

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Duke :
Energy Ohio, Inc., for an : Case No. 21-887-EL-AIR
Increase in Electric :
Distribution Rates. :
:

In the Matter of the :
Application of Duke : Case No. 21-888-EL-ATA
Energy Ohio, Inc., for :
Tariff Approval. :
:

In the Matter of the :
Application of Duke Energy: :
Ohio, Inc., for Approval : Case No. 21-889-EL-AAM
to Change Accounting :
Methods. :
:

- - -

PROCEEDINGS

before Mr. Matthew Sandor, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-A, Columbus, Ohio, called at 10:04
a.m. on Tuesday, October 11, 2022.

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VOLUME IV

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DUKE ENERGY OHIO EXHIBIT

IDENTIFIED ADMITTED

18	Excerpt of "Principles of Public Utility Rates," Pages 290 and 291	485	507
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OCC EXHIBIT

IDENTIFIED ADMITTED

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1 Tuesday Morning Session,
2 October 10, 2022.

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4 EXAMINER SANDOR: Let's go on the record.
5 We are back today to resume the hearing
6 for 21-887-EL-AIR, et al.

7 I believe, OCC, it's your turn to call
8 your witness.

9 MS. WILSON: Thank you. I call Robert
10 Fortney.

11 EXAMINER SANDOR: Please raise your right
12 hand.

13 (Witness sworn.)

14 EXAMINER SANDOR: Thank you.

15 Let's go off the record.

16 (Discussion off the record.)

17 EXAMINER SANDOR: Let's go back on the
18 record.

19 OCC, you may proceed.

20 MS. WILSON: Thank you, your Honor.

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1 ROBERT B. FORTNEY

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

4 DIRECT EXAMINATION

5 By Ms. Wilson:

6 Q. Mr. Fortney, do you have in front of you
7 what has been marked as OCC Exhibits 6 and 7, your
8 direct and supplemental testimonies?

9 A. Yes, I do.

10 MS. WILSON: Your Honor, may I approach?

11 EXAMINER SANDOR: You may.

12 Q. (By Ms. Wilson) Mr. Fortney, was the
13 testimony that you have in front of you, was that
14 prepared by you or at your direction?

15 A. Yes, it was.

16 Q. If I ask you the same questions today,
17 would you have the same answers?

18 A. Yes.

19 Q. Do you have any corrections?

20 A. None that I know of, no.

21 MS. WILSON: Thank you.

22 EXAMINER SANDOR: Can we mark both
23 exhibits?

24 MS. WILSON: Yeah, yeah. If we could
25 mark the direct testimony of Robert Fortney as OCC

1 Exhibit 6.

2 EXAMINER SANDOR: So marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MS. WILSON: And the supplemental
5 testimony of Robert Fortney at OCC Exhibit 7.

6 EXAMINER SANDOR: So marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MS. WILSON: Thank you. Mr. Fortney is
9 available for cross.

10 EXAMINER SANDOR: Thank you.

11 Duke.

12 MR. WYGONSKI: Your Honor, would now be a
13 time to entertain motions to strike?

14 EXAMINER SANDOR: It would be, yep.

15 MR. WYGONSKI: Thank you. I have two
16 motions to strike. I will go first with the direct
17 testimony, your Honor, which we just marked OCC
18 Exhibit 6. On page 5, line 4, through page 7, line
19 8, and then lower on page 7, line 15 --

20 EXAMINER SANDOR: Wait. One moment, I'm
21 sorry. Through line 8 for the first one?

22 MR. WYGONSKI: Correct.

23 EXAMINER SANDOR: Okay.

24 MR. WYGONSKI: And then lower on page 7,
25 line 15, through page 10, line 3, of the direct

1 testimony. These are on the same grounds so I am
2 just skirting them together. These have been
3 affirmatively adopted by the witness and incorporated
4 into his supplemental testimony on page 1 through
5 page 2.

6 Your Honor, pursuant to Ohio Rules of
7 Evidence 401 and 402, evidence that lacks any
8 tendency to make a fact at issue more or less
9 probable is irrelevant and inadmissible. In his
10 direct testimony he is offering testimony regarding
11 Duke's application, the Staff Report, and OCC's
12 original litigation position, all of which are
13 irrelevant here as they do not address the proposed
14 terms contained in the Stipulation.

15 This is not a hearing on the application
16 and Duke is not asking the Commission to adopt the
17 allocation or the residential customer charge
18 proposed in the Staff Report or in the application.
19 And these provisions have been specifically modified
20 by the Stipulation.

21 For example, on page 5, the witness
22 testifies the Staff Report recommends allocating the
23 entire rate increase to the residential customer
24 class. The Stipulation at issue in this hearing
25 modifies that recommendation and so that

1 recommendation is, therefore, irrelevant including
2 the witness's subsequent recommendation and opinion
3 as to whether those two proposals are just and
4 reasonable.

5 So Mr. Fortney's testimony on that point
6 about the allocation and the residential customer
7 charge in the Staff Report and the application is
8 irrelevant and really only serves to confuse the
9 record and prejudice -- and it is prejudicial in this
10 case.

11 Furthermore, the witness's claim in his
12 supplemental testimony that these relevant pieces of
13 testimony that were modified by the Stipulation are
14 still somehow relevant is simply false and that's a
15 legal -- I'm sorry, an improper legal opinion, which
16 I'll address in my next motion, but to this end, much
17 of the direct testimony is already incorporated in
18 the supplemental testimony and is, therefore,
19 duplicative and constitutes improper cumulative
20 testimony that is prejudicial.

21 On page 8 of the direct testimony, for
22 example, the witness cites the Staff's recommendation
23 and Staff Report for the residential customer charge
24 and then talks about that again on page 8 of the
25 supplemental testimony. This duplicative info is not

1 necessary, will only serve to confuse the record. So
2 pursuant to the Ohio Rules of Evidence 403(B), we
3 would also move to strike on that basis of that
4 portion of the direct testimony to avoid needless
5 presentation of cumulative evidence.

6 EXAMINER SANDOR: Okay.

7 MR. WYGONSKI: That's it for that
8 portion. Thank you.

9 EXAMINER SANDOR: Any other grounds?

10 MR. WYGONSKI: Not on that portion. I
11 have another motion to strike on different grounds on
12 a different portion.

13 EXAMINER SANDOR: Okay. Response?

14 MS. WILSON: Your Honor, Duke agreed with
15 OCC not to oppose the testimony we filed on
16 September 2. There's no basis for OMA to do it and
17 all other parties have been permitted to include
18 their September 2 testimony so OCC should as well.
19 There should be no confusion in the briefs. It will
20 be clearly cited to.

21 EXAMINER SANDOR: Okay. I'm sorry. You
22 said Duke agreed with who?

23 MS. O'BRIEN: Your Honor -- go ahead.

24 MS. WILSON: Duke agreed with OCC not to
25 oppose our testimony.

1 EXAMINER SANDOR: Okay.

2 MS. O'BRIEN: Oppose not to -- admission
3 of the September 2 testimony. They -- they reserved
4 the right to -- to move to strike certain portions of
5 it. But -- but simply because it was a September 2
6 testimony in response to -- in support of the
7 objections, the Company agreed not to oppose it.
8 Therefore, there is no reason for OMA to oppose it
9 now is what I am saying.

10 EXAMINER SANDOR: Okay.

11 MS. O'BRIEN: If for any reason Duke
12 feels like I am misrepresenting their agreement, they
13 are free to speak up now or state differently so.

14 EXAMINER SANDOR: Okay. Any response?

15 MR. D'ASCENZO: Yeah, your Honor, what
16 Ms. O'Brien said is -- is accurate. Duke agreed not
17 to object to OCC proffering their testimony from
18 September 2 into the record, but we did reserve the
19 right to -- to object to portions of it, but we
20 wouldn't object whole cloth to their testimony, OCC
21 attempting to move their testimony into evidence,
22 that is correct.

23 EXAMINER SANDOR: Okay. Any response?

24 MR. WYGONSKI: Yes, your Honor. First, I
25 would object to multiple attorneys arguing this --

1 EXAMINER SANDOR: I agree. Going
2 forward, Ms. Wilson.

3 MS. O'BRIEN: Yeah, and that's fine. I
4 agree. I don't believe she was copied on the
5 e-mails, but she is perfectly capable.

6 MR. WYGONSKI: Thank you. I would
7 respond that was not necessarily our agreement, and
8 we are not opposing wholesale admission of the
9 testimony. We are simply opposing that particular
10 portion which is cumulative and confusing given that
11 the points to which the witness testified in the
12 direct testimony are really no longer at issue in
13 this case at all and that kind of testimony is
14 prejudicial to have on the record as it reflects a
15 point that is, again, not at issue and directly
16 contradicts the terms of the Stipulation which is at
17 issue in this case.

18 EXAMINER SANDOR: Okay. Thank you for
19 your arguments. I am going to deny the motions to
20 strike. I think the Commission can give it the
21 weight it deserves. It can parse through what is
22 relevant and not with regard to the Stipulation and
23 the direct testimony.

24 MR. WYGONSKI: Thank you, your Honor. I
25 have another motion to strike that I would offer at

1 this time.

2 EXAMINER SANDOR: Please go ahead.

3 MR. WYGONSKI: Thank you. Moving to the
4 supplemental testimony, I would like to move to
5 strike a portion of that starting on page 1, line 15,
6 and continuing through page 2, line 4. Your Honor,
7 these portions of the witness's testimony constitute
8 improper legal opinion under Rule 702.

9 As the witness stated on page 4 of his
10 direct testimony, the witness is not a lawyer, and
11 his testimony lays no foundation that would otherwise
12 qualify him as an expert by his education, knowledge,
13 training, experience, or skill to offer a legal
14 opinion. So the witness is not qualified to offer
15 that opinion as to the legal justification for
16 admitting portions of his testimony and what the
17 Commission or reviewing court should consider in
18 making its ruling.

19 Your Honor, the witness has no basis for
20 giving such legal opinions, and we would request that
21 these sections of his testimony be stricken
22 accordingly.

23 MS. WILSON: Your Honor, these sections
24 of his testimony is in no way a legal opinion. He is
25 a regulatory expert; and again, I would note that

1 Witness Woolridge had similar language in his
2 testimony, and it was admitted into the record.

3 EXAMINER SANDOR: Are we looking at page
4 1, line 15, through line 4 of 2?

5 MR. WYGONSKI: Yes.

6 EXAMINER SANDOR: Okay.

7 MR. WYGONSKI: Your Honor, if I could
8 respond to that?

9 EXAMINER SANDOR: Go ahead.

10 MR. WYGONSKI: This portion of the
11 witness's testimony doesn't have anything to do with
12 his status as a regulatory expert. It is
13 specifically about a legal issue which is kind of
14 procedural, and the witness is stating what the
15 Commission and a court should consider or what the
16 court should -- or the Commission should rule on
17 admissibility which is really outside the purview of
18 the witness's experience and testimony in this case.

19 EXAMINER SANDOR: Okay.

20 MR. WYGONSKI: And there is no bearing on
21 what another witness did or did not do. That has no
22 bearing on this given that we were not -- we did not
23 oppose that and OCC could have opposed on those
24 grounds if they chose to and they did not.

25 EXAMINER SANDOR: Go ahead.

1 MS. WILSON: Mr. Fortney is offering
2 testimony on the three prong and that -- this section
3 of his testimony explains that he -- it's -- the
4 purpose is to discuss whether the settlement violates
5 any important principle or practice which he is fully
6 qualified to do as a regulatory expert and having
7 participated in many proceedings before this
8 Commission. Thank you.

9 EXAMINER SANDOR: Okay. Again, motion to
10 strike is denied. The Commission can weigh, you
11 know, the relevance of the direct testimony that's
12 incorporated hereto. I see no reason to strike this
13 from the testimony.

14 MS. WILSON: Thank you, your Honor.

15 MR. WYGONSKI: Thank you, your Honor.

16 EXAMINER SANDOR: Anyone else?

17 Okay. Duke, you may proceed.

18 MS. VERHALEN: Thank you, your Honor.

19 - - -

20 CROSS-EXAMINATION

21 By Ms. Verhalen:

22 Q. Good morning, Mr. Fortney.

23 A. Good morning.

24 Q. My name is Kodi Verhalen. I am with the
25 Taft law firm. I represent Duke Energy. Good

1 morning.

2 A. Good morning.

3 Q. Mr. Fortney, am I pronouncing Your name
4 correctly?

5 A. I'm sorry. I didn't.

6 Q. Mr. Fortney, am I pronouncing your name
7 correctly?

8 A. Yes.

9 Q. Great. Do you have up there on the
10 witness stand with you a copy of your direct
11 testimony and your supplemental testimony that have
12 been marked as Exhibits 6 and 7?

13 A. Yes.

14 Q. And are those clean copies with no
15 annotations on them?

16 A. I believe so, yes.

17 Q. Thank you. Let's start with your
18 supplemental testimony at page 3. Let me know when
19 you are there, please.

20 A. I'm there.

21 Q. Thank you. And you are only testifying
22 in this proceeding as to the criteria No. 2, as to
23 whether there is a benefit to the public interest,
24 and criteria No. 3, as to violating any important
25 regulatory principle or practice, correct?

1 A. Correct.

2 Q. And so you are not testifying as to what
3 you list as criteria 1, which is whether the
4 settlement is a product of serious bargaining,
5 correct?

6 A. No, I am not.

7 Q. Thank you. And as to the -- what you
8 label as criteria 2, whether the settlement as a
9 package benefits customers and the public interest,
10 let's start there, okay?

11 A. Yes.

12 Q. That criteria does not call out just one
13 customer group; it speaks to all customers, correct?

14 A. It talks about as a package which would
15 include all customer groups, yes.

16 Q. And it also must be in the public
17 interest, correct?

18 A. Yes.

19 Q. And that's speaking to all of the public,
20 as you said, as a package, correct?

21 A. That's correct.

22 Q. And so keeping that in mind, let's talk
23 about your testimony as to the overall allocation
24 of -- excuse me, the allocation of the overall
25 revenue requirement. And just so we are all on the

1 same page as we talk about this, the Company
2 originally proposed an allocation to residential
3 consumers of approximately 63 percent, correct?

4 A. I believe it was, yeah, 63.06.

5 Q. And the Staff Report proposed an
6 allocation of 65 percent; is that your understanding?

7 MS. WILSON: I'm sorry, your Honor. Is
8 opposing counsel referring to a specific part of
9 Mr. Fortney's testimony?

10 MS. VERHALEN: I am referring to the
11 record in this case, and I would be happy to point
12 him to Ms. Lawler's testimony where it discusses
13 this. But given that this witness is critical as to
14 what the Stipulation position -- or what the Staff
15 Report said and the overall Stipulation in this case,
16 I am just trying to establish that this witness has
17 an understanding of what the different positions
18 were.

19 A. I don't have it in front of me exactly
20 what the Staff Report recommended. I know they
21 recommended a significant increase to the residential
22 class, actually nearly double what the overall
23 increase was, but I don't know what percent that
24 brought -- brought -- the percent of the distribution
25 revenue that recommendation brought it to.

1 Q. But you are aware that the Stipulation
2 settles this issue at an allocation of a total base
3 distribution to residential consumers of 64 percent,
4 correct?

5 A. Yes, I am.

6 MS. BOJKO: Your Honor, could we ask the
7 witness to pull the mic closer to him? The mowing
8 outside, it's difficult to hear.

9 EXAMINER SANDOR: Can you pull the mic
10 just a little bit closer to you just so everyone can
11 hear?

12 THE WITNESS: Can you hear me now?

13 MS. BOJKO: Yes.

14 Q. (By Ms. Verhalen) And, Mr. Fortney, do
15 you understand based on the Company's class
16 cost-of-service study the residential customers are
17 not currently paying their full cost of service under
18 the current allocation for Duke Energy Ohio?

19 A. Yes, I understand.

20 Q. And that the 63 percent originally
21 proposed by the Company in this proceeding -- excuse
22 me. And that the 63.06 percent originally proposed
23 by the Company in this proceeding did not remove any
24 of that existing nonresidential subsidy under its
25 class cost of service?

1 A. I believe it removed a little. I
2 wouldn't say it didn't remove any of the subsidy. I
3 believe it moved gradually towards cost of service.

4 Q. So speaking of moving it to the cost of
5 service, moving the allocation to 64 percent will
6 move residential customers toward the cost of
7 service, correct?

8 A. Correct.

9 Q. And that 64 percent would still maintain
10 a subsidy for residential consumers from
11 nonresidential consumers.

12 A. Yes, it would. The Company's application
13 did not move the residential class to a -- what we
14 call a full cost of service.

15 Q. Thank you, Mr. Fortney. And -- sorry.
16 You actually answered my next question, so I will
17 move on. Thank you.

18 And looking at page 10 of your
19 supplemental testimony, can you let me know when you
20 are there, Mr. Fortney?

21 A. I'm there.

22 Q. At lines 1 through 4, you discuss the
23 concept of gradualism and there you reference at
24 line -- specifically at line 2 a principle and
25 practice. On what are you relying for that

1 definition of gradualism, Mr. Fortney?

2 A. Well, there's lots of places that
3 describe principles of rate design and revenue
4 allocation. This probably is similar to something
5 that is said in the -- in the Staff Report. The
6 Staff Report always includes -- in their rate and
7 revenue guidelines, they talk about things like
8 gradualism and consistency and cost of service and
9 understanding and things like that. So it's either
10 something similar to the Staff Report, or it's my own
11 definition.

12 Q. So you would be leaning on the
13 definitions of the Staff Report for this discussion
14 in your testimony on how you interpret gradualism.

15 A. Well, the Staff Report and, as I said,
16 there are many things that you can read. You can
17 read Bonbright. There are different publications
18 that talk about rate design and almost all of them
19 include similar definitions and similar guidelines.

20 Q. So there is no one specific source that
21 you are relying on here when you talk about
22 gradualism referring to the principle and practice of
23 rates, correct? I just want to make sure --

24 A. No. I think it is more of a standard
25 definition of gradualism is what is -- an increase

1 gradually over time so they don't cause rate shock to
2 consumers so, I mean, I think that's a fairly
3 standard definition.

4 Q. So can you help me understand then how
5 63.06 percent of an allocation is in compliance with
6 your definition of gradualism but 64 percent violates
7 that principle?

8 A. Well, first of all, the difference of
9 doing the 63 percent and the 64 percent is over
10 \$5 million. So a total increase of 23 million,
11 that's, you know, 20 to 25 percent of the increase;
12 so, I mean, I think an increase of 60 million as
13 compared to an increase of 21 million is significant.

14 Q. And just to be clear, the total revenues
15 of the company are over 550 million, correct? And I
16 direct you to Table 1 on page 5 of your supplemental,
17 if that's helpful to you, Mr. Fortney.

18 A. Current base distribution revenues are
19 543,000, and the proposed under the stip are
20 565 million.

21 Q. And you just said "543,000." Just so we
22 are clear, it's 543 million?

23 A. 543 million, yes, I'm sorry.

24 Q. No, quite okay. Just want to make sure
25 we are all speaking in the same magnitude of numbers.

1 In discussing the overall allocation, Mr. Fortney, in
2 your testimony at page -- your supplemental testimony
3 which has been marked as Exhibit 7 at page 6, let me
4 know when you are there, please.

5 A. I am at page 6.

6 Q. Starting at line 20, you identify several
7 concerns you have with financial hardship of
8 residential customers including COVID, high
9 inflation, and escalating generation prices, correct?

10 A. Yes.

11 Q. Just so we are clear, Duke Energy Ohio
12 does not own generation; is that correct?

13 A. Yes.

14 Q. Okay. And in discussing COVID, can you
15 identify any customer classes that have not
16 experienced issues related to COVID?

17 A. No. I expect that COVID has caused
18 problems for all classes.

19 Q. And can you identify any customer classes
20 that have not experienced impacts of increased
21 inflation?

22 MS. WILSON: Objection, your Honor. This
23 question and the question preceding it is asking the
24 witness for speculation.

25 EXAMINER SANDOR: Overruled. He can

1 answer.

2 A. No. I assume that all classes to some
3 degree have been affected by COVID and by inflation.

4 Q. And so if all customer classes have
5 experienced -- and so if all customer classes have
6 experienced these financial hardships, as you refer
7 to them, or impacts resulting in financial hardships,
8 wouldn't that support reducing nonresidential
9 customers from subsidizing residential customers in
10 allocation?

11 A. I'm sorry. Could you have that question
12 reread?

13 Q. I could actually rephrase it in a much
14 clearer way, Mr. Fortney. My apologies. So we
15 just -- we just established that you have -- that all
16 customer classes have faced financial hardships
17 associated with COVID and higher inflation, correct?

18 A. Yes.

19 Q. And so if all customer classes have had
20 those financial hardships, couldn't that further
21 support reducing the subsidy on the residential
22 customer class?

23 A. I don't follow that line of thinking; so,
24 no, I don't agree with what you said.

25 Q. So your position is even though every

1 customer class has faced impacts from what you
2 identify as financial hardships, the nonresidential
3 class should continue subsidizing residential
4 customers at the current rate?

5 MS. WILSON: Objection, your Honor.
6 Counsel is mischaracterizing Mr. Fortney's testimony.

7 EXAMINER SANDOR: Overruled. He can
8 clarify if he needs to.

9 MS. VERHALEN: Thank you, your Honor.

10 EXAMINER SANDOR: You can answer the
11 question, sir.

12 THE WITNESS: I guess I need the question
13 reread again. I forgot the question.

14 EXAMINER SANDOR: Karen, do you mind
15 rereading it.

16 (Record read.)

17 A. I don't understand what you mean at the
18 current rates. I'm confused by the question.

19 Q. Let's move on, Mr. Fortney. Let's talk
20 about the fixed customer charge which you discuss on
21 pages 8 and 9 of your supplemental testimony.

22 A. Okay.

23 Q. And here you are objecting to the change
24 of the fixed customer charge for residential
25 customers from \$6 to \$8, correct?

1 A. Yes.

2 Q. And just so we are clear, the settlement
3 keeps the fixed customer charge unchanged for the
4 low-income customers; is that your understanding?

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

6 Q. And at lines 13 and 14 here on page 8,
7 you state that the increase in the customer charge
8 does not benefit consumers and is not in the public
9 interest. I want to make sure I am correctly stating
10 your testimony.

11 A. Yes.

12 Q. And then you go on on page 9 and you take
13 issue with the position that the \$8 amount in the
14 Stipulation does benefit consumers because it's less
15 than the \$12 charge proposed by the Company where you
16 are discussing the Staff's testimony; is that
17 correct?

18 A. No, that's not correct at all. I am
19 actually disputing what Mr. Lipthratt said, that the
20 \$8 benefits customers because it's less than the \$12
21 in the application. There's no -- nothing in the
22 record that shows that \$12 is -- is the appropriate
23 price, so I don't -- I disagree with Mr. Lipthratt
24 that -- that \$8 is a benefit to the residential class
25 because it is lower than what the Company applied

1 for. That makes no sense to me.

2 Q. And you just said that there is nothing
3 in the record that says \$12 -- excuse me. There is
4 nothing in the record that shows \$12 is the
5 appropriate price.

6 A. I probably misspoke. I am sure that Duke
7 has workpapers that justify their calculation of a
8 \$12 customer charge. I simply in -- believe that
9 Staff's methodology of a minimally compensatory
10 customer charge is the proper way to go, and I -- and
11 OCC goes a little bit further because they don't
12 include line transformers but that's --

13 MS. VERHALEN: Your Honor.

14 A. -- black and white.

15 MS. VERHALEN: Your Honor, I am going to
16 request to strike everything after Mr. Fortney said
17 "I am sure Duke has workpapers that support their
18 calculation of a \$12 customer charge." The rest of
19 the information can be addressed on redirect by his
20 own attorney.

21 EXAMINER SANDOR: I can make this easy, I
22 am going to grant the motion to strike after the "\$12
23 charge" and agree it can be addressed on redirect.

24 MS. WILSON: Thank you, your Honor.

25 MS. VERHALEN: Thank you.

1 Q. (By Ms. Verhalen) Mr. Fortney, did you
2 review the Company's class cost-of-service study in
3 preparing your testimony?

4 A. Of course, I did.

5 Q. I'm sorry. I didn't hear the last word.

6 A. Of course, I did.

7 Q. And are you aware that the Company's
8 cost-of-service study supported a fixed customer
9 charge higher than \$12?

10 A. I don't remember that.

11 Q. And if a cost of service isn't covered by
12 the fixed charge, it has to be covered somewhere
13 else, correct?

14 A. That's correct. The fixed charge and
15 variable charge have -- combined have to equal a
16 certain revenue and -- and, yes, the -- what the
17 customer charge is doesn't change the revenue
18 allocation for a class.

19 Q. And a utility has the right to recover
20 from its consumers its cost of service, correct?

21 A. I agree. That's the principle of rate
22 design.

23 Q. Thank you, Mr. Fortney. Now, in your
24 testimony on page -- sorry, your supplemental
25 testimony, which we've been looking at, on page 11,

1 you discuss the regulatory principle of practicality.
2 Can you let me know when you are on page 11,
3 Mr. Fortney?

4 A. I'm there.

5 Q. And here you cite to -- specifically at
6 line 12 when discussing the regulatory principle of
7 practicality, you cite to Bonbright, a 1961
8 publication; is that correct?

9 A. Yeah, that's the footnote.

10 Q. And you mentioned Bonbright earlier.
11 Have you studied this text extensively in your
12 career, Mr. Fortney?

13 A. I'm sorry. Have I studied what?

14 Q. Bonbright.

15 A. I have read Bonbright as any great
16 analyst probably has.

17 Q. And are you familiar with Bonbright --
18 Bonbright's criteria for desirable rate structure?

19 A. I don't remember the exact wording.
20 Perhaps you could remind me.

21 Q. Sure. Just as -- as an initial item
22 though, the page to which you cite is Bonbright's
23 list of criteria for a desirable rate structure,
24 correct?

25 A. That is part of what Bonbright has

1 described.

2 MS. VERHALEN: Permission to approach,
3 your Honor?

4 EXAMINER SANDOR: You may.

5 MS. VERHALEN: Your Honor, I would
6 request that this be marked as Company Exhibit 18.

7 EXAMINER SANDOR: So marked.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 Q. (By Ms. Verhalen) Mr. Fortney, in your
10 testimony you cite to page 291 of Bonbright; and
11 Company Exhibit 18, does this look to be like page
12 291 from Bonbright to which you cite?

13 A. It -- yes, my testimony looks -- looks
14 like it pretty much uses the criteria in No. 1 on the
15 right-hand side of page 291.

16 Q. And did you review this page before you
17 provided your testimony and cited to this source?

18 A. I'm sorry. Did I review this page?

19 Q. Before you prepared your testimony and
20 cited to this source.

21 A. Yes.

22 Q. And so to this list, Bonbright identifies
23 eight criteria of a sound rate structure; is that
24 correct?

25 A. It looks like it, yes.

1 Q. And you identified that practicality is
2 No. 1 in that list -- what you call practicality is
3 identified by its terms as No. 1 in that list.

4 A. Correct.

5 Q. And criteria 3, if we could look at that,
6 also requires yielding the total revenue requirements
7 which is consistent with a concept you raised a few
8 minutes ago in cross-examination, correct?

9 A. Perhaps No. 3 is the most concrete of all
10 the recommendations because the Company is entitled
11 to recover whatever the authorized revenue
12 requirement is, yes.

13 Q. And then Bonbright also addresses
14 apportionment in No. 6, that it's total cost of
15 service -- apportionment of total cost of service
16 among the different consumers, correct?

17 A. That is No. 6, yes.

18 Q. And so let's go back to criteria 1 which
19 you identify in your testimony. And at line 12, you
20 state that a rate must be feasibly applied.

21 A. Yes.

22 Q. And where Bonbright's discussing
23 feasibility in item 1, he is discussing the
24 feasibility of whether it's possible to apply that
25 rate; is that correct?

1 A. Well, I'm not going to speak for
2 Bonbright. I actually like the choice of the word
3 feasibility because I did look up the definition of
4 feasibility. And one of the definitions is that --

5 MS. VERHALEN: Excuse me. Is the witness
6 referring to a handwritten note or other annotation,
7 your Honor?

8 EXAMINER SANDOR: Sir, are you just
9 looking at your testimony and Bonbright or what are
10 you looking at?

11 THE WITNESS: Well --

12 MS. VERHALEN: He is looking at a
13 handwritten page full of notes.

14 THE WITNESS: I did have a note that I
15 brought up with me because my memory isn't so good
16 and I --

17 EXAMINER SANDOR: We ask you only refer
18 to the documents that are presented to you by
19 parties, please.

20 THE WITNESS: I'm sorry.

21 EXAMINER SANDOR: That's okay.

22 MS. VERHALEN: Your Honor, can all of the
23 attorneys please get a copy of what Mr. Fortney has
24 been referring to?

25 EXAMINER SANDOR: They may, yeah.

1 MS. VERHALEN: And we are not sure what
2 he has referred to during his testimony, your Honor,
3 so we would request that the full document be copied.

4 EXAMINER SANDOR: Yeah. She's copying.

5 MS. VERHALEN: Thank you.

6 EXAMINER SANDOR: Let's go off the
7 record.

8 (Discussion off the record.)

9 EXAMINER SANDOR: Let's go back on the
10 record.

11 Duke, you may proceed.

12 MS. VERHALEN: Thank you.

13 Q. (By Ms. Verhalen) Mr. Fortney, who -- who
14 prepared this handwritten document that we have a
15 copy of here?

16 A. That's all mine.

17 Q. It's all yours? Did anyone assist you in
18 preparing this document?

19 A. Nope.

20 Q. Did you discuss its contents at all with
21 your counsel or anyone else that you work with?

22 A. No.

23 Q. And did you ask anyone to review any
24 portion of this document?

25 A. No.

1 Q. And did you ask anyone to provide input
2 as to its contents?

3 A. No.

4 Q. And I see there are a couple of case
5 numbers cited here that are not references to this
6 particular case. Is that -- are those cases that you
7 found on your own, or did someone point you to those?

8 A. I read about those cases. Actually it
9 was in the --

10 EXAMINER SANDOR: Can you speak a little
11 closer to the microphone, please?

12 A. I read those cases. Actually it was from
13 the consultant's report in the Aqua water or
14 wastewater case regarding rates and tariffs. And I
15 was actually at the Commission when those cases
16 occurred, so I do remember them.

17 Q. And, Mr. Fortney, were you instructed by
18 your counsel either to or to not take notes up to the
19 witness stand today?

20 A. I was not. I didn't ask. I didn't
21 realize it wasn't allowed.

22 MS. VERHALEN: No further questions, your
23 Honor.

24 EXAMINER SANDOR: Any other cross?

25 MR. WYGONSKI: Yes, I have some

1 questions, your Honor.

2 EXAMINER SANDOR: Go ahead.

3 - - -

4 CROSS-EXAMINATION

5 By Mr. Wygonski:

6 Q. Good afternoon, Mr. Fortney. My name is
7 Jonathan Wygonski. I represent the Ohio
8 Manufacturers' Association Energy Group in this case.

9 Mr. Fortney, you described yourself as a
10 rate design and cost-of-service analyst, correct?

11 A. Yes.

12 Q. You did not perform a cost-of-service
13 study for this rate case, correct?

14 A. No, I did not.

15 Q. But I believe earlier you stated that you
16 reviewed Duke's cost-of-service study?

17 A. Yes.

18 Q. And did you review that cost-of-service
19 study prior to preparing your direct testimony in
20 this case?

21 A. Yes.

22 Q. Okay.

23 MR. WYGONSKI: Your Honor, at this time I
24 would like to use as an exhibit Schedule E -- E-3.2
25 which was part of Duke's application. It was in

1 Volume 10 of 11 in that application we previously
2 marked and admitted as Duke Exhibit 1. But for ease
3 of this proceeding, would it be helpful if I mark it
4 now as a separate document for identification
5 purposes and to use in my cross-examination, if
6 that's okay with the Bench?

7 EXAMINER SANDOR: I think I would prefer
8 to have it stay as marked just so it doesn't muddy
9 the record when you are referring to it and reading
10 back the transcript.

11 MR. WYGONSKI: Okay.

12 Q. (By Mr. Wygonski) Mr. Fortney, do you
13 have in front of you Schedule E-3.2 which was part of
14 Duke's Exhibit 1?

15 EXAMINER SANDOR: One moment. Let's let
16 everyone get on the same page.

17 MR. WYGONSKI: Your Honor, I have a copy
18 of this Schedule E.

19 EXAMINER SANDOR: Yes, please pass those
20 around.

21 MR. WYGONSKI: Just to be clear, you
22 don't want me to mark them with anything?

23 EXAMINER SANDOR: Correct, since it has
24 already been admitted.

25 MR. WYGONSKI: All right. Your Honor, if

1 I could just let the record reflect that I just
2 handed the witness Schedule E-3.2 which was part of
3 Duke's application which we previously marked as
4 Exhibit 1.

5 EXAMINER SANDOR: Thank you.

6 MR. WYGONSKI: Duke Exhibit 1.

7 EXAMINER SANDOR: Thank you.

8 Q. (By Mr. Wygonski) Mr. Fortney, are you
9 familiar with the document that I just handed you
10 as --

11 A. Yes. It's the --

12 Q. And that's --

13 A. -- part of Mr. Ziolkowski's testimony,
14 Schedule E-3.2 which is a cost-of-service study. I
15 would note it is only partial. Mr. Ziolkowski
16 actually has in his testimony and his exhibits has
17 several iterations of the cost-of-service study that
18 break things down differently for demand and customer
19 and energy. So -- so, yes, this is part of
20 Mr. Ziolkowski's testimony.

21 Q. And, Mr. Fortney, this is a true and
22 accurate copy of the total distribution cost of
23 study, Schedule E-3.2, correct?

24 MS. WILSON: Objection. This isn't part
25 of Mr. Fortney's testimony. To the extent that it's

1 on the record, that can be checked but Mr. Fortney
2 really wouldn't have any way to know if this has been
3 altered or anything.

4 MR. WYGONSKI: Your Honor, I previously
5 asked the witness if he was familiar with this
6 document and if he had reviewed it, and I believe his
7 answer was yes.

8 EXAMINER SANDOR: Objection overruled.
9 You may proceed.

10 Q. (By Mr. Wygonski) Mr. Fortney, just to
11 clarify, this was the cost-of-service study that you
12 stated that you reviewed previously, correct?

13 A. Yes. I will take for fact this is taken
14 right from the application and Mr. Ziolkowski's
15 testimony.

16 Q. Okay. Thank you. And reviewing this
17 document, do you remember what percentage of Duke's
18 cost of service was allocated to the residential
19 customer class according to this study?

20 A. Currently or what would bring it to full
21 cost of service or what Duke recommended? There's
22 many different iterations so which one are you
23 referring to?

24 Q. So based on this schedule, which is total
25 distribution cost of service, do you remember what

1 percentage of Duke's cost of service was allocated to
2 the residential customer class according to this
3 study?

4 A. There again, I am not -- there's an
5 allocation based upon full cost of service. There is
6 an allocation based upon the current revenues. There
7 is an allocation based upon what Duke requested. So
8 I'm not sure which -- which allocation you are
9 referring to.

10 Q. So referring to this document which was
11 as filed with Duke's application, the total
12 distribution cost of service, which I believe was
13 about 69.4 percent, does that sound correct to you,
14 to residential customers?

15 A. Well, I mean, I see the line three up
16 from the bottom which is present revenues, and the
17 present residential revenue is 334 million, and the
18 total distribution revenue is 534 million, so
19 whatever 334 divided by the 534 is is what it would
20 be. Under -- that would be the present revenues.

21 Q. Mr. Fortney, so I was asking about the
22 total electric cost of service rather than the
23 present revenues. Again, looking at the cost of
24 service rather than the revenues here, so on line 19,
25 that line says "total electric cost of service."

1 Could you review that for a second?

2 A. Then that would be whatever the
3 409 million divided by the 589 million is.

4 Q. Subject -- subject to check, would you
5 agree that that's about 69.4 percent?

6 A. Yes. I believe I say that in my
7 supplemental -- supplemental testimony at page 7, oh,
8 line 7, that the allocation of the revenue increase
9 to the residents of class under that proposal and
10 utilizing the revenue increase as proposed in the
11 settlement of 23.1 million should be no more than
12 69.42 percent, or 16.03 million.

13 Q. And, Mr. Fortney, in either your direct
14 or supplemental testimony, do you recommend a revenue
15 allocation to the residential class of 69.42 percent?

16 A. I'm sorry. Could I have that question
17 repeated?

18 MR. WYGONSKI: Could I just have that
19 reread, your Honor?

20 EXAMINER SANDOR: Karen, if you could.

21 (Record read.)

22 MS. WILSON: Objection, your Honor.
23 That's not what his testimony says, if counsel is
24 referring to page 7, line 8, of Mr. Fortney's
25 testimony.

1 MR. WYGONSKI: Your Honor, that's not
2 what I am referring to.

3 EXAMINER SANDOR: Overruled. I think he
4 asked if that number appeared in either of the
5 testimonies, so he can clarify.

6 MS. WILSON: Thank you.

7 MR. WYGONSKI: Your Honor, I was asking
8 if the witness recommended allocating 69.4 percent of
9 the revenue requirement to the residential customer
10 class.

11 A. No. That is not my recommendation.

12 Q. (By Mr. Wygonieski) Thank you,
13 Mr. Fortney. And instead you recommend a revenue
14 allocation to the residential class of 63.05 percent,
15 correct, which is below --

16 A. 63.05 or 6, I forget which.

17 Q. Which is below the residential class cost
18 to serve, correct?

19 A. Yes.

20 Q. So you recommend that customers in other
21 rate classes pay more than their cost to serve those
22 customers, correct?

23 A. That is my recommendation, yes.

24 Q. And, Mr. Fortney, did you review Staff's
25 analysis of the cost-of-service study?

1 A. I read the Staff Report, yes.

2 Q. Okay. And Staff's recommended revenue
3 requirement allocation, as you mentioned, is
4 65 percent, correct, to the residential class?

5 A. Well, as I think I answered Duke's
6 attorney, I -- I don't have the numbers in front of
7 me that shows the 65 percent. I know that they
8 recommended nearly double the increase of the
9 residential class as the overall increase was which
10 OCC thought was very unreasonable.

11 MR. WYGONSKI: Your Honor, I would move
12 to strike everything that the witness said there
13 after -- after saying he doesn't remember. I was
14 just asking what the allocation recommended to the
15 customer class -- the residential customer class in
16 the Staff Report was. The -- the bulk of that
17 response was not responsive to what I asked the
18 witness.

19 EXAMINER SANDOR: Any response?

20 MS. WILSON: The Staff Report speaks for
21 itself. If Mr. Fortney doesn't remember exactly what
22 it said, then.

23 EXAMINER SANDOR: Karen, can you read
24 back the beginning part of that answer. I'm sorry.

25 Read the entire answer.

1 (Record read.)

2 EXAMINER SANDOR: I will grant the motion
3 to strike starting with "I know they" to the end of
4 his answer.

5 MR. WYGONSKI: Thank you, your Honor.

6 Q. (By Mr. Wygonski) Mr. Fortney, do you
7 have the Staff Report in front of you which has been
8 marked as Staff Exhibit 1?

9 A. No.

10 MR. WYGONSKI: Your Honor, could I
11 request that OCC's counsel provide a copy of Staff
12 Exhibit 1, the Staff Report, to the witness?

13 MS. O'BRIEN: We don't have it. I have
14 it electronically.

15 MS. VERHALEN: Your Honor, we think that
16 there may be a copy on the stand if we could approach
17 and help locate it --

18 EXAMINER SANDOR: You may.

19 MS. VERHALEN: -- please. Thank you.

20 MR. WYGONSKI: Thank you.

21 MS. WILSON: Your Honors, if opposing
22 counsel wants to cross-examine Mr. Fortney on the
23 Staff Report, I believe it's their prerogative to
24 provide him a copy of it.

25 MR. WYGONSKI: Your Honor, first, I would

1 again request that only one attorney for OCC argue at
2 a time but --

3 MS. O'BRIEN: She's the one defending him
4 so.

5 EXAMINER SANDOR: Only one attorney going
6 forward.

7 MS. O'BRIEN: People are looking at me.
8 I just responded I don't have it, so sorry.

9 EXAMINER SANDOR: That's all right.
10 Typically I would agree. I know we have been in and
11 out here and virtual, so I would ask if we are going
12 to ask questions about it, that it be provided, but
13 we are where we are at right now so.

14 MS. AKHBARI: Your Honor, we have a
15 binder copy.

16 EXAMINER SANDOR: Oh, you do? Okay.
17 Let's go off the record.

18 (Discussion off the record.)

19 EXAMINER SANDOR: All right. Let's go
20 back on the record.

21 MR. WYGONSKI: Thank you, your Honor.

22 Q. (By Mr. Wygonski) Mr. Fortney, now that
23 you have a copy of the Staff Report in front of you,
24 could you turn to page 28 and look at Table 3.

25 A. Yes, I'm there.

1 Q. And Staff there recommended a revenue
2 requirement allocation of 65 percent to the
3 residential customer class, correct?

4 A. That's correct, and it's also over on
5 Table 4 on the next page, Staff proposed.

6 Q. Okay.

7 A. Base revenue distribution, Staff proposed
8 percent of total 65 percent to the residential class.

9 Q. Thank you. Mr. Fortney, turning back to
10 your direct testimony on page 6, looking at lines 9
11 through 12, let me know when you are there.

12 A. The first testimony, direct testimony?

13 Q. Correct, the initial direct.

14 A. Page 6.

15 Q. Lines 9 through 12. And, Mr. Fortney, at
16 that portion of your direct testimony, you quote the
17 Staff Report and note that other considerations may
18 result in movement more closely aligning revenue with
19 costs rather than an absolute match at a particular
20 time period, correct?

21 A. That's correct, yes.

22 Q. And a bit down that page on lines 14
23 through 15, you claim that Staff proceeds to ignore
24 its own guidelines and allocate revenue based solely
25 on cost of service, correct?

1 A. Correct.

2 Q. Did you speak to Staff to ask which
3 guidelines they employed to recommend an allocation
4 of the revenue requirement?

5 A. No.

6 Q. And isn't it true that Staff could not
7 have allocated the revenue requirement based purely
8 on the cost-of-service study since the percentage
9 Staff recommended was below the cost to serve?

10 A. They did not recommend going to the full
11 cost of service, but they did recommend a significant
12 increase.

13 Q. And so isn't it true that the revenue
14 allocation moving forward will still not be an
15 absolute match to the results of the cost-of-service
16 study as you mention there?

17 A. I agree with that entirely, yes.

18 Q. Okay. And so the revenue requirement
19 proposed by Staff would still result in residential
20 customers paying less than their cost to serve,
21 correct?

22 A. Yes.

23 Q. Okay. Mr. Fortney, turning back to your
24 supplemental testimony at page 5, looking at Table 1,
25 I believe you mentioned that you reviewed the revenue

1 allocation proposed in the Stipulation in this case,
2 correct?

3 A. Yes.

4 Q. And isn't it true that the Stipulation
5 recommends a lower revenue requirement allocation to
6 residential customers than the Staff Report did?

7 A. Yes.

8 Q. And the Stipulation recommends allocating
9 64 percent of the revenue requirement to residential
10 customers, correct?

11 A. 64 percent rather than the 65 percent
12 that was in the Staff Report, yes.

13 Q. Thank you. And so the Stipulation
14 allocation of the base distribution revenue
15 requirement for the residential class is still below
16 the residential class cost to serve?

17 A. Yes.

18 Q. And isn't it true that the -- strike that
19 question, your Honor. I apologize.

20 And so -- sorry. Strike that one too.

21 So, Mr. Fortney, isn't it true that the
22 majority of rate classes do not receive a rate
23 decrease under this Stipulation's proposed
24 allocation?

25 A. It looks like only two, rate DS and

1 lighting, receive a rate revenue de -- decrease under
2 the Stipulation.

3 Q. You are referring to, just to clarify, he
4 said looks like, you are referring to Table 1, that
5 last column that says "Revenue Increase Percentage"
6 on page 5 of your supplemental testimony?

7 A. The column -- columns that are titled
8 "Revenue Increase Under the Stipulation" and the
9 right-hand "Percent of Total" is -- that's the
10 distribution of the increase to the classes.

11 Q. Mr. Fortney, I was -- I was asking about
12 the "Class Revenue Increase," that last column.

13 A. The last column, that's just the revenue
14 increase percent which would -- would be the revenue
15 increase divided by the current revenues.

16 Q. And for the record, Mr. Fortney, you are
17 looking at page 5, Table 1, of your supplemental
18 testimony, correct?

19 A. Yes.

20 Q. Thank you. Okay. Mr. Fortney, turning
21 to page 6 of your supplemental testimony, lines 20
22 through 24, I believe you stated earlier that
23 residential customers have been harmed by high
24 inflation and escalating generation prices, correct,
25 as well as COVID?

1 A. Yes, that's -- that is my testimony.

2 Q. And I believe you discussed that public
3 policy should recognize these factors when allocating
4 the revenue requirement, correct?

5 A. Yes, that's what my testimony says.

6 Q. And you discussed this a bit earlier, but
7 just to clarify, commercial and industrial customers
8 are harmed by high inflation as well, correct?

9 A. Yes. I'm sure they are.

10 Q. And commercial and industrial customers
11 are also harmed by escalating generation prices,
12 correct?

13 A. I am sure they will be.

14 Q. And just to clarify, commercial and
15 industrial customers are also harmed by the impacts
16 of COVID-19, correct?

17 A. Probably, yes.

18 Q. And, Mr. Fortney, the second prong of the
19 Commission's three-prong test, which I believe you
20 discussed earlier, is whether or not the settlement
21 as a package benefits customers and the public
22 interest, correct?

23 A. Yes, correct.

24 Q. But just to clarify, on page 6, answer
25 13, which was lines 17 through 24 of your

1 supplemental testimony, you are only considering the
2 benefits related to residential customers, correct?

3 A. I'm sorry. I didn't follow the page
4 numbers.

5 Q. That same paragraph we are looking for, I
6 was just stating it for the record, page 6, line 17
7 through 24, that last question and answer, your -- in
8 that answer you are only considering the benefits
9 related to the residential customers, correct?

10 A. That's correct, yes.

11 MR. WYGONESKI: Thank you.

12 Your Honor, I have no further questions.

13 EXAMINER SANDOR: Okay. Any other cross?

14 MS. COHN: I just have one question.

15 EXAMINER SANDOR: Go ahead.

16 MS. COHN: Thank you.

17 - - -

18 CROSS-EXAMINATION

19 By Ms. Cohn:

20 Q. Hey, Mr. Fortney.

21 A. Good morning.

22 Q. Is it still -- good morning. Okay. Do
23 you know what percentage of the stipulated revenue
24 requirement would be allocated to residential at full
25 cost of service?

1 A. It's probably in the cost-of-service
2 document that --

3 Q. Well, I'm talking about the stipulated
4 revenue requirement.

5 A. I don't know, no. I did not do that
6 calculation.

7 MS. COHN: Okay. Thank you.

8 No further questions.

9 EXAMINER SANDOR: Okay. Any other cross?
10 Okay. Hearing none, any redirect?

11 MS. WILSON: Can we have just a moment,
12 please?

13 EXAMINER SANDOR: Sure.

14 MS. WILSON: No redirect, your Honor.

15 MS. VERHALEN: Your Honor? Sorry. Would
16 it be possible for us to move our exhibit, please?

17 EXAMINER SANDOR: Yes. Well, we are
18 going to do OCC's first.

19 MS. VERHALEN: Apologies. Thank you.

20 EXAMINER SANDOR: That's okay.

21 Mr. Fortney, you are excused.

22 THE WITNESS: Thank you.

23 EXAMINER SANDOR: OCC.

24 MS. WILSON: OCC moves to -- moves for
25 admission of OCC Exhibits 6 and 7, the direct and

1 supplemental testimony of Robert Fortney.

2 EXAMINER SANDOR: Any objections?

3 Okay. Hearing none, OCC Exhibits 6 and 7
4 are admitted.

5 (EXHIBITS ADMITTED INTO EVIDENCE.)

6 EXAMINER SANDOR: All right. Duke.

7 MS. VERHALEN: Thank you, your Honor.

8 Duke would move Company Exhibit 18.

9 EXAMINER SANDOR: Any objections?

10 Hearing none, Duke Energy Ohio Exhibit 18
11 is admitted.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

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

15 (Discussion off the record.)

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

18 We just had a discussion with the
19 parties -- the AE just had a discussion with the
20 parties off the record. The initial briefs will be
21 due on October 31, and then reply briefs will be due
22 on November 14.

23 And it's our understanding too that the
24 transcript will be able to be filed tomorrow,
25 October 12.

1 And with that, do the parties or counsel
2 have any other matters?

3 Okay. Hearing none, we are adjourned.

4 (Thereupon, at 11:37 a.m., the hearing
5 was adjourned.)

6 - - -

7 CERTIFICATE

8 I do hereby certify that the foregoing is
9 a true and correct transcript of the proceedings
10 taken by me in this matter on Tuesday, October 11,
11 2022, and carefully compared with my original
12 stenographic notes.

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14
15 _____
 Karen Sue Gibson, Registered
 Merit Reporter.

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17 (KSG-7348)

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in

Case No(s). 21-0887-EL-AIR, 21-0888-EL-ATA, 21-0889-EL-AAM

Summary: Transcript of Duke Energy Ohio, Inc. hearing held on 10/11/22 - Volume IV electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.