

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Ohio Power :
Company for an Increase in : Case No. 20-585-EL-AIR
Electric Distribution :
Rates. :

- - -

In the Matter of the :
Application of Ohio Power :
Company for Tariff : Case No. 20-586-EL-ATA
Approval. :

- - -

In the Matter of the :
Application of Ohio Power :
Company for Approval to : Case No. 20-587-EL-AAM
Change Accounting Methods. :

PROCEEDINGS

before Ms. Greta See and Ms. Sarah Parrot, Attorney
Examiners, at the Public Utilities Commission of
Ohio, via Webex, called at 10:00 a.m. on Thursday,
March 4, 2021.

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APPEARANCES:

Ohio Power Company
By Mr. Steven T. Nourse,
Ms. Christen M. Blend,
and Mr. Tanner Wolfram
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Porter, Wright, Morris & Arthur, LLP
By Mr. Eric B. Gallon
41 South High Street, 30th Floor
Columbus, Ohio 43215

Ice Miller, LLP
By Mr. Christopher L. Miller
250 West Street
Columbus, Ohio 43215
On behalf of the Applicant.

Dave Yost, Esq.
Attorney General, State of Ohio
John H. Jones, Section Chief
Public Utilities Section
By Mr. Werner L. Margard,
Ms. Kyle L. Kern, and
Mr. Thomas M. Shepherd
Assistant Attorneys General
30 East Broad Street, 26h Floor
Columbus, Ohio 43215

On behalf of the PUCO Staff.

Boehm, Kurtz & Lowry
By Mr. Michael L. Kurtz,
and Ms. Jody Kyler Cohn
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

On behalf of the Ohio Energy Group.

Environmental Law & Policy Center
By Mr. Robert Kelter
and Ms. Caroline Cox
21 West Broad Street, Suite 500
Columbus, Ohio 43215

On behalf of the Environmental Law &
Policy Center.

APPEARANCES: (Continued)

Bruce E. Weston, Ohio Consumers' Counsel
By Ms. Angela O'Brien,
and Mr. Christopher Healey,
Assistant Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215-3485

On behalf of the Ohio Residential Utility
Consumers.

Carpenter Lipps & Leland LLP
By Ms. Kimberly W. Bojko
and Mr. Thomas V. Donadio
280 North High Street, Suite 1300
Columbus, Ohio 43215

On behalf of the Ohio Manufacturers'
Association Energy Group.

Carpenter Lipps & Leland LLP
By Ms. Angela M. Paul Whitfield
280 North High Street, Suite 1300
Columbus, Ohio 43215

On behalf of The Kroger Company.

Interstate Gas Supply, Inc.
By Ms. Bethany M. Allen,
Mr. Joseph Olikier, Mr. Mike Nugent,
and Mr. Evan Betterton
6100 Emerald Parkway
Dublin, Ohio 43016

On behalf of IGS Energy.

McNees, Wallace & Nurick LLC
By Mr. Bryce A. McKenney,
and Ms. Rebekah Glover,
and Mr. Matthew Pritchard
21 East State Street, 17th Floor
Columbus, Ohio 43215

On behalf of the Industrial Energy Users
of Ohio.

APPEARANCES: (Continued)

Kegler, Brown, Hill & Ritter
By Mr. Robert Dove
65 East State Street
Columbus, Ohio 43215

On behalf of Ohio Partners For
Affordable Energy and Natural Resources Defense
Council.

Spilman, Thomas & Battle, PLLC
By Ms. Carrie M. Grundmann
and Mr. Derrick Williamson
100 Oakwood Drive, Suite 100
Winston Salem, North Carolina 27103

On behalf of Walmart Incorporated.

Whitt Sturtevant, LLP
By Mr. Lucas A. Fykes
and Mr. Mark Whitt
88 East Broad Street, Suite 1590
Columbus, Ohio 43215

On behalf of Direct Energy Business, LLC,
and Direct Energy Services, LLC.

