

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 9:00 a.m. on Thursday,  
May 13, 2021.

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VOLUME II

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

- - -

1 APPEARANCES:

2 American Electric Power  
3 By Mr. Steven T. Nourse,  
4 Ms. Christen M. Blend,  
5 and Mr. Tanner S. 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, 29th Floor  
11 Columbus, Ohio 43215

12 Ice Miller, LLP  
13 By Mr. Christopher L. Miller  
14 250 West Street, Suite 700  
15 Columbus, Ohio 43215

16 On behalf of Ohio Power Company.

17 Bruce J. Weston, Ohio Consumers' Counsel  
18 By Ms. Angela O'Brien,  
19 Mr. Christopher Healey,  
20 and Mr. John Finnigan,  
21 Assistant Consumers' Counsel  
22 65 East State Street, 7th Floor  
23 Columbus, Ohio 43215

24 On behalf of the Residential Customers of  
25 Ohio Power Company.

26 Kegler, Brown, Hill & Ritter Co., LPA  
27 By Mr. Robert Dove  
28 65 East State Street, Suite 1800  
29 Columbus, Ohio 43215

30 On behalf of Ohio Partners for Affordable  
31 Energy and Natural Resources Defense  
32 Council.

33 Carpenter Lipps & Leland LLP  
34 By Ms. Angela Paul Whitfield  
35 280 North High Street, Suite 1300  
36 Columbus, Ohio 43215

37 On behalf of The Kroger Company.

1 APPEARANCES: (Continued)

2 Carpenter Lipps & Leland LLP  
3 By Ms. Kimberly W. Bojko  
4 and Mr. Thomas V. Donadio  
5 280 North High Street, Suite 1300  
6 Columbus, Ohio 43215

7 On behalf of the Ohio Manufacturers'  
8 Association Energy Group.

9 Dickinson Wright PLLC  
10 By Ms. Madeline Fleisher  
11 and Mr. Matthew C. McDonnell  
12 150 East Gay Street, Suite 2400  
13 Columbus, Ohio 43215

14 On behalf of Clean Fuels Ohio.

15 Dickinson Wright PLLC  
16 By Ms. Madeline Fleisher  
17 150 East Gay Street, Suite 2400  
18 Columbus, Ohio 43215

19 On behalf of Zeco Systems, Inc. d/b/a  
20 Greenlots.

21 The Ohio Environmental Council  
22 By Ms. Miranda R. Leppla,  
23 Mr. Trent A. Dougherty,  
24 and Mr. Christopher D. Tavenor  
25 1145 Chesapeake Avenue, Suite I  
Columbus, Ohio 43215

On behalf of The Ohio Environmental  
Council.

Dave Yost, Ohio Attorney General  
Mr. John Jones, Section Chief  
By Mr. Werner L. Margard, III,  
Mr. Thomas Shepherd,  
and Ms. Kyle Kern,  
Assistant Attorneys General  
Public Utilities Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

## 1 APPEARANCES: (Continued)

2 Environmental Law & Policy Center  
3 By Mr. Robert Kelter  
4 And Ms. Caroline Cox  
5 21 West Broad Street, Suite 800  
6 Columbus, Ohio 43215

7 On behalf of the Environmental Law &  
8 Policy Center.

9 McNeese, Wallace & Nurick LLC  
10 By Ms. Rebekah J. Glover,  
11 Mr. Matthew R. Pritchard,  
12 and Mr. Bryce A. McKenney  
13 21 East State Street, 17th Floor  
14 Columbus, Ohio 43215

15 On behalf of Industrial Energy  
16 Users-Ohio.

17 Boehm, Kurtz & Lowry  
18 By Mr. Michael L. Kurtz,  
19 Ms. Jody Kyler Cohn,  
20 and Mr. Kurt J. Boehm  
21 36 East Seventh Street, Suite 1510  
22 Cincinnati, Ohio 45202

23 On behalf of Ohio Energy Group.

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

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

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

On behalf of The Ohio Hospital  
Association.

## 1 APPEARANCES: (Continued)

2 IGS Energy  
3 By Ms. Bethany Allen,  
4 Mr. Joseph Olikier,  
5 Mr. Michael A. Nugent,  
6 and Mr. Evan Betterton,  
7 6100 Emerald Parkway  
8 Dublin, Ohio 43016

9 Mr. Frank P. Darr  
10 6800 Linbrook Boulevard  
11 Columbus, Ohio 43235

12 On behalf of Interstate Gas Supply, Inc.

13 Vorys, Sater, Seymour & Pease, LLP  
14 By Mr. Michael J. Settineri  
15 and Mr. Elia O. Woyt  
16 52 East Gay Street  
17 P.O. Box 1008  
18 Columbus, Ohio 43216-1008

19 On behalf of Nationwide Energy Partners,  
20 LLC.

21 Vorys, Sater, Seymour & Pease, LLP  
22 By Mr. Michael J. Settineri  
23 and Mr. Elia O. Woyt  
24 52 East Gay Street  
25 P.O. Box 1008  
Columbus, Ohio 43216-1008

On behalf of Armada Power, LLC.

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

On behalf of ChargePoint, Inc.

Keyes & Fox LLP  
By Mr. Jacob Schlesinger  
1580 Lincoln Street, Suite 1105  
Denver, Colorado 80203

On behalf of EVgo Services LLC.

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APPEARANCES: (Continued)

Bricker & Eckler, LLP  
By Mr. Dane Stinson  
and Mr. Matthew W. Warnock  
100 South Third Street  
Columbus, Ohio 43215-4291

One Energy Enterprises LLC  
By Ms. Katie Johnson Treadway  
12385 Township Road 215  
Findlay, Ohio 45840

On behalf of One Energy Enterprises.

Spilman Thomas & Battle, PLLC  
By Ms. Carrie H. Grundmann  
110 Oakwood Drive, Suite 500  
Winston-Salem, North Carolina 27103

On behalf of Walmart, Inc.

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1 Thursday Morning Session,  
2 May 13, 2021.

3 - - -

4 EXAMINER SEE: Good morning. Let's go on  
5 the record.

6 First, let's take brief appearances of  
7 the parties, starting first with AEP Ohio.

8 MR. NOURSE: Good morning, your Honors.  
9 On behalf of Ohio Power Company, Steven T. Nourse,  
10 Christen M. Blend, Tanner S. Wolffram, Eric B.  
11 Gallon, and Christopher L. Miller.

12 EXAMINER SEE: On behalf of the Staff of  
13 the Public Utilities Commission.

14 MR. MARGARD: Thank you, your Honor. On  
15 behalf of the Staff of the Public Utilities  
16 Commission, Werner Margard, Kyle Kern, and Thomas  
17 Shepherd.

18 EXAMINER SEE: On behalf of Ohio Energy  
19 Group.

20 MS. COHN: Good morning, your Honor. On  
21 behalf of OEG, Michael Kurtz, Jody Cohn, and Kurt  
22 Boehm.

23 EXAMINER SEE: On behalf of the  
24 Environmental Law & Policy Center.

25 Counsel on behalf of the Environmental

1 Law & Policy Center.

2 MS. COX: Good morning.

3 MR. KELTER: Sorry, your Honor. I was on  
4 mute. Robert Kelter and Caroline Cox on behalf of  
5 the Environmental Law & Policy Center.

6 EXAMINER SEE: Thank you.

7 On behalf of Ohio Consumers' Counsel.

8 MS. O'BRIEN: Thank you, your Honors. On  
9 behalf of the Ohio Consumers' Counsel, Angela  
10 O'Brien, Chris Healey, and John Finnigan. Thank you.

11 EXAMINER SEE: On behalf of the Ohio  
12 Manufacturers' Association Energy Group.

13 MR. SCHMIDT: Good morning, your Honors.  
14 Thomas V. Donadio and Kimberly W. Bojko on behalf of  
15 the Ohio Manufacturers' Association Energy Group.

16 EXAMINER SEE: On behalf of The Kroger  
17 Company.

18 On behalf of Interstate Gas Supply,  
19 Incorporated.

20 MR. DARR: On behalf of Interstate Gas,  
21 Joe Oliker, Bethany Allen, and Evan Betterton from  
22 the company, and Frank Darr.

23 EXAMINER SEE: On behalf of the  
24 Industrial Energy Users-Ohio.

25 MR. MCKENNEY: On behalf of IEU-Ohio,

1 Bryce McKenney, Matthew Pritchard, and Rebekah  
2 Glover.

3 EXAMINER SEE: On behalf of Natural  
4 Resources Defense Council.

5 MR. DOVE: Good morning. This is Robert  
6 Dove on behalf of Natural Resources Defense Council  
7 as well as Ohio Partners for Affordable Energy.

8 EXAMINER SEE: On behalf of Walmart.

9 MS. GRUNDMANN: Good morning, on behalf  
10 of Walmart, Carrie Grundmann.

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

13 MR. FYKES: Good morning, your Honor. On  
14 behalf of Direct Energy Business, LLC and Direct  
15 Energy Services, LLC, Lucas Fykes and Mark Whitt.  
16 Thank you.

17 EXAMINER SEE: Thank you.

18 On behalf -- on behalf of Ohio Hospital  
19 Association.

20 On behalf of ChargePoint, Inc.

21 On behalf of Nationwide Energy Partners,  
22 LLC.

23 MR. SETTINERI: Good morning, your Honor.  
24 On behalf of Nationwide Energy Partners, LLC, Michael  
25 Settineri and Elia Woyt, with the law firm of Vorys,

1 Sater, Seymour & Pease, LLP, 52 East Gay Street,  
2 Columbus, Ohio 43215.

3 EXAMINER SEE: Mr. Settineri, for  
4 Mr. Woyt, would you also send to the Attorney  
5 Examiners the new -- the name of the new appearance  
6 and contact information for them?

7 MR. SETTINERI: I will, yes. And there  
8 has been a prior notice of appearance on the docket  
9 but I will send that to you so you will have that  
10 available for you today during the hearing.

11 EXAMINER SEE: Okay. Thank you.

12 On behalf of Armada Power, LLC.

13 MR. SETTINERI: Thank you, your Honor.  
14 On behalf of Armada Power, LLC, Michael Settineri and  
15 Elia Woyt with the law firm of Vorys, Sater, Seymour  
16 & Pease.

17 EXAMINER SEE: And on behalf of  
18 Constellation NewEnergy Inc.

19 On behalf of Clean Fuels Ohio.

20 MS. FLEISHER: Good morning, your Honor.  
21 Madeline Fleisher and Matthew McDonnell on behalf of  
22 Clean Fuels Ohio; and as well, Madeline Fleisher on  
23 behalf of Greenlots.

24 EXAMINER SEE: On behalf of Ohio  
25 Environmental Council.

1 MS. LEPPLA: Good morning, Your Honor.  
2 Miranda Leppla, Trent Dougherty, and Chris Tavenor  
3 for the OEC.

4 EXAMINER SEE: On behalf of One Energy  
5 Enterprises, LLC.

6 On behalf of Ohio Cable  
7 Telecommunications Association.

8 On behalf of EVgo Services, LLC.

9 Okay. Thank you.

10 Ms. Moore, I'll remind you that you  
11 continue to be under oath this morning. Are you  
12 ready to begin?

13 THE WITNESS: I am. Thank you.

14 EXAMINER SEE: Okay. And is counsel for  
15 Ohio Environmental Council ready to begin?

16 MS. LEPPLA: Yes, ma'am.

17 EXAMINER SEE: Okay.

18 Go ahead, Ms. Leppla.

19 MS. LEPPLA: Thank you, your Honor.

20 - - -

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25



1 ANDREA E. MOORE

2 being previously duly sworn, as prescribed by law,  
3 was examined and testified further as follows:

4 CROSS-EXAMINATION

5 By Ms. Leppla:

6 Q. Good morning, Ms. Moore. My name is  
7 Miranda Leppla, and I account rep the Ohio  
8 Environmental Council. I just have a handful of  
9 questions for you, and no math problems like  
10 Mr. Settineri yesterday, so hopefully this will be  
11 quick. So I have some questions for you about your  
12 testimony that was filed on April 9 which is marked  
13 as AEP Exhibit 6. Do you have that handy?

14 A. I do.

15 Q. Great. If you could turn to page 15,  
16 line 11. And here you are describing Section III.G  
17 of the Stipulation, noting that AEP agreed to  
18 withdraw, without prejudice to any future case, the  
19 demand side management proposal in its Application;  
20 is that accurate?

21 A. That's accurate.

22 Q. And that demand side management proposal  
23 contains several pieces including energy efficiency  
24 programs, programs to help with peak demand -- I'm  
25 sorry -- manage peak load and electric vehicles or

1 transportation program; is that right?

2 A. I don't recall all of those pieces of  
3 the -- of the program, but I believe the ones that  
4 you just described were included.

5 Q. Okay. And if we turn to your testimony,  
6 you note here AEP reserves the right to advance any  
7 proposal related to demand side management, energy  
8 efficiency, or electric vehicles in the future; is  
9 that right?

10 A. I'm sorry. You were on the same line  
11 there, 13, 14?

12 Q. Yes, yes.

13 A. Could you repeat the question? I  
14 apologize.

15 Q. Sure, sure. Sorry about that.

16 You note here in your testimony that AEP  
17 is reserving the right to advance any proposals  
18 related to demand side management, energy efficiency,  
19 or electric vehicles in the future.

20 A. In a future proceeding, that's correct.

21 Q. Okay. AEP originally included that  
22 demand side management proposal because it believes  
23 the proposal would benefit AEP customers; is that  
24 correct?

25 A. I believe that's correct, yes.

1 Q. Okay. And currently there are no demand  
2 side management or energy efficiency programs being  
3 run by AEP; is that right?

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

5 Q. Sure.

6 Currently there are no demand side  
7 management or energy efficiency programs being run by  
8 AEP; is that right?

9 A. That's my understanding. I don't believe  
10 there are any current -- current programs.

11 Q. Okay. And if you flip to page 19 of your  
12 testimony, line 16 through 22. Are you there,  
13 Ms. Moore?

14 A. I am.

15 Q. Okay. I don't want to rush you. You  
16 mention here that the Company will have the  
17 opportunity to file demand side management programs  
18 in a future proceeding, right?

19 A. That's correct.

20 Q. So until a new plan or proceeding occurs,  
21 AEP customers won't be able to participate in any  
22 kind of demand side management or efficiency  
23 programs; is that accurate?

24 A. I don't know if that's accurate or not.  
25 I'm not sure what type of efficiency programs are out

1 there available to customers.

2 Q. Okay. But none run through AEP, correct?

3 A. I'm not aware of any programs currently  
4 being offered by the company.

5 Q. Okay. So they won't be receiving any  
6 benefits of programs run by AEP until those programs  
7 are reestablished; is that accurate?

8 A. AEP Ohio will not run -- to my knowledge  
9 is not running any programs.

10 MR. DARR: Could we go off the record for  
11 a second, please?

12 (Discussion off the record.)

13 EXAMINER SEE: Let's go back on the  
14 record.

15 MS. LEPPLA: Okay. Well, Ms. Moore, that  
16 was all the questions I had for you, so thank you for  
17 your time.

18 EXAMINER SEE: Counsel on behalf of the  
19 Environmental Law & Policy Center.

20 MR. KELTER: Thank you, your Honor.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Kelter:

24 Q. Good morning, Ms. Moore. Ms. Moore, my  
25 name is Rob Kelter. I am the attorney for the

1 Environmental Law & Policy Center. I have got a few  
2 questions for you this morning.

3 Ms. Moore, could you please turn to  
4 page 16, lines 12 to 15 of your testimony.

5 Ms. Moore, you testified that the Stipulation in this  
6 case is the product of serious bargaining among  
7 capable and knowledgeable parties; is that correct?

8 A. That's correct.

9 Q. And at line 19, you testified that all  
10 parties were invited to the meetings and no party was  
11 left out of the opportunity to negotiate, correct?

12 A. That's correct.

13 Q. Is it accurate to say that as part of the  
14 negotiation process, AEP changed some of its  
15 positions from its original application in order to  
16 reach a settlement on the issues?

17 A. Yes. AEP Ohio changed some of its  
18 initial positions in order to reach a Settlement  
19 Agreement.

20 Q. Is it accurate to say that AEP changed  
21 some positions that benefited some parties but not  
22 other parties?

23 MR. NOURSE: Your Honor, I'm going to  
24 object. I didn't object to the first question that  
25 didn't seek the content of negotiations, but now if

1 you are getting into, you know, specific positions  
2 that might have benefited some parties but not other  
3 parties and that sort of thing, I think you are  
4 starting to go into the content of settlement. I  
5 would object on that basis.

6 MR. KELTER: Your Honor, I am getting  
7 into the content a little bit, and I would like to  
8 explain the basis for that because I think there --  
9 there's been some misperception that every statement  
10 made in the context -- or everything that happens in  
11 the context of negotiations is confidential and that  
12 is not what Rule 408 says. Rule 408 does limit some  
13 things that come out of negotiations, but it limits  
14 it to evidence of conduct or statements made in  
15 compromised negotiations are not admissible.

16 But it also says the rule also does not  
17 require exclusion when evidence is offered for  
18 another purpose. For instance, to show whether the  
19 bargaining was serious or not. And, in fact, in a  
20 Supreme -- in a Ohio Supreme Court case, Ohio  
21 Consumers' Counsel v. Public Utilities Commission,  
22 111 Ohio 3d 300, the Ohio Supreme Court specifically  
23 said "The Commission cannot rely merely on the terms  
24 of the stipulation but, rather, must determine  
25 whether there exists sufficient evidence that the

1 stipulation was the product of serious bargaining.  
2 Any...concessions or inducements apart from the terms  
3 agreed to in the stipulation might be relevant to  
4 deciding whether negotiations were fairly conducted."

5 So I don't think that the Rules of  
6 Evidence prohibit this line of questioning.

7 MR. NOURSE: And, your Honor, if I could  
8 just briefly respond. I think again the product of  
9 serious bargaining is a query and the fact that the  
10 Stipulation was the product and so I do -- I do think  
11 talking about the process is okay. You know, things  
12 like how many meetings over how many weeks and were  
13 all parties invited and those kind of things are all  
14 fair game.

15 But what I objected to is if we are  
16 getting into the content of compromised offers and  
17 acceptance. That's the content of the bargaining and  
18 that's the prejudice, the harm, of releasing that.  
19 That is confidential. That is protected for all the  
20 good reasons that negotiations and compromised offers  
21 are protected. And so when he asked about are  
22 there -- are there -- were there specific compromises  
23 that resulted in benefits to certain parties, I think  
24 what I -- my objection was that it's treading right  
25 on the edge of getting into the content. So if we

1 can avoid the content, talk about the process, the  
2 product, query, I agree that those things are all  
3 fair game.

4 MR. KELTER: Well, your Honor, I think  
5 what we should do is go question by question, and  
6 Mr. Nourse already objected to my first question.

7 EXAMINER SEE: Which I think you are also  
8 right on the edge but let's -- you can answer this  
9 question. Go ahead, Ms. Moore. Would you like for  
10 it to be repeated?

11 THE WITNESS: Yes, please.

12 EXAMINER SEE: Read back?

13 THE WITNESS: Yes, please.

14 MR. KELTER: Can you read the question  
15 back, please.

16 (Record read.)

17 A. I guess I'm not sure how to answer the  
18 question. I mean, we went through the negotiation  
19 process and viewed all of the information that was  
20 in -- in front of us and came to an overall  
21 conclusion. I don't know that there were pieces in  
22 there that, you know, benefited one more than the  
23 other but basically just looked at the Stipulation  
24 as -- as a package.

25 Q. Is it accurate -- I am sorry. Did



1 somebody else try and speak? I'll go ahead then.

2 Is it accurate to say that AEP changed  
3 some positions that benefited some parties but not  
4 other parties?

5 MR. NOURSE: I object. That was the same  
6 question, asked and answered.

7 MR. KELTER: She didn't really answer it  
8 so I am asking again.

9 MR. NOURSE: Well, she gave her answer.

10 MR. KELTER: It's a "yes" or "no."

11 MR. NOURSE: I object to that.

12 EXAMINER SEE: The question has been  
13 asked and answered, Mr. Kelter.

14 Q. (By Mr. Kelter) Did AEP ever prioritize  
15 getting Staff to agree to the Stipulation?

16 MR. NOURSE: Your Honor, I object. I  
17 mean, you know, I don't see how this is related to  
18 the first prong. You know, I mean, first of all, AEP  
19 was not the only party. Every single party in this  
20 case was involved in negotiation. And so, you know,  
21 if -- I don't see how it's relevant to get into one  
22 party's priorities or frame of mind or, you know,  
23 these kinds of things. It's not part of the first  
24 prong. It doesn't -- it's not probative of  
25 determining whether there was serious bargaining.

1 MR. KELTER: Your Honor, I respectfully  
2 disagree with that. It's important to know what  
3 concessions AEP made and why they made those  
4 concessions, and the -- in terms of whether serious  
5 bargaining took place and what serious bargaining  
6 really even means in this context. And it's  
7 consistent with exactly what the Ohio Supreme Court  
8 said was allowable.

9 MR. NOURSE: I disagree, your Honor. He  
10 is saying he wants to get into AEP's intent and frame  
11 of mind and that -- get into the specifics of the  
12 compromise and the negotiation, that is not permitted  
13 under the Supreme Court decision and it's not  
14 probative of whether there was serious bargaining.

15 MR. KELTER: Actually, the Supreme Court  
16 decision says specifically "Any such concessions or  
17 inducements apart from the terms agreed to in the  
18 stipulation might be relevant to deciding whether  
19 negotiations were fairly conducted." I'm reading  
20 directly from the Supreme Court decision.

21 MR. NOURSE: I think it's the  
22 Commission's role to determine what's relevant, and  
23 the fact that the court said something might or may  
24 or may not be relevant doesn't determine whether your  
25 question in this case is -- is relevant or probative.

1 MR. KELTER: I don't know how we know  
2 what's relevant if the witness doesn't answer the  
3 questions about how she reached the conclusion that  
4 serious bargaining took place because she reached  
5 that conclusion.

6 MR. NOURSE: That's not the pending  
7 question, your Honor. If that's a new question, we  
8 are okay with that.

9 EXAMINER SEE: Is that a new question,  
10 Mr. Kelter?

11 MR. KELTER: I believe the new question  
12 was did AEP ever prioritize getting the Staff to  
13 agree to the Stipulation.

14 EXAMINER SEE: And there was an objection  
15 to that question and it's sustained.

16 Q. (By Mr. Kelter) Did AEP ever prioritize  
17 getting OCC to agree to the Stipulation?

18 MR. NOURSE: Same objection.

19 EXAMINER SEE: Sustained.

20 Q. (By Mr. Kelter) Do you know what position  
21 ELPC took in the negotiations?

22 A. I'm sorry. Did you ask what position you  
23 took in the negotiations?

24 Q. Yes.

25 A. I'm not sure if that's part of

1 confidential settlement discussions.

2 MR. KELTER: Your Honor, that's not  
3 responsive. I'm asking if she knows what position  
4 ELPC took in the negotiations. And since this is our  
5 position, I would assume she is free to talk about it  
6 because I'm asking her, and I am the ELPC.

7 EXAMINER SEE: She -- if you know whether  
8 or not they have a position, you can say yes or no,  
9 Ms. Moore.

10 A. I believe that they had a position in  
11 settlements, yes, and they were invited the  
12 opportunity to -- to participate in the negotiations.

13 Q. Do you know what position ELPC took? In  
14 terms --

15 MR. NOURSE: Your Honor -- go ahead,  
16 finish.

17 Q. In terms of the issues.

18 MR. NOURSE: I'll just object. It's a  
19 vague question. He's asking what ELPC's position is  
20 in this docket. You know, again if you are  
21 specifically asking about the content of the  
22 compromise exchange, I object. I'm not really clear  
23 what this question is seeking.

24 Q. Is it fair to say ELPC supported the  
25 demand side management proposal that was in the

1 original application?

2 A. I would say that's fair, yes.

3 Q. And is your -- is AEP's taking that out,  
4 the reason -- do you know if that's the reason that  
5 ELPC didn't sign the Stipulation?

6 MR. NOURSE: Well, your Honor, I am going  
7 to object to that question because the Stipulation  
8 was signed by a dozen or so parties, and I -- and I  
9 think it's a mischaracterization to say AEP took  
10 anything out or put anything in the Stipulation.

11 MR. HEALEY: I am going to object as  
12 well, your Honor. It clearly calls for speculation  
13 for Ms. Moore to speculate as to why any party did or  
14 did not sign that settlement.

15 MR. KELTER: I'm asking her if she knows.

16 EXAMINER SEE: Could you repeat the  
17 question, please, Mr. Kelter?

18 MR. KELTER: I am sorry. Can I have the  
19 question read back, please.

20 EXAMINER SEE: That's fine.

21 (Record read.)

22 EXAMINER SEE: And there was an objection  
23 to that question and it's sustained.

24 Q. (By Mr. Kelter) Do you know if AEP  
25 discussed withdrawing the demand side management

1 proposal from its original filing with ELPC before it  
2 decided to take that action?

3 MR. NOURSE: Object, your Honor. I mean,  
4 this is clearly again getting into content of  
5 settlement communications, compromised negotiations  
6 content, it is not probative of whether the first  
7 prong was met or serious bargaining.

8 MR. KELTER: Well, your Honor, it's as to  
9 whether there was serious bargaining with ELPC and we  
10 are one of the parties in the case.

11 MR. NOURSE: Sorry. Let me read the  
12 question again. Is it whether we met with ELPC, is  
13 that it?

14 EXAMINER SEE: Ms. Gibson, could you read  
15 the question back.

16 (Record read.)

17 MR. NOURSE: Okay. I withdraw my  
18 objection. Thank you.

19 EXAMINER SEE: You can answer the  
20 question, Ms. Moore.

21 THE WITNESS: I'm very sorry but can I  
22 have it reread.

23 EXAMINER SEE: Nothing to be sorry about.

24 Go ahead, Ms. Gibson, one more time for  
25 us, please.

1 (Record read.)

2 A. Are you asking in terms of the Settlement  
3 Agreement?

4 Q. Yes. Before -- did AEP discuss  
5 withdrawing the demand side management proposal  
6 from -- that it had made in its original filing in  
7 the case, did you discuss that with ELPC before you  
8 decided to take it out of the settlement?

9 MR. NOURSE: Your Honor, okay. I object  
10 to the characterization that AEP unilaterally took  
11 something out and put something into the settlement.  
12 I don't think that's a fair characterization of the  
13 settlement process and the fact that all parties were  
14 involved and more than a dozen signed. It wasn't a  
15 unilateral decision. But if he is simply asking  
16 whether we meet with ELPC prior to finalizing this  
17 settlement, I think that's a process question if he  
18 can remove the baggage of the mischaracterization.

19 MR. KELTER: Let me try and rephrase the  
20 question.

21 EXAMINER SEE: Go ahead.

22 Q. (By Mr. Kelter) Did AEP discuss  
23 withdrawing the demand side management proposal with  
24 ELPC before it was taken out of the Stipulation?

25 A. I don't recall if there was a separate

1 conversation with ELPC or those conversations were  
2 had with all parties.

3 Q. Turning to page 19, line 16 of your  
4 testimony, you state that the Stipulation preserves  
5 the Company's right to file additional DSM programs  
6 in a future proceeding, correct?

7 A. Correct.

8 Q. Can you tell us what future proceeding  
9 you are referring to?

10 A. There wasn't a specific proceeding that  
11 we are referring to. This gives the Company the  
12 right to file in a future proceeding.

13 Q. So is it then fair to say that you don't  
14 know when that future proceeding might take place?

15 A. That's fair.

16 Q. And you also talk about the settlement  
17 not violating any important regulatory principle,  
18 correct?

19 A. That's correct.

20 Q. Do you consider providing least-cost  
21 service to be a regulatory principle?

22 MR. NOURSE: I'll object to the extent  
23 that "least-cost service" is an ambiguous,  
24 unexplained term.

25 EXAMINER SEE: Do you want to rephrase,



1 Mr. Kelter?

2 MR. KELTER: I'll rephrase.

3 Q. (By Mr. Kelter) Do you consider providing  
4 service at the lowest cost for consumers to be a  
5 regulatory principle?

6 A. I think that providing reasonably-priced  
7 service but I'm not sure about the lowest-cost  
8 service, looking at the value that the Company needs  
9 to maintain its system and bring service to  
10 customers.

11 Q. Well, do you consider it to be a  
12 regulatory principle to help customers lower their  
13 bills?

14 A. I consider it a regulatory principle to  
15 have reasonably-priced rates.

16 Q. And do you consider helping customers  
17 lower their bills being part of reasonably-priced  
18 rates?

19 A. I'm not sure -- I'm not sure that I'm  
20 following your example. I mean, I think that  
21 reasonably-priced rates of the utility is an  
22 important regulatory principle. When it comes to  
23 helping customers reduce their bills, I'm not sure  
24 how that goes to the reasonably priced.

25 MR. KELTER: That's all the questions I

1 have, your Honor.

2 EXAMINER SEE: Thank you, Mr. Kelter.

3 Counsel for Direct Energy.

4 MR. WHITT: Thank you, your Honor. We  
5 only wish to have an exhibit introduced through this  
6 witness, and if we could get a stipulation to the  
7 admission of the exhibit, it would dispense the need  
8 for any questions. I am referring to Direct  
9 Exhibit 1 which was circulated yesterday. It is the  
10 responses with an attachment to discovery served by  
11 Direct Energy.

12 MR. NOURSE: Could we go off the record  
13 for one moment while I look at that?

14 EXAMINER SEE: Yes.

15 (Discussion off the record.)

16 EXAMINER SEE: Let's go back on the  
17 record.

18 Mr. Whitt.

19 MR. WHITT: I was -- I would like to  
20 introduce Direct Exhibit 1 which was circulated  
21 yesterday. I believe before we went off the record,  
22 I indicated we would like to stipulate to the  
23 admission of this exhibit and if that's --

24 MR. NOURSE: Thank you, Mr. Whitt. Thank  
25 you. We have no objection from the Company to

1 stipulate Direct Exhibit 1, your Honor.

2 EXAMINER SEE: Direct Exhibit 1 so marked  
3 and stiped into the record.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 MR. WHITT: Thank you, Counsel. And no  
7 questions.

8 MR. NOURSE: Thank you.

9 EXAMINER SEE: Thank you.  
10 Counsel for Natural Resources Defense  
11 Council.

12 MR. DOVE: Yes, your Honor. I just have  
13 a few questions this morning between NRDC and OP&E.

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Dove:

17 Q. Good morning, Ms. Crock -- Ms. Moore.  
18 How are you?

19 A. Good morning. I'm great. How are you?

20 Q. I am doing well. Thank you.

21 You provided testimony in support of the  
22 proposed delayed payment charge, correct?

23 A. In the initial application, yes.

24 Q. And you are discussing it in your  
25 testimony in support of the Stipulation, correct?

1           A.     That's correct.

2           Q.     Has AEP on its own or contracted out to  
3     conduct a study to determine whether a delayed  
4     payment late fee would improve payment behavior?

5           A.     The Company didn't conduct any specific  
6     study to show a delayed payment fee would promote  
7     on-time payments. The Company assumes that that  
8     behavior would be incented with a financial amount to  
9     be paid if not on time.

10          Q.     Okay. Did you review or the Company  
11     review any studies conducted by others not affiliated  
12     with AEP to support that assumption?

