

1179

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the	:	
Complaint of:	:	
	:	
Ohio Power Company,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 21-990-EL-CSS
	:	
Nationwide Energy	:	
Partners, LLC,	:	
	:	
Respondent.	:	

- - -

PROCEEDINGS

before Mr. David Hicks and Mr. Matthew Sandor,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, called at 9:08 a.m. on Tuesday,
November 1, 2022.

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VOLUME VII

- - -

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- - -

1181

INDEX

- - -

WITNESS

PAGE

Aaron Depinet

Cross-Examination (Continued) by Mr. Schuler 1182

Redirect Examination by Mr. Guran 1276

- - -

AEP OHIO EXHIBIT

IDENTIFIED ADMITTED

10 NEP-RPD-15-004-Attachment 1- 1255 1283
CONFIDENTIAL, pages 545-571
of 1021

- - -

NEP EXHIBIT

IDENTIFIED ADMITTED

91 Direct Testimony of VI-1159 1280
Aaron Depinet

- - -

1182

1 Tuesday Morning Session,
2 November 1, 2022.

3 - - -

4 EXAMINER HICKS: Let's go back on the
5 record.

6 We are reconvening this morning and
7 continuing in Case No. 21-990-EL-CSS, Ohio Power
8 Company versus Nationwide Energy Partners, LLC.
9 Mr. Depinet is still on the stand for
10 cross-examination. Just remind you you are still
11 under oath.

12 And Mr. Schuler is continuing with his
13 cross.

14 MR. SCHULER: Thank you, your Honor.

15 - - -

16 AARON DEPINET
17 being previously duly sworn, as prescribed by law,
18 was examined and testified further as follows:

19 CROSS-EXAMINATION (Continued)

20 By Mr. Schuler:

21 Q. Good morning, Mr. Depinet.

22 A. Good morning.

23 Q. Hope you had a happy Halloween last
24 night.

25 A. Bengals lost.

1183

1 EXAMINER HICKS: The Bench hears that.

2 Q. (By Mr. Schuler) More importantly, do you
3 recall our conversation yesterday? We had a little
4 bit of a conversation about subcontractors employed
5 by NEP?

6 A. Uh-huh. Yes.

7 Q. And I believe you stated that
8 subcontractors work off of AEP's direction, and also
9 NEP's stamped drawings from our engineer or an
10 engineer that we use as a subcontractor; do you
11 remember that?

12 A. Yes.

13 Q. When you said "our engineer," were you
14 referring to an in-house NEP engineer?

15 A. No. We subcontract.

16 Q. Okay. So NEP doesn't do any engineering
17 in house? You use subcontractors like M Engineering,
18 for instance?

19 A. Correct.

20 Q. Okay. And with -- and I believe you also
21 mentioned the portion that the subcontractor works
22 off of AEP's direction is with respect to the CTs and
23 meter installation; is that correct?

24 A. Correct. AEP has a standards book that
25 our drawings and AEP coordinate with one another

1 on -- basically our drawings have to state where the
2 master meter is located, and that's sufficient for
3 AEP.

4 Q. Okay. And that's the extent of AEP's
5 direction of the subcontractor that's performing the
6 work, correct?

7 A. For the new equipment installed, yes.

8 Q. So, in other words, it's simply
9 installing to AEP Ohio's specifications per the
10 handbook you referenced, right?

11 A. Yes, for the new equipment installed.
12 Now, if there is demolition or something of that
13 order, then that would get designed or included in
14 some sort of scope document by AEP to NEP, then --
15 then our subcontractor.

16 Q. Was there any demolition at the five
17 apartment complexes in this case?

18 A. Yes.

19 Q. Okay.

20 A. Yes. That would have been the -- some of
21 the pictures in my testimony showing that the
22 existing -- the existing secondary conductors because
23 whatever -- since the service point's changing
24 from -- I guess you could say the point of
25 demarcation is changing, everything to that point

1 needs to be up to the NEC code and AEP does not
2 follow the NEC code.

3 Q. AEP Ohio follows NESC code; is that
4 right?

5 A. The safety code, correct.

6 Q. And just for clarity of the record, when
7 we are saying CTs that refers to current
8 transformers, correct?

9 A. That's correct.

10 Q. And those are a transformer that simply
11 allows for the reading of secondary service for
12 purposes of the master meter, correct?

13 A. Yeah. The purpose of a CT is to create a
14 usable amperage that a meter can consume.

15 Q. So with the exception of following AEP's
16 handbook, the subcontractor is operating under NEP's
17 direction for purposes of the conversions, correct?

18 A. Correct.

19 Q. Let's talk a little bit about the process
20 of conversion. And I think we talked about it
21 yesterday, conversion being the switching from AEP
22 Ohio residential individually-metered customers of
23 AEP Ohio to a master-metered service, correct?

24 A. Yeah. Or an existing community.

25 Q. Okay. Now, to commence a conversion that

1186

1 we just talked about, is it your understanding that
2 it first needs to be submitted by NEP to AEP Ohio?

3 MR. GURAN: Objection. Kind of vague on
4 the process. I am a little bit confused also.

5 MR. SCHULER: I am simply asking in order
6 to kickoff there has to be a request for AEP Ohio to
7 know about a conversion.

8 EXAMINER HICKS: Overruled. He can
9 answer.

10 A. Okay. Yes, you can either call customer
11 service or you -- or you can submit something on the
12 online portal.

13 Q. An online portal that's hosted by AEP
14 Ohio, or it's AEP Ohio's portal?

15 A. Correct.

16 Q. And on page 2, lines 18 to 19 of your
17 testimony where you say, "NEP reaches out to AEP Ohio
18 via its online portal," do you see that?

19 A. Yes.

20 Q. That's the online portal you just
21 referenced, right?

22 A. That's correct.

23 Q. And let me step back actually. Let's
24 just take that whole sentence starting with line 17.
25 With both -- "With both secondary conversions and

1187

1 buy-backs, after contracts are signed, NEP reaches
2 out to AEP Ohio via its online portal." Did I read
3 that correctly?

4 A. Yes.

5 Q. So you mentioned earlier that you can
6 either call in or do the online portal, for purposes
7 of conversions like these five, NEP elected to use
8 the online portal, correct?

9 A. Yes, I did.

10 Q. Okay. That was my -- you were the one
11 that submitted --

12 A. I did.

13 Q. -- that request through the online
14 portal?

15 A. I did.

16 Q. And ultimately -- well, strike that.
17 To the extent a conversion is completed
18 after a request through the online portal, that
19 ultimately culminates in AEP Ohio's service to the
20 individual residential tenants being disconnected,
21 and new conductor and the meters from NEP now
22 submeter those same tenants, correct?

23 A. I mean, you skipped a bunch of spaces
24 there, so you went from -- reread the sentence. I
25 don't understand the question.

1188

1 Q. Sure. Sure. No, that's fine. That's
2 fine. I will -- let's go to your testimony actually.
3 Page 3, line 10. You state there, "Specifically,
4 after the sites are prepared for conversion, AEP Ohio
5 will send out a crew to finalize the conversion and
6 hook into the new master meter." Do you see that?

7 A. Yes.

8 Q. That's the ultimate conclusion of a
9 conversion, correct?

10 A. Yes, but I -- like I said, I think it's
11 confusing how the process -- the process goes like
12 this. You submit the online form or you call in,
13 either way. Within a couple days you usually get an
14 automated response from AEP that says we need more
15 information. Can you please send X, Y, Z?

16 I send those. Usually that includes
17 drawings, load summaries with everyone's information
18 on there, civil drawings if we have them, and then
19 once -- once that -- once that all has been sent --
20 someone at AEP, in this case for these five, it
21 always has been Dean Hartzell, would respond back and
22 say can we meet on-site? Can we whatever?

23 And then usually we meet on-site. We
24 discuss everyone's scope. We make sure everyone is
25 good as far as if the scope is correct, what needs to

1 be changed. We decide all that then and there at
2 those sites. And then -- and then we start going
3 down the subcontractor path. We start coordinating
4 our work, what the -- the work that needs to be done
5 for the property. Whether it's -- whether it's
6 installing new secondaries, whatever the case may be.
7 Each site is different. And then once it's
8 concluded -- once that work is concluded, we can then
9 changeover from existing service to the new
10 master-metered service.

11 Same thing you would do if you needed a
12 new service at your house. It's the same type of
13 situation. It just now only has one meter instead of
14 no master meter and unit submeters.

15 Q. Okay. That's helpful. Thank you.
16 Probably just saved us 20 minutes of me fumbling
17 through it. Thank you.

18 So that last part there where it actually
19 converts over from the individually-metered AEP Ohio
20 residential customers to master-metered service that
21 is operated by NEP, is that what you were referring
22 to with the phrase "hook in" on page 3, line 12?

23 A. Yes.

24 Q. Okay. When you -- so on page 3, line 12,
25 where you say, "The hook-in process or energizing per

1190

1 site can be completed in less than a day, often AEP
2 Ohio can complete two per day." Did I read that
3 correctly?

4 A. Yes.

5 Q. When you say that, you are referring to
6 the actual switchover on the day of residential
7 customers no longer being individually metered by AEP
8 Ohio and the property being master-metered by NEP?

9 A. Yes. AEP will disconnect the existing
10 service and reenergize the new service.

11 Q. Okay. That day also involves AEP Ohio
12 removing all of its individual meters of the
13 residential lessees, correct?

14 A. Yes.

15 Q. And I say "day," but sometimes it can be
16 multiple days, right?

17 A. Depending on the amount of master meters,
18 correct.

19 Q. And you would agree that there are almost
20 1,100 individually metered residential customers at
21 the five complexes combined?

22 A. I don't know the exact number. I
23 would -- I would say that's accurate though.

24 Q. Okay. You're not familiar with AEP
25 Ohio's protocols for removing those individual

1 meters, correct?

2 A. Through conversations between metering
3 on-site and Dean Hartzell, I would say a little bit.

4 Q. You are not aware of any specific
5 policies or procedures that AEP Ohio has for removing
6 individual residential meters, correct?

7 A. I believe the old way of, from what I was
8 told from AEP, is every meter that was to be removed
9 needed to take an individual work order. That was
10 conversations back with Bantry Bay type before these
11 five conversations, and that was part of the delays
12 of Bantry Bay was that was a long process.

13 Q. Okay.

14 A. It sounded like it was adjusted on the --
15 after -- after we were allowed to finally complete
16 these, it sounded like they were able to do a mass
17 integration of change outs for individual sites after
18 that, and that's from Checobia Crawford and I believe
19 Angie Rybalt while they were on-site at The Normandy
20 when we were discussing that project.

21 Q. The Normandy is one of the five in this
22 case, right?

23 A. Correct.

24 Q. And it has been converted as we sit here
25 today, correct?

1 A. Correct.

2 Q. In the order of the five, was that the
3 third one that was converted?

4 A. That was the second one.

5 Q. That was the second one? Would that have
6 been in August of 2022, when that was converted then?

7 A. I would have -- I would have to look.

8 Q. Okay.

9 A. That sounds accurate.

10 Q. Edge of Arlington was the first one that
11 was converted, correct?

12 A. Correct.

13 Q. And roughly in the May 2022, time frame?

14 A. Yes. Over the period of months, but yes.

15 Q. Okay.

16 A. It concluded in May.

17 Q. When you are saying over a period of
18 months, are you talking about Edge of Arlington, or
19 all of the four that have been converted?

20 A. Edge of Arlington.

21 Q. Okay. All right. And a moment ago you
22 explained a process that leads up to hook-in day,
23 correct?

24 A. Similar to any project you do with AEP,
25 yes.

1193

1 Q. That was where you were describing
2 submitting through the portal, AEP Ohio reaching out
3 to you scheduling a site visit, all of that happens
4 prior to the hook-in process you refer to on page 3,
5 line 12, right?

6 A. Correct.

7 Q. So prior to hook-in process as you
8 mention it there on page 3, line 12, you would agree
9 that there is construction and design work that's
10 completed by NEP and/or AEP Ohio, correct?

11 MR. GURAN: Objection, compound. You
12 said NEP or AEP Ohio, two separate.

13 EXAMINER HICKS: Do you understand the
14 question, Mr. Depinet?

15 THE WITNESS: Yes.

16 EXAMINER HICKS: All right. Overruled.
17 You can answer.

18 A. NEP's design is completed -- is completed
19 before submission takes place.

20 Q. Okay.

21 A. AEP's design is completed during the
22 process of the process that I laid out, AEP -- if
23 they have anything to design. In these cases, I --
24 in these five projects, I never seen a design from
25 AEP. There wasn't anything that they really needed

1194

1 to do except disconnection, reconnect of the existing
2 services.

3 Q. You would agree there is building and
4 construction work that has to be completed before the
5 hook-in process, correct?

6 A. By whom?

7 Q. Anyone.

8 A. Yes.

9 Q. You would agree that the CT cabinets need
10 to be installed prior to the hook-in process you
11 refer to on page 3, line 12, correct?

12 A. That's correct.

13 Q. You would agree that the master meter
14 base has to be installed prior to hook-in process,
15 correct?

16 A. That is correct.

17 Q. And just for clarity, the master meter
18 base is like a box that the master meter fits into,
19 correct?

20 A. Yes. It's a CT rated base -- meter base,
21 yes.

22 Q. And you would agree that AEP Ohio has to
23 source the CTs and the meter socket prior to the
24 hook-in process can be completed, correct?

25 MR. GURAN: Objection, foundation.

1195

1 MR. SCHULER: I believe Mr. Depinet has
2 already testified that AEP Ohio provides the CT and
3 meter socket for purposes of conversion.

4 EXAMINER HICKS: Can you reread the
5 question, Karen? I am not going to lie, I was
6 distracted by...

7 (Record read.)

8 EXAMINER HICKS: Restate your objection.

9 MR. GURAN: Foundation. And if you
10 would, the real part of my issue is the sourcing,
11 knowledge of where -- if AEP Ohio has to get it from
12 someone else or that entire process. He wouldn't
13 know as NEP's -- as an employee of NEP.

14 MR. SCHULER: And the reason why you
15 source is -- I didn't say whether it was AEP Ohio
16 itself or we have the subcontractor go to a third
17 party, or just AEP Ohio has to source it somehow.

18 EXAMINER HICKS: I will let him answer,
19 if he needs -- if you need to explain or clarify your
20 understanding of sourcing or any part of the
21 question, feel free to but...

22 A. Yeah. I don't know what you mean by
23 source. As far as I know, you have them in stock and
24 we did pick them up at your -- at your warehouse, at
25 AEP's warehouse, all material, so that's as far as we

1 know.

2 Conversations -- and that happened,
3 conversations between my subcontractor and Dean
4 Hartzell on pickups of all of those materials at
5 every -- at every site I believe. I think Dean was
6 left off on these later projects that we are now
7 finishing, but our subcontractor contacted someone
8 from AEP to pick up materials that AEP was scoped to
9 provide. Now, I have no idea where you got them
10 from. I have no idea.

11 Q. (By Mr. Schuler) And would those
12 materials be CTs and meter sockets?

13 A. Yes.

14 Q. Are you aware of any supply chain issues
15 impacting CTs or meter sockets availability?

16 A. Yes.

17 Q. What's your familiarity with that?

18 A. Every -- from conduit to transformers
19 to -- I get it. I'm -- we are in the construction
20 business, so most things I know have a supply chain
21 issue right now.

22 Q. So it's a general familiarity there is
23 supply chain issues across the board right now for
24 almost all electrical equipment, correct?

25 A. In the past year when we started these

1 projects there wasn't, or when the projects were
2 submitted there wasn't a supply chain issue. In the
3 last six to nine months there has been for meter
4 bases. It went from -- nine months ago I believe
5 they went from three to four week lead time to almost
6 nine monthly time line. I get that, but all this
7 stuff was before that. And we purchased -- or we
8 picked up before -- our subcontractor picked up
9 beforehand, before the large problems arise.

10 Q. When did your subcontractor pick up the
11 CTs and meter sockets from AEP Ohio?

12 A. I don't have that in front of me.

13 Q. Would it have been in the year 2022?

14 A. Maybe one set of CTs and meter base, but
15 we did not get any -- any e-mail or phone call or
16 regardless on -- on materials not being present at
17 the -- I mean, we picked them up at your shop. And
18 they were -- and they were there, so apparently there
19 wasn't a shortage.

20 Q. And you -- but you don't recall when they
21 were picked up from AEP?

22 A. I don't know right offhand. It was
23 between my subcontractor and AEP.

24 Q. When were the CTs installed at the Edge
25 of Arlington?

1198

1 A. That would -- I don't have the dates in
2 front of me. It was kind of a pretty long process
3 with the delays that we did for that.

4 Q. Let's actually talk about that. Maybe
5 that will help us. Let's jump to page 6, line 20 of
6 your testimony. We'll actually take the -- why don't
7 we start at line 19 with the question. Question 15,
8 "What occurred as a result of AEP Ohio's denial of
9 the pending work orders?" Answer: "NEP's
10 subcontractor pulled out from each of the five
11 apartment complexes and invoiced NEP for work it
12 completed, which NEP paid." Did I read that
13 correctly?

14 A. Yes.

15 Q. That subcontractor that you are referring
16 to there on line 20 is Vaughn Industries like we
17 talked about yesterday, right?

18 A. That's correct.

19 Q. And AEP Ohio's denial of the pending work
20 orders that you reference in the question there, what
21 is the date of that denial that you are referring to?

22 A. September 15, I believe, they formally --
23 oh, no, sorry, September 24.

24 Q. Of 2021, correct?

25 A. Correct.

1199

1 Q. At that time had the subcontractor,
2 Vaughn Industries, already picked up the CTs and
3 meter sockets for any of the five complexes?

4 A. At Edge of Arlington, yes. There was an
5 e-mail after our July meeting on-site, our
6 subcontractor started communicating I think -- I
7 think I headed it off with Dean and said here is our
8 subcontractor, he is going to coordinate with you on
9 picking up materials. We -- they did so. They
10 picked up materials and we presumed -- or we kept
11 going with the work or proceeded with the work
12 on-site until that September 24 date.

13 Q. Did the subcontractor pick up CTs and
14 meter sockets for any of the other four properties?

15 A. No. No, we didn't have that schedule
16 yet.

17 Q. And work did not commence until at least
18 February of 2022, correct?

19 MR. GURAN: Objection. For which site?

20 MR. SCHULER: Any site. He states here
21 in the question that the subcontractor pulled out at
22 that time.

23 EXAMINER HICKS: Overruled. He can
24 answer if he knows or needs to clarify.

25 A. After the September 24 date, work stopped

1200

1 at Edge of Arlington.

2 Q. (By Mr. Schuler) Would it have stopped at
3 all five complexes?

4 A. I don't know that. I don't -- well, yes,
5 all work stopped at all five complexes after that
6 September 24 date. I don't know the status of -- I
7 can't remember the status of the other sites.

8 Q. Had any work been done at the other four
9 sites as of September 24, 2021?

10 A. I don't -- I don't know. I don't
11 remember.

12 Q. Did Vaughn Industries -- strike that.
13 You mention here on page 6, line 21 that
14 you -- that the subcontractor invoiced NEP for work
15 it completed, correct?

16 A. Correct.

17 Q. Was NEP invoiced for work at any of the
18 other properties besides Edge of Arlington in that
19 invoice?

20 A. Yeah. We were invoiced for all work at
21 other sites, or materials incurred by subcontractor
22 for the other sites.

23 Q. Okay. So going back to the sourcing of
24 CTs and meter sockets, that must have occurred at
25 some point after work commenced for the other four

1201

1 properties besides Edge of Arlington, correct?

2 A. I don't know the exact dates of when
3 those were picked up but, yes, I assume equipment was
4 still necessary after the -- after work commenced.

5 Q. Okay. And when you are saying when work
6 commenced, you are referring to work recommencing
7 after the stay order was issued in this case,
8 correct?

9 A. That's correct.

10 Q. Okay. And jumping back to the process we
11 were talking about leading up to hook-in -- the
12 hook-in process, prior to the hook-in process you
13 reference on page 3, line 12, there's coordination
14 with AEP Ohio, correct?

15 A. Yes.

16 Q. And there's coordination with the
17 subcontractor, correct?

18 A. Correct.

19 Q. There's also coordination between AEP
20 Ohio and the subcontractor, correct?

21 A. That's correct.

22 Q. There's also coordination with the
23 property owner to a certain extent, correct?

24 A. Correct.

25 Q. And prior to the hook-in process there

1202

1 must be an inspection by a local building authority,
2 correct?

3 A. That is correct.

4 Q. Now on page 3, line 12, where you say,
5 "The hook-in process or energizing" -- well, strike
6 that. Sorry. Let me actually take you to the next
7 one, page 3, line 13, you state, "AEP Ohio typically
8 estimates 4 weeks to energize; however, this
9 estimation is based upon AEP Ohio coming out to the
10 site only once or twice a week." Did I read that
11 correctly?

12 A. Yes.

13 Q. This 4-week timeline estimate that you
14 provide here does not refer to the timeline from
15 submission through portal through the end of hook-in,
16 correct?

17 A. It's -- it's part of that -- that
18 process, you know, that I -- that I laid out. You
19 get to the -- you get to -- you know, you do your
20 site visit, you do your coordination. You do all of
21 the work that needs to happen on the site for the
22 subcontractor. The inspection; the inspection
23 occurs. You get your final ready to energize sticker
24 from the -- from the inspector. And you tell -- and
25 I don't know the case.

1203

1 We always -- you know, we have always in
2 the past e-mailed a picture of the inspection sticker
3 to AEP Ohio to let them know that it has been
4 approved to be energized, we can move forward, and I
5 always have received a 4-week lead time on getting a
6 crew out for scheduling.

7 Q. So it's --

8 A. That's the 4 weeks, yes.

9 Q. I didn't mean to --

10 A. Sorry.

11 Q. To clarify, the 4 weeks you are
12 referencing on page 3, line 13, is the time period
13 between receiving an inspection approval from the
14 local building authority to the hook-in process,
15 correct?

16 A. Now, say that again. No, I don't think
17 you were right.

18 Q. Sorry. So the 4 week estimate that you
19 reference on page 3, line 13, refers to the time
20 between getting an inspection from the local building
21 authority to the hook-in process, correct?

22 A. No. No. That's referring to the
23 inspection is completed. You let AEP know that it
24 has been inspected and has passed and we are ready to
25 energize. That's four weeks from -- so when you send

1204

1 an e-mail or call to the time they hook-in or
2 whatever you want to say, the hook-in process starts,
3 that's when it is. So after inspection, before they
4 set foot on-site is four weeks -- four weeks to
5 schedule. And it could be more. It could be less.
6 They just say generally four weeks.

7 Q. Okay. I thought we were saying the same
8 thing, so let me --

9 A. I didn't hear it that way.

10 Q. Okay. My apologies. So when you just
11 said steps foot on-site, are you referring to the
12 hook-in process, steps foot on-site for the hook-in
13 process?

14 A. Yes.

15 Q. So after all of the engineering, design,
16 construction that we have talked about this morning,
17 that -- there is a building inspection from a local
18 authority that is necessary before hook-in can take
19 place, correct?

20 A. Correct. And that typically takes four
21 weeks to schedule AEP to come back out.

22 Q. For the hook-in process after the local
23 building inspection has been completed?

24 A. Correct. Correct.

25 Q. Okay. All right. Sorry if you

1 misunderstood some of that process through there.

2 EXAMINER HICKS: I think you guys were
3 saying the same thing.

4 MR. SCHULER: I thought we were.

5 A. I don't think so.

6 MR. SCHULER: He is the subject matter
7 expert here.

8 Q. (By Mr. Schuler) Let me jump you over to
9 page 4, line 9. Let me know when you are there.

10 A. I am.

11 Q. It states -- your testimony states, "To
12 complete the conversions, it only took AEP Ohio
13 approximately 4 days over 3 weeks to complete the
14 Edge at Arlington; 2 days over 1 week to complete The
15 Normandy; and 2 days over 1 week to complete Gateway
16 Lofts." Did I read that correctly?

17 A. Yes.

18 Q. The timeline you are referencing here is
19 referring to the hook-in process that you talk about
20 on page 3, line 12, correct?

21 A. That's correct.

22 Q. Let's jump back to page 6, lines 19
23 through 21 again. Let me know when you are there.

24 A. Okay.

25 Q. So we were talking about the invoice that

1206

1 you received from Vaughn Industries earlier. Do you
2 recall that?

3 A. Yes.

4 Q. You were involved with engaging Vaughn
5 Industries to perform some of the work to convert the
6 five properties, correct?

7 A. Yes.

8 Q. And just to be clear, that is your former
9 employer, Vaughn Industries, correct?

10 A. That is, yes.

11 Q. Vaughn Industries was the subcontractor
12 to perform the work at all five of the complexes at
13 issue in this case, correct?

14 A. That's correct.

15 Q. You did not have a contract with Vaughn
16 Industries for the work that was to take place at the
17 five properties though, correct?

18 A. We had a signed quote which is -- I mean,
19 we had a signed quote with scope and terms included.
20 And we also have a -- like a blanket contract with
21 Vaughn. Instead of doing that blanket -- that larger
22 contract at every job, we just re -- basically use
23 that year by year and then they issue quotes, new
24 quotes to us for different projects.

25 Q. When did you enter into the blanket

1 contract with Vaughn Industries?

2 A. I don't know. It was -- it was prior to
3 this -- these five. Sorry.

4 Q. You said you received signed quotes from
5 Vaughn Industries for these -- for conversion of
6 these five properties?

7 A. We signed the quotes. NEP signed quotes.

8 Q. So the quotes were not signed by Vaughn
9 Industries?

10 A. I imagine -- it had their letterhead, so
11 I am sure they had a signature on there, yes.

12 EXAMINER HICKS: Let's go off the record
13 for a second.

14 (Discussion off the record.)

15 EXAMINER HICKS: Let's go ahead and go
16 back on the record. Still in public session.

17 MR. SCHULER: Thank you, your Honor.

18 Q. (By Mr. Schuler) NEP submitted the
19 request -- strike that.

20 NEP originally submitted the request for
21 the conversion of these five projects in October of
22 2020, correct?

23 A. Yes.

24 Q. You submit -- you completed that
25 submission on behalf of NEP, correct?

1 A. Yes. Before that I -- in September I
2 sent an e-mail letting certain folks at AEP know that
3 I was submitting -- submitting these and -- on behalf
4 of Coastal Ridge, and that was -- that's in my
5 testimony, September 18.

6 Q. Yeah, page 4, line 1, you are referring
7 to NEP reached out to AEP Ohio on September 18, 2020,
8 that's the e-mail you are referencing --

9 A. Yes.

10 Q. Is that language there?

11 A. That's correct.

12 Q. Do you recall who -- strike that.

13 When you say, "NEP reached out," that was
14 you via e-mail, correct?

15 A. Correct.

16 Q. Do you recall who you reached out to at
17 AEP Ohio?

18 A. I don't remember now. It was -- I
19 believe I seen an e-mail. I can't really remember.
20 It was, I believe, Dean Hartzell. Other than that I
21 can't really remember.

22 Q. Okay. And the remainder of that
23 sentence -- we will just take the whole sentence
24 there on page 4, line 1. You state, "NEP reached out
25 to AEP Ohio on September 18, 2020, shortly after the

1 contracts were signed with the five apartment
2 complexes notifying AEP Ohio of the conversion of the
3 five apartment complexes on behalf of the complex
4 owners." Did I read that correctly?

5 A. That's correct.

6 Q. So it's fair to say that NEP executed
7 contracts with Coastal Ridge prior to ever contacting
8 AEP Ohio about the conversion?

9 MR. GURAN: Objection, foundation.

10 MR. SCHULER: It states in his sentence.

11 EXAMINER HICKS: Overruled.

12 A. I don't -- I don't remember. I don't
13 know that timeline of -- actual less signatures
14 whatever, I am not a part of that.

15 Q. (By Mr. Schuler) What did you mean when
16 you said, "NEP Ohio reached out to AEP Ohio on
17 September 18, 2020, shortly after the contracts were
18 signed with the five apartment complexes"?

19 A. I take it as September 18 was after the
20 contracts were signed.

21 Q. Okay.

22 A. And then I reached out to AEP.

23 Q. You never reached out to AEP Ohio about
24 converting these five apartment complexes prior to
25 September 18, 2020, correct?

1210

1 A. No.

2 Q. Okay. Can I have you jump to page 4,
3 line 13 of your testimony?

4 A. Okay.

5 Q. You state, "In the Spring of 2021, to try
6 to move the construction projects forward, I reached
7 out to AEP Ohio." Did I read that correctly?

8 A. Yes.

9 Q. It's fair to say that you had not
10 received communications from AEP Ohio for a while as
11 of spring of 2021 regarding these five properties?

12 A. Yeah, that's correct.

13 Q. Do you remember what month that was in
14 spring of 2021?

15 A. No, I do not.

16 Q. Prior to reaching out to AEP Ohio in
17 spring of 2021, had you already received the signed
18 quotes from Vaughn Industries for these five
19 properties?

20 A. Yes.

21 Q. Had you received the signed quotes from
22 Vaughn Industries prior to the October 2020,
23 submissions through -- for these five properties?
24 Strike that. That was a messy question.

25 Prior to your October 2020 submission to

1211

1 AEP Ohio for conversion of these five properties, had
2 NEP already received the signed quotes from Vaughn
3 Industries?

4 A. I -- they would have been in the process
5 of getting quotes around, but typically I wait
6 until -- usually I get correspondence from AEP if
7 they have any changes that need to be made. That way
8 we don't have to quote something twice. But I think
9 with the duration of the responses, I believe I ended
10 up getting quotes for these from the subcontractor.

11 Q. So based on what you said, sometime
12 between October 2020 and spring of 2021 is when you
13 received the signed quotes from Vaughn Industries,
14 correct?

15 A. Correct.

16 Q. Do you know the date --

17 A. No.

18 Q. -- even approximate date between those
19 two?

20 A. I do not.

21 Q. Okay. Going back to page 6, lines 19 to
22 21, you -- you reference an invoice for -- to NEP for
23 work that the subcontractor completed, correct?

24 A. Correct.

25 Q. And that subcontractor was Vaughn

1212

1 Industries, I think we have established, correct?

2 A. Correct.

3 Q. That invoice came -- well, strike that.

4 Do you know the date of that invoice that
5 you received that you are referencing here on page 6,
6 lines 19 to 21?

7 A. I don't know the date. It was after the
8 formal letter denying these -- these construction
9 requests. It was after that.

10 Q. So after the September 24, 2021 letter
11 you are referencing up above on pages -- on lines 15
12 to 16, correct?

13 A. Correct.

14 Q. Shortly thereafter, probably within a
15 month or two you received that invoice from Vaughn;
16 would that be fair?

17 A. I would say within a month, yes.

18 Q. Okay. And that was for work that Vaughn
19 Industries had completed up through that date,
20 September 24, 2021, correct?

21 A. At all sites.

22 Q. Work stopped at all five sites after
23 September 24, 2021?

24 A. That's correct.

25 Q. Then work recommenced in late January of

1213

1 2022, correct?

2 A. That would have been correct.

3 Q. That was after the stay was entered into
4 this -- strike that.

5 You are familiar with the stay that was
6 entered in this case, correct?

7 A. Yes.

8 Q. And that allowed NEP to recommence
9 converting the five properties after that stay was
10 entered, correct?

11 A. The conversations started back up again,
12 yes, of coordinating the work. Again, since we
13 stopped, you know, that's kind of where we were at
14 with it during that month.

15 Q. And work proceeded forward to actually
16 converting now four of the five complexes, correct?

17 A. In March we started working -- or AEP
18 finally -- we were able to start the conversion
19 process at Edge of Arlington in March.

20 Q. And that's continued through -- even
21 through today where four of the properties have been
22 converted to NEP, correct?

23 A. That's correct.

24 Q. And there is still one left, correct?

25 A. There is one left.

1214

1 Q. And that's Norton Crossing; is that
2 correct?

3 A. That is correct, yes. We were supposed
4 to start today, but we did not so. We need -- we try
5 to give the property a certain amount of notice if
6 there's outages that are going to take place and our
7 contact, Checobia last week was apparently not
8 responding to e-mails the entire week and we did not
9 know what building AEP was going to start with, so we
10 had to postpone that one and going to have to
11 reschedule so.

12 Q. Were you aware that Checobia was
13 testifying in this case last week?

14 A. I assumed but -- yeah, sure. Yeah.

15 Q. Okay.

16 A. I mean, I will respond to e-mails, but
17 sure.

18 Q. Just to complete the thought, so Norton
19 Crossing is scheduled to be converted in the next
20 week or two, correct?

21 A. Correct. The third -- the 3rd we are
22 starting, November 3rd.

23 Q. Do you -- strike that.

24 So when work recommenced in early 2022,
25 Vaughn Industries was the subcontractor that did that

1215

1 work on behalf of NEP, correct?

2 A. Correct.

3 Q. So it's fair to say that Vaughn
4 Industries has come back to complete the unfinished
5 work that got paused in fall of 2021, correct?

6 A. Plus remobilize, yes.

7 Q. And none of the work that is -- that has
8 been done in 2022, involves the same work that was
9 done prior to September 24, 2021, correct?

10 A. I would say they were continuing where
11 they left off.

12 Q. Okay. You would agree that -- I believe
13 you -- well, strike that.

14 You would agree that each one of the five
15 apartment complexes at issue in this case is slightly
16 different, correct?

17 A. I would agree to that.

18 Q. And better stated, that the conversion
19 process for the five apartment complexes in this case
20 is different for each one of the five, correct?

21 A. Explain that. I mean, what portion of
22 the conversion process? The process of the initial
23 conversions to construction start is the same, one
24 and the same.

25 Scope can change differently. Scope is

1216

1 very similar at Gateway Lofts and Lofts at Norton
2 Crossing. The scope is very similar depending on the
3 number of master meters. Edge of Arlington is
4 drastically different, and we understand that.

5 Q. Fair points. And the reason why Gateway
6 Lofts and Norton Crossing are a bit different scope
7 than say Edge of Arlington is due to age and design
8 of the property; is that fair?

9 A. I would say design. I don't think age
10 has anything to do with it.

11 Q. Do you recall -- would you agree that
12 after conversion, Gateway Lofts has two separate
13 master meters?

14 A. I don't have the drawings in front of me.
15 I don't know. I don't think two is the correct
16 number.

17 Q. Okay. What about Edge of Arlington,
18 would you agree that there were eight separate master
19 metering points on that property?

20 A. I would -- I would agree with that.

21 Q. Okay. Would you agree that there are --
22 strike that.

23 Norton Park has not been converted yet,
24 correct?

25 A. Norton Crossing?

1217

1 Q. I'm sorry, Norton Crossing. Norton
2 Crossing has not been converted yet, correct?

3 A. Correct.

4 Q. But the designs have been completed, I'm
5 assuming, if we are going to be converting here in
6 the next couple of weeks, correct?

7 A. Yes.

8 Q. And the designs call for six separate
9 master metering points on that property?

10 A. That sounds accurate.

11 Q. Okay. And you would agree that there are
12 two separate master metering points at The Normandy?

13 A. That's correct.

14 Q. And you would agree there are two
15 separate master metering points at Arlington Pointe?

16 A. That's correct.

17 Q. The only one you didn't recall then was
18 Gateway Lofts, you said two did not sound correct.
19 Do you know what number would sound correct?

20 A. Three.

21 Q. I'm sorry?

22 A. Three.

23 Q. Three, okay. Thank you. Let me take you
24 to pages 9 through 12 of your testimony. So there
25 are four separate depictions here on pages 9 through

1218

1 12, correct?

2 A. There are four pictures, yes.

3 Q. Yeah. And these pictures are of the
4 property the Edge at Arlington as indicated at the
5 top of each picture, correct?

6 A. Correct.

7 Q. This is obviously one of the five of the
8 apartment complexes we've been talking about in this
9 case, correct?

10 A. Correct.

11 Q. This is the first one that was converted
12 out of five, correct?

13 A. Correct. Yes.

14 Q. So the one we've been talking about in
15 spring, early summer of May-ish time frame that
16 converted, right?

17 A. That's correct.

18 Q. Okay. Now, on pages 9 and 10 -- well, on
19 pages 9 and 10 -- I might have to take this one at a
20 time. Apologize. Pages 9 and 10 are not pictures --
21 bless you, your Honor -- pages 9 and 10 are not
22 pictures of the same exact location on Edge of
23 Arlington, right?

24 A. That's correct.

25 Q. They are two separate master meter

1219

1 locations on that property, right?

2 A. Correct.

3 Q. So in other words, two out of the eight
4 are pictured here on pages 9 and 10, right?

5 A. Yes.

6 Q. Okay. And is it fair to say that the
7 picture on 9 is a preconversion picture of the same
8 master meter that is depicted on page 11 that is post
9 conversion?

10 A. That is correct.

11 Q. Okay. And the same with page 10 is a
12 preconversion picture of the same location that is
13 pictured on page 12 that is post conversion, correct?

14 A. That's correct.

15 Q. Now, is it fair to say that there is some
16 electrical infrastructure to the left of the green
17 box on page 9 that was not there prior to NEP
18 performing work at the property?

19 A. That's correct.

20 Q. Around the same on page 10, the
21 electrical infrastructure with a box and two conduits
22 going up to the left of the green box there were not
23 there prior to NEP being involved, correct?

24 A. Correct.

25 Q. So just to clarify, when we are saying

1220

1 preconversion on these, it's pre-actual --

2 A. Exist --

3 Q. -- hook-in process --

4 A. Existing equipment.

5 Q. Okay. But prior to NEP doing any work at
6 the property, the infrastructure we just identified
7 on pages 9 and 10 that's to the left of the green
8 boxes would not have existed, correct?

9 A. Correct.

10 Q. Okay. So let's turn over to pages 11 and
11 12. And we will do our best to walk through these
12 pictures with words like we did a pretty good job at
13 the deposition. So the infrastructure that is being
14 depicted on pages 11 and 12 -- strike that.

15 Let's look at the top on page 11, there
16 is a rectangular box, a long, tall rectangular box
17 entitled, "Replacement Owner Weatherhead and Service
18 Cable." Do you see that?

19 A. Yes.

20 Q. Okay. And in the top left-hand corner of
21 that box there appears to be a connection of wires
22 prior to two wires going up into, it looks like a
23 little hole there at the top of the red box, correct?

24 A. Correct.

25 Q. And actually if you flip over on to page

1221

1 9, which I believe is the same picture -- the same
2 location, correct?

3 A. Correct.

4 Q. You can see those same wires hanging
5 prior to being connected, right?

6 A. Correct.

7 Q. And ultimately those wires are
8 connected -- on page 9 those wires appear to be
9 connected to the AEP Ohio service wires, rather than
10 just dangling like they are on page 9, correct?

11 A. That is correct.

12 Q. So -- and then those wires go up into
13 that hole there. Is that called a weatherhead.

14 A. That is a weatherhead.

15 Q. And there is a little bit better view of
16 those. There is actually two of those holes up there
17 on page 9. Those are the weatherheads, correct?

18 A. Correct.

19 Q. Now, NEP installs the wire that leaves
20 that connection in the upper left-hand corner of that
21 box and goes into the weatherhead, correct?

22 A. I mean our subcontractor, but sure, yes.

23 Q. So Vaughn Industries on behalf of NEP
24 installed that wire that connects from the AEP Ohio
25 service wires going into the weatherhead, correct?

1222

1 A. Correct.

2 Q. And then NEP or its subcontractor
3 installed those two weatherheads up in the upper
4 left-hand corner of that red box, correct?

5 A. That's correct.

6 Q. And then going down the building down
7 through the red box, to the bottom of the red box are
8 two steel pipes, right?

9 A. Correct.

10 Q. Those are referred to as conduit,
11 correct?

12 A. Yes.

13 Q. And inside that conduit are the service
14 wires that went up into the weatherhead and they are
15 now running down those parallel conduit pipes,
16 correct?

17 A. Correct.

18 Q. NEP or its subcontractor installed those
19 parallel conduit lines, correct?

20 A. Correct.

21 Q. As well as the service wire running
22 through -- service wire or conductor running through
23 those parallel conduit, correct?

24 A. Correct.

25 Q. And then the next red box -- there is a

1223

1 smaller red box right beneath that that seems to be
2 circling a -- just a gray box, correct? And it's
3 referred to as "Master Owner Service Panel," correct?

4 A. Yes.

5 Q. Is this what is also referred to as a CT
6 cabinet?

7 A. Yes.

8 Q. And the CT cabinet was installed by NEP
9 or its subcontractor, right?

10 A. Purchased and installed, yes.

11 Q. Purchased and installed. Inside that
12 cabinet is the CTs we have talked about today,
13 correct?

14 A. Correct.

15 Q. That were provided by AEP Ohio?

16 A. Yes.

17 Q. Do you know how many are in there?

18 A. Three.

19 Q. Three?

20 A. Uh-huh. No, I'm sorry, two.

21 Q. Two.

22 A. Yeah. Yeah. Single-phase, sorry.

23 Q. And then there is a wire that -- sorry.
24 Strike that.

25 Next to that box is another box that is

1224

1 circled in -- enclosed in blue on page 11 referred to
2 "AEP Ohio Master Meter," correct?

3 A. Correct.

4 Q. And, in fact, although it's a different
5 location on page 12, you can see a little better view
6 of a similar AEP Ohio master meter, correct?

7 A. Correct.

8 Q. So let's use picture 12 here for a
9 moment. There's -- in the center of there, there is
10 an actual meter, correct?

11 A. Yes.

12 Q. That is the master meter for this
13 particular picture on page 12, right?

14 A. Yes.

15 Q. And similarly there is a master meter in
16 the blue box, right in the center of that blue box on
17 page 11, correct?

18 A. Yes.

19 Q. That is AEP Ohio's master meter, right?

20 A. Yeah, master meter for that specific
21 service.

22 Q. Okay. AEP Ohio installs the master
23 meter, correct?

24 A. And wires to CTs.

25 Q. So there is -- okay. So there is a wire

1225

1 that goes from that meter into the CT cabinet and
2 connects with the CTs, correct?

3 A. Nine of them, yes.

4 Q. Okay. Nine wires?

5 A. Small ones.

6 Q. Okay. And then behind the meter is a
7 gray box, right?

8 A. Yes.

9 Q. Is that the meter socket?

10 A. That is the meter socket.

11 Q. Okay. Now the meter socket is
12 installed by NEP or its subcontractor, correct?

13 A. Correct.

14 Q. The meter socket is provided to NEP by --
15 for its subcontractor by AEP Ohio?

16 A. Yes.

17 Q. Okay. And then jumping back over to page
18 11, out of the bottom of the CT cabinet is two more
19 parallel lines of conduit that cross over, it looks
20 like the corner of the building and up into another
21 red box there, correct?

22 A. That's correct.

23 Q. That's more service wire that goes from
24 the CT up over into the box labeled "Owner Individual
25 Service Panel," correct?

1226

1 A. I would call it the same service wire
2 but, yes.

3 Q. The same service wire that starts up at
4 the connection at the top left -- well, the
5 connection with AEP Ohio service wires that we talked
6 about earlier?

7 A. Correct.

8 Q. And NEP or its subcontractor installs
9 that conduit and service wire running from the CT
10 cabinet over to the individual -- Owner Individual
11 Service Panel, correct?

12 A. Correct. We have to do that due to the
13 existing service not being up to NEC code. So
14 regardless, we would have to reroute the existing
15 service to accommodate a CT cabinet, but that really
16 isn't -- like I said, that isn't up to code, so we
17 have to install new conduits that would accommodate
18 the service load that's at that specific -- specific
19 building or service.

20 Q. There's always a CT cabinet involved in a
21 master meter configuration, correct?

22 A. No.

23 Q. In a conversion there is always a CT
24 cabinet involved?

25 A. No, there's not. A CT cabinet and CTs

1227

1 and that style of meter and meter base is only used
2 if -- if the load is over 320 amps. If the load is
3 under 320 amps you can just use a -- I'll just say
4 normal meter to plug in there because they are rated
5 for that.

6 Q. Okay.

7 A. And -- that -- yeah, so that's pretty
8 much it on that.

9 Q. Did the configuration you just referenced
10 there, which I won't pretend to understand, is
11 that -- does that exist at any of the five complexes
12 at issue in this case?

13 A. No. But we have designed them in the
14 past.

15 Q. Okay.

16 A. Yeah.

17 Q. So continuing along this -- this picture
18 here, we now get to Owner Individual Service Panel,
19 on page 11 there is the rectangle red box there,
20 correct?

21 A. Page 11, what?

22 Q. Sorry. Page 11, there's -- we have now
23 followed the conduit into what is referred to in your
24 picture as Owner Individual Service Panel, correct?

25 A. Yes.

1 Q. Is there a -- there is a breaker --
2 strike that.

3 There is a breaker inside the Owner
4 Individual Service Panel, correct?

5 A. Either a breaker or a fuse, yes. I don't
6 remember which one this is.

7 Q. And then next to that is what is referred
8 to as "Owner Individual Meters" in the red box there,
9 correct?

10 A. Correct.

11 Q. Those meters that are depicted on page 11
12 are NEP's meters, correct?

13 MR. GURAN: Objection. You are
14 misrepresenting the picture.

15 MR. SCHULER: I am just asking a
16 question.

17 EXAMINER HICKS: Misrepresenting how?
18 I'm confused.

19 MR. GURAN: He is saying it's NEP's meter
20 on here. It's expressly owner's individual meters.

21 EXAMINER HICKS: I will let him answer.
22 I think I know what the answer is.

23 A. It's the owner's meters.

24 Q. (By Mr. Schuler) They are not AEP Ohio's
25 meters in this picture on 11, correct?

1229

1 A. Correct.

2 Q. And they are not AEP Ohio's meters on
3 page 12 either, correct?

4 A. That would be correct.

5 Q. If you turn you back to pages 9 and 10,
6 the meters depicted there in blue boxes entitled AEP
7 Ohio Individual Meters are AEP Ohio meters, correct?

8 A. Yes.

9 Q. So those meters depicted on page 9 and 10
10 are swapped out for the meters on pages 11 and 12,
11 right?

12 A. Correct.

13 Q. And that swap out is part of that hook-in
14 process we talked about earlier this morning,
15 correct?

16 A. Correct.

17 Q. Okay. Now what's depicted here on pages
18 9 through 12 is referred to as secondary service,
19 right?

20 A. Secondary master metered.

21 Q. In other words, it's not primary service
22 that we are looking at here on these pictures, right?

23 A. It's not primary metered service.

24 Q. And none of -- strike that.

25 All -- all five apartment complexes at

1230

1 issue in the case here are secondary master-metered
2 configuration, right?

3 A. Yes.

4 Q. And just to round out what's in these
5 pictures on pages 11 and 12, the meters that are
6 depicted there were installed by NEP or its
7 contractor, correct?

8 A. On 11 and 12?

9 Q. Yes.

10 A. Correct.

11 Q. So this infrastructure we just walked
12 through on page 11 starting after the connection up
13 top, the connection to AEP Ohio's service wires, all
14 the way through the owner individual meters that we
15 just discussed, with the exception of AEP Ohio's
16 master meter, are maintained by NEP, correct?

17 A. I believe your standard book says
18 customer owned, customer maintained.

19 Q. But NEP is maintaining these?

20 A. On these five, yes, we agreed to that as
21 a service, yeah.

22 Q. And NEP has a process of inspecting and
23 maintaining the equipment on these five properties,
24 right?

25 A. We do.

1231

1 Q. You have a process for inspecting and
2 maintaining equipment you install on any property
3 that you operate at, correct?

4 A. We have a process when -- yeah, on all
5 forms of maintenance, yes.

6 Q. Okay.

7 A. Whether it's secondary or primary.

8 Q. So if there were an issue with one of the
9 meters that are depicted here on pages 11 and 12, NEP
10 would come out and fix the meter, right? Or replace
11 it, right?

12 A. A work order would be created after we
13 were notified that the -- after the meter is
14 malfunctioning, or whatever you want to say about it,
15 and -- and we -- we arrange that with the property
16 owner to make the repairs.

17 Q. Oh, okay. All right. Sorry. I think
18 I -- I think you ended up answering it. My
19 apologies.

20 And same thing with this -- we talked
21 about the service wire running through the parallel
22 conduit. If there were an issue with that service
23 wire, NEP would repair it, correct?

24 A. We would repair it, yes, if we were
25 notified about it, but it could be -- if the property

1232

1 calls on another electrician, they think it's another
2 problem, and the electrician fixes a problem, that is
3 part of what we would maintain, then it -- then
4 they -- it's the property's equipment. They can do
5 whatever they want to do with it, or call us to
6 assist, one or the other.

7 Q. Under your contracts with these five
8 apartment complexes that you've referenced in your
9 testimony, NEP is already obligated to repair any
10 issues with this equipment if called upon by the
11 property owner, correct?

12 MR. GURAN: Objection. Calls for a legal
13 conclusion.

14 MR. SCHULER: Your Honor, he's -- go
15 ahead.

16 MR. GURAN: I was just going to say, it
17 is asking for him to interpret the contract.

18 MR. SCHULER: Your Honor, he's testified
19 about the execution of the contracts. He is the
20 person that knows how these setups are -- these
21 complicated setups are installed in the field. He's
22 testified, too, that they have maintenance and he
23 just mentioned being called upon to go out and
24 maintain them. I think it's well within his
25 knowledge.

1233

1 EXAMINER HICKS: Are you familiar with
2 the contracts, Mr. Depinet?

3 THE WITNESS: I don't write the
4 contracts. I create the scope in the contracts.

5 EXAMINER HICKS: That's not my question
6 though. Are you familiar with them?

7 THE WITNESS: I have seen them, yes.

8 EXAMINER HICKS: I will overrule it. You
9 can answer. If you need to clarify or give a basis
10 for your understanding, certainly do so.

11 A. I would say we -- we can provide a -- we
12 provide a service to maintain.

13 Q. (By Mr. Schuler) That is already
14 contracted for in the contract, right?

15 MR. GURAN: Same objection, your Honor,
16 but --

17 EXAMINER HICKS: Overruled.

18 A. I don't know how it's worded in the
19 contract.

20 Q. (By Mr. Schuler) If you are called upon
21 by the property owner because there is an issue with
22 any of this infrastructure we just walked through,
23 would you charge the owner to make any repairs?

24 A. An invoice isn't sent, no.

25 Q. Because that's part of the service that

1 NEP offers to the property owner, correct?

2 A. That's correct.

3 Q. And -- you said NEP does routine
4 inspection and maintenance on its infrastructure that
5 it installs, right?

6 A. Correct.

7 Q. If NEP identifies an issue during one of
8 those inspections or maintenance reviews NEP would
9 repair the problem on that infrastructure, correct?

10 A. We would let the property know and
11 they -- they would ultimately make the call if -- if
12 we repair it, what -- how those repairs take place.

13 Q. Okay.

14 A. That's my typical process anyways.

15 Q. So if there was an interruption in
16 service at one of the properties that NEP operates
17 at, NEP would respond to that outage if it was their
18 infrastructure, correct?

19 MR. GURAN: Objection, your Honor. Just
20 a little bit vague and ambiguous as to where exactly
21 this interruption is being referred to.

22 MR. SCHULER: I think I said any of the
23 five properties, did I not?

24 MR. GURAN: I am talking about master
25 meter and individual -- the point of the

1235

1 interruption.

2 MR. SCHULER: Fair.

3 EXAMINER HICKS: Clarify. So sustained
4 to that extent.

5 Q. (By Mr. Schuler) So if there were a fault
6 any time after -- strike that.

7 If there were a fault that took place any
8 time behind the connection with AEP Ohio's service
9 wires, NEP would respond to restore service, correct?

10 A. If people were out of power, we would
11 respond, yes.

12 Q. NEP maintains a call center, correct?

13 A. We have a call center.

14 Q. And customers can call into that call
15 center if they do have an outage, correct?

16 A. Customers do call into that call center,
17 yes.

18 Q. And NEP responds to restore service when
19 customers call in identifying that they have an
20 outage?

21 MR. GURAN: Objection. Just a
22 clarification. Are you talking about the tenants?
23 Can you just clarify that?

24 MR. SCHULER: Fair point. I will
25 rephrase, your Honor.

1236

1 EXAMINER HICKS: Sure.

2 Q. (By Mr. Schuler) NEP responds to restore
3 service when residential tenants -- let me strike
4 that. Let me step back.

5 When we were just talking about the call
6 center, you say customers call into the call center,
7 correct?

8 A. Correct.

9 Q. Were you -- sorry. Did you say correct?

10 A. Yeah.

11 Q. When you were referring to customers
12 there, were you referring to residential tenants or
13 lessees?

14 A. I was referring to all of the above,
15 property management to -- to tenants.

16 Q. Okay. When NEP receives calls in the
17 call center that there has been a service disruption,
18 NEP reports to the property to attempt to resolve the
19 outage, correct?

20 A. I would say we first go to the property
21 to identify the outage, whose outage it is, whether
22 it's the -- I will just say host utility, AEP in this
23 case, or on the property side.

24 Q. Because it's possible that the outage
25 occurs sometime before the connection with AEP Ohio's

1 service wires, correct?

2 A. Before, you mean AEP's side?

3 Q. Yes.

4 A. Yes.

5 Q. So something prior to the picture on page
6 11 that's not depicted, right?

7 A. Correct.

8 Q. Substation, transformer, anything back in
9 that line of --

10 A. That's 95 percent of our outages.

11 Q. But you do have some outages that are
12 after that connection point with AEP Ohio's service
13 wires, correct?

14 A. Yes.

15 Q. When those take place, NEP responds to
16 repair and restore service, correct?

17 A. Under -- under the customer's direction
18 though. I mean, we do coordinate the entire outage
19 with the property management or the owner. But as a
20 service, we can fix it.

21 Q. In fact, you do fix it on occasion,
22 correct?

23 A. Yes.

24 EXAMINER HICKS: Do you need a break,
25 Mr. Depinet?

1238

1 THE WITNESS: Getting close.

2 MR. SCHULER: I was going to suggest
3 maybe a break, too.

4 EXAMINER HICKS: Let's go off the record.

5 (Discussion off the record.)

6 (Recess taken.)

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

9 Just took a short break. Now back, still
10 in public session, still with Mr. Schuler's
11 cross-examination.

12 MR. SCHULER: Thank you, your Honor.

13 Q. (By Mr. Schuler) Mr. Depinet, before the
14 break we were looking at the pictures on 9 through
15 12, particularly pages 11 and 12 of your testimony,
16 right? The meters that appear in the boxes labeled
17 Owner Individual Meters on pages 11 and 12, are those
18 AMI meters?

19 A. Those are, correct.

20 Q. Meaning that they have two-way
21 communication, correct?

22 A. Correct.

23 Q. And they also record usage in 15-minute
24 increments; is that fair?

25 A. They can.

1 Q. For the properties that have been
2 converted -- strike that.

3 You said they can record in 15-minute
4 increment. Are they recording in 15-minute
5 increments at the four properties that have already
6 been converted?

7 A. I believe so, yes.

8 Q. They also have remote disconnect and
9 reconnect capability, correct?

10 A. Correct.

11 Q. Now outside of this picture elsewhere on
12 the property, there's also equipment to collect data
13 and information from these AMI meters, correct?

14 A. Correct.

15 Q. That equipment is what allows for some of
16 those capabilities like remote reconnect and
17 disconnect, for instance, right?

18 A. No, the collector gathers information and
19 receives information back. It isn't, you know, push
20 a button on the collector to do something else. It's
21 exactly what it states. It's a collector of
22 information.

23 Q. Okay. So there is a collector on the
24 site that collects information that the meters are
25 acquiring about each individual complex, correct?

1240

1 A. Correct.

2 Q. They opt -- they operate -- strike that.

3 The AMI meter communicates with that
4 collector via a wireless signal; is that fair?

5 A. Say that again, sir. You don't have to
6 rephrase, just say.

7 Q. The AMI meter communicates with the
8 on-site collector through a wireless signal?

9 A. Correct.

10 Q. NEP installs the collector on the site,
11 correct?

12 A. Or our subcontractor, depending.

13 Q. Okay. And there are collectors on all
14 four of the converted properties; correct?

15 A. Correct.

16 Q. And all four of the converted properties
17 have AMI meters at them?

18 A. Correct.

19 Q. The information that is gathered from the
20 meters into the collectors then goes to NEP's billing
21 department, correct?

22 A. No. The information that the collector
23 receives goes to our third party who hosts the
24 server. And then the multiplied reads go back to
25 billing. If there is something in between the third

1241

1 party like if -- you know, if they have another
2 third, I don't know that. I just know it goes in
3 those steps.

4 Q. Fair enough. Beyond my knowledge as
5 well. But, in other words, there's some sort of
6 communication that happens from the meter to the
7 collector through a third party and then to NEP's
8 billing department, correct?

9 A. Through a billing software.

10 Q. Okay. Billing software that is owned and
11 operated by NEP?

12 A. I don't -- that's not my department. I
13 can't answer that.

14 Q. Okay.

15 A. Yeah.

16 Q. But you do know the NEP billing
17 department receives the information from these meters
18 like the 15-minute interval data, correct?

19 A. I would say it goes to our -- goes to
20 that specific software and there's an IT department
21 in between there, too, that collects all that, so not
22 specifically to billing.

23 Q. Okay. But AEP Ohio doesn't receive any
24 of that information from those meters after
25 conversion, correct?

1 A. No.

2 Q. And the landlord doesn't receive any of
3 this meter data, correct, or property owner?

4 A. If they are signed up for -- there is a
5 portal for -- for their meters, so if they are signed
6 up for that, they can receive it. And I don't know
7 if that's the case.

8 Q. So you are referring to what's often
9 referred to as a house meter that is in the
10 landlord's -- strike that.

11 You are referring to what is often
12 referred to as a house meter that would measure
13 common areas on the property, right?

14 A. Or -- that or commercial space, or high
15 usage alerts of tenant spaces.

16 Q. The landlord is not getting -- strike
17 that.

18 The portal that you referenced is not --
19 the portal you referenced that the landlord has
20 access to, is not giving the landlord individual
21 residential usage information, correct?

22 A. No. No. I don't know enough about the
23 portal. I never really even seen it.

24 Q. Okay.

25 A. I just -- that's what I was told.

1243

1 Q. Okay. NEP's billing department generates
2 bills to residential lessees based upon the
3 information they receive from the AMI meters,
4 correct?

5 A. I can't speak for billing.

6 Q. Okay. But the NEP's billing department
7 is the entity that has the ability to perform the
8 remote disconnect and reconnect capabilities we
9 talked about earlier, right?

10 A. They are.

11 Q. The landlord doesn't have that
12 functionality, correct?

13 A. Only by e-mail I know this, but the
14 permission to disconnect is -- well, I would say the
15 communication between -- when disconnects occur also
16 happen with the property owner, so the property owner
17 does know, or the property management does know, when
18 disconnections occur or need to happen. I don't
19 have -- I am not privileged to those conversations.

20 Q. Okay.

21 A. But I do see that they have been
22 notified.

23 Q. But it's NEP that actually performs the
24 disconnect or reconnect, correct?

25 A. On behalf of the owner, yes.

1 Q. Going back to the picture on page 11, the
2 Owner Individual Service Panel, I think we talked
3 that there was either a breaker or a fuse in there,
4 right?

5 A. Yes.

6 Q. That would be something that NEP would
7 operate if necessary to perform service or restore
8 power to the infrastructure on this property,
9 correct?

10 A. Or anyone else that was providing service
11 for the customer -- for the owner. As if -- for
12 example, if someone was working on -- say something
13 was wrong with that -- the customer's meter center
14 and that specific electrician did something to blow a
15 fuse and that, that specific electrician is -- is
16 more than welcome to replace the fuse and reenergize.

17 Q. We talked a little bit earlier about
18 inspection -- routine inspection and maintenance
19 activities that NEP does on its infrastructure. Do
20 you recall that?

21 A. Yes.

22 Q. What types of inspection and maintenance
23 activities does NEP do?

24 A. We can -- we do mostly transformer visual
25 inspections, infrared inspections. We do retorque of

1245

1 secondary conductors. And -- like I said, and mostly
2 visual types of inspections periodically.

3 Q. Okay. Do you have a document that sets
4 forth these maintenance and activities -- excuse me,
5 these inspection and maintenance activities?

6 A. Set forth to begin?

7 Q. No. I will rephrase. Do you have a
8 document that describes these inspection and
9 maintenance -- maintenance activities that you just
10 discussed?

11 A. We do.

12 Q. As part of that document, does it also
13 specify certain timelines for performing inspection
14 and maintenance activities?

15 A. Yes.

16 Q. In other words, I think you mentioned
17 infrared readings, you do infrared readings every so
18 often per the document you are referencing?

19 A. Yes, we do visual inspections. It's
20 dependent on how new the site is and the equipment
21 is, but without the document I can't say specifically
22 what those dates are, but that's what we try to
23 follow.

24 Q. Okay. Okay. Let me take you back to a
25 discussion we were having earlier about the

1246

1 submissions for these five properties, which I
2 believe you start to discuss on page 4, line 1.

3 So we talked about the September 18,
4 2020, e-mail. Let me drop you down to page 4, line
5 3. You state, "NEP submitted work orders in October
6 of 2020 and provided the specifics for these
7 construction jobs and all other necessary
8 information." Did I read that correctly?

9 A. That's correct.

10 Q. Okay. Now, when you say "NEP submitted,"
11 that's you submitted it, correct, on behalf of NEP,
12 correct?

13 A. Correct.

14 Q. And like with other secondary conversions
15 we talked about, you would have done that through AEP
16 Ohio's online portal to submit those requests, right?

17 A. I did.

18 Q. Okay. Now, the online portal -- strike
19 that.

20 You've used the online portal a number of
21 times to request conversions of properties, correct?

22 A. I have.

23 Q. And you've used -- do you also use the
24 online portal to submit requests for new builds as
25 well?

1 A. I do.

2 Q. Okay. And if you refer to new -- I think
3 you referred to new builds in your testimony. Is
4 that sometimes also referred to as green fields?

5 A. I don't know. I don't.

6 Q. Would you agree that NEP operates at
7 least 150 different properties within the AEP Ohio
8 footprint?

9 A. I don't know the exact number.

10 Q. Does 150 sound about right by
11 approximation?

12 A. Approximation, sure.

13 Q. The -- the portal that you used, do you
14 recall inputting certain information into the portal
15 in October of 2020 to request the work orders for
16 these five properties?

17 A. I mean, it's been two years, but I am
18 sure I did, yes.

19 Q. And has the portal stayed the same since
20 you submitted in October 2020 through today?

21 A. I believe so.

22 Q. Okay. And you've routinely used it
23 throughout the last two years; is that fair?

24 A. Yes.

25 Q. And so the typical information that you

1 are inputting into the portal would be a mailing
2 address for billing, for instance, correct?

3 A. Well, that's where it kind of -- the
4 online thing gets kind of confusing and it's
5 difficult -- I guess I'll use other host utilities,
6 for example, that they distinguish that information
7 between the two. So like bills being sent,
8 eventually bills would be sent to NEP. Now, it's
9 kind of a weird spot with me filling out that form
10 who that -- what that address should be. It's not as
11 clear as other host utilities make it.

12 Q. Do you recall filling out a mailing
13 address for the request in October of 2020?

14 A. Kind of, yes.

15 Q. Do you recall that you would have put in
16 NEP's billing address as you just referenced?

17 A. I believe I did, yes.

18 Q. And that portal would have also had you
19 input certain descriptions of the type of service you
20 are requesting, correct?

21 A. Yes.

22 Q. For instance, whether you want
23 single-phase or three-phase, right?

24 A. Correct. Square footages, operation
25 hours, yes.

1249

1 Q. The number of meters that you would be
2 requesting for master meter, would that also be on
3 there?

4 A. Correct.

5 Q. As well as the name in which you want
6 service placed, correct?

7 A. Wait a minute. No. On the -- on the
8 original form it does not say the amount of meters, I
9 didn't think.

10 Q. Okay. All right. But it does ask for --
11 I'm sorry, were you done?

12 A. On the load summary form that AEP Ohio
13 requires that you give after the fact, that states
14 the amount of meters that you need; whether it's one
15 or 200 it doesn't really matter. It states that as
16 well as a planned energized date. All that is on the
17 load summary form, and I do that after the initial
18 submission.

19 Q. Okay. So that's -- what you talked about
20 earlier, you submit through the online portal. You
21 get a response from AEP Ohio and then you respond
22 again with additional information?

23 A. Right. With property owner information,
24 LOAs, drawings, and whatnot.

25 Q. And in the initial portal response you do

1250

1 still have to input some sort of business name in
2 there in order to identify it for AEP Ohio, correct?

3 A. Well, you have to put the business name
4 you want -- how you want it contact -- how you want
5 contacted, so that's the difficult part with AEP's
6 portal is if I am filling it out, you can put the
7 property owner's name and then AEP would contact the
8 property owner instead of the person who filled out
9 the form. That's the largest problem with that
10 online submission.

11 Hindsight I should have just called it in
12 and it would have been all clear, but that's --
13 that's a huge issue that I run into. So a lot of
14 times I have to manipulate -- not really manipulate,
15 but the way I fill it out is so I get contacted.

16 Q. Okay. So when you filled out the portal
17 in October 2020, you would have listed Nationwide
18 Energy Partners, LLC, as the business name on there,
19 correct?

20 MR. GURAN: Objection. I think that's a
21 misrepresentation of his prior testimony.

22 MR. SCHULER: I am just asking the
23 question, your Honor.

24 EXAMINER HICKS: Overruled. If he
25 disagrees or needs to explain. I think he has

1 already explained a little bit, but go ahead.

2 A. I don't remember how I filled those out
3 now. I mean, I don't think I have that up here.

4 Q. (By Mr. Schuler) Given your concern about
5 confusion of who would be contacted, you would agree
6 that you probably would have put Nationwide Energy
7 Partners into that online portal as the business
8 name, correct?

9 A. Yes. Other host utilities have a contact
10 information, and there is none on that online
11 submission and that makes it a lot clearer when -- to
12 get a response back.

13 Q. Let me take you to page 5 of your
14 testimony, specifically lines -- beginning on line 8.
15 Let me know when you are there.

16 A. Yes.

17 Q. Now, you state here beginning at the end
18 of line 8, "This work included a site visit with AEP
19 Ohio's representatives in the Summer of 2021 at the
20 Edge of Arlington, in which we discussed the
21 installation of master-meters." Did I read that
22 correctly?

23 A. Yes.

24 Q. You had just one meeting with AEP Ohio at
25 the properties in the summer of 2021, correct?

1 A. That's correct.

2 Q. And this is the meeting you were
3 referencing in your testimony, correct?

4 A. Yes.

5 Q. And was that meeting in July of 2021?

6 A. I believe so.

7 Q. You would agree that the only AEP Ohio
8 representative in attendance at that meeting was Dean
9 Hartzell, correct?

10 A. That is correct.

11 Q. So legal counsel was not involved in that
12 meeting, correct?

13 A. No.

14 Q. And no one from AEP Ohio's management was
15 in attendance at that July 2021 meeting, correct?

16 A. I mean, by Dean's e-mail stamp he's
17 senior level of customer service, I believe, so I
18 guess it depends what you call management.

19 Q. Do you believe him to be AEP Ohio's
20 management?

21 A. I believe he is the representative I deal
22 with on these specific sites. And Dean is the one
23 that responded to the initial we are not moving
24 forward in June of '21, so I mean, I would assume he
25 is management at that point. He told me by phone and

1253

1 by e-mail that so, yeah, I would consider him at
2 least senior level of customer service.

3 Q. Okay. On -- so let me go further down on
4 page 5, line 21. You state, "At this meeting, for
5 the first time, Dean Hartzell of AEP Ohio advised NEP
6 that the pending work orders had been purged from AEP
7 Ohio's systems and NEP would need to resubmit work
8 orders for the five apartment complexes." Did I read
9 that correctly?

10 A. Yes.

11 Q. The meeting you are referencing on line
12 21 there, page 5, is the July 2021 on-site meeting at
13 Edge of Arlington with Dean Hartzell, correct?

14 A. That's correct.

15 Q. You go on to state at the bottom of page
16 5, line 23, "During my experience dealing with AEP
17 Ohio, I am not aware of AEP Ohio previously purging
18 its systems or AEP Ohio requiring NEP to submit --
19 resubmit work orders on active projects." Did I read
20 that correctly?

21 A. Yes.

22 Q. You are not familiar with AEP Ohio's
23 internal policies for purging existing work orders,
24 correct?

25 A. I'm not aware of a policy, no. I mean,

1 not directed to these five. I've had plenty of
2 projects that take longer than a year to complete or
3 to get moving on, and those were never purged. It
4 was -- again, I never seen it happen before and I've
5 submitted plenty of submissions online for other
6 projects, and they were not purged. But I did
7 resubmit them. I mean, like yes, what are you going
8 to do?

9 Q. Great minds think alike.

10 A. Right.

11 Q. I'm about to take you to the next
12 sentence.

13 A. There you go.

14 Q. So the next sentence there, "Nonetheless,
15 on August 10, 2021, NEP resubmitted its work orders
16 on behalf of the property owners for each of the five
17 apartment complexes to AEP Ohio," correct? That's
18 the resubmission you were just referring to, right?

19 A. Yes.

20 Q. And just to step back on the prior
21 sentence we just read, the purging of the existing
22 work orders, you are referring to the October 2021's
23 that you submitted through the portal we just talked
24 about a little bit ago, right?

25 A. That's correct.

1 Q. So then you resubmitted in -- you
2 resubmitted -- strike that.

3 You resubmitted work orders for
4 conversion of the five properties after your meeting
5 with Dean Hartzell at the Edge of Arlington in July
6 of 2021, correct?

7 A. At the meeting is when Dean told me that
8 those orders were removed.

9 Q. And following that meeting you
10 resubmitted work orders for the five complexes,
11 correct?

12 A. I did.

13 MR. SCHULER: Your Honor, could we go off
14 the record a second?

15 EXAMINER HICKS: Sure. Off the record.

16 (Discussion off the record.)

17 EXAMINER HICKS: We'll go back on the
18 record, still in public session for now.

19 MR. SCHULER: Your Honor, at this time I
20 would like to have marked for the record AEP Ohio
21 Exhibit 10 which is a document that was produced in
22 discovery labeled NEP-RPD-15-004-Attachment
23 1-CONFIDENTIAL, pages 545 of 1021 through 571 of
24 1021.

25 ALJ HICKS: It is so marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 MR. SCHULER: May I approach?

3 EXAMINER HICKS: Sure.

4 Q. (By Mr. Schuler) Mr. Depinet, do you --
5 you recognize this document that I have handed you as
6 something you've seen before, correct?

7 A. As an exhibit, no. I mean, it looks like
8 an online submission template basically.

9 Q. Yeah. You would recognize this as the
10 resubmissions that you reference on page 6, lines 2
11 to 4 of your testimony, correct, aside from the
12 e-mail at the top from Kim Burnside on April 20th,
13 2022, correct?

14 A. Correct.

15 Q. Okay. And below Ms. Burnside's e-mail
16 shows individual requests for each of the new
17 construction at the five different properties at
18 issue in this case, correct?

19 A. Yes.

20 Q. This would have been something that you
21 submitted through AEP Ohio's online portal after your
22 discussion with Mr. Hartzell in July of 2021,
23 correct?

24 A. The date seems accurate, yes.

25 Q. Okay. And then at the bottom there on

1 page 561 of 1021 -- let me know when you are there.

2 A. What was it?

3 Q. Page 561 of 1021 up in the upper
4 right-hand corner.

5 A. Okay.

6 Q. You see replies from AEP; do you see that
7 there?

8 A. Yeah, that's the initial reply.

9 Q. That's the initial reply that you get
10 back from AEP Ohio's online portal that you've
11 discussed earlier today, correct?

12 A. Correct. There's also another one after
13 that that you get from AEP Ohio from that work
14 scheduling group Columbus, and that happens not at
15 the same time but it's really close, like -- it just
16 depends.

17 I feel like -- I always kind of felt like
18 this was more automated where the other one was
19 someone actually sends it and that work -- Work Group
20 Columbus, or whatever that one is, that is -- that is
21 the one that I respond to with the actual letter of
22 authorization, the load summary form, and on that
23 load summary form it has customer information,
24 contractor information, load information, everything
25 pertinent to each of those jobs.

1 So I always treated this -- that online
2 submission as to get contacted by AEP, and it was
3 always easier to get contacted back by AEP using this
4 online form.

5 MR. SCHULER: Your Honor, I would move to
6 strike anything after the word "Correct." It was a
7 pretty finite question. The rest of it was -- got
8 increasingly further away from the actual question of
9 whether this was the initial reply you got back from
10 AEP Ohio's online portal.

11 MR. GURAN: Your Honor, you know, he was
12 responding to the question asked. And again, he --
13 it was just put in front of him a document that's not
14 an NEP produced document to be clear, and it's --
15 myself, I am trying to follow it because it looks
16 like it's a compilation but I am not honestly quite
17 sure, so I think allowing him to explain when he is
18 kind of being thrown something that quickly is fair.

19 EXAMINER HICKS: I tend to agree with
20 Mr. Guran on that. I'll deny the motion. If you
21 need to follow up to delineate between this e-mail
22 and others, feel free to, but considering he may just
23 be looking through this now, I would agree. I will
24 let the testimony stand.

25 MR. SCHULER: Thank you, your Honor.

1259

1 Q. (By Mr. Schuler) You recall getting those
2 initial replies back from the portal when you
3 submitted these -- resubmitted these in August of
4 2021, correct?

5 A. The 561 -- page 561 e-mail is what we are
6 talking about?

7 Q. Yes.

8 A. Yes.

9 Q. You're familiar with new builds where NEP
10 offers services to property owners, correct?

11 A. Yes.

12 Q. And a new build you'd distinguish from a
13 conversion where a new build involves new customers
14 that were not previously individually metered by AEP
15 Ohio, correct?

16 A. Yes.

17 Q. Okay. And you are involved with --
18 strike that.

19 Your role includes not just conversions
20 but also new builds, correct?

21 A. Yes.

22 Q. As overseeing everything in field
23 operations; is that right?

24 A. That's fair.

25 Q. Now earlier we talked about the number of

1260

1 complexes that you said somewhere, you know, around
2 150 complexes in AEP Ohio's service territory that
3 NEP operates at. Do you recall that as an
4 approximation?

5 A. I didn't feel like I said operates but.

6 Q. Provides services at.

7 A. There we go, yes.

8 Q. Would you agree that a majority of those
9 are new builds and not conversions of existing AEP
10 Ohio residential customers?

11 A. I don't have that count in front of me.

12 Q. I am not asking for a specific count. I
13 am asking for a -- whether it's a majority or not.

14 A. You are going to need to rephrase that
15 question, please.

16 Q. I don't need a specific number, but are
17 you aware that a majority of the properties that NEP
18 operates at in AEP Ohio's service territory were new
19 builds as opposed to conversions of existing AEP Ohio
20 customers?

21 A. You said operates again.

22 Q. Provides services at, I apologize. So --

23 A. Did they?

24 Q. I will rephrase it. So the majority of
25 properties that NEP provides services at in AEP

1261

1 Ohio's service territory were new builds as opposed
2 to conversions of existing AEP Ohio residential
3 customers?

4 A. From the start.

5 Q. Correct.

6 A. From the beginning?

7 Q. Correct.

8 A. I --

9 Q. I am sorry, when you say from the
10 beginning --

11 A. Like as the project started, I guess.

12 Q. That it was a new build.

13 A. That it was a new build.

14 Q. Correct.

15 A. Is that what you are saying?

16 Q. Yes.

17 A. I would say again, previous to me there
18 were buy-backs so those are technically a conversion.
19 I don't have a quantity of those on hand, but some of
20 them were existing communities.

21 Q. You reference buy-backs. I think we
22 talked about buy-backs yesterday. That's where NEP
23 purchases existing infrastructure on a property that
24 was previously owned by AEP Ohio and then NEP would
25 own it going forward, correct?

1 A. I would say --

2 MR. GURAN: Objection. Sorry. I think
3 you are intermixing things, so I am just going to say
4 vague and ambiguous. Explain more.

5 MR. SCHULER: I don't want to explain
6 things in a question. I am just asking questions. I
7 am not here to answer them.

8 EXAMINER HICKS: Vague and ambiguous.

9 MR. GURAN: He's stating NEP owns such,
10 and this is a fundamental part of this case. I don't
11 think it's purposeful. I think that's the reason why
12 it was vague and ambiguous.

13 EXAMINER HICKS: I suspect that
14 Mr. Depinet would have clarified that on his own
15 based on his recent answers, but with that proviso,
16 Mr. Depinet, you can answer.

17 A. Now I don't even remember what the
18 question was again. I'm sorry.

19 Q. (By Mr. Schuler) I'll ask it again. When
20 you reference buy-backs, that's where NEP purchases
21 existing infrastructure on a property that was
22 previously owned by AEP Ohio, correct?

23 A. I would say the customer purchased the
24 infrastructure, yes.

25 Q. And NEP -- in that -- strike that.

1263

1 In that circumstance of a buy-back,
2 NEP --

3 A. Or the owner, I should say.

4 Q. In that circumstance of a buy-back NEP
5 maintains and operates that system that was purchased
6 from AEP Ohio, correct?

7 A. We've discussed this before. I don't
8 know what operate means. We don't operate. AEP
9 operates. They create electricity. We -- we don't.
10 I don't know what operate means.

11 Q. I think we established yesterday that you
12 have not been a part of any buy-backs since you
13 joined NEP almost five years ago, correct?

14 A. Correct.

15 Q. So you don't know in a buy-back
16 circumstance who paid for the infrastructure, if
17 anything was paid, in a buy-back scenario from AEP
18 Ohio, correct?

19 A. I would say that's fair. I wasn't here.

20 Q. So it could be the property owner or it
21 could be NEP, correct?

22 A. Sure.

23 Q. And when you use the word "operate," do
24 you define the word operate to mean the generation of
25 electricity?

1 A. It means actually doing something to
2 create electricity. We're performing work to create
3 electricity.

4 Q. Do you believe that AEP Ohio creates
5 electricity?

6 A. For those sites, or for anywhere?

7 Q. Yes.

8 A. I do.

9 Q. Do you think AEP Ohio creates electricity
10 at the five sites at issue in this case?

11 A. Absolutely. They bring power to those
12 sites.

13 Q. Do you -- do you believe that the
14 transmission or distribution of electricity is
15 creating electricity?

16 A. The generation is creating electricity.

17 Q. So you believe that AEP Ohio is
18 generating electricity as an operator?

19 A. To a single primary point of delivery to
20 the site, yes.

21 Q. So when NEP installs infrastructure, is
22 NEP generating electricity?

23 A. No.

24 Q. Is NEP -- when NEP installs electrical
25 infrastructure, are they transmitting or distributing

1 electricity?

2 A. Not transmitting. Distribution is a
3 pretty broad statement that you could say from your
4 living room level to -- to -- to a telephone pole. I
5 mean, it's a broad word.

6 Q. So is that a yes?

7 A. I think it's a yes, anyone who -- I mean
8 that extension cord is distributing electricity.

9 Q. We talked earlier about primary versus
10 secondary master-metered service. You recall that?

11 A. No, not really. I'm sorry.

12 Q. Would you agree there is primary
13 master-metered service and there is secondary
14 master-metered service?

15 A. For these five it's only secondary.

16 Q. I am just saying in general.

17 A. Those are the two types of service.

18 Q. Would you agree those are the two types
19 of service that NEP receives at any of the properties
20 that it provides services at?

21 MR. GURAN: Objection. Again, you said
22 NEP receives at. I am just trying to clarify.

23 MR. SCHULER: I mean, at this point we
24 are coaching the questions. The question is what the
25 question is.

1 MR. GURAN: Vague and ambiguous.

2 MR. SCHULER: Pointing out the specific
3 words in the question he doesn't like, I think it's
4 inappropriate objections, which I did try and steer
5 clear of when I was on cross and I asked if he would
6 like expansion before I did that. I would appreciate
7 the same courtesy.

8 EXAMINER HICKS: Okay. Can you reread
9 the question, Karen?

10 (Record read.)

11 ALJ HICKS: I am going to hedge slightly
12 here. I understand your objection and it is noted.
13 I'm also going to -- because I don't think a lot of
14 these are intentional, number one. I am not reading
15 your mind, but the fact that you change them very
16 quickly -- so if he uses the word operate, NEP
17 operates, please clarify your understanding or ask
18 him to rephrase the question for you. I think that
19 will negate you needing to continue to object. I
20 understand the objection. I understand the question.

21 MR. SCHULER: That's fair, your Honor.
22 Thank you.

23 THE WITNESS: Am I supposed to answer or
24 respond?

25 EXAMINER HICKS: You can respond and

1 clarify however you would like as to that receives
2 and operations.

3 A. I would say AEP distinguishes the service
4 types that are on these sites. So there's multiple
5 different types. I don't know all of them, and
6 secondary and primary are two of them. That isn't
7 their specific words I don't think that AEP uses but
8 that's what we use in the field, I feel.

9 Q. (By Mr. Schuler) In the AEP Ohio service
10 territory, would you agree where -- well, strike
11 that.

12 The service that AEP Ohio is delivering
13 at the master meter in these five properties at issue
14 in this case is secondary service, correct?

15 A. Secondary service, yes.

16 Q. Which means it's coming in at 240 volts
17 or 120 volts, correct?

18 A. That's correct.

19 Q. As opposed to primary master-metered
20 service where AEP Ohio would be delivering service at
21 a master meter either at the 12,000-volt level or
22 13,000-volt level, correct?

23 A. I would leave it at medium voltage
24 levels, yeah.

25 Q. Does 12 to 13 kV sound like medium

1 voltage levels to you?

2 A. The service voltages that I am used to,
3 or in AEP territory is -- is -- could be anywhere
4 from 13.2 to 34 kV.

5 Q. So the -- there are master meters in AEP
6 Ohio service territory at properties at which AEP
7 Ohio -- NEP provides services can range from 30 kV
8 all the way up to 34 kV; is that what you are saying?

9 A. I said 13. 13 to 30 -- you could say 13
10 to 35 kV.

11 Q. Okay. All right.

12 A. 13, 1-3.

13 Q. Sorry if I misspoke. And those
14 properties that receive -- if you refer to primary
15 master-metered service, would you agree that means
16 the 13 to 35 kV service delivered to a master
17 metered; is that fair?

18 A. For AEP?

19 Q. Yes.

20 A. Yes.

21 Q. Okay. So NEP provides services at
22 properties in AEP Ohio's service territory that
23 received primary service at a master meter?

24 A. AEP provides service at a primary level,
25 yes.

1269

1 Q. Okay. And would you say about 50 percent
2 of the new builds in AEP Ohio's service territory at
3 which NEP provides services received primary service
4 from AEP Ohio at the master meter?

5 A. I would say that's -- that's a fair
6 assumption. I would also say that it's -- you know,
7 we based our -- we base our service on what the
8 customer needs are, you know, based -- and that --
9 that can distinguish between the service levels, too.

10 Q. And at those properties where AEP is
11 providing primary level service at a master meter,
12 many of them have residential lessees at the
13 property, correct?

14 A. Correct.

15 Q. Residential lessees do not use 13 kV to
16 35 kV primary service generally speaking, correct?

17 A. Correct.

18 Q. They usually use something more like
19 120 volts or 240 volts, right?

20 A. Correct.

21 Q. In order to get the electricity from the
22 13 to 35 kV down to the 120 to 240 volts -- it needs
23 to be transformed, right?

24 A. Yes.

25 Q. In those properties where AEP Ohio is

1 providing the primary service at the master meter
2 where NEP provides services to the property, NEP
3 installs transformers to transform it down for the
4 residential lessees, correct?

5 A. It's customer-owned infrastructure that
6 we install for the customer, yes.

7 Q. In those circumstances, what other
8 infrastructure does NEP install?

9 A. For privately-owned distribution?

10 Q. Well, let me -- I will rephrase the
11 question.

12 In circumstances where AEP Ohio provides
13 primary master-metered service, what infrastructure
14 does NEP install at the property to allow consumption
15 by residential tenants?

16 A. I mean, clearly distinguished on AEP
17 documents what a primary metered service, that it is
18 privately owned thereafter after that metering point,
19 and so that would include wiring, transformers if
20 needed, secondary cables, some sort of disconnects,
21 whatever is needed that the property needs. I mean,
22 that goes for any private -- privately-owned
23 distribution as stated in your AEP's primary metering
24 guidelines.

25 Q. It would also include meters, the

1271

1 installation of meters for submetering, correct?

2 A. If they choose to meter the tenants.

3 Q. Does NEP provide services at any property
4 that does not submeter the residential tenants?

5 MR. GURAN: Objection. I am just trying
6 to clarify primary.

7 MR. SCHULER: Any property.

8 MR. GURAN: Okay.

9 EXAMINER HICKS: Overruled. You can
10 answer.

11 A. Okay. Where we have -- you are going to
12 need to like -- you did say it was primary metered,
13 or a primary metered service?

14 Q. No. I can reask that question. Does NEP
15 provide services at any property that does not
16 submeter residential tenants?

17 A. Electricity?

18 Q. Yeah. Yes.

19 A. Then yes, we do provide services.

20 Q. Just to be clear, you are saying NEP
21 provides electricity services to properties without
22 submetering?

23 A. No, that's not what you -- I took the
24 question as where we were -- where we weren't
25 providing a -- where it wasn't primary -- AEP wasn't

1 primary metering -- or AEP wasn't primary metering
2 the fa --

3 Q. Yeah. Let me -- I think we are both
4 getting a little confused here. You made the
5 statement that the installation of meters for
6 submetering would only happen if the property owner
7 chose to meter the tenants, right?

8 A. Correct.

9 Q. So my question is, are there any
10 circumstances you can think of where NEP provides
11 services at a property and does not install
12 submeters?

13 A. I still feel like your question is
14 leaving out if we're -- if -- would we do water
15 submetering as well, so the answer would be yes, we
16 would do water submetering.

17 Q. Okay. Let me -- at any -- at any
18 property where NEP is providing electricity services,
19 does -- have they -- let me strike that.

20 Does NEP provide electricity services at
21 any property where they do not submeter those
22 electricity services?

23 MR. GURAN: Objection, asked and
24 answered.

25 MR. SCHULER: I think we are far from

1 answered on this.

2 EXAMINER HICKS: I don't think he has.

3 A. I don't -- I don't know. I don't think.

4 Q. Okay.

5 A. No.

6 MR. SCHULER: Your Honor, if we could
7 have a 5-minute break to consult with my co-counsel?
8 We might be nearing the end here.

9 EXAMINER HICKS: Sure. Let's go off the
10 record.

11 (Discussion off the record.)

12 (Recess taken.)

13 EXAMINER HICKS: Let's go ahead and go
14 back on the record.

15 Still in public session.

16 MR. SCHULER: Yes.

17 Q. (By Mr. Schuler) Mr. Depinet, just
18 stepping back to a conversation we had about primary
19 service master-metered service. You talked about a
20 host of different type of infrastructure that NEP
21 installs when AEP Ohio provides primary service at a
22 master meter. Do you recall that?

23 A. Yes.

24 Q. Which included transformers, wiring,
25 secondary cables, disconnects, correct?

1 A. Correct. I would also say it's like
2 private distribution, so anyone under -- not just
3 NEP, it's anyone with a primary master-metered
4 service is -- has to do that same.

5 Q. And in the circumstance where NEP has --
6 is providing services at a property and has installed
7 that type of infrastructure, NEP would also maintain
8 that infrastructure, correct?

9 A. Without citing specific projects, I would
10 have to say if the contract says -- if the contract
11 has our services providing maintenance as well, then
12 yes.

13 Q. Your -- in your experience as fields
14 operations in -- strike that.

15 Your -- you oversee field operations,
16 correct?

17 A. Uh-huh.

18 Q. In your position as overseeing field
19 operations, you are aware of NEP maintaining
20 facilities and infrastructure that have been
21 installed at properties where AEP Ohio is providing
22 primary master-metered service, correct?

23 A. Yes.

24 Q. And the documents that we talked about
25 earlier that set forth certain inspection and

1275

1 maintenance processes, that is not just for secondary
2 primary mass -- secondary master-metered service, it
3 also applies to primary master-metered service,
4 correct?

5 A. Correct.

6 Q. So there would be a scheduled
7 maintenance, for instance, or inspection of
8 transformers, for instance?

9 A. Yes.

10 MR. SCHULER: Okay. Thank you,
11 Mr. Depinet. I have no further questions for you.

12 For the record, your Honors, I just want
13 to make a point that I hit the lower end of my
14 estimate for this cross-examination.

15 EXAMINER HICKS: So noted and much
16 appreciated.

17 EXAMINER SANDOR: Gold medal.

18 EXAMINER HICKS: Mr. Settineri is still
19 in the lead.

20 MR. SCHULER: Thank you, Mr. Depinet.

21 EXAMINER HICKS: All right. Do you need
22 a couple of minutes?

23 Off the record.

24 (Discussion off the record.)

25 EXAMINER HICKS: Okay. Let's go back on

1 the record.

2 Still in public session, just took a
3 quick break. I will kick it over to Mr. Guran to see
4 if -- if NEP has any redirect.

5 MR. GURAN: Yes, your Honor. I have a
6 few redirect questions.

7 EXAMINER HICKS: Okay. Please go ahead
8 and when you are ready.

9 - - -

10 REDIRECT EXAMINATION

11 By Mr. Guran:

12 Q. Mr. Depinet, earlier Mr. Schuler had
13 directed your attention, I think it might have even
14 been yesterday, to page 3, lines 15 and 16
15 regarding -- I'll just read it as you are looking for
16 it, "In my experience, the entire process from
17 request through the online portal to AEP Ohio's
18 assistance on the conversion takes less than
19 six-months." Did I read that correctly?

20 A. Yes.

21 Q. Could you explain a little bit for us
22 what you meant by the six-months referred to in that
23 line?

24 A. Yeah. It was kind of a general statement
25 if you add all the timelines together, so if you

1277

1 start back from the beginning of this submission, you
2 get the response within a couple of days. You --
3 when you need to reply back to that submission, that
4 takes generally two to three weeks to get a response
5 back after you send drawings, LOAs and -- and load
6 summary forms.

7 And then your next step is to meet
8 on-site and figure out what -- what needs to happen,
9 like I stated before. And then it's -- then the
10 construction work needs to take place. And
11 however -- say that construction works takes four to
12 six weeks, and then after that it's ready to be
13 converted. So this whole timeline, if you add it up,
14 can take six months to complete it generally --
15 generally any conversion.

16 Q. And the next line down you had mentioned
17 Bantry Bay that was completed in no less than a year.
18 Do you recall whether any of the sites were completed
19 earlier than a year, any of the conversion sites?

20 A. Yes. Some of the master meter
21 conversions were completed within a few months. And
22 then it was on hold I believe -- not really on hold,
23 but we were waiting on AEP to coordinate the -- the
24 next set of buildings. And the, you know, multiple
25 e-mails of us sending out trying to -- trying to

1 coordinate and get this thing moving along, we were
2 just being told that it's a lengthy process to -- to
3 create work orders for removal work orders.

4 Q. And if you would go with me to page 6,
5 question 15 at the bottom there. If you recall,
6 Mr. Schuler was asking you some questions about the
7 invoice by Vaughn. Do you recall that conversation?

8 A. I do.

9 Q. All right. I believe you mentioned about
10 remobilization, but just to clarify, were there costs
11 to demobilize as well as remobilize that would not
12 have been incurred if not for this stop in
13 construction?

14 A. Yes. That's correct. Any -- any extra
15 costs that the subcontractors took on were -- were --
16 were sent to us in that invoice when we had to stop
17 work.

18 Q. And then just going back one page with
19 me, if you would, question 11, Mr. Schuler also
20 discussed a meeting that you had in the summer 2021
21 with Dean Hartzell. Do you remember that meeting --
22 I am sorry. Do you remember that conversation you
23 had?

24 A. With Dean?

25 Q. Sorry, I meant with Mr. Schuler actually.

1 A. Oh, yes, yes. Okay.

2 Q. And he just had mentioned -- I believe he
3 said there was just one meeting in July. Do you
4 recall any other meetings with AEP Ohio, staff or
5 employees or management, that you had during the
6 summer of 2021?

7 MR. SCHULER: Objection. Beyond the
8 scope of cross.

9 MR. GURAN: Your Honor, he asked about
10 meetings. He actually asserted that there was only
11 one meeting during that summer with Dean Hartzell. I
12 am just clarifying that there in fact were additional
13 meetings that occurred.

14 MR. SCHULER: Yeah, the question was
15 about the meetings with Dean and was specifically
16 referencing the meeting -- my questions were very
17 targeted towards what was actually discussed in
18 Mr. Depinet's testimony, not generally about meetings
19 between NEP and AEP Ohio.

20 EXAMINER HICKS: I will sustain the
21 objection. I would agree how the questioning went
22 across.

23 Q. (By Mr. Guran) You were also asked
24 whether you had any meetings with AEP Ohio managers,
25 or management, correct?

1280

1 MR. SCHULER: Objection. That was not a
2 question that was asked. It was asked -- it was
3 specifically asking about whether he considered Dean
4 Hartzell management, not a general question about --

5 EXAMINER HICKS: Agreed. Sustained.

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

8 EXAMINER HICKS: Any recross?

9 MR. SCHULER: No recross, your Honor, but
10 I will move for the admission of AEP Ohio Exhibit 10.

11 MR. GURAN: Don't I need to renew my
12 motion first?

13 EXAMINER HICKS: Sure. I will consider
14 it renewed.

15 MR. GURAN: All right. Thank you, your
16 Honor. For Exhibit 91.

17 EXAMINER HICKS: Okay. We will take up
18 NEP Exhibit 91 first. Any objection from AEP Ohio to
19 its admission?

20 MR. SCHULER: No, your Honor.

21 EXAMINER HICKS: Okay. NEP Exhibit 91
22 will be admitted.

23 (EXHIBIT ADMITTED INTO EVIDENCE.)

24 EXAMINER HICKS: Thank you, Mr. Depinet,
25 by the way, for your testimony.

1281

1 And AEP Ohio moved for admission of its
2 Exhibit 10. Any objection from NEP?

3 MR. GURAN: Your Honor, yes, we actually
4 do have an objection. The one part that we are
5 confused about, this appears to be actually a
6 compilation prepared by Ms. Westfall by AEP, the
7 customer e-mails, and then it just has a printout of
8 a whole bunch on page 545. Yeah, and on that 545
9 there is actually a heading that says, "Customer
10 E-mails," that doesn't appear to be part of the
11 original, and then on page 561 there are replies from
12 AEP. So again, this appears to be just a compilation
13 document that was prepared on April 20, 2022, so...

14 MR. SCHULER: Go ahead.

15 MR. GURAN: I was just saying if this
16 were the originals of these, I wouldn't have an
17 issue, but it's the fact that this appears to have
18 been modified and collected I am assuming for
19 purposes of litigation, but I just can't tell
20 whether -- you know --

21 EXAMINER HICKS: Go ahead.

22 MR. SCHULER: Mr. Depinet said he
23 recognized the document. He saw it. It was exactly
24 what it was represented to be, were the online
25 submissions. Again, it's a portal, it's not an

1282

1 e-mail so they have to be amassed. It's not like we
2 can put in the actual portal itself. So this
3 captures them. He testified that it is accurate. He
4 remembers seeing them. I laid a very strong
5 foundation on his knowledge about these, so for those
6 reasons this should go into the record.

7 MR. GURAN: And, your Honor, I just
8 dispute the authenticity given that it was a fairly
9 modified and prepared set of e-mails.

10 MR. SCHULER: Your Honor, I believe we
11 have already agreed to authenticity of anything
12 produced in discovery and this is an AEP discovery
13 document.

14 EXAMINER HICKS: Sorry. I am just
15 leafing through.

16 MR. GURAN: Understood.

17 MR. SCHULER: And, your Honor, I will
18 also add the relevance of this. There is obviously
19 timeline issues in here. Mr. Depinet talks about
20 resubmission. These are the documents that reflect
21 it from the portal. He testified to that.

22 EXAMINER HICKS: I guess I am not
23 seeing -- outside of the -- he agreed that these were
24 the submissions, to the extent he also recognized at
25 least one of the replies, these all appear to be

1 automated replies.

2 MR. GURAN: And again, your Honor,
3 it's -- it's the fact that this was clearly like put
4 together and with the customer e-mails' headings and
5 the replies from AEP Ohio headings, that's my problem
6 with this.

7 EXAMINER HICKS: I understand. But I
8 mean, I also get -- I mean, generating this from a
9 portal, I doubt there is a tidy way to do it.

10 MR. GURAN: And, your Honor, I don't
11 know. That's part of the issue here.

12 EXAMINER HICKS: Based on -- the Bench is
13 going to admit AEP Ohio Exhibit 10 based upon him
14 recognizing the meat of this, and he even provided
15 some testimony to give additional context beyond some
16 of the automated e-mails, so it will be admitted into
17 evidence.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 MR. GURAN: Thank you, your Honor.

20 MR. SCHULER: Thank you, your Honor.

21 EXAMINER HICKS: Let's go off the record.

22 (Discussion off the record.)

23 EXAMINER HICKS: We finished up with
24 Mr. Depinet and went off the record briefly to
25 discuss some scheduling and procedural issues.

1 The plan now will be to reconvene
2 virtually, via Webex at 10:00 a.m. on Friday,
3 November 4, to take the testimony and
4 cross-examination of Ms. Schoen. And then to the
5 extent that we need confidentiality sessions for
6 either AEP Ohio or NEP, we would reconvene to handle
7 those on Tuesday, November 8, at 1:00 p.m. Those
8 would also be done virtually via Webex.

9 And with that I think we are done until
10 Friday, or at least the Bench is.

11 MR. NOURSE: Thank you, your Honor.

12 EXAMINER HICKS: And we are adjourned.

13 (Thereupon, at 12:47 p.m., the hearing
14 was adjourned.)

15 - - -

1285

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, November 1,
2022, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7362)

- - -

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Volume VII - Public electronically filed by Mr. Ken Spencer on behalf of Armstrong
& Okey, Inc. and Gibson, Karen Sue Mrs.