not direct about mailings that
24 happened.

25 Q. Right. But it also doesn't tell us which

1 accounts were affected during this time period; isn't
2 that true?

3 A. True. It's not account specific.

4 Q. So you don't know if the Easterling
5 account was or was not affected by line 294 that
6 suspended all DNPs; is that correct?

7 MS. SPILLER: I am going to object. That
8 misstates facts that are not in evidence. There is
9 no indication of a work order being issued on that
10 property for October 20, 2011.

11 MS. BOJKO: That wasn't what I asked, your
12 Honor.

13 EXAMINER PARROT: Overruled.

14 A. The DNPs are actual orders, so they would
15 not be subject to going out to disconnect at that
16 time based on the other testimony we've heard.

17 MS. BOJKO: I'm sorry. Can I have that
18 answer reread?

19 (Record read.)

20 Q. No. I asked if you knew whether the
21 accounts that were eligible for DNP, does is -- does
22 294 say anything about work orders?

23 A. No.

24 Q. Okay. It does mention DNPs are suspended
25 meaning disconnect for nonpays; is that correct?

1 A. That's correct, but it's not talking about
2 print files. It's talking about disconnects in the
3 field, disconnects for nonpayments.

4 Q. Right. Disconnects for nonpayments are
5 suspended on October 20, 2011; is that correct?

6 A. That's when disconnects in the field were
7 suspended.

8 Q. It says in the field?

9 A. No, but those are DNPs that are in the
10 field.

11 Q. They are also accounts that are eligible
12 for DNP; is that correct?

13 A. Yes.

14 Q. And that notation occurs in the CMS?

15 A. I have no knowledge of that.

16 MS. BOJKO: Thanks. I have no further
17 questions.

18 EXAMINER PARROT: Mr. Lane?

19 MR. LANE: Nothing further.

20 EXAMINER PARROT: Ms. Porter, I guess I am
21 confused what this error log shows. You say the
22 entries don't reflect -- they are not representative
23 of mailings, but it's my understanding from your
24 testimony it has to do with print jobs. So I guess I
25 am struggling with the difference between a print job

1 versus a mailing. If you could tell me, what does
2 OCC Exhibit L -- what is it showing me? I guess I
3 don't understand based on what I've heard so far.

4 THE WITNESS: The error log is inclusive
5 of our whole department of revenue services,
6 payments, accounts receivable, and billing, so any
7 time we have an issue that touches any of those it
8 would log it in here so we can see, you know, when it
9 began, what caused it, root cause, do an analysis on
10 it. So if there was a print issue, I would document
11 it in here. But these items are not related to print
12 that are showing on here.

13 EXAMINER PARROT: Okay. So these things
14 are not print job related for those other --

15 THE WITNESS: That's correct.

16 EXAMINER PARROT: -- other areas that
17 you -- all right. I think that helps. Thank you.

18 Okay. Let's go back on the public record.

19 (OPEN RECORD.)

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

20 (CONFIDENTIAL PORTION.)

21 Q. Is it your -- is it your understanding,
22 sir, that prior to the September bill, the
23 Easterlings were in a good pay status?

24 A. Prior to their August bill, I have reason
25 to believe they were in a good credit status, yes.

1 MR. LANE: Could you give that answer
2 back? I'm sorry.

3 (Record read.)

4 MR. McMAHON: Your Honor, I just realized
5 the answer to that question is actually redacted in
6 his direct testimony and is subject to the
7 confidential version of his testimony, on page 6,
8 line 4.

9 MS. BOJKO: I guess I'm not understanding
10 how that's a trade secret, your Honor, but --

11 EXAMINER PARROT: Now that it's out there,
12 I guess --

13 MR. McMAHON: I would move to have it
14 removed from the public record.

15 EXAMINER PARROT: You want to address on
16 the merits?

17 MR. McMAHON: Yes. I believe whether a
18 customer is considered -- I'm reluctant to use the
19 phraseology that's redacted from the public version,
20 is a trade secret. It describes the way the company
21 treats its customers, that is not known to the
22 public, known to its competitors, and about the
23 internal policies and procedures of the company and
24 how it handles its customers' accounts.

25 MS. BOJKO: That wasn't the question I

1 actually asked. I asked specifically about whether
2 he considered the Easterlings, not about what the
3 policy was.

4 MR. McMAHON: Right, but the reference to
5 the particular customer is an application of the
6 policy to the customer at issue in this account.

7 EXAMINER PARROT: All right. I am not
8 convinced thoroughly, but I will defer a ruling. We
9 will treat the reference as confidential for now.
10 And I would just reiterate to everyone in the room,
11 if we need to, I look to all you to head this sort of
12 thing off, so do your best.

13 MR. McMAHON: Yes.

14 MS. BOJKO: Yeah. I apologize, I didn't
15 mean to state that.

16 Q. (By Ms. Bojko) You talk about a reminder
17 notice and -- strike that. I'll save that for
18 confidential as well.

19 EXAMINER PARROT: Okay.

20 (OPEN RECORD.)

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(CONFIDENTIAL PORTION.)

EXAMINER PARROT: All right. Ms. Bojko,
your questions.

MS. BOJKO: Thank you, your Honor.

1

- - -

2

CROSS-EXAMINATION (Continued)

3

By Ms. Bojko:

4

5

6

7

Q. I will try not to repeat some foundation to the confidential versions. Page 5 of your testimony, sir. Line -- starting on line 20, are you there, sir?

8

A. Yeah. Hold on.

9

Q. Your testimony.

10

11

A. I had it. It's just the crossed-out version.

12

13

Q. Do you have your confidential version up there?

14

A. There's so many. Okay. All righty.

15

16

17

18

Q. Page 5, line 20, you state that the company "did not immediately pursue disconnection of all delinquent accounts" that do not meet and exceed the \$100 threshold; is that correct?

19

A. Yes.

20

21

22

Q. And you also do not pursue disconnection if a customer has a good pay history; is that correct?

23

A. Yes.

24

25

Q. And to have a good pay status is equivalent to a good credit status; is that correct?

1 A. Yes.

2 Q. And a customer is in good pay status if
3 they have a good payment history for the past 12
4 months; is that correct?

5 A. Yes.

6 Q. And they can be late two times and still
7 retain their good pay status; is that correct?

8 A. I believe that's what you are stating,
9 yes.

10 Q. And the Easterlings were in good pay
11 status as of the August bill, through August 26,
12 2011; is that correct?

13 A. Yes.

14 Q. And it's your understanding that in order
15 for the Easterlings to be in good pay status, that as
16 of the August bill, the Easterlings had not missed a
17 payment or were not late more than two times on a
18 bill for the preceding 12 months?

19 A. True.

20 MS. BOJKO: At this time, your Honor, I
21 would like to mark as OCC Exhibit V, a confidential
22 document which is identified as Pitzer-01-010
23 Confidential Supplemental Attachment. May I
24 approach, your Honor?

25 EXAMINER PARROT: You may.

(EXHIBIT MARKED FOR IDENTIFICATION.)

Q. And, sir, do you have in front of you what's been marked as OCC Exhibit V?

A. Yes.

Q. Does it appear to be a discovery response from Duke and it's titled Pitzer-01-010 Confidential Supplemental Attachment?

A. Yes.

Q. It's 1 of 6?

A. Yes.

Q. And do these appear to be screenshots from the CMS system?

A. Yes.

Q. And does page 1 show that there were gas charges and electric charges for August entered in the system?

MR. McMAHON: Objection, your Honor, to the extent there is no foundation for this particular witness and these documents.

MS. BOJKO: Well, your Honor, he has talked a lot about the accounts and he's also talked about all the payments that appear on these screenshots. He's also talked about the CMS. These would have correlated directly with my previous cross in the public section when we went through all the

1 amounts, but these were confidential documents so I
2 could not show them to verify it.

3 EXAMINER PARROT: Overruled.

4 A. There was a question?

5 Q. Our question, sir, was the date on this
6 document that shows an electric and gas charge of
7 105.40 and 38.03 was for August 4; is that correct?

8 A. I think. It's kind of hard to read, but I
9 would say okay.

10 Q. Okay. And then if you -- it has the total
11 at the bottom of the 143.49 that we have been
12 discussing?

13 A. Yes.

14 Q. And if you go to the next page, it appears
15 that this is the September data that would have been
16 placed in the September bill which shows the gas
17 charge of 36.85 and the electric for the 66.33 that
18 we discussed?

19 A. Yes.

20 Q. And this is the total of 103.18 we have
21 discussed was the total due for the September
22 charges?

23 A. Yes.

24 Q. And then if you go to the next page, sir,
25 this appears to be the information for the October 4

1 bill and it indicates gas charges of 78.77 and
2 electric charges of 41.74; is that correct?

3 A. Yes.

4 Q. And then the next page is the November
5 data for the November 2 bill.

6 A. Yes.

7 Q. And it shows gas charges of 113.42 and
8 34.82 for electric; is that correct?

9 A. Yes.

10 Q. And then also on November 4 -- or two days
11 later on November 4, it shows an additional charge of
12 \$3.76; is that correct?

13 A. Yes.

14 Q. And each of these screenshots on the
15 right-hand corner shows how much the company is
16 seeking, it's called an "Asking Amount"; is that
17 correct?

18 A. Well, this is a bill charge screen that is
19 for each bill charged in that day. That doesn't mean
20 that's the asking amount just for that month, for
21 those charges, that's what that means.

22 Q. Right. That's the amount that the company
23 is asking for that they would put on the bill for the
24 current charges?

25 A. Put on the bill for the current charges,

1 yes.

2 Q. Okay. And the November 4 bill of only
3 \$3.76 cents, is it your understanding or fair to
4 assume that since that occurred two days after the
5 November 2 bill, that that was the additional meter
6 reading that occurred at the property when
7 Mr. Danzinger disconnected the service?

8 A. I would say that's fair to say.

9 Q. And then if you look at the final
10 disconnect page in this discovery response, does this
11 show a CMS testimony history or summary of the
12 account activity with regard to charges and payments?

13 A. Yes. That's what it looks like, yes.

14 Q. Thank you. I have no further questions on
15 that document.

16 A. Good, because it was hard to see.

17 Q. And that's a better version.

18 MS. BOJKO: Your Honor, this was marked on
19 the public section, but it is OCC Exhibit U, and it
20 is a document that is a discovery response to Pitzer
21 INT-02-001 supplemental confidential. May I
22 approach, your Honor?

23 EXAMINER PARROT: You may.

24 Q. Sir, do you have in front of you what's
25 been marked as OCC Exhibit U?

1 A. Yes.

2 Q. Does this appear to be a discovery
3 response from Duke?

4 A. Yes.

5 Q. And you are actually the lucky one that
6 was listed as the responsible party along with legal?

7 A. Yes.

8 Q. And, sir, are the attachments contained to
9 this supplemental confidential information, are
10 the -- is it a document that is guidelines, Duke
11 Energy's guidelines and procedures regarding
12 disconnection of service?

13 A. Yes.

14 Q. Okay. I only want to focus on the Ohio
15 guidelines.

16 A. Sure.

17 Q. Let me back up and ask, does this document
18 appear to be a Duke Energy-wide document that
19 contains many jurisdictions?

20 A. Yes.

21 Q. Okay. And there isn't an Ohio section; is
22 that correct?

23 A. A specific Ohio section?

24 Q. Yes.

25 A. I don't believe so, no.

1 Q. Well, if we turn to page 16 of the
2 document. Lesson IV discusses --

3 A. Hold on. Hold on. I'm sorry. What page?

4 Q. 16.

5 A. Okay.

6 Q. Lesson IV discusses Chapter 17 and 18 of
7 the Commission rules and applies to Ohio only; is
8 that correct?

9 A. Yes.

10 Q. And the introduction of this section
11 discusses that the reader "will learn about the
12 changes affecting payment options, disconnect
13 amounts, and disconnect notices"?

14 A. Yes.

15 Q. And if you turn the page to page 17, does
16 this document state that effective November 1, 2010,
17 there are changes mandated by the Public Utilities
18 Commission of Ohio?

19 A. Yes, it does.

20 Q. And, sir, do you believe that these
21 internal procedures used by Duke were in effect
22 during 2011?

23 A. Yes.

24 Q. And, sir, do you believe these policies
25 and procedures were in effect during August,

1 September, October, November of 2011?

2 A. Well, we didn't deliver 10-day notices,
3 right? But some of it, yes.

4 Q. Well, these were the policies and
5 procedures in effect at Duke during August,
6 September, October, November, of 2011, right?

7 A. Yes, uh-huh.

8 Q. And if you look at the section titled
9 "10-Day Disconnect Notices." Do you see that section
10 on page 17?

11 A. Yes.

12 Q. It states "From November 1 through
13 April 15, the utility company must make contact with
14 the customer at the premises 10 days prior to
15 disconnection of service." Did I read that
16 correctly?

17 A. You did.

18 Q. And it states -- under "Payment Plans" it
19 states that "Duke Energy shall advise the customer of
20 all extended payment plans (including PIPP Plus)"; is
21 that correct?

22 A. Yes, it does. Again, this is talking
23 points, class conversation, to a call center, but
24 yes.

25 Q. All right. Let's look at -- if we turn

1 the page to page 18, there it lists the different
2 payment plans that are in effect during the winter
3 heating season and under Rule 18-06(B).

4 A. Uh-huh.

5 Q. And if we could turn to page 21, please.

6 A. Uh-huh.

7 Q. On page 21 -- actually, it goes over, on
8 the bottom of page 21, do you see it says
9 "Residential for Ohio/Kentucky"?

10 A. Yes.

11 Q. Okay. So then if you turn the page, this
12 is the appropriate chart for Ohio; is that correct?

13 A. Yes.

14 Q. And here do we have a chart with different
15 scenarios that say that the utility past due amount
16 has to be \$100 or greater?

17 A. Yes.

18 Q. And that applies to 30-days past due, good
19 credit status; is that correct?

20 A. Yes.

21 Q. And it applies to 30-days past due amount,
22 good credit status, in the second block?

23 A. Yes.

24 Q. And this is where it says the action taken
25 under the 30-day past due amount, good credit status,

1 that this is a reminder message put on the bill; is
2 that correct?

3 A. Yes.

4 Q. There seems to be a distinction from the
5 first block to the second block even though the "Days
6 in past due amount" are equivalent; is that correct?

7 A. Yes.

8 Q. And there are different rules that apply
9 if it's a good credit status and whether they've
10 received a prior reminder message or not; is that
11 correct?

12 A. I'm sorry. Can you repeat the question?

13 Q. Sure. There seem to be different actions
14 or I guess actions taken by the company regarding
15 whether the customer is in good credit status and
16 whether they have received a new reminder message or
17 not; is that correct?

18 A. Yeah. I think.

19 Q. Could you turn the page to 23, please.

20 A. Yes.

21 Q. Here it says for the winter season in
22 Ohio, that winter final notices will be mailed to DNP
23 customers and three calendar days will be required
24 for mailing; is that correct?

25 A. Yes.

1 Q. So does that mean three days is added to
2 the 10-day notice?

3 A. Yes.

4 Q. And here it notes that Kentucky final
5 notices will be mailed year round; is that correct?

6 MR. McMAHON: Objection, relevance.

7 MS. BOJKO: My next question will show the
8 relevance, your Honor.

9 EXAMINER PARROT: Overruled. We'll see.

10 A. Yes.

11 Q. But Ohio is not listed here as serving
12 final notices year round; is that correct?

13 A. That is correct.

14 Q. And then if you go down to the summer
15 season, it says Duke Energy does not mail final
16 notices. The customer's billing will serve as their
17 final disconnection notice during the summer season;
18 is that correct?

19 A. Yes.

20 MS. BOJKO: Okay. I have no further
21 questions on that document, sir.

22 I am finished. Thank you, your Honor.

23 Thank you, Mr. Carmosino, for your time
24 today.

25 EXAMINER PARROT: Mr. Lane?

1 MR. LANE: No further questions.

2 EXAMINER PARROT: Redirect?

3 MR. McMAHON: Just one minute, your Honor.

4 (Discussion off the record.)

5 EXAMINER PARROT: Let's go back on the
6 public section then.

7 MR. McMAHON: No further questions, your
8 Honor.

9 (OPEN RECORD.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/5/2019 2:59:21 PM

in

Case No(s). 15-0298-GE-CSS

Summary: Confidential Release Document - Vol. 1 and 2. Feb. 1, 2016 and Feb 2, 2016
electronically filed by Docketing Staff on behalf of Docketing