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May 17, 2019

VIA ELECTRONIC FILING

Adam Teitzman, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: *Application for limited proceeding for recovery of incremental storm restoration costs related to Hurricanes Irma and Nate, by Duke Energy Florida, LLC; Docket No. 20170272-EI*

Dear Mr. Teitzman:

Please find enclosed for electronic filing, on behalf of Duke Energy Florida, LLC ("DEF"), DEF's Request for Confidential Classification filed in connection with the Deposition Transcript and Late-filed Exhibits for deposition held on March 14-15, 2019.

The filing includes the following:

- DEF's Request for Confidential Classification
- Slipsheet for confidential Exhibit A
- Slipsheet for Redacted Exhibit B
- Exhibit C (justification matrix), and
- Exhibit D (affidavit of Jason Cutliffe)

DEF's confidential Exhibit A that accompanies the above-referenced is being submitted under separate cover.

Thank you for your assistance in this matter. Please feel free to call me at (850) 521-1428 should you have any questions concerning this filing.

Respectfully,

s/Matthew R. Bernier

Matthew R. Bernier

MRB/mw
Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for
recovery of incremental storm restoration
costs related to Hurricanes Irma and Nate by
Duke Energy Florida, LLC

Docket No. 20170272-EI

Dated: May 15, 2019

**DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Duke Energy Florida, LLC, (“DEF” or “Company”), pursuant to Section 366.093, Florida Statutes (F.S.), and Rule 25-22.006, Florida Administrative Code (F.A.C.), submits this Request for Confidential Classification for certain information contained in the Deposition Transcript and late filed exhibits from Deposition held on March 14 and 15, 2019. In support of this Request, DEF states:

1. Portions of the information provided in the Deposition Transcript and late filed exhibits, contain “proprietary confidential business information” under Section 366.093(3), Florida Statutes.

2. The following exhibits are included with this request:

(a) Sealed Composite Exhibit A is a package containing an unredacted copy of all the documents for which DEF seeks confidential treatment. Composite Exhibit A is being submitted separately in a sealed envelope labeled “CONFIDENTIAL.” In the unredacted version, the information asserted to be confidential is highlighted in yellow.

(b) Composite Exhibit B is a package containing two copies of redacted versions of the documents for which the Company requests confidential classification. The specific

information for which confidential treatment is requested has been blocked out by opaque marker or other means.

(c) Exhibit C is a table which identifies by page and line the information for which DEF seeks confidential classification and the specific statutory bases for seeking confidential treatment.

(d) Exhibit D is an affidavit attesting to the confidential nature of information identified in this request.

3. As indicated in Exhibit C, the information for which DEF requests confidential classification is “proprietary confidential business information” within the meaning of Section 366.093(3), F.S. Specifically, the information contained in the Deposition transcript and late filed exhibits, specifically exhibit numbers 5 through 17, 19 through 20, and 22 through 29 relate to communications regarding confidential contractor invoices and rates involved in the restoration work in DEF’s service territory and DEF’s Storm Accounting Policies, Procedures and Guidelines, which include employee personnel information. The disclosure of which would impair the Company’s ability to contract on favorable terms. *See* § 366.093(3)(d), F.S.; Affidavit of Jason Cutliffe at ¶ 4. Furthermore, disclosing the Company’s contractor rates could adversely affect the Company’s ability to secure required resources during a storm response event, which would impact the Company’s competitive interests and ultimately have a detrimental impact on DEF’s customers. *See* § 366.093(3)(e), F.S.; Affidavit of Jason Cutliffe at ¶ 4. DEF must ensure that sensitive business information such as employee contact information, unrelated to compensation, duties, qualifications, or responsibilities, are kept confidential, the disclosure of which would impair the Company’s to contract on favorable terms. *See* § 366.093(3)(f), F.S.; Affidavit of Jason Cutliffe at ¶ 4.

Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

4. Additionally, the Deposition transcript relates to communications regarding internal auditing controls and reports explaining internal processes concerning contractor invoices; calculating the invoice payments, vendor costs, mutual assistance, etc. involved in the restoration work during Hurricane Irma. The internal procedures are kept confidential. The disclosure of which would impair the Company’s efforts to contract for good and services on favorable terms. See § 366.093(3)(e), F.S.; Affidavit of Jason Cutliffe at ¶ 4. Public disclosure of the confidential information would violate the confidentiality provisions in DEF’s contracts with companies providing line crew assistance and it would impair DEF’s ability to contract for similar services on competitive and favorable terms. If other third parties such as competitors are aware of the negotiated terms of the contracts and mutual assistance agreements, they may offer DEF less competitive contractual terms in future contractual negotiations. *Id.* Accordingly, such information constitutes “proprietary confidential business information” which is exempt from disclosure under the Public Records Act pursuant to Section 366.093(1), F.S.

5. The information identified as Exhibit “A” is intended to be and is treated as confidential by the Company. *See* Affidavit of Jason Cutliffe at ¶ 4. The information has not been disclosed to the public, and the Company has treated and continues to treat this information as confidential. *Id.*

5. DEF requests that the information identified in Exhibit A be classified as “proprietary confidential business information” within the meaning of section 366.093(3), F.S., that the information remain confidential for a period of at least 18 months as provided in section 366.093(4)

F.S., and that the information be returned as soon as it is no longer necessary for the Commission to conduct its business.

WHEREFORE, for the foregoing reasons, DEF respectfully requests that this Request for Confidential Classification be granted.

RESPECTFULLY SUBMITTED this 15th day of May, 2019.

s/Matthew R. Bernier

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Duke Energy Florida, LLC
Docket No.: 20170272
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail this 15th day of May, 2019 to all parties of record as indicated below.

s/Matthew R. Bernier

Attorney

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Exhibit A

“CONFIDENTIAL”

(submitted on disc under separate cover)

Exhibit B

REDACTED

(one copy on disc & one copy attached)

1 I N D E X

2 PAGE

3 PROCEEDINGS..... 5

4 DIRECT EXAMINATION BY MR. REHWINKEL..... 16

5 CERTIFICATE OF OATH..... 318

6 CERTIFICATE OF REPORTER..... 319

7 ERRATA SHEETS..... 320-326

8 E X H I B I T S

9 FOR THE OFFICE OF PUBLIC COUNSEL: PAGE

10 1 - Notice of Confidential Deposition Duces Tecum.. 17

11 2 - "Terms: Can we agree on these when I ask you?" 21

12 3 - February 7th Response to Citizens' Fourth

13 Request to Produce Documents Nos. 18 through 26 66

14 4 - Screen shot of question 18..... 66

15 5 - Box Listing..... 73

16 6 - Late-Filed - Hurricane Irma Market Average for

17 Line Crew..... 153

18 7 - Late-Filed - Release, Date and Time by Crew... 206

19 8 - Late-Filed - Bates 1-6-0060580 and 60583..... 239

20 9 - [REDACTED] Invoice..... 245

21 10 - [REDACTED] Work Papers..... 254

22 11 - [REDACTED] Excerpt..... 258

23 12 - [REDACTED] Review Work Papers..... 258

24 13 - Late-Filed - Reconciliation of Exhibit 12

25 Cover Sheet..... 261

14 - Late-Filed - [REDACTED] ROD Notes.. 265

15 - Late-Filed - Truck 31090 Explanation..... 271

16 - Late-Filed - [REDACTED] Authorization..... 289

18
19
20
21
22
23
24
25

1 Q And if you could turn, I don't know -- on the
2 left-hand side, it shows a box number 10 and it's in
3 yellow highlighting.

4 A Yes, sir.

5 Q And you see Ameren with a [REDACTED]
6 invoice amount. Do you see that on the right-hand side?

7 A Yes, sir.

8 Q Okay. And then there are Asplundh -- I said
9 Construction, but it's Asplundh Tree Expert invoices of
10 varying amounts that -- they cover one, two, three --
11 something like four and a half pages.

12 A Box number 10?

13 Q Yes, all within box number 10. Do you see
14 that?

15 A Yes, sir.

16 Q Okay. So all of these documents were
17 recovered after the damage. They just got kind of
18 jumbled up. Is that your understanding?

19 A One moment.

20 Q Okay.

21 A This is Tess.

22 Q Yes.

23 A Out of that box en route to the copying
24 service it spilled out. They were able to pull most of
25 it together, however, there were 74 pages that they

1 could not organize or pull together.

2 Q Okay. So I think we have separate
3 conversations with your counsel about getting those, but
4 I just wanted to understand. We have an Ameren invoice
5 and the Asplundh has been recreated to a large extent --

6 A Yes.

7 Q -- in the order so it's understandable; is
8 that right?

9 A Yes, sir, to the best of our ability.

10 Q I understand. Yes. But if we go six or seven
11 pages to box 14 --

12 A Fourteen?

13 Q Yes -- we see there are -- have you made it to
14 there? It's yellow highlighted.

15 A Yes, sir.

16 Q All right. The vendors are Holland, Hooper,
17 IB Abel, I-B A-B-E-L, Inc., Infratech, IJUS, LLC and JCL
18 Power. Do you see that?

19 A Yes, sir.

20 Q Okay. And they have on the far right --
21 Holland, for example, has an invoice amount of

22 [REDACTED] Do you see that?

23 A Yes, sir.

24 Q And if we go down to the bottom, JCL Power,
25 the invoice amount is [REDACTED]. Do you see that?

1 is that right?

2 A During Irma they did bring in outside
3 resources.

4 Q Okay. Are all of your embedded vendors, do
5 they have both -- do they have crews that did both
6 embedded work and -- did they have non-embedded and
7 embedded crews working for you?

8 A A lot of them did. I don't know off the top
9 of my head what percentage of them did. We could check,
10 but --

11 Q If you had, how would you check? What would
12 you do to check?

13 A We have a listing of all the suppliers that
14 work for us and we know whether they were off-system or
15 on-system crews.

16 Q When you say on and off, you mean embedded?

17 A Yes, embedded or foreign.

18 Q Okay. And let's say you had Pike. Pike has
19 embedded crews and then they have some foreign or
20 non-embedded, right?

21 A (Nods head.)

22 Q The rate in the MSA and the rate sheet they're
23 going to be working for you, is it going to be uniform
24 regardless of whether embedded or not during the storm?

25 A [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 Q Okay. Which one is higher?

4 A [REDACTED]

5 Q Okay. Is that generally -- does that paradigm
6 hold true for other vendors that have embedded and
7 non-embedded crews?

8 A I would say it does. Looking at each one of
9 them, I would say it's probably generally [REDACTED],
10 foreign.

11 A (Jay Shawver) [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q Okay. [REDACTED]

18 [REDACTED]?

19 A [REDACTED].

20 Q Okay.

21 A And this was Jay. Sorry.

22 Q That's okay.

23 A (Tim Fouty) That's a good point.

24 Q All right. Do you ever have circumstances
25 where you've engaged a crew, they're on their way down

1 **bounds?**

2 A This is Jay. I would say that's a
3 possibility. I mean, anytime there's an opportunity
4 like that, that I could assume that somebody would try
5 to take advantage of that situation. I see it in
6 non-storm work almost every week with projects.
7 Suppliers have crews out there working a project for
8 even another utility or co-op and we're bidding work,
9 and I assume that if they think that Duke will pay a
10 higher rate, they'll remove that crew and bring it over,
11 so -- but we look at the overall rates we have on the
12 system in that area and we can make that judgment
13 whether or not they're the right fit for us based on
14 safety, cost, reliability, schedule.

15 Q [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A [REDACTED]

19 Q **Duke has union and nonunion line crews?**

20 A Internal or --

21 Q **Yes, internal.**

22 A (Brian Sawyer) Yes.

23 A (Amy DeZonia) Yes.

24 Q **Okay.** [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A (Jay Shawver) Do I? Yes.

4 Q [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A Yes.

8 Q Okay. [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A I believe so, yes.

14 Q Okay. Do you have an idea of percentage-wise
15 how much more it is?

16 A Not off the top of my head.

17 Q Okay.

18 A I just know that we're -- in the [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED], and that's been an ongoing

22 battle over the last year or two.

23 MR. REHWINKEL: Okay. Let's go off the record
24 for just a second.

25 (Discussion off the record.)

1 as the workload gets lighter, if you will, and resources
2 are starting to be released, you're starting to release
3 the fueling resources. Assume that commercial fueling
4 options are available and you're going to balance that
5 with having on-site fueling?

6 A That is correct. And we also, then, would
7 balance it with respect to where the movement is. So if
8 we condense to a certain area, those fueling assets will
9 go to the area where more trucks and activity are.

