

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

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.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481

- - -

1 APPEARANCES:

2 Ohio Power Company
 3 By Mr. Steven T. Nourse,
 4 Ms. Christen M. Blend,
 5 and Mr. Tanner Wolffram
 6 1 Riverside Plaza, 29th Floor
 7 Columbus, Ohio 43215
 8 Porter, Wright, Morris & Arthur, LLP
 9 By Mr. Eric B. Gallon
 10 41 South High Street, 30th Floor
 11 Columbus, Ohio 43215

12 Ice Miller, LLP
 13 By Mr. Christopher L. Miller
 14 250 West Street
 15 Columbus, Ohio 43215
 16 On behalf of the Applicant.

17 Dave Yost, Esq.
 18 Attorney General, State of Ohio
 19 John H. Jones, Section Chief
 20 Public Utilities Section
 21 By Mr. Werner L. Margard,
 22 Ms. Kyle L. Kern, and
 23 Mr. Thomas M. Shepherd
 24 Assistant Attorneys General
 25 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.

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

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.

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

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.

1 APPEARANCES: (Continued)
 2 Vorys, Sater, Seymour & Pease, LLP
 3 By Ms. Gretchen L. Petrucci
 4 52 East Gay Street
 5 Columbus, Ohio 43215
 6 On behalf of Ohio Cable
 7 Telecommunications Association.
 8
 9 Environmental Defense Fund
 10 The Ohio Environmental Council
 11 By Ms. Miranda R. Leppla
 12 and Mr. Chris Tavenor
 13 1145 Chesapeake Avenue, Suite I
 14 Columbus, Ohio 43212
 15 On behalf of the Environmental Defense
 16 Fund and The Ohio Environmental Council.
 17
 18 Dickinson, Wright, PLLC
 19 By Ms. Madeline Fleisher
 20 150 East Gay Street, Suite 2400
 21 Columbus, Ohio 43215
 22 On behalf of Clean Fuels Ohio, and
 23 Citizens Utility Board of Ohio, and Greenlawns.
 24
 25 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES: (Continued)

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

On behalf of EVgo Services, LLC.

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

On behalf of ChargePoint, Incorporated.

- - -

1 Thursday Morning Session,
2 March 4, 2021.

3 - - -

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

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

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

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

25 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

1 Honor. On behalf of The Kroger Company, Angela Paul
2 Whitfield of the law firm Carpenter, Lipps & Leland,
3 280 North High Street, Suite 1300, Columbus, Ohio.

4 EXAMINER SEE: Interstate Gas Supply,
5 Inc.

6 MS. ALLEN: Good morning, your Honor.
7 On behalf of Interstate Gas Supply, Inc., Bethany
8 Allen, Joe Oliker, Mike Nugent, and Evan Betterton,
9 6100 Emerald Parkway, Dublin, Ohio 43016.

10 EXAMINER SEE: Industrial Energy
11 Users-Ohio.

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

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

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

24 EXAMINER SEE: Walmart, Incorporated.

25 MS. GRUNDMANN: Good morning, your

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

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

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

11 EXAMINER SEE: Ohio Hospital
12 Association.

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

18 EXAMINER SEE: ChargePoint,
19 Incorporated?

20 Is counsel for ChargePoint, Incorporated
21 present?

22 (No response.)

23 EXAMINER SEE: Nationwide Energy
24 Partners, LLC.

25 MS. PETRUCCI: Good morning, your

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

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

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

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

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

23 EXAMINER SEE: Ohio Environmental
24 Counsel.

25 MR. TAVENOR: Good morning, your Honors.

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

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

6 MR. STINSON: Thank you, your Honor. On
7 behalf of One Energy Enterprises, the law firm of
8 Bricker & Eckler, 100 South Third Street, Columbus,
9 Ohio, by Dane Stinson and Matt Warnock, also the law
10 firm of Zieger, Tigges & Little, by Marion H.

11 Little, Jr., and Christopher Hogan, 41 South High
12 Street, 3500 Huntington Center, Columbus, Ohio 43215,
13 and inhouse counsel Katie Johnson Treadway, One
14 Energy Enterprises, Findlay, Ohio 45840. Thank you.

15 EXAMINER SEE: Okay. And EVgo Services,
16 LLC.

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

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

23 MR. NOURSE: Yes. Yeah, happy to do
24 that, your Honor. And I am pleased to let you know
25 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?

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

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

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

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

12 - - -

13

14

15

16

17

18

19

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
21
22
23
24
25

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