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PUBLIC UTILITIES COMMISSION OF OHIO
PUBLIC HEARING

IN THE MATTER OF:

The Application of the Dayton
Power and Light Company for the Creation of a
Rate Stabilization Surcharge Rider and Rate
Increase

Case No. 05-276-EL-AIR

PUBLIC HEARING HELD AT THE DAYTON
MUNICIPAL BUILDING, SECOND FLOOR, CITY
COMMISSION CHAMBERS, 101 WEST THIRD STREET,
DAYTON, OHIO, ON THURSDAY, OCTOBER 27, 2005,
BEGINNING AT 6:00 P.M.

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Technician *[Signature]* Date Processed 12-21-05

1 MR. PRICE: Go on the record.
2 The Public Utilities Commission of Ohio is set
3 for this hearing at this time and place, case
4 number 05-275-EL-AIR, being the matter of the
5 application of the Dayton Power and Light
6 Company for the creation of a rate
7 stabilization surcharge rider and distribution
8 rate increase.

9 My name is Gregory Price. I'm
10 the attorney/examiner assigned by the
11 Commission to hear this case. At this time,
12 I'd like to take appearances for the parties.

13 MR. SHARKEY: My name is Jeffrey
14 Sharkey, from Faruki, Ireland & Cox,
15 representing the Dayton Power and Light
16 Company. I also have with me from the
17 Dayton Power and Light Company, Donna
18 Seger-Lawson, the director of the regulatory
19 operations, Scott Michaelson, rate analyst,
20 Judy Blair, operations manager, and Judy is
21 here to the extent if there are any customers
22 who have questions about bills or service.
23 Thank you.

24 MR. SMALL: Thank you, Your
25 Honor, on behalf of the residential customers

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1 of Dayton Power and Light and Janine
2 Migdeu-Ostrauder, the Ohio Consumers' Counsel.
3 I'm Jeffrey L. Small, assistant consumers'
4 counsel. Office of the Ohio Consumer Counsel,
5 10 West Broad Street, Suite 1800, Columbus,
6 Ohio. Thank you, Your Honor.

7 MR. PRICE: This is a public
8 hearing on an application by Dayton Power and
9 Light for a rate increase and evidentiary
10 hearing is scheduled for November 4th in the
11 office of the Commission. The purpose of this
12 hearing is to take testimony from any
13 interested members of the public.

14 You may give sworn or unsworn
15 testimony. If you give sworn testimony, then
16 you may be subject to cross examination by
17 counsel for the parties in this case. If you
18 do not swear to the truth, you will not be
19 subject to cross examination. Sworn testimony
20 will be given more weight by the Commission,
21 although, unsworn will be considered.

22 If there are any questions that
23 you wish to ask, there are members from the
24 staff in the back from the investigation audits
25 division, and as Mr. Sharkey said, again, there

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1 are staff from DP&L here. Why don't we start
2 with Mr. Jacobs.

3 MR. JACOBS: Thank you.

4 MR. PRICE: Sworn or unsworn?

5 MR. JACOBS: Unsworn. My name
6 is Ellis Jacobs. I'm an attorney in Dayton.
7 In prior cases in front of the Commission, I
8 represented Community Action Partnership. We
9 are not a party to this particular case, but we
10 were a party to the case proceeding that case.
11 I think it was called the rate stabilization
12 022779 ELATA case.

13 That case set the groundwork for
14 this case, as you know. It allowed the company
15 to come in and seek as much as an 11 percent
16 rate increase. But in that case, it was also
17 specifically provided that residential
18 customers would receive a 2.5 percent rate
19 reduction that would begin at the end of this
20 year, and when the Commission on
21 reconsideration flushed out that requirement --
22 that reduction was to take place, if there
23 wasn't competition, as we know there isn't.

24 I'm concerned that the company
25 in this particular proceeding wants to take the

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1 advantages of the rate stabilization plan case,
2 but doesn't want to honor, or hasn't sought to
3 honor what they may consider the disadvantage
4 in their case. Neither in their case, nor in
5 the staff report investigation is the 2.5
6 percent rate reduction. So that causes me some
7 concern.

8 We only have until the end of
9 this year to institute that rate reduction.
10 It would seem that either the Commission has to
11 ensure that another case will be opened to
12 determine that there isn't competition in
13 bringing that rate reduction about, or it has
14 to take place in this case, and so I would
15 simply ask the Commission to take that into
16 consideration and to, I think, in the interest
17 of efficiency, intergrade that particular issue
18 into this case and give the residential
19 customers a 2.5 rate reduction that they've
20 negotiated for and the Commission has promised
21 that they would receive.

22 I would simply add that in this
23 particular heating season, as you know, rates
24 are a very sensitive matter for residential
25 customers, and anything we can do to mitigate

1 increases into effect, bringing about decreases
2 in rates, is a very important thing. It will
3 keep lights on. It will keep people warm. It
4 will allow people to spend scarce money on
5 other necessities.

6 So we would simply ask you to
7 take that into consideration. Thank you very
8 much for being here. Let me as a procedural
9 matter just simply say that we really
10 appreciate you making a trip to Dayton, even
11 though there's not an overwhelming turnout for
12 this particular proceeding. It's very
13 important that the Commission come here to
14 bring the opportunity for citizens to come and
15 speak directly. Folks aren't going to make a
16 trip to Columbus, only in rarest of
17 circumstances. So by coming here, you make
18 possible what is a really important part of the
19 Commission's decision. So thank you very
20 much.

21 MR. PRICE: Thank you
22 Mr. Jacobs. Mr. Campbell?

23 MR. CAMPBELL: My name is
24 Maurice Campbell.

25 MR. PRICE: Would you like to

1 give sworn or --

2 MR. CAMPBELL: Sworn.

3 (Mr. Maurice Campbell was
4 sworn.)

5 MR. CAMPBELL: My name Maurice
6 Campbell. I live at 2322 New Port Avenue in
7 Dayton 45405. I've got a few questions I'd
8 like to ask first of all, and one is, where is
9 the Commission? Because the whole point of
10 this -- are you going to be making any
11 decision, you know, as far as this rate
12 increase is concerned, or is the Commission
13 going to make it?

14 MR. PRICE: This is not a
15 question and answer session, but I'm the
16 attorney/examiner assigned by the Commission.
17 I will make a recommendation to them. They
18 will have an opportunity to read all the
19 transcripts, all the briefs, all the matters
20 decided, and they issue --

21 MR. CAMPBELL: Well, see I have
22 a huge problem with that because they need to
23 be here to answer my questions now, okay.
24 Because there are several things that need to
25 be answered, and you know, me sitting here and

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1 standing here talking to you and all these
2 other people representing Dayton Power and
3 Light, that doesn't do a thing for me, and
4 there isn't any justice in that.

5 Because, for instance, they just
6 announced there's going to be a 4.1 increase
7 for people on Social Security, and this is
8 called the cost of living index, okay. If the
9 cost of living is gone up 4.1 percent, how can
10 you justify giving these people an 11 percent
11 increase? You know, the two numbers don't come
12 close. You know, that's for starters.

13 For another thing, they've got a
14 monopoly, okay. They have an advertising
15 account. Why does a monopoly need an
16 advertising account? Okay, they've got a
17 corporate jet. What do they need that for? At
18 my last count, there were 88 counties in Ohio,
19 33 of them serviced by Dayton Power and Light,
20 you know, and for instance, they had this joke
21 down in the Cincinnati area, this nuclear power
22 plant. They asked for and got a huge rate
23 increase for the people of this area to pay for
24 them to construct that. It never
25 materialized. We never got our money back, you

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1 know. They ought to spend some of that money
2 now.

3 We don't need another rate
4 increase. They need to maybe take care of
5 their CEO, that big, fat pay that he got a few,
6 you know, just a few months back, retroact it
7 to January. Fine, take some of that back. But
8 the people in this area, there's enough hard
9 times falling on us already. We don't need
10 more junk.

11 What are they trying to do? The
12 next thing, you know -- they are going to
13 foreclose on people's homes or put a lien
14 against their house because they can't afford
15 to pay the bills. It is, it's an absolute
16 joke, and it needs to come to a stop.

17 They ask for increases all the
18 time, and you people -- for instance, they want
19 a 12 percent increase. They will come to the
20 Public Utility Commission, oh, we want a 30
21 percent. You cut them down to 12, like you're
22 really doing something for the citizens when 12
23 percent is all they wanted to start with. How
24 has that served the citizens of this area, or
25 at least they provide service too, you know.

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1 This whole thing is a joke and
2 it needs to be stopped. They've got too many
3 assistants. I had a man had to come replace my
4 gas line. We've got to have one inspector
5 check the hookup at the street, and there's got
6 to be another to come out later and check the
7 hookup at the meter because the two of them
8 aren't smart enough to do two jobs. It takes
9 two of them. They can only do one job a piece.

10 You know, give me a break.

11 Maybe they need to realign
12 things within their own company, within their
13 own manpower. If they have a problem with
14 their union, maybe they need to work on that
15 too, but the citizens shouldn't have to pay for
16 the mistakes in management, and the place is
17 very badly mismanaged as far as I'm concerned.

18 I thank you very much.

19 MR. PRICE: Thank you. Mr.
20 Sharkey, Mr. Small, Mr. Campbell, would anybody
21 else like to give testimony today? Okay.

22 Thank you all very much for your
23 participation. We are adjourned.

24

25

C E R T I F I C A T E

I, Deborah Moles Werling, a Court Reporter, do hereby certify that the foregoing is a full, true and correct transcript of my notes taken in the above-styled case and thereafter transcribed by me.

Deborah Moles Werling /msw
Deborah Moles Werling
Court Reporter

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