10 Q Okay. This is a question back to -- at least
11 initially to Jay and Tim. We talked about the timing of
12 when you negotiate non-embedded or foreign vendor rates
13 closer in time to the storm as you're actually acquiring
14 the resources; is that right?

15 A (Jay Shawver) Yes.

16 Q In doing that, do the types of storm, in other
17 words, if it's a Category 2 versus a Category 4, does
18 that influence the rate that that vendor is asking or
19 able to ask, or is a storm a storm?

20 A This is Jay. I believe a storm is a storm. I
21 don't think it's differentiated.

22 Q [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 present you with documentation, what are your
2 expectations with respect to paying them? Do you want
3 proof of payment or would a bill work?

4 A So they are required to issue a receipt. We
5 can find out exactly what the terminology is, but it is
6 not, to my knowledge, a detailed receipt. It is a
7 receipt for the amount of expenditures that they spent
8 at that restaurant.

9 Q Okay. So let me give you an example of what
10 I'm asking about. I consider a receipt to be proof of
11 payment, that you got a piece of paper that says you
12 paid this amount and that means that -- usually it will
13 have a credit card number on it, or sometimes it says
14 you paid cash, but it's a receipt. A bill is what you
15 get at the table at a restaurant when you're finished
16 with your meal and the waiter brings you the bill and it
17 says amount due, you know, \$29 and you can put a tip on
18 there or not. But that's a bill, not a receipt.

19 Do you understand that?

20 A I do. [REDACTED]

21 [REDACTED]

22 Q And why is that?

23 A I'd have to defer to contracts.

24 A (Tim Fouty) This is Tim. [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]. The contract says provide a receipt.

4 Q Okay. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A During a storm?

8 Q Yes.

9 A I would assume they probably would. I haven't
10 had to deal with that.

11 A (Brian Sawyer) This is Brian. If I can jump
12 in on that. So there is an option, an expenditure for a
13 Duke employee if they lost a receipt to provide an
14 explanation as to why, approval by a supervisor with a
15 manager. It's an option they have for that.

16 Q [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A [REDACTED]

20 Q [REDACTED] [REDACTED]

21 [REDACTED]

22 A [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q Okay.

6 A (Tim Fouty) This is Tim. I think that even a
7 Duke employee --

8 Q You need to speak up a little bit.

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q Well, do Duke employees generally have a
18 company card or --

19 A (Tess Roebuck) Yes.

20 Q Okay. So you have another -- you have an
21 internal control that you know --

22 A (Tim Fouty) That would be helpful.

23 Q That you can see the statement, right?

24 A Not every employee has a card, but yes.

25 Q I understand. Okay.

1 BY MR. REHWINKEL:

2 Q I have up on the screen an invoice 1-PILS-7437
3 and I'm just going to read -- these are all going to be
4 from POD 1-6. So I'm just going to read the last
5 non-zero digits of the Bates numbers. So this is at
6 60549. And I don't know who can answer questions about
7 this, but I'm going to put it out there for the first
8 volunteer.

9 This vendor's name is [REDACTED] Is that
10 right? Would this be Tess?

11 A (Tess Roebuck) Yes. This is [REDACTED]

12 Q Yes. And I want to ask about the Bates 60550,
13 60551 and 60552, but let's go to 550 first, the second
14 page. And this -- well, I'm sorry. Let's go back to
15 the front page.

16 This document on the front is not what the
17 vendor submitted, this one page. This is Duke's
18 cataloging, if you will, of the invoice for scanning and
19 tracking purposes; is that fair?

20 A For clarity, it was for copying these to
21 provide to you.

22 Q That's what I meant by scanning.

23 A Yes.

24 Q So what we have is a box number we saw on that
25 Exhibit 4, both the listing of box numbers, it has the

1 storm and it has the vendor name and the invoice number,
2 and then it doesn't have a dollar sign, but that's the
3 total invoice amount at the bottom generally. That's
4 what it's supposed to represent, right?

5 A Yes, sir.

6 Q Okay. So the second page that goes -- it's
7 550, this shows [REDACTED] that
8 corresponds to the prior page; is that right?

9 A Correct.

10 Q And this has a breakdown of labor, equipment,
11 meals, hotel and fuel. Do you see that?

12 A Yes, sir.

13 Q Okay. And I don't know if you know the answer
14 to this, but I want to ask you about 551 and 552. These
15 are two different -- well, it looks to me to be [REDACTED]
16 [REDACTED] of the
17 invoice on each of the invoice pages; is that fair?

18 A Correct. It involved our [REDACTED]
19 [REDACTED] to our contract partners.

20 Q Do you have any idea or is there any
21 significance to the fact that -- I mean, they're both
22 dated the same date, October 19, 2017, and one at 655 --
23 I mean at 551 is [REDACTED]
24 [REDACTED] and then the other one is [REDACTED]. Do
25 you know why that's done?

1 A Just one moment. So this would be where --
2 why they have the two names listed differently is
3 probably not that significant of an issue. They're
4 doing business as [REDACTED]. They submitted the
5 other one as [REDACTED]. [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q Okay. I notice that the [REDACTED]
10 invoice is -- it's got that same invoice number, but
11 it's got a dot 2A and then the [REDACTED] invoice
12 has got a dot 2.

13 A Correct.

14 Q What I didn't understand, and the reason I'm
15 asking the question is, is they're dated the same day.
16 It's not like one came in early and another one came
17 later.

18 A So they submitted those subject to check, but
19 they submitted those. [REDACTED]

20 [REDACTED]. [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q Okay. So even though all three of these
24 invoices, the two half ones, dot 2 and dot 2A and the
25 one without the dot 2 or 2A, they're all three dated

1 **October 19th.**

2 A That's the date that they submitted them. One
3 we would go ahead and [REDACTED]. The other
4 would go through our [REDACTED] that was taking a
5 target time frame of about [REDACTED] to get through all of
6 the Irma invoices and an accurate review process as
7 efficiently as possible.

8 Q So is that -- what you just described, is that
9 sort of typical for vendors? You expect most of the
10 foreign vendors to do it this way as to they would get
11 an [REDACTED]

12 [REDACTED]
13 [REDACTED] Is that
14 generally the process?

15 A So there are some significant issues tied
16 strategically as to why we did the [REDACTED], but
17 I'm going to have Tim speak to that. Those decisions
18 were made within his department and executives, but
19 there was a reason for it.

20 A (Tim Fouty) Yes. So for Irma, this did not
21 happen in advance of Irma. This was a decision that
22 Duke had been contemplating for major storm work, so it
23 was kind of implemented late in the game on Irma.

24 But the goal of [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q Okay.

19 A That's why we did what we did.

20 Q And was that generally what you tried to do
21 with most of the foreign crew vendors?

22 A Yes. If it was [REDACTED], I believe, the
23 invoice, [REDACTED] If it was [REDACTED]
24 [REDACTED], we just tried to process it as timely as
25 possible.

1 Q Okay.

2 A [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 And it had been -- at the point we implemented
10 this, what was it, on November -- we had a date.

11 A (Amy DeZonia) 17th.

12 A (Tim Fouty) November 17th. So we were two
13 months already passed the storm when they approached us
14 and said --

15 Q Now, when you say you implemented on
16 November 17th, you're talking about for that vendor?

17 A For all vendors.

18 Q So this was dated October 17 -- October 19?

19 A (Amy DeZonia) [REDACTED]

20 A (Tim Fouty) Clarification. It sounds like
21 that was just the [REDACTED]

22 Q And that was done in November?

23 A Yes.

24 Q I was going to ask you if it was [REDACTED]. It
25 seemed like that would be the most logical because you

1 wouldn't -- that wouldn't have been a situation with

2 [REDACTED]

3 A Right.

4 Q Okay. All right. So I follow you there. So
5 what happened is --

6 A (Tess Roebuck) Charles?

7 Q Yes.

8 A Can I offer some clarification to my prior
9 statement?

10 Q Yes.

11 A I indicated that we [REDACTED] on August
12 2nd. We [REDACTED]

13 Q I understand.

14 A All right.

15 Q Your assumption was is that if you audited,

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A (Tess Roebuck) More or less, yes.

22 And I'd like to clarify a term. We've spent
23 so much time even talking about ourselves. So we very
24 usually use the term "audited." [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED]

3 So I just want to -- [REDACTED]

4 [REDACTED] So I just
5 want to clarify. We use that term loosely and
6 interchangeably with review.

7 Q I appreciate that. And I think it's a good
8 thing to say your folks aren't [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 All right. So if I look at -- and this was an
12 invoice that was audited. I don't know if you can pull
13 it up on the screen, but I think I talked earlier off
14 record of [REDACTED] was one of the documents that
15 we were provided in POD 18 in the list that was in
16 Exhibit, I think it was 4.

17 And I was just wondering if I could ask
18 somebody, or Tess, were you privy to the results of the
19 [REDACTED] audit review?

20 A So I will tell you that I am not a reviewer
21 myself. I am the leader of that group. So to say that
22 I have put eyes on every single one would not be a true
23 statement. So some of these today I may be seeing for
24 the first time. But I'm fairly confident with the team
25 that I brought today that we can answer your questions.

1 Many of these took a day to work through to weeks to a
2 month.

3 **Q Right.**

4 A So there might be some that I can't give you
5 an accurate answer right here today, but we will
6 definitely provide it to you as soon as we can.

7 **Q Okay. I just had a simple question about this**
8 **that I think you could give verification of is that out**
9 **of the entire amount of [REDACTED] that we saw, there**
10 **was a challenge that apparently was agreed to or was**
11 **deducted of an air compressor that wasn't on the rate**
12 **sheet at \$3,240. That was adjusted off, so the net**
13 **amount you paid was [REDACTED].**

14 **Does that sound right and can you verify that?**

15 A So for clarification, we would -- any
16 adjustments that were made through the review audit
17 process, we would have not gone back and corrected these
18 template documents. You would see it on the final
19 revised.

20 **Q Okay. So --**

21 A One moment, please.

22 **MS. WEST:** Charles, what Bates number are you
23 looking at?

24 **MR. REHWINKEL:** The Bates on this is 4-180331?

25 A (Tess Roebuck) Could you repeat your last

1 question for me?

2 BY MR. REHWINKEL:

3 Q Yes. My question was -- I'm going to withdraw
4 the question because I asked it wrong.

5 A That's okay.

6 Q I think what this document would show is that
7 the reviewers challenged the compressor, but it was

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 A That is a correct statement.

12 Q Okay. So I don't think we need to bring this
13 sheet up, but that --

14 Well, if I could ask you, was that the only
15 thing that was challenged by the reviewer was the air
16 compressor, not any other costs?

17 A One moment.

18 It appears there were no other exceptions
19 identified.

20 Q Okay. So let's look at this invoice a little
21 bit further in. We see -- well, if we look at 550, the
22 second page of the document, we see labor of

23 [REDACTED] Do you see that?

24 A Yes.

25 Q Equipment [REDACTED], meals [REDACTED] hotels

1 [REDACTED] and fuel of [REDACTED] And assuming the
2 math adds up of those things we just listed to
3 [REDACTED], all of those amounts were paid?

4 A Correct.

5 Q Okay. So when I look on the 553 page, we see
6 a summary of equipment of the same [REDACTED] and
7 there's the compressor at \$3,240. Do you see that?

8 A Yes.

9 Q Okay. And then we go to the next page which
10 is hotels or lodging a total of [REDACTED] That
11 corresponds to the summary on the first page. That was
12 paid, right?

13 A Correct.

14 Q And then there's a meal summary of [REDACTED]
15 That corresponds, so that was all paid?

16 A Yes, sir.

17 Q And then finally, on 557 we see the [REDACTED]
18 which is the fuel. That was all paid, right?

19 A Correct.

20 Q Okay. So let me ask you about the hotels
21 first. This -- well, I'm sorry. I take that back.
22 Let's go to 558, and this shows this crew started
23 billing on September 9th, 2017; is that right? Up in
24 the upper right-hand corner we see the date of the time
25 sheet?

1 multiple folks here, but let's say somebody called
2 Contra in Pennsylvania and got Miller Brothers on the
3 phone and they said -- well, actually, they're a PPL
4 vendor, I think. But you contact them and they say,
5 We're willing to come down, and you agreed on all the
6 terms and rates. When are they allowed to start
7 billing? Is it when they get that call or when they hit
8 the road?

9 A (Tim Fouty) This is Tim, and I'll take a stab
10 at that.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]

23 Q Okay. Regardless of whether they hit the road
24 or not?

25 A That's correct. [REDACTED]

1 then we pay.

2 Q So when I look on 558, which is the
3 September 9th time sheet, over on the upper left-hand
4 quadrant of it says Customer, and it says PPL, does that
5 tell you that this was an embedded crew with
6 Philadelphia Power & Light or whatever PPL stands for,
7 Pennsylvania Power & Light?

8 A Yeah, PPL, are they -- it's an SEE company.

9 Q Okay. So this is an SEE-acquired resource?

10 A (Sharon Bogdanos) Yes.

11 Q All right. So you would assume they mobilize
12 and they start on the 9th and they're mobilizing through
13 the 12th, it looks like. Because if I go to 561 under
14 Job Notes it says, [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] Do you see that?

19 A (Tess Roebuck) Um-hum.

20 Q So does that mean in all likelihood that they
21 were able to commence restoration work on the 13th? Is
22 that how you read that?

23 A I read this that they were arriving -- that's
24 what that validates. They were arriving on the 13th.

25 Q Okay. We talked about onboarding mustering

1 areas in Savannah or Perry, Georgia. If somebody was
2 coming down on the 13th, would they just come on into
3 the state and not stop up there because the storm's
4 already through and mustering is a thing of the past?

5 A (Amy DeZonia) Yes.

6 Q All right. So in all likelihood, whoever is
7 their mobilization coordinator is going to direct them?
8 Here they think they're going to Orlando, but wherever
9 they're supposed to go; is that right?

10 A That's correct.

11 Q All right. So we would assume, if we go to
12 the last page of this, which is 571 which is dated the
13 22nd, it says: They drove from Virginia home. We have
14 returned from storm. Will begin normal work next week,
15 and that's a Friday, the 22nd.

16 So it looks like they would have been released
17 on the 20th because the 21st, it looks like they're
18 driving from Georgia to Virginia. So one would assume
19 that on the 20th at whatever time they left Central
20 Florida, they drove to somewhere in Georgia.

21 Am I reading that right?

22 A (Tess Roebuck) Our ROD notes indicate that we
23 ceased billing as of the 20th for them. Or released.
24 I'm sorry. Let me correct that. We released them.

25 Q Okay. So from sometime on the [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A We have them validate when they are [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q Okay. Now, this document shows on 571 that
7 they started at 4:00 a.m. and ended at 2:00 p.m. So if
8 my math is right, that's a 10-hour day. So they billed
9 ten hours of demobilization time and then they went off
10 the clock at 2:00 p.m.

11 A Yes, that's what that says.

12 Q Okay. With regard to mobilization and
13 demobilization, and this is more of a general question,
14 does the contract require or the contract terms or
15 whatever arrangements you have with these foreign
16 vendors, is there a set amount of mobilization and
17 demobilization time they can bill for? Like, is
18 there -- if you drive 12 hours, do you get to bill 16 or
19 do you only get to bill for the time that you're driving
20 on a mobilization or demobilization day? What is the
21 rule there?

22 A (Tim Fouty) This is Tim. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q Okay. So if a crew leaves Wisconsin, you
5 know, at 5:00 a.m. on the 9th and they take three
6 hours -- I mean three days to get down to Florida and
7 the first day they, for whatever reason, [REDACTED]

8 [REDACTED]

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q I meant 5:00 a.m. I'm sorry. I should have
16 said 5:00 a.m. So they start at the beginning of day,
17 they drive -- but they only drive five hours for
18 whatever reason and stop, and then the next day they
19 drive six hours and stop, and then the last day they
20 drive the rest of the way. I don't know how long it
21 actually takes to get from [REDACTED] to Orlando, but
22 does it matter to you-all, the pace of the mobilization?

23 A It matters and, I mean, we would -- [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED] Amy may know more about
4 that process.

5 A (Amy DeZonia) Right. Sure. This is Amy.
6 So we do a manual GPS to us and home. So if
7 they're not here in a certain number of days because
8 we're depending on them to be here working, we'll say,
9 well, where are you and why aren't you here? And then,
10 of course, if they aren't here when we expect them,
11 we'll look to Tim and Sharon and say, hey, this company
12 is not doing what we expect them to do and we'll go
13 through those repercussions later.

14 So yeah, there's an expectation that you're
15 going to be here when we tell you to be here.

16 Q So in that circumstance, is there going to be
17 anything that's going to show up in the review or is
18 that all going to be taking place before you get the
19 invoice?

20 A Yeah. So we would have to have discussions
21 with Sharon and Tim and say, hey, these guys, they
22 stopped, you know, we just called them, they stopped
23 after five hours on the road, so we need to call their
24 home office. Or, you know, we work through that how we
25 need to, but we'll make notes in the system and say, you

1 know, we called the home office and agree we're only
2 paying five hours for this day, or whatever we worked
3 out, but they're not adhering to the terms of the
4 contract.

5 Q And just for the record, that was a pure
6 hypothetical.

7 A Sure.

8 Q That had nothing to do with the vendor we're
9 talking about now. I'm just trying to understand your
10 process.

11 A No.

12 Q Those notes would be in the ROD system?

13 A Yes, they would.

14 Q Okay. So does anyone know whether
15 [REDACTED] is a firm that you had done business with
16 before or --

17 A (Amy DeZonia) [REDACTED]

18 A (Tim Fouty) [REDACTED] possibly, not
19 under [REDACTED] I'm assuming we could check, but I
20 believe [REDACTED] we've done work with before.

21 Q But this crew came to you straight from
22 [REDACTED]? They
23 didn't get handed off to another utility, it looks like,
24 on this documentation. Is that right?

25 A I believe that is correct.

1 Q Okay. All right. So I want to -- let's go
2 and look at 573. So I want to talk about the -- well,
3 actually, let's look at 572.

4 So this is just a [REDACTED] it looks like to
5 me. [REDACTED]

6 [REDACTED]?

7 A (Tess Roebuck) So I -- [REDACTED]

8 [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED]
10 Q Okay. [REDACTED]
11 [REDACTED]

12 A I believe that it does.

13 Q So if you look under [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]

16 A I see that it does say that. I think what
17 you're asking is a legal terminology, and what we're
18 talking about is we had linemen out in the field that
19 were eating en route. We know that Kingsport, Tennessee
20 is en route. It's a meal, [REDACTED]
21 and this falls into our reasonable category. They were
22 consuming a meal on their route and we would pay them.

23 Q All right. So let's look at the next page,
24 573. This is a -- it says at the bottom, [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]

2 MS. WEST: Let me turn it around.

3 A (Tess Roebuck) Again, I think we verify that
4 it is a food amount, it is in a location that they are
5 traveling from and to, and it is reasonable that they
6 would have consumed this food.

7 Q Okay.

8 A So, you know, Charles, let me just preface
9 that that may be helpful. So for our process review,
10 audit review, there are a number of things we do so that

11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED] [REDACTED]

18 We also then pull ROD: From what date to what
19 date should they be billing us and then what is the crew
20 size. And then we validate. Let's make sure there's
21 not a hundred people and 600 trucks as well as hotel
22 rooms. So the hotel rooms should equal the amount of
23 the crew and not exceed that.

24 And then food and consumables fall into
25 reimbursements for that as well as there is some that

1 probably fall into the miscellaneous category that are
2 reasonable around restoration.

3 So, you know, we targeted the 90-day time
4 frame. [REDACTED]

5 [REDACTED]

6 Q I'm still going to ask these questions. I
7 understand your point.

8 A Okay. That's okay.

9 MR. REHWINKEL: So what do we have up?

10 MS. WEST: 573.

11 BY MR. REHWINKEL:

12 Q So let's look at 575. And this says -- would
13 you agree it says -- and this is for September 11th and
14 it's in Kingsport, Tennessee and it says, [REDACTED]

15 [REDACTED]

16 A (Tess Roebuck) Yes, I see that.

17 Q Okay. And let's go to the next page.

18 A (Tim Fouty) Charles, I just have a comment
19 too.

20 Q Yes.

21 A So one of the things that I discovered in
22 previous, not necessarily Irma, but previous storms, so
23 when we ask these suppliers or these linemen to keep the
24 itemized receipts, the receipt you sign doesn't always
25 have the detail. I think that's why many of them look

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 So I think the intent was to show, hey, I
7 really ate salsa and chicken here, it wasn't ten beers.

8 [REDACTED]
9 [REDACTED] I suppose, but --

10 Q I appreciate your answer there, but you don't
11 know?

12 A I don't.

13 Q Okay.

14 A I'm just telling you from experience-wise.

15 Q I get it.

16 So we're on 576. It says [REDACTED] and
17 it's on the 12th in Savannah, Georgia; is that right?

18 A (Tess Roebuck) We paid this as a reimbursable
19 amount.

20 Q Okay. Now, we saw a note on the 12th that
21 said: We can't get down to Florida and stopped
22 around -- let's see -- we weren't able to make it
23 because there was some traffic.

24 So here we have them Savannah, which I don't
25 know, is it about two hours from the Florida border?

1 So our reviewers that go through these
2 receipts have access to ROD and there are very detailed
3 notes on who they spoke to: There were two accidents,
4 what exit they are at. There are detailed messages that
5 people who are calling them and speaking to them are on
6 the way put in our system. So we try to have some
7 controls around how they're traveling, where they are at
8 and why.

9 Q Okay. Would you agree that the invoices that
10 we've looked at by virtue of the fact that they show

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 A I'm sorry. What was your question?

15 Q Well, if you -- let's see. [REDACTED]

16 [REDACTED]
17 [REDACTED]

18 Would you agree with that?

19 A I would make the assumption that if [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Q Okay. But to answer my question, nothing on
25 this invoice shows the [REDACTED]

1 [REDACTED]

2 A Nor do we require that.

3 Q All right. So let's go to 578. And do you
4 see where it says [REDACTED]

5 A Correct.

6 Q Can you tell from this where this occurred and
7 what time and date?

8 A We cannot tell in this room, but there is an
9 original that I'm sure was more legible to the person
10 reviewing this document. So we could validate that and
11 follow up with you on what that information states.

12 Q Well, this says at the bottom, "Scanned by
13 CamScanner."

14 A Correct.

15 Q But the previous ones don't have that
16 indication. So is the CamScanner yours or is it
17 something that [REDACTED] used?

18 A Stand by.

19 So we do not believe that to be our
20 designation there. It could be theirs. We do not know
21 what that scanned-by statement means there.

22 Q Okay.

23 A But you will see that receipts will come in
24 that are taped to papers and sent to us. They are
25 photocopied. They are pictures taken of them with cell

1 phones. There's a variety of formats that you will see
2 in the same type of invoice. And some of them that we
3 noticed in the scan are a lot less readable than what
4 they were in the originals.

5 Q Is that the case with these, the ones we've
6 looked at -- well, let's look at the next page which
7 is -- where are we, 579? This looks like it was
8 something in Pennsylvania on the 9th, and I think I can
9 make out cash tender and change of 15 cents. Do you see
10 that?

11 A I actually cannot read any of this on this
12 one, but we're talking about 90 sheets of paper that
13 were sent to be scanned. And so you're going to have
14 some that are easier to read than others on the
15 originals.

16 Q Okay.

17 A So if there are any that you would like
18 follow-up, just let us know and we'll be happy to do
19 that.

20 Q So this says "CamScanner" on it which we're
21 assuming that was [REDACTED] production end, right?

22 A We could assume that.

23 Q Okay. And then we look at the next page of
24 580. Is anything on here -- well, do you see up at the
25 top, it looks like [REDACTED] is handwritten in there?

1 Do you see that?

2 A Yes.

3 Q And I think we can look -- if you just pick
4 one of the time sheets, there's somebody named
5 [REDACTED] however you pronounce that?

6 A Yes.

7 Q Okay. And if we look at the prior page, the
8 page before that, 578, that handwritten notation is
9 rather clear compared to the rest of the document.
10 Would you agree with that?

11 A It could be the difference in pens that were
12 utilized. There could have been a number of factors. I
13 don't really know why the difference is.

14 Q Okay. So 580, 581. Can we tell what was done
15 on that? This is rather poor quality. Would you agree?

16 A For the photocopy I would agree, but they were
17 likely able to read the original.

18 Q Are you sure about your folks being able to
19 read the original if this was scanned by CamScanner?

20 A One moment.

21 So for a point of reference that I do know
22 that my folks -- my team can see it clearer is there is
23 that Excel spreadsheet that they load in the dollar
24 amounts of these to auto calculate to ensure that it
25 totals what they have on the invoice. So on those

1 templates, you would see they will type in what amount
2 they see. If they don't, they're typically highlighted
3 in yellow or a question mark or there is a note made
4 beside it, "hard to read, this one is in question."
5 There's all types of variances that are notated. Or if
6 they can read the original, they place it in that
7 template. And in this case they did with these.

8 **Q But the information that's in the audit or**
9 **review work papers is the same information, is it not,**
10 **that's in the summary that [REDACTED] provided, right?**

11 A But the individual dollar amounts that you're
12 seeing in that template, they are manually typing those
13 in based on the receipts that they're seeing here to
14 ensure that it totals the summary page. That's part of
15 the audit review process.

16 **MR. REHWINKEL:** Well, let me just get a
17 late-filed, Matt. I want an example of 580. I'd
18 like to see the actual document that was reviewed
19 to see if the reviewer could --

20 **MR. BERNIER:** Sure.

21 **MR. REHWINKEL:** So this will be late-filed
22 No. 8, and it will be -- I'm just going to call it
23 Bates 60580. Let's call it 1-6-0060580, and just
24 for good measure, let's put 60583, so it will be
25 "and 60583."

1 Chili's.

2 So it looks like this is the Pilot receipt
3 that's noted sandwiched between McDonald's and Chili's.
4 But are you saying that the reviewers would have been
5 able to see a better quality of this one? It says
6 CamScanner at the bottom.

7 A I'm saying that that would be likely. I think
8 a clarification in our standard is that we require
9 receipts or supporting documentation. That's a Duke
10 Energy standard for employees to submit their items, and
11 for mutual assistance vendors as well it is also part of
12 the contract.

13 Q Okay. So let's go to 594, the next page.
14 [REDACTED] lunch 9/12 in Savannah and it
15 says -- again, [REDACTED] It
16 just shows an [REDACTED] Would you agree
17 with that?

18 A I would agree this is what they submitted for
19 reimbursement for their meal.

20 Q And the next page says: [REDACTED]

21 [REDACTED] [REDACTED]
22 A And they submitted that for reimbursement as
23 well.

24 Q All right. And then if we go to 597, it talks
25 about [REDACTED] probably [REDACTED], or however you

1 pronounce it, 9/10/17 dinner, but we don't know from
2 this document where, how much, anything like that,
3 right? At least this version of that document. Would
4 you agree with that?

5 A This version, yes, it can not read well.

6 Q Alrighty. So now let's flip over to 600.

7 There's [REDACTED] with a [REDACTED] Is there any way
8 to just --

9 MR. REHWINKEL: Do they have to come up one at
10 a time?

11 MS. WEST: Yes.

12 MR. REHWINKEL: There's no way to go to the
13 next?

14 MS. WEST: I won't be able to see a Bates if I
15 just -- I can bring them up like this, but I can't
16 see what it is.

17 MR. REHWINKEL: Okay. It's that one you
18 had -- yes, okay.

19 BY MR. REHWINKEL:

20 Q So this shows [REDACTED]

21 A Yes.

22 Q I mean, is there a trend that you see here
23 that these [REDACTED] There's a
24 lot of this going on. Does that concern you?

25 A [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q If a Duke employee submitted a whole string of
9 documentation that didn't show [REDACTED], would
10 the company maybe look a little sideways at that and
11 maybe investigate?

12 A We wouldn't require \$10 receipts. As Amy
13 mentioned earlier, if it is under \$75, a receipt is not
14 required.

15 Q Well, let's assume you got a bunch of \$76
16 receipts from an employee that [REDACTED]
17 [REDACTED] Would that cause
18 a problem?

19 A Say that again.

20 Q If a Duke employee gave you over a three- or
21 four-day period five \$76-plus [REDACTED]
22 [REDACTED] would
23 those get paid?

24 A I would be able to validate against their
25 company credit card transaction, but I'm not sure it's

1 apples to apples.

2 Q So let's look at 602. So even though he's got
3 boxers and socks on here, the only thing he's been
4 reimbursed here for is \$1.88. So I just want to make
5 sure we're not suggesting that it's anything other than
6 whatever food item is on there.

7 A That is correct.

8 MR. REHWINKEL: All right. So Matt, I'm going
9 to make this entire document an exhibit. This will
10 be No. 9. It will be -- I'm just going to call it
11 [REDACTED] Invoice.

12 MR. BERNIER: Okay.

13 (Exhibit 9 was marked for identification.)

14 BY MR. REHWINKEL:

15 Q All right. And I'm not done with that. I
16 just want to -- I'm not going to go through the rest of
17 these meal items, but I want to get you to turn to -- I
18 want to ask you to turn the hotel documentation that's
19 on here. And let's go to the summary. I'm sorry. The
20 summary is at 554. It's one more over. It's the far
21 left bottom, right there.

22 So this shows in Kingsport, Tennessee, hotel
23 rooms at a Hampton Inn for the dates of 9/9 through 9/11
24 and it has room numbers here, 112, 118, 227, 228, 222,
25 413, 201, 313, 314, and then on the 8th only, room 117.

1 Do you agree with that?

2 A (Tess Roebuck) Correct.

3 Q Okay. And if we go back -- and these are the
4 same dates generally that we show meal documentation for
5 Kingsport, Tennessee in that same general time frame.

6 Would you agree with that?

7 A Correct.

8 Q All right. So let's go back to the
9 documentation at 640.

10 So on 640 we see an individual named
11 [REDACTED] and it says room number 112 and it looks
12 like it totals up to the amount for room 112 of \$484.64.
13 Can you see that in the --

14 A Yes.

15 Q Okay. Now, do you know who [REDACTED] is?

16 A One moment. So we did not have [REDACTED]
17 listed as assigned to a crew. However, many times
18 you're going to see these hotels booked in the name of
19 the logistics person who reserved blocks or that piece.
20 So that's when you heard me say earlier we attempt to
21 validate those by doing a crew count at a hotel to
22 ensure that it doesn't exceed the crew count amount.

23 Q Okay. Do you know whether [REDACTED] is a
24 logistics person or whether he is a crew leader of
25 another crew?

1 A We do not list the names of their logistic
2 personnel in our ROD system. So as I indicated earlier,
3 our validation of that process would be to validate is
4 it in the area that is en route to us and then is it
5 within the head count of their crew.

6 Q Would Duke be in a position to know whether
7 Bates 1-60060640 for room 112 in Kingsport at the
8 Hampton Inn was also charged to another utility?

9 A I would not know what is billed to another
10 utility, only what's billed to us.

11 Q Okay. If that room was billed to another
12 utility, would that cause you concern?

13 A I don't think I'm going to make those type of
14 fraudulent assumptions as I'm going through 90 sheets of
15 invoices trying to process them, so -- I'm sorry,
16 90,000. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q Okay. But my question is if they did bill
21 this room to another utility, would that be a problem
22 for you if you found -- I'm not suggesting you should
23 have known that. I'm asking if you were able -- if you
24 were to discover that this room was billed to another
25 utility, would that cause you a concern?

1 possibility. But if this guy was a crew leader of
2 another crew and he billed his time and that room to
3 another utility and he billed that room to you, wouldn't
4 that be a problem?

5 A (Tess Roebuck) I don't know how my last
6 question to you is any different than the question you
7 just asked me as far as --

8 Q You suggested that he was a logistics person,
9 and I'm saying what if he was a crew leader on a line
10 crew?

11 A I'm saying that -- so I made that as a
12 suggestion alternative. [REDACTED]

13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q Okay. I would ask the same questions about
17 the rest of these hotel rooms for the Hampton Inn
18 Kingsport. You really don't know whether the rooms that
19 are under [REDACTED] name were actually used by a
20 crew that provided service to Duke, do you?

21 A I don't really have an answer to your
22 question.

23 Q Okay. Let's go to Oak Plantation Resort Hotel
24 at 60655. Do you know who Scott -- I mean [REDACTED]
25 is?

1 A Let me verify in our ROD tool.

2 I'm sorry. What was your question?

3 Q Do you know who [REDACTED] is,
4 [REDACTED]?

5 A We know that they are not a crew member that
6 is listed in ROD as working, but their name is listed on
7 multiple hotel receipts for the Oak Plantation. So we
8 believe them to be logistics and they to be appropriate
9 invoices to reimburse.

10 Q Okay.

11 A (Tim Fouty) This is Tim. We have that
12 gentleman's name listed as our main contact for [REDACTED]
13 [REDACTED] for resource acquisition.

14 Q Which --

15 A [REDACTED]

16 Q Okay. So the last thing I want to ask you
17 about [REDACTED] is the fuel. If we could go to --

18 A (LaQuitta Ghent) Charles, can I interrupt for
19 a second off the record?

20 MR. REHWINKEL: Yes.

21 (Discussion off the record.)

22 BY MR. REHWINKEL:

23 Q So let's look at [REDACTED] fuel and this will be
24 on the summary page at WEX. That's Wright Express I
25 think is what WEX stands for. Is that right? That's a

1 fueling report.

2 A What is the number?

3 Q I'm sorry. It's 556. So --

4 A The first one says Wawa?

5 Q Yes, that's correct.

6 Now, this -- am I correct at 556 through 557
7 is [REDACTED] worth of fuel summarized, fuel purchases
8 summarized? Is that right?

9 A Say that one more time. I'm sorry.

10 Q These two pages 556 through 557 are [REDACTED]
11 of fuel purchases summarized?

12 A Correct.

13 Q Now, what we don't have in this packet is
14 information that is receipts because this is a WEX
15 corporate fuel card and they provide summaries?

16 A That is correct.

17 Q Okay. If we look on 557, the second page of
18 that, and we see on 9/9 at the Raceway, \$121.51 by an
19 employee named [REDACTED] Do you see that?

20 A Yes.

21 Q Okay. Do you know whether that amount was
22 billed to another utility? Would you have any way of
23 knowing?

24 A No.

25 Q Okay. If we go down about a third of the way

1 and we see 108 -- \$106.78 by an employee named

2 [REDACTED] do you see that?

3 A Yes.

4 Q Do you have any way of knowing if that was
5 billed to another utility?

6 A No.

7 Q And if I go down a little past halfway on 9/13
8 at the Raceway on 1040 Golfair Boulevard in
9 Jacksonville, [REDACTED], \$150 even, do you see that?

10 A At the Raceway?

11 Q Yes.

12 A Yes, I do see that.

13 Q Do you know whether that was billed to --
14 would you have any way of knowing whether that were
15 billed to another utility?

16 A I would not. Not that I'm aware of.

17 Q And then finally, the \$150 that's about six
18 lines below that by [REDACTED], do you know whether
19 that was billed to another utility or would you have any
20 way of knowing?

21 A I would not have any way of knowing.

22 Q Okay. A general question and I don't know who
23 wants to field it, but if a vendor would submit
24 fraudulent receipts for miscellaneous expenses and you
25 were able to determine that, would that cause you to

1 **Q** And that would be a good reason why you would
2 not have visibility into what those two -- what that
3 vendor was billing with respect to you and the other
4 utility; is that fair?

5 **A** Fair.

6 **MR. REHWINKEL:** It's 4:20. When are we
7 targeting to eat, at 6:00?

8 **MR. GUZMAN:** I believe that was communicated,
9 yes.

10 **MR. REHWINKEL:** And what I'd like to ask at
11 this point, and I'm going to stop [REDACTED] and go to
12 [REDACTED] and I'm going to ask if anybody would like
13 to have a break.

14 **AMY DEZONIA:** Take a five-minute break?

15 **MR. REHWINKEL:** Let's just take ten minutes
16 and be realistic.

17 (Recess from 4:24 p.m. to 4:40 p.m.)

18 **MR. REHWINKEL:** Before we go to embedded rate
19 reduction, I wanted to identify another exhibit
20 which would be -- I call it the [REDACTED]
21 Review Work Papers, if we want to use the A word,
22 and it is POD 4-18-0331, and that will be
23 Exhibit 10.

24 **MR. BERNIER:** Yes.

25 (Exhibit 10 was marked for identification.)

1 BY MR. REHWINKEL:

2 Q All right. So what I want to turn to now is
3 POD 1-6-0026501 which is the invoice for [REDACTED]
4 Services. It's invoice W20819 and the invoice amount is
5 [REDACTED]

6 And I guess I'll direct this to Tess. Do you
7 agree with --

8 A (Tess Roebuck) I believe it's [REDACTED]

9 Q Oh, I apologize. [REDACTED]e. I thought
10 that was -- [REDACTED] Thank you.

11 Other than that, do you agree that that's what
12 that first page says?

13 A Yes, sir.

14 Q Okay. So I guess I'