13          A.     We did not review any studies conducted  
14     by others, no.

15          Q.     Okay. Does AEP have an idea of what  
16     percentage of residential customers, who have the  
17     money to pay their bill, don't?

18          A.     I don't have that level of detail, no.

19          Q.     Okay. So then it would be fair to say --  
20     would it be the same answer for those number of  
21     residential customers who do not have the money to  
22     pay their bill, AEP is unaware of that number as  
23     well?

24          A.     I don't have that detail.

25          Q.     Okay. Is AEP Ohio protected from all the

1 losses associated with late payments or charge-off  
2 bills?

3 MR. NOURSE: I just object. Could you  
4 explain what you mean by "protected" or rephrase,  
5 please?

6 MR. DOVE: Yes. I can rephrase.

7 Q. (By Mr. Dove) Does AEP Ohio recover any  
8 lost revenue related to late payments or unpaid  
9 bills?

10 A. The Company collects those types of  
11 expenses through the factoring expense; while the  
12 Company is made whole, it actually comes from all  
13 other customers.

14 Q. Okay. Is there a late fee for commercial  
15 customers?

16 A. There is, yes.

17 Q. Do you remember or do you know when that  
18 late fee was implemented?

19 A. I don't recall the specifics of when that  
20 late fee was implemented for the commercial  
21 customers. It was certainly prior to this case and  
22 prior even to our last base distribution case, but I  
23 don't recall the exact date.

24 Q. Okay. Did AEP see the behavior they are  
25 assuming will occur with the residential late fee --

1 late fee occur when the commercial late fee was  
2 introduced?

3 A. I've not studied that data.

4 Q. Okay. I would like to mark as an exhibit  
5 OP&E Exhibit 13 which is the Company's response to  
6 Staff's Data Request 35-090 as well as the  
7 attachment.

8 EXAMINER SEE: The exhibit is so marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 MR. DOVE: Thank you.

11 Q. (By Mr. Dove) Do you have that exhibit in  
12 front of you, Ms. Moore?

13 A. I do.

14 Q. Were you responsible for answering this  
15 Data Request?

16 A. I was.

17 Q. Could you look at the attachment on -- to  
18 that Data Request on page 1?

19 A. I'm there.

20 Q. Do you see the row labeled "Average Days  
21 Late" for commercial?

22 A. I do.

23 Q. And in 2018, does it appear that for  
24 February through September it was a set four days  
25 late?

1 A. Average of four days?

2 Q. Uh-huh, yes. Thank you.

3 A. Yes. Yes.

4 Q. And then October through December, the  
5 average was three, four, five?

6 A. Yes.

7 Q. And then for 2019, do you see the average  
8 for February as four days?

9 A. Yes.

10 Q. And March, April, and May as three?

11 A. Yes.

12 Q. And June through September as four?

13 A. Yes.

14 Q. And October as three?

15 A. Yes.

16 Q. And November through December is four?

17 MR. NOURSE: Your Honor --

18 MR. DOVE: It's my last question if it  
19 helps.

20 MR. NOURSE: Okay. We are going to admit  
21 the exhibit. We don't have to read through it. Go  
22 ahead.

23 Q. (By Mr. Dove) Okay. So if she could  
24 answer, that will be my last question.

25 A. Mr. Dove, it was October, November,

1 December on this exhibit for 2019?

2 Q. Yes, ma'am.

3 A. Three, four, four.

4 MR. DOVE: Thank you.

5 That's all I have, your Honor.

6 EXAMINER SEE: Thank you.

7 And Constellation and Armada do not have  
8 any questions for this witness.

9 Okay. Mr. Nourse, was there any redirect  
10 for Ms. Moore?

11 MR. NOURSE: Yes, your Honor. Just a  
12 couple items. Shall I proceed?

13 EXAMINER SEE: Yes.

14 - - -

15 REDIRECT EXAMINATION

16 By Mr. Nourse:

17 Q. Ms. Moore, you recall yesterday  
18 Mr. Settineri was asking you a series of questions  
19 about customers purchasing equipment, network  
20 equipment from the Company?

21 A. I do.

22 Q. And there were questions about the  
23 Company's process for handling such requests, do you  
24 recall that?

25 A. I do.



1 Q. And is it your recollection that the  
2 Company in discovery responses from NEP indicated the  
3 number of such requests during recent -- recent  
4 periods?

5 A. Yes.

6 Q. And can you tell me for 20 -- did the --  
7 did the discovery response cover 2020?

8 A. It did, yes.

9 Q. Can you tell me the number of -- number  
10 of master meter-type requests for purchase of  
11 equipment that occurred in 2020?

12 A. We received eight requests in 2020.

13 Q. Okay. Thank you.

14 And new topic. Mr. Darr had asked you  
15 about the shadow billing, Attachment D to the  
16 Stipulation, a series of questions, do you recall?

17 A. I do.

18 Q. And he had asked you about certain  
19 categories being excluded from the data that's  
20 reflected in the shadow billing report. Do you  
21 recall that?

22 A. I do, yes.

23 Q. And had you done research, prior to  
24 taking the stand, about some of these categories?

25 A. I did, yes.

1 Q. And have you had a chance to refresh the  
2 data that you had gathered previously?

3 A. I did.

4 Q. And can you tell us in current -- with  
5 respect to current data, approximately how many  
6 requests -- I'm sorry, how many supplier consolidated  
7 billing customers are involved?

8 A. There's about almost 400.

9 Q. Okay. So in the context of this  
10 question, less than 400 customers are being billed  
11 under the supplier consolidated billing and those  
12 would be excluded from the shadow billing data; is  
13 that correct?

14 A. That's correct.

15 Q. And then same question with dual billing.

16 A. The dual bills are about 17,500.

17 Q. So again just to rephrase, the current  
18 customer level approximately for dual billing is  
19 17,500 and those would be excluded from the dual  
20 billing -- I'm sorry, the shadow billing data?

21 A. Correct.

22 MR. NOURSE: Okay. That's all the  
23 questions I have, your Honor. Thank you.

24 EXAMINER SEE: Thank you.

25 Any recross?

1 MR. DARR: Just briefly, your Honor.

2 EXAMINER SEE: I'm sorry. Mr. Darr.

3 MR. DARR: Yes, ma'am.

4 - - -

5 RE-CROSS-EXAMINATION

6 By Mr. Darr:

7 Q. Ms. Moore, when did you conduct this  
8 research concerning the number of consolidated and  
9 dual-bill customers that would be excluded?

10 A. For the consolidated and dual bills, I  
11 couldn't recall the values of those. I had conducted  
12 research on the consolidated bills, we provide that  
13 information to the Staff each month that shows the  
14 number of consolidated bills, and for the number of  
15 dual bills it was the -- it was the same, I had asked  
16 the question because I couldn't recall the specific  
17 numbers and I just got a refresh of that information  
18 on Monday.

19 Q. So you had that information available to  
20 you when you testified yesterday, correct?

21 A. I did but I couldn't recall the value  
22 which is why I went and refreshed the -- my memory of  
23 that.

24 Q. And did you receive any information to  
25 refresh your recollection with regard to the number

1 of consolidated bills that are rate ready?

2 A. Those consolidated bills that are rate  
3 ready, I did, but now I don't recall what it is.  
4 Same thing, I had the information, didn't write it  
5 down, and I don't recall that.

6 MR. DARR: That's all I have. Thank you.

7 MR. SETTINERI: Your Honor, this is Mike  
8 Settineri with NEP. I do have some recross  
9 questions.

10 EXAMINER SEE: Okay. Go ahead,  
11 Mr. Settineri.

12 MR. SETTINERI: And before I do, your  
13 Honor, because we've introduced a -- though it's not  
14 been marked, the reference to a discovery response, I  
15 would like an opportunity to go ahead and pull that  
16 response, mark it as an exhibit, and send it out to  
17 the parties.

18 EXAMINER SEE: I'm sorry. Could you  
19 repeat that for me, Mr. Settineri? You kind of broke  
20 up.

21 MR. SETTINERI: Let me know if you can't  
22 hear me well here going forward. If -- what I would  
23 like to do is take a short recess because  
24 Mr. Nourse's questions to Ms. Moore referenced a  
25 discovery response. I would like an opportunity to

1 go ahead and mark that discovery response and present  
2 it to the witness to ask questions about it, your  
3 Honor, because the redirect related directly to a  
4 discovery response.

5 MR. NOURSE: Your Honor, I asked her  
6 specific questions merely indicating it was already  
7 provided to the parties. The parties already had  
8 this data. Mr. Settineri had an opportunity to make  
9 it an exhibit if he wanted to, so I don't think a  
10 break or making the discovery an exhibit -- response  
11 as an exhibit is necessary. We merely pointed out  
12 that it was previously provided to parties so there's  
13 nothing new that was revealed to the parties. It was  
14 merely put into evidence through cross -- through  
15 redirect examination, so I would object to that.  
16 There's no reason to take a break for that simple  
17 question.

18 MR. SETTINERI: Well, I think in terms of  
19 being able to impeach a witness and to allow the  
20 Bench to see the interrogatory response, to allow me  
21 to ask questions for it. I was not planning to use  
22 that as an exhibit that has now become an issue. And  
23 if we were in trial in person, I would pull this out  
24 and mark it as an exhibit right now. So I don't --  
25 there should be no reason to not take a break unless

1 there is something that concerns AEP Ohio about that  
2 response.

3 MR. NOURSE: Well, again, your Honor,  
4 each party is responsible to organize their own  
5 information that was provided previously, and the  
6 fact that Mr. Settineri doesn't have access to  
7 discovery is not -- is not the Company's issue. No  
8 reason to take a break.

9 EXAMINER SEE: All right, gentlemen.  
10 Let's table that for just a second.

11 Did counsel for any of the other opposing  
12 parties have recross?

13 MR. KELTER: No, your Honor.

14 EXAMINER SEE: Silence is taken as a  
15 "no."

16 Okay. Mr. Settineri.

17 MR. SETTINERI: Yes, your Honor.

18 EXAMINER SEE: For the sake of clarity of  
19 the record, we are going to go ahead and mark the  
20 exhibit -- I'm sorry, mark the interrogatory. I will  
21 give you 5 minutes. We'll take a brief recess.  
22 Let's go off the record.

23 (Recess taken.)

24 EXAMINER SEE: Let's go back on the  
25 record.

1 Mr. Settineri.

2 MR. SETTINERI: Thank you, your Honor.  
3 Your Honor, at this time we would like to mark as NEP  
4 Exhibit 32, an interrogatory response, Interrogatory  
5 NEP-INT-03-013 that has been provided to all parties  
6 and the Bench and the court reporter has well.

7 EXAMINER SEE: The exhibit is so marked.  
8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 MR. SETTINERI: Thank you, your Honor.

10 - - -

11 RE-CROSS-EXAMINATION

12 By Mr. Settineri:

13 Q. Ms. Moore, do you have NEP Exhibit 32  
14 before you, please?

15 A. I do.

16 Q. All right. And can you identify that  
17 interrogatory and response.

18 A. It's the Company's response to  
19 NEP-INT-03-013.

20 Q. And that was prepared by you, correct?

21 A. Correct.

22 Q. Okay. And that's the interrogatory  
23 response that you were referring to in your answers  
24 to Mr. Nourse's questions on redirect, correct?

25 A. That's correct.

1 Q. Okay. The question of that interrogatory  
2 was "How many requests did AEP receive in 2020 from  
3 customers to purchase AEP facilities," correct?

4 A. That's correct.

5 Q. All right. And the answer provided only  
6 related to requests to purchase facilities to  
7 reconfigure service to master meter service, correct?

8 A. That's correct. The response said an  
9 objection for the request being vague and overbroad  
10 and the company interpreted that to be service to  
11 master meter.

12 Q. Okay. There are other types of  
13 requests -- there are other types of facilities --  
14 let me strike that.

15 AEP receives other types of requests to  
16 purchase facilities other than reconfiguring service  
17 to master meter service, correct?

18 MR. NOURSE: Your Honor, I am going to  
19 object. My redirect question specifically asked  
20 about master meter purchase requests. And that's the  
21 answer she gave which is consistent with the answer  
22 here. I don't -- I don't see the purpose of using  
23 this exhibit to try to expand the discussion.

24 MR. SETTINERI: Well, your Honor, the  
25 redirect interjected into that this discovery



1 response. And more so, I should be allowed to show  
2 that there are other -- the implication is that these  
3 are the only purchase requests. I should be allowed  
4 to establish that there are other purchase requests  
5 out there and that number is just not limited to  
6 that.

7 MR. NOURSE: There is no implication when  
8 my redirect question specifically asked master meter  
9 purchase requests. That was the scope of my  
10 redirect.

11 EXAMINER SEE: And the objection is  
12 sustained.

13 MR. SETTINERI: Okay.

14 Q. (By Mr. Settineri) Ms. Moore, are you  
15 familiar with what's involved with a request to  
16 purchase facilities to reconfigure service to master  
17 meter service?

18 MR. NOURSE: Objection. It goes beyond  
19 the scope.

20 MR. SETTINERI: Your Honor, you can't  
21 just simply limit a redirect to say this is the  
22 number. I should be allowed to ask questions about  
23 the topic that he's now interjected into this  
24 proceeding. And so he's saying -- he's interjected a  
25 discovery response. He has interjected questioning

1 relating to master meter service purchases. I should  
2 be allowed to ask questions about it. It's certainly  
3 relevant to say -- to be able to ask questions about  
4 her understanding of the magnitude of the work  
5 involved, what's involved in those type of purchases,  
6 to explore that -- the relevancy and the -- what that  
7 number 8 means.

8 MR. NOURSE: With that clarification,  
9 your Honor, I withdraw my objection.

10 EXAMINER SEE: Okay.

11 MR. SETTINERI: All right. Can we have  
12 the question reread, please.

13 (Record read.)

14 A. I believe we touched on that yesterday,  
15 maybe through some of the NEP exhibits. If I could  
16 have one minute here.

17 Q. And I can help you. It's NEP Exhibit 11,  
18 I believe, is what you're looking for.

19 A. Is that the Data Request where we laid  
20 out the process there?

21 Q. Uh-huh.

22 A. Thank you. I'm there.

23 Q. Okay. Would you like the question  
24 reread, Ms. Moore?

25 A. Yes, please.

1 (Record read.)

2 A. Yes. And I think that the NEP Exhibit 11  
3 that we discussed yesterday kind of lays out what's  
4 involved there. So it's the communication to the  
5 Company, review the facilities and pricing issues,  
6 other logistical and engineering issues including  
7 grid reconfiguration to maintain service to other  
8 customers. So it's essentially the work that the  
9 Company does to look at the specific assets and see  
10 how they are serving other customers and what type of  
11 reconfiguration needs to be made.

12 Q. Okay. And do you view new -- do you view  
13 master meter reconfiguration purchase requests as  
14 being more involved than other types of purchase  
15 requests?

16 MR. NOURSE: Your Honor, I am just going  
17 to object again. I mean, we covered the two types of  
18 purchase requests yesterday. We went through all the  
19 discovery. We went through all Mr. Settineri's  
20 questions about that. And this does not relate to my  
21 follow-up which was simply to put in the number which  
22 was fair game yesterday as well to get into these  
23 questions about now drilling down into the two types.  
24 We had that discussion yesterday. So I don't think  
25 Mr. Settineri should get a second bite at that apple.

1 It's beyond the scope of redirect.

2 MR. SETTINERI: Your Honor, if I may?

3 EXAMINER SEE: Go ahead.

4 MR. SETTINERI: The -- the redirect is  
5 trying to present the implication that a -- the  
6 number 8 appears to be a low number. I am certainly  
7 allowed to establish what's involved in those type of  
8 requests to be able to show on the record that 8 is  
9 not actually a small number, that it's actually a  
10 significant number and that's what these questions  
11 are going towards, your Honor. I certainly did not  
12 interject this discovery response and the -- that  
13 topic of redirect as to the counts. I'm certainly  
14 allowed now to cross the witness to establish what  
15 the number 8 means to her.

16 MR. NOURSE: That's not the question,  
17 your Honor. You know, Mr. Settineri, I appreciate  
18 that you characterized our evidence as showing it's a  
19 small number, but it's a factual objection.

20 MR. SETTINERI: I did not.

21 MR. NOURSE: It was previously provided  
22 in discovery. You had it available to you yesterday  
23 when we had an extensive discussion about the two  
24 types of purchase requests and all the other  
25 discovery that related to that. So I think this is

1 clearly trying to go back at a second bite at  
2 questions that could have been asked yesterday.

3 MR. SETTINERI: And your Honor, last  
4 thing --

5 EXAMINER SEE: The objection is  
6 sustained.

7 MR. SETTINERI: Okay.

8 EXAMINER SEE: Next question.

9 MR. SETTINERI: Okay.

10 Just one moment, your Honor.

11 EXAMINER SEE: Sure.

12 Q. (By Mr. Settineri) Ms. Moore, are you  
13 familiar with the AEP Ohio website?

14 A. I am, yes.

15 Q. Okay. Are you aware that the website  
16 states that "Our goal is to help you save money,  
17 increase efficiency, and help you build your  
18 business"?

19 MR. NOURSE: I object. How does this  
20 relate to the redirect number?

21 MR. SETTINERI: Again, it's going to the  
22 not just the number, all right, it's the significance  
23 and importance of that number and how AEP treats its  
24 customers.

25 MR. NOURSE: Well, that puts no limits on

1 recross, your Honor, if he can expand it to mean  
2 whatever he wants. All I did was put in a number  
3 from discovery that was previously provided to the  
4 parties.

5 EXAMINER SEE: And the objection is  
6 sustained.

7 MR. SETTINERI: Okay.

8 EXAMINER SEE: Next question,  
9 Mr. Settineri.

10 MR. SETTINERI: Yes.

11 Q. (By Mr. Settineri) Ms. Moore, how long  
12 does it take to process a request to reconfigure  
13 service to master meter service -- master meter  
14 service?

15 MR. NOURSE: Objection, scope.

16 EXAMINER SEE: I am sorry. I got  
17 reverberation over the question. Could you repeat  
18 it, please, Mr. Settineri?

19 MR. SETTINERI: If that would be reread,  
20 I would appreciate it, your Honor.

21 COURT REPORTER: Mr. Settineri, you broke  
22 up.

23 MR. SETTINERI: If I could have that  
24 question reread, your Honor.

25 EXAMINER SEE: Sure.

1 COURT REPORTER: That's the problem,  
2 Mr. Settineri. You were breaking up during the  
3 question.

4 MR. SETTINERI: I'm sorry. Let me try  
5 again.

6 Q. (By Mr. Settineri) Ms. Moore, how long  
7 does it take to process a request to purchase  
8 facilities to reconfigure service and specifically --  
9 let's stop there and ask that question, please.

10 MR. NOURSE: Object to the scope. Again,  
11 there was a whole discussion yesterday about the  
12 process, the form, the timing. That was not covered  
13 in my redirect. Second bite at the apple again.

14 MR. SETTINERI: Again, your Honor, if I  
15 could have -- if Mr. Nourse would have given me his  
16 redirect questions, I could have anticipated and  
17 covered it. He -- he has asked questions to this  
18 witness who has said that they had eight requests in  
19 2020. It's completely legitimate for me to ask  
20 questions related to the duration of the request to  
21 understand how long those requests take to process.  
22 Again, it goes back to the magnitude of the eight  
23 requests.

24 MR. NOURSE: He's revisiting the same  
25 topics he had yesterday and trying to rehash or get a

1 second bite at it. It's not related to redirect.

2 MR. SETTINERI: It's completely related  
3 to redirect.

4 EXAMINER SEE: The objection is  
5 sustained, Mr. Settineri. Next question.

6 MR. SETTINERI: Okay. All right.

7 Q. (By Mr. Settineri) Ms. Moore, do you know  
8 when those requests were received in 2020 that you  
9 mentioned, the eight requests?

10 A. I don't know the exact date, no.

11 Q. Okay. Do you know if those requests --

12 EXAMINER SEE: Before you continue, is  
13 anyone else experiencing reverberation and delay with  
14 Mr. Settineri's questions?

15 MS. GRUNDMANN: Yes. This is Carrie  
16 Grundmann. I am hearing the question repeated. So  
17 he'll finish it and then it repeats again.

18 MR. SETTINERI: Do you have your  
19 microphone? Just one moment, please.

20 MS. GRUNDMANN: It's not like it's an  
21 echo. It's more like your question is skipping and  
22 repeating.

23 EXAMINER SEE: Yes.

24 Okay. Could you try that again,  
25 Mr. Settineri?



1 MR. SETTINERI: Yeah. I am just going to  
2 try something. Just one moment, please.

3 EXAMINER SEE: Okay.

4 MR. SETTINERI: How does this sound? Is  
5 it still the same issue?

6 EXAMINER SEE: No. It's better.

7 MR. SETTINERI: Okay. Yeah, I should be  
8 through a hardwired connection. If it continues to  
9 get worse, just let me know, or if you continue to  
10 have problems, let me know, and I will try a  
11 different wireless connection but hopefully the  
12 hardwire should work here. Thank you for letting me  
13 know. That's good to know.

14 Your Honor, would you like me to proceed?

15 EXAMINER SEE: Yes. Go ahead,  
16 Mr. Settineri.

17 MR. SETTINERI: Yeah. Was there a  
18 question pending?

19 (Record read.)

20 MR. SETTINERI: Right. Thank you.

21 Q. (By Mr. Settineri) Ms. Moore, regarding  
22 the eight requests AEP received in 2020, do you know  
23 if those requests resulted in the purchase of  
24 equipment?

25 A. I don't know the outcome. I just know

1 that that was the number of requests.

2 Q. Okay. And do you know when those  
3 requests were received?

4 MR. NOURSE: Asked and answered.

5 MR. SETTINERI: I think that's a  
6 different question.

7 MR. NOURSE: I think you asked the date  
8 previously and she said I don't know.

9 EXAMINER SEE: That's correct. It has  
10 been asked and answered, Mr. Settineri.

11 MR. SETTINERI: All right. Thank you  
12 very much.

13 Q. (By Mr. Settineri) And do you know -- in  
14 answering this interrogatory, did you investigate and  
15 review each request to determine how long each  
16 request -- or whether any of those requests are still  
17 pending as of today?

18 A. I did not.

19 Q. Okay. And you don't know whether if --  
20 you don't know if any of those -- let me strike that.

21 You don't know whether all eight of those  
22 requests could still be pending today, correct?

23 MR. NOURSE: Objection. He's already  
24 asked if she knew the outcome, whether any of them  
25 were pending, all that's already been indicated.

1 MR. SETTINERI: I didn't ask about  
2 pending.

3 MR. NOURSE: Circling around.

4 EXAMINER SEE: The witness can answer the  
5 question. The objection is overruled.

6 A. I don't know if those are pending.

7 Q. Okay. And even if there was only one  
8 request made in 2020, you would expect AEP Ohio to  
9 treat that request just like it would treat any other  
10 request, any other similar request, correct?

11 A. I'm not sure I understand the question.

12 Q. That was a bad question. If AEP only  
13 received one request in 2020, AEP -- you would expect  
14 AEP Ohio to treat that request with as much  
15 importance as if it would have received 200 requests  
16 in 2020, correct?

17 A. I would expect it to be treated the same.

18 Q. Okay. And every customer is important to  
19 AEP Ohio, correct?

20 MR. NOURSE: Objection. It sounds like a  
21 very general question. It has nothing to do with the  
22 redirect.

23 MR. SETTINERI: Last question, your  
24 Honor.

25 EXAMINER SEE: The objection is

1 sustained.

2 MR. SETTINERI: Okay. All right. No  
3 further questions. Thank you very much, your Honor  
4 and Ms. Moore and Mr. Nourse.

5 EXAMINER SEE: Mr. Nourse.

6 MR. NOURSE: Yes, your Honor. I will  
7 re-move for the admission of Exhibit 6 and 6A.

8 EXAMINER SEE: Are there any objections  
9 to the admission of AEP Exhibit 6 and 6A?

10 I'm sorry. Did AEP -- Ms. Parrot, did  
11 you have any questions for Ms. Moore?

12 EXAMINER PARROT: No, I do not.

13 EXAMINER SEE: Thank you, Sarah.

14 Hearing no objections to AEP Exhibits 6  
15 or 6A, the exhibits are admitted into the record.

16 (EXHIBITS ADMITTED INTO EVIDENCE.)

17 MR. NOURSE: Thank you, your Honor.

18 EXAMINER SEE: Mr. Darr.

19 MR. DARR: IGS moves the admission of  
20 Exhibits 5, 6, 7, 8, 9, 10, and 15.

21 EXAMINER SEE: Are there any objections  
22 to IGS --

23 MR. NOURSE: I am sorry. Can you give me  
24 a second?

25 EXAMINER SEE: Sure.

1 MR. NOURSE: Okay. No objection.

2 EXAMINER SEE: Does anyone else have any  
3 objection to the admission of IGS Exhibits 5, 6, 7,  
4 8, 9, 10, and 15?

5 Hearing none, the exhibits are admitted  
6 into the record

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 EXAMINER SEE: Mr. Settineri.

9 MR. SETTINERI: Thank you, your Honor.  
10 At this time I would move for the admission of NEP  
11 Exhibit 10, NEP Exhibit 11, NEP Exhibit 15, NEP  
12 Exhibit 28 which is an interactive Excel spreadsheet,  
13 NEP Exhibit 29 which is an Excel interactive  
14 spreadsheet, NEP Exhibit 30, and NEP Exhibit 32.

15 I would also move for the admission of  
16 NEP Exhibit 3 and NEP Exhibit 5. I would note though  
17 that those documents are PDFs of a prior version of  
18 the spreadsheets. I've discussed this with  
19 Mr. Nourse and we have updated copies of NEP  
20 Exhibit 3 and NEP Exhibit 5 that we will be providing  
21 to the parties, and Mr. Nourse is confirming that,  
22 and so I would recommend, with your permission, that  
23 for NEP Exhibit 3 and NEP Exhibit 5 that we defer a  
24 ruling on the admission pending the delivery of those  
25 updated documents. And I can go through that list

1 again if you would like.

2 MR. NOURSE: No, I got it. No objection  
3 here. And I agree we'll -- we'll notify the Bench,  
4 hopefully at a break later today, that Exhibits 3 and  
5 5 completed and confirmed.

6 EXAMINER SEE: Okay. Are there any  
7 objections to the admission of -- well,  
8 Mr. Settineri, you said excluding NEP 3 and 5; 10,  
9 11, 12, 28, 29, and 30?

10 MR. SETTINERI: Let me go through the  
11 list again. Our motion related to it should be NEP  
12 10, 11, 15, 28, 29, 30 and 32, as well as 3 and 5  
13 pending submittal of the updated documents. So  
14 again, 10, 11, 15, 28, 29, 30, and 32.

15 EXAMINER SEE: Okay. Are there any  
16 objections to the admission of those NEP exhibits?

17 MR. NOURSE: No, your Honor.

18 EXAMINER SEE: Hearing none, NEP  
19 Exhibits 10, 11, 15, 28, 29, 30, and 32 are admitted  
20 into the record. And we will take up the issue of  
21 NEP Exhibits 3 and 5 once the Company has had an  
22 opportunity to review those exhibits.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 EXAMINER SEE: Direct Exhibit 1 was  
25 stipulated into the record.

1 Counsel for OP&E.

2 MR. DOVE: Yes, your Honor. I would move  
3 to enter OP&E Exhibit No. 13 which is the Company's  
4 response to Staff Data Request 35-090 along with its  
5 attachment.

6 EXAMINER SEE: Are there --

7 MR. NOURSE: No objection.

8 EXAMINER SEE: Are there any objections  
9 to OP&E Exhibit 13?

10 Hearing none, OP&E Exhibit 13 is admitted  
11 into the record.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 EXAMINER SEE: Thank you, Ms. Moore. You  
14 may step down.

15 EXAMINER PARROT: While we are discussing  
16 exhibits, I would just note that we had deferred  
17 yesterday a ruling on IGS Exhibit No. 3. At this  
18 time we will be admitting IGS Exhibit 3 in parts.  
19 The exhibit that was discussed yesterday was  
20 Exhibit DMR-2 so that will come in in its entirety.  
21 We will also be admitting the question that begins at  
22 the bottom of page 11 which reads "Please discuss the  
23 Company's analysis of the Retail Reconciliation Rider  
24 and SSO Credit Rider," as well as the accompanying  
25 answer on page 11 and it continues onto page 12.

1 MR. NOURSE: Your Honor, could I get a  
2 clarification? I'm sorry, were you not finished?

3 EXAMINER PARROT: Go ahead.

4 MR. NOURSE: Yeah. Could we get a  
5 clarification then that the cross-examination  
6 questions where Mr. Roush was asked whether his  
7 testimony remained today and that he concurred in the  
8 testimony, that was limited in scope to the questions  
9 that you just referenced?

10 EXAMINER PARROT: That's clarified on the  
11 record. Thank you, Mr. Nourse.

12 MR. NOURSE: Thank you.

13 EXAMINER PARROT: Mr. Darr, you can just  
14 send the exhibit to the group in its entirety. It's  
15 already been filed in the docket. No need to try to  
16 parse it out in any fashion. Just send it as an  
17 admitted exhibit and the record will reflect though  
18 that only portions of it have been admitted in into  
19 record.

20 MR. DARR: Understood, your Honor. Thank  
21 you.

22 (EXHIBIT ADMITTED INTO EVIDENCE.)

23 EXAMINER PARROT: All right. With that,  
24 OCC, are you ready to call your witness?

25 MS. O'BRIEN: I am. Thank you, your



1 Honor. OCC would like to call William Ross Willis.

2 MR. SCHMIDT: Mr. Willis, you have been  
3 promoted to the role of panelist if you can enable  
4 your audio and video.

5 EXAMINER PARROT: Mr. Willis, could you  
6 raise your right hand.

7 (Witness sworn.)

8 EXAMINER PARROT: All right. Very good.

9 - - -

10 WILLIAM ROSS WILLIS

11 being first duly sworn, as prescribed by law, was  
12 examined and testified as follows:

13 DIRECT EXAMINATION

14 By Ms. O'Brien:

15 Q. Good morning, Mr. Willis.

16 A. Good morning.

17 Q. Could you please state your name for the  
18 record.

19 A. Yes. It's William Ross Willis.

20 MS. O'BRIEN: Your Honor, at this time I  
21 would like to mark OCC Exhibit 1 which is the direct  
22 testimony of William Ross Willis in support of the  
23 settlement, filed and docketed in this case on  
24 April 9, 2021.

25 EXAMINER PARROT: So marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. (By Ms. O'Brien) Mr. Willis, do you have  
3 in front of you a copy of OCC Exhibit 1?

4 A. Yes.

5 Q. And can you tell me what OCC Exhibit 1  
6 is?

7 A. Yes. That's my direct testimony in this  
8 case.

9 Q. Okay. And was this testimony prepared by  
10 you or under your direction?

11 A. It was.

12 Q. And do you have any corrections or  
13 additions to make to your testimony?

14 A. I have a minor edit. It's on page 4,  
15 line 14. It should read "Walmart Stores East L.P.,"  
16 not "Stories." My apologies to Walmart.

17 Q. And is that your only correction?

18 A. It is.

19 Q. Okay. And if I asked you the questions  
20 in your testimony today, would your answers be the  
21 same?

22 A. Yes.

23 MS. O'BRIEN: Your Honor, I would, at  
24 this time, like to move for admission of OCC  
25 Exhibit 1, subject to cross.

1 EXAMINER PARROT: Thank you, Ms. O'Brien.  
2 Anything from any of the signatory  
3 parties?

4 All right. Hearing nothing, IGS, I will  
5 turn it over to you.

6 MS. ALLEN: Thank you, your Honor.

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Allen:

10 Q. Good morning, Mr. Willis. My name is  
11 Bethany Allen, and I will be asking you a few  
12 questions on behalf of IGS Energy today. Can you  
13 hear me okay?

14 A. I can, yes. Good morning.

15 Q. Okay. Great.

16 MS. GRUNDMANN: Bethany, this is Carrie  
17 Grundmann. Before you do that, I apologize to  
18 interrupt, but it should -- the correction, I guess  
19 if I am correct with my own client, it should just be  
20 Walmart, Inc.

21 THE WITNESS: Okay.

22 MS. GRUNDMANN: We changed our corporate  
23 name, I believe, in January 2019. So, your Honor,  
24 just that the record reflect that the client that I  
25 account rep is Walmart, Inc. My apologies. I

1 apologize for interrupting you.

2 MS. ALLEN: No problem.

3 Q. (By Ms. Allen) Okay. Mr. Willis, you  
4 reviewed the application testimony of Mr. Roush,  
5 correct?

6 A. Yeah, a while ago.

7 Q. Okay. And in that testimony, Mr. Roush  
8 provided information identifying certain costs  
9 associated with the provision of the SSO, or the  
10 Standard Service Offer, that are in distribution  
11 rates, correct?

12 A. Yes. I think he identified some PUCO and  
13 OCC assessments and some uncollectibles that would be  
14 quantifiable, allocated, or directly assigned to the  
15 SSO customer, and then there were other costs that he  
16 identified that would apply to the marketer.

17 Q. Okay. Well, you just answered the next  
18 couple of my questions.

19 So, Mr. Willis, you would agree a certain  
20 portion or percentage of the PUCO and OCC assessment  
21 fees are costs associated with serving SSO that will  
22 be collected through the distribution rates, the  
23 proposed distribution rates?

24 A. Yes.

25 Q. And you would agree that the bad debt

1 associated with the SSO's generation receivables will  
2 be collected through the distribution rates, correct?

3 A. Yes.

4 Q. But the bad debt associated with the  
5 shopping customers' generation receivables will not  
6 be collected through the proposed distribution rates,  
7 correct?

8 A. Correct.

9 Q. And would you agree that there is some  
10 regulatory and legal costs necessary to support the  
11 SSO included in the proposed distribution rates?

12 MS. O'BRIEN: Objection, vague.

13 MR. NOURSE: Objection.

14 Sorry. Go ahead, please, Ms. O'Brien.

15 MS. O'BRIEN: Oh, your Honor, I was just  
16 going to object. The question was vague.

17 MR. NOURSE: I would also object for lack  
18 of foundation, personal knowledge.

19 MS. ALLEN: Okay. I'll withdraw my  
20 question.

21 Q. (By Ms. Allen) Mr. Willis, can I ask you  
22 to turn to page 9 of your direct testimony, please.

23 A. Okay.

24 Q. And on page 9 of your testimony, you  
25 reference an application in a different proceeding

1 and that's Case No. 20-1408-EL-UNC, correct?

2 A. Yes.

3 Q. Okay. And the commitment in the  
4 Stipulation as you understand it, starting on line 9,  
5 is that AEP will amend its application in Case  
6 No. 20-1408, correct?

7 A. Yes.

8 Q. Mr. Willis, could I now turn your  
9 attention to the Stipulation on page 11.

10 A. Okay.

11 Q. On page 11, provision 11, the Stipulation  
12 states "AEP Ohio and OCC will work to develop a  
13 proposal that amends the Company's application in  
14 Case No. 20-1408." Did I read that correctly?

15 A. Yes.

16 Q. Okay. So is it fair to say that the  
17 commitment undertaken in the Stipulation is that AEP  
18 and OCC will work to develop a proposal regarding  
19 Case No. 20-1408?

20 A. That's what it says here.

21 Q. Okay. Mr. Willis, OCC has made the  
22 recommendation to the Commission before to display  
23 shadow billing information on residential consumers'  
24 bills, correct?

25 A. Yes.

1 MS. O'BRIEN: Objection, your Honor.  
2 Beyond the scope of his direct.

3 MS. ALLEN: The witness -- your Honor,  
4 the witness has testified that the -- this provision  
5 or commitment is a benefit of the Stipulation, and I  
6 am just exploring the potential value of the benefit  
7 within the proper backdrop of the Commission  
8 environment, I guess.

9 EXAMINER PARROT: Overruled.

10 Q. (By Ms. Allen) Mr. Willis, did you answer  
11 my question?

12 A. I believe I did.

13 Q. I think so too. Sorry.

14 And the Commission declined to adopt this  
15 recommendation; is that correct?

16 A. I don't know --

17 MS. O'BRIEN: Objection, your Honor. I'm  
18 sorry, your Honor. I was just going to object on the  
19 grounds that the question is vague.

20 EXAMINER PARROT: Overruled.

21 Go ahead and finish your answer,  
22 Mr. Willis.

23 THE WITNESS: I just answered. I don't  
24 know what the Commission did.

25 MS. ALLEN: Okay. Thanks.

1           Q.     (By Ms. Allen) Mr. Willis, can I direct  
2 you back to page 9 of your direct testimony.

3           A.     I'm there.

4           Q.     And Mr. Willis, looking at lines 2  
5 through 8 on page 9, it is your testimony that  
6 providing OCC with aggregate shadow billing data for  
7 residential customers is a benefit of the  
8 Stipulation, correct?

9           A.     Yes.

10          Q.     And Attachment D of the Stipulation is  
11 the template for sharing the shadow billing data with  
12 OCC.

13          A.     That's correct.

14          Q.     Can I have you turn there, please,  
15 Mr. Willis, to Attachment D.

16          A.     I'm there.

17          Q.     Okay. Great. And on the second page of  
18 Attachment D there are some notes, correct?

19          A.     Yes.

20          Q.     And it notes that the customers with  
21 fixed monthly charges, non-commodity fees, other  
22 service charges, provider budgets, flat bills,  
23 price-per-day rates, renewable charges and early  
24 termination fees will be excluded from this analysis,  
25 correct?



1 A. Yes.

2 Q. And, Mr. Willis, are you aware that the  
3 information provided in Attachment D will also  
4 exclude customers that are billed for generation  
5 service directly from a CRES provider like a dual  
6 billing or supplier consolidated billing?

7 A. I believe that's correct.

8 Q. Okay. And, Mr. Willis, could I now  
9 direct your attention to IGS Exhibit 6.

10 A. Could you tell me what that is, please?

11 Q. Sure. That is a discovery response,  
12 Attachment 1, IGS-INT --

13 A. Got it. I have it.

14 Q. Great. Mr. Willis, have you seen this  
15 document before?

16 A. I have not.

17 Q. Okay. So it's safe to say that you have  
18 not reviewed this document?

19 A. I have not.

20 Q. It was not made available to you or to  
21 you prior to OCC signing the Stipulation, correct?

22 MS. O'BRIEN: Your Honor, I am going to  
23 object. He says he hasn't seen it. He doesn't know  
24 about it.

25 EXAMINER PARROT: This is a different

1 question. Overruled.

2 Go ahead and answer, Mr. Willis.

3 A. I don't know when this -- when this  
4 discovery was issued. I never -- I didn't review any  
5 of the IGS discovery.

6 Q. Okay. Thank you, Mr. Willis.

7 A. So if it was issued, you know, prior to  
8 the settlement, I still -- I didn't review it.

9 Q. Okay. Thank you.

10 Finally, Mr. Willis, do you know whether  
11 a CRES provider is required to advise AEP Ohio if the  
12 generation product the CRES provider is providing to  
13 the customer includes any renewable qualities?

14 A. I don't know.

15 Q. And so, Mr. Willis, would you agree if a  
16 CRES provider doesn't advise AEP Ohio that a  
17 generation product has renewable qualities, AEP Ohio  
18 would not know that it has renewable qualities?

19 A. I don't know.

20 MS. ALLEN: Mr. Willis, those are all the  
21 questions I have for you today. Thank you.

22 THE WITNESS: Thank you.

23 EXAMINER PARROT: Direct Energy.

24 MR. WHITT: Thank you, your Honor.

25 - - -

## CROSS-EXAMINATION

1  
2 By Mr. Whitt:

3 Q. Good morning, Mr. Willis. I just have a  
4 few questions and it pertains to shadow billing as  
5 well. Page 9 of your testimony, and I think you just  
6 went over this with --

7 A. I am sorry. I am having a hard time  
8 hearing you, Mr. Whitt.

9 Q. Let me bring my microphone closer. Is  
10 that better?

11 A. A little bit, yeah. If you could speak  
12 up.

13 Q. Okay. Will do.

14 Mr. Willis, whose idea was it to  
15 incorporate the shadow billing proposal as a term of  
16 the Stipulation?

17 MS. O'BRIEN: Objection, calls for  
18 attorney-client communication, also calls for  
19 settlement negotiations.

20 MR. NOURSE: The Company joins the  
21 objection.

22 MR. WHITT: Your Honor, this goes back to  
23 the discussion earlier this morning with ELPC. The  
24 Commission is entitled to know whether the  
25 negotiations are the subject of serious bargaining,

1 who was involved in those negotiations, what  
2 concessions may have been made that aren't reflected  
3 in the terms of the document itself. I'm merely  
4 asking for the identity of the party that made the  
5 proposal.

6 MS. O'BRIEN: And again, I would renew my  
7 objection that the identity of the party who made the  
8 proposal goes into the content of settlement  
9 discussions. And it's therefore -- it's privileged.

10 EXAMINER PARROT: The objection is  
11 sustained.

12 Q. (By Mr. Whitt) Mr. Willis, do you know  
13 when the concept of shadow billing was first  
14 discussed as a potential term in the Stipulation?

15 A. I don't know. There was a lot of give  
16 and take. The settlement discussions spanned several  
17 months. Sometimes three or four meetings a week. I  
18 don't know. I don't recall.

19 Q. Isn't it the case that OCC and Staff  
20 discussed and agreed to incorporate shadow billing in  
21 the Stipulation in the absence of any participation  
22 in those discussions by any CRES provider?

23 MS. O'BRIEN: Objection. Goes to  
24 settlement negotiations.

25 MR. NOURSE: I would also object, your

1 Honor. I think he -- I think he may have misstated  
2 his question referring to Staff. I believe Staff has  
3 footnoted out of this provision. So I think the  
4 question just probably needs to be rephrased at a  
5 minimum.

6 EXAMINER PARROT: Let's try that.

7 MR. WHITT: Well, whether or not Staff is  
8 footnoted out of the provision doesn't necessarily  
9 mean that there were not discussions about that  
10 provision with Staff.

11 MR. NOURSE: Well, if that was the intent  
12 of your question, your Honor, again, I would object  
13 and join OCC's objection. Getting into individual --  
14 the content of the individual parties' settlement  
15 discussions is not probative or relevant to prong one  
16 of the three-part test.

17 MR. MARGARD: And Staff will join that  
18 objection.

19 MR. WHITT: Your Honor, this goes to the  
20 very heart of the matter. If there were discussions  
21 between OCC and Staff, substantive discussions, but  
22 then Staff ultimately footnotes out of the provision,  
23 that is relevant information with respect to the  
24 three-prong test.

25 MR. NOURSE: Your Honor, the three-part

1 test looks at the product of negotiation and does not  
2 get into the blow-by-blow of the conversations and  
3 the content of conversations that led up to the  
4 product. It examines the product.

5 EXAMINER PARROT: And the objections are  
6 sustained.

7 Q. (By Mr. Whitt) Mr. Willis, what does OCC  
8 intend to do with the shadow billing data provided by  
9 AEP?

10 A. I don't know that OCC intends to do  
11 anything. I think at this point it's more  
12 informational.

13 Q. What information does the shadow billing  
14 data provide that is not already available through  
15 the PUCO Apples to Apples charts?

16 A. Transparency on a customer's bill.

17 Q. Well, you are not saying the Apples to  
18 Apples charts lack transparency, are you?

19 A. No.

20 Q. Okay. And the information that would  
21 appear on the customer's bill will reflect historical  
22 information, will it not?

23 A. Well -- well, assuming there was a --  
24 that the bill format changes were adopted and the  
25 bill would reflect what the customer would have paid

1 under the SSO rate as opposed to a marketing rate or  
2 a CRES provider's rate, would be immediate  
3 transparency.

4 Q. But the transparency would relate to --  
5 it will relate backwards and not forwards, correct?

6 A. Well --

7 MS. O'BRIEN: Objection, vague.

8 EXAMINER PARROT: Overruled.

9 A. What the customer would have paid if they  
10 were on an SSO rate as compared to what they are  
11 paying for the CRES provider rate.

12 Q. Okay. But the -- if the shadow billing  
13 data ultimately is provided and if the application in  
14 case 20-1408 is amended and approved, the shadow  
15 billing data that the customer sees will not inform  
16 the customer of whether they will save money in the  
17 future by switching to or from the SSO; is that  
18 correct?

19 MR. NOURSE: Objection.

20 A. I'm really having a hard time --

21 MR. NOURSE: Objection, your Honor.

22 EXAMINER PARROT: Hold on a minute.

23 MR. NOURSE: This calls for speculation.

24 EXAMINER PARROT: Mr. Nourse, hold on a  
25 minute. I don't think the witness even heard the

1 question. Is that what I heard, Mr. Willis?

2 THE WITNESS: I can't -- Mr. Whitt's  
3 volume is turned down so low, I can't hardly hear.

4 EXAMINER PARROT: Let's go off the  
5 record.

6 (Discussion off the record.)

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

9 Can you repeat the question, Mr. Whitt?

10 MR. WHITT: Could I have -- if the court  
11 reporter heard and understood me, could I have her  
12 read it back, please?

13 (Record read.)

14 MR. NOURSE: Your Honor, the reason I  
15 objected is because it's -- it calls for speculation  
16 and it's a vague question. We haven't even seen the  
17 application in the 1408 case, let alone saying if it  
18 were filed and approved, then something is going to  
19 be observed. It's highly speculative and it doesn't  
20 have any meaning without knowing those foundational  
21 parts of the question.

22 MR. WHITT: Well, we would stipulate,  
23 your Honor, to the fact that the shadow billing data  
24 would require customers to speculate about whether or  
25 not they would save money.



1 MR. NOURSE: That's not what I said. I  
2 said your question is speculative, your Honor,  
3 because the -- the agreement in the Stipulation is  
4 that OCC and the Company will work together to file  
5 an amendment, but saying what the result of that  
6 amendment would be is highly speculative and  
7 meaningless at this point. It's not probative or  
8 relevant in evaluating the Stipulation.

9 EXAMINER PARROT: Overruled.

10 You can answer, Mr. Willis.

11 A. It wouldn't tell you what -- whether you  
12 would save money in the future. It would just be  
13 transparent in the fact where it would tell you for  
14 that billing period whether you would have saved  
15 money.

16 MR. WHITT: Thank you, sir.

17 No further questions.

18 EXAMINER PARROT: I believe those are the  
19 only parties that had questions for Mr. Willis; is  
20 that correct?

21 All right. Hearing no one, Ms. O'Brien,  
22 any redirect?

23 MS. O'BRIEN: No, your Honor. No  
24 redirect.

25 EXAMINER PARROT: Okay. Mr. Willis, I

1 just have one quick question for you, or I think it  
2 will be a quick question.

3 - - -

4 EXAMINATION

5 By Examiner Parrot:

6 Q. If you could turn to the bottom of your  
7 testimony on page 7, footnote No. 7.

8 A. Yes.

9 Q. And there you refer to the SAIFI,  
10 S-A-I-F-I, index.

11 A. Yes.

12 Q. And I believe if you turn to the  
13 Stipulation -- let me -- sorry. I've been jumping  
14 around in the Stipulation. Let me see if the page --  
15 it's either page -- give me a minute. Page 7 of the  
16 Stipulation, there it refers to the performance-based  
17 trigger standards and it appears to me that they are  
18 based on the SAIDI index, S-A-I-D-I, so I am trying  
19 to figure out is your footnote just an incorrect  
20 reference?

21 A. You're correct, your Honor.

22 Q. Okay. So this should be SAIDI not SAIFI.

23 A. SAIDI.

24 EXAMINER PARROT: Okay. Thank you very  
25 much.

1 Ms. See, did you have any questions for  
2 Mr. Willis?

3 EXAMINER SEE: No, I do not.

4 EXAMINER PARROT: All right. Very good.  
5 All right. Are there any objections to  
6 the admission of OCC Exhibit No. 1, Mr. Willis's  
7 direct testimony?

8 MR. WHITT: None from Direct, your Honor.

9 EXAMINER PARROT: Okay. Hearing none,  
10 OCC Exhibit No. 1 is admitted into the record.

11 (EXHIBIT ADMITTED INTO EVIDENCE.)

12 EXAMINER PARROT: Thank you very much,  
13 Mr. Willis.

14 THE WITNESS: Thank you.

15 EXAMINER PARROT: All right. Let's go  
16 off the record for a moment.

17 (Discussion off the record.)

18 EXAMINER PARROT: All right. Go back on  
19 the record.

20 Staff may call its first witness.

21 MR. MARGARD: Thank you, your Honor.  
22 Preliminarily to calling our first witness, I will  
23 note that we previously marked as Staff Exhibit  
24 No. 1, the Staff Report of Investigation in this  
25 case. I will preliminarily move for its admission

1 and will renew that request following the conclusion  
2 of Staff testimony.

3 EXAMINER PARROT: Okay.

4 MR. MARGARD: I would request, your  
5 Honor, to mark the testimony of James Zell in  
6 response to the objections to the Staff Report as  
7 Staff Exhibit No. 2. The parties have previously  
8 indicated that they had no cross-examination for  
9 Mr. Zell and were willing to stipulate to the  
10 admission of his testimony; and I would, therefore,  
11 request the admission of that exhibit at this time.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 EXAMINER PARROT: All right. Is that  
14 consistent with the parties' understanding? All  
15 right. Hearing silence, again that's taken in this  
16 instance as your consent, Staff Exhibit No. 2 is  
17 admitted into the record.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 MR. MARGARD: Thank you, your Honor. I  
20 would then request the testimony of Krystina Schaefer  
21 in response to objections to the Staff Report be  
22 marked as Staff Exhibit No. 4.

23 EXAMINER PARROT: So marked.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 MR. MARGARD: And I am prepared to have

1 the witness sworn, your Honor.

2 EXAMINER PARROT: Ms. Schaefer, if you  
3 could raise your right hand.

4 (Witness sworn.)

5 EXAMINER PARROT: Thank you.

6 - - -

7 KRYSTINA SCHAEFER

8 being first duly sworn, as prescribed by law, was  
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Margard:

12 Q. Please state your name.

13 A. My name is Krystina Schaefer.

14 Q. By whom are you employed and in what  
15 capacity, please?

16 A. The Public Utilities Commission of Ohio  
17 as Chief of the Grid Modernization and Retail Markets  
18 Division within the Rates and Analysis Department.

19 Q. And do you have before you what's been  
20 marked as Staff Exhibit No. 4?

21 A. I do.

22 Q. And would you please identify that.

23 A. It's my testimony in response to  
24 objections to the Staff Report in the case.

25 Q. And was this document prepared by you or

1 at your direction?

2 A. It was prepared by me.

3 Q. And have you had an opportunity to review  
4 it prior to taking the stand today?

5 A. I have.

6 Q. And do you have any corrections or  
7 changes to make to the document?

8 A. No, I don't.

9 Q. And if I were to ask you the questions  
10 posed in the document as you appear here today, would  
11 your responses be the same?

12 A. Yes.

13 MR. MARGARD: Thank you.

14 Your Honor, I respectfully move for  
15 admission of Staff Exhibit No. 4 and tender the  
16 witness for cross-examination.

17 EXAMINER PARROT: Thank you.

18 Anything from any of the signatory  
19 parties?

20 All right. With that, Mr. Settineri.

21 MR. SETTINERI: Yes, your Honor. And I  
22 would like to start first with a motion to strike.

23 EXAMINER PARROT: Okay. Go ahead.

24 MR. SETTINERI: Thank you. I would like  
25 to direct the Bench's attention to page 2 to 3. The

1 language that is subject to the motion to strike is  
2 at lines 3, 4, 5 and 6 of page 3. Starting with the  
3 sentence "As approved...." And ending at footnote 3,  
4 including footnote 3. I want to make sure the Bench  
5 has that and sees that before I proceed.

6 EXAMINER PARROT: Go ahead.

7 MR. SETTINERI: Thank you, your Honor. I  
8 would move to strike that entire sentence, including  
9 the footnote, on the basis of hearsay. That sentence  
10 is directly referencing testimony filed in another  
11 proceeding. Footnote 3 identifies testimony of  
12 William Allen that is prefiled direct testimony in  
13 the docket. It is hearsay and that is what that  
14 sentence is -- that sentence is based on that  
15 testimony that Mr. Allen is not here today to testify  
16 and so it's improper and should be stricken on the  
17 basis of hearsay, your Honor.

18 MR. MARGARD: Your Honor, while the  
19 testimony does, in fact, refer to that testimony, the  
20 substance of the testimony is what the Commission  
21 approved in that matter, it specifically says "As  
22 approved in...." This is the witness's understanding  
23 of what the Commission did in approving the DIR in  
24 that case and is not specifically limited to the  
25 testimony offered by Mr. Allen in that case.

1 MR. NOURSE: And, your Honor, it, I would  
2 just concur with the Staff and note that the  
3 Exhibit -- the testimony referenced was admitted into  
4 evidence and relied upon by the Commission in that  
5 proceeding. And it's a factual matter.

6 MR. SETTINERI: Okay. Your Honor,  
7 Mr. Nourse is not testifying as a witness today and  
8 we have in front of us written direct testimony  
9 that's been proffered. The sentence has a footnote  
10 that directly relate -- cites to testimony, prefiled  
11 testimony of a witness in another case. That witness  
12 is not here today. Therefore, because this sentence  
13 has a footnote to it, that is attributable to that  
14 testimony and, therefore, will be prejudicial to  
15 Armada to not be able to explore that and it  
16 should -- it should be stricken as hearsay.

17 EXAMINER PARROT: And I'm going to deny  
18 the motion to strike, Mr. Settineri, and allow the  
19 Commission to determine whether to give the testimony  
20 referenced here of Mr. Allen any weight.

21 MR. SETTINERI: If the Bench would  
22 reconsider one request on that. Would the Bench  
23 consider striking the reference to the testimony of  
24 William Allen in the footnote? Because by  
25 incorporating that testimony in the footnote, it



1 essentially becomes part of the record and that  
2 testimony could then be cut and pasted into the  
3 briefs. So what I would request of the Bench is  
4 striking the phrase "Testimony of William A. Allen at  
5 9 (March 30, 2012)." And as has been represented,  
6 this is a description of the Commission's decision.  
7 We can look at the Commission's decision and see what  
8 it said.

9 MR. MARGARD: We can, in fact, your  
10 Honor, look at the decision to see what it said. The  
11 Staff is not seeking to offer that testimony or any  
12 portion of that testimony into this record. And I  
13 don't believe it would be proper to quote that  
14 testimony as part of evidence in this record.  
15 Nonetheless, it was the basis for the Commission's  
16 decision or at least in part, and it's appropriate to  
17 reference it. There's no harm in leaving that  
18 reference in this record.

19 MR. SETTINERI: And, your Honor, I have  
20 to say --

21 EXAMINER PARROT: I'm good. Your request  
22 is denied.

23 MR. SETTINERI: All right.

24 EXAMINER PARROT: I already said the  
25 Commission will determine whether to give this

1 reference any weight.

2 MR. SETTINERI: Thank you, your Honor.

3 - - -

4 CROSS-EXAMINATION

5 By Mr. Settineri:

6 Q. All right. Ms. Schaefer, good morning.

7 A. Good morning. How are you?

8 Q. Good. And if you just give me a second,  
9 I need to test my technology skills and move you to  
10 the stage.

11 All right. Ms. Schaefer, the Commission  
12 speaks through its Orders, correct?

13 A. I believe so, yeah.

14 Q. Okay. And turning to page 3 of your  
15 testimony, line 3 to 4, you reference to a 2000 --  
16 or, a Commission Order, correct? Let me strike that.  
17 I am looking at the wrong reference.

18 At line 3, page 3 of your testimony,  
19 footnote 2, you cite to a 2012 Commission Order,  
20 correct?

21 A. Yes.

22 Q. Okay. And in preparing your testimony,  
23 did you review any other Commission Orders regarding  
24 the DIR?

25 A. I reviewed the Commission -- or the

1 Opinion and Order along with the entries on rehearing  
2 in that case that you have just referenced.

3 Q. Okay. And so you did not review any  
4 other Orders from the Commission other than the ones  
5 you've just identified in preparing for your  
6 testimony, correct?

7 A. I believe I reviewed -- I am trying to  
8 remember the case numbers now. There's 16-1852 and  
9 then the 13 ESP case as well. I believe I skimmed  
10 through those Opinion and Orders, but I don't recall  
11 exactly what I read at this time.

12 Q. Okay. In the Case No. 16-1852 Order, do  
13 you recall seeing a finding in that Order stating  
14 that the Commission finds that the DIR facilitates  
15 the timely replacement of aging infrastructure,  
16 improving and maintaining service reliability;  
17 supports the installation of gridSMART technologies,  
18 including automated meter infrastructure, volt/VAR  
19 optimization, and distribution automation circuit  
20 reconfiguration; and will serve as the foundation for  
21 the installation of other advanced technologies in  
22 the future?

23 A. If you have the page, I don't recall  
24 everything that was written in the Order.

25 Q. Okay. Do you -- do you recall -- do you

1 recall seeing a finding stating what I just read?

2 A. It sounds familiar. I'll take your word  
3 for it, but I don't have the 16-1852 Opinion and  
4 Order in front of me right now. I can pull it up if  
5 you would like.

6 Q. No need.

7 Are you familiar with the Ohio Power's  
8 most recent Distribution Investment Rider Work Plan?

9 A. I have reviewed it. I'm not the main  
10 Staff assigned to review it so it's just limited  
11 familiarity, but I have looked at it, yes.

12 MR. SETTINERI: Your Honor, at this time  
13 we would like to mark as Armada Power Exhibit 13,  
14 this was a -- it's a docketed item that was sent  
15 previously. To assist the parties, I would be glad  
16 to take a very brief break and I can send out a PDF  
17 copy to everyone if that would be helpful.  
18 Otherwise, you are going to have to find the link.  
19 It was listed in our exhibit list for  
20 publicly-available documents. And I can either give  
21 the case number or I can just send out the PDF, your  
22 Honor.

23 MR. NOURSE: No break is needed for the  
24 Company, your Honor.

25 EXAMINER PARROT: I think we're good.

1 Just keep going, Mr. Settineri.

2 MR. MARGARD: Does Ms. Schaefer have the  
3 document?

4 THE WITNESS: Just one minute. Let me  
5 pull it up.

6 MR. SETTINERI: And for reference -- so,  
7 your Honor, while that's being pulled up, I would  
8 like to go ahead and proceed to mark as Armada Power  
9 Exhibit 13, the Distribution Investment Rider Work  
10 Plan for 2021, Case No. 20-1802-EL-RDR -- sorry --  
11 RDR, docketed December 15 -- I'm sorry, yes -- 2020.

12 EXAMINER PARROT: So marked.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 Q. And do you have the work plan in front of  
15 you, Ms. Schaefer?

16 A. Yes, I do.

17 Q. Okay. And you've reviewed this work  
18 plan, correct?

19 A. I've looked at it, yes.

20 Q. Okay. And this work plan includes DIR  
21 work plan components, correct? And to assist you, I  
22 will refer you to the -- I will call it a table  
23 attached to the back of the exhibit.

24 A. Yeah, I'm on PDF page 8 of the exhibit  
25 and I see the DIR components listed in the table.

1 Q. And what time frame does this DIR apply  
2 to? Strike that.

3 What time frame does the DIR work plan  
4 apply to?

5 A. Again, I am not the main staff assigned  
6 to review this or work on the DIR, but it says 2021  
7 right at the top of that table.

8 Q. Okay. And -- okay.

9 And the DIR work plan components reflect  
10 components that have been included in the DIR that  
11 would be in the DIR -- recovered under the DIR,  
12 correct?

13 MR. MARGARD: To the extent that you  
14 know.

15 A. Can you please repeat the question?

16 Q. Sure.

17 Specific to this work plan filing, the  
18 table of DIR components that you referenced, I think  
19 you said page 8, that covers the components that are  
20 being included in this specific work plan, correct?

21 A. I believe so. I'm not sure about the  
22 timing between the work plan filing and the actual  
23 capital spending.

24 Q. Okay.

25 A. But I think that's fair.

1 MR. SETTINERI: Okay. Thank you  
2 Ms. Schaefer. No further questions.

3 EXAMINER PARROT: Counsel for OEC.

4 MS. LEPPLA: Thank you, your Honor.

5 - - -

6 CROSS-EXAMINATION

7 By Ms. Leppla:

8 Q. Good afternoon, Ms. Schaefer. I'm  
9 Miranda Leppla with OEC. I just have a few questions  
10 for you.

11 A. Good morning.

12 MS. LEPPLA: Before I get started with  
13 the questions, I did just want to reiterate on the  
14 record now, OEC had sent an e-mail yesterday out,  
15 marking Exhibit 1, OEC Exhibit 1 as Mr. Baatz's  
16 testimony, and OEC Exhibit 2 as OEC's objections to  
17 the Staff Report of Investigation. To avoid any  
18 confusion on the record because our testimony of  
19 Mr. Baatz was previously marked before filing as  
20 OEC-1 with two exhibits as OEC-2 and OEC-3, I will  
21 instead mark OEC objections as -- OEC's objections to  
22 the Staff Report as OEC Exhibit 4.

23 MR. NOURSE: I'm sorry. I would note for  
24 the record that the Company doesn't object to marking  
25 the exhibit, but we do object to any use as evidence

1 of a legal pleading.

2 MS. LEPPLA: Yes. Again, I am just  
3 marking it so it's clear for the record.

4 EXAMINER PARROT: So marked.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 MS. LEPPLA: Thank you.

7 Q. (By Ms. Leppla) Ms. Schaefer, if I could  
8 ask you to take a look at what's now been marked as  
9 OEC Exhibit 4.

10 A. Yeah. Could you tell me --

11 Q. Sure. Go ahead.

12 A. I'm sorry. Let me just pull this up now.

13 Q. Sure.

14 A. Is it okay if I just pull this up through  
15 docketing?

16 Q. Yes. That's okay with me. I will defer  
17 to the judges obviously.

18 A. Just one minute here.

19 Q. Sure.

20 A. So the 12/18/20 objection to the Staff  
21 Report filed by OEC; is that right?

22 Q. That's correct.

23 A. I have got it up now.

24 Q. Great. So you read this document before,  
25 Ms. Schaefer?



1           A.    Yes, I have.

2           Q.    Okay.  And your testimony in this case  
3 references objection No. 4; is that right?

4           A.    Yes.

5           Q.    Okay.  OEC's objection on page 3 of that  
6 document -- I'm sorry.  OEC's objection starting  
7 there about the Staff Report is that it failed to  
8 recommend that AEP include a robust plan for  
9 time-of-use rates for residential and business  
10 customers to make it easier for customers to  
11 understand and obtain the benefits those provide; is  
12 that accurate?

13          A.    That looks correct, yes.

14          Q.    Okay.  If you could now refer to your  
15 testimony.  I apologize, I am hearing myself echo, so  
16 I had to stop a couple times there.

17          A.    Okay.

18          Q.    If you could refer to your testimony  
19 filed in response to those objections that was  
20 docketed on May 4 that's been marked as Staff  
21 Exhibit 4.

22          A.    Yes, I have that here.

23          Q.    If you can turn to page 3.

24          A.    I'm there.

25          Q.    Okay.  In that -- on that page you

1 address OEC's fourth objection and note OEC's  
2 objection was addressed, in part, because the  
3 Stipulation has a time-of-use rate specifically for  
4 plug-in electric vehicles; is that right?

5 A. That's correct. I don't recall if the  
6 objection was specific to time-of-use rates for  
7 generation service or distribution service. But,  
8 yes, that's right.

9 Q. Okay. And you also note in your  
10 testimony that other issues related to proposed  
11 time-of-use rates are currently pending in PUCO Case  
12 No. 17-1234-EL-ATA?

13 A. Yes.

14 Q. Okay. And were you aware that the last  
15 activity on that docket was July 24 of 2020?

16 A. I don't recall the date but that sounds  
17 accurate.

18 MS. LEPPLA: Okay. No further questions,  
19 your Honor.

20 Thank you, Ms. Schaefer.

21 EXAMINER PARROT: Thank you, Ms. Leppla.

22 All right. I believe we have no other  
23 parties that intended to question Ms. Schaefer.

24 Mr. Margard, any redirect?

25 MR. MARGARD: I have no redirect, your

1 Honor, and renew my request for the admission of  
2 Staff Exhibit 4.

3 EXAMINER PARROT: Okay. AE See, did you  
4 have any questions for Ms. Schaefer?

5 EXAMINER SEE: No, I do not.

6 EXAMINER PARROT: All right. Thank you.

7 Are there any objections to the admission  
8 of Staff Exhibit 4?

9 All right. Go ahead, Mr. Settineri. Go  
10 ahead.

11 MR. SETTINERI: I would just for the  
12 record like to renew my motion to strike as to the  
13 entire sentence as well as to the footnote; and in  
14 the alternative, striking the testimony of William --  
15 the reference in the footnote to the testimony of  
16 William A. Allen. So I would just like to renew that  
17 motion for the record and that is why I am objecting  
18 to the admission of this testimony.

19 EXAMINER PARROT: Okay. Thank you. And  
20 subject to the earlier ruling, Staff Exhibit No. 4 is  
21 admitted in its entirety.

22 (EXHIBIT ADMITTED INTO EVIDENCE.)

23 EXAMINER PARROT: And Armada Exhibit 13.

24 MR. SETTINERI: Yes, your Honor. I would  
25 move for the admission of Armada Exhibit 13 into the

1 record.

2 EXAMINER PARROT: All right. Are there  
3 any objections?

4 MR. MARGARD: One moment. No, your  
5 Honor.

6 EXAMINER PARROT: Okay. Armada Exhibit  
7 No. 13 is admitted into the record.

8 (EXHIBIT ADMITTED INTO EVIDENCE.)

9 EXAMINER PARROT: And Ms. Leppla, moment  
10 of truth.

11 MS. LEPPLA: No, your Honor. We are not  
12 moving for admission.

13 EXAMINER PARROT: All right. Very good.  
14 Thank you.

15 All right. Thank you very much,  
16 Ms. Schaefer.

17 THE WITNESS: Thank you.

18 EXAMINER PARROT: All right. Let's go  
19 off the record.

20 (Discussion off the record.)

21 EXAMINER PARROT: Let's go back on the  
22 record.

23 Mr. Margard.

24 MR. MARGARD: Thank you, your Honor. At  
25 this time, Staff would request to be marked as Staff

1 Exhibit No. 5, the testimony in response to  
2 objections to the Staff Report of Dorothy Bremer.

3 EXAMINER PARROT: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. MARGARD: Your Honor, the parties  
6 have indicated they have no cross-examination for  
7 Ms. Bremer and have stipulated to its admission into  
8 this record without examination, and I would,  
9 therefore, move for its admission at this time.

10 EXAMINER PARROT: All right. Any  
11 objections to that?

12 All right. Hearing none, Staff Exhibit 5  
13 is admitted

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 EXAMINER PARROT: All right.

16 Mr. Margard.

17 MR. MARGARD: Does your Honor wish to  
18 proceed at this time? Our next witness is Mr. Smith.

19 EXAMINER PARROT: Let's go off the  
20 record.

21 (Discussion off the record.)

22 (Recess taken.)

23 EXAMINER PARROT: Go back on the record.

24 We had a short recess and we are going to  
25 pick up with our next Staff witness, I believe,

1 Mr. Margard.

2 MR. MARGARD: Thank you, your Honor. As  
3 a preliminary matter, I wanted to thank the parties  
4 and the Bench for allowing us to take our witnesses  
5 out of sequence. It's a great convenience to the  
6 witnesses. I'm appreciative.

7 Your Honor, Staff would call Mr. Craig  
8 Smith, please.

9 MR. SCHMIDT: I see Mr. Smith is  
10 connected, and he has his audio and video enabled,  
11 but I am getting a low bandwidth signal on his video  
12 feed.

13 EXAMINER PARROT: Let's go off the  
14 record.

15 (Discussion off the record.)

16 EXAMINER PARROT: Go back on the record.  
17 All right. Mr. Margard.

18 MR. MARGARD: Thank you, your Honor. I  
19 believe I've already called Mr. Smith.

20 EXAMINER PARROT: All right. Mr. Smith,  
21 if you could raise your right hand.

22 (Witness sworn.)

23 EXAMINER PARROT: Okay. Thank you.

24 MR. MARGARD: Thank you, your Honor.  
25 Would the record please reflect marking the testimony

1 of Craig Smith in response to objections to the Staff  
2 Report as Staff Exhibit 3.

3 EXAMINER PARROT: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. MARGARD: Thank you.

6 - - -

7 CRAIG SMITH

8 being first duly sworn, as prescribed by law, was  
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Margard:

12 Q. Please state your name.

13 A. Craig Smith.

14 Q. And by whom are you employed and in what  
15 capacity, please?

16 A. I'm employed by the State of Ohio, Public  
17 Utilities Commission of Ohio. I'm a manager over the  
18 Reliability and Service Analysis Division.

19 Q. Thank you.

20 Do you have before you what's been marked  
21 as Staff Exhibit 3?

22 A. Yes.

23 Q. Can you identify that document for us,  
24 please.

25 A. That is my -- my testimony to the

1 objections to the Staff Report.

2 Q. And was this exhibit prepared by you or  
3 at your direction?

4 A. Yes, it was.

5 Q. And did you have an opportunity to review  
6 that document prior to taking the stand today?

7 A. Yes, I have.

8 Q. And after your review, do you have any  
9 corrections or changes of any kind to this document?

10 A. No, I do not.

11 Q. And if I were to ask you the questions  
12 posed in the document as you appear today, would your  
13 responses be the same?

14 A. Yes, they would.

15 MR. MARGARD: Thank you.

16 Your Honor, I respectfully move the  
17 admission of Staff Exhibit No. 3, subject to  
18 cross-examination, and I tender the witness for that  
19 purpose.

20 EXAMINER PARROT: Anything from any of  
21 the signatory parties?

22 All right. Mr. Darr.

23 MR. DARR: Thank you, your Honor.

24 - - -

25



## 1 CROSS-EXAMINATION

2 By Mr. Darr:

3 Q. Mr. Smith, my name is Frank Darr. I am  
4 here on behalf of IGS. If, at any time, you can't  
5 understand the question or there's some confusion  
6 because of lag, please let me know so that we make  
7 sure the record is clear.

8 I'd like to begin with your testimony,  
9 Staff Exhibit 3, at page 14, where you address IGS  
10 Objection E. Could you turn to that, please.

11 A. Yes.

12 Q. In your testimony you indicate that the  
13 Staff agrees with the Company that preliminary  
14 negotiations or discussions with customers interested  
15 in customer-sited renewable energy resources are  
16 incidental, correct?

17 A. Correct.

18 Q. Did you determine who Ohio Power was  
19 having incidental discussions with?

20 A. No, but I assumed they are having  
21 discussions with potential customers or existing  
22 customers.

23 Q. And what is the basis of that assumption?

24 A. When they're -- my experience with net  
25 metering generally is that when a -- when a customer

1 wishes to put net metering or renewable resources  
2 into play, they need to first have a discussion with  
3 the distribution company, particularly whether they  
4 can, you know, whether they have the engineering  
5 capability to do it, whether -- whether there is  
6 capacity on the line, whether the lines can support  
7 it. There needs to be a conversation with the  
8 distribution company if you are going to put any  
9 renewable sources on line.

10 Q. And you are assuming that these renewable  
11 resources would be on line resources, correct?

12 A. I don't know. I don't know if they are  
13 going to actually put them on line or whether they  
14 were going to use them for their own selves, but  
15 generally you need to reach an interconnection  
16 agreement with the Companies.

17 Q. Well, that would be if it was  
18 interconnected, correct?

19 A. Well, yes.

20 Q. And have you had any discussions with  
21 customers with regard to discussions they may have  
22 had with Ohio Power regarding on-site renewable  
23 resources?

24 A. I have, from time to time, had  
25 conversations with customers, not necessarily

1 regarding AEP, but in general regarding net metering  
2 when there is confusion.

3 Q. Again, my question is specific to Ohio  
4 Power. Are you aware of any discussions between Ohio  
5 Power Ohio and mercantile customers concerning  
6 customer-sited renewable energy resources?

7 A. No.

8 Q. Did you determine how many times Ohio  
9 Power was having incidental discussions with  
10 customers interested in customer-sited renewable  
11 energy resources?

12 A. No.

13 Q. Did you determine how many people at Ohio  
14 Power were having discussions with customers  
15 interested in customer-sited renewable energy  
16 resources?

17 A. No.

18 Q. Did you determine the amount of time of  
19 any persons employed by AEP Ohio Service Corp. or  
20 Ohio Power that was involved -- that were involved in  
21 discussions?

22 A. No.

23 Q. Did you look at any of the annual  
24 salaries of persons who may have been involved in  
25 these discussions?

1 A. No.

2 Q. Did you determine whether there was any  
3 administrative staff assigned to persons who were  
4 involved in these discussions?

5 A. No.

6 Q. Are you aware that in the Staff Report  
7 the word "incidental" appears exactly one time in  
8 regard to miscellaneous revenues?

9 A. No.

10 Q. Are you aware that the Staff Report does  
11 not use the term "mercantile" anywhere in it?

12 A. No, I am not aware of that, no.

13 Q. And are you aware that the term  
14 "renewable" does not appear in the Staff Report?

15 A. I am not aware of that either.

16 Q. Turning to your testimony, page 14,  
17 lines 16 through 18, you indicate that the typical  
18 method of accounting for incidental  
19 non-jurisdictional costs is through a reduction of  
20 the revenue requirement of non-jurisdictional  
21 revenues. Wouldn't I be correct that  
22 non-jurisdictional costs and revenues would be  
23 removed in any case?

24 A. Well, removed from cost of service, yes.

25 Q. In this case, for example -- I'm sorry?

1           A.    Yes, they would be removed.

2           Q.    Okay.  I apologize, but I just got some  
3 echo that I took to be someone else speaking so we  
4 need to watch this connection.

5                     In this case, for example, Mr. Roush has  
6 testified as to the jurisdictionalization of  
7 revenues, costs, and plant, that was done when  
8 setting up the schedule supporting the Application,  
9 correct?

10          A.    Yes.

11          Q.    And functionalization would remove  
12 generation and transmission revenue, costs, and  
13 plant, correct?

14          A.    It should, yes.

15          Q.    And, in any case, there is a direct  
16 statutory instruction regarding the recovery of costs  
17 related to customer-sited renewable resources,  
18 correct?

19          A.    Yes.

20          Q.    And that statutory restriction prevents  
21 the Company from billing anyone other than the  
22 mercantile customer or group of mercantile customers  
23 that is involved in a customer-sited generation  
24 product, correct?

25                     MR. MARGARD:  I'll object to the

1 characterization of the statutory language.

2 MR. NOURSE: Same objection, your Honor.  
3 I think Mr. Darr is paraphrasing his interpretation.  
4 If he would like to show the witness the statutory  
5 language that would be more helpful.

6 MR. DARR: Your Honor, Mr. Smith refers  
7 to the language in his testimony. I believe he's  
8 familiar with it.

9 MR. MARGARD: I have no problems asking  
10 what his understanding is. My objection was to the  
11 manner in which it was characterized.

12 EXAMINER PARROT: Let's rephrase,  
13 Mr. Darr.

14 MR. DARR: I'm sorry, ma'am?

15 EXAMINER PARROT: I was just suggesting  
16 if you would rephrase, but if you are withdrawing,  
17 that's fine too.

18 MR. DARR: I will withdraw the question,  
19 try this.

20 EXAMINER PARROT: Okay.

21 Q. (By Mr. Darr) You would agree, would you  
22 not, that any direct or indirect costs for  
23 infrastructure development or generation associated  
24 with a customer-sited renewable energy resource shall  
25 be paid solely by the utility or the mercantile

1 customer or group of mercantile customers, correct?

2 A. Correct.

3 Q. I would like to turn your attention to  
4 page 12 of your testimony regarding IGS Objection D,  
5 concerning charges assessed to suppliers.

6 A. I'm there.

7 Q. And for the purposes of this question,  
8 you are also going to need to have the Staff Report  
9 in front of you. Do you have access to that?

10 A. Yes. Hold on.

11 Q. And I direct your attention to pages 27  
12 to 35.

13 A. Okay.

14 Q. These pages address the Staff review and  
15 recommendations concerning Ohio Power's  
16 customer-related tariffs, correct?

17 A. Correct.

18 Q. And you agree that the Staff Report did  
19 not make any recommendations concerning the fees  
20 charged to competitive retail electric service  
21 providers in this section, correct?

22 A. Correct.

23 Q. Is it accurate to say that the scope of  
24 the Staff investigation of CRES charges concerned the  
25 treatment of revenue associated with these charges,

1 correct?

2 A. Could you repeat that question?

3 Q. Sure. Is it accurate to say that the  
4 scope of the Staff investigation of CRES charges  
5 concerned the treatment of the revenue of these  
6 charges?

7 A. Yes.

8 Q. And the revenue, if you know, am I  
9 correct that the revenue is accounted for as a -- as  
10 miscellaneous revenue in the C Schedules of the  
11 Application?

12 A. That is my understanding.

13 Q. Returning to your testimony just briefly,  
14 on page 13, line 4 through 6, you state that the  
15 process of switching to and from CRES providers  
16 compared to customers who defaulted are not  
17 comparable situations to -- are not comparable  
18 situations, correct?

19 A. Correct.

20 Q. I want to make sure I understand when  
21 there is a charge assessed for a move either to or  
22 from a particular supplier. A charge is assessed  
23 when a customer voluntarily moves from one CRES  
24 provider to another CRES provider, correct?

25 A. There should be, yes.



1 Q. And a charge is also assessed in any  
2 customer change from the Standard Service Offer to a  
3 CRES provider after the initial change, correct?

4 A. After the initial change, yes. They get  
5 one free one.

6 Q. My apologies.  
7 Customers can return to the Standard  
8 Service Offer for several reasons, correct?

9 A. Correct.

10 Q. Do you have the Stipulation in front of  
11 you?

12 A. Yes.

13 Q. I would like you to turn to Attachment C  
14 which is the redlined tariff, and I will direct your  
15 attention to Sheet 103-24.

16 MR. MARGARD: Mr. Darr, can you give me  
17 just a moment, please?

18 MR. DARR: Absolutely.

19 MR. MARGARD: Thank you.

20 MR. DARR: Let me know when you are  
21 ready.

22 THE WITNESS: Sheet? Which sheet?

23 MR. DARR: 103-24.

24 MR. MARGARD: Thank you.

25 Q. (By Mr. Darr) In the version that was

1 filed yesterday, it's around page 72 of the PDF, if  
2 that's helpful.

3 A. Yeah. "Changing competitive service  
4 providers."

5 Q. Right.

6 A. I'm there.

7 Q. Okay. If we look at Original Sheet  
8 No. 103-24, paragraph 2, a customer can return to the  
9 Company's Standard Service Offer because of a  
10 customer choice, a CRES provider default, termination  
11 of a CRES provider contract, opt out or termination  
12 of a governmental aggregation program, or CRES  
13 provider withdrawal, correct?

14 A. Correct. They can also return if they  
15 got -- were a victim of slamming too.

16 Q. So customers under the tariff may elect  
17 to secure service from the Standard Service Offer,  
18 correct?

19 A. Well, they don't elect to. They default  
20 to it.

21 Q. Well, doesn't the tariff specifically say  
22 that the customer can elect to take service under the  
23 Standard Service Offer?

24 A. Well, yes, but they are not making  
25 generally an affirmative choice. They are making --

1 it's a default choice. An affirmative choice would  
2 be to switch to a CRES.

3 Q. Couldn't a customer call up the Company  
4 and say, "I want to switch to the Standard Service  
5 Offer"?

6 A. Well, they would have to -- they wouldn't  
7 switch to a Standard Service Offer. They would  
8 remove themselves from a CRES offer, and they would  
9 switch out of that. They would default to the  
10 Standard Service Offer, so they are not switching to  
11 it.

12 Q. The language in the tariff is "elect,"  
13 correct?

14 A. Yes.

15 Q. Doesn't that indicate to you that that's  
16 a voluntary choice on the part of the customer?

17 A. Well, it may be a voluntary choice. It  
18 may -- it may be that the government aggregation  
19 stopped or the CRES provider refused to honor the  
20 contract. The CRES provider could have defaulted and  
21 not even be in existence anymore. There's all sorts  
22 of circumstances in which the customer would default  
23 to the Standard Service Offer. That's not an  
24 election.

25 Q. I appreciate there --

1           A.    It's the default of a CRES.

2           Q.    I appreciate that there are non-elective  
3 situations, but isn't it also true that a customer  
4 could elect, per the tariff, the Standard Service  
5 Offer?

6           A.    The Standard Service Offer is available,  
7 yes.  Whether -- whether it's their choice is not  
8 necessarily in every situation though.

9           Q.    Again, Mr. Smith, I know that this is --  
10 there are other circumstances but doesn't the tariff  
11 provide, as a standalone basis for moving to the  
12 Standard Service Offer, that a customer can elect to  
13 do so?

14          A.    Yes.  All customers can take -- take  
15 advantage of the Standard Service Offer.

16          Q.    To elect to return to the Standard  
17 Service Offer, the customer may contact Ohio Power  
18 and request the Standard Service Offer pursuant to  
19 paragraph 3 on that page, correct, or the third  
20 paragraph on that page?

21          A.    Would you repeat the question?

22          Q.    Sure.

23                    Under the third paragraph on page  
24 103-24 -- excuse me, Sheet No. 103-24, a customer can  
25 contact the Company and request a return to the

1 Standard Service Offer, correct?

2 A. Yes.

3 Q. And when the customer makes that  
4 election, the customer change is conducted under the  
5 same terms and conditions applicable to an enrollment  
6 with a CRES provider, correct?

7 A. Correct.

8 Q. I'm sorry. That was garbled. Are you  
9 agreeing?

10 A. That the tariff says the return to  
11 Standard Service shall be conducted under the same  
12 terms and conditions applicable to the enrollment  
13 with the CRES provider, yes, that's what the tariff  
14 says.

15 MR. DARR: Thank you.

16 Can we go off the record for a second?

17 EXAMINER PARROT: Yes.

18 (Discussion off the record.)

19 EXAMINER PARROT: Let's go back on the  
20 record.

21 Q. (By Mr. Darr) Okay. After a brief pause,  
22 Mr. Smith, I want to follow up with the questions  
23 concerning what happens when a customer elects to  
24 return to the SSO. Pursuant to the tariff, am I  
25 correct that the customer that has observed the

1 applicable notification requirements and if the  
2 Company has effect -- effectuated the request to  
3 return to the SSO at least 12 days prior to the  
4 regularly-scheduled meter reading date, the customer  
5 will be returned to the SSO on the next  
6 regularly-scheduled meter reading date, correct? And  
7 for reference, I direct your attention to paragraph 4  
8 on Sheet 103-24.

9 A. Yes. The switch doesn't happen until the  
10 next billing cycle, yes.

11 Q. And it's conditioned on certain things  
12 taking place before that, correct?

13 A. I don't believe so but you would have to  
14 ask the Company.

15 Q. Well, the tariff provides that there  
16 are -- there is the condition that the customer has  
17 observed the applicable notification requirements and  
18 that the Company has effectuated the request to  
19 return at least 12 days prior. Those would condition  
20 the switch, correct?

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

22 Q. I direct your attention to page -- or  
23 excuse me, Sheet No. 103-23, the prior page.

24 A. Yep.

25 Q. Under the last paragraph on that page, a

1 CRES provider is assessed a \$5 charge for a change,  
2 correct?

3 A. For a switch, yes.

4 Q. So if I understand that correctly, that  
5 charge is not applicable to Ohio Power, correct?

6 A. I don't understand.

7 Q. If a customer switched service from a  
8 CRES provider to Ohio Power as we were just  
9 discussing, there's no \$5 charge imputed to Ohio  
10 Power for that change, is there?

11 A. You mean to SSO service, not Ohio Power.  
12 Ohio Power doesn't provide generation.

13 Q. I understand that. But it is the default  
14 service provider, correct?

15 A. It's the provider of last resort.

16 Q. Okay. I guess we are going to have a  
17 discussion about this as well. When a customer  
18 returns to the Standard Service Offer, that customer  
19 is billed for the generation of service by Ohio  
20 Power, correct?

21 A. Correct.

22 Q. And Ohio Power is -- let me rephrase  
23 that.

24 Ohio Power contracts generation service  
25 through the auction process to supply SSO customers,

1 correct?

2 A. That's my understanding, it's an auction  
3 process, yes.

4 Q. Thus, there are situations in which a  
5 customer may -- may elect to return to the Standard  
6 Service Offer. The Company, under its tariff,  
7 applies the same terms and conditions on the customer  
8 change including rescission rights as applied to a  
9 CRES. The Company has to adjust its billing  
10 arrangements to accommodate the change but there is  
11 no switching charge applied to or imputed to Ohio  
12 Power for that charge, correct?

13 A. I'm not -- did you say there is no  
14 rescission -- there is a rescission letter that goes  
15 out with that?

16 Q. There are rescission rights.

17 A. But not a letter. I don't understand the  
18 rescission part --

19 Q. Okay.

20 A. -- to your question. How do they --  
21 if -- if they've been dropped by their CRES provider,  
22 how do they get back with the CRES provider if  
23 they've been dropped? They can't -- the customer --  
24 if the customer is dropped by the competitive  
25 supplier, the customer can't force the competitive



1 supplier to take them back.

2 Q. I turn your attention back to Sheet  
3 No. 103-24. And I direct your attention to the third  
4 paragraph, last sentence. The customer will have the  
5 same seven calendar day rescission period after  
6 requesting the Company's Standard Service Offer. Do  
7 you see that?

8 MR. NOURSE: Objection. I don't think he  
9 quoted the tariff correctly.

10 MR. DARR: I read it exactly out of the  
11 tariff.

12 MR. NOURSE: Your Honor, he inserted the  
13 word "same."

14 MR. DARR: Let me read it again then.

15 Q. (By Mr. Darr) The customer will have a  
16 seven day -- calendar day rescission period after  
17 requesting the Company's Standard Service Offer. Do  
18 you see that in the tariff?

19 A. Yes.

20 Q. In fact, only CRES providers can be  
21 assessed the \$5 charge described in the last  
22 paragraph on Sheet No. 103-23, correct?

23 A. Correct.

24 Q. In your testimony, and I think you  
25 repeated it a few minutes ago, you state that

1 customers who default to the Standard Service Offer  
2 are generally dropped by a CRES provider. Would you  
3 agree with me there is no discussion in the Staff  
4 Report as to the number of customers that are  
5 returned to the Standard Service Offer either  
6 electively or non-electively?

7 A. I agree that's not in the Staff Report.

8 Q. I would like to return to your prefiled  
9 testimony, Staff Exhibit 3.

10 A. Which page?

11 Q. Turn your attention to page 6. On page 6  
12 you address the objections concerning the Retail  
13 Reconciliation Rider and the Standard Service Credit  
14 Offer -- Credit Rider, correct?

15 A. Correct.

16 Q. Now, as they say in the business, this is  
17 not your first rodeo testifying on the unbundling of  
18 distribution-related charges for provision of service  
19 of the Standard Service Offer, correct?

20 A. I have testified on this issue  
21 previously, yes.

22 Q. On one occasion you testified in a Duke  
23 application, correct?

24 A. Correct.

25 Q. And you've also testified to this in the

1 last litigated rate case for Dayton Power and Light,  
2 Case No. 15-1830, correct?

3 A. Correct.

4 Q. I would like to start out with a common  
5 understanding with you about the costs that you  
6 believe are related to the Standard Service Offer  
7 that are collected in distribution rates. You  
8 believe that there are embedded distribution costs  
9 needed to interact with Standard Service Offer  
10 customers, correct?

11 A. Correct.

12 Q. And one of those embedded costs related  
13 to the provision of the Standard Service Offer that  
14 is recovered in distribution rates is associated with  
15 the call center, correct?

16 A. Yes. It could be.

17 Q. I'm sorry?

18 A. It could be. I -- I haven't seen  
19 anything from any company yet to quantify any of that  
20 yet, but there could be, yes.

21 Q. If the PUCO approves the recommendation  
22 to set the Retail Reconciliation Rider at zero, the  
23 embedded costs of the call center to support the  
24 Standard Service Offer would be collected in  
25 distribution rates, correct?

1           A.    Yes, as would the embedded CRES costs  
2 embedded in the call center too.

3           MR. DARR:  I move to strike everything  
4 after "yes," not responsive to the question.

5           MR. MARGARD:  Your Honor, the witness is  
6 merely being complete in his response.

7           EXAMINER PARROT:  Sorry.  I am having a  
8 little lag there.  Motion is denied, Mr. Darr.

9           Q.    (By Mr. Darr) Another one of the costs  
10 necessary to support the Standard Service Offer is  
11 related to information technology resources of Ohio  
12 Power, correct?

13          A.    Correct.

14          Q.    If the PUCO approves the recommendation  
15 to set the Retail Reconciliation Rider at zero, the  
16 embedded costs of information technology to support  
17 the Standard Service Offer would be collected in  
18 distribution rates, correct?

19          A.    Correct.

20          Q.    Another cost recovered in distribution  
21 rates used to support the Standard Service Offer are  
22 legal costs, correct?

23          A.    Correct.

24          Q.    And if the PUCO approves the  
25 recommendation to set the Retail Reconciliation Rider

1 at zero, the embedded costs of legal services to  
2 support the Standard Service Offer would be collected  
3 in distribution rates, correct?

4 A. As would the embedded legal costs for  
5 CRES activities, too, yes.

6 Q. Another cost recovered in distribution  
7 rates is regular -- are regulatory costs, correct?

8 A. Correct.

9 Q. And if the PUCO approves the  
10 recommendation to set the Retail Reconciliation Rider  
11 at zero, the embedded costs of regulatory services to  
12 support the Standard Service Offer would be collected  
13 in distribution rates, correct?

14 A. Correct. As would the embedded costs of  
15 CRES regulatory expenses would be also collected in  
16 distribution rates too.

17 Q. And would you agree with me that there  
18 are costs associated with accounting used to support  
19 the Standard Service Offer that are collected in  
20 distribution rates?

21 A. Yes, I would.

22 Q. If the PUCO approves the recommendation  
23 to set the Retail Reconciliation Rider at zero, the  
24 embedded costs of accounting services used to support  
25 the Standard Service Offer would be included or

1 collected in distribution rates, correct?

2 A. Correct; as would CRES-related expenses  
3 would be collected in distribution rates too.

4 Q. It would also be necessary to have some  
5 administrative support for legal, regulatory,  
6 accounting, and information technology personnel that  
7 we're talking about, correct?

8 A. Correct.

9 Q. And when everyone is not sent home due to  
10 the COVID emergency, there's physical plant in the  
11 form of office space, desks and chairs, computers,  
12 and so forth that would be used to support those  
13 employees, correct?

14 A. Correct.

15 Q. Do you know the amount of the call  
16 center-related costs needed to interact with Standard  
17 Service Offer customers that are embedded in the  
18 distribution rates that are proposed in this case?

19 A. No.

20 Q. Do you know the amount of information  
21 technology costs needed to support SSO services that  
22 are embedded in the distribution rates that are  
23 proposed in this case?

24 A. No.

25 Q. Do you know the amount of legal costs

1 needed to provide SSO service that are embedded for  
2 recovery in the distribution rates proposed in this  
3 case?

4 A. No.

5 Q. Do you know the amount of regulatory  
6 costs to provide Standard Service Offer service that  
7 are proposed to be recovered in distribution rates  
8 proposed in this case?

9 A. No.

10 Q. Do you know the amount of administrative  
11 costs to provide Standard Service Offer service that  
12 are proposed to be recovered in distribution rates in  
13 this case?

14 A. No.

15 Q. Do you know the amount of physical plant  
16 used to provide Standard Service Offer service that  
17 is recovered in distribution rates proposed in this  
18 case?

19 A. No.

20 Q. To borrow from the language contained in  
21 the Order in Case No. 16-1852 at page 99, Ohio Power  
22 was directed to analyze the costs -- the actual costs  
23 of providing Standard Service Offer generation  
24 service, correct?

25 A. Could you let me pull that Order up and

1 get the line on that?

2 Q. Sure. 16-1852, page 99.

3 MR. NOURSE: Opinion and Order or  
4 rehearing?

5 MR. DARR: Opinion and Order.

6 A. Page 99, you say?

7 Q. Yes.

8 A. Page 99, I'm there. What was the  
9 question?

10 Q. Yeah. Ohio Power was directed to analyze  
11 its actual costs of providing SSO generation service,  
12 correct?

13 A. They are directed to analyze their costs,  
14 yes.

15 Q. Now, I would like to turn to page 31 of  
16 the Staff Report. Do you have that in front of you?

17 A. Yes.

18 Q. The Staff Report states, quote, Ohio  
19 Power is proposing two riders to account for the  
20 differences. Do you see that?

21 A. In the Staff Report?

22 Q. Yes. Page 31.

23 A. Yes.

24 Q. Okay. Now, in fact, the riders already  
25 existed as a result of prior Commission decisions,



1 correct?

2 A. Correct.

3 Q. The point of the analysis in this case  
4 was to determine whether it was necessary to  
5 reallocate costs between shopping and nonshopping  
6 customers in order to ensure that Ohio Power's rates  
7 were fair and reasonable for all customers, correct?

8 A. Yes.

9 Q. You're familiar with the fact that the  
10 Retail Reconciliation Rider and the SSO Credit Rider  
11 were approved terms of a Stipulation that were --  
12 that sought to resolve Case No. 14-1639-EL-RDR?

13 MR. MARGARD: If you know.

14 A. Yes, I wasn't involved in the case, but I  
15 am aware that there was a Stipulation that had such  
16 riders in it and had costs assigned to it.

17 MR. DARR: I would like to have marked.  
18 I'm sorry. Go ahead.

19 A. And the Commission rejected it because  
20 there wasn't enough information, the same reason we  
21 rejected it again, we didn't have enough -- there is  
22 not a thorough analysis to differentiate between CRES  
23 customers and SSO customers.

24 MR. DARR: I would like you to turn your  
25 attention -- well, first of all, I would like to have

1 marked as IGS Exhibit 12 which is the Stipulation in  
2 Case No. 16-1852.

3 EXAMINER PARROT: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 Q. (By Mr. Darr) Mr. Smith, do you have  
6 what's been marked as IGS Exhibit 12 in front of you?

7 A. I'm opening it now. Yep.

8 Q. And this may shorten the  
9 cross-examination substantially, but I'll ask, did  
10 you review this Stipulation as part of your  
11 investigation in this matter?

12 A. I did not.

13 Q. So is it fair to say you cannot -- apart  
14 from a quick read through, you don't have any  
15 personal understanding of what's contained in that  
16 Stipulation?

17 A. No, I didn't participate in that case.

18 Q. Is it fair to say that -- well, let's  
19 return to page 31 of the Staff Report.

20 A. Okay.

21 Q. It states in the third paragraph on  
22 page 31 that the Staff rejects recommendation of --  
23 recommends rejection of both riders, correct?

24 A. Well, populating both riders, yes.

25 Q. Okay. And that's the distinction, isn't

1 it? You are not asking that the riders be  
2 terminated, correct?

3 A. Correct.

4 Q. Instead you are asking --

5 A. What --

6 Q. Instead you are asking that the riders be  
7 set at zero, correct?

8 A. Correct.

9 Q. Was there something else you wanted to  
10 add your answer?

11 A. No. We -- we recommended them at zero  
12 because we can't differentiate, like the last time we  
13 tried this, the Commission couldn't differentiate  
14 service between CRES and SSOs to populate them with  
15 an accurate number. So you can't -- I can't populate  
16 them with an inaccurate number.

17 Q. Well, at this point the Commission hasn't  
18 made a decision on that, correct?

19 A. No. It's just what they made in the  
20 last -- last case, the 16 case, is why. It was part  
21 of the Stipulation and they pulled it out.

22 Q. Right. And in this case we have a  
23 recommendation by the Staff at this point, but no  
24 Commission decision, correct?

25 A. Correct. And the recommendation is the

1 same as what the Commission requested in the last  
2 Opinion and Order.

3 Q. Well, again, being particular about  
4 language, it's what the Commission ordered in the  
5 last Order, but what the Staff has done is made a  
6 recommendation here, correct?

7 A. Correct.

8 Q. Returning to the Staff Report at page 31,  
9 I want to get into what you just raised which is that  
10 the Staff -- concerning what the Staff did with  
11 regard to its review of what Ohio Power presented in  
12 its Application. In the third paragraph it states  
13 the Staff -- excuse me. The third paragraph states  
14 Ohio Power did not examine all cost causation  
15 factors, correct?

16 A. Correct.

17 Q. Did you or someone on the Commission  
18 Staff participate in the meetings in which Ohio Power  
19 reviewed the costs embedded in distribution rates?

20 A. I did not.

21 Q. Are you aware of anyone else on Staff who  
22 did?

23 A. That reviewed the cost of service?

24 Q. No. That's not what I asked.

25 Did you or someone on the Commission

1 Staff participate in meetings in which Ohio Power  
2 reviewed the costs embedded in distribution rates?

3 MR. NOURSE: I object. I don't know -- I  
4 don't understand the question. Are you referring to  
5 Mr. Roush's original testimony in this case leading  
6 up to that?

7 MR. DARR: No.

8 MR. NOURSE: Are you talking about  
9 settlement or something else?

10 MR. DARR: The Staff in the Staff Report  
11 has asserted that Ohio Power did not examine all  
12 costs. All cost causation factors. I am trying to  
13 determine how the Commission Staff was able to make  
14 that conclusion.

15 Q. (By Mr. Darr) So my question again is,  
16 did Ohio -- did Commission Staff participate in Ohio  
17 Power meetings that reviewed the costs embedded in  
18 distribution rates?

19 A. We didn't participate in meetings. I  
20 issued data requests.

21 Q. Turning to your testimony at page 7,  
22 line 17, you also state that Ohio Power did not  
23 conduct or provide a cost-of-service study that  
24 identified either costs -- either costs or services  
25 to differentiate between customers with a CRES

1 provider and those with SSO service, correct?

2 A. Yes. Through data requests, they  
3 couldn't differentiate between the services or the  
4 costs of SSO, other than what they did in their  
5 Application, and CRES services.

6 Q. And am I correct that the data request  
7 issued by Staff concerning the SSO rider and the  
8 Retail Reconciliation Rider are Data Requests 107  
9 through 109 which have been previously marked as IGS  
10 Exhibits 13, 14, and 15?

11 A. Yes, I believe that's -- those are the  
12 data requests.

13 Q. I would like to have you take a look at  
14 IGS Exhibit 13 which is the response to Data Request  
15 107.

16 A. Okay.

17 Q. In this data request, parts A through F  
18 asked for the mechanism in current rates to collect  
19 billing, call center, regulatory, legal, information  
20 technology, and accounting expenses, correct?

21 A. Correct.

22 Q. In some instances such as part C and D,  
23 the data requests differentiate between support for  
24 SSO services and support for CRES services, correct?

25 A. Correct.

1 Q. In the responses, Ohio Power indicates  
2 that all of these expenses are recovered through  
3 distribution rates, correct?

4 A. Correct.

5 Q. Turning your attention to IGS Exhibit 14  
6 which is the response to Data Request 108. Do you  
7 have that in front of you?

8 A. Yeah. Yeah. I have to blow it up,  
9 sorry.

10 Q. Okay.

11 A. I got it.

12 Q. In parts A and B of Data Request 108  
13 which is IGS Exhibit 14, the Staff requests the cost  
14 of service identifying the customer-related costs  
15 required to provide Standard Service Offer service  
16 and CRES service, correct?

17 A. Correct.

18 Q. And in the response, Ohio Power provides,  
19 in part, that the requested information is located in  
20 Exhibit DMR-2 attached to Mr. Roush's testimony in  
21 support of the Application, correct?

22 A. Correct.

23 Q. Do you have IGS 3, Exhibit 3, in front of  
24 you?

25 A. I don't think I got 3.

1 MR. DARR: Can we go off the record for a  
2 second?

3 EXAMINER PARROT: Yes.

4 (Discussion off the record.)

5 MR. DARR: Back on, your Honor?

6 EXAMINER PARROT: Yes.

7 Q. (By Mr. Darr) Mr. Roush -- Mr. Roush.  
8 I'm sorry.

9 Mr. Smith, do you have in front of you  
10 IGS Exhibit 3 which is David Roush's testimony in  
11 support of the Application?

12 A. I do.

13 Q. And actually at this point it's a portion  
14 of the testimony because of the limiting instruction  
15 just to make sure the record is clear on that.

16 Sorry. I direct your attention to the attachment to  
17 that testimony which is identified as Roush Exhibit  
18 DMR-2.

19 A. Yep. I have it.

20 Q. Am I correct that this exhibit identifies  
21 approximately \$4.1 million in directly-assigned costs  
22 associated with the provision of the Standard Service  
23 Offer?

24 A. Did you say 4.1?

25 Q. Yes.



1 A. Mine suggests it's 4.7.

2 Q. It may have been a typo on my part.

3 It also identifies, in lines 12 through  
4 15, that there are additional qualitative costs  
5 associated with the provision of the Standard Service  
6 Offer, correct?

7 A. Yes.

8 Q. And these additional qualitative costs  
9 include legal, regulatory, accounting, call center,  
10 and general plant, correct?

11 A. Correct.

12 Q. Now, turning your attention again to IGS  
13 Exhibit 14 which is Data Request 108.

14 A. Hold on. IGS 14?

15 Q. Yes, IGS 14.

16 A. Yeah.

17 Q. Staff requested in part N, as in Nancy,  
18 of the data request, that Ohio Power identify the  
19 difference in costs between shopping and nonshopping  
20 customers in the provision of distribution service,  
21 correct?

22 A. Correct.

23 Q. And the response to that request in  
24 part N, Ohio Power again pointed to Exhibit DMR-2 and  
25 stated that this document captured the differences,

1 correct?

2 A. Correct.

3 Q. Having received this response from Ohio  
4 Power, the Staff has concluded, as the Staff states  
5 in the Staff Report, that Ohio Power did not examine  
6 all the cost causation factors. Are we to understand  
7 from the Staff Report that the Staff believes that  
8 Ohio Power did not comply with the Commission's order  
9 to analyze the costs to provide Standard Service  
10 Offer service that are currently collected or being  
11 collected in distribution rates?

12 MR. HEALEY: Objection.

13 EXAMINER PARROT: Grounds?

14 MR. HEALEY: Whether or not Ohio -- AEP  
15 complied with the Commission order would be a legal  
16 conclusion that Mr. Smith is not here to testify on.

17 MR. DARR: And I did not ask for him to  
18 give a legal conclusion. I asked if it was the  
19 Staff's opinion.

20 EXAMINER PARROT: With that  
21 clarification, Mr. Smith, you may answer the  
22 question.

23 A. Could you repeat the question again?

24 Q. Sure.

25 The Staff has indicated in the Staff

1 Report that Ohio Power did not examine all cost  
2 causation factors. Are we to understand from the  
3 Staff Report that the Staff believes that Ohio Power  
4 did not comply with the Commission's order to analyze  
5 the costs to provide SSO service that are currently  
6 being collected in distribution raise?

7 A. No. Staff believes the Company attempted  
8 to comply with the order as best they could.

9 Q. Is it fair to say that the Staff has not  
10 attempted to conduct the analysis of the costs to  
11 provide SSO service that are currently being  
12 collected in distribution rates?

13 A. Correct.

14 Q. Is it also fair to say that the Staff has  
15 not attempted to conduct an analysis of the amounts  
16 that would be collected to support SSO service in  
17 distribution rates under the proposed rates?

18 A. Correct.

19 Q. Turning to your testimony on page 9,  
20 line 13.

21 A. Yep.

22 Q. You state that distribution rates are not  
23 to be unbundled simply because the Company interacts  
24 with a non-jurisdictional entity as part of its  
25 distribution function. What is referred to in that

1 statement as a non-jurisdictional entity?

2 A. For this case -- I mean generally a  
3 generation supplier.

4 Q. Are you suggesting that CRES providers  
5 are not considered jurisdictional?

6 A. Well, they are jurisdictional but they  
7 are not within our -- their rates aren't  
8 jurisdictional.

9 Q. So is the qualification here that a  
10 non-jurisdictional entity, for purposes of this  
11 sentence, is an entity that does not have  
12 Commission-regulated rates?

13 A. Yes.

14 Q. And could you point me to who is  
15 advocating that rates should be unbundled because  
16 Ohio Power interacts with non-jurisdictional  
17 entities?

18 A. I believe that's the position of IGS.

19 Q. That would be your characterization,  
20 correct?

21 A. Correct.

22 Q. On page --

23 A. Unbundling --

24 Q. I'm sorry, I didn't catch the last part  
25 of it.

1           A.    My -- yes, that IGS is requesting  
2 unbundling of generation and distribution rates.

3           Q.    On line 17, you go on to state, and again  
4 this is on page 9, that distribution utilities cost  
5 and unwanted risk to provide SSO service is a  
6 distribution function that should be socialized in  
7 rates. Based on this statement, it is clear that you  
8 believe there are some costs associated with  
9 provision of SSO service that are embedded in Ohio  
10 Power's distribution rates, correct?

11          A.    Correct, as I believe there are some  
12 costs and probably an equal amount of costs of CRES  
13 costs also embedded in the distribution rates.

14          Q.    Yeah, I believe you've stated that, by my  
15 count, five times now, correct?

16          A.    I don't know. You're counting. I'm not.

17          Q.    Would you agree that the revenues  
18 provided for in the Stipulation for distribution  
19 services are proposed to be compensatory, just, and  
20 reasonable?

21          A.    Could you repeat your question again?

22          Q.    Sure.

23                Would you agree with me that the Staff  
24 believes that the revenues provided for in the  
25 Stipulation for distribution services are

1 compensatory, just, and reasonable?

2 A. I am not sure about the word  
3 "compensatory," but just and reasonable, yes.

4 Q. Let's attack it this way. You have some  
5 question about the rates being compensatory. Do you  
6 believe that the rates or revenues proposed to be  
7 recovered in this case are insufficient to cover the  
8 costs incurred by Ohio Power in the provision of  
9 distribution service?

10 A. No, I believe the rates, that they can  
11 recover these costs, yes.

12 Q. So would that satisfy you that the Staff  
13 believes that the revenues being proposed in this  
14 case are compensatory?

15 A. Yes.

16 Q. Now, with regard to the Reconciliation  
17 Rider and the Standard Service Offer rider, you  
18 understand that whatever revenue requirement ends up  
19 being approved, Ohio Power would be made whole by the  
20 positive amount collected under the revenue under the  
21 retail revenue -- Retail Reconciliation Rider and the  
22 offset in the Standard Service Offer Credit Rider?

23 A. Yes. That -- that's a wash for the  
24 Company, yes.

25 Q. Further, as approved by the Commission,

1 the rider is trued up to assure that there is no  
2 shortfall in recovery and crediting of the  
3 SSO-related costs, correct?

4 A. Correct.

5 Q. So to the extent that there is some  
6 provider-of-last-resort cost embedded in distribution  
7 rates, that cost would be recovered by Ohio Power,  
8 correct?

9 A. Correct.

10 Q. So is it fair to say that the only reason  
11 for making the point regarding the provider-of-last  
12 resort obligation that you make in line 17 is to  
13 advance your position that the embedded costs needed  
14 to interact with the Standard Service Offer customers  
15 should be socialized?

16 A. My -- they should be socialized because  
17 there's an equal amount of CRES costs and there's no  
18 reason to differentiate between the two.

19 Q. Going back to my question which goes to  
20 whether or not it should be socialized. You  
21 understand that socializing these costs would spread  
22 them out against all customers, correct?

23 A. That -- the reason we go there is because  
24 all customers can be on the SSO or it can be --  
25 receive the generation from a supplier, so there's --

1 it can be on both at the same time. All customers  
2 can participate in both the SSO and, thus, they all  
3 should be -- pay for it, just like they all can  
4 participate in CRES and they should all pay for the  
5 functionalization of that too.

6 Q. Embedded in your response, I think, was  
7 the answer to my question, but let's make sure the  
8 record is clear.

9 By socializing the costs, you mean that  
10 all customers should pay a portion of those costs,  
11 correct?

12 A. Correct.

13 Q. So the treatment of the costs related to  
14 the provision of the SSO would be spread out over all  
15 customers rather than being assigned or allocated to  
16 SSO customers, correct?

17 A. Well, not all costs. I mean, the costs,  
18 the actual commodity costs, no, because those are  
19 direct costs, but all indirect costs, yes.

20 Q. And when you refer to "indirect costs,"  
21 you're referring to costs other than those collected  
22 in the generation rider for energy and capacity and  
23 the auction recovery rider, correct?

24 A. Yeah. I think there's a renewable one in  
25 there too, but yes.



1 Q. Yes. Good clarification. Thank you.

2 MR. DARR: I apologize, your Honor. We  
3 had -- there we go. I lost one of my monitors there  
4 for a second.

5 Q. (By Mr. Darr) I would like you to turn to  
6 page 10, line 8 of your testimony.

7 A. Yes.

8 Q. You state there that there is no reason  
9 to functionalize customers by generation provider.  
10 Do you see that?

11 A. Yes.

12 Q. And what do you mean by functionalizing  
13 customers?

14 A. I think this is in response to IGS's  
15 proposal to -- to differentiate that the services are  
16 the same services. In other words, if you are a CRES  
17 provider or you are an SSO customer, you receive the  
18 same service from the distribution company. So there  
19 is no differentiation in service and you can be  
20 participating in both services at any particular  
21 point in time.

22 Q. Turning your attention to your -- I'm  
23 sorry. Go ahead.

24 A. That you wouldn't need to drill down to  
25 another level of separating out where you get your

1 generation because the service is the same.

2 Q. Turning your attention to your testimony  
3 on page 8, where you respond to an objection by Ohio  
4 Partners for Affordable Energy to the Staff Report's  
5 failure to recommend socializing auction costs. Do  
6 you see that?

7 A. Yes.

8 Q. You state that bidding costs are part of  
9 the cost of SSO generation and are directly connected  
10 to the procurement of generation for the Standard  
11 Service Offer and cost causation principles should  
12 apply here. Do you see that?

13 A. Yes.

14 Q. The auction costs that are being  
15 addressed in this objection by OP&E are collected  
16 through the Auction Cost Recovery Rider, correct?

17 A. That's my understanding, yes.

18 Q. And the Auction Cost Recovery Rider is a  
19 bypassable rider, correct?

20 A. Correct.

21 Q. And that rider is only applicable to  
22 customers that are provided service under the  
23 Standard Service Offer, correct?

24 A. Correct.

25 Q. You note on page 10, line 11, that the

1 accounting systems of Ohio Power Company are not  
2 designed to assist in functionalizing possible  
3 associated generation costs within the distribution  
4 system. Do you see that?

5 A. Correct.

6 Q. Initially I want to focus on your term --  
7 use of the term "possible costs" in that statement.  
8 Going back to where we started when we started to  
9 look at this question of unbundling, we've already  
10 agreed there are call center, legal, regulatory,  
11 accounting, information technology, administrative,  
12 and general plant costs embedded -- related to the  
13 provision of the SSO that are embedded in  
14 distribution rates, correct?

15 A. Correct. Those are possible costs.

16 Q. So the reason the Staff or Ohio Power  
17 cannot properly identify these costs is because the  
18 accounting systems don't work?

19 A. It's not that the accounting systems  
20 don't work. They were never -- they were never  
21 designed -- well, based on the data responses that I  
22 received, they can't track or differentiate between  
23 somebody who is on SSO service versus CRES service;  
24 and if you can't differentiate the services through  
25 your accounting systems, then you can't respond to

1 our data request in order to figure out what the  
2 actual costs are. So if you can't -- they weren't  
3 designed that way because they were never set up that  
4 way when they were vertically integrated in the first  
5 place. You wouldn't -- they weren't designed that  
6 way because -- I get very little response back from  
7 any company because they were never designed that  
8 way.

9 Q. Wasn't the point of directing Ohio Power  
10 to conduct an analysis to look into the accounts and  
11 determine what the costs, which you say exist, were?

12 A. And from the responses, they couldn't  
13 identify any because they -- you would have to ask  
14 the Company but generally they -- their responses are  
15 they can't track it. If they can't track it, I can't  
16 analyze what I can't -- they can't identify it.

17 Q. Turning your attention to your testimony  
18 on page 8, line 7, you state that "The Company has  
19 since the beginning of the competitive market needed  
20 to invest in processes, people, and plant to create  
21 the functionality to operate in a competitive  
22 generation market."

23 So is it the Staff's understanding that  
24 Ohio Power has invested in all the things needed to  
25 make a competitive market work, but has neglected

1 creating an accounting system that properly tracks  
2 the cost to provide the Standard Service Offer?

3 A. No. That's not what it says.

4 Q. No, I am asking you the question. Is  
5 that -- is that your -- the conclusion that you are  
6 offering in this? The Company can't track the costs,  
7 correct?

8 A. The Company can't track the costs and  
9 they also can't differentiate between the services.  
10 And the reason you want to track the costs is there  
11 is a difference in services. If there's no  
12 difference in services, then they don't have an  
13 initiative -- a reason to track the costs.

14 Q. Other than a Commission Order, Mr. Smith?

15 A. The Commission Order wasn't to track the  
16 costs or build a new accounting system; the  
17 Commission Order was to analyze it. And they  
18 analyzed it and came back and couldn't differentiate  
19 between the two.

20 Q. Returning to your testimony on page 10,  
21 you state that the Staff does not advocate guessing,  
22 and that the cost of assigning -- that the problem of  
23 assigning costs is difficult, correct?

24 A. Correct.

25 Q. You're familiar with the use of

1 allocation factors in the cost-of-service study,  
2 correct?

3 A. Correct.

4 Q. You understand that an allocation factor  
5 is an estimate of the costs that is assigned to  
6 particular classes of customers, correct?

7 A. Yes.

8 Q. On line 17 of page 10, you use the term  
9 "illusionary costs." Are you suggesting these costs  
10 are somehow magical?

11 A. I am -- I'm suggesting they are not  
12 quantifiable and they haven't been defined and they  
13 haven't been differentiated between the two services.

14 Q. So these costs are neither illusionary or  
15 illusory, correct?

16 A. Well, if you -- if you can't define them  
17 and you can't quantify them, they are illusionary,  
18 they are nonexistent.

19 Q. Haven't we already agreed, sir, that  
20 the -- that there are embedded in distribution rates,  
21 call center costs, legal and regulatory, accounting,  
22 information technology, administrative, and general  
23 plant costs that are collected in distribution rates?

24 A. Yes, but you can't quantify how much it  
25 is. And you don't have any time series to show which

1 is which.

2 Q. Finally, I want to turn your attention to  
3 the portion of your testimony that begins on page 11,  
4 concerning Staff experience with CRES providers.  
5 Could you turn to that, please.

6 A. Sure.

7 Q. Are you there, Mr. Smith?

8 A. Yes.

9 Q. You do not share any data regarding  
10 Staff's experience about the utilization of Ohio  
11 Power's resources by shopping and nonshopping  
12 customers, correct?

13 A. Could you repeat that question?

14 Q. Sure.

15 You do not share any data regarding the  
16 Staff's experience about the utilization of Ohio  
17 Power's resources by shopping and nonshopping  
18 customers; is that correct?

19 A. I didn't share any data? With the  
20 Company?

21 Q. No. In your testimony. Is there  
22 anything in your testimony that indicates how much of  
23 Ohio Power's utilize -- resources are used by  
24 shopping and nonshopping customers?

25 A. No. That was a reference to the

1 Commission's experiences with shopping and  
2 nonshopping, and the Commission receives far more  
3 interactions with CRES customers than default  
4 customers on -- on their issue of generation.

5 Q. Does AEP Ohio market the Standard Service  
6 Offer, if you know?

7 A. I don't know.

8 Q. Did you observe call center activities at  
9 Ohio Power as part of your investigation in this  
10 case?

11 A. Not as part of the investigation in this  
12 case.

13 Q. Now, I want to turn to the third  
14 interrogatory that the Staff issued in its  
15 investigation of the Retail Reconciliation Rider and  
16 the Standard Service Offer Credit Rider. Staff made  
17 an inquiry into the number of -- into complaint  
18 tracking by Ohio Power as part of the investigation,  
19 correct?

20 A. Correct.

21 Q. And that interrogatory is identified as  
22 IGS Exhibit 15, Data Request 109, correct?

23 A. Hold on. Yep.

24 Q. In Data Request 109, the Staff asked for  
25 the number of customer complaints registered in the



1 complaint tracking system related to Better Business  
2 Bureau and PUCO inquiries received in 2018, 2019, and  
3 the first six months of 2020, correct?

4 A. Correct.

5 Q. And these complaints were related to  
6 customer choice, correct? Or, excuse me, to electric  
7 choice.

8 A. Yes.

9 Q. And so we have a common understanding,  
10 what did you mean by "electric choice" in this data  
11 request?

12 A. Electric choice.

13 Q. No, that's defining it by its own term.  
14 What did you mean by "electric choice"? I don't  
15 understand.

16 A. More broad -- I mean, more broadly  
17 generation.

18 Q. So it could have encompassed any question  
19 with regard to selection of an electric generation  
20 provider?

21 A. Well, from a government aggregation  
22 question, to a CRES question, to -- yes.

23 Q. In response, the Company identified 144  
24 such complaints in 2018, correct?

25 A. Yes.

1 Q. And it identified 200 -- excuse me, 244  
2 such complaints in 2019, correct?

3 A. Correct.

4 Q. And it identified 104 such complaints in  
5 the first six months of 2020, correct?

6 A. Correct.

7 Q. Are you familiar with the fact that the  
8 annual report of the PUCO reported that in 20 --  
9 fiscal year 2020, it received 56,845 customer  
10 inquiries?

11 MR. HEALEY: Objection.

12 EXAMINER PARROT: Basis, Mr. Healey?

13 MR. HEALEY: One, assumes facts not in  
14 evidence. Two, Mr. Darr is trying to introduce his  
15 own evidence through a document that's not been  
16 presented to a witness. It would be hearsay as well.

17 MR. NOURSE: The Company concurs.

18 MR. DARR: Clearly it's not hearsay  
19 because it's a government statement in a government  
20 document that's required to be reported so it voids  
21 the hearsay exception. No. 2, I asked for his  
22 knowledge, not -- and I am not asking for him to --  
23 all I'm asking is if he is aware of that report or  
24 not. If he's not, then we will leave it at that.

25 MR. HEALEY: There is no evidence that

1 any such report exists in the record in this case;  
2 nothing has been marked. For all we know, Mr. Darr  
3 could be making this all up. If he has a document,  
4 he can mark it and ask the witness if he has  
5 foundation for that document and we can proceed, but  
6 just taking Mr. Darr's word for statistics that he is  
7 trying to get into the record as an attorney is not  
8 how evidence gets into the record.

9 EXAMINER PARROT: Let's back up a little,  
10 Mr. Darr, and lay a little foundation; see if the  
11 witness is even aware of the document.

12 MR. DARR: Okay. Happy to do so, your  
13 Honor.

14 EXAMINER PARROT: Thank you.

15 Q. (By Mr. Darr) Are you aware that the  
16 Public Utilities Commission of Ohio annually issues a  
17 report of its proceedings, called an annual report,  
18 that is available for fiscal year 2020?

19 A. I've never seen the report, no.

20 Q. Do you have any personal knowledge as to  
21 the number of complaints that -- complaints or  
22 customer contacts that the call center at the PUCO  
23 receives on a -- an annual basis?

24 A. I couldn't give you a total number, no.

25 Q. Would it be fair to say it exceeds 200?

1 A. Yes.

2 Q. Would it be fair to say it exceeds 1,000?

3 A. Yes.

4 Q. Would it be fair to say it exceeds  
5 10,000?

6 A. That I don't know.

7 Q. In -- if we look at part M of DR-108,  
8 which has been marked as IGS Exhibit 14, Staff  
9 requested that Ohio Power provide a list of all Ohio  
10 Power's call center reports, correct?

11 A. Correct.

12 Q. In response, Ohio Power provided a  
13 summary contained in what's described as Attachment 4  
14 to DR-45, which yesterday we corrected to be  
15 DR-45-108, correct?

16 A. Correct.

17 Q. Do you have in front of you what's been  
18 previously marked as IGS Exhibit 16?

19 A. I have it in front of me now.

20 Q. Okay. If we turn to page 2 of IGS  
21 Exhibit 16, we find a list of reasons for a customer  
22 contact, correct?

23 MR. MARGARD: Page 3, Mr. Darr?

24 MR. DARR: Okay. Yeah, it is page 3 of  
25 that exhibit. I have two printouts. One is one page

1 shorter.

2 MR. MARGARD: Because page 2 is blank.

3 MR. DARR: Yeah.

4 A. Yes, I have page 3 open.

5 Q. Okay. And on page 3, we have a list of  
6 the main reasons for contacts with the Ohio Power  
7 call center, correct?

8 A. Correct.

9 Q. And if we look on the right side of the  
10 page, we see a No. 14083. Do you see that?

11 A. No.

12 Q. Right underneath the label that says  
13 Ohio Power Case No. 20-585?

14 A. No, I am not seeing it. On page 3?

15 Q. Yes.

16 A. Oh, I see it. I see it.

17 Q. Just to confirm the document that you  
18 have in front of you lists the No. 14083, correct?

19 A. Correct.

20 Q. Now, if we turn to the last page of  
21 Attachment 4, IGS Exhibit 16, we see a row labeled  
22 "Total," correct?

23 A. Correct.

24 Q. And this table is -- or purports to be a  
25 summary of all the particular customer contacts,

1 correct?

2 A. Correct.

3 Q. And would you agree with me that the  
4 total count of customer contacts is 14,048 -- excuse  
5 me, 14,000 -- yeah, 14,048?

6 A. I agree that's the number on that sheet.  
7 I can't substantiate -- I didn't produce the numbers.

8 Q. I understand that. Did you investigate  
9 as to the accuracy of those numbers?

10 A. No.

11 Q. There is nothing on page 3 of this  
12 exhibit that identifies whether the contact is from a  
13 shopping or nonshopping customer, correct?

14 A. Correct.

15 Q. And again turning to pages 4 and 5 where  
16 we find the data underlying page 2, there is nothing  
17 on those pages that identifies whether the contact is  
18 from a shopping or nonshopping customer, correct?

19 A. Correct.

20 Q. And to summarize, neither the complaint  
21 data that's identified on IGS Exhibit 15, nor the  
22 data that's identified on IGS 16, indicates how many  
23 calls the call center receives or that are tracked by  
24 the Company concerning SSO service and how many calls  
25 it receives or tracks that concern CRES service,

1 correct?

2 A. Correct.

3 Q. Do you believe that the Ohio Power call  
4 center is charged with addressing questions or  
5 complaints of customers concerning their CRES  
6 providers?

7 A. I believe they hear complaints about the  
8 CRES providers. Whether they are charged with  
9 resolving them, no.

10 Q. Is it fair to say that it is not the role  
11 of the electric distribution utility call center to  
12 provide information or to market offers by CRES  
13 providers?

14 A. That's fair to say, yes.

15 MR. DARR: Thank you, Mr. Smith. I have  
16 nothing further at this time.

17 EXAMINER PARROT: All right. Let's go  
18 off the record.

19 (Discussion off the record.)

20 (Thereupon, at 1:29 p.m., a lunch recess  
21 was taken.)

22 - - -

23

24

25

1 Thursday Afternoon Session,  
2 May 13, 2021.

3 - - -

4 EXAMINER PARROT: We've had a lunch  
5 recess. We are going to continue with Mr. Smith and  
6 then our last Staff witness, and then I believe we  
7 will try to also work Mr. Rinebolt in this afternoon  
8 as well, so that's kind of where we are at with  
9 things.

10 Mr. Settineri, I will hand it over to  
11 you, I believe.

12 MR. SETTINERI: Thank you, your Honor.

13 - - -

14 CROSS-EXAMINATION

15 By Mr. Settineri:

16 Q. Good afternoon, Mr. Smith. I hope you  
17 are doing well.

18 A. I am. Thanks.

19 Q. I'm going to ask you questions about a  
20 couple of your objections. If you could turn to  
21 page 16 of your direct testimony, please.

22 A. Yes.

23 Q. All right. And looking at your answers,  
24 starting with the answer to Question 21, you state  
25 that Staff focused the operations and process review



1 on different processes as parts of its investigation.  
2 Staff chose the vegetation management program and the  
3 capital spares program in this case. Now, you were  
4 not involved in the Staff's review in these  
5 proceedings of AEP's Ohio operations and processes,  
6 were you?

7 A. No, I was not.

8 Q. Okay. And you are aware that Staff's  
9 operations review in these proceedings focused on  
10 just two of the AEP programs, the vegetation  
11 management program and the capital spares program,  
12 correct?

13 A. Correct.

14 Q. Okay. And review of those two programs  
15 would not include an operations and process review of  
16 AEP's practices with customer requests to purchase  
17 AEP infrastructure, correct?

18 A. Could you repeat your question?

19 Q. Sure.

20 The -- the review of those two programs  
21 would not include an operations and process review of  
22 AEP's practices for customer requests to purchase AEP  
23 infrastructure, correct?

24 MR. MARGARD: If you know.

25 A. Correct. It wouldn't include that, no.

1 MR. SETTINERI: And I am here, your  
2 Honor. I'm having an issue with connectivity again.  
3 Bear with me, please. All right. And I just wanted  
4 to do a quick sound check, your Honor? Good?

5 EXAMINER PARROT: I think we're good.

6 MR. SETTINERI: Thank you.

7 Q. (By Mr. Settineri) Continuing on,  
8 Mr. Smith. The review of the vegetation management  
9 program and capital spares program would not include  
10 an operations and process review of AEP's practices  
11 regarding customer connection requests which could  
12 include line extensions in new locations, correct?

13 A. Correct.

14 Q. Okay. Now, you're employed at the PUCO  
15 in the division that reviews utility customer  
16 service, correct?

17 A. Correct.

18 Q. Okay. Given that experience, you would  
19 agree with me that it would be helpful for commercial  
20 customers to know who to contact at the utility when  
21 they have a utility concern, correct?

22 A. Correct, yes.

23 Q. Okay. And you would also agree with me  
24 it would be helpful for commercial customers to know  
25 who to contact at the utility when they have a

1 specific inquiry or a request for the utility,  
2 correct?

3 A. Correct.

4 Q. And utility customers benefit when a  
5 utility promptly responds to customer requests,  
6 correct?

7 A. Who benefits?

8 Q. The utility's customers.

9 A. Well, yes. Correct.

10 Q. So -- and as a general proposition,  
11 standardization for how customer requests are handled  
12 by a utility could improve customer service, correct?

13 A. It would depend. Standardization --  
14 when -- may include their customer service, but if  
15 you're -- if the item that you are trying to  
16 standardize is different for each customer, it may  
17 not be -- it may not pay off to standardize when they  
18 are all individually different. But it depends on  
19 the situation.

20 Q. Okay. But you would agree it -- it is,  
21 as a general proposition -- proposition, having a  
22 process for how customer requests are handled at a  
23 utility could improve customer service.

24 A. Yes, generally, yes.

25 Q. Okay. And having such a process for

1 handling customer requests to a utility could be  
2 helpful to ensure fair and equal treatment of  
3 customers, correct?

4 A. Correct.

5 Q. A web portal that allows the utility's  
6 business customers to submit requests to the utility  
7 and review the status of their requests could help  
8 ensure that information is easily available to those  
9 business customers, correct?

10 A. It might, yes.

11 Q. Okay. And a web portal that allows a  
12 utility's business customers to submit requests to  
13 the utility and review the status of the request,  
14 would be efficient for those business customers,  
15 correct?

16 A. I'm not sure on that one because, again,  
17 it would depend on the customer and the nature of the  
18 issues. Like I said, some things going through the  
19 web should be -- any costs -- as long as it's simple,  
20 standardization makes sense, but as you get more  
21 unique and more difficult as the questions arise,  
22 you're probably better off not going through a  
23 standardized but going through, you know, an  
24 individual to answer your questions if it gets too  
25 complicated or too unique.

1 Q. Okay. And it -- and in those instances,  
2 having a process regard -- regardless that -- having  
3 a process would be beneficial, regardless if you are  
4 going through an individual, correct?

5 A. Correct. The individual could be the  
6 process too.

7 Q. Okay. Going back. If a utility had a  
8 web portal that allowed business customers to submit  
9 and track requests, that could save a business  
10 customer time, correct?

11 A. It might. It all depends on who --  
12 what's on the other side of your web portal. If you  
13 are getting standardized responses back like "We've  
14 received your request," but you get -- you just keep  
15 getting the standardized reply back, it's probably  
16 not more efficient than picking up your phone and  
17 talking to your account rep.

18 Q. And when you pick up the phone and talk  
19 to your account rep, there's always -- there could be  
20 a potential that there is a delay in terms of the  
21 response from the account rep, correct?

22 A. Correct, depending on the account rep and  
23 what your needs are.

24 MR. SETTINERI: Okay. No further  
25 questions, your Honor. Thank you, your Honor. Thank

1 you, Mr. Margard.

2 MR. MARGARD: Thank you.

3 EXAMINER PARROT: All right. Mr. Whitt.

4 MR. WHITT: Thank you, your Honor.

5 - - -

6 CROSS-EXAMINATION

7 By Mr. Whitt:

8 Q. And Mr. Smith, I am not sure if we have  
9 met before, but I am Mark Whitt, and I represent  
10 Direct Energy in this case. And I don't see you on  
11 my screen.

12 MR. MARGARD: He's on mine. Look harder.

13 A. Do I need to talk to put you on the  
14 screen -- put me on?

15 Q. Now, I see you. Sorry about that. Let  
16 me start by following up on the testimony prior to  
17 the break about the Retail Reconciliation Rider and  
18 the SSO Credit Rider. And you explained that AEP did  
19 not provide enough information to Staff for Staff to  
20 develop values for those riders; is that a fair  
21 summary?

22 A. Well, not just they didn't provide cost  
23 information. They didn't differentiate between the  
24 services either, between SSO customers and CRES  
25 customers.

1 Q. Okay. And it is the case, however, that  
2 at one point in history, Staff did agree to some  
3 values for the RRR and SSO Credit Rider, correct?

4 A. I'm not aware of what happened in that  
5 negotiation, whether Staff agreed with it or Staff --  
6 I wasn't a part of that Stipulation, so. I have no  
7 firsthand knowledge.

8 Q. But you are aware generally, aren't you,  
9 that in the Stipulation in Case 16-1852-EL-SSO that  
10 that Stipulation called for implementation of the  
11 Retail Reconciliation Rider and SSO Credit Rider at  
12 the values defined in the Stipulation?

13 A. Yes. I think it was called a CIR Rider  
14 at the time but, yes, there were values that  
15 populated that -- those two riders, yes, in the  
16 Stipulation.

17 Q. Okay. Do you have any reason to believe  
18 that AEP's costs associated with the SSO have  
19 decreased since the Stipulation was signed in the  
20 2016 ESP case?

21 A. I have no information whether they  
22 increased or decreased.

23 Q. Let's switch gears and talk about  
24 Direct's objections to the supplier fees. You  
25 address these objections at page 12 of your

1 testimony.

2 A. Uh-huh.

3 Q. Do you have that in front of you?

4 A. Yes.

5 Q. And on page 12, starting at line 12, you  
6 say that Staff does not object to fees for switching,  
7 initial registration, annual registration, initial  
8 registration fee and annual registration fee, meter  
9 data management, agent annual registration fee, and  
10 interval metering. Hopefully I read that correctly.  
11 And before -- yeah, before we talk about these  
12 specific fees, just let me ask you generally speaking  
13 with regard to utility service fees, you would agree,  
14 wouldn't you, that a utility fee should bear some  
15 relation to an underlying cost?

16 A. I assume when these were first created  
17 there was some underlying cost that was attached to  
18 them when they were first implemented, yes.

19 Q. Okay.

20 A. I -- I didn't -- I wasn't there for that  
21 proceeding.

22 Q. Understood. And I guess to talk more  
23 specifically about some of these fees, a registration  
24 fee, for example, would you expect that that fee  
25 would recover costs that the Company incurs to



1 process registrations.

2 A. Yes. I expect it has to do with -- at  
3 one point in time their choice -- they have a choice  
4 division. That choice division, I assume, reviews  
5 these registrations and that was part of the cost,  
6 yes.

7 Q. Okay.

8 A. Function --

9 Q. I didn't mean to cut you off there. Had  
10 you finished?

11 A. No. I'm fine. I'm finished.

12 Q. Okay. Ideally, the total registration  
13 fees collected should recover the total registration  
14 costs incurred. That's the basic ratemaking  
15 principle, isn't it?

16 A. They might. I don't know that they do or  
17 they don't.

18 Q. But the goal is -- recognizing that no  
19 method of recovery is necessarily going to be perfect  
20 but the goal in setting these fees, isn't it, to  
21 attempt to recover something close to the underlying  
22 costs being incurred; is that fair?

23 A. Yes. I believe that's fair.

24 Q. And what we are attempting to do is  
25 not -- what we want to avoid, in other words, if we

1 can, is either overrecovering or underrecovering the  
2 underlying costs, correct?

3 A. Well, correct, yes.

4 Q. And we don't know and we can't know  
5 whether we are achieving that goal unless we know  
6 something about the underlying costs in the amount to  
7 be recovered, correct?

8 A. Well, yes.

9 Q. Okay. Did AEP provide Staff with any  
10 information about costs associated with any of the  
11 supplier fees mentioned in your testimony?

12 A. Not that I am aware of.

13 Q. Did Staff request this information?

14 A. Cost information on the fees, no.

15 Q. Did Staff do any independent  
16 investigation to determine whether there were costs  
17 underlying these supplier fees?

18 A. Not in this proceeding, no.

19 Q. Are you aware of any analysis ever  
20 conducted in any proceeding to determine any costs  
21 underlying any of the supplier fees?

22 A. I'm not aware of any proceedings, but  
23 when they were initially proposed, I assume there was  
24 some cost of service from the initial proposal of  
25 these fees. Whenever it -- whenever they were

1 proposed, whether it was an ESP or AIR case.

2 Q. And would you find it unusual if there  
3 were not some sort of analysis or cost-of-service  
4 study produced at the time these fees were initially  
5 implemented?

6 A. I would expect to see some cost of  
7 service on these fees, but finding it unusual, no.  
8 Probably because at the time the dollar amounts were  
9 so small because the shopping was so small at the  
10 beginning of this and there was so few CRES  
11 providers.

12 Q. But nonetheless, you're assuming that  
13 that type of study or analysis was performed because  
14 that's what is usually done in implementing a fee; is  
15 that fair?

16 A. That's fair. That's what I would expect.

17 Q. Okay. Would you agree that the Company's  
18 cost of providing some services decreases over time  
19 mainly because of technology?

20 A. Not necessarily. Mostly because,  
21 although technology should make them more efficient,  
22 labor costs have not -- labor has continued to go up  
23 with inflation and the cost to plant has also gone up  
24 with the price of inflation. So you would like to  
25 think that technology would reduce but I don't -- I

1 don't necessarily think we've seen that.

2 Q. Fair enough that we can't expect  
3 technology makes everything cheaper over time, but  
4 isn't it the case that some, certainly not all,  
5 services can be provided more efficiently and cost  
6 effectively over time?

7 A. Yes.

8 Q. And one of those services would be  
9 meter -- reconnection at the meters, correct?

10 A. Correct.

11 Q. And is it your understanding that the  
12 Company's filing proposed to basically cut the  
13 reconnection charge at the meter in half?

14 A. My understanding of the filing is that  
15 the reconnection fee is zero and that the  
16 reconnection fee was a miscellaneous fee is now part  
17 of the cost of service. As part of the Stipulation.  
18 That's what I believe it to be.

19 Q. Okay. Do you have the Staff Report in  
20 front of you?

21 A. I can get it. Yep, I have it.

22 MR. WHITT: And I know, your Honors, this  
23 was previously marked probably a couple of times now.  
24 I'm not sure what exhibit number we are going with.  
25 I'm not going to independently introduce the Staff

1 Report.

2 MR. MARGARD: Staff Exhibit No. 1,  
3 Mr. Whitt.

4 MR. WHITT: Thank you.

5 Q. (By Mr. Whitt) If you go to the page 33  
6 of the Staff Report.

7 A. Yes.

8 Q. And there's a paragraph that says  
9 "Reconnect Charge at Meter." Do you see that?

10 A. Yep.

11 Q. And I am not going to ask you detailed  
12 questions or ask you to read the entire paragraph but  
13 if you read a few lines in, it indicates that the  
14 Company proposed a decrease in the reconnection  
15 charge; is that right?

16 A. That's correct.

17 Q. And then the Stipulation, I believe as  
18 you had just mentioned, gets rid of the reconnect  
19 charge at the meter all together, correct?

20 A. Correct. Well, for the customer it gets  
21 rid of the charge. The charge -- the costs are still  
22 there for the Company.

23 Q. Okay. But fair to say that that cost has  
24 been reduced substantially because of things like AMR  
25 and the ability to connect and re -- and disconnect

1 and reconnect remotely?

2 A. It's a reflection of AMI not AMR, but  
3 it's a reflection of the ability for the Company not  
4 to roll a truck and be able to remotely disconnect  
5 and reconnect service, yes.

6 Q. And it's appropriate, isn't it, in  
7 instances where the utility is able to provide a  
8 service more cost effectively, that the associated  
9 rate should decrease, correct?

10 A. Correct.

11 Q. Now, the lack of sufficient cost or  
12 service information about SSO-related costs led Staff  
13 to recommend populating the RRR and SSO Credit Riders  
14 with a value of zero, correct?

15 A. Correct.

16 Q. And we've established, I think, that  
17 you're not personally aware of any cost information  
18 that supports the supplier fees identified in your  
19 testimony, correct?

20 A. I'm not personally aware of costs  
21 associated with these fees, no.

22 MR. WHITT: Thank you. That's all the  
23 questions I have.

24 EXAMINER PARROT: I think that's the end  
25 of the list of parties that had indicated they had

1 questions for Mr. Smith. Are there others that I  
2 missed?

3 All right. Hearing none, any redirect,  
4 Mr. Margard?

5 MR. MARGARD: I would like an opportunity  
6 to confer if I may, your Honor.

7 EXAMINER PARROT: All right. Let's take  
8 a short break here. Go off the record.

9 (Discussion off the record.)

10 EXAMINER PARROT: Let's go back on the  
11 record.

12 Any redirect?

13 MR. MARGARD: Thank you, your Honor.  
14 Staff has no redirect and renews their request for  
15 admission of Staff Exhibit No. 3.

16 EXAMINER PARROT: All right. Thank you.

17 Are there any objections to the admission  
18 of Staff Exhibit No. 3?

19 All right. Hearing none, Staff Exhibit  
20 No. 3 is admitted into the record.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 EXAMINER PARROT: AE See, did you have  
23 any questions for Mr. Smith before we dismiss him?

24 EXAMINER SEE: No, I do not.

25 EXAMINER PARROT: All right. Finally,

1 Mr. Whitt, you had marked IGS Exhibit number -- I'm  
2 sorry. Who marked this. Let's see. Mr. Whitt, I  
3 believe you had marked Exhibit No. 12, the  
4 Stipulation in the ESP IV case?

5 MR. DARR: That was me, your Honor, for  
6 IGS.

7 EXAMINER PARROT: I'm sorry. Okay. It  
8 is IGS. All right. Thank you. I don't know why I  
9 was second guessing. I had IGS and then I was  
10 thinking it was Mr. Whitt. I apologize.

11 I am not sure that we referred to the  
12 exhibit much, but are you moving it, Mr. Darr?

13 MR. DARR: I am not, your Honor.

14 EXAMINER PARROT: Okay. All right.  
15 Thank you.

16 With that, thank you very much,  
17 Mr. Smith.

18 EXAMINER SEE: I believe the next witness  
19 is Staff's next witness, please, Mr. Margard.

20 MR. MARGARD: Thank you, your Honor. The  
21 Staff would call Mr. David Lipthrott.

22 MR. SCHMIDT: You've been promoted. If  
23 you can enable your audio and video.

24 THE WITNESS: Hello.

25 EXAMINER SEE: Hello. Mr. Lipthrott, if



1 you could raise your right hand.

2 (Witness sworn.)

3 EXAMINER SEE: Thank you.

4 Mr. Margard.

5 MR. MARGARD: Thank you, your Honor. As  
6 a preliminary matter, Staff would request that the  
7 testimony of David Lipthratt filed in support of the  
8 Stipulation in this matter be marked as Staff Exhibit  
9 No. 6, and that the testimony of Mr. Lipthratt in  
10 response to the objections to the Staff Report,  
11 supplemental testimony, be marked for purposes of  
12 identification as Staff Exhibit No. 7.

13 EXAMINER SEE: The exhibits are so  
14 marked.

15 (EXHIBITS MARKED FOR IDENTIFICATION.)

16 MR. MARGARD: Thank you.

17 - - -

18 DAVID M. LIPTHRATT

19 being first duly sworn, as prescribed by law, was  
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Margard:

23 Q. State your name, please, sir.

24 A. David Lipthratt.

25 Q. And by whom are you employed and in what

1 capacity, please?

2 A. The Public Utilities Commission of Ohio.  
3 I am the Chief of Accounting and Finance.

4 Q. Thank you.

5 Do you have before you what's been marked  
6 as Staff Exhibit No. 6, your testimony in support of  
7 the Stipulation?

8 A. Yes, sir.

9 Q. And would you identify that for us,  
10 please?

11 A. I'm sorry. That's my testimony in  
12 support of the Stipulation and Recommendation.

13 Q. Very good. Thank you. Was this a  
14 document prepared by you or under your direction?

15 A. It was.

16 Q. And have you had an opportunity to review  
17 it prior to taking the stand today?

18 A. Yes, sir.

19 Q. And as a result of that review, do you  
20 have any corrections or changes of any kind to that  
21 document?

22 A. No. Thank you.

23 Q. And if I were to ask you the questions  
24 posed in that document, would your responses be the  
25 same?

1           A.    Yes, sir.

2           Q.    I am going to ask you now to turn to  
3 what's been marked as Staff Exhibit No. 7.  If you  
4 would identify that document, please.

5           A.    Yes, sir.  That's my supplemental  
6 testimony in response to objections to the Staff  
7 Report.

8           Q.    Same set of questions here,  
9 Mr. Lipthrott.  Was this document prepared by you or  
10 at your direction?

11          A.    Yes, sir.

12          Q.    And you've reviewed it prior to  
13 testifying today?

14          A.    Yes, sir.

15          Q.    Any changes or corrections to this  
16 document?

17          A.    No, sir.

18          Q.    And again, if I were to ask you the  
19 questions posed in that document, would your  
20 responses be the same?

21          A.    Yes, they would.

22                   MR. MARGARD:  Thank you.

23                   Your Honor, I respectfully move for the  
24 admission of Staff Exhibits 6 and 7, subject to  
25 cross-examination, and I tender the witness for that

1 purpose.

2 EXAMINER SEE: Do the stipulating -- do  
3 the supporting stipulating parties have any questions  
4 for Mr. Lipthratt?

5 As before, silence indicates that none of  
6 the signatory parties have questions for this  
7 witness. Moving to opposing parties.

8 MR. WOYT: Thank you, your Honor. This  
9 is Elia Woyt, from Vorys Sater, on behalf of  
10 Nationwide Energy Partners and Armada Power.

11 EXAMINER SEE: Just a moment. The list I  
12 have has IGS going first.

13 MR. WOYT: Oh, I'm sorry.

14 MR. DARR: I'm prepared to go forward,  
15 your Honor.

16 EXAMINER SEE: Okay. Go ahead, Mr. Darr.

17 MR. DARR: Thank you, your Honor.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Darr:

21 Q. Mr. Lipthratt, this is Frank Darr. If,  
22 at any time, you can't hear me or if the transmission  
23 becomes muddled, please let me know. For purposes of  
24 making sure that we have a clean record, I want to  
25 make sure that you can hear me, and I can hear you.

1 If, at any point, because of lag, we interrupt each  
2 other, I'll make every effort to give you an  
3 opportunity to finish up your answer to a question.

4 Turning your attention, first of all, to  
5 Joint Exhibit 1. Do you have that in front of you.

6 A. Joint Exhibit 1.

7 Q. The Stipulation.

8 A. Oh, the Stipulation, yes, sir.

9 Q. On page 11, footnote 4 of Joint  
10 Exhibit 1, that footnote indicates that Staff takes  
11 no position on this provision, paragraph Roman  
12 Numeral III.E.11, including Attachment D, correct?

13 A. That is correct.

14 Q. Paragraph 11 on page 11 of the Joint  
15 Exhibit 1 refers to shadow billing calculations and  
16 work by Ohio Power and Ohio Consumers' Counsel to  
17 develop a proposal to amend Ohio Power's application  
18 in Case No. 20-1408, correct?

19 A. Yes, sir.

20 Q. Case No. 20-1408 is an application by  
21 Ohio Power to revise its customer bill, correct?

22 A. I have not reviewed that application but  
23 that is my understanding.

24 Q. The footnote on page 11 indicates that  
25 the Staff is not taking a position on either the

1 billing calculations or the agreement to develop a  
2 proposal regarding bill changes; is that correct?

3 A. Staff takes no position on the entirety  
4 of that provision, paragraph 11.

5 Q. And it's fair to say that the -- it's  
6 fair to say that the Commission has addressed OCC  
7 recommendations for bill proposals in the  
8 Commission's reviews of minimum utility standards for  
9 gas and electric utilities, correct?

10 A. I'm not involved in those applications,  
11 so I really can't speak to them.

12 Q. So is it fair to say you can't address  
13 whether or not the Commission has taken a position  
14 that the requirement to provide shadow billing is  
15 unnecessary?

16 A. I am not -- I am not familiar with that.

17 Q. And as the team leader for purposes of  
18 this review, do you believe that Staff has a position  
19 with regard to whether or not shadow billing is  
20 necessary?

21 A. As indicated in the Stipulation, Staff  
22 takes no positions on this issue or this provision.

23 Q. As part of the application process, the  
24 Company is required, as part of the standard filing  
25 requirements, to provide a cost-of-service study,

1 correct?

2 A. Yes, sir.

3 Q. And that cost-of-service study was  
4 provided in Schedule E 3.2 in this case, correct?

5 A. Yes, sir.

6 Q. As part of the review of this  
7 application, the Staff performed a review of the  
8 cost-of-service study; is that correct?

9 A. Yes, sir.

10 Q. And the Staff accepted the  
11 cost-of-service study and found it to be a reasonable  
12 indicator of cost responsibility, correct?

13 A. That is correct.

14 Q. You are aware that the cost-of-service  
15 study in this case began with a jurisdictional  
16 functionalization of costs into production,  
17 transmission, and distribution functions?

18 A. Yes, that's my understanding.

19 Q. And in this case the Commission was  
20 investigating -- is investigating whether -- let me  
21 start again.

22 In this case the Commission investigation  
23 is designed to determine the distribution-related  
24 costs of service, correct?

25 A. Yes, sir.

1           Q.    The functionalization in this case  
2 removed the transmission- and generation-related  
3 costs from the B and C Schedules used to determine  
4 the revenue requirement, correct?

5           A.    Yes, sir.

6           Q.    And then the rates were designed to  
7 recover the revenue requirement that recovers only  
8 the distribution-related costs, correct?

9           A.    That would be correct.

10          Q.    To the extent that either transmission-  
11 or generation-related costs remained in the cost of  
12 service used to set distribution rates in this case  
13 after the functionalization, is there the potential  
14 that there are errors in the distribution rates?

15          A.    I apologize. Can you ask or restate that  
16 question again, please?

17          Q.    Sure.

18                To the extent that either transmission or  
19 generation costs remained in the study after  
20 functionalization for review of costs to be recovered  
21 through distribution rates, is it fair to say that  
22 the revenue requirement in this case would contain  
23 potential errors?

24          A.    I mean, I understand your question to be  
25 sort of a hypothetical, is there the case that errors



1 are made. Obviously human beings make errors. There  
2 is always the potential for errors. With that being  
3 said, there were a lot of eyes -- a lot of parties, a  
4 lot of eyes on this application. I am not aware of  
5 any errors.

6 Q. Going back to my question. If there are  
7 transmission- or generation-related costs that  
8 remained in the distribution costs after the  
9 functionalization, is that likely to be a source of  
10 error?

11 A. My -- I believe not. If there are any  
12 remaining costs there would be allocators applied to  
13 remove those from the revenue requirement. So if  
14 there is anything left over, if you will, a shared  
15 cost or, you know, there are allocations that are  
16 applied to remove that from the revenue requirement.

17 Q. So if I understand your answer correctly,  
18 you would further functionalize the distribution  
19 costs to remove any remaining transmission- or  
20 generation-related costs?

21 A. I'm not sure if I -- the word  
22 "functionalize," that's the general first step you  
23 would take to get to your jurisdictional costs, but  
24 there are costs that are included as part of the  
25 Application that are further allocated out because

1 they are, you know, there's an allocation percentage  
2 that's applied to remove those non-jurisdictional  
3 costs or revenues.

4 Q. Could you give me an example of where you  
5 would use an allocation factor to remove either a  
6 transmission- or a generation-related cost after  
7 functionalization?

8 A. So the B Schedules, plant in service,  
9 there's a lot of maybe some intangible or general  
10 costs that you see that data in the Application, but  
11 it is -- it is allocated out to remove those costs  
12 from the revenue requirement.

13 Q. And the point of this in the final  
14 analysis is to make sure that the distribution  
15 revenue requirement represents the -- recovers  
16 distribution-related costs, correct?

17 A. Yes, sir.

18 Q. I would like to turn your attention to  
19 Staff Exhibit 6, your Stipulation testimony.

20 A. Oh, yes. Yes, sir.

21 Q. On page 2, line 13, you identify yourself  
22 as the case team leader, correct?

23 A. Yes, sir.

24 Q. As the case team leader, you oversaw the  
25 Staff investigation of the Application filed by Ohio

1 Power, correct?

2 A. That's fair.

3 Q. And as case team leader, you were also  
4 responsible for compiling and filing the Staff  
5 Report, correct?

6 A. Yes, sir.

7 Q. Again turning your attention to page 31  
8 of the Staff Report. Could you go there, please?

9 A. Yes.

10 Q. Let me know when you are there.

11 A. Yeah. I'm on page 31.

12 Q. In the first paragraph of page 31, the  
13 Staff Report notes that Ohio Power was directed to  
14 differentiate the costs between Standard Service  
15 Offer customers and shopping customers in Case  
16 No. 16-1852, correct?

17 A. Yes, sir.

18 Q. In the third paragraph, the Staff Report  
19 states that Ohio Power did not examine all cost  
20 causation factors, correct?

21 A. Sorry. I am just trying to stay up with  
22 you. You said paragraph 3?

23 Q. Yes.

24 A. Did not examine all cost -- yes, sir, you  
25 are correct.

1 Q. Have you recommended, as the case team  
2 leader, any enforcement action into the failure of  
3 Ohio Power to examine all cost causation factors?

4 MR. NOURSE: Objection. Enforcement  
5 action implies something he's not said; that there's  
6 some sort of violation. In fact, the witness  
7 responsible for this already testified to the  
8 contrary.

9 MR. MARGARD: Staff joins the objection.

10 EXAMINER SEE: Sustained.

11 Q. (By Mr. Darr) Are you aware of anyone on  
12 the Commission Staff that has recommended enforcement  
13 action into the failure of Ohio Power, as it states  
14 in the Staff Report, to examine all cost causation  
15 factors?

16 A. Can you restate your question, please, or  
17 repeat it?

18 Q. Sure.

19 Are you aware of anyone on Commission  
20 Staff that has recommended enforcement action into  
21 the failure of Ohio Power to examine all cost  
22 causation factors?

23 A. I am not.

24 Q. Separate from the investigation of the  
25 Application, has the Staff initiated any informal

1 investigation into the failure of Ohio Power to  
2 examine all cost causation factors?

3 MR. MARGARD: Your Honor, I am going to  
4 object, the characterization of failure to examine.

5 MR. NOURSE: The Company joins.

6 EXAMINER SEE: Do you want to try again,  
7 Mr. Darr?

8 MR. DARR: I assume you are sustaining  
9 the objection? I am not withdrawing the question,  
10 your Honor, if that's what you are asking.

11 EXAMINER SEE: Say that again for me,  
12 Mr. Darr.

13 MR. DARR: I am not withdrawing the  
14 question, your Honor. I am asking you to rule.

15 EXAMINER SEE: The objection is  
16 sustained.

17 Q. (By Mr. Darr) Okay. Separate from the  
18 investigation of the Application, has the Staff  
19 initiated any informal investigation into its finding  
20 that Ohio Power failed to -- Ohio Power did not  
21 examine all cost causation factors?

22 A. I am not able to speak to that. That  
23 review, that investigation would be performed with a  
24 section outside of my department. Outside the review  
25 that took place as part of this application, I'm not

1 able to speak to it, be it formal or informal.

2 Q. Turning your attention to your testimony  
3 in support of the Staff Report on page 3, this would  
4 be Staff Exhibit No. 7.

5 A. Yes, sir.

6 Q. I would like to turn your attention to  
7 line 20 on page 3, concerning the inclusion of  
8 factoring expense.

9 A. Yes, sir.

10 Q. And that testimony carries over to  
11 page 4, correct?

12 A. Yes, sir.

13 Q. In this testimony on page 4, line 2, you  
14 note that factoring expense has been included in base  
15 rates, correct?

16 A. Yes, sir, that's correct.

17 Q. Are you aware that Ohio Power provided  
18 testimony with the application that indicates that a  
19 portion of the factoring expense is related to -- to  
20 the generation portion of the Standard Service Offer?

21 A. I think that's fairly correct. I believe  
22 Company Witness Dave Roush speaks to the fact of bad  
23 debt or uncollectible expense but I'm not sure -- I  
24 don't recall if the actual factoring expense was  
25 included in there.

1 Q. In the course of the Staff investigation,  
2 the Staff that reports to you would have investigated  
3 the accuracy of that claim that a portion of the  
4 generation-specific uncollectible costs is  
5 \$3.9 million, correct?

6 A. If you don't mind restating -- or  
7 repeating one more time, please.

8 Q. Okay. Let me back up a step.

9 Do you have in front of you what's been  
10 previously marked as IGS Exhibit 3 which is the Roush  
11 testimony concerning the Retail Reconciliation Rider  
12 and the SSO Credit Rider?

13 A. Yes, sir.

14 Q. And would you agree with me that DMR-2  
15 includes a line that says that uncollectible expense  
16 associated with the -- uncollectible costs associated  
17 with the SSO are \$3.9 million?

18 A. Yes, sir.

19 Q. In the course of the Staff investigation,  
20 the Staff that reports to you would have investigated  
21 the accuracy of that claim, that a portion of the  
22 generation-specific uncollectible costs is  
23 \$3.9 million, correct?

24 A. Staff would have investigated this  
25 exhibit, Exhibit DMR-2, but those Staff members would

1 not report to me, no.

2 Q. Are you aware of any finding that the  
3 amounts identified in the Application representing  
4 the \$3.9 million associated with uncollectible costs  
5 related to the SSO is incorrect?

6 A. To my knowledge, there are no Staff  
7 members that have performed this analysis on this  
8 exhibit that has indicated there's any question  
9 around these values.

10 Q. The Staff conducts -- I'm sorry. I got  
11 some feedback there, and it caused me to stop.

12 The Staff conducts its investigation of  
13 rate applications through a combination of data  
14 requests, meetings, phone calls, and on-site visits,  
15 correct?

16 A. Yes, sir.

17 Q. In this case, the Staff issued  
18 approximately 165 data requests, correct?

19 A. That sounds about right going off of  
20 memory.

21 Q. As -- for purposes of assisting you, do  
22 you have in front of you IGS Exhibit 11?

23 A. I can pull it up. I have that up now.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 Q. And do you recognize this as a schedule



1 of the data requests issued by the Staff in this  
2 case?

3 A. That -- it does look -- appear to be,  
4 yes.

5 Q. And the Staff data requests related to  
6 the Retail Reconciliation Rider and the SSO Credit  
7 Rider were Data Requests 107, 108, and 109, correct?

8 A. Not being fully aware of every DR that  
9 was issued, it appears so based on -- based off the  
10 description but there may be others as I have looked  
11 through this pretty briefly.

12 Q. Are you aware of any informal calls or  
13 meetings regarding the Retail Reconciliation Rider or  
14 the SSO Credit Rider performed by the Commission  
15 Staff?

16 A. No. The review on this section was done  
17 primarily by, you know, SMED and Staff Witness  
18 Mr. Smith, and I was not -- I'm not aware of such  
19 informal calls or the -- or anything that you just  
20 asked about.

21 Q. The Staff will issue data requests that  
22 ask for additional information related to prior  
23 requests, correct?

24 A. Yes, sir.

25 Q. And if we go back to IGS Exhibit 11,

1 there are several follow-up requests that are listed  
2 in that exhibit, correct?

3 A. That tends to happen a lot, yes, sir.

4 Q. Yeah. I've been on the other side of  
5 this, so I am quite familiar with your process. On  
6 the treatment of exercise equipment, for example,  
7 there are three separate data requests including  
8 DR-139, 156, 165, correct?

9 A. Yeah. That -- could you go through the  
10 numbers one more time? I apologize.

11 Q. Sure. 139, 156, and 165.

12 A. That appears to be correct. Well, I  
13 would just note that it is very common in plant  
14 reviews that you are going to have a lot of following  
15 up, there is a lot of drilling down, so I might --  
16 maybe unlike other non-plant areas, you do have a  
17 tendency to have a lot more follow-up DRs on plant  
18 reviews, just the nature of how the financial data  
19 is -- is audited.

20 Q. After the Staff issued and received  
21 responses from DR-107, 108, and 109, are you aware of  
22 any additional data requests addressing the  
23 Commission's Order for Ohio Power to analyze its  
24 costs to provide the Standard Service Offer?

25 A. I am not aware.

1 MR. DARR: That's all the questions I  
2 have. Thank you very much.

3 THE WITNESS: Thank you.

4 EXAMINER SEE: Let's try that again.  
5 Thank you, Mr. Darr.

6 Counsel for Nationwide Energy Partners.

7 MR. WOYT: Thank you, your Honor. It's  
8 Elia Woyt of Vorys, Sater on behalf of Nationwide  
9 Energy Partners and Armada Power.

10 - - -

11 CROSS-EXAMINATION

12 By Mr. Woyt:

13 Q. Good afternoon, Mr. Lipthratt --  
14 Lipthratt. I'm sorry.

15 A. No problem.

16 Q. A few questions for you regarding your  
17 direct testimony in support of the Stipulation that  
18 was filed April 9, 2021. I believe it was marked as  
19 Staff Exhibit 6.

20 A. Yes, sir.

21 Q. Okay. Is it correct that your filed  
22 testimony on April 9 supports the Stipulation that  
23 was marked as Joint Exhibit 1?

24 A. Yes, sir.

25 Q. And you testified that the Stipulation

1 benefits ratepayers and is in the public interest,  
2 correct?

3 A. I did, yes, sir.

4 Q. And you believe the Stipulation  
5 represents a fair and reasonable compromise of the  
6 issues in this proceeding, correct?

7 A. I do.

8 Q. And does the Stipulation include Schedule  
9 PEV which is a pilot for plug-in electric vehicles?

10 A. Do you mind restating your question or  
11 repeating your question one more time? I apologize.

12 Q. Sure.

13 Does the Stipulation include, as part of  
14 it, Schedule PEV which is a pilot for plug-in  
15 electric vehicles?

16 A. One moment, please. So on page 12 of the  
17 Stipulation, the Stipulation does reflect certain  
18 provisions related to the Schedule PEV. It sets  
19 rates in Schedule PEV consistent with Case  
20 No. 16-1852-EL-SSO and it does go on. So I may not  
21 be understanding your question correctly, but I  
22 believe it does.

23 Q. Okay. Let me rephrase that or maybe let  
24 me direct you to a page in the Stipulation. I know  
25 it's a lengthy document. It's toward the back, about

1 40 pages from the back. It's Original Sheet  
2 No. 270-1. And it's labeled "Schedule PEV." If you  
3 could tell me when you get to that.

4 A. Yeah. Unfortunately I didn't print out  
5 the entire Stip, so I will just turn to the  
6 electronic version here. Can you, one more time,  
7 point me to the page number?

8 Q. Sure. It's in the upper right-hand  
9 corner. It's labeled "Original Sheet No. 270-1."  
10 It's about 40 pages from the end of the document. I  
11 have a hard copy. I am not looking at the PDF.

12 A. I'm just about there.

13 Q. I just pulled it up. It is page 276 out  
14 of 323.

15 A. Thank you.

16 I am sorry. You said page 276?

17 Q. 276 out of 323 of the PDF.

18 A. Okay. I was able to find it. I'm there.  
19 Thank you.

20 Q. Okay. So let me just restate the  
21 original question then. Does the Stipulation include  
22 Schedule PEV which is the pilot for plug-in electric  
23 vehicles?

24 A. Yes, sir.

25 Q. And this Schedule PEV, it's a result of

1 the negotiations in connection with the Stipulation,  
2 correct?

3 A. That is correct.

4 Q. And such a pilot for electric vehicles  
5 provides a way for certain commercial customers, who  
6 enroll in the pilot, to avoid higher demand charges,  
7 correct?

8 MS. FLEISHER: Objection, your Honor.  
9 Sorry, Mr. Lipthrott. I want to be clear because  
10 there's two parts of the pilot, so if I could just  
11 ask Counsel to be clear which he is referring to to  
12 make sure that the record is clear.

13 MR. WOYT: I heard it very faintly, but I  
14 will try to rephrase that question which will, I  
15 think, accommodate Ms. Fleisher's concerns.

16 Q. (By Mr. Woyt) Does -- does such pilot --  
17 is one part of the pilot, such pilot for electric  
18 vehicles, does it provide a way for certain  
19 commercial customers who enroll in the pilot to avoid  
20 higher demand charges?

21 A. Yes. I believe that's correct.

22 Q. Okay. Thank you.

23 As support for your belief that the  
24 Stipulation benefits ratepayers and is in the public  
25 interest, did you reference that the stipulated

1 revenue increase is less than requested by AEP Ohio  
2 in its Application?

3 A. I believe I did.

4 Q. If you could turn to Staff Exhibit 6.  
5 And it's on page 5, lines 1 to 2, to refresh your  
6 memory.

7 A. Yes, sir. Thank you.

8 Q. Okay. Did you also reference that the  
9 stipulated rate of return is lower than requested by  
10 AEP Ohio in its Application?

11 A. Yes, sir.

12 Q. And did you also reference that the  
13 stipulated residential customer charge is lower than  
14 requested by AEP Ohio in its Application?

15 A. That is -- that is correct.

16 Q. And you would agree with me -- or you  
17 would agree with the general statement that just  
18 because a party asks for or requests something, that  
19 doesn't mean that such request is reasonable,  
20 correct?

21 A. I think that can be a fair statement.

22 Q. And you would also agree that just  
23 because a compromise is reached and a dollar figure  
24 below what a party asks for an item, doesn't  
25 necessarily make the compromise reasonable, correct?

1           A.    Not -- not necessarily that one compro --  
2   that one item or the revenue requirement, if you  
3   will.  It's a complete package.  There was a lot of  
4   give and take, so you have to look at it as a whole,  
5   but that would be one component that you would  
6   consider.

7           Q.    So let me just give you an example.  I  
8   have a car that's worth \$5,000.  I put it, you  
9   know -- I list it for sale for \$20,000.  And  
10  someone -- I reach a compromise with a buyer for, you  
11  know, for a sale price of \$15,000.  In that example,  
12  is that sale price reasonable?

13          A.    I can't speak to that hypothetical.  It  
14  depends on the type of car and what the intended  
15  purchaser is intending to do with it, the make and  
16  model, are they in high demand, or are they a  
17  collector?  There is a lot of factors and there is a  
18  lot of give and take.

19          Q.    I'm just asking generally here.  Just  
20  because I ask for something and there's a compromise  
21  that's reached below that dollar figure with another  
22  party, that doesn't necessarily mean that that  
23  compromise -- that dollar figure that was reached was  
24  reasonable.

25               MR. MARGARD:  Objection, your Honor.  I



1 think this has been asked and answered.

2 Mr. Lipthrott has indicated there were a number of  
3 factors that would go into that conclusion.

4 MR. WOYT: Okay. I'll proceed to the  
5 next question.

6 Q. (By Mr. Woyt) Would you also agree  
7 that -- that the fact that a compromise is reached  
8 between or among some parties is not by itself enough  
9 to conclude that such compromise is in the public  
10 interest and beneficial?

11 A. Given that the signatory parties to the  
12 Stipulation represents a diverse group of parties  
13 that are knowledgeable, experienced in utility  
14 regulation, setting utility rates, in this particular  
15 case I believe that this is a reasonable settlement  
16 that is in the public interest.

17 Q. How about this, would the addition of  
18 exploratory pilots, I'm talking in addition to the  
19 pilots that are already included in the Stipulation,  
20 would such addition necessarily make the Stipulation  
21 unreasonable?

22 A. It -- it's dependent on in order to get  
23 the signatory parties, there may -- would require the  
24 taking or the removing of something in the  
25 Stipulation and there's a give -- there's a tradeoff

1 there. So all else being equal, everything else  
2 stays the same, perhaps. But, you know, through  
3 negotiations there is a level of compromise. There  
4 is a giving -- there's a need to give and take, so  
5 there's no -- I am not able to speak to if you were  
6 to include that component, what would the final form  
7 look like.

8 Q. Okay. You would agree that there were no  
9 signatory parties to the Stipulation that represented  
10 restaurant owners, correct?

11 MR. MARGARD: If you know.

12 A. I'm not sure.

13 Q. Okay. You would -- would you agree that  
14 there were no signatory parties to the Stipulation  
15 that represented schools?

16 A. I believe that's correct.

17 Q. And you would agree that there were no  
18 signatory parties to the Stipulation that represented  
19 apartment owners, correct?

20 A. I think that's generally fair; but, you  
21 know, the PUCO Staff has an interest in representing  
22 all customer classes, all customer types, so we -- we  
23 are very vigilant in representing all customer  
24 classes, so I think the PUCO Staff is at the table  
25 for all customer classes.

1 Q. Okay. Let me rephrase that -- let me ask  
2 you one more question then.

3 Excluding the Staff, would you agree that  
4 there were no signatory parties to the Stipulation  
5 that represented apartment owners?

6 A. I believe that's correct.

7 MR. WOYT: Okay. Thank you,  
8 Mr. Lipthrott. I have nothing further.

9 THE WITNESS: Thank you.

10 EXAMINER SEE: Thank you, sir.  
11 Counsel for Direct Energy.

12 MR. WHITT: Thank you.

13 - - -

14 CROSS-EXAMINATION

15 By Mr. Whitt:

16 Q. Mr. Lipthrott, I have a very limited  
17 number of questions, and it pertains to your  
18 testimony in support -- in response to the objections  
19 to the Staff Report. I believe it's Staff Exhibit 7.

20 A. Yes, sir.

21 Q. Go to the last page with me -- well,  
22 page 5. Your -- the answer at the top of page 5  
23 indicates that revenue derived from fees and charges,  
24 and that includes the supplier fees that were  
25 discussed with the previous witness, that the revenue

1 is all included in the test year operating income as  
2 part of other operating revenues; is that right?

3 A. Yes, sir. Supplier fees are included in  
4 other operating revenues which are used to -- they  
5 are applied against the cost of service to reduce  
6 that -- that revenue requirement.

7 Q. Okay. And I'm trying to figure out what  
8 portion of the other operating revenues is  
9 attributable to supplier fees. I have some theories  
10 about it and would ask for -- if you can help us out,  
11 and I would suggest maybe we start with Exhibit -- or  
12 Schedule C-2 in the Staff Report. If you have the  
13 Staff Report handy.

14 A. Schedule C-2.

15 Q. Page 89.

16 EXAMINER SEE: What was the reference to  
17 that page again?

18 MR. WHITT: Page 89, Schedule C-2.

19 A. I'm there. Thank you.

20 Q. And if you see a line -- there's a  
21 line 4, "Other Operating Revenues," and if we go all  
22 the way to the right, Column E, there's a figure of  
23 47-million-and-change. Do you see that?

24 A. Yes, sir.

25 Q. And I'm assuming that's not -- not all of

1 that 47 million relates to supplier fees.

2 A. That is correct. Not all of it is  
3 supplier fees.

4 Q. Okay. If you could continue in the Staff  
5 Report to Schedule 3.27. That's at page 122.

6 A. Yes, sir.

7 Q. Do you know whether Schedule C-3.27  
8 reflects the portion of other operating revenue  
9 attributable to supplier fees?

10 A. I don't know for certain off the top of  
11 my head. There's -- the way the Application was  
12 filed, miscellaneous revenues, basically there were  
13 like three buckets, if you will, that were found  
14 throughout the Application. To ensure that the --  
15 I'm not able to sit here today and confidently say  
16 the supplier fees were included in the bucket that  
17 was basically adjusted on Schedule C-3.27, but I do  
18 know that supplier fees were included. Again, I just  
19 can't confidently say if it was included here or in a  
20 separate place, a separate area, if you will.

21 Q. Is there anywhere we could look in the  
22 Staff Report or the Stipulation that would tell us  
23 how much of any adjustment was attributable to  
24 supplier fees?

25 A. I don't believe Staff made an adjustment

1 to the supplier fee revenues. Typically, Staff  
2 doesn't get to that level of the revenue streams.  
3 They tend to look at it more at the higher level  
4 being the other operating revenues and that's  
5 typically where you will see a Staff adjustment  
6 because those individual revenue streams can vary  
7 quite a bit. So again, typically Staff looks at it  
8 at the higher level and that's generally where you  
9 will see an adjustment.

10 More to your point, though, where you  
11 would see supplier fees would more likely be in the  
12 C-2.1, I think it's Account 456, you would be able to  
13 identify how much of the supplier fees were included.

14 MR. WHITT: Thank you very much. No  
15 further questions.

16 THE WITNESS: Thank you.

17 EXAMINER SEE: No other counsel indicated  
18 a desire to cross Mr. Lipthratt.

19 MR. DOVE: Your Honor, if I may, this is  
20 Robert Dove. I didn't notify ahead of time, but I do  
21 have about 3 minutes of questioning if that's okay.

22 EXAMINER SEE: Go ahead, Mr. Dove.

23 MR. DOVE: Thank you, your Honor.

24 - - -

## CROSS-EXAMINATION

1  
2 By Mr. Dove:

3 Q. Good afternoon, Mr. Lipthrott. How are  
4 you?

5 A. Good. And you?

6 Q. I am doing well, thank you.

7 You were -- in your testimony you  
8 responded to OP&E's Objection 10 relating to the  
9 inclusion of factoring expenses in base rates and in  
10 the Bad Debt Rider, correct?

11 A. Yes, sir.

12 Q. To your knowledge, is the Bad Debt Rider  
13 adjusted up or down to ensure AEP collects  
14 100 percent of the factoring expense?

15 A. That would be correct. The Bad Debt  
16 Rider is a true-up mechanism for the factoring fees,  
17 and it would true-up any difference off of the value  
18 that was embedded in base rates. So it would go up  
19 or down.

20 Q. Okay. Thank you.

21 And then, are you familiar with the  
22 rider -- the Enhanced Service Reliability Rider?

23 A. Yes, sir.

24 Q. Is that trued up in a similar fashion for  
25 the expenses it collects?

1           A.    Yes.  The vegetation or the Enhanced  
2 Service Reliability Rider is trued up.  I had a bit  
3 of pause there because there was some restructuring  
4 as part of the Stipulation, but those -- those  
5 expenses would be trued up on an annual basis.

6           Q.    Okay.  Thank you.

7                    And then just one more.  Are you familiar  
8 with the Distribution Investment Rider?

9           A.    Vaguely.

10          Q.    Do you know if that rider is also trued  
11 up in a similar fashion?

12          A.    When you say a "similar fashion," I pause  
13 a little bit because generally the other two riders  
14 that you spoke to are O&M-only riders, particularly  
15 now with the vegetation as a result of the  
16 Stipulation -- or the ESRR.  I apologize.  However, I  
17 would just point out there is some difference in the  
18 DIR and that's a capital rider.  So while they are  
19 both -- while all three are trued up, they are done  
20 in slightly different ways because of the nature of  
21 the expenses or the capital expenditures.

22                   MR. DOVE:  That's very helpful.  Thank  
23 you.  That's all I have.

24                   MR. MARGARD:  I believe you're on mute,  
25 your Honor.  Your Honor, you're on mute.



1 EXAMINER SEE: Is there any redirect,  
2 Mr. Margard?

3 MR. MARGARD: Thank you, your Honor.  
4 Presuming that there are no others wishing to  
5 cross-examine, indeed I have no redirect of this  
6 witness.

7 EXAMINER SEE: Ms. Parrot, any questions  
8 for Mr. Lipthratt?

9 EXAMINER PARROT: None for me.

10 EXAMINER SEE: Okay.

11 MR. MARGARD: Your Honor, I would then,  
12 therefore, respectfully renew my motion for admission  
13 of Staff Exhibits 6 and 7.

14 EXAMINER SEE: Are there any objections  
15 to the admission of Staff Exhibit 6 or 7?

16 Hearing none, Staff -- hearing none,  
17 Staff Exhibit 6 and 7 are admitted into the record.

18 (EXHIBITS ADMITTED INTO EVIDENCE.)

19 MR. MARGARD: And I would finally, your  
20 Honor, then renew my motion for admission of Staff  
21 Exhibit 1 in the record as well, Staff Report of  
22 Investigation.

23 EXAMINER SEE: Are there any objections  
24 to the admission of Staff Exhibit 1?

25 Hearing none, Staff Exhibit 1 is admitted

1 into the record.

2 (EXHIBIT ADMITTED INTO EVIDENCE.)

3 EXAMINER SEE: Thank you, Mr. Lipthratt.

4 MR. SETTINERI: Your Honor, this is Mike  
5 Settineri, if I may.

6 EXAMINER SEE: Yes. Go ahead.

7 MR. SETTINERI: While we are on the topic  
8 of exhibits, I have circulated to the Bench, the  
9 court reporter, and the parties, NEP Exhibit 3 and  
10 NEP Exhibit 5, and at this time would like to renew  
11 the motion to admit those exhibits into the record.

12 MR. NOURSE: And, your Honor, the Company  
13 has had a chance to confirm the accuracy, and we have  
14 no objection to those modified exhibits.

15 EXAMINER SEE: Okay. Are there any other  
16 objections to the admission of NEP -- NEP Exhibits 3  
17 and 5?

18 Hearing none, NEP Exhibits 3 and 5 are  
19 admitted into the record.

20 (EXHIBITS ADMITTED INTO EVIDENCE.)

21 EXAMINER SEE: Thank you.

22 MR. NOURSE: Your Honor, since we are  
23 doing some exhibit cleanup, since the Company  
24 witnesses are finished, I would renew my motion for  
25 AEP Exhibits 1 through 3.

1 EXAMINER SEE: Okay.

2 MR. NOURSE: And I'll also renew Joint  
3 Exhibit 1.

4 EXAMINER SEE: Okay. Are there any  
5 objections to the admission of Joint Exhibit 1, the  
6 Stipulation; AEP Exhibit 1, 2, or 3?

7 Hearing no objections, Joint Exhibit 1 is  
8 admitted into the record as is AEP Exhibits 1 through  
9 3.

10 (EXHIBITS ADMITTED INTO EVIDENCE.)

11 MR. NOURSE: Thank you, your Honor.

12 EXAMINER SEE: Thank you.

13 MR. DARR: Your Honor, Frank Darr.

14 EXAMINER SEE: Yes, Mr. Darr.

15 MR. DARR: Yes. I marked for  
16 identification IGS Exhibit 11. I do not intend to  
17 move that since the information that I need out of 11  
18 was provided by the witness.

19 EXAMINER SEE: Okay. Thank you. Given  
20 the completion of the last Staff witness, I believe  
21 we had an intent to move and to take Mr. Rinebolt  
22 today. Mr. Dove, have you been able to reach  
23 Mr. Rinebolt, and is he prepared to go forward?

24 MR. DOVE: Yes, your Honor. I believe  
25 he's currently observing as an attendee and should be

1 ready to be promoted.

2 EXAMINER SEE: Okay.

3 MR. SCHMIDT: Mr. Rinebolt, you've  
4 been -- oh, I'm sorry.

5 EXAMINER SEE: No. Go ahead.

6 MR. SCHMIDT: Mr. Rinebolt, you've been  
7 promoted. If you can enable your audio and video.

8 MR. RINEBOLT: I'm ready. Can you hear  
9 me? Usually not a problem.

10 EXAMINER SEE: We can hear you,  
11 Mr. Rinebolt. Give me just a second here to adjust.

12 Mr. Rinebolt, if you would raise your  
13 right hand.

14 (Witness sworn.)

15 EXAMINER SEE: Thank you.

16 Go ahead, Mr. Dove.

17 MR. DOVE: Thank you, your Honor.

18 - - -

19 DAVID C. RINEBOLT

20 being first duly sworn, as prescribed by law, was  
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Dove:

24 Q. Good afternoon, Mr. Rinebolt. Can you  
25 please state and spell your name for the record.

1           A.    My name is David C. Rinebolt.  The last  
2 name is R-I-N-E, B as in boy, O-L-T.

3           Q.    And who are you employed by and in what  
4 capacity?

5           A.    I'm employed by Ohio Partners for  
6 Affordable Energy as Executive Director and counsel.

7           Q.    Do you have the direct testimony of David  
8 C. Rinebolt on behalf of Ohio Partners for Affordable  
9 Energy in front of you?

10          A.    I do.

11               MR. DOVE:  Your Honor, at this time I  
12 would like to mark as OPAE Exhibit 1, the direct  
13 testimony of Mr. Rinebolt on behalf of OPAE.

14               EXAMINER SEE:  The exhibit is so marked.  
15               (EXHIBIT MARKED FOR IDENTIFICATION.)

16          Q.    (By Mr. Dove) This was testimony prepared  
17 by you or under your direction, Mr. Rinebolt?

18          A.    Yes, it was.

19          Q.    Do you have any changes?

20          A.    I do not.

21          Q.    And if I asked you the same questions  
22 today, would your answers be the same?

23          A.    They would.

24               MR. DOVE:  Your Honor, I would move to  
25 admit Mr. Rinebolt's testimony, subject to

1 cross-examination, and offer the witness for  
2 cross-examination at this time.

3 EXAMINER SEE: Okay. Do any of the  
4 opposing parties have cross-examination for  
5 Mr. Rinebolt?

6 Silence is taken as a no.

7 With that, give me just a minute, please.  
8 That's what happens when you have 80 items up.

9 Okay. Counsel for IEU.

10 MR. MCKENNEY: I think OCC is going to go  
11 first, but I do not intend to have any cross for this  
12 witness.

13 MS. O'BRIEN: OCC has no cross for  
14 Mr. Rinebolt.

15 EXAMINER SEE: Okay. Let's go this way.  
16 Counsel for -- just a second. Counsel for OMAEG.

17 MR. DONADIO: Your Honor, OMAEG also does  
18 not have cross for this witness.

19 EXAMINER SEE: Counsel for One Energy.

20 MR. MILLER: Your Honor, AEP is aware of  
21 the fact that One Energy doesn't have any questions  
22 generally, unless they chime in.

23 EXAMINER SEE: I am going from the list  
24 of parties that said they had questions for  
25 Mr. Rinebolt. So outside of AEP Ohio, are there any

1 other counsel -- is there any other counsel that has  
2 questions for Mr. Rinebolt?

3 If that is the case, we will go to  
4 counsel for AEP Ohio. Mr. Miller.

5 MR. MILLER: Thank you, your Honor.

6 - - -

7 CROSS-EXAMINATION

8 By Mr. Miller:

9 Q. Good afternoon, Mr. Rinebolt. How are  
10 you?

11 A. Good afternoon, Mr. Miller. I'm just  
12 fine, and thank you all so much for accommodating my  
13 schedule.

14 Q. Happy to help and good to see you.  
15 You're appearing today as a witness for  
16 Ohio Partners for Affordable Energy, also known as  
17 OPAE; is that correct?

18 A. That is correct.

19 Q. And just some procedural questions.  
20 Earlier today, and I know you were on the schedule  
21 for tomorrow when we got ahead of ourselves, and we  
22 sent out some documents, some references earlier  
23 today. I want to make sure you had time to see those  
24 and had the opportunity to have those in front of you  
25 in case we need them?

1           A.    Could you tell me which specific  
2 documents?

3           Q.    I can.  There were several.

4                    There was a U.S. Energy Administration,  
5 Residential Energy Consumption Survey; that's Table  
6 HC9.5.  There was the Ohio LIHEAP FY 2019 State  
7 Profile.  And all these are in your footnotes, by the  
8 way, sir.  There is the U.S. Energy Information  
9 Administration, 2015 Residential Energy Consumption  
10 Survey, Energy Consumption and Expenditures Table,  
11 Table CE1.3.  The Ohio Association of Community  
12 Action Agencies, State of Poverty in Ohio, 2020  
13 information.  And then the Application of the  
14 Company, of course.  And then we've got also the  
15 testimony you reference, the testimony of Mr. Roush.  
16 And then the last item is the -- there is an  
17 application of Ohio Power to update its Smart City  
18 Rider which is Case No. 21-0097-EL-RDR.

19           A.    I do not have those documents.  I mean, I  
20 have some of them in the case file.  If somebody can  
21 provide me with a list, I can find them.

22                   MR. DOVE:  Can we go off the record for a  
23 moment?

24                   EXAMINER SEE:  Yes.  Let's do so.

25                           (Discussion off the record.)



1 EXAMINER SEE: Let's go back on the  
2 record.

3 Mr. Miller.

4 MR. MILLER: Thank you, your Honor.

5 Q. (By Mr. Miller) Mr. Rinebolt, you also  
6 serve as Executive Director of OP&E, correct?

7 A. I do.

8 Q. And I note, sir, in your curriculum vitae  
9 that's been included in your testimony, you have a --  
10 not only a Bachelor's Degree from Bowling Green but a  
11 law degree from the Columbus School of Law at The  
12 Catholic University of America.

13 A. I do.

14 Q. And so just to be clear, are you a  
15 licensed attorney?

16 A. I am in Ohio and in Washington, D.C.

17 Q. And are you appearing here today for OP&E  
18 as legal counsel?

19 A. No, I am not. I'm appearing here as --  
20 as an expert witness with the subject matter that  
21 I've covered in my testimony.

22 Q. And you are not offering any of your  
23 testimony here today as part of a legal opinion, are  
24 you?

25 A. It is not -- I am not offering legal

1 opinions.

2 Q. So could we talk a little bit about OP&E  
3 itself. Help me understand, OP&E represents who?  
4 Who are your constituents?

5 A. Our corporate purpose is to advocate on  
6 behalf of low- and moderate-income customers in Ohio.  
7 Over time we have also represented our member  
8 agencies in certain proceedings mostly as a courtesy  
9 rather than as a corporate purpose.

10 And so I think that's the answer to your  
11 question.

12 Q. Mr. Rinebolt, you say "member agencies."  
13 Are you representing them as OP&E in their capacity  
14 as, I am going to use this term loosely, businesses?

15 A. They are local community action and other  
16 community-based nonprofits that provide social  
17 services to low-income families including the Home  
18 Energy Assistance Program, the Percentage Income  
19 Payment Plan, various fuel funds including one that's  
20 funded by AEP, and so those are -- our membership  
21 makes up all of the agencies that run the HEAP and  
22 PIPP program in Ohio and all but one of the agencies  
23 that provides low-income weatherization services.

24 Q. And your constituents, including those  
25 agencies, represent residential customers in Ohio,

1 correct?

2 A. We serve low-income customers, and we  
3 advocate on their behalf.

4 Q. And are those low-income customers  
5 residential customers, or are they business customers  
6 or --

7 A. They are residential customers. We're  
8 not addressing master-metered multifamily buildings.

9 Q. Thank you.

10 Are you familiar with -- I am sure you  
11 are, but I will ask you the question, are you  
12 familiar with the Ohio Consumers' Counsel?

13 A. I am.

14 Q. And can you tell me who they represent in  
15 Ohio?

16 A. There's a statutory representation  
17 criteria but I'm afraid I can't quote it.

18 Q. Do they represent commercial and  
19 industrial customers in Ohio?

20 A. No. No. Their representation is limited  
21 to residential customers.

22 Q. Thank you.

23 And just to get an understanding of how  
24 you came at your testimony a little bit, can you tell  
25 me what you reviewed in this case in preparation for

1 filing that testimony? And when I say what you  
2 reviewed, I know you have a broad breadth of  
3 information in that head, but I just want to know  
4 what you reviewed in regard to things on the docket,  
5 Company filings, and things like that.

6 A. In terms of specific review for this  
7 case, I've reviewed the bulk of the testimony in the  
8 case. I've reviewed the Application. I've reviewed  
9 the Stipulation and the Amended Stipulation. I also  
10 looked at various datasets in the Residential Energy  
11 Conservation Survey, various EIA data, and census  
12 department data as well.

13 Q. Okay. Thank you.

14 Can I direct you to page 4 of your  
15 testimony.

16 A. Yes, sir.

17 Q. And on page 4, I think you recite the  
18 purpose of you providing that testimony; is that  
19 correct?

20 A. That is correct. Wanted to frame this.

21 Q. Thank you.

22 And just so I can clarify this and  
23 understand it, one of those several purposes was  
24 to -- you indicated, I guess, that fixed charges fail  
25 to send appropriate price signals based on long-run

1 marginal costs. Do I have that correct?

2 A. That's correct.

3 Q. To be clear, these fixed charges and the  
4 lack of appropriate signals, who would be the  
5 recipient of these appropriate signals?

6 A. Well, in the case of say the DIR, it is  
7 the Company itself. In a traditional rate case,  
8 based on my understanding, you know, there would be a  
9 cost-of-service study, as there was in this case, and  
10 a snapshot in time of what costs are, given current  
11 customer numbers and loads. And if, over time, the  
12 reduction in usage justifies alterations of the  
13 structure of the current distribution system, that  
14 could potentially reduce costs that -- those are  
15 long-run marginal costs.

16 The way that the price signal addresses  
17 to the Company is that as consumption declines, then  
18 it will become apparent in the rates because the  
19 necessary expenditures in terms of system expansion  
20 or system, you know, what's the word I want to use,  
21 the capacity of the system and individual circuits to  
22 deliver power will change over time.

23 So if you see that people are reducing  
24 usage, I would opine that your capital investment  
25 strategy would change somewhat. And if the

1 consumption numbers went down, you would reevaluate  
2 your system to decide what were appropriate  
3 infrastructure, maintenance, and expansion  
4 expenditures in the future.

5 Q. So just to simplify, the signals go to  
6 the Company.

7 A. And it also goes to the client, to the  
8 customer, because the customer is, in a sense,  
9 rewarded for reducing usage at a higher rate than  
10 they would be if they were paying fixed charges.

11 Q. So it's your testimony that the fixed  
12 charges fail to send appropriate price signals based  
13 on long-run marginal costs to both the customer and  
14 the Company?

15 A. Right. And for public policy reasons as  
16 well.

17 EXAMINER SEE: Mr. Miller, I am having  
18 difficulty hearing you. Can you speak up, please, or  
19 adjust your microphone?

20 MR. MILLER: I will try to do that, your  
21 Honor. Is that better?

22 EXAMINER SEE: That's better.

23 Q. (By Mr. Miller) Mr. Rinebolt, can we turn  
24 to page 5 of your testimony and just specifically  
25 starting at line 8.

1           A.    Uh-huh.

2           Q.    You use the term -- you use a term that I  
3 want to better understand. You refer to "low-use  
4 customers," but I don't see any specific reference  
5 provided for what exactly that means. Can you tell  
6 me what "low use" means?

7           A.    Well, "low use" in and of itself will  
8 vary based on the nature of the end uses in a  
9 customer's home. So a customer, for example, that  
10 heats with electricity will have a higher level of  
11 usage than a customer would have if they did not --  
12 if they heated with natural gas or a bulk fuel. So  
13 it's a variable concept. We know -- I can't  
14 remember, right off the top of my head, your average  
15 monthly bill, but we would consider -- I think a  
16 working definition would be customers with a baseload  
17 usage below 500-kilowatt hours a month.

18          Q.    And just to clarify, you mentioned that  
19 it would depend and then you referenced gas  
20 customers, electric customers. So the "low use" you  
21 are referring to here is just electric customers and  
22 your working definition would be less than 500  
23 kilowatt-hours?

24          A.    Yes. For a baseload customer. And then  
25 for an electric-heating customer, it will be higher,

1 but it will be lower on a per-square-foot basis based  
2 on my experience in a low-use user's home as compared  
3 to a high-use user's home.

4 Q. Now, also on page 5, you refer to low-use  
5 customers and you make some, I think, assertions  
6 about them living in smaller single-family homes and  
7 duplexes and apartments, correct?

8 A. Uh-huh.

9 Q. And you mention that it's your opinion  
10 that they tend to have smaller families, and I assume  
11 by smaller you mean not 6 foot but number of  
12 children?

13 A. Number of -- in the customer home, yes.

14 Q. Thank you.

15 And then you indicate that low-income  
16 customers are also low-use customers.

17 A. They are more likely to be low-use  
18 customers. Certainly not all of them are. But if  
19 you look at the types of programs we manage, for  
20 instance, the Home Energy Assistance Program which  
21 has an eligibility level of 175 percent of the  
22 federal poverty line, most of that -- the market  
23 penetration of that program is about 20 percent which  
24 means it's about 20 percent of the people in that  
25 income demographic that have high bills and need



1 additional funding to be able to pay those bills and  
2 are aware of the opportunities to seek help through  
3 our agencies. Certainly not everyone that needs help  
4 chooses to take it or knows that it's there. But I  
5 think we do a pretty good job of outreach given that  
6 31 percent of our clients this year are new clients  
7 probably as a result of the pandemic, so.

8 Did that answer -- I'm sorry. Did that  
9 answer your question?

10 Q. Yes. And to be clear, just so I am  
11 clear, you're not using "low income" and "low use" as  
12 interchangeable terms anywhere in your testimony?

13 A. No, I am not. At least I didn't intend  
14 to.

15 Q. Understood.

16 Now, can you tell me what you're relying  
17 on -- when we talk about those attributes of low use,  
18 and you've cited a number of them and a number of  
19 them are in your testimony, what exactly are you  
20 relying on; what types of information, documents,  
21 research, are you relying on to define that?

22 A. I'm not sure I understand your question.  
23 Could you restate it?

24 Q. Sure.

25 Did you look at any specific studies or

1 information that colored your understanding of what  
2 low use is?

3 A. I guess my response -- or my response is  
4 I've been doing this a long time and I really can't  
5 give you a comprehensive list of all of the things I  
6 have looked at to -- to define -- or to divide these  
7 general principles. Many states don't have the type  
8 of data that would help with this.

9 The RECS database, Residential Energy  
10 Conservation Service -- Service, performed by EIA,  
11 has some of the information and it's cited in my  
12 testimony. I've had the privilege to work with EIA  
13 on developing questions associated with low-income  
14 customers. So that's -- that's a very good source of  
15 data for our purposes.

16 There are also several census reports  
17 that you get off their website, and I regularly  
18 review the census website to look up different  
19 information that we are going to use when we try to  
20 design and target new programs.

21 So there's just a lot out there that I  
22 look at. And so that's where I drew my conclusions.  
23 That, by the way, and also based on the fieldwork  
24 that we do because we directly serve clients. We  
25 have a database of over, oh, I don't know, somewhere

1 around 300,000, 400,000 clients now. So there are a  
2 lot of -- there's a lot of ways to pick up a sense of  
3 what is low and high use.

4 I would also point out that, you know,  
5 the 500 kWh figure, that's the cutoff point for  
6 serving clients under the Electric Partnership  
7 Program because it was deemed by the state not to be  
8 cost effective to serve customers under 500 kWh a  
9 month.

10 Q. Thank you.

11 Question in regards to whether or not you  
12 looked at any specific -- you referenced some of the  
13 surveys and studies. Any of those cover the AEP Ohio  
14 service territory?

15 A. No.

16 Q. And so just so I understand, when you  
17 define low use and looked at that principle, you  
18 didn't survey AEP Ohio customers to determine what  
19 low use is in the AEP Ohio service territory?

20 A. Well, the low-use concept is one that  
21 kind of transcends utility service territories. It  
22 would be more affected by climate zones for heating  
23 and cooling loads. And then for baseload use,  
24 baseload in my experience is relatively, I wouldn't  
25 say uniform across the state, but you can't really

1 distinguish between someone that -- the usage  
2 patterns of someone using 500 kilowatt-hours a month  
3 on average in AEP's service territory compared to  
4 somebody using the same amount of energy say in the  
5 southern part of FirstEnergy's service territory.  
6 Similar climate zones, similar-size homes, you are  
7 going to see a similar usage.

8           The second thing is the data by a utility  
9 service territory is not available. So we do have to  
10 infer from available data this kind of behavior and  
11 then that's also buttressed by the fact that my  
12 organization and our member organizations do a lot of  
13 audits on houses, and we talk a lot about what we are  
14 seeing. We talk about the opportunities to provide  
15 additional savings to clients. And from those kinds  
16 of conversations I've just -- I picked up that  
17 while -- I can comfortably say that a client,  
18 regardless of a utility, in -- in a comparable  
19 climate zone, with comparable end uses, will use  
20 about the same.

21           Q. So it's my understanding of your  
22 commentary there that the low-use customer for AEP is  
23 similar in use, similar in pattern to the low-use  
24 customer for the FirstEnergy or Dayton Power and  
25 Light or any of the other investor-owned utilities in

1 Ohio.

2 A. Yeah. DP&L service territory and Duke's  
3 are in a more southern climate zone. The savings we  
4 can get from weatherizing those homes, the shell of  
5 those homes, is lower than it is in FirstEnergy's  
6 service territory. But we are talking about heating  
7 loads there and cooling loads.

8 Q. And it's also my understanding based on  
9 your commentary that your organization has never done  
10 a specific study related to AEP Ohio customers?

11 A. No, we have not.

12 Q. And your information is gathered from, I  
13 think this is what you said, from inference and --  
14 well, is that correct? You're inferring, you said,  
15 that data?

16 A. Well, we draw inferences from the data.  
17 When we serve clients, we collect 12 months of bills.  
18 So we look at patterns associated with consumption of  
19 all types of housing in Ohio for some of the baseload  
20 programs. Like the community assistance program we  
21 ran for AEP Ohio, we did a lot of baseload work which  
22 is your lighting, your refrigeration, and we've done  
23 a lot of apartments. So we've really seen what  
24 low-use customers look like. We still have some  
25 things we can do there, fewer number of lightbulbs,

1 smaller refrigerator, but those are pretty typical by  
2 climate zone across the state.

3 Q. And those customers, and I will refer to  
4 your clients as customers, if that's okay with you?

5 A. That's fine.

6 Q. Those customers -- those customers choose  
7 to participate. They have to self-elect.

8 A. They -- they choose but we do outreach  
9 and -- to attract customers when we need them. A lot  
10 of the agencies have fairly long waiting lists from  
11 people who decided themselves to do it. But, for  
12 example, multifamily buildings, the initial contact  
13 is with the owner of the building, not with the  
14 tenants of the building. And then we go through and  
15 we qualify the tenants. More than I believe it's  
16 60 percent of the tenants qualifies the building for  
17 the program if they are income eligible. So we have  
18 to go get those applications.

19 Q. And as you said earlier, you don't  
20 represent MDUs or multi-dwelling units?

21 A. No, we don't represent them. We just --  
22 we just provide electric and -- and in the case when  
23 it's natural gas used, we provide weatherization  
24 services and energy efficiency services.

25 Q. So the good folks that you are getting

1 information from are essentially volunteering to be  
2 participants?

3 A. I wouldn't characterize it as  
4 volunteering. It is a personal choice to join the  
5 program. We will advertise for people to participate  
6 in the program but then there are some cases and the  
7 dominant number of customers in this situation are in  
8 multifamily buildings where we have sought out and  
9 gotten approval from, say, the public housing  
10 authority and then we qualify those customers and we  
11 go weatherize them even though they haven't walked  
12 out and solicited us at all.

13 Q. So can we call it self-electing? Maybe  
14 not volunteering but you are not forcing them?

15 A. We never force anyone to take our  
16 services, although the Commission's rules prohibit a  
17 customer receiving the PIPP program or any other bill  
18 payment assistance, the Commission rules require that  
19 they accept weatherization services when offered.

20 Q. So if I can direct you to page 8 of your  
21 testimony.

22 A. Uh-huh.

23 Q. And specifically looking at lines 7  
24 through 9, you indicate that -- let me know when you  
25 are there.

1           A.    I'm there.

2           Q.    You indicate the fixed charges are a  
3 higher percentage of the low-use customer's bill, and  
4 these customers will experience a greater percentage  
5 increase when fixed charges are increased; is that  
6 correct?

7           A.    That is my assessment, yes.

8           Q.    So we talked about this a little earlier.  
9 When you drafted your testimony, you had reviewed  
10 David Roush's testimony; is that correct?

11          A.    I had reviewed his initial testimony.

12          Q.    Have you reviewed his amended testimony  
13 subsequent to filing your testimony?

14          A.    Subsequent to filing my testimony, yes.

15          Q.    And that would be AEP Ohio Exhibit 4A?

16          A.    Let me pull it up here.

17          Q.    And this would be the Stipulation  
18 testimony as filed now.

19          A.    Okay. That's not in that package you  
20 sent me, right?

21          Q.    I don't know that it is.

22          A.    Okay. No, that's fine. That's fine.  
23 AEP Ohio, Roush, Revised 5/3, and then --

24          Q.    And to be helpful while you are going  
25 through the motions there, take a look, if you get it



1 up, take a look at, if you would, at his exhibits,  
2 specifically DMR-S2.

3 A. I have it up.

4 Q. Are you at S2?

5 A. I am at S2.

6 Q. So you indicated when you drafted your  
7 testimony you had seen his initial testimony which  
8 would include DMR-S2, and this -- this document you  
9 are looking at now is in the Stipulation. Can you  
10 take a look at page 1.

11 A. 1 of 28?

12 Q. I believe that's correct, yes.

13 A. Okay. Just wanted to make sure I was in  
14 the right place.

15 Q. And if we look at the level of usage  
16 which would -- is really the first column on the left  
17 as you are looking at the populated, would you agree  
18 with me that level of usage starts at 0 and goes to  
19 8,000 and the first several columns would be low-use  
20 customers?

21 A. Are we talking in Column B?

22 Q. Yes, sir.

23 A. Yes. I think we've used 500 for the  
24 baseload, and as I indicated, that usage would be  
25 higher for customers who -- with electric heat, but

1 they might still qualify as low use depending on the  
2 size and efficiency -- size of their home and  
3 efficiency of equipment.

4 Q. And then if you just quickly shoot over  
5 to page 18.

6 A. Of this table?

7 Q. Yes, sir, same exhibit. And there's a  
8 similar Column B which is listed as kilowatt and it's  
9 a similar layout where it goes from small to large as  
10 we go down the page.

11 A. Is this the CS Schedule? 18 of 28?

12 Q. Yes, sir.

13 A. Okay. Okay.

14 Q. So on both of those, either one, you can  
15 certainly look at both and give me your thoughts, if  
16 we look at the percentage change which is the far  
17 right column.

18 A. Uh-huh.

19 Q. Can you take a moment and look at that  
20 percentage change column in relation to the level of  
21 usage column in each of those exhibits -- or each of  
22 those pages of the exhibit? Correct that.

23 A. Yes, I can, and I see the percentages go  
24 down.

25 Q. So based on reviewing that information,

1 is it still your opinion that low-use customers will  
2 experience a greater percentage increase following  
3 the Stipulation?

4 A. I believe so, and I'll explain why. In  
5 reviewing both the original testimony and then  
6 Mr. Roush's supplemental testimony -- or testimony in  
7 support of the Stipulation as revised, he uses a  
8 particular set of rider amounts that -- and I  
9 compared those rider amounts, at no little effort, to  
10 the rider amounts that had been filed from AEP since  
11 this case was filed. And I also looked at the  
12 provisions in the Stipulation that designated the  
13 size of the DIR rider over the next three or four  
14 years. And so at this snapshot in time, these tables  
15 are absolutely correct.

16 But once those other riders come into  
17 play at increasing levels, the fixed charges for  
18 small customers will grow. And those charges will be  
19 a higher percentage of the bill for resi -- for those  
20 customers -- for low-use customers than they will be  
21 for high-use customers.

22 Q. But you are in agreement that Mr. Roush's  
23 Table DMR -- or DMR-S2, you see a greater percentage  
24 reduction for low-use customers based on his  
25 information in his table?

1           A.    Yeah, both in the demand charge and in --  
2   on page 1 of 28 as well.

3           Q.    Thank you.

4                    Let's -- let's move on to page 10, lines  
5   -- approximately lines 11 through 13, if you would.

6           A.    I see it.

7           Q.    So you reference here some testimony in  
8   regards to the Economic Development Cost Recovery  
9   Rider, or the EDR.  You believe -- you say the EDR is  
10  recovered through a fixed charge that is a percentage  
11  of base distribution rates; is that correct?

12          A.    That's correct.

13          Q.    And you have -- on page 12 in regards to  
14  the DIR, you have a similar opinion that the DIR is  
15  recovered through a fixed charge as a percentage of  
16  base distribution rates?

17          A.    Yes.

18          Q.    And I think, in addition, on page 12,  
19  line 20, when you talk a little bit about the  
20  Enhanced Service Reliability Rider, you have a  
21  similar opinion in regards to that fixed charge and  
22  distribution rate analysis?

23          A.    Yes.

24          Q.    So a question I would have for you would  
25  be that would you agree that the residential base

1 distribution charge is comprised of both a customer  
2 charge and an energy charge?

3 A. Yes.

4 Q. And is the -- so I understand your  
5 understanding, is the energy charge fixed or  
6 variable?

7 A. The energy charge is actually variable  
8 because the percentage rider of the -- riders that  
9 are set in percentages also apply to the variable  
10 energy charge for distribution so those  
11 percentage-based riders are not wholly -- in one way  
12 they are not wholly fixed, but in another way they  
13 are. They are a fixed percentage. They do have an  
14 element of them that vary by usage because part of  
15 that percentage applies to the volumetric  
16 distribution charge.

17 And, frankly, I wasn't able to untangle  
18 those charges to be able to figure out what part of  
19 the 45.51414 percent DIR, how much of that affected  
20 the bill for -- on the volumetric charge and how much  
21 of it was based on what was a moving customer charge  
22 between your application and the Staff analysis, so I  
23 did my best.

24 Q. So as a complement, so I understand, we  
25 talked about the fact there is an energy charge and

1 customer charge. Is the customer charge fixed or  
2 variable or both?

3 A. The customer charge?

4 Q. Yes, sir.

5 A. Yes. The customer charge is fixed in the  
6 Stipulation. It's \$10.

7 Q. So because the EDR and the DIR and the  
8 ESSR as we -- ESRR, I'm sorry, as we spoke, those are  
9 all percentage of base distribution rates, correct?

10 A. Yes.

11 Q. And base distribution rates are made up  
12 of both a fixed and a variable set of charges,  
13 correct?

14 A. That is correct.

15 Q. Then EDR, DIR, and ESRR are not simply  
16 fixed.

17 A. Their percentage is fixed. Their impact  
18 on an individual customer bill varies by consumption  
19 to some degree.

20 Q. So those charges are variable to some  
21 extent.

22 A. To some extent they are a function of  
23 consumption, yes.

24 Q. Thank you.

25 Let's turn to page 13, lines

1 approximately 3 through 5, I believe.

2 A. Yes, sir.

3 Q. And this is the discussion about the  
4 Smart City Rider. Do you see that?

5 A. Yes.

6 Q. So are you familiar with the Smart City  
7 Rider, I assume?

8 A. Not in detail. I wasn't involved in the  
9 litigation that established it, or at least I don't  
10 remember being. But I know basically what it does,  
11 and I know what it's -- and you're collecting the  
12 costs for whatever types of investments you're making  
13 in Columbus.

14 Q. And I think in your testimony you  
15 reference a recent filing that the Company made in  
16 Case No. 21-97-EL-RDR?

17 A. That's what I had available at the time I  
18 wrote this.

19 Q. And I believe that you indicate that the  
20 Company was requesting a 48 cent per month rider  
21 cost?

22 A. That was -- at the time that was my  
23 understanding, at the time I wrote my testimony.

24 Q. Can you pull up AEP Ohio 11.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1           A.    I have it.

2           Q.    Can you scroll to Attachment 2?

3           A.    Yes.  I'm there.

4           Q.    It's entitled -- and there are several  
5 pages, "PUCO No. 20, Smart City Rider," and the  
6 second page is "Ohio Smart Rider."  Can you look at  
7 the residential customer request and tell me if it is  
8 48 cents?

9           A.    No.  It's 38 cents, I believe.  34 cents,  
10 34 cents.

11          Q.    So would you agree with me the request is  
12 for 34 cents?

13          A.    Yes, sir.  I made a mistake.

14          Q.    Can we turn to page 14, lines 12 through  
15 13.  And just so I'm clear, you indicate that fixed  
16 riders also ignore long-run marginal costs and fail  
17 to send appropriate price signals to the utility  
18 going forward; is that correct?

19          A.    That's correct.

20          Q.    So based on our discussion earlier, I'm  
21 trying to ensure that you have the right party  
22 getting signals.  I know you said either could  
23 receive them, and I just want to clarify you meant  
24 the utility.

25          A.    I meant both utilities and customers.



1 Customers are obviously served by a price signal  
2 that -- that is based on rate -- the more a rate is  
3 volumetric, the more of a price signal you get from  
4 the rate. In terms of the utility and the long-run  
5 marginal costs, I stand by the position.

6 Q. Which position? The one --

7 A. Both.

8 Q. That we talked about first -- but in this  
9 specific case on page 14, are you referencing the  
10 utility or referencing -- or changing your testimony  
11 to say it's the utility and customers?

12 A. I'm not changing it. This is a summary  
13 paragraph. I refer at other points to -- to price  
14 signals to customers. I think I referred to it at  
15 least once.

16 Q. That previous reference did you mean  
17 customers, or did you mean utilities and customers?

18 A. I didn't put them together in a sentence.  
19 I have one sentence at some point about customers,  
20 one about -- and obviously two about utilities at  
21 least.

22 Q. Just so I understand, so when you make  
23 the reference to price signals, the recipient of  
24 those price signals in -- I just want to clarify, in  
25 all cases it's utility or customer, or both, utility

1 and customer?

2 A. Price signals work both ways. You know,  
3 a -- and that's our point that telling customers that  
4 they will save and maximizing the savings that they  
5 can achieve by reducing their usage sends a price  
6 signal to the utility, and when you fix part of its  
7 revenue requirement, they no longer care as much  
8 about the throughput because it doesn't -- it doesn't  
9 have the same impact on their revenues that a more  
10 variable rate does. And then that sends them a price  
11 signal in terms of long-run marginal costs.

12 Q. And so I understand, when you make those  
13 references to price signals and you say utility, you  
14 mean utility; and when you make a reference to price  
15 signals and customers, you mean customers.

16 A. That's correct.

17 Q. And there's not a point in your testimony  
18 where you mean both.

19 A. They are not being compared. I mean, is  
20 there a sentence where I have both of those points?  
21 No, not that I'm aware of. I don't have the  
22 testimony memorized, but I am happy to look through  
23 it to see if I do say that at some point.

24 Q. That's fine. I just wanted to make sure  
25 I understand that when you use customer or utility

1 specifically, you are being specific and referring  
2 exactly to that.

3 A. Yes, price signals.

4 Q. Looking on page 17, line 2, you indicate  
5 that low-use customers place little demand on the  
6 system. Can you tell me what you are basing that on?

7 A. Well, it's the same -- let me give you an  
8 example and this is really the concept. If you are a  
9 baseload customer, baseload is consistent throughout  
10 the year, and your demand will move in a fairly small  
11 range, okay? In the winter when you have your lights  
12 on more, someone said in testimony earlier, you'll  
13 use some more. You know, demand characteristics are  
14 different based on season. But as a general rule, if  
15 you're a baseload user, your load is consistent.  
16 However, if you are a heating or an air conditioning  
17 customer or have other variable loads, you are at one  
18 point or another going to put more demand on the  
19 system than a customer who is just using baseload.

20 Q. So I guess one of the -- a big part of my  
21 question was when I say what are you basing that on,  
22 do you have any specific studies you have done in  
23 regards to the particular demand that low-use  
24 customers place on the AEP Ohio system?

25 A. Not specific to the AEP Ohio system.

1 Q. On page 18, I wanted to ask you some  
2 questions about a calculation you performed. Lines  
3 20 and 23, you had an estimate of a fee or the  
4 estimate that a fee could generate 7.848 million in a  
5 typical year; is that correct?

6 A. Yes, 7.484.

7 Q. And I believe --

8 A. Or 848, I'm sorry.

9 Q. 7.848.

10 A. You've got that right.

11 Q. It's -- it's a number I believe you  
12 indicated you calculated by using data or information  
13 from Case No. 20-937-GE-UNC?

14 A. That's correct.

15 Q. There's not any additional detail in your  
16 testimony. Could you explain to me how you arrived  
17 at that calculation?

18 A. Yes, I could. And I would. The -- the  
19 way I -- I needed a proxy for the number of late  
20 bills. That chart provides a variety of information  
21 on disconnection and customers with past due bills,  
22 past due 30 days, past due 60 days. So I assumed  
23 that everyone who paid 30 days late, the 30-day late  
24 category had -- would incur a late charge. And I  
25 interpreted the 60 day as also people who would

1 receive a late fee. So I added all those numbers up  
2 and calculated that that would be the total late fees  
3 based on the numbers in -- in that filing by AEP  
4 Ohio.

5 Q. Do you know if the data you used included  
6 PIPP customers?

7 A. Yes, it does.

8 Q. Did you exclude PIPP customers in your  
9 calculation?

10 A. I did not. I do not have available data  
11 on monthly PIPP -- PIPP customer counts.

12 Q. Do you know if PIPP customers are subject  
13 to a late payment fee?

14 A. They are not subject to a late payment  
15 fee.

16 Q. And in regard to late payment fees, can  
17 you tell me based on your vast experience in Ohio and  
18 your knowledge of the investor-owned utilities, the  
19 electricians in Ohio, do other Ohio electric utilities  
20 have delayed payment charges in their tariffs for  
21 residential customers?

22 A. Yes, they do. And we are trying to stop  
23 it here and begin the rollback.

24 Q. Do you know which ones do?

25 A. Well, there are four -- or there are

1 three. There's Duke, the three FirstEnergy operating  
2 companies, and there's Dayton Power and Light which  
3 is now AES Ohio.

4 Q. Right. So all of the other  
5 investor-owned electrics in Ohio that are regulated  
6 by the Commission have delayed payment charges in  
7 their tariffs?

8 A. That's my understanding. I did review  
9 the tariffs sometime ago but that's the conclusion I  
10 came to.

11 Q. And to your knowledge they have had them  
12 for some time.

13 A. I do not know how long they've had them.

14 Q. Can you tell me if AEP has delayed  
15 payment charges for other classes of customers in its  
16 tariffs?

17 A. My understanding is that they do. And,  
18 in fact, Mr. Lipthrott pointed that out in his  
19 testimony or Mr. Smith.

20 Q. Do you happen to know when those delayed  
21 payment charges were instituted?

22 A. I believe for commercial customers it was  
23 in 2019.

24 Q. And for industrial?

25 A. I don't know that.

1           Q.    Has the frequency of late payments for  
2 those commercial customers, for example, in Ohio and  
3 AEP Ohio service territory, have the numbers -- have  
4 the late payments been impacted in any way in regards  
5 to the late payment charges? Do you know?

6           A.    I did look at data from a piece of  
7 discovery that came in after I prepared my testimony.  
8 Okay? And identified based on the Staff testimony  
9 that on a cumulative basis between 2018 and 2019 that  
10 the commercial nonpayment percentages went down. So  
11 there was a greater on a percentage basis for the  
12 entire year the -- the bad debt went down.

13          Q.    So it's your opinion that there was an  
14 impact?

15          A.    No. There's actually -- that's not  
16 actually my conclusion. If you parse the data, you  
17 recognize -- you will see that for the last seven  
18 months that the late fee has been in place, the --  
19 the number of late charges has either increased or  
20 been within 5 percent of the prior year's charges.  
21 So while it appears from the data that there was an  
22 early increase in on-time payment, that increase in  
23 on-time payment has not persisted throughout the  
24 year.

25                   I would also note that there's a real

1 tracking between residential and commercial on this.  
2 The percentage of payments are quite similar by  
3 month, although the commercials are somewhat lower.  
4 I did not have your number of customers in the  
5 commercial class nor -- I did have the number in the  
6 residential class, but it was -- it was -- I couldn't  
7 with any confidence look at what percentage of  
8 customers paid late in comparison to the -- to the  
9 commercial compared to the residential. So it was --  
10 I did the analysis, I could based on what was  
11 available, and the efficacy of a late charge at  
12 reducing late payment seems to have worn off for the  
13 customer class -- for the commercial class over time.

14 Q. And so that's based on your ad hoc  
15 analysis?

16 A. Yeah. That's mine -- my opinion based on  
17 looking at the data.

18 Q. And it's your opinion that those charges  
19 were instituted in 2019?

20 A. That is my understanding because  
21 otherwise it wouldn't do any good to compare 2018 to  
22 2019 if they had the same -- if they both had late  
23 fees.

24 Q. So I want to ask you a question about the  
25 2019 reference again. What are you basing the 2019



1 reference on? You said that they were instituted in  
2 2019, you believe.

3 A. My understanding is that -- I'm sorry.  
4 Did you have more to your question, Mr. Miller?

5 Q. No, sir. No, sir.

6 A. I'm basing that on what I read in the  
7 Staff testimony which said that a late fee was  
8 instituted in 2019 and that he conducted an analysis  
9 and so that's where I got my information.

10 Q. So all your information is based on the  
11 Staff testimony.

12 A. Yes.

13 Q. So I don't -- outside of looking at the  
14 Staff testimony, you don't have any additional  
15 independent knowledge of those dates -- or that  
16 information?

17 A. No. Just the Staff testimony.

18 MR. MILLER: So I think I am at the end  
19 of my questioning for the day but why don't you give  
20 us a quick moment, your Honor.

21 EXAMINER SEE: Let's go off the record  
22 for a moment. And during that time, Mr. Miller,  
23 review and make sure that that was your last  
24 question.

25 MR. MILLER: I believe it was, your

1 Honor. Thank you, Mr. Rinebolt.

2 THE WITNESS: Thank you, Mr. Miller.

3 MR. DOVE: I think you're muted, but  
4 could I have a few minutes to confer with my client  
5 regarding redirect?

6 EXAMINER SEE: Yes, you can.

7 Let's go off the record.

8 (Discussion off the record.)

9 EXAMINER SEE: Are we on the record,  
10 Karen?

11 COURT REPORTER: Yes.

12 EXAMINER SEE: Mr. Dove.

13 MR. DOVE: I have no redirect, your  
14 Honor. Thank you.

15 EXAMINER SEE: Ms. Parrot, did you have  
16 any questions for this witness?

17 EXAMINER PARROT: I do not.

18 EXAMINER SEE: Thank you.

19 Thank you very much, Mr. Rinebolt.

20 THE WITNESS: And again thank you for  
21 accommodating me.

22 EXAMINER SEE: Okay. With that I believe  
23 that ends our day.

24 MR. DOVE: Well, could we admit --

25 EXAMINER SEE: I'm sorry. You might want

1 to move the exhibits in.

2 MR. DOVE: No problem. I would like to  
3 move to admit OP&E Exhibit 1, the testimony of David  
4 Rinebolt, your Honor, please.

5 EXAMINER SEE: Are there any objections  
6 to the admission of OP&E Exhibit 1?

7 MR. MILLER: No objections on behalf of  
8 the Company, your Honor.

9 EXAMINER SEE: If there are no objections  
10 to the admission of OP&E Exhibit 1, it is admitted  
11 into the record.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 MR. DOVE: Thank you, your Honor.

14 EXAMINER SEE: You're welcome, Mr. Dove.

15 MR. MILLER: Your Honor, I have got one  
16 exhibit to admit.

17 EXAMINER SEE: Okay. Mr. Miller.

18 MR. MILLER: We would move admission of  
19 AEP 11.

20 EXAMINER SEE: Are there any objections  
21 to the admission of OP&E Exhibit 11?

22 MR. DOVE: No objection from OP&E, your  
23 Honor.

24 MR. MILLER: And, your Honor, I think for  
25 the record you said OP&E Exhibit 11.

1 EXAMINER SEE: Oh, I'm -- you're right.  
2 I did. I'm very sorry about that. Let's change  
3 that. AEP Ohio Exhibit 11, any objection to that,  
4 Mr. Dove?

5 MR. DOVE: No, your Honor.

6 EXAMINER SEE: Does any other party have  
7 an objection to the admission of AEP Exhibit 11?

8 Hearing none, AEP Exhibit 11 is admitted  
9 into the case.

10 (EXHIBIT ADMITTED INTO EVIDENCE.)

11 MR. MILLER: Your Honor, we have one  
12 procedural issue.

13 EXAMINER SEE: I'm sorry. Who is  
14 speaking?

15 MR. MILLER: This is Mr. Miller with AEP  
16 Ohio. And I am turning it over to Mr. Nourse.

17 MR. NOURSE: Sorry. Are you finished  
18 with Mr. Rinebolt?

19 EXAMINER SEE: Yes, we are finished with  
20 Mr. Rinebolt.

21 MR. NOURSE: If we can have this off the  
22 record. I just know you are about to wind up so we  
23 have a procedural question.

24 EXAMINER SEE: Okay. Go ahead.

25 (Discussion off the record.)

1 (Thereupon, at 4:40 p.m., the hearing was  
2 adjourned.)

3 - - -

4 CERTIFICATE

5 I do hereby certify that the foregoing is a  
6 true and correct transcript of the proceedings taken  
7 by me in this matter on Thursday, May 13, 2021, and  
8 carefully compared with my original stenographic  
9 notes.

10  
11 \_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

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13 \_\_\_\_\_  
Carolyn M. Burke, Registered  
Professional Reporter.

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15 (KSG-7073)

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**Commission of Ohio Docketing Information System on**

**5/20/2021 9:02:23 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 05/13/21 - Volume II electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.