Bricker & Eckler, LLP
By Mr. Devin Parram and
Ms. Rachael Mains
100 South Third Street
Columbus, Ohio 43215-4291

On behalf of the Ohio Hospital
Association.

Vorys, Sater, Seymour & Pease, LLP
By Mr. Michael J. Settineri
and Ms. Gretchen L. Petrucci
52 East Gay Street
Columbus, Ohio 43215

On behalf of Nationwide Energy Partners
and Armada Power and Constellation New Energy.

APPEARANCES: (Continued)

Vorys, Sater, Seymour & Pease, LLP
By Ms. Gretchen L. Petrucci
52 East Gay Street
Columbus, Ohio 43215

On behalf of Ohio Cable
Telecommunications Association.

Environmental Defense Fund
The Ohio Environmental Council
By Ms. Miranda R. Leppla
and Mr. Chris Tavenor
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212

On behalf of the Environmental Defense
Fund and The Ohio Environmental Council.

Dickinson, Wright, PLLC
By Ms. Madeline Fleisher
150 East Gay Street, Suite 2400
Columbus, Ohio 43215

On behalf of Clean Fuels Ohio, and
Citizens Utility Board of Ohio, and Greenlawns.

Bricker & Eckler, LLP
By Mr. Dane Stinson
and Mr. Matt Warnock
100 South Third Street
Columbus, Ohio 43215

Zieger, Tigges & Little, LLP
By Marion H. Little, Jr., and
Mr. Christopher Hogan
41 South High Street
3500 Huntington Center
Columbus, Ohio 43215

Ohio Energy Enterprises, Inc.
By Ms. Katie Johnson Treadway
One Energy Enterprises
12385 Township Road 215
Findlay, Ohio 45850

On behalf of One Energy Enterprises, Inc.

1 APPEARANCES: (Continued)

2 Keys & Fox, LLP
3 By Ms. Lilly McKenna
4 580 California Street
5 San Francisco, California 94104

6 On behalf of EVgo Services, LLC.

7 Bricker & Eckler, LLP
8 By Mr. Dylan Borchers
9 100 South Third Street
10 Columbus, Ohio 43215-4291

11 On behalf of ChargePoint, Incorporated.

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Thursday Morning Session,
March 4, 2021.

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EXAMINER SEE: Let's go on the record.
Good morning, everyone. My name is Greta See. My
colleague and I, Sarah Parrot, are Attorney Examiners
in the Legal Department of the Public Utilities
Commission, and we have been assigned to these
proceedings by the Commission. As such, our duties
include conducting this evidentiary hearing.

Due to the COVID-19 emergency that
remains in effect under Executive Order 2020-01D,
which was issued by the Governor of Ohio, and
consistent with Substitute House Bill 404, today's
hearing is being held via Webex.

Before I take appearances of the parties
I'd like to remind everyone that if you experience
technical difficulties during the hearing you have
several options available to you.

If your internet connection drops at any
point you can just try to rejoin Webex again, or you
can participate by phone. If those options are
unsuccessful you can contact the Commission's Legal
Department for assistance at 614-466-6843.

Additional information about Webex

1 technical options can be obtained through the chat
2 function, which will be available throughout the
3 hearing. You may click on the chat button at any
4 time to obtain technical assistance or to ask
5 procedural questions during the hearing.

6 Be aware that chats are recorded and
7 should not be considered private. Chats also are not
8 an official part of our official portion of the
9 record for these cases.

10 The Public Utilities Commission of Ohio
11 has scheduled for hearing on this date and time, via
12 remote access technology, Case No. 20-585-EL-AIR,
13 which is entitled In the Matter of the Application of
14 Ohio Power Company for an Increase in Electric
15 Distribution Rates, Case No. 20-586-EL-ATA, which is
16 entitled In the Matter of the Application of Ohio
17 Power Company for Tariff Approval, and Case No.
18 20-587-EL-AAM, which is captioned In the Matter of
19 the Application of Ohio Power Company for Approval to
20 Change Accounting Methods.

21 At this time we will take appearances of
22 counsel for the parties, starting with Ohio Power
23 Company.

24 MR. NOURSE: Thank you, your Honor. On
25 behalf of Ohio Power Company, Steven T. Nourse,

1 Christen Blend, Tanner Wolffram, 1 Riverside Plaza,
2 Columbus, Ohio 43215, and the appearance of our
3 outside attorneys of Chris Miller from the firm of
4 Ice Miller, and Eric Gallon from the firm Porter,
5 Wright, Miller -- Arthur, Miller -- Morris & Arthur,
6 sorry. And hopefully you have those addresses
7 already.

8 EXAMINER SEE: Mr. Nourse, you said
9 yourself, Christen Blend, and another inhouse
10 counsel. Could you repeat that name for me, please?

11 MR. NOURSE: Yes. If you haven't met
12 him, we have another attorney, Tanner, T-a-n-n-e-r,
13 Wolffram, W-o-l-f-f-r-a-m, I believe is correct.
14 Sorry.

15 EXAMINER SEE: Okay. Thank you. On
16 behalf of the Staff of the Public Utilities
17 Commission.

18 MR. MARGARD: Thank you, your Honor. On
19 behalf of the Staff of the Public Utilities
20 Commission, Dave Yost, Ohio Attorney General, John H.
21 Jones, Section Chief, Public Utilities Section, by
22 Assistant Attorneys General, Werner L. Margard,
23 Kyle L. Kern, Thomas M. Shepherd, 30 East Broad
24 Street, 26th floor, Columbus, Ohio.

25 EXAMINER SEE: On behalf of Ohio Energy

1 Group.

2 MR. KURTZ: Good morning. Mike Kurtz
3 and Jody Kyler Cohn, Boehm, Kurtz & Lowry, 1510 URS
4 Center, Cincinnati. Thank you.

5 EXAMINER SEE: Thank you, Mr. Kurtz. On
6 behalf of the Environmental Law & Policy Center.

7 MR. KELTER: Robert Kelter and Caroline
8 Cox on behalf of the Environmental Law & Policy
9 Center, 21 West Broad, Columbus, Ohio.

10 EXAMINER SEE: On behalf of Ohio
11 Consumers' Counsel.

12 MS. O'BRIEN: Good morning, your Honor.
13 On behalf of Ohio Residential Utility Consumers, Ohio
14 Consumers' Counsel Bruce Weston, Assistant Consumers'
15 Counsel Angela O'Brien and Christopher Healy, 65 East
16 State Street, 7th floor, Columbus, Ohio 43215.

17 EXAMINER SEE: Ohio Manufacturers'
18 Association Energy Group.

19 MS. BOJKO: Good morning, your Honor.
20 On behalf of Ohio Manufacturers' Association Energy
21 Group, Kim W. Bojko, Thomas Donadio, with the law
22 firm Carpenter, Lipps & Leland, 280 North High
23 Street, Columbus, Ohio 43215.

24 EXAMINER SEE: The Kroger Company.

25 MS. WHITFIELD: Good morning, your

Honor. On behalf of The Kroger Company, Angela Paul Whitfield of the law firm Carpenter, Lipps & Leland, 280 North High Street, Suite 1300, Columbus, Ohio.

EXAMINER SEE: Interstate Gas Supply, Inc.

MS. ALLEN: Good morning, your Honor. On behalf of Interstate Gas Supply, Inc., Bethany Allen, Joe Oliker, Mike Nugent, and Evan Betterton, 6100 Emerald Parkway, Dublin, Ohio 43016.

EXAMINER SEE: Industrial Energy Users-Ohio.

MR. MC KENNEY: Good morning, your Honors, on behalf of Industrial Energy Users-Ohio, Bryce McKenney, Matt Pritchard, Rebekah Glover, from the law firm McNees, Wallace & Nurick, 21 East State Street, Columbus, Ohio 43215.

EXAMINER SEE: Natural Resources Defense Council and Ohio Partners for Affordable Energy.

MR. DOVE: Good morning, your Honor. On behalf of Natural Resources Defense Council and Ohio Partners For Affordable Energy, Robert Dove of the law firm Kegler, Brown, Hill & Ritter, 65 East State Street, Columbus, Ohio 43215.

EXAMINER SEE: Walmart, Incorporated.

MS. GRUNDMANN: Good morning, your

Honors, Carrie Grundmann and Derrick Williamson with the law firm of Spilman, Thomas, & Battle, 100 Oakwood Drive, Suite 100, Winston Salem, North Carolina 27103.

EXAMINER SEE: Direct Energy Business, LLC, and Direct Energy Services, LLC.

MR. FYKES: Good morning, your Honor. Lucas Fykes and Mark Whitt from the law firm Whitt Sturtevant, LLP, representing Direct Energy in this case. Thank you.

EXAMINER SEE: Ohio Hospital Association.

MR. PARRAM: Good morning, your Honor. On behalf of the Ohio Hospital Association, Devin Parram and Rachael Mains from the law firm of Bricker & Eckler, 100 South Third Street, Columbus, Ohio 43215.

EXAMINER SEE: ChargePoint, Incorporated?

Is counsel for ChargePoint, Incorporated present?

(No response.)

EXAMINER SEE: Nationwide Energy Partners, LLC.

MS. PETRUCCI: Good morning, your

Honors. On behalf of Nationwide Energy Partners, the law firm of Vorys, Sater, Seymour and Pease, Michael J. Settineri, Gretchen L. Petrucci, 52 East Gay Street, Columbus, Ohio 43215.

And if I can take the opportunity to enter an appearance also, the same appearance for Armada Power and Constellation New Energy, and then finally I'll take the moment while I have it to enter an appearance for the Ohio Cable Telecommunications Association, it's also the law firm of Vorys, Sater, Seymour and Pease, Gretchen L. Petrucci, same address. Thank you.

EXAMINER SEE: Thank you, Ms. Petrucci. Clean Fuels Ohio.

MS. FLEISHER: Thank you, your Honors. For Clean Fuels Ohio, Madeline Fleisher of Dickinson, Wright, PLLC, 150 East Gay Street, Suite 2400, Columbus, Ohio 43215.

And like Ms. Petrucci, I'll take the opportunity to enter an appearance also on behalf of Citizens Utility Board of Ohio, and on behalf of Greenlawns.

EXAMINER SEE: Ohio Environmental Counsel.

MR. TAVENOR: Good morning, your Honors.

On behalf of the Ohio Environmental Council, Chris Tavenor and Miranda Leppla, 1145 Chesapeake Avenue, Suite I, Columbus, Ohio 43212.

EXAMINER SEE: Ohio Environmental -- I'm sorry, One Energy Enterprises, LLC.

MR. STINSON: Thank you, your Honor. On behalf of One Energy Enterprises, the law firm of Bricker & Eckler, 100 South Third Street, Columbus, Ohio, by Dane Stinson and Matt Warnock, also the law firm of Zieger, Tigges & Little, by Marion H. Little, Jr., and Christopher Hogan, 41 South High Street, 3500 Huntington Center, Columbus, Ohio 43215, and inhouse counsel Katie Johnson Treadway, One Energy Enterprises, Findlay, Ohio 45840. Thank you.

EXAMINER SEE: Okay. And EVgo Services, LLC.

MS. MC KENNA: Good morning, your Honors. This is Lilly McKenna on behalf of EVgo with the law firm Keys & Fox, LLP, located at 580 California Street, San Francisco, California 94104.

EXAMINER SEE: Thank you. Mr. Nourse, if you could update us on the status.

MR. NOURSE: Yes. Yeah, happy to do that, your Honor. And I am pleased to let you know that we do have an agreement in principle with Staff,

1 OCC and the Company. We are -- we fully expect, you
2 know, substantial intervenor support as well.

3 We are trying to, you know, finalize the
4 actual stipulation document so it can be docketed,
5 and I think our target date for that would be next
6 Friday, March 12th, so I think we're substantially
7 there, but need a little bit more time to finalize a
8 settlement.

9 EXAMINER SEE: Okay.

10 MR. KELTER: Robert Kelter on behalf of
11 the Environmental Law & Policy Center. Just to be
12 clear that that will not be a unanimous stipulation
13 unless something changes.

14 EXAMINER SEE: Okay.

15 MR. NOURSE: That is correct, your
16 Honor. I think there will be some intervenor
17 opposition, so I agree, we anticipate that as well.

18 EXAMINER SEE: Okay. Will the parties
19 also be discussing some potential dates for the
20 hearing?

21 MR. NOURSE: We have not really
22 discussed that as a group, you know, any
23 recommendation there.

24 I think -- and, you know, obviously
25 we're all here so we can talk about that, and you

1 can -- we can certainly regroup after filing the
2 settlement, which might make, you know, sense just
3 because we'll have the -- you know, I guess it will
4 be fixed or settled at that point who is on, who is
5 off, and so, you know, to the extent that plays into
6 the schedule, and parties wish to, you know, make
7 recommendations, you know, in groups or what have you
8 at that point, that sort of makes sense to me, your
9 Honor.

10 But obviously if you want to -- if you
11 want to put some hearing dates on or talk about
12 tentative dates, we're prepared to do that as well.

13 EXAMINER SEE: Okay. If you are
14 expecting to file on March 12th, we can wait until
15 after the Stipulation is settled -- is filed, I'm
16 sorry, and then consider potential dates for
17 reconvening the hearing. Just most likely as well as
18 a prehearing beforehand. Ms. Parrot, did you have
19 anything to request or add?

20 EXAMINER PARROT: No, I don't believe
21 so. Although I would just reiterate what we
22 discussed at the prehearing conference on
23 February 11th, I believe it was, just to the extent
24 that the parties wish to also, as part of their
25 stipulation, or even maybe a separate -- through a

1 separate stipulation, discuss agreement as to
2 procedural issues to facilitate the hearing through
3 this Webex format, that that would be much
4 appreciated.

5 MR. NOURSE: Thank you, your Honor. We
6 do have that on the -- still on the agenda to
7 discuss, and I think I would anticipate we would be
8 able to do that, have some sort of agreement at least
9 with the signatory parties, but -- and certainly
10 we'll have the dialogue with all parties to try to
11 achieve the procedural, you know, agreements that you
12 referenced at the prehearing conference.

13 I guess I will just say, you know, with
14 respect to timing of that if, you know -- I think
15 we're going to all do our best to finalize the
16 agreement, you know, by next Friday, so maybe if
17 that's docketed, and then we have a prehearing a few
18 days later to be able to work on the procedural
19 issues in the interval between, because I don't
20 know -- I don't know if we'll, you know, have the
21 bandwidth between now and filing the Stipulation to
22 try to resolve those procedural issues.

23 EXAMINER SEE: Okay. Is there anything
24 else that counsel would like to address at this
25 moment?

MR. NOURSE: Not for the company, your Honor.

MR. BORCHERS: This is Dylan Borchers. I apologize, I was a little bit delayed in getting logged in. I would just like to formally make an appearance on behalf of ChargePoint.

EXAMINER SEE: Okay. If there's nothing further, today's hearing is concluded. Thank you all.

(Thereupon, the hearing was adjourned at 10:20 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Thursday, March 4,
2021, and carefully compared with my original
stenographic notes.

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

My Commission expires August 11, 2021.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/18/2021 8:50:14 AM

in

Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Transcript in the matter of the Ohio Power Company hearing held on 03/04/21 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie