

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Application of The East :  
Ohio Gas Company d/b/a :  
Dominion Energy Ohio for :  
Approval of an Alternative:  
Form of Regulation to : Case No. 21-1109-GA-ALT  
Continue and to Expand Its:  
Demand-Side Management and:  
Energy Efficiency :  
Programs. :

- - -

PROCEEDINGS

before Ms. Greta See, Attorney Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-D, Columbus, Ohio, called at 10:00  
a.m. on Tuesday, September 13, 2022.

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APPEARANCES:

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On behalf of the Applicant.

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By Ms. Amy Botschner O'Brien,  
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and Ms. Ambrosia Wilson,  
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On behalf of the Residential Consumers of  
The East Ohio Gas Company d/b/a Dominion  
Energy Ohio.

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On behalf of the Interstate Gas Supply,  
Inc.

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On behalf of the Environmental Law &  
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APPEARANCES: (Continued)

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By Mr. Robert Dove  
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On behalf of the Ohio Partners for  
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By Mr. Robert Eubanks  
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On behalf of the Staff of the PUCO.

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Tuesday Morning Session,  
September 13, 2022.

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EXAMINER SEE: Scheduled for hearing  
today before the Public Utilities Commission of Ohio  
is Case No. 21-1109-GA-ALT which is entitled in the  
Matter of the Application of the East Ohio Gas  
Company doing business as Dominion Energy Ohio for  
Approval of an Alternative Form of Regulation to  
Continue and to Expand Its Demand-Side Management and  
Energy Efficiency Programs.

My name is Greta See. I am the Attorney  
Examiner assigned by this case -- assigned to this  
case by the Commission.

At this time I would like to take  
appearances of the parties. On behalf of Dominion  
Energy Ohio.

MR. KENNEDY: Good morning, your Honor.  
On behalf of Dominion Energy Ohio, Christopher  
Kennedy of the law firm Whitt Sturtevant LLP, 88 East  
Broad Street, Suite 1590, Columbus, Ohio 43215.

With me today is my colleague Mark  
DeMonte. His address is 180 North LaSalle Street,  
Suite 2020, Chicago, Illinois, 60601.

Also on behalf of Dominion Energy Ohio,

1 Andy Campbell from Dominion Energy, Inc. His address  
2 is 88 East Broad Street, Suite 1303, Columbus, Ohio  
3 43215.

4 EXAMINER SEE: On behalf of the Staff of  
5 the Commission.

6 MR. EUBANKS: Yes, your Honor. Robert  
7 Eubanks, Assistant Attorney General, representing  
8 Staff, 30 East Broad Street, Columbus, Ohio 43215,  
9 26th Floor.

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

12 MS. BOTSCHNER O'BRIEN: Good morning,  
13 your Honor. On behalf of the Office of the Ohio  
14 Consumers' Counsel, John Finnigan, Ambrosia Wilson,  
15 and Amy Botschner O'Brien, 65 East State Street,  
16 Suite 700, Columbus, Ohio 43211 -- sorry. Let me  
17 correct that, 43215.

18 EXAMINER SEE: On behalf of Interstate  
19 Gas Supply, Inc.

20 MR. NUGENT: Good morning, your Honor.  
21 On behalf of Interstate Gas Supply, Inc., Michael  
22 Nugent, Evan Betterton, Stacie Cathcart, 6100 Emerald  
23 Parkway, Dublin, Ohio 43016.

24 EXAMINER SEE: On behalf of Ohio Partners  
25 for Affordable Energy.

1 MR. DOVE: Good morning, your Honor. On  
2 behalf of Ohio Partners for Affordable Energy, Robert  
3 Dove and Nicholas Bobb with the law firm Kegler,  
4 Brown, Hill & Ritter, 65 East State Street, Suite  
5 1800, Columbus, Ohio 43215.

6 EXAMINER SEE: And on behalf of the  
7 Environmental Law & Policy Center.

8 MS. WEBER: Good morning, your Honor. On  
9 behalf of the Environmental Law & Policy Center,  
10 Janean Weber, 21 West Broad Street, 8th Floor,  
11 Columbus, Ohio 43215.

12 EXAMINER SEE: Mr. Kennedy.

13 MR. KENNEDY: Good morning, your Honor.  
14 We have a number of exhibits that we would like to  
15 move into the record for which there is no  
16 cross-examination, so I am going to go through that  
17 right now and hand out copies as we do that.

18 So this will be Exhibit DEO Exhibit 6.0.  
19 It's the application with this -- Application for  
20 Approval of Alternative Rate Plan that was submitted  
21 in this proceeding.

22 EXAMINER SEE: And, Mr. Kennedy, you said  
23 this is 6?

24 MR. KENNEDY: 6.0.

25 EXAMINER SEE: The exhibit is so marked.



1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 MR. KENNEDY: We would also like to mark  
3 for identification as Dominion -- DEO Exhibit 7.0 the  
4 Alternative Rate Plan Exhibits that went with the  
5 Application.

6 EXAMINER SEE: The exhibit is so marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MR. KENNEDY: And then we have some  
9 testimony that's previously filed for which there is  
10 no cross-examination. We have DEO Exhibit 2.0 with  
11 attachments DEO Exhibit 2.1 and 2.2, direct testimony  
12 of James Herndon.

13 EXAMINER SEE: The exhibit is so marked.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 MR. KENNEDY: We have another exhibit,  
16 5.0, which is the supplemental testimony of James  
17 Herndon.

18 EXAMINER SEE: Supplemental testimony is  
19 so marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. KENNEDY: And then we have the direct  
22 testimony of Celia B. Hashlamoun, DEO Exhibit 3.0.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 MR. KENNEDY: So we would like to  
25 formally move all of that into evidence, your Honor.

EXAMINER SEE: And given that the parties have agreed there is no cross-examination for either Mr. Herndon or Ms. Hashlamoun, those exhibits are admitted into the record.

(EXHIBITS ADMITTED INTO EVIDENCE.)

MR. KENNEDY: Thank you, your Honor. We also had a Stipulation of Fact between the Company and OCC. I am handing out a copy of that Stipulation which I will be reading into the record. This is just for everyone's benefit. This is not going to be marked as an exhibit. The Stipulation of Fact was previously e-mailed to counsel and your Honor yesterday afternoon.

The Stipulation reads as follows: "As set forth DEO Exhibit 2.1, the estimated cost of conducting a home audit as part of the Home Performance with ENERGY STAR program is \$259 per audit, which includes the estimated cost of direct installation of high-efficiency showerheads, faucet aerators, and water heater pipe warp. The Home Performance with ENERGY STAR program requires a \$25 customer co-pay to receive the audit, so the utility program cost is \$234 per audit. OCC and Dominion agree there are additional, non-incentives costs such as program administration, management, and marketing

1 that are not reflected in this number." The Company  
2 and OCC, as I indicated, have agreed to that  
3 Stipulation of Fact.

4 EXAMINER SEE: Okay. And we've also  
5 already noted none of the other parties had cross for  
6 either -- either of Mr. Herndon or Ms. Hashlamoun, so  
7 those exhibits have been admitted into the record.

8 MR. FINNIGAN: Your Honor, and, you know,  
9 question to Chris -- we agree with the Stipulation of  
10 Fact that Mr. Kennedy just read into the record. We  
11 spent some time going over that with him and his  
12 co-counsel so we are in agreement with that. A  
13 question I had, if I could put that to you and  
14 perhaps you could look into this during the  
15 hearing --

16 EXAMINER SEE: Is it --

17 MR. FINNIGAN: I was thinking that  
18 program may have also included a carbon monoxide  
19 detector, so if you would want to look into that with  
20 your consultant, and if that's the case, perhaps, you  
21 know, add that into the Stipulation; and if not, then  
22 I'm -- I may be mistaken. I just wanted to raise  
23 that, you know, just for the sake of consistency with  
24 what's in the filed testimony. So perhaps you could  
25 look into that with your consultant during the course

1 of the hearing, and if there is a need to revisit it,  
2 we could; and if not, then no need.

3 MR. KENNEDY: We --

4 EXAMINER SEE: Is that not a matter the  
5 parties could take up and file maybe a late-filed  
6 exhibit representing whether or not what you believe  
7 is the case or is not the case?

8 MR. KENNEDY: We could do it that way,  
9 but we can also confer during a break and see if we  
10 could say something on the record about that, your  
11 Honor.

12 EXAMINER SEE: Okay. Then we will take  
13 that up after -- after a break or later in the day.

14 Your witness, Mr. Kennedy.

15 MR. KENNEDY: Yes. Mr. DeMonte is going  
16 to be handling the witness, but I am going to be  
17 handing out the testimony.

18 EXAMINER SEE: Okay.

19 MR. DeMONTE: Good morning, your Honor.  
20 The Company would like to call to the stand Ms. Ella  
21 Hochstetler. As indicated, counsel is sharing the  
22 testimony, the prefiled testimony to counsel.

23 EXAMINER SEE: Ms. Hochstetler.

24 MS. HOCHSTETLER: Good morning.

25 EXAMINER SEE: Is that how you pronounce

1 your name?

2 MS. HOCHSTETLER: Yes, ma'am.

3 EXAMINER SEE: Okay. Could you please  
4 raise your right hand.

5 (Witness sworn.)

6 EXAMINER SEE: Thank you.

7 Go ahead, Mr. DeMonte.

8 MR. DeMONTE: Thank you, your Honor.

9 - - -

10 ELLA R. HOCHSTETLER

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

13 DIRECT EXAMINATION

14 By Mr. DeMonte:

15 Q. Ms. Hochstetler, can you please spell  
16 your name for the court reporter and the record,  
17 please.

18 A. Yes. H-O-C-H-S-T-E-T-L-E-R.

19 Q. And you are the same Ms. Hochstetler who  
20 prepared or caused to have prepared DEO Exhibit 1.0,  
21 which was the direct testimony of yourself, and DEO  
22 Exhibit 4.0, which was the supplemental direct  
23 testimony?

24 A. Yes.

25 (EXHIBITS MARKED FOR IDENTIFICATION.)

1           Q.    And you have those -- a copy of both of  
2   that testimony in front of you today?

3           A.    Yes, I do.

4           Q.    And is it a true and accurate copy of the  
5   testimony that was filed with the Commission?

6           A.    Yes.

7           Q.    If I asked you the questions today that  
8   are contained in your testimony, would you provide  
9   the same answers under oath?

10          A.    Yes.

11               MR. DeMONTE:  Thank you.

12               Your Honor, at this time the Company  
13   would move for admission of DEO Exhibit 1.0 and DEO  
14   Exhibit 4.0, subject to cross.

15               EXAMINER SEE:  May I ask if the parties  
16   had agreed on a cross-examination order?

17               MR. KENNEDY:  We had not, your Honor.  I  
18   thought that OCC would go first but that may be  
19   presumptuous.  I will defer to OCC on that.

20               EXAMINER SEE:  That's okay.  I didn't  
21   know if that was part of the representation in the  
22   communications that had gone between the parties in  
23   the past couple of days or not.

24               With that let's first start with  
25   Environmental Law & Policy Center.  Any

1 cross-examination for this witness?

2 MS. WEBER: No, your Honor.

3 EXAMINER SEE: Mr. Dove, do you have any  
4 cross-examination for this witness?

5 MR. DOVE: No, your Honor.

6 EXAMINER SEE: Mr. Nugent?

7 MR. NUGENT: No cross, your Honor.

8 EXAMINER SEE: And OCC? Mr. Finnigan or  
9 Ms. Botschner?

10 MS. BOTSCHNER O'BRIEN: We do, your  
11 Honor.

12 EXAMINER SEE: Okay. Go ahead.

13 - - -

14 CROSS-EXAMINATION

15 By Ms. Botschner O'Brien:

16 Q. Good morning, Ms. Hochstetler.

17 A. Good morning.

18 Q. Can you hear me well?

19 A. No. I was just going to mention I  
20 have -- I struggle with a little bit of hearing  
21 issues.

22 Q. I know at last week's hearing I needed a  
23 microphone. I don't know if I will.

24 EXAMINER SEE: Let's go off the record  
25 for a second.

1 (Discussion off the record.)

2 EXAMINER SEE: Let's go back on the  
3 record.

4 Go ahead.

5 Q. (By Ms. Botschner O'Brien) Good morning,  
6 Ms. Hostetler. I am Amy Botschner O'Brien from the  
7 Office of the Ohio Consumers' Counsel, and I'll be  
8 asking you some questions specifically regarding your  
9 direct and supplemental testimony which you have  
10 before you, correct?

11 A. Correct.

12 Q. Okay. On page 5 of your direct  
13 testimony, you state that For subsequent years after  
14 year five, Dominion proposes that the total amount of  
15 DSM/EE funding be increased annually by 3 percent,  
16 until such time as Dominion files a subsequent  
17 application with the Commission to modify the  
18 alternative rate plan to further increase DSM/EE  
19 funding and/or offer new DSM/EE programs. Do you see  
20 that?

21 A. Yes, I do. Yes, I do.

22 Q. So it is your testimony the program  
23 funding would be increased by an automatic 3 percent  
24 annually until Dominion decides it's time to modify  
25 the plan, correct?



1 A. Yes.

2 Q. For an unlimited number of years,  
3 correct?

4 A. The intent is not for an unlimited amount  
5 of years. It doesn't specify years in here, but the  
6 intent of the 3 percent increase is really to account  
7 for inflation so inflation and other market  
8 conditions don't eat away at the overall  
9 participation and success of the program.

10 Q. But as -- as it is filed, it appears to  
11 be an unlimited amount of years.

12 A. Correct.

13 Q. Okay. You also testified that for -- and  
14 again, I am still on pages 5 to 6 of your testimony,  
15 that for -- some of the reasons for the annual  
16 3 percent increase in total budgeted DSM/EE spending  
17 after year five, correct? You are explaining some of  
18 the reasons.

19 A. Correct.

20 Q. Okay. These reasons appear to include  
21 allowing for Dominion to account for inflation,  
22 changes in marketing conditions and/or technology, as  
23 well as unforeseen occurrences, correct?

24 A. Well, as it states in the testimony on  
25 121, inflation, changes in market conditions,

1 technology, customer preferences, industry standards  
2 and regulations as well.

3 Q. Okay. Thank you. But wouldn't --  
4 wouldn't it be true that these same reasons given by  
5 Dominion to account for the 3 percent annual  
6 increases are, in fact, things that could lead to  
7 program decreases potentially?

8 A. The -- the proposed increases are really  
9 to a cap. It is not to a certain budget, so it is a  
10 cap. So, yes, it could be increases or decreases,  
11 although I would say looking at today's inflation  
12 rates, that it is not very probable that it could be  
13 a decrease.

14 Q. Okay. But would you agree that it is  
15 speculative to decide now five years in advance of  
16 when the 3 percent increase would take effect,  
17 whether the increase is needed or is just and  
18 reasonable?

19 MR. DeMONTE: Your Honor, I would just  
20 object to the extent it's asking for a legal  
21 conclusion on whether it is speculative or not under  
22 the law.

23 EXAMINER SEE: Sustained.

24 Q. (By Ms. Botschner O'Brien) Would you  
25 agree that a lot can happen during five years, much

1 less beyond five years?

2 A. I would agree that changes could occur  
3 within five years.

4 Q. Thank you. Is it your testimony that  
5 Dominion is under no obligation to demonstrate on an  
6 annual basis in advance of the spending that the  
7 automatic 3 percent increase is just and reasonable  
8 in any given year?

9 MR. DeMONTE: Your Honor, I would just  
10 make the same objection to the extent it's calling  
11 for the witness to testify as to what is legally just  
12 and reasonable.

13 EXAMINER SEE: Recognizing that --  
14 Ms. Hochstetler, are you an attorney?

15 THE WITNESS: I am not an attorney.

16 EXAMINER SEE: Recognizing that the  
17 witness is not an attorney and to the extent it calls  
18 for a legal opinion, she may provide her opinion but  
19 that is the extent of her reply.

20 Go ahead.

21 A. Could you repeat the question then?

22 Q. Sure. Is it your testimony that Dominion  
23 is under no obligation to demonstrate on an annual  
24 basis in advance of the spending that the automatic  
25 3 percent increase is just and reasonable in any

1 given year?

2 A. Our -- our intent is not to increase  
3 without justification. Certainly we will look at  
4 current market conditions, but our intent really is  
5 to adjust the program cap, if needed, in order to be  
6 able to continue to serve the participants that are  
7 in the program.

8 Q. Okay. Thank you. You envision the  
9 PUCO's review regarding this increase to be more of a  
10 reconciliation where Dominion would file annual  
11 updates to adjust the DSM rider rate so Staff can  
12 audit historical DSM/EE expenses and the  
13 reconciliation of actual DSM/EE collections. So do  
14 you envision this more of a reconciliation annually?

15 A. I'm not sure quite how you define  
16 reconciliation. However --

17 Q. I'm sorry. I didn't mean to cut you off.  
18 Go ahead.

19 A. That's okay. However, yes, the PUCO  
20 Staff and Commission reviews this program every year,  
21 and I would envision that they would continue to do  
22 that. That is a requirement of the program. They  
23 review the rider and the spend every year.

24 Q. But it would not be a PUCO prudence  
25 review in advance of the spending, correct?

1           A.    No.   We would -- the spending would occur  
2   based on how we filed it.   We are -- our intent is to  
3   implement the programs that we filed for which are  
4   proven to be cost effective.

5           Q.    Okay.   To clarify, the reconciliation  
6   updates would not be a prudence review where Dominion  
7   opens a new docket each year in advance of the  
8   spending and files an application to adjust its DSM  
9   Rider rate which would include supporting schedules,  
10   calculations, proposed tariffs for PUCO review and  
11   approval before the spending occurs.

12          A.    I'm trying to just get all the  
13   information in your question in, and again, I am not  
14   a lawyer, so in terms of what needs to be filed, I  
15   would have to defer to my lawyers on that.   But the  
16   intent is to -- is to provide the same filing that we  
17   would -- we have already been filing each year with  
18   the Commission Staff and to continue that process  
19   going forward.

20          Q.    But there would not be an annual PUCO  
21   preapproval oversight of these 3 percent automatic  
22   annual increases.

23          A.    It is -- it is not a preapproval process.

24          Q.    Thank you.   Referring to the discussion  
25   on page 5 of your testimony, question 16, are you

1     aware that the PUCO requires audits of spending for  
2     these types of programs?

3             A.     I'm aware we have an annual filing.   I am  
4     not aware of an audit of spend.

5             Q.     Okay.   So you can't really testify  
6     whether it would be a move from precedent to permit  
7     an automatic increase without PUCO annual preapproval  
8     of the new spending?

9             A.     I am not sure I understand your question.

10            Q.     Okay.   Typically are you aware -- are you  
11     aware that the PUCO requires audits of these types of  
12     programs before the spending occurs?

13            A.     No.

14            Q.     You are not aware, or you disagree?

15            A.     I am not aware.

16            Q.     Okay.   So you would not be aware of  
17     whether it's moving -- whether it's -- what you want  
18     to do is different from what the PUCO typically does.  
19     And if you are not aware, you can say so.

20            A.     I am not aware.   We are not -- however,  
21     we are not requesting a change in the process with  
22     the PUCO.   It's our annual rider, and we are  
23     intending to put this additional spend in that annual  
24     rider filing.

25            Q.     Is it your testimony that Dominion need

1 not justify costs in advance and justify the costs it  
2 seeks to collect?

3 A. I believe we've justified the cost within  
4 the filing itself. The total requested spend that we  
5 have outlined has been proven to be cost effective,  
6 so I would defer to that -- to the filing and the  
7 cost effectiveness study that Mr. Herndon put in his  
8 testimony.

9 Q. And you speak -- in your testimony you  
10 speak of a general familiarity with RC 4929.05, just  
11 and reasonable statute?

12 A. Can you refer to the point in the  
13 testimony?

14 Q. General familiarity. Yes. Okay. This  
15 is also actually in your supplemental testimony but  
16 on page 4 but do you -- but let me ask it a different  
17 way, Ms. Hochstetler. Do you have a general  
18 familiarity with the just and reasonable statutes  
19 regarding alternative --

20 A. A general familiarity.

21 Q. Just general as a nonlawyer.

22 A. I am not a lawyer.

23 Q. Correct, recognizing that.

24 MR. DeMONTE: Your Honor, I apologize. I  
25 want to object to the extent you're going to get into

1     how obviously, or discussions that would be had. I  
2     will just assume you are not asking about  
3     attorney-client communications or any awareness that  
4     was learned from counsel or anything along those  
5     lines with respect to it. I just wanted to make  
6     sure.

7                     MS. BOTSCHNER O'BRIEN: I am not but  
8     thank you.

9                     MR. DeMONTE: Thank you, Judge.

10                    Q.     (By Ms. Botschner O'Brien) Is it your  
11     testimony that Dominion's proposal to double or  
12     triple energy efficiency rates to consumers over the  
13     next five years and to add on an automatic annual  
14     adjustment 3 percent is -- is just and reasonable as  
15     you understand it?

16                    A.     No, that's not my testimony. My  
17     testimony would be that it's -- I think you mentioned  
18     first that we would be doubling and tripling rates  
19     which I disagree with. The cost/benefit analysis  
20     that we put forward actually shows that customers  
21     would save more money than what would be paid into  
22     the program. So, no, that's not my testimony.

23                    Q.     Okay. Doesn't Dominion propose to fund  
24     its DSM and EE programs through charges to consumers  
25     at 14.6 million in 2023?



1           A.    Can you refer to the point in the  
2 testimony? I want to validate the numbers.

3           Q.    I believe this might have been in  
4 Ms. Hashlamoun's testimony where she speaks of the  
5 precise numbers and has a chart, but are you not  
6 familiar?

7           A.    I am familiar, but I want to make sure  
8 that the numbers that you are stating are the same  
9 numbers that are in my testimony. I would like to  
10 double-check.

11           MR. KENNEDY: Counsel, do you have a copy  
12 of the testimony you would like to refer her to?

13           MS. BOTSCHNER O'BRIEN: Of  
14 Ms. Hashlamoun?

15           Q.    (By Ms. Botschner O'Brien) I actually  
16 can't lay my hand directly on this, but can we assume  
17 for purposes of this question that it is  
18 approximately 14.6 in 2023?

19           A.    I'm sorry. What -- what are you stating  
20 is 14.6?

21           Q.    That Dominion proposes to fund its DSM  
22 and EE programs through charges to consumers at  
23 14.6 million in 2023.

24           A.    Subject to some sort of check.

25           Q.    Okay. Does that sound --

1           A.    Sounds in the ballpark.

2           Q.    Okay.  Good.  Thank you.  And then again  
3 just subject to check, for purposes of this question,  
4 Dominion would regularly increase spending up to  
5 20.4 million in 2027.

6           A.    Again, I would want -- I would want to  
7 just double-check those numbers; but, yes, we are  
8 proposing an increase.

9                   EXAMINER SEE:  Let's go off the record  
10 for just a second.

11                   (Discussion off the record.)

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

14                   Go ahead, Ms. O'Brien.

15                   MS. BOTSCHNER O'BRIEN:  Thank you.

16           Q.    (By Ms. Botschner O'Brien) And I also  
17 have -- I would like to refer you to your  
18 application.  Do you have that before you?

19           A.    I only have my testimony.

20           Q.    Testimony, do you?

21                   MS. BOTSCHNER O'BRIEN:  May I approach,  
22 your Honor?

23                   EXAMINER SEE:  Yes.  Could you tell us  
24 what you are referring to?

25                   MS. BOTSCHNER O'BRIEN:  Okay.  I am

1 looking at -- people hear me? I am looking at page 2  
2 of the application, Dominion's application.

3 MR. KENNEDY: We have a copy.

4 MS. BOTSCHNER O'BRIEN: Do you have a  
5 copy, your Honor?

6 EXAMINER SEE: Yes.

7 MS. BOTSCHNER O'BRIEN: And this is  
8 paragraph 3 of page 2. And I am wondering if --

9 MR. KENNEDY: Does counsel have a copy  
10 for the witness?

11 MS. BOTSCHNER O'BRIEN: Yes, yes, but I  
12 want to see what I want her to do first. But thank  
13 you.

14 Q. (By Ms. Botschner O'Brien) This is your  
15 application, Dominion's application, Ms. Hochstetler.  
16 Could you please read the first two sentences of  
17 paragraph 3 for us.

18 A. "In addition, DEO requests approval of a  
19 gradual increase in the Company's total annual DSM/EE  
20 funding levels for a five-year period from the  
21 existing levels of 9.5 annually to a range of  
22 approximately 14.6 million in year one to  
23 20.4 million in year five. Approving funding levels  
24 in excess of 5.5 million in base rates would be  
25 recovered annually through subsequent updates to the

1 DSM rider. Assuming the Commission approval has been  
2 received later than November 1, 2022, calendar year  
3 2023 would constitute as year one and calendar year  
4 2027 year five."

5 Q. Thank you. So I -- I'm a lawyer and not  
6 a mathematician by any means, but wouldn't --  
7 wouldn't you agree that that, as you read, moving  
8 from 14.6 million in 2023 to increase spending of up  
9 to 20.4 million five years later, as you read, in  
10 2027 represents close to tripling?

11 A. Today's budget is -- and that's a budget,  
12 it's a cap, is 9.5 million so going from 20 -- from  
13 9.5 million to 20.4 million is about two times.

14 Q. Okay. Well, I'll accept that. Would  
15 you -- would you say that that is just and reasonable  
16 in your opinion? Again, as a nonlawyer.

17 A. As a nonlawyer, again, I would refer back  
18 to the cost/benefit analysis, so 20.4 million, and in  
19 that year there are customers that are going to be  
20 receiving benefits that are greater than the cost of  
21 the program.

22 Q. Would you agree that an automatic annual  
23 adjustment of 3 percent after year five is also just  
24 and reasonable in your nonlawyer opinion?

25 A. Yes. As I have stated before, the annual

1 3 percent increase, which again is a cap, in my  
2 opinion would be just and reasonable, and not as a  
3 lawyer, to account for inflation and other market  
4 conditions that may not be foreseen to allow for the  
5 program to move forward without eating away at the  
6 customer benefits.

7 Q. Okay. But you've testified that the  
8 program costs actually -- could possibly decrease as  
9 well. We just -- we just don't know at this point.

10 A. I think inflation is pretty probable.

11 Q. Okay. Let's move on. You state on page  
12 6 of your testimony that Columbia -- let's turn to  
13 page 6. We are still on your direct testimony.

14 A. Direct, okay.

15 Q. You state that Columbia has a bigger DSM  
16 program budget than Dominion does. Do you see that?

17 A. Yes, I do.

18 Q. Okay. Are you aware that Columbia does  
19 not get an automatic 3 percent increase in program  
20 funding annually?

21 A. No, I was not aware of that.

22 Q. Okay. Do you know -- thank you. Do you  
23 know the current customer participation percentage of  
24 Dominion's customer base for the current residential  
25 and small commercial programs? And this is regarding

1 your testimony on pages 6 to 7.

2 A. Give me a moment to look at that.

3 Q. Certainly.

4 A. By --

5 Q. I'm sorry. Go ahead.

6 A. Go ahead.

7 Q. If you were about to speak, I don't want  
8 to interrupt your answer. Go ahead.

9 A. Well, first, for the record, today we do  
10 not have a non -- nonresidential program. It is  
11 recommended in the application -- or represented in  
12 the application, I should say. And in these two  
13 pages I have not stated the participation rates. I  
14 do have an estimate off the top of my head around how  
15 many customers participate annually in ours. It's  
16 about 5,600, and we are looking to increase that to  
17 about 200,000 a year. And as a matter of fact, that  
18 200,000 a year would actually -- those customers  
19 don't just receive it in that year. They receive  
20 ongoing benefits in the program.

21 Q. You've answered my question. So you  
22 said -- I'm sorry. Can you repeat the percentage of  
23 current residential participation again?

24 A. I don't have the percentage. I have an  
25 approximate number of 5,600 that we support today.

1           Q.    5,600, okay. Does Dominion -- does  
2 Dominion know why customers -- why its customers  
3 haven't engaged in these programs more broadly?

4           A.    You mean above the 5,600?

5           Q.    Yeah. That's a relatively small  
6 percentage of your customer base.

7           A.    Well, today it fulfills the budget. I  
8 mean, that -- you know, it's within the budget that  
9 we have today, and so we are proposing an increase in  
10 order to help more customers.

11          Q.    Okay. So you identify participant  
12 barriers to these DSM/EE programs. What are these  
13 barriers and has Dominion studied these barriers or  
14 listed them somewhere?

15          A.    Can you refer me to where -- where I say  
16 that in the testimony?

17          Q.    Sure.

18          A.    I just want to make sure I understand.

19          Q.    That is on page -- I'm sorry. Give me a  
20 minute. I'm moving between your supplemental and  
21 direct testimony. I'm sorry for the delay. That's  
22 why. I am trying to find where that was exactly.

23                Okay. This -- this is your direct  
24 testimony.

25          A.    Okay.

1           Q.    Okay.  So this would be page 4 of your  
2 direct testimony.

3           A.    Okay.  I have page 4 up.

4           Q.    Okay.  This is the bottom of page 4 where  
5 you talk about the participant barriers.  Do you see  
6 that?

7           A.    Okay.

8           Q.    Okay.  And again, I'll just repeat the  
9 question.  Has Dominion studied or listed them  
10 somewhere?

11          A.    Well, in my testimony I generally  
12 reference participant barriers, and I can tell you  
13 what my definition is.  However, I do refer back to  
14 Mr. Herndon's testimony in this question where he  
15 goes into more detail around the market and the  
16 studies that he did.

17          Q.    Is it your testimony that the small  
18 number of consumers participating in Dominion's  
19 programs justifies the continuing charge -- charges  
20 for non-participating consumers to subsidize the  
21 program?

22               MR. DeMONTE:  I am going to object to a  
23 little argumentative, counsel, but I don't think it  
24 characterizes her testimony correctly.

25               MS. BOTSCHNER O'BRIEN:  I can rephrase



1 the question.

2 MR. DeMONTE: Thank you, counsel.

3 Q. (By Ms. Botschner O'Brien) Do you think  
4 that the -- we've established the relatively small  
5 number of consumers that are -- that do participate  
6 in Dominion's programs justifies continuing charges  
7 for the non-participating consumers which subsidizes  
8 the program?

9 A. Actually I would argue we are -- our  
10 programs are proposing to go from 5,600 to about  
11 200,000 plus participants annually and that's a  
12 pretty significant increase in the significant size  
13 of our customer base.

14 And I would also say that in addition to  
15 that, I think all of our customers are going to  
16 benefit from these programs. If they don't  
17 participate directly -- well, if they do, let's start  
18 with that, if they do participate directly, you are  
19 talking about the ability for the customers to  
20 experience long-term savings and long-term education  
21 that will help them out with their energy usage going  
22 forward. And then for the nonparticipating  
23 customers, it really -- the environmental benefits  
24 with carbon emission reduction as well as the  
25 economic benefits with job creation benefit everyone.

1 So, no, I don't agree.

2 Q. Okay. When -- let's go back to page 6 of  
3 your supplemental testimony.

4 A. Okay.

5 Q. And on page 6 you state that between 2017  
6 and you have, I believe, 202, but do you mean to say  
7 2020? 2022? I am not sure. What do you mean there?

8 A. I'm sorry. I don't know where you are  
9 at.

10 Q. Under number of participants it says "For  
11 existing programs on average there were 5,700  
12 participants annually between 2017 and 202." "

13 A. I'm assuming, yes, there is an other 0 or  
14 a 1 left out. I apologize, but I just don't recall  
15 if it was 2020 or 2021; but, yeah, 5,700 seems to be  
16 what the average is in that period of time.

17 Q. To 2021, potentially is that what that  
18 number should say?

19 A. Subject to check on that.

20 Q. Okay. But as you recognized previously  
21 that's a low percentage compared to Dominion's  
22 customer base, correct?

23 MR. DeMONTE: Objection. That  
24 mischaracterizes the witness's testimony. I believe  
25 she testified she couldn't provide a percentage.

1           Q.     (By Ms. Botschner O'Brien) Okay. Let me  
2 rephrase. That's a low number compared to Dominion's  
3 customer base, correct?

4           A.     I would say that is a low number compared  
5 to the customer base. However, what we are  
6 requesting would bring us up to about 200,000 which  
7 is pretty significant.

8           Q.     Well, and I understand that's your  
9 request. But is there any reason to believe that  
10 participation levels will increase to that forecasted  
11 number of I believe --

12          A.     Yes, that is what we believe, that will  
13 increase that number.

14          Q.     And you don't think that's a tad  
15 ambitious?

16          A.     No, I don't.

17          Q.     Okay. Under both the current DSMEE  
18 program -- backslash EE programs and the expanded  
19 proposal, residential customers would subsidize the  
20 program, correct?

21          A.     I'm sorry. I'm not -- I am not following  
22 what you are asking on that one.

23          Q.     All consumers will be paying for these  
24 programs. All cus -- all consumers, all customers  
25 will be paying, subsidy means all customers will be

1 paying for the programs whether or not they are using  
2 them.

3 A. So the DSM rider, yes, is applied to all  
4 customers aside from the large volume and industrial  
5 customers. However, I would again point back to the  
6 benefits that I've mentioned of the nonparticipating  
7 customers as well as the ongoing benefit of the  
8 ones --

9 Q. Okay.

10 A. -- that are there.

11 Q. Thank you. Would residential consumers  
12 subsidize the commercial programs that are on page 7  
13 under the expanded proposal?

14 MR. DeMONTE: I am going to object,  
15 Judge. With the definition you provided, I think the  
16 question may have changed, so I'm not sure what my  
17 objection is, counsel, but I wasn't following the  
18 question either. So I don't know if you are asking  
19 to redefine subsidy there.

20 MS. BOTSCHNER O'BRIEN: Sure.

21 Q. (By Ms. Botschner O'Brien) Are all  
22 residential customer --

23 MS. BOTSCHNER O'BRIEN: If I may?

24 EXAMINER SEE: Yes. Go ahead.

25 Q. (By Ms. Botschner O'Brien) Will all

1 residential customers be paying for all the programs,  
2 both residential and commercial programs, under your  
3 proposal?

4 A. The rider would be applied to both just  
5 as it is today so there's no commercial programs  
6 today and commercial customers pay for residential  
7 today.

8 Q. Turning to page 7 and back to your direct  
9 testimony.

10 A. Direct, you said 7 on direct?

11 Q. Correct.

12 MS. BOTSCHNER O'BRIEN: Your Honor, may I  
13 approach?

14 EXAMINER SEE: Yes.

15 Q. (By Ms. Botschner O'Brien) I'm realizing  
16 I need to retrieve that. Thank you.

17 Where you discuss the management and  
18 administrative costs on page 7 for the expanded  
19 DSM/EE program -- portfolio, do you see that?

20 A. You have me on page 7 for my direct,  
21 right?

22 Q. Page 7 of your direct.

23 A. No, I don't -- can you point to the line  
24 number where you are looking at?

25 Q. I am going to have to get back to you on

1 that one because I actually don't see where I  
2 reference this question but --

3 A. Okay.

4 Q. -- I read it. Let's go to therm savings  
5 that you reference in your direct testimony for  
6 participating customers.

7 A. Can you point to where?

8 Q. Well, you've discussed therm savings on  
9 page 8.

10 A. Okay.

11 Q. Do these savings exceed the cost  
12 consumers will pay for the programs?

13 A. It is my understanding that, yes, the  
14 cost/benefit analysis came out that customers will  
15 save more in their bills than they would pay into the  
16 program.

17 Q. One of the identified benefits on page 9  
18 includes offering financial incentives to help offset  
19 the incremental costs of purchasing higher efficiency  
20 equipment. Do you see that at the top of page 9?

21 A. I do.

22 Q. Who is -- who is paying for these  
23 financial incentives?

24 A. They are part of the overall portfolio  
25 that we are asking for the increase.

1           Q.    Thank you.  You state on page 9 that  
2   DSM/EE investment supports a supply chain of large  
3   and small wholesalers and distributors.

4           MR. DeMONTE:  Counsel, is there a line  
5   number?  I'm sorry.  I wasn't finding it.

6           MS. BOTSCHNER O'BRIEN:  Sure.  It was on  
7   page 9, looks like 205 to 207.

8           A.    Okay.

9           Q.    Isn't it true that the support chain --  
10   the supply chain for energy efficiency products  
11   already exists?  For example -- here, let me clarify.  
12   For example, would you agree that consumers can  
13   already acquire energy efficiency products through  
14   the competitive market?

15          A.    I would agree with that.

16          Q.    Such as Lowe's, Home Depot, ordering off  
17   Amazon?

18          A.    Correct.

19          Q.    You further state that the expanded  
20   DSM/EE portfolio encourages customer participation  
21   because programs will engage customers at various  
22   points including the retail market through rebates --

23          A.    Okay.

24          Q.    -- and other incentives to make energy  
25   efficient choices, correct?

1           A.     Correct.

2           Q.     But this already exists at the retail  
3 level, correct?

4           A.     Correct.

5           Q.     Similarly you state that customers will  
6 be engaged in the home and business through audits  
7 and direct install measures as well as at the  
8 decision-making points during new constructions,  
9 correct?

10          A.     Yes.   I am not sure if that's a direct  
11 quote in the testimony but, yes, that's reasonable.

12          Q.     That's generally your understanding?

13          A.     Generally.

14          Q.     Would all customers pay for this?

15          A.     This would be part of the overall  
16 increase.  It is part of the overall portfolio that  
17 we are asking for.

18          Q.     Thank you.

19                 EXAMINER SEE:  Just a minute.  Were you  
20 finished with your answer?

21                 MS. BOTSCHNER O'BRIEN:  Oh, I'm sorry.

22          A.     There was a lot of information in those  
23 questions.  So -- so, yes, this is part of the  
24 overall participation or the overall portfolio of  
25 what we are asking for.  However, if you are talking



1 about the competitive market and comparing to the  
2 competitive market, Dominion has a relationship with  
3 these customers that Lowe's and Home Depot and such  
4 do not, so we can offer a comparison with their  
5 direct consumption. They know us as their energy  
6 provider, so we have kind of a different rapport with  
7 our customers than a Lowe's or Home Depot.

8 Q. Okay. But all customers are paying for  
9 these.

10 A. All customers are paying and benefiting.

11 Q. Okay. Dominion is -- is proposing to  
12 recover the costs of the expanded DSM programs,  
13 whatever the amount is, over 5.5 million of current  
14 costs reflected in base rates through the DSM rider,  
15 correct? You currently recover 5.5 million through  
16 base rates.

17 A. So any excess would be through the rider.

18 Q. Thank you. So all consumers, including  
19 low income consumers, would be -- will be paying for  
20 whatever is over the 5.5 million, correct?

21 A. That is correct. However, what I would  
22 say is that if you are referring to low income, and  
23 my experience with the customer service industry and  
24 being in that group before, our low income customers  
25 represent only about 4 percent. That's -- that's the

percentage that actually participate in the PIPP program or the Percentage of Income Payment Program. So 96 percent of our customers are considered non-low income and would benefit from these programs.

Q. You state as part of program review, participating vendors will continue to report for each program the participation rates and spending levels as compared to the expected levels, correct? That will go on.

A. Yes, correct.

Q. Does Dominion expect to end the program and charges if the program and charges have low participation?

A. I think that that's a possibility, although I couldn't speculate without more details on that. We would either look to modify or potentially end if there is a change in market conditions that will allow us to move to another product. But I think that trying to speculate as to a definite would be very difficult at this point.

Q. Under the current DSM/EE portfolio, you describe the Housewarming Program on page 3.

A. Is that direct?

Q. That's correct, correct.

A. Thank you. Let me pull that up, please.

1                   Okay.

2                   Q.    Is the cost of this program paid for by  
3 all consumers?

4                   A.    Aside from the large volume and -- the  
5 large volume and industrial customers, correct.

6                   Q.    So residential consumers?

7                   A.    Correct, and nonresidential as well.

8                   Q.    Okay.  You describe the Home -- Home  
9 Performance with ENERGY STAR Program on page 4.  You  
10 state that the audit identifies measures that can  
11 save energy and increase home comfort such as smart  
12 thermometers, pipe insulation, showerheads, and then  
13 the provider coordinates insulation with approved  
14 contractors.  But -- but again, I think as you have  
15 testified, these are products that can be purchased  
16 through any home improvement store and Amazon,  
17 correct?

18                   MR. DeMONTE:  I am going to object to  
19 this, Judge.  I am not sure where you were reading  
20 from, but it's also multiple -- compound question.

21                   MS. BOTSCHNER O'BRIEN:  Okay.  I can  
22 break that down.

23                   MR. DeMONTE:  Counsel, I'm sorry.  Where  
24 were you reading that from?

25                   MS. BOTSCHNER O'BRIEN:  I am not really

1 reading as much as referring. I'm on the top of page  
2 4 of her direct testimony. I think she sees it. And  
3 she states that the audit identifies measures that  
4 can save energy, increase home comfort such as --  
5 some of these examples are smart thermometers, pipe  
6 insulation, showerheads, and then the provider  
7 coordinates insulation with approved contractors. Do  
8 you see that?

9 A. I do see that.

10 Q. Okay. But these products, I think you've  
11 testified earlier, they can be purchased through any  
12 home improvement store and Amazon, correct?

13 A. I agree they can. However, in this  
14 program the auditor is actually installing the  
15 measures that -- that you mentioned here as he goes  
16 through the audit and can also install therm -- smart  
17 thermostat at a reduced cost too which helps  
18 customers to save energy going forward.

19 Q. Turning to your supplemental testimony at  
20 page 2, you again discuss -- sort of highlights a lot  
21 of your direct testimony, how Dominion's application  
22 proposes to expand Dominion's DSM/EE programs, and  
23 you list various new programs?

24 A. I see the testimony on page 2.

25 Q. Okay.

1           A.    I'm sorry.  I wasn't sure what the  
2 question was.

3           Q.    I'm sorry.  You list the various new  
4 programs on page 2.

5           A.    Okay.

6           Q.    Okay.

7           A.    Yes.

8           Q.    And how that is expanding Dominion's  
9 current DSM/EE programs.  You explain how the  
10 programs will be funded by increases from year one to  
11 year five.

12          A.    Okay.

13          Q.    Correct?

14          A.    I see that on page 2, yes.

15          Q.    Okay.  Do you know the bill impact to  
16 consumers of these increases?

17          A.    I believe that's in Ms. Hashlamoun's  
18 testimony.  I don't have those just off the top of my  
19 head.

20          Q.    Okay.  Thank you.  You state that at the  
21 bottom of page 2 that these are programs that are  
22 available to consumers of other utilities.

23          A.    I am aware that, yes, many of these  
24 programs are available through Columbia's program as  
25 well as CenterPoint's program.

1           Q.    Okay.  But isn't it true these other  
2 programs do not receive automatic 3 percent  
3 increases?

4           A.    I am just not aware of that, I'm sorry.

5           Q.    Thank you.  Thank you.  Still on page --  
6 let's turn to page 4 of your supplemental testimony.  
7 Here you indicate a general familiarity with state  
8 policy and RC 4929.02.  Do you see that?

9           MS. BOTSCHNER O'BRIEN:  We're on page 4  
10 of her supplemental testimony.

11          MR. DeMONTE:  Thank you, counsel.

12          A.    Okay.

13          Q.    Okay.  Under your general understanding,  
14 again, of course, as a nonlawyer, alternative rate  
15 plans must be just and reasonable.

16          MR. DeMONTE:  Your Honor, I am going to  
17 object.  This -- the just and reasonable line of  
18 questioning has been asked and answered a couple  
19 times now.

20          MS. BOTSCHNER O'BRIEN:  This is -- this  
21 is a different question.

22          EXAMINER SEE:  Let me hear the question.

23          MS. BOTSCHNER O'BRIEN:  Okay.

24          Q.    (By Ms. Botschner O'Brien) Do you  
25 consider it just and reasonable to charge consumers

1 for programs that they do not necessarily want or  
2 need? Let me clarify. Because isn't it true that  
3 consumers can seek energy efficiency products in  
4 existing committed markets?

5 MR. DeMONTE: I am going to reobject just  
6 for the record, your Honor. Both of those questions  
7 have been asked in separate questions and combined  
8 previously, so I would object that it's been asked  
9 and answered.

10 EXAMINER SEE: Overruled. I don't think  
11 quite that question has been answered -- has been  
12 asked, I'm sorry.

13 A. So you asked about what customers want,  
14 and in relation to this, we believe and have heard  
15 that customers do want this. They are calling our  
16 customer service center to ask about how they can  
17 reduce their energy usage and manage their high  
18 bills, especially in today's time with inflation and  
19 really quite honestly volatile gas prices where when  
20 we put this application together, we were in the 3 to  
21 4 dollar range, and I am going from memory there, and  
22 now we are upwards of 8 and 9 dollar gas, so I would  
23 disagree that customers -- customers do want this.

24 Q. So -- so your understanding of what  
25 customers want and need is based on your experience

1 as a call center person?

2 A. My experience is both from the market  
3 research Mr. Herndon put forward as well as what I  
4 hear in our customer -- from our customer service  
5 center.

6 Q. You describe the smart thermostats and  
7 their installation. Has there been any study as far  
8 as you know as to what savings the thermostats  
9 provide to consumers?

10 A. My --

11 MR. DeMONTE: Counsel, are you  
12 referencing a particular testimony here? And if so,  
13 if you would please direct us to it.

14 Q. (By Ms. Botschner O'Brien) I guess if she  
15 needs a reference, page 6 of your supplemental  
16 testimony.

17 A. Supplemental, okay.

18 MR. DeMONTE: Thank you, counsel.

19 MS. BOTSCHNER O'BRIEN: You're welcome.

20 A. And you are asking about -- I'm sorry.  
21 Could you restate that question?

22 Q. Sure. Has there been any study as to  
23 what savings the smart thermostats provide to  
24 consumers?

25 A. It is my understanding that



1 Mr. Herndon -- and this is the reason we went to  
2 Mr. Herndon for his consulting advice -- has done  
3 quite a bit of research on established programs such  
4 as smart thermoses -- thermostats, excuse me, and how  
5 much savings they can gain. So I would say yes. Do  
6 I know that -- that research, no, but I am aware that  
7 Mr. Herndon does.

8 Q. Would installing a -- to the best of your  
9 knowledge, would installing a smart thermostat  
10 increase savings if the home otherwise hasn't been  
11 weatherized?

12 MR. DeMONTE: Your Honor, I understand  
13 that counsel is exploring, but at this point I feel  
14 as if we are getting far afield from the direct  
15 testimony and the supplemental direct testimony of  
16 Ms. Hochstetler, so I would object that it is outside  
17 the scope of her direct and supplemental direct.

18 EXAMINER SEE: Go ahead.

19 MS. BOTSCHNER O'BRIEN: My response is  
20 she is referencing the smart thermostat and  
21 explaining they are a benefit, and I am just  
22 exploring her knowledge of the benefit.

23 EXAMINER SEE: And the witness can  
24 respond to the question as best she can.

25 THE WITNESS: Okay.

1           A.    Again, for the expert advice I would  
2   refer to Mr. Herndon, but my understanding is that  
3   the smart thermostats do decrease usage and increase  
4   awareness of the customer's usage.

5           Q.    Would you agree that the benefits of the  
6   proposed DSM/EE programs such as improved reliability  
7   of gas heating appliances, you discuss those on page  
8   7, do not help the nonparticipants of the program?

9           ATTORNEY EXAMINER:  I'm sorry.  Could you  
10  repeat that question for me, please?

11          MS. BOTSCHNER O'BRIEN:  Would you like me  
12  to repeat?

13          EXAMINER SEE:  Yes.

14          Q.    (By Ms. Botschner O'Brien) Would you  
15  agree -- I am on page 7 of her supplemental  
16  testimony.  Would you agree that the benefits of the  
17  proposed DSM/EE programs such as improved reliability  
18  of gas heating appliances do not help nonparticipants  
19  of the program?

20          A.    We've referenced quite a few benefits,  
21  and some of those benefits are -- some of those  
22  benefits, such as the ones I suggested before,  
23  economic and environmental, actually do benefit all  
24  customers.

25          Q.    Okay.  So sort of in a broad general

1 scope your testimony is they benefit kind of  
2 societally.

3 A. I would agree.

4 Q. Thank you. On page 7 you discuss  
5 affordability of service as a significant issue for  
6 consumers.

7 A. I'm sorry. Where are we at? It's  
8 bouncing a lot.

9 Q. Sure. Page 7 of your supplemental  
10 testimony.

11 A. Okay. And what line?

12 Q. It looks like around 160, 162, around  
13 that area.

14 A. Okay. Thank you. Uh-huh.

15 Q. If affordability is an issue, wouldn't  
16 you agree that charging consumers more harms  
17 affordability?

18 A. When -- in this -- in this statement what  
19 I was referring to really is around affordability of  
20 the gas service. And any time that you would reduce  
21 the usage would help to increase affordability.

22 Q. You refer also further on down that page  
23 to Dominion's sustainability goals. Shouldn't  
24 shareholders pay for those goals?

25 A. I guess I'm not sure what you are asking

1 me here.

2 Q. Dominion as a corporation, you've  
3 testified, has sustainability goals. That's on line  
4 166 of your testimony on page 7. And you talk about  
5 those sustainability goals.

6 A. Right.

7 Q. Wouldn't you agree that is the  
8 responsibility of shareholders?

9 A. I can't agree with that broad statement.  
10 I think that overall sustainability goals are the  
11 responsibility of all -- all the -- all parties  
12 involved so whether -- there may be a responsibility  
13 on the customer's side. Reducing emissions and  
14 reducing usage is -- is definitely a customer side of  
15 this.

16 We have other ways that we are looking to  
17 reduce emissions and increase sustainability from a  
18 corporate perspective as well, but in this case, you  
19 know, we are talking about overall customer usage.

20 Q. Okay. So you -- okay. You discuss on  
21 page 8 factors that increase customers' monthly  
22 expenses, middle of the page, and that directly  
23 impact customers' ability to pay their energy needs.  
24 Do you see that?

25 A. Yes.

1           Q.    So do you believe charging customers for  
2 energy efficiency will help at this time even when --  
3 even for those who don't participate in the program?

4           A.    I would go back to my former statement.  
5 I mean, these programs have been proven to reduce  
6 overall customer bills and provide them that benefit.  
7 They are -- the benefit exceeds what the cost of  
8 these programs are.

9           Q.    But is --

10          A.    So I can't agree to that broad statement,  
11 no.

12          Q.    Is it fair to charge consumers who meet  
13 their energy efficiency needs through the competitive  
14 market to pay for Dominion's energy efficiency  
15 program?

16          A.    So if you bring up the competitive market  
17 again, I would have to talk about the Dominion's  
18 relationship with the customer bill. I cannot agree  
19 to that broad statement because there's a lot of  
20 benefit to be received from the educational portions  
21 of this program as well as other portions.

22          Q.    You discuss the energy efficiency  
23 workshops on pages 9 to 10 of your supplemental  
24 testimony.

25          A.    Okay. I'm on page 9.

1           Q.    And you note on page -- top of page 10  
2   that the workshops confirmed why the Commission has  
3   consistently supported voluntary cost effective  
4   natural gas DSM/EE programs.  Do you see that?

5           A.    Can you just guide me to a line, what you  
6   are referring to here?

7           Q.    Sure.  The very top of page 10.

8           A.    Okay.  Okay.

9           Q.    Do you see that, the workshops confirmed  
10   why the Commission has consistently supported  
11   voluntary cost effective natural gas DSM/EE programs?

12          A.    I see that sentence.

13          Q.    Okay.  Thank you.  Isn't the key word  
14   here voluntary -- let me explain.  Dominion's program  
15   wouldn't be voluntary to consumers, would it?

16          A.    It is voluntary to participate in a -- in  
17   a program where you would receive one of the  
18   measures.

19          Q.    But it isn't voluntary to the consumers  
20   who are paying for it who doesn't participate.

21                MR. DeMONTE:  I am going to object and  
22   say asked and answered, or perhaps the set-up  
23   misconstrues or mischaracterizes the testimony that  
24   was just given.

25                EXAMINER SEE:  Did you wish to respond?

1 MS. BOTSCHNER O'BRIEN: I am just  
2 exploring her -- her understanding of the word of  
3 voluntary --

4 EXAMINER SEE: Okay.

5 MS. BOTSCHNER O'BRIEN: -- which she  
6 testifies to.

7 EXAMINER SEE: The objection is  
8 overruled. The witness can answer the question.

9 THE WITNESS: I'm sorry.

10 EXAMINER SEE: With any explanation you  
11 believe necessary.

12 A. Could you repeat that question?

13 Q. Okay. Regarding this part of your  
14 testimony where you are saying the Commission  
15 supported voluntary cost effective natural gas DSM/EE  
16 programs, Dominion's program wouldn't be voluntary to  
17 consumers, would it?

18 A. The program is voluntary to participate  
19 in the measures.

20 Q. Okay. But it wouldn't be voluntary for  
21 the consumers who are paying for the program but are  
22 not participating in the program, correct?

23 A. So I would go back to some -- my  
24 statement from prior to where we would say -- I would  
25 say that all customers pay into that rider with --

1 with the exception of the industrial and large volume  
2 customers. And then I would also then point to my --  
3 my statement from before where I said that there's  
4 other benefits with environmental and economic, and I  
5 know I have stated that before but that they would  
6 receive, that all customers would receive.

7 Q. Does the word voluntary sometimes align  
8 with the concept of choice?

9 A. I would say, yes, it could.

10 Q. Wouldn't you agree you are taking from  
11 consumers their choice of what -- what is appropriate  
12 for their household because they are subsidizing the  
13 programs for all?

14 A. I would tell you that these -- this  
15 portfolio program was created with the best possible  
16 knowledge that we have and market research that  
17 Mr. Herndon put forward to put together portfolio  
18 programs that benefit all customers.

19 Q. Thank you. Turning to -- briefly to page  
20 12 of your testimony, this is your -- again your  
21 supplemental direct.

22 MR. KENNEDY: Your Honor, could we go off  
23 the record for a second?

24 EXAMINER SEE: Supplemental or direct?

25 MS. BOTSCHNER O'BRIEN: Supplemental.



1 EXAMINER SEE: Let's go --

2 MR. KENNEDY: Can we go off the record  
3 for a second?

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

6 (Discussion off the record.)

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

9 Do you recall the question?

10 Q. (By Ms. Botschner O'Brien) Okay.

11 THE WITNESS: Sorry, no.

12 EXAMINER SEE: Karen, could you read the  
13 question back, please.

14 (Record read.)

15 EXAMINER SEE: Ms. O'Brien, could you  
16 restate the question? We made it to page 12 of her  
17 supplemental testimony, I believe.

18 Q. (By Ms. Botschner O'Brien) Okay. You  
19 state that OCC mentions without proof that energy  
20 efficiencies measures are available to customers in  
21 the competitive market. Do you see that?

22 A. I do see the statement.

23 Q. Are you aware of the PUCO Energy Choice  
24 website?

25 A. I am familiar with the Energy Choice

1 website.

2 Q. Okay. And we have already established  
3 your general awareness that Amazon and home  
4 improvement stores offer energy efficiency products,  
5 correct?

6 A. They do.

7 Q. You've testified that there is no reason  
8 for the PUCO to delay review on Dominion's  
9 application. And that would be on page 14 of your  
10 supplemental testimony.

11 A. Okay.

12 Q. Wouldn't you agree that a reason for  
13 careful consideration and review of Dominion's  
14 application is merited because consumers are  
15 suffering financial hardships with COVID and the  
16 current rate of inflation?

17 A. No. I would completely disagree with  
18 that. I would say that that's even more reason that  
19 we should consider moving these programs forward, and  
20 again, especially with the gas prices being so  
21 volatile right now. Going into the winter we are  
22 looking at 8 and 9 dollar gas, and if we can  
23 implement programs that help educate customers and  
24 help support customers to reduce their usage, I think  
25 is very important.

1 Q. So you are -- you are asking that --  
2 scratch that.

3 On page 10 you further state that under  
4 the existing regulatory framework, the PUCO -- I  
5 think I might be back to your direct testimony.

6 A. Did you say page 10?

7 Q. Yes. No, this is still on your  
8 supplemental testimony. Actually it is the sentence  
9 right after "The Commission has consistently  
10 supported voluntary cost effective natural gas  
11 programs."

12 A. Can you just point me to the line,  
13 please?

14 Q. Sure. The next sentence, "The existing  
15 regulatory framework."

16 A. What number do we have there? I'm sorry.  
17 We just flipped back and forth a lot. What number,  
18 what line number are you looking at?

19 Q. We are still -- okay. Page --

20 ATTORNEY EXAMINER: Let's go off the  
21 record for a minute.

22 (Discussion off the record.)

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

25 Q. (By Ms. Botschner O'Brien) On page -- I'm

1       sorry. Do not mean to be shouting but the microphone  
2       died.

3               A.     No, that's fine.

4               Q.     You discuss under the existing regulatory  
5       framework the Commission can review the design and  
6       projected benefits of utility proposals before costs  
7       are incurred and recovered.

8               A.     Okay.

9               Q.     Do you see that?

10              A.     I do see that.

11              Q.     Okay. But this will not be the case  
12     under Dominion's expanded energy efficiency program  
13     proposals, correct? Let me clarify because you seem  
14     to be hesitating. If Dominion's application is  
15     granted and the utility is authorized an annual  
16     3 percent annual increase, there is no provision for  
17     the sort of prudence review that is -- that appears  
18     to be reflected in that sentence about the existing  
19     regulatory framework.

20              A.     Well, what --

21                     MR. DeMONTE: Object -- I'm sorry,  
22     Ms. Hochstetler. I know I have made the objection  
23     calls for a legal conclusion but that literally asked  
24     if -- as I understood the question, what the prudence  
25     review would be and what the Commission's regulatory

1 framework would be so I would just reobject on those  
2 grounds.

3 EXAMINER SEE: Noted and overruled. You  
4 can answer the question as best you can.

5 A. Okay. And I am not a lawyer, but I  
6 certainly understand that the current rider is  
7 reviewed annually, and the proposed programs in this  
8 are, I believe, being, you know, reviewed as we  
9 speak, so we -- you know, we are in that process of  
10 reviewing them now.

11 Q. You state that "The annual automatic  
12 3 percent increase in total budgeted DSM/EE spending  
13 after year five is reasonable." If the spending is  
14 reasonable, then shouldn't the PUCO determine that  
15 annually in -- in advance of the spending?

16 A. So what I would say to that is that, you  
17 know, the 3 percent, the intent of it -- again, I  
18 know I stated this before -- but to account for  
19 inflation and not eat away at our programs and not  
20 delay getting cost savings measures to our customers.  
21 So that's really the intent. It is a cap. It's not  
22 a definite spend. It's a cap.

23 MS. BOTSCHNER O'BRIEN: Thank you. I  
24 believe this is all I have for this witness, but can  
25 you just give me literally 2 minutes?

1 EXAMINER SEE: Certainly.

2 MS. BOTSCHNER O'BRIEN: Thank you.

3 That's all I have for this witness.

4 Thank you.

5 EXAMINER SEE: Thank you.

6 Any cross-examination for this witness by  
7 Staff?

8 MR. EUBANKS: No, your Honor.

9 EXAMINER SEE: Any redirect, Mr. DeMonte?

10 MR. KENNEDY: May we take a 1- to  
11 2-minute recess to confer?

12 EXAMINER SEE: Yes, you can.

13 MR. KENNEDY: Thank you.

14 MR. DeMONTE: Thank you, Judge.

15 EXAMINER SEE: But before we go off the  
16 record, would additional time allow you to address  
17 the issue raised by Mr. Finnigan?

18 MR. KENNEDY: I think we'll deal with  
19 this and then deal with --

20 EXAMINER SEE: You will need another --

21 MR. KENNEDY: I don't think we will deal  
22 with this issue right now. I think we will do it at  
23 a different break.

24 EXAMINER SEE: Okay. Then let's take a  
25 recess until 11:30.

1 (Recess taken.)

2 EXAMINER SEE: Let's go back on the  
3 record.

4 Mr. DeMonte.

5 MR. DeMONTE: The Company has no  
6 redirect. Thank you.

7 EXAMINER SEE: Okay. And the Company had  
8 already moved for the admission of Ms. Hochstetler's  
9 direct and supplemental testimony, Exhibits Dominion  
10 1.0 and 4.0, as well as previously requested  
11 admission of Dominion Exhibit 6 and Dominion  
12 Exhibit 7. Are there any objections to the admission  
13 of those exhibits?

14 Hearing none, Dominion Exhibits 6, 7, 1,  
15 and 4 are admitted into the record.

16 (EXHIBITS ADMITTED INTO EVIDENCE.)

17 EXAMINER SEE: You may step down.

18 MR. DeMONTE: Thank you, Judge.

19 EXAMINER SEE: Let's go off the record.

20 (Discussion off the record.)

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

23 Does that conclude the Company's  
24 presentation of its case?

25 MR. KENNEDY: It does, your Honor.

1 EXAMINER SEE: And --

2 MR. KENNEDY: Your Honor, we just want to  
3 clarify, you previously admitted the other exhibits  
4 we passed around earlier.

5 EXAMINER SEE: Yes. I see the court  
6 reporter shaking her head. I look to her to confirm,  
7 but I thought I had already admitted the testimony  
8 and supplemental testimony of Mr. Herndon as well as  
9 the testimony of Ms. Hashlamoun.

10 MR. KENNEDY: Thank you, your Honor.

11 EXAMINER SEE: Okay. We have two more  
12 witnesses. Let's see if we can grind through before  
13 we take a break.

14 Ms. O'Brien, your witness.

15 MS. BOTSCHNER O'BRIEN: I'm sorry?

16 EXAMINER SEE: Do you have a witness?

17 MS. BOTSCHNER O'BRIEN: We do.

18 EXAMINER SEE: Okay. Are you calling  
19 your witness?

20 MS. BOTSCHNER O'BRIEN: Yes, we can  
21 call --

22 MS. WILSON: For cross?

23 EXAMINER SEE: Let's go off the record.

24 (Discussion off the record.)

25 EXAMINER SEE: Let's go back on the



1 record.

2 Ms. Wilson, your witness.

3 MS. WILSON: OCC would call Ms. DuPree to  
4 the stand.

5 EXAMINER SEE: Let's go off the record.

6 (Discussion off the record.)

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

9 Ms. Wilson, you may call your witness.

10 MS. WILSON: OCC would call Ms. Colleen  
11 Shutrump to the stand, please.

12 EXAMINER SEE: Thank you.

13 Ms. Shutrump, would you raise your right  
14 hand.

15 (Witness sworn.)

16 EXAMINER SEE: Thank you. Have a seat.

17 Ms. Wilson.

18 MS. WILSON: Yes.

19 - - -

20 COLLEEN SHUTRUMP

21 being first duly sworn, as prescribed by law, was  
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 By Ms. Wilson:

25 Q. Good morning, Ms. Shutrump.

1           A.    Good morning.

2           Q.    Do you have with you the direct testimony  
3 of Colleen Shutrump --

4           A.    Yes.

5           Q.    -- marked as OCC Exhibit 1?

6           A.    Yes.

7           ATTORNEY EXAMINER:  The exhibit is so  
8 marked.

9                   (EXHIBIT MARKED FOR IDENTIFICATION.)

10          Q.    And is this, in fact, your -- was this  
11 testimony prepared by you or at your direction?

12          A.    Yes.

13          Q.    If I were to ask you the same questions  
14 today that are asked in your testimony, would your  
15 answers remain the same?

16          A.    Yes.  I do have corrections to make.

17          Q.    Okay.  Please go through your  
18 corrections.

19          A.    So I have two clarifications.  On page 6  
20 of my testimony at line 1, instead of "92 million,"  
21 it should be "45 million."

22                   And on page 8, the footnote, footnote  
23 No. 13, between the word "completed" and "during," it  
24 should say "audits," "completed audits during."  
25 That's it.

1 MS. WILSON: Thank you.

2 Ms. Shutrump is available for cross.

3 EXAMINER SEE: Okay. Any questions --  
4 any cross-examination for this witness by Ms. Weber?

5 MS. WEBER: Oh, okay. I guess I can go  
6 first. Very briefly.

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Weber:

10 Q. Good morning, Ms. Shutrump.

11 A. Good morning.

12 Q. I'm Janean Weber. I represent ELPC. If  
13 you could turn to page 4 of your testimony and let me  
14 know when you are there.

15 A. I'm there.

16 Q. All right. On page 4, lines 8 through 11  
17 of your testimony, you cite an ENERGY STAR 2021 fact  
18 sheet. Are you there?

19 A. Line 11 where it says "ENERGY STAR"?

20 Q. That's right.

21 A. Yes.

22 Q. I think the sentence begins on page -- on  
23 line 9.

24 A. Uh-huh.

25 Q. It reads "The competitive market for

1 energy efficiency products and services has provided  
2 consumers with 300 million ENERGY STAR certified  
3 products in 2020." Do you see that there?

4 A. Yes.

5 Q. And then there's a footnote that  
6 references CLS-1 which is an ENERGY STAR Fact Sheet.

7 A. Yes.

8 Q. You would define competitive market in  
9 this sentence as independently of utility energy  
10 efficient rebates?

11 A. Repeat that, please.

12 Q. Sure. You would define competitive  
13 market in this context, the sentence that I just  
14 read, as independently of utility energy efficient --  
15 energy efficiency programs or rebates, correct?

16 A. I would define a competitive market by  
17 virtue of many, many producers of energy efficiency  
18 products, many, many sellers which would be the  
19 retailers and willing consumers who are in demand of  
20 these products.

21 Q. Thank you. I guess if I go on past the  
22 sentence that I read, your testimony further defines  
23 that "It is not necessary to have utility programs  
24 that offer discounts (rebates) on products," and then  
25 it goes on. So I would assume that, and you can

1 correct me if I am wrong, that you meant competitive  
2 market to exclude utility company energy efficiency  
3 rebates; is that correct?

4 A. That is correct.

5 Q. If I refer to the ENERGY STAR 2021 Fact  
6 Sheet which is referenced in the sentence lines 9  
7 through 11, let me know when you are there.

8 MS. WILSON: I'm sorry. What page was  
9 that?

10 MS. WEBER: It's CLS-1, Exhibit CLS-1.  
11 It's page 1 of 3. It should just be the first page  
12 of that exhibit.

13 A. Yes, I'm there.

14 Q. About halfway down the page under the  
15 heading "ENERGY STAR Products," I find that  
16 "300 million ENERGY STAR certified products in 2020"  
17 reference. Is that what you are referencing in  
18 footnote 6?

19 A. Yes.

20 Q. And you would agree that in this sentence  
21 are -- in this paragraph this printout does not  
22 differentiate between those products that were sold  
23 to customers in the competitive market versus those  
24 products that were sold to customers as a result of  
25 utility program rebates, correct?

1           A.     Repeat the question, please. I'm sorry.

2           Q.     In this ENERGY STAR handout, the  
3 paragraph that I was just referencing, the  
4 300 million, there is no breakout of how much of that  
5 300 million products that were sold in 2021 were done  
6 as a result of the competitive market versus a result  
7 of customers taking advantage of utility program  
8 rebates; is that correct?

9           A.     Yes, that's correct.

10          MS. WEBER: That's all I have.

11          EXAMINER SEE: Mr. Dove?

12          MR. DOVE: No questions, your Honor.

13          EXAMINER SEE: Mr. Nugent?

14          MR. NUGENT: No questions, your Honor.

15          EXAMINER SEE: Staff have any questions  
16 for this witness?

17          MR. EUBANKS: No questions, your Honor.

18          EXAMINER SEE: And who will be doing  
19 cross-examination of this witness?

20          MR. KENNEDY: My colleague, Mr. DeMonte.

21                         - - -

22                         CROSS-EXAMINATION

23          By Mr. DeMonte:

24           Q.     Good morning, Ms. Shutrump.

25           A.     Good morning.

1           Q.    I am going to continue questioning you on  
2 the page of the ENERGY STAR that you were just  
3 referencing with counsel for ELPC.  It's CLS-1, page  
4 1?

5           A.    I'm there.

6           Q.    Thank you.  And counsel had asked you  
7 questions about the 300 million ENERGY STAR certified  
8 products in 2020.  You recall that line of  
9 questioning?

10          A.    Yes.

11          Q.    And this 300 million number is a national  
12 number, correct?

13          A.    Correct.

14          Q.    It does not differentiate between states?

15          A.    No.

16          Q.    Certainly doesn't differentiate between  
17 service territories in Ohio, correct?

18          A.    No.  I would add though that the ENERGY  
19 STAR website does narrow that question down by zip  
20 code.  So, for example, if I was interested in  
21 purchasing a high efficiency gas heater, I can put in  
22 my zip code if I lived in the Youngstown area, for  
23 example, and the website would return the number of  
24 products available to the consumer, the number of  
25 installers in that area, as well as the number of

1     retailers selling that product.

2             Q.     All the information you just provided is  
3     not provided in this paragraph we were talking about  
4     though, correct?

5             A.     Correct.

6             Q.     Thanks.   On the next page, 2 of 3, CSL  
7     page 2 of 3, talks about utilities and local  
8     governments rely on ENERGY STAR.   Do you see that?

9             A.     Yes.

10            Q.     So ENERGY STAR acknowledges and  
11    recognizes that utility programs are a critical  
12    component of delivering of these measures, right?

13            A.     Yes.   I would add though that -- that is  
14    referring to primarily electric programs and programs  
15    that are under an energy efficiency resource  
16    standard.   I don't think that utility would be a  
17    critical part if they did not receive cost recovery,  
18    timely cost recovery, dollar-for-dollar cost  
19    recovery, assured savings, lost revenues.   I think if  
20    they did not receive those things, they probably  
21    would not be a critical component of ENERGY STAR.

22            Q.     Thanks.   Just to clarify, the 300 million  
23    number, that includes electric ENERGY STAR certified  
24    products as well, right?

25            A.     Electric?



1 Q. Yeah.

2 A. Yes.

3 Q. Thanks. If I can refer you to page 8 of  
4 your testimony, lines 2 through 4, and specifically  
5 footnote 14. And I believe this is the footnote you  
6 just made a correction to?

7 A. No.

8 Q. It wasn't. Okay.

9 A. No.

10 Q. You reference audits in this footnote?  
11 Do you see that?

12 A. Yes.

13 Q. And the home audit is a measure in the  
14 Company's proposed home performance with the ENERGY  
15 STAR program, correct?

16 A. Yes.

17 Q. I believe you talked about in your  
18 question 3 on page 2, if I can draw your attention  
19 there, lines 7 through 8.

20 A. I'm sorry, page 3?

21 Q. Question 3 on page 2.

22 A. Oh.

23 Q. Lines 7 through 8. Let me know when you  
24 are there.

25 A. Page 2 of my testimony?

1 Q. Yes, ma'am.

2 A. Okay. Yes, I'm there.

3 Q. I should be clear. Sorry about that. Of  
4 your testimony, that's right. There's a -- you talk  
5 about advocating for customer options to reduce their  
6 energy use and save money on the utility bills?

7 A. Yes.

8 Q. You would agree reducing consumer energy  
9 use and saving money on their bills is a good thing,  
10 right?

11 A. Yes.

12 Q. And if Dominion's programs did, in fact,  
13 provide opportunities to reduce consumer energy use  
14 and saving money on their bills, that would also be a  
15 good thing.

16 A. That would also be what?

17 Q. A good thing.

18 A. Yes --

19 Q. Okay.

20 A. -- for participants.

21 Q. On question 6, page 5.

22 A. Yes.

23 Q. And leading on to page 6, you talk  
24 about -- and the sentence begins on page 5 but it  
25 continues on to page 6 where consumers -- you have a

1 number there of 92 million in your prefiled  
2 testimony, but today you corrected that to  
3 45 million?

4 A. Yes.

5 Q. That's an aggregate number where you've  
6 combined the numbers from year one through year five?

7 A. Yes.

8 Q. Is that right?

9 A. Yes.

10 Q. Thank you. And those numbers are in  
11 today's dollars as you understand them, correct?

12 A. I don't know.

13 MR. DeMONTE: Your Honor, if I could just  
14 have one minute to confer with counsel?

15 EXAMINER SEE: Sure.

16 MR. DeMONTE: No further questions, your  
17 Honor.

18 EXAMINER SEE: Any redirect, Ms. Wilson?

19 MS. WILSON: Just very briefly, your  
20 Honor.

21 - - -

22 REDIRECT EXAMINATION

23 By Ms. Wilson:

24 Q. Ms. Shutrump, isn't it true that although  
25 energy efficiency is a good thing and can benefit

1 consumers, it only benefits consumers that  
2 participate in these programs?

3 MR. DeMONTE: I am going to object,  
4 Judge. That's a leading question on redirect.

5 EXAMINER SEE: I'm sorry. Say that  
6 again, Mr. DeMonte.

7 MR. DeMONTE: I would object to the form  
8 of the question. That's a leading question on  
9 redirect.

10 EXAMINER SEE: Did you wish to respond,  
11 Ms. Wilson?

12 MS. WILSON: Can I rephrase the question?

13 EXAMINER SEE: You certainly may.

14 Q. (By Ms. Wilson) Is it your opinion that  
15 not all consumers benefit from energy efficiency even  
16 though they pay for it?

17 A. So if you are referencing utility  
18 programs --

19 Q. Yes.

20 A. -- I would agree that not all consumers  
21 benefit from the programs. All consumers pay for the  
22 programs but not all consumers benefit. Participants  
23 do benefit. Nonparticipants do not benefit.

24 MS. WILSON: Thank you. Nothing further,  
25 your Honor.

1 EXAMINER SEE: And the Bench doesn't have  
2 any questions for this witness.

3 MS. WILSON: Your Honor, is now  
4 appropriate to move for admission of OCC Exhibit 1?

5 EXAMINER SEE: Yes, you may.

6 MS. WILSON: OCC requests that OCC  
7 Exhibit 1 be admitted into the record.

8 EXAMINER SEE: Are there any objections  
9 to the admission of OCC Exhibit 1 -- OCC Exhibit 1?

10 Hearing none, OCC Exhibit 1 is admitted  
11 into the record.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 MS. WILSON: Thank you, your Honor.

14 EXAMINER SEE: And the witness may step  
15 down.

16 THE WITNESS: Okay. Thank you.

17 EXAMINER SEE: Let's go to the next  
18 witness. Who is -- counsel for Staff.

19 MR. EUBANKS: Robert Eubanks.

20 EXAMINER SEE: Mr. Eubanks, you can call  
21 your next witness.

22 MR. EUBANKS: Yes, your Honor. I would  
23 like to call to the stand Kristin DuPree.

24 EXAMINER SEE: Ms. DuPree.

25 Ms. DuPree, if you could raise your right

1 hand.

2 (Witness sworn.)

3 EXAMINER SEE: Thank you.

4 Mr. Eubanks.

5 - - -

6 KRISTIN DuPREE

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

9 DIRECT EXAMINATION

10 By Mr. Eubanks:

11 Q. Could you please state and spell your  
12 name for the record.

13 A. My name is Kristin DuPree, and last name  
14 is spelled D-U-P-R-E-E.

15 Q. And did you file testimony in this  
16 matter?

17 A. I did.

18 Q. Do you have it before you?

19 A. I do.

20 Q. Is that the same testimony that was  
21 docketed with the Commission on August 19, 20 --

22 EXAMINER SEE: Mr. Eubanks, you are going  
23 to need to speak up, please.

24 Q. (By Mr. Eubanks) Is that the same  
25 testimony that was docketed with the Commission on

1 August 19, 2022?

2 A. Yes, it is.

3 Q. Was it prepared by you?

4 A. Yes, it was.

5 Q. Is it a true and accurate copy?

6 A. Yes.

7 Q. Do you have any corrections that you  
8 would like to make to your testimony?

9 A. Not at this time.

10 Q. If I were to ask you the same questions  
11 that you can find in your testimony, would you  
12 provide the same answers?

13 A. Yes, I would.

14 MR. EUBANKS: I would like to have  
15 Staff's testimony marked as Staff's Exhibit 1.

16 EXAMINER SEE: The exhibit is so marked.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 Q. (By Mr. Eubanks) Do you also have before  
19 you the Staff Report?

20 A. Yes.

21 Q. Are you familiar with the Staff Report?

22 A. Yes.

23 Q. How -- I'm sorry. How are you familiar  
24 with the Staff Report?

25 A. How am I familiar with it?

1 Q. Yes.

2 A. I filed it on the docket --

3 Q. Okay.

4 A. -- for Staff.

5 Q. And is the Staff Report that's before you  
6 the same one that was docketed on March 29, 2022?

7 A. Yes.

8 Q. Is it a true and accurate copy?

9 A. Yes.

10 MR. EUBANKS: I would like to have marked  
11 as Staff's Exhibit 2 the Staff Report.

12 EXAMINER SEE: The exhibit is so marked.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 MR. EUBANKS: I would like to ask that  
15 both Staff's Exhibit 1 and Staff's Exhibit 2 be moved  
16 into evidence, subject to cross-examination.

17 With that I offer the witness for cross.

18 EXAMINER SEE: Okay. Ms. Weber?

19 MS. WEBER: No cross from me.

20 EXAMINER SEE: Mr. Dove?

21 MR. DOVE: No cross, your Honor.

22 EXAMINER SEE: Mr. Nugent?

23 MR. NUGENT: No questions, your Honor.

24 EXAMINER SEE: OCC?

25 MS. WILSON: Yes, your Honor.



1 EXAMINER SEE: Go ahead.

2 - - -

3 CROSS-EXAMINATION

4 By Ms. Wilson:

5 Q. Good morning, Ms. DuPree.

6 A. Good morning.

7 Q. Are you familiar with the concept of  
8 gradualism in rate setting?

9 A. No.

10 Q. Would you agree, subject to check, that  
11 this concept means that changes in consumer rates  
12 should occur gradually over time instead of sudden  
13 large increases?

14 MR. EUBANKS: Objection, your Honor. The  
15 question is asked and answered, no foundation. The  
16 witness isn't familiar with the term.

17 EXAMINER SEE: Did you want to respond,  
18 Ms. Wilson?

19 MS. WILSON: No. Strike that question.

20 Q. (By Ms. Wilson) Do you agree that  
21 Dominion proposes to increase EE/DSM spending from  
22 9.5 million currently to 14.6 million in year one and  
23 ramping up to 20.4 million annually by year five of  
24 the program?

25 A. Yes, subject to check, I would agree

1 that's what is in the application.

2 Q. And do you agree, subject to check, that  
3 this represents an increase of approximately  
4 115 percent by year five?

5 A. I have not done that calculation.

6 Q. Subject to check.

7 A. Sure.

8 EXAMINER SEE: I'm sorry. You are going  
9 to need to speak up.

10 THE WITNESS: I'll scoot up.

11 Q. Would you agree that, subject to check, a  
12 rate increase of 115 percent could result in rate  
13 shock for consumers?

14 A. I don't know that I have an opinion on  
15 that.

16 Q. If your bill personally increased by  
17 115 percent, would you have objections to that?

18 MR. EUBANKS: Objection, irrelevant.  
19 It's a Staff witness. It's not a consumer or a  
20 public person testifying.

21 MS. WILSON: Your Honor, this increase  
22 applies to any consumers, whether they are on Staff  
23 or not.

24 MR. EUBANKS: I guess my objection, your  
25 Honor, the scope of the testimony is a recommendation

1 by the Staff. It's not a recommendation by her  
2 personally.

3 EXAMINER SEE: And on that ground the  
4 objection is sustained -- the objection is sustained.

5 Q. (By Ms. Wilson) Ms. DuPree, would you  
6 agree that a large rate increase can be viewed as  
7 harmful to consumers?

8 MR. EUBANKS: Objection, outside the  
9 scope of the testimony provided by Staff.

10 EXAMINER SEE: Did you wish to respond?

11 MS. WILSON: Yeah. You introduced the  
12 Staff Report as well so that information is in the  
13 Staff Report.

14 EXAMINER SEE: Let me hear the question  
15 again, Karen.

16 (Record read.)

17 MR. EUBANKS: Can I respond -- I'm sorry.

18 EXAMINER SEE: Go ahead.

19 MR. EUBANKS: Staff's Staff Report  
20 consists of a summary of the application in the  
21 initial pages and a recommendation by Staff at the  
22 end. This is outside the scope of the Staff Report  
23 as well.

24 EXAMINER SEE: The objection is  
25 sustained.

1           Q.     (By Ms. Wilson) Would you agree that as a  
2     Staff member, to your knowledge the PUCO typically  
3     does not permit increases without a review of  
4     spending or an annual prudence audit?

5           A.     Can you repeat the question?

6           MS. WILSON:   Karen, can you read that  
7     back, please.

8                     (Record read.)

9           A.     I think typically that is a correct  
10    statement.

11          Q.     Ms. DuPree, did you review Dominion's  
12    application proposal for their increases?

13          A.     Yes.

14          Q.     So you're aware that Dominion is  
15    proposing an automatic 3 percent increase every year  
16    after year five; is that correct?

17          A.     Yes.

18          Q.     And would you also agree that there's no  
19    end date to the 3 percent increase proposed?

20          A.     Yes.

21          Q.     And would you agree if the PUCO would  
22    approve this application, it would eliminate any  
23    Staff or PUCO review and approval of Dominion's  
24    spending after year five?

25          A.     I think that the annual audits would

1 continue, if that's what you are referring to.

2 Q. Yes. But -- but if the 3 percent  
3 increase, automatic increase, were approved, the  
4 audit wouldn't necessarily stop the 3 percent  
5 increase from continuing, would it?

6 A. Correct.

7 Q. You stated a minute ago that you had  
8 reviewed Dominion's application and testimony. Are  
9 you aware of the rationale given in Ms. Hochstetler's  
10 supplemental testimony on the need for the annual  
11 3 percent increase?

12 A. I reviewed it, but it's been a while. I  
13 don't recall.

14 Q. Would you agree that the program cost  
15 increases accounting for inflation, changes in market  
16 conditions or technology, changes to consumer  
17 preferences, changes to industry standards or  
18 regulation, and any unforeseen occurrences that could  
19 impact the cost of programs being offered --

20 MR. EUBANKS: Objection.

21 Q. -- according to the application and  
22 testimony?

23 EXAMINER SEE: Wait just a minute.  
24 First, let me hear -- reread the question back to me,  
25 Karen.

1 (Record read.)

2 EXAMINER SEE: And you had an objection,  
3 Mr. Eubanks?

4 MR. EUBANKS: Yes. It's outside the  
5 scope of the testimony, outside the scope of the  
6 Staff Report, in addition to being compound.

7 MS. WILSON: Your Honor, Staff already  
8 stated she had reviewed the application and  
9 testimony, so she should be familiar with what it  
10 contained and she based her opinions on.

11 EXAMINER SEE: The objection is  
12 sustained. The objection is sustained.

13 MS. WILSON: Thank you, your Honor.

14 Q. (By Ms. Wilson) Would you agree that  
15 generally Dominion listed a number of reasons that  
16 could impact the cost of the programs being proposed  
17 in this application in your opinion?

18 MR. EUBANKS: Objection to the extent it  
19 calls for speculation but seems to be a factual  
20 question, so if she knows, I don't have a problem.  
21 She said in her opinion, so I'm not sure.

22 EXAMINER SEE: Ms. DuPree, you can answer  
23 the question with any caveat you believe necessary.

24 A. So the Staff Report contained -- I'm  
25 sorry. The application contains multiple additions

1 to programs that would affect the price of the  
2 overall costs. I am not sure if that answers your  
3 question.

4 Q. It does. Thank you. And would you agree  
5 that these -- these costs, subject to check, could  
6 also lead to program costs decreases as well?

7 MR. EUBANKS: Objection, outside the  
8 scope of the testimony of Staff and outside the scope  
9 of the Staff Report.

10 EXAMINER SEE: Do you want to respond,  
11 Ms. Wilson?

12 MS. WILSON: Can I rephrase, your Honor,  
13 please?

14 EXAMINER SEE: Yes.

15 Q. (By Ms. Wilson) Wouldn't you agree that  
16 program costs could either increase or decrease over  
17 the next five years?

18 MR. EUBANKS: Objection under the same  
19 grounds.

20 EXAMINER SEE: Objection denied.

21 Answer the question, Ms. DuPree.

22 A. I'm sorry. Can you just restate the  
23 question one more time?

24 MS. WILSON: Karen, could you read it  
25 back, please.

1 (Record read.)

2 A. I think typically the programs are set up  
3 for a budget in the Columbia -- I'm sorry, in the  
4 Dominion application. The budget is laid out for the  
5 following five years. Yes, costs could vary within  
6 those five years.

7 Q. And would you agree if those costs  
8 declined, then an automatic 3 percent increase would  
9 be inappropriate?

10 MR. EUBANKS: Objection, outside the  
11 scope of the Staff Report and Staff testimony.

12 MS. WILSON: It's a follow-up to the  
13 question she just answered, your Honor.

14 MR. EUBANKS: It is a follow-up but.

15 EXAMINER SEE: I will allow it.

16 Objection overruled.

17 A. Can you please restate the question?

18 (Record read.)

19 A. I think according to Staff's review of  
20 the application and the testimony that was filed, we  
21 don't have an opinion on the 3 percent cost increase  
22 and are looking to the Commission to provide guidance  
23 on what they feel is appropriate.

24 Q. Ms. DuPree, isn't it true at that time  
25 Staff provides typically recommendations to the -- to



1 the Commission to assist in their decision and not  
2 the other way around?

3 A. I think that Staff did provide their  
4 recommendations to the Commission.

5 Q. And to be clear that recommendation is  
6 Staff has no opinion?

7 A. Partially, yes. In my testimony we  
8 clarify that the Staff supports the ongoing programs  
9 that Dominion has been running that were approved  
10 previously and did not have an opinion on the  
11 addition of the programs and increase in budget.

12 Q. So in regards to the time period after  
13 the initial five years when the 3 percent automatic  
14 increase would take effect, wouldn't you agree that  
15 it's too speculative today to decide if an increase  
16 is needed and is just and reasonable?

17 MR. EUBANKS: Objection, outside the  
18 scope of the Staff Report and the Staff testimony and  
19 asked and answered.

20 MS. WILSON: I am asking for the opinion  
21 of the PUCO Staff member that frequently reviews  
22 these types of applications and is familiar with the  
23 just and reasonable standard, or should be.

24 MR. EUBANKS: The witness is offered in  
25 support of the Staff Report and in support of her

1 testimony, not offered as for her own personal  
2 opinions.

3 EXAMINER SEE: Read the question back to  
4 me, please, Karen.

5 (Record read.)

6 EXAMINER SEE: I am going to allow the  
7 witness to answer the question.

8 A. I think --

9 MR. DOVE: Your Honor, may I object on  
10 other grounds?

11 EXAMINER SEE: Let's hear it.

12 MR. DOVE: The question whether it is  
13 just or reasonable is a legal conclusion.

14 EXAMINER SEE: And I recognize that --

15 THE WITNESS: No, ma'am, I am not an  
16 attorney.

17 EXAMINER SEE: Ms. DuPree, you are not an  
18 attorney, are you? Okay. Recognizing that  
19 Ms. DuPree is not an attorney, she can answer the  
20 question to the best of her ability.

21 A. Can you please repeat the question?

22 (Record read.)

23 A. So as part of our review and our Staff  
24 Report, we recognized -- or we recommended that the  
25 existing programs fit under what we consider just and

1 reasonable. And again, not being an attorney, we  
2 looked to the Commission to provide guidance on  
3 whether that increase in rates in programs is just  
4 and reasonable.

5 Q. So just to confirm, Staff doesn't have an  
6 opinion?

7 A. That's correct.

8 Q. Thank you. And would you agree generally  
9 that consumers are currently suffering financially  
10 from the effect of the ongoing COVID pandemic?

11 MR. KENNEDY: Objection. I mean, that's  
12 outside the scope of her testimony.

13 MS. WILSON: Just based on her personal  
14 knowledge.

15 EXAMINER SEE: Sustained.

16 Q. (By Ms. Wilson) Would you agree that one  
17 of the programs Dominion is proposing is a home  
18 energy audit?

19 A. Yes.

20 Q. And would you agree, subject to check,  
21 that this audit includes a home inspection and  
22 installation of high efficiency showerheads, faucet  
23 aerators, and water heater pipe wrap?

24 A. I'm not familiar off the top of my head  
25 what exactly it consists of, but in general that

1 sounds appropriate.

2 Q. Assuming that the application includes  
3 those items as part of the home inspection, subject  
4 to check, would you agree that consumers can obtain  
5 all of these products and services from competitive  
6 businesses such as Lowe's, Home Depot, and Amazon or  
7 the like at or near the same cost?

8 MR. KENNEDY: Objection, outside the  
9 scope of her testimony and Staff Report. I don't  
10 believe she testified on competitive market.

11 EXAMINER SEE: Did you want to respond,  
12 Ms. Wilson?

13 MS. WILSON: Your Honor, it goes to the  
14 point of whether the costs for these programs are  
15 reasonable or not.

16 EXAMINER SEE: Sustained.

17 Q. (By Ms. Wilson) Would you agree that  
18 consumers who do not obtain a home energy audit  
19 subsidizes the consumers who do receive one?

20 MR. KENNEDY: Objection.

21 MR. EUBANKS: Objection.

22 MR. KENNEDY: Go ahead, Robert.

23 MR. EUBANKS: It's the same objection I  
24 have been raising all day, but objection, outside the  
25 scope of the Staff testimony. Objection, outside of

1 the scope of the Staff Report.

2 EXAMINER SEE: And you had an objection  
3 in addition to that, Mr. Kennedy?

4 MR. KENNEDY: No. Robert succinctly  
5 stated what my objection would have been.

6 MS. WILSON: Your Honor, the witness  
7 reviewed the application and testimony, so the answer  
8 should be within the scope of her knowledge.

9 MR. KENNEDY: I guess I would say to that  
10 that there's a lot of stuff within the scope of her  
11 knowledge; but, I mean, she came here to testify on  
12 certain things that are within the report and the  
13 testimony and that's what the scope of cross should  
14 be limited to. I apologize, Robert, for saying.

15 MR. EUBANKS: Just repeating what I have  
16 been saying so.

17 EXAMINER SEE: Sustained.

18 Q. (By Ms. Wilson) Ms. DuPree, are you  
19 familiar with Ohio's energy policy as a layperson,  
20 not an attorney?

21 A. What energy policy are you referring to?

22 Q. The energy policy that states rate design  
23 should not include subsidies from one group of  
24 consumers to another.

25 A. I am not familiar with what you are

1 referring to.

2 Q. Okay. To put it another way, would you  
3 agree that a generally accepted principle of rate  
4 making is cost causation, meaning consumers who cause  
5 a utility cost should be the ones that pay for it?

6 MR. EUBANKS: Objection, outside the  
7 scope of Staff testimony and outside of the scope of  
8 the Staff Report.

9 MR. KENNEDY: And I would add foundation  
10 on what this witness is here to testify today.

11 EXAMINER SEE: Any response?

12 MS. WILSON: Ms. DuPree has been a Staff  
13 member performing these reviews for quite a while, so  
14 it should be in her general knowledge to give an  
15 opinion on this.

16 MR. KENNEDY: I mean, I am sure she has a  
17 long history at this Commission and there is many  
18 things that I could ask her questions about today but  
19 that's not why we are here. We are here to ask you  
20 questions about what she's testifying to.

21 EXAMINER SEE: Let me hear the question  
22 again, Karen.

23 (Record read.)

24 EXAMINER SEE: Sustained.

25 MS. WILSON: I have no further questions,

1 your Honor.

2 EXAMINER SEE: Dominion?

3 MR. KENNEDY: Dominion has no questions  
4 for -- after further conferring, I have confirmed  
5 that Dominion has no questions for this witness.

6 EXAMINER SEE: Any redirect, Mr. Eubanks?

7 MR. EUBANKS: No, your Honor.

8 EXAMINER SEE: Okay. And the Bench  
9 doesn't have any questions for this witness.

10 MR. KENNEDY: Your Honor, we did have one  
11 matter to bring up regarding the oral Stipulation of  
12 Fact.

13 EXAMINER SEE: Can we finish this  
14 witness?

15 MR. KENNEDY: Oh, sure. I apologize.

16 EXAMINER SEE: Mr. Eubanks has already  
17 moved for the admission of Staff Exhibit 1 and Staff  
18 Exhibit 2. Are there any objections?

19 Hearing none, Staff Exhibit 1 and Staff  
20 Exhibit 2 are admitted into the record.

21 (EXHIBITS ADMITTED INTO EVIDENCE.)

22 EXAMINER SEE: And the witness may step  
23 down.

24 Now, Mr. Kennedy.

25 MR. KENNEDY: Thank you, your Honor.

1 Sorry for jumping the gun. Counsel for OCC and  
2 myself conferred during the break and there's -- my  
3 understanding is we have no amendments or changes to  
4 the Stipulation of Fact previously read into the  
5 record.

6 EXAMINER SEE: Is that --

7 MR. FINNIGAN: We agree, your Honor.

8 EXAMINER SEE: -- your understanding as  
9 well?

10 Okay. Thank you, Mr. Finnigan. Is there  
11 anything else?

12 Let's go off the record

13 (Discussion off the record.)

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

16 The parties have discussed the briefing  
17 schedule and the filing of the transcript in the  
18 Commission docket. It will be expedited at the  
19 request of Dominion, and it will be filed in the  
20 docket on Friday, September 16, and all the parties  
21 have agreed that briefing -- initial briefs will be  
22 due October 7 and reply briefs will be due  
23 October 21.

24 I would request that the initial and  
25 reply briefs be e-mailed to the assigned Attorney



1 Examiner when filed with the Commission.

2 Is there anything further?

3 Greta.see@puco.ohio.gov. Is there anything further?

4 MR. KENNEDY: No, your Honor.

5 EXAMINER SEE: With that the hearing is  
6 adjourned. Thank you all for your patience and your  
7 participation.

8 (Thereupon, at 12:38 p.m., the hearing  
9 was adjourned.)

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CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Tuesday, September 13,  
2022, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-7338)

- - -

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**9/15/2022 3:46:14 PM**

**in**

**Case No(s). 21-1109-GA-ALT**

Summary: Transcript September 13th 2022 In the Matter of the Application of The East Ohio Gas Company d/b/a Dominion Energy Ohio for Approval of an Alternative Form of Regulation to Continue and to Expand Its Demand-Side Management and Energy Efficiency Programs. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.