

1 Indianapolis, Indiana
2 November 12, 2009
3 9:30 A.M. (EST)

4 (Reporter marked documents for
5 identification as Petitioner's
6 Exhibit Nos. A, A-1, B, B-1, B-2,
7 B-3, B-4, C, C-1, D, E, F, G, G-1,
8 G-2, G-3 and G-4)

9
10 (Reporter marked document for
11 identification as Public's Exhibit
12 No. 1)

13
14 JUDGE STORMS: This is an
15 evidentiary hearing before the Indiana Utility
16 Regulatory Commission in a cause docketed
17 before the Commission as Cause No. 43743,
18 captioned as "Petition of Duke Energy Indiana,
19 Incorporated for approval of authority for
20 deferred accounting treatment for operating
21 expenses associated with the restoration of
22 extensive system damage resulting from the
23 January 27, 2009 ice storm."

24 Notice of the time and place of
25 the hearing was given as provided by law by

1 publication in Marion County in the
2 Indianapolis Star and in Hendricks County in
3 the Republican. Each of said newspapers is a
4 newspaper of general circulation, printed and
5 published in the English language in their
6 respective counties, and said publications
7 were made ten days prior to the date of the
8 evidentiary hearing. The proofs of
9 publication of the notices have been received
10 by the Commission and are now incorporated
11 into the record of this cause by reference and
12 placed in the official files of the
13 Commission. Notice has also been given to the
14 Office of Utility Consumer Counselor and other
15 interested parties.

16 May we have appearances, please?

17 MS. PRICE: Thank you, Your Honor.
18 On behalf of Duke Energy Indiana, Melanie
19 Price, Plainfield, Indiana.

20 MR. HELMEN: Thank you, Your
21 Honor. On behalf of the Public, Randall
22 Helmen from the OUCC.

23 JUDGE STORMS: Prior to going on
24 the record, it's my understanding that the
25 parties have waived cross-examination for each

1 other's witnesses; however, it will be
2 necessary for Mr. Foster's testimony to be
3 adopted in this proceeding, so what we'll do
4 is proceed with the Petitioner's testimony and
5 then go to the OUCC's.

6 MS. PRICE: Thank you, Your Honor.
7 On behalf of Duke Energy Indiana, we would
8 offer Petitioner's Exhibits A and A-1, the
9 direct testimony of Jim Stanley and an exhibit
10 attached thereto, Petitioner's Exhibits B,
11 B-1, B-2, B-3 and B-4, the direct testimony of
12 Anthony Geswein and the exhibits attached
13 thereto, Exhibits C and C-1, the direct
14 testimony of Danny Wiles and the exhibit
15 attached thereto, Exhibit D, the direct
16 testimony of Diana L. Douglas, Exhibit E, the
17 rebuttal testimony of Anthony Geswein, Exhibit
18 F, the rebuttal testimony of Danny Wiles, and
19 Exhibits G, G-1, G-2, G-3 and G-4, the
20 rebuttal testimony of Diana L. Douglas and the
21 exhibits attached thereto.

22 JUDGE STORMS: We'll show each of
23 those exhibits -- each of the prefiled direct
24 testimonies as well as the rebuttal testimony
25 and the attached exhibits admitted into this

1 cause.

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(PETITIONER'S EXHIBIT NO. A, BEING

4

THE PREFILED DIRECT TESTIMONY OF

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MR. JIM L. STANLEY, WITH

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PETITIONER'S EXHIBIT NO. A-1

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ATTACHED THERETO; PETITIONER'S

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EXHIBIT NO. B, BEING THE PREFILED

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DIRECT TESTIMONY OF MR. ANTHONY C.

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GESWEIN, WITH PETITIONER'S EXHIBIT

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NOS. B-1 THROUGH AND INCLUDING B-4

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ATTACHED THERETO; PETITIONER'S

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EXHIBIT NO. C, BEING THE PREFILED

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DIRECT TESTIMONY OF MR. DANNY

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WILES, WITH PETITIONER'S EXHIBIT

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NO. C-1 ATTACHED THERETO;

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PETITIONER'S EXHIBIT NO. D, BEING

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THE PREFILED DIRECT TESTIMONY OF

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MS. DIANA L. DOUGLAS; PETITIONER'S

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EXHIBIT NO. E, BEING THE PREFILED

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REBUTTAL TESTIMONY OF MR. ANTHONY

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C. GESWEIN; PETITIONER'S EXHIBIT

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NO. F, BEING THE PREFILED REBUTTAL

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TESTIMONY OF MR. DANNY WILES, AND

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PETITIONER'S EXHIBIT NO. G, BEING

1 THE PREFILED REBUTTAL TESTIMONY OF
2 MS. DIANA L. DOUGLAS, WITH
3 PETITIONER'S EXHIBIT NOS. G-1
4 THROUGH AND INCLUDING G-4
5 ATTACHED THERETO, ADMITTED INTO
6 EVIDENCE.)

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1 MS. PRICE: Thank you, Your Honor.

2 Petitioner rests its case.

3 JUDGE STORMS: Mr. Helmen?

4 MR. HELMEN: Thank you, Your
5 Honor. The Public would call Tyler Bolinger.

6 JUDGE STORMS: Raise your right
7 hand.

8

9 (OATH DULY ADMINISTERED TO ONE PERSON)

10

11 **TYLER E. BOLINGER**, a witness appearing on behalf
12 of the Public, having been
13 first duly sworn, testified as
14 follows:

15

16 **DIRECT EXAMINATION,**

17 **QUESTIONS BY MR. HELMEN:**

18 Q Please state your name for the record.

19 A Tyler Bolinger.

20 Q Where do you work and in what capacity?

21 A I work for the Indiana Office of Utility
22 Consumer Counselor. I'm the Director of the
23 Electric Division.

24 Q Mr. Bolinger, did the OUCC file direct
25 testimony in this cause?

1 A Yes, sir.

2 Q I've placed before you what has been marked
3 for identification purposes as Public's
4 Exhibit 1, the prefiled testimony of Greg A.
5 Foster. Do you see that?

6 A Yes.

7 Q Was this testimony prepared under your close
8 supervision?

9 A Yes.

10 Q Do you adopt the testimony contained therein
11 as your sworn testimony in this cause?

12 A Yes.

13 Q If I were to ask you the same questions, would
14 your answers be the same as appear in the
15 document?

16 A Yes.

17 MR. HELMEN: We offer Public's
18 Exhibit 1.

19 JUDGE STORMS: If there's no
20 objection, we'll show Public's 1 admitted into
21 this cause.

22 Mr. Bolinger, thank you very much
23 for your testimony. You are excused.

24

25 (WITNESS TYLER E. BOLINGER EXCUSED)

1 (PUBLIC'S EXHIBIT NO. 1, BEING THE
2 PREFILED DIRECT TESTIMONY OF MR.
3 GREG A. FOSTER, AS SPONSORED AND
4 ADOPTED BY MR. TYLER E. BOLINGER,
5 ADMITTED INTO EVIDENCE.)
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1 MR. HELMEN: Thank you. Public
2 rests.

3 JUDGE STORMS: Do we have a
4 proposed schedule for the submission of
5 proposed orders?

6 MS. PRICE: Yes, we do, Your
7 Honor. Duke Energy Indiana will file its
8 proposed order and any briefs, if applicable,
9 on or before December 15, 2009. The Indiana
10 Office of Utility Consumer Counselor will file
11 its reply on or before January 15, 2010 or
12 22nd, I'm sorry.

13 JUDGE STORMS: What's the date?

14 MS. PRICE: January 22, 2010, and
15 then Duke Energy will file any response, if
16 needed, on or before February 5, 2010.

17 JUDGE STORMS: Is there anything
18 else we need to discuss?

19 If not, we're hereby adjourned.

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25 (HEARING ADJOURNED)

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