

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the
Commission's Consideration
of a Settlement Agreement Case No. 22-583-GE-UNC
Between Direct Energy
Services, LLC and the
Commission's Staff.

* * *

PROCEEDINGS

before Mr. Jesse Davis, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-C, Columbus, Ohio, called at
10:07 a.m. on Tuesday, March 19, 2024.

* * *

1 APPEARANCES:

2 On behalf of Direct Energy Services, LLC:
3 Vorys, Sater, Seymour and Pease, LLC

4 By: Michael J. Settineri
Attorney at Law
5 52 East Gay Street
Columbus, Ohio 43216

6
7 On behalf of Ohio Residential Utility
Consumers:

8 Office of Ohio Consumers' Counsel
9 By: William J. Michael
Assistant Consumers' Counsel
10 65 East State Street
Columbus, Ohio 43215

11 On behalf of the Commission's Staff:

12 Ohio Attorney General's Office

13
14 By: Thomas G. Lindgren
Assistant Attorney General
30 East Broad Street
15 26th Floor
Columbus, Ohio 43215

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INDEX

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DIRECT ENERGY EXHIBITS IDENTIFIED ADMITTED

1 Supplemental Direct 6 8
Testimony of Bryce McKenney
on Behalf of Direct Energy
Services, LLC

2 Amended and Restated 6 8
Joint Stipulation and
Recommendation

3 Correspondence dated 7 8
March 18, 2024

JOINT EXHIBIT IDENTIFIED ADMITTED

1 Amended and Restated 7 8
Joint Stipulation and
Recommendation

1 THE HEARING OFFICER: Let's go ahead
2 and go on the record. Good morning, everyone.
3 Thank you for being here. The time is 10:07 a.m.
4 It's March 19, 2024. The Public Utilities
5 Commission of Ohio has called for hearing at this
6 time and place Case No. 22583GEUNC, which is
7 captioned In the Matter of Direct Energy Services,
8 LLC.

9 My name is Jesse Davis. I am the
10 administrative law judge assigned by the
11 Commission to hear this case. We'll take
12 appearances starting with Staff.

13 MR. LINDGREN: Thank you, your Honor.
14 On behalf of the Commission's Staff, Ohio Attorney
15 General Dave Yost, by Thomas Lindgren, Assistant
16 Attorney General, at 30 East Broad Street,
17 Columbus, Ohio, 43215.

18 THE HEARING OFFICER: Thank you.

19 MR. SETTINERI: Good morning, your
20 Honor. On behalf of Direct Energy Services, LLC,
21 Mike Settineri with the law firm of Vorys, Sater,
22 Seymour and Pease, LLP, 52 East Gay Street,
23 Columbus, Ohio, 43215.

24 MR. MICHAEL: Good morning, your
25 Honor. On behalf of Ohio Residential Utility

1 Consumers, the Office of the Ohio Consumers'
2 Counsel by Bill Michael.

3 THE HEARING OFFICER: Thank you very
4 much. I understand we have amended and restated
5 joint stipulation recommendation here?

6 MR. SETTINERI: Yes, we do, your
7 Honor, and we'll present that today. We have four
8 exhibits today that I will mark.

9 I would note that the parties to the
10 proceeding, the OCC, Staff, and Direct Energy,
11 have agreed, with your permission, to stipulate to
12 the admission of all the exhibits, including the
13 testimony of Mr. McKenney without him appearing
14 today.

15 THE HEARING OFFICER: Okay. Thank
16 you.

17 MR. SETTINERI: Is that acceptable?

18 THE HEARING OFFICER: Yes, that is
19 acceptable.

20 MR. SETTINERI: Well, then, if I may
21 proceed, I'll mark the exhibits.

22 THE HEARING OFFICER: Okay, please
23 proceed.

24 MR. SETTINERI: All right, your
25 Honor. At this time we mark as Direct Energy

1 Exhibit 1 the direct testimony of Bryce McKenney,
2 M C K E N N E Y.

3 THE HEARING OFFICER: Shall be so
4 marked.

5 (Thereupon, Direct Energy Exhibit 1,
6 a document titled Direct Testimony of Bryce
7 McKenney on Behalf of Direct Energy Services, LLC,
8 was marked for purposes of identification.)

9 MR. SETTINERI: We then would mark as
10 Direct Energy Exhibit 2 a redline titled Amended
11 and Restated Joint Stipulation and Recommendation,
12 but this is a redline to the original joint
13 stipulation that was filed in this proceeding, I
14 believe, in June of 2022. It's been -- so this is
15 just a redline showing the changes to the new
16 stipulation for your convenience.

17 THE HEARING OFFICER: Thank you.
18 Shall be so marked.

19 (Thereupon, Direct Energy Exhibit 2,
20 a document titled Amended and Restated Joint
21 Stipulation and Recommendation, was marked for
22 purposes of identification.)

23 MR. SETTINERI: We then would mark as
24 Direct Energy Exhibit 3 correspondence dated March
25 18, 2024, from the Office of the Ohio Consumers'

1 Counsel in this proceeding. That's, again, Direct
2 Energy Exhibit 3.

3 THE HEARING OFFICER: Shall be so
4 marked.

5 (Thereupon, Direct Energy Exhibit 3,
6 correspondence dated March 18, 2024, was marked
7 for purposes of identification.)

8 MR. SETTINERI: And last we would
9 mark as Joint Exhibit 1 the Amended and Restated
10 Joint Stipulation and Recommendation in this
11 proceeding which supercedes its entirety the prior
12 joint stipulation filed in this proceeding.

13 THE HEARING OFFICER: Shall be so
14 marked.

15 (Thereupon, Joint Exhibit 1, a
16 document titled Amended and Restated Joint
17 Stipulation and Recommendation, was marked for
18 purposes of identification.)

19 MR. SETTINERI: And at this time,
20 given that the parties have stipulated to the
21 admission of these exhibits without the appearance
22 of Mr. McKenney, we would so move for the
23 admission of Direct Energy Exhibit 1, Direct
24 Energy Exhibit 2, Direct Energy Exhibit 3, and
25 Joint Exhibit 1, your Honor.

1 THE HEARING OFFICER: Thank you. I
2 assume the commentary from the parties where
3 they've stipulated --

4 MR. LINDGREN: That is correct, your
5 Honor.

6 MR. MICHAEL: That's correct, your
7 Honor.

8 THE HEARING OFFICER: Thank you very
9 much. Direct Energy Exhibits 1 through 3 are
10 admitted and Joint Exhibit 1 is admitted into the
11 record.

12 MR. SETTINERI: Nothing further from
13 Direct Energy at this time.

14 THE HEARING OFFICER: Thank you very
15 much, Mr. Settineri. Staff?

16 MR. LINDGREN: Nothing from Staff,
17 your Honor.

18 MR. MICHAEL: Nothing from OCC, your
19 Honor.

20 THE HEARING OFFICER: Thank you very
21 much. With that said, I'm assuming we're not
22 entertaining briefing anything here?

23 MR. SETTINERI: No, your Honor.

24 THE HEARING OFFICER: I'm just going
25 to ask for the sake of saying that I asked. Okay.

1 Thank you all very much. I think with that we're
2 clear to go. Everything's here. This will be
3 submitted to the Commission for their
4 consideration. With that, it is 10:10 a.m. We
5 are adjourned. Thank you all very much for being
6 here.

7 (Thereupon, the hearing was concluded
8 at 10:10 o'clock a.m.)

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1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Stacey L. Kimmel, a Notary Public
4 within and for the State of Ohio, duly
5 commissioned and 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 relative
11 or attorney of either party nor in any manner
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and seal of office at Dayton, Ohio, on this
15 3rd day of April, 2024.

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STACEY L. KIMMEL

21 NOTARY PUBLIC, STATE OF OHIO

My commission expires 6-10-2026

1	6	appearing 5:13 april 10:15 asked 8:25 assigned 4:10 assistant 2:9,14 4:15 assume 8:2 assuming 8:21 attorney 1:11 2:4,12,14 4:14 4:16 10:11	commentary 8:2 commission 1:1 1:12 4:5,11 9:3 10:21 commission's 1:4,8 2:11 4:14 commissioned 10:5 concluded 9:7 consideration 1:4 9:4 consumers 2:7 2:8,9 5:1,1 6:25 convenience 6:16 correct 8:4,6 corresponden... 3:8 6:24 7:6 counsel 2:8,9 5:2 7:1 county 10:2
1 3:4,11 6:1,5 7:9,15,23,25 8:9,10 10:07 1:14 4:3 10:10 9:4,8 11 1:13 18 3:9 6:25 7:6 180 1:12 19 1:14 4:4	6 3:4,6 6-10-2026 10:21 65 2:10	b behalf 2:2,6,11 3:5 4:14,20,25 6:7 believe 6:14 bill 5:2 briefing 8:22 broad 1:13 2:14 4:16 bryce 3:4 6:1,6	
2	a	c	d
2 3:6 6:10,19 7:24 2022 6:14 2024 1:14 3:9 4:4 6:25 7:6 10:15 22-583 1:5 22269 10:20 22583geunc 4:6 26th 2:15	a.m. 1:14 4:3 9:4,8 above 10:6 acceptable 5:17 5:19 action 10:12 adjourned 9:5 administrative 4:10 admission 5:12 7:21,23 admitted 3:3 3:10 8:10,10 agreed 5:11 agreement 1:5 ahead 4:1 amended 3:6 3:11 5:4 6:10 6:20 7:9,16 appearance 7:21 appearances 2:1 4:12	c 1:13 6:2 called 1:13 4:5 captioned 4:7 case 1:5 4:6,11 certificate 10:2 certify 10:6,10 changes 6:15 clear 9:2 columbus 1:13 2:5,10,15 4:17 4:23	dated 3:8 6:24 7:6 dave 4:15 davis 1:11 4:9 day 10:15 dayton 10:14 direct 1:6 2:2 3:3,4,5 4:7,20 5:10,25 6:1,5,6 6:7,10,19,24 7:1,5,23,23,24
3			
3 3:8 6:24 7:2,5 7:24 8:9 30 2:14 4:16 3rd 10:15			
4			
43215 2:10,15 4:17,23 43216 2:5			
5			
52 2:5 4:22			

8:9,13 document 6:6 6:20 7:16 duly 10:4	firm 4:21 floor 2:15 four 5:7 further 8:12 10:10	identified 3:3 3:10 including 5:12 index 3:1 interested 10:12	marked 6:4,8 6:18,21 7:4,6 7:14,17 matter 1:3 4:7 mckenney 3:4 5:13 6:1,7 7:22 michael 2:4,9 4:24 5:2 8:6,18 mike 4:21 montgomery 10:2 morning 4:2,19 4:24 move 7:22
e	g	j	n
e 6:2,2 east 1:12 2:5,10 2:14 4:16,22 either 10:11 energy 1:6 2:2 3:3,5 4:7,20 5:10,25 6:5,7 6:10,19,24 7:2 7:5,23,24,24 8:9,13 entertaining 8:22 entirety 7:11 event 10:12 everything's 9:2 examiner 1:11 exhibit 3:10 6:1 6:5,10,19,24 7:2,5,9,15,23 7:24,24,25 8:10 exhibits 3:3 5:8 5:12,21 7:21 8:9 expires 10:21	g 2:13 gay 2:5 4:22 ge 1:5 general 2:14 4:15,16 general's 2:12 given 7:20 go 4:1,2 9:2 going 8:24 good 4:2,19,24	j 2:4,9 jesse 1:11 4:9 joint 3:7,10,11 5:5 6:11,12,20 7:9,10,12,15,16 7:25 8:10 judge 4:10 june 6:14	n 6:2,2 name 4:9 named 10:6 new 6:15 notary 10:3,21 note 5:9
f	h	k	o
filed 6:13 7:12	hand 10:14 hear 4:11 hearing 4:1,5 4:18 5:3,15,18 5:22 6:3,17 7:3 7:13 8:1,8,14 8:20,24 9:7 10:7 hereunto 10:13 honor 4:13,20 4:25 5:7,25 7:25 8:5,7,17 8:19,23	k 6:2 kimmel 10:3,20	o'clock 9:8 occ 5:10 8:18 office 2:8,12 5:1 6:25 10:14 officer 4:1,18 5:3,15,18,22 6:3,17 7:3,13 8:1,8,14,20,24 ohio 1:1,12,13 2:5,6,8,10,12 2:15 4:5,14,17 4:23,25 5:1
	i	l	
	identification 6:8,22 7:7,18	l 10:3,20 law 2:4 4:10,21 lindgren 2:13 4:13,15 8:4,16 llc 1:7 2:2,3 3:5 4:8,20 6:7 llp 4:22	
		m	
		m 6:2 manner 10:11 march 1:14 3:9 4:4 6:24 7:6 mark 5:8,21,25 6:9,23 7:9	

6:25 10:1,4,14 10:21 okay 5:15,22 8:25 original 6:12	record 4:2 8:11 redline 6:10,12 6:15 reduced 10:7,9 relative 10:10 residential 2:6 4:25 restated 3:6,11 5:4 6:11,20 7:9 7:16 right 5:24 room 1:13	starting 4:12 state 2:10 10:1 10:4,21 stenographic... 10:8 stipulate 5:11 stipulated 7:20 8:3 stipulation 3:7 3:11 5:5 6:11 6:13,16,21 7:10,12,17 street 1:13 2:5 2:10,14 4:16 4:22 submitted 9:3 supercedes 7:11 supplemental 3:4	today 5:7,8,14 tuesday 1:14 typewriting 10:9
p	s	t	u
parties 5:9 7:20 8:2 10:8 party 10:11 pease 2:3 4:22 permission 5:11 place 4:6 please 5:22 presence 10:8 present 5:7 prior 7:11 proceed 5:21 5:23 proceeding 5:10 6:13 7:1 7:11,12 proceedings 1:10 public 1:1,12 4:4 10:3,21 purposes 6:8 6:22 7:7,18	sake 8:25 sater 2:3 4:21 saying 8:25 seal 10:14 services 1:7 2:2 3:5 4:7,20 6:7 set 10:13 settineri 2:4 4:19,21 5:6,17 5:20,24 6:9,23 7:8,19 8:12,15 8:23 settlement 1:5 seymour 2:3 4:22 showing 6:15 signature 10:20 ss 10:2 stacey 10:3,20 staff 1:8 2:11 4:12,14 5:10 8:15,16	take 4:11 testimony 3:4 5:13 6:1,6 thank 4:3,13,18 5:3,15 6:17 8:1 8:8,14,20 9:1,5 think 9:1 thomas 2:13 4:15 time 4:3,6 5:25 7:19 8:13 titled 6:6,10,20 7:16	unc 1:5 understand 5:4 utilities 1:1,12 4:4 utility 2:6 4:25
			v
			vorys 2:3 4:21
			w
			whereof 10:13 william 2:9 witness 10:13 writing 10:7
			y
			y 6:2 yost 4:15
q			
qualified 10:5			
r			
recommenda... 3:7,12 5:5 6:11 6:21 7:10,17			

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

4/2/2024 2:28:20 PM

in

Case No(s). 22-0583-GE-UNC

Summary: Transcript of hearing held on March 19, 2024, at the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio before Jesse Davis, Attorney Examiner, electronically filed by Debbie S. Ryan on behalf of Stacey L. Kimmel, Court Reporter.