

Confidential Release

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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.

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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.

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(CONFIDENTIAL PORTION.)

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

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

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

EXAMINER PARROT: Okay. Thank you.

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

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

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. McMAHAON: 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. McMahon.

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.)

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