

PUBLIC UTILITIES COMMISSION OF OHIO
PUBLIC HEARING BEFORE THE PUCO COMMISSION

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IN RE:

CASE NO. 22-1132-GA-ALT,
IN THE MATTER OF THE APPLICATION OF SUBURBAN
NATURAL GAS COMPANY FOR APPROVAL OF AN ALTERNATIVE
FORM OF REGULATION.

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CASE NO. 23-21-GA-AAM,
IN THE MATTER OF THE APPLICATION OF SUBURBAN
NATURAL GAS COMPANY FOR APPROVAL TO CHANGE
ACCOUNTING METHODS.

* * *

CASE NO. 23-22-GA-ATA,
IN THE MATTER OF THE APPLICATION OF SUBURBAN
NATURAL GAS COMPANY FOR APPROVAL TO ESTABLISH
CAPITAL EXPENDITURE PROGRAM RIDER.

* * *

The above-styled cause came on for
hearing before Lisa K. Keller, a Notary Public in
and for the State of Ohio at the Public Utilities
Commission of Ohio, 180 East Broad Street,
Columbus, Ohio, on Tuesday, October 3, 2023,
beginning at 10:00 a.m.

* * *

1 On behalf of the Public Utilities Commission:
2 Assistant Ohio Attorney General

3 By: Werner L. Margard, III
4 Rhianon Howard
5 Attorneys at Law
6 30 East Broad Street, 16th Floor
7 Columbus, Ohio 43215
8 Werner.Margard@OhioAttorneyGeneral.gov

9 On behalf of Suburban Natural Gas Company:

10 Carpenter Lipps, LLP

11 By: Kimberly W. Bojko
12 Attorney at Law
13 280 North High Street, Suite 1300
14 Columbus, Ohio 43215
15 Bojko@carpenterlipps.com

16 On behalf of the Office of the Ohio Consumers'
17 Counsel:

18 Ohio Consumers' Counsel

19 By: Connor Semple
20 Attorney at Law
21 65 E State Street, 7th floor
22 Columbus, OH 43215
23 connor.semple@occ.ohio.gov
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* * *

1 MR. HICKS: The Public Utilities
2 Commission of Ohio has called for a hearing at
3 this time and place in Case Number 22-1132-GA-ALT,
4 et al., which I'm going to broadly generalize is
5 an application from Suburban Natural Gas Company
6 to create a capital expenditure program and the
7 associated rider.

8 At this time we'll start off taking
9 appearances from the parties, beginning with the
10 applicant.

11 MS. BOJKO: Thank you, Your Honor, on
12 behalf of Suburban Natural Gas Company, Kimberly
13 W. Bojko with the law firm Carpenter Lipps, 280
14 North High Street, Suite 1300, Columbus, Ohio,
15 43215.

16 MR. HICKS: On behalf of staff?

17 MR. MARGARD: Thank you. Good
18 morning. On behalf of the staff of the Public
19 Utilities Commission of Ohio, David Yost, Ohio
20 Attorney General, John Jones, section chief,
21 public utility section, by Assistant Attorney
22 Generals Werner L. Margard and Rhiannon Howard, 30
23 East Broad Street, 26 floor, Columbus, Ohio.

24 MR. SEMPLE: Good morning, Your
25 Honors. On behalf of Ohio Consumer Counsel,

1 Maureen Willis, Connor Semple. Our offices are at
2 65 East State Street, Columbus, Ohio, 43215.

3 MR. HICKS: Thank you. And with
4 that, I will turn it over to Ms. Bojko to kick
5 things off.

6 MS. BOJKO: Thank you, Your Honors.
7 At this time I'd like to mark a few exhibits
8 starting with Company Exhibit 1, which is the
9 application filed in this matter dated January
10 10th, 2023. I'll mark all three of them and then
11 approach, if that's okay.

12 MR. HICKS: Sure.

13 MS. BOJKO: We'd like to mark as
14 Company Exhibit 2, Mr. Pemberton's testimony in
15 support of the application dated January 10, 2023.

16 MR. HICKS: It will be so marked.

17 MS. BOJKO: And then as Joint Exhibit
18 1, we would like to mark the stipulation and
19 recommendation filed with the Commission on
20 September 12, 2023.

21 MR. HICKS: It is so marked.

22 (Thereupon, Suburban Exhibit 1,
23 application, was marked for purposes of
24 identification.)

25 (Thereupon, Suburban Exhibit 2, Mr.

1 Pemberton's testimony, was marked for purposes of
2 identification.)

3 (Thereupon, Joint Exhibit 1,
4 stipulation and recommendation, was marked for
5 purposes of identification.)

6 MS. BOJKO: May I approach?

7 MR. HICKS: Yes.

8 MS. BOJKO: Your Honors, at this time
9 Suburban Natural Gas Company calls Nichole M.
10 Clement to the stand.

11 MR. HICKS: While she's walking up,
12 Ms. Bojko, just to confirm on Exhibit 1, the
13 caption just has the 1132 case. It's the same
14 application that was filed?

15 MS. BOJKO: Yes, there was a timing
16 -- the application was filed in December and then
17 we added the AAM case in January, but they
18 wouldn't let us put it all in one because of the
19 year difference. So we did a motion to
20 consolidate, so it's all three.

21 MR. HICKS: I just wanted to
22 acknowledge that on the record. Thank you.

23 NICHOLE M. CLEMENT
24 of lawful age, having been first duly cautioned
25 and sworn, as hereinafter certified, was examined

1 and said as follows:

2 MR. HICKS: Proceed whenever you are
3 ready, Ms. Bojko.

4 MS. BOJKO: Thank you.

5 DIRECT EXAMINATION

6 BY MS. BOJKO:

7 Q. Ms. Clement, could you please state
8 your name and business address for the record?

9 A. Nichole M. Clement, 211 Front Street,
10 Cygnet, Ohio, 43413.

11 Q. Did you file a cause to be filed
12 testimony regarding Suburban's application for an
13 approval of an alternative form of regulation to
14 establish a capital expenditure program, a CEP,
15 and a CEP rider in this case?

16 A. Yes.

17 Q. Your Honors, at this time I'd like to
18 mark as Company Exhibit 3 the direct testimony of
19 Nichole M. Clement in support of the application.
20 May I approach?

21 MR. HICKS: Yes. And the exhibit
22 will be so marked.

23 (Thereupon, Suburban Exhibit 3,
24 testimony of Nichole M. Clement, was marked for
25 purposes of identification.)

1 BY MS. BOJKO:

2 Q. Ms. Clement, do you have in front of
3 you what's been marked as Company Exhibit 3?

4 A. Yes.

5 Q. And do you recognize this document as
6 the testimony you filed on January 10, 2023, in
7 support of the application?

8 A. Yes, I do.

9 Q. Was this testimony prepared by you or
10 under your direction?

11 A. Yes, it was.

12 Q. And since the filing of this
13 testimony, do you have any changes?

14 A. No, I do not.

15 Q. And if I were to ask you the same
16 questions today as they appear in this testimony,
17 would your answers be the same?

18 A. Yes.

19 Q. Your Honors, at this time I would
20 like to mark as Company Exhibit 4, the direct
21 testimony of Nichole M. Clement in support of the
22 stipulation. May I approach?

23 MR. HICKS: Yes.

24 (Thereupon, Suburban Exhibit 4,
25 testimony of Nichole M. Clement, was marked for

1 purposes of identification.)

2 MR. HICKS: It will be so marked, and
3 I'll also just note -- we'll call them Suburban
4 exhibits here just for the record, so we don't get
5 confused.

6 MS. BOJKO: Okay. Sorry. Did she
7 put Suburban?

8 MR. HICKS: Yeah. Ultimately we know
9 what it is, but for the transcript and for the
10 record, since they are marked Suburban, we'll mark
11 them Suburban.

12 MS. BOJKO: My apologies. Yes.

13 MR. HICKS: No worries.

14 BY MS. BOJKO:

15 Q. Ms. Clement, do you have in front of
16 you what's been marked as Suburban Exhibit 4?

17 A. Yes.

18 Q. And does this appear to be your
19 testimony in support of the stipulation filed in
20 this matter?

21 A. Yes, it is.

22 Q. And it was filed on September 26,
23 2023?

24 A. Correct.

25 Q. On whose behalf are you testifying

1 today?

2 A. Suburban Natural Gas Company.

3 Q. And just to be clear, you are the
4 same witness that filed both pieces of testimony,
5 correct?

6 A. Correct.

7 Q. And was the second piece of testimony
8 in support of the stipulation filed by you or
9 under your direction?

10 A. Yes, it was.

11 Q. And what is the purpose of the second
12 piece of testimony?

13 A. To support the stipulation and to
14 provide an analysis for the three-part test.

15 Q. And the stipulation was previously
16 marked as Joint Exhibit 1; is that correct?

17 A. Correct.

18 Q. Do you have that in front of you?

19 A. Yes, I do.

20 Q. And you recognize that document to be
21 the stipulation that was filed on September 12,
22 2023?

23 A. Yes.

24 Q. And which parties joined the
25 stipulation?

1 A. Staff and Suburban Natural Gas
2 Company.

3 Q. Are you aware if any parties opposed
4 the stipulation?

5 A. I am not aware of any parties
6 opposing the stipulation.

7 Q. And did you participate in the
8 settlement discussions that resulted in the
9 stipulation?

10 A. Yes, I did.

11 Q. Do you believe the stipulations
12 satisfies the Commission's three-part test for
13 evaluating stipulations?

14 A. Yes, I do.

15 Q. And what is your recommendation to
16 the Commission?

17 A. My recommendation is the Commission
18 approve and adopt the stipulation.

19 Q. Okay. And since the filing of this
20 piece of testimony, do you have any changes to it?

21 A. No, I do not.

22 Q. And if I were to ask you the same
23 questions today as they appear in your testimony,
24 would your answers be the same?

25 A. Yes.

1 MS. BOJKO: At this time, Your
2 Honors, I would like to -- oh, excuse me. We are
3 going to move Suburban Exhibits 1, 2, 3, 4 and the
4 Joint Exhibit 1, subject to cross-examination. I
5 tender the witness to cross.

6 MR. HICKS: Thank you, Ms. Bojko.
7 Any cross from the OCC?

8 MR. SEMPLE: No cross, Your Honors.

9 MR. HICKS: Any cross from staff?

10 MR. MARGARD: No, thank you, Your
11 Honors.

12 MR. HICKS: Thank you, Ms. Clement,
13 for your testimony today. And then before we wrap
14 things up, just for the record, Mr. Semple, we had
15 talked a little bit before the hearing, I know a
16 letter was filed in the docket stating that OCC
17 neither supported nor opposed the stipulation. If
18 you could just confirm that for the record.

19 MR. SEMPLE: Yes, that's correct,
20 Your Honor. OCC appreciates the efforts of both
21 Suburban and PUCO staff to negotiate a settlement
22 in this matter. OCC does not support but does not
23 oppose the settlement. Thank you.

24 MR. HICKS: Thank you. Any
25 objections to the admission of Suburban Exhibits 1

1 through 4 or Joint Exhibit 1?

2 MR. MARGARD: No objections, Your
3 Honors.

4 MR. HICKS: Hearing none, Suburban
5 Exhibits 1, 2, 3 and 4 as well as Joint Exhibit 1
6 will be admitted into the record.

7 MS. BOJKO: Thank you, Your Honors.

8 MR. HICKS: Anything further, Ms.
9 Bojko?

10 MS. BOJKO: Yes, Suburban requests
11 that we waive or dispense of the briefing and
12 request that the Commission order and render a
13 decision on an expedited basis.

14 MR. HICKS: Any objection to the
15 waiving of briefing?

16 MS. HOWARD: We fully support the
17 Company.

18 MR. SEMPLE: No objection.

19 MR. HICKS: In terms of expedited, we
20 will move as quickly as we can.

21 MS. BOJKO: Thank you. We appreciate
22 that.

23 MR. HICKS: Anything further from
24 staff or OCC?

25 MR. MARGARD: Definitely not.

1 MR. HICKS: Okay. Thank you all for
2 coming in this morning. We'll take the case under
3 advisement and try to move as expeditiously as
4 possible. And with that, we are adjourned.

5 MS. BOJKO: Thank you, Your Honors.

6 (Thereupon, the hearing adjourned at
7 10:15 a.m.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Lisa K. Keller, a Notary Public within
4 and for the State of Ohio, duly commissioned and
5 qualified,

6 DO HEREBY CERTIFY that the above-named
7 hearing was reduced to writing by me
8 stenographically in the presence of the parties
9 and thereafter reduced to typewriting.

10 I FURTHER CERTIFY that I am not a
11 relative or Attorney of either party nor in any
12 manner interested in the event of this action.

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1 IN WITNESS WHEREOF, I have hereunto
2 set my hand and seal of office at Dayton, Ohio, on
3 this 16th day of October, 2023.

4 *Lisa K. Keller*
5 _____

6 LISA K. KELLER

7 NOTARY PUBLIC, STATE OF OHIO

8 My commission expires 11-6-2023
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**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

10/17/2023 4:24:23 PM

in

Case No(s). 22-1132-GA-ALT, 23-0021-GA-AAM, 23-0022-GA-ATA

Summary: Transcript 10/3 Hearing electronically filed by Litigation Support on
behalf of Public Utilities Commission of Ohio.