

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of the : Case Nos.
Significantly Excessive : 21-588-EL-UNC
Earnings Test Under R.C. : 22-514-EL-UNC
4928.143(F) and Ohio Adm. : 23-543-EL-UNC
Code 4901:1-35-10 for The :
Dayton Power and Light :
Company D/B/A AES Ohio. :

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PROCEEDINGS

Before Patricia A. Schabo, Attorney Examiner,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Tuesday,
September 12, 2023, at 10:00 A.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481

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APPEARANCES:

Mr. Christopher C. Hollon
1065 Woodman Drive
Dayton, Ohio 45432

On behalf of Dayton Power & Light,
D/B/A AES Ohio.

Baker & Hostetler, LLP
By Mr. Paul Willison
200 Civic Center Drive, Suite 1200
Columbus, Ohio 43215

On behalf of Ohio Energy
Leadership Council.

Ms. Angela O'Brien
Deputy Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215

On behalf of the Office of the Ohio
Consumers' Counsel.

Ms. Amy Botschner O'Brien
Assistant Attorney General
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

On behalf of the Staff of the
Public Utilities Commission
of Ohio.

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Tuesday Morning,
September 12, 2023.
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ATTORNEY EXAMINER: Good morning.
The Public Utilities Commission of Ohio has
assigned for hearing at this time and place Case
Nos. 21-588-EL-UNC, 22-514-EL-UNC and
23-543-EL-UNC regarding the Application of the
Significantly Excessive Earnings Test under R.C.
4928.143 (F) and Ohio Administrative Code
4901:1-35-10 for the Dayton Power and Light
Company, D/B/A AES Ohio for Calendar Years 2020,
2021 and 2022 respectively.

My name is Trish Schabo, and I am
the Attorney Examiner assigned to hear this
matter. We will begin with appearances of
counsel starting with the Company.

MR. HOLLON: Thank you, your Honor.
Christopher Hollon with the Dayton Power and
Light Company, doing business as AES Ohio, 1065
Woodman Drive, Dayton, Ohio 45432.

ATTORNEY EXAMINER: Thank you. And
we will go around the tables.

MS. BOTSCHNER O'BRIEN: Thank you,
your Honor. Amy Botschner O'Brien and Thomas

Lindgren on behalf of the Staff of the Public Utilities Commission of Ohio, Assistant Attorney Generals, 30 East Broad Street, 26th Floor, Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you.

MS. ANGELA O'BRIEN: Good morning, your Honor. On behalf of the Ohio Consumers' Counsel, Bruce Weston, Ohio Consumers' Counsel, Angela O'Brien, Deputy Consumers' Counsel, 65 East State Street, Suite 700, Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you.

MR. WILLISON: Good morning, your Honor. On behalf of Ohio Energy Leadership Council, Mr. David Proano, Mr. Ali Haque and Mr. Paul Willison, 200 South Civic Center Drive, Suite 1200, Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you. And we have a stipulation today?

MR. HOLLON: Yes, your Honor. AES Ohio, Staff of the Public Utilities Commission and Ohio Energy Leadership Council have entered into a Stipulation and Recommendation in this matter which is on file in these three proceedings.

1 At this time I would like to move
2 the Stipulation into admission in the record as
3 Signatory Parties Exhibit 1.

4 ATTORNEY EXAMINER: Start with
5 marking it.

6 MR. HOLLON: Your Honor, may I
7 approach?

8 ATTORNEY EXAMINER: You may. So
9 this will be marked as Signatory Parties Exhibit
10 1.

11 (EXHIBIT HEREBY MARKED FOR
12 IDENTIFICATION PURPOSES)

13 ATTORNEY EXAMINER: Thank you, sir.
14 Okay. And would you like to mark the other
15 document you gave me?

16 MR. HOLLON: Yes, your Honor. At
17 this time we would like to mark the direct
18 testimony of Patrick J. Donlon in support of the
19 Stipulation and Recommendation as AES Ohio
20 Exhibit 1.

21 ATTORNEY EXAMINER: So marked.

22 (EXHIBIT HEREBY MARKED FOR
23 IDENTIFICATION PURPOSES)

24 MR. HOLLON: At this time I would
25 like to call Mr. Donlon

1 ATTORNEY EXAMINER: Please come up.

2 (WITNESS SWORN)

3 - - -

4 PATRICK J. DONLON

5 called as a witness, being first duly sworn,

6 testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Hollon:

9 Q. Good morning, Mr. Donlon.

10 A. Good morning.

11 Q. Would you please state your name for
12 the record?

13 A. Patrick Donlon.

14 Q. Mr. Donlon, do you have in front of
15 you what has been marked as AES Ohio Exhibit 1,
16 the testimony of Patrick J. Donlon in support of
17 the Stipulation and Recommendation?

18 A. I do.

19 Q. Do you recognize this document?

20 A. I do.

21 Q. Is this your testimony that you
22 filed in these three Significantly Excessive
23 Earnings Test proceedings?

24 A. It is.

25 Q. Mr. Donlon, if I were to ask you

1 the questions in this document would you provide
2 the same answers today?

3 A. I would.

4 Q. And would those answers be truthful?

5 A. They would.

6 MR. HOLLON: Your Honor, at this
7 time I would like to move AES Ohio Exhibit 1
8 into the record.

9 ATTORNEY EXAMINER: Any objections?

10 MS. AMY BOTSCHNER O'BRIEN: No
11 objections.

12 ATTORNEY EXAMINER: Does OCC intend
13 to cross Mr. Donlon?

14 MS. ANGELA O'BRIEN: No.

15 ATTORNEY EXAMINER: Okay. Then we
16 will admit AES Exhibit 1 into the record.

17 (EXHIBIT HEREBY ADMITTED INTO
18 EVIDENCE)

19 MR. HOLLON: Thank you, your Honor.
20 AES has nothing further.

21 ATTORNEY EXAMINER: All right. In
22 which case we will go back to Signatory Parties
23 Exhibit 1. Are there any objections to
24 admitting the Stipulation into the record?

25 MS. AMY BOTSCHNER O'BRIEN: No

1 objections.

2 ATTORNEY EXAMINER: Hearing none,
3 Signatory Parties Exhibit 1 will also be
4 admitted.

5 (EXHIBIT ADMITTED INTO EVIDENCE)

6 ATTORNEY EXAMINER: Mr. Donlon, I do
7 not have any questions for you. So you may be
8 excused.

9 MR. DONLON: Thank you.

10 ATTORNEY EXAMINER: You are welcome.
11 All right. We have marked and admitted the
12 testimony and the Stipulation. There is no
13 cross-examination.

14 All right. Is there anything else
15 the parties wish to present or discuss?

16 Hearing nothing, the matter will be
17 presented to the Commission on the record
18 created today. Thank you very much. We are
19 adjourned.

20 (At 10:10 A.M. the hearing was
21 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on
September 12, 2023, and carefully compared with
my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 21-0588-EL-UNC, 22-0514-EL-UNC, 23-0543-EL-UNC

Summary: Transcript September 12th, 2023 In the Matter of the Application of the Significantly Excessive Earnings Test Under R.C. 4928.143(F) and Ohio Adm. Code 4901:1-35-10 for The Dayton Power and Light Company D/B/A AES Ohio.
electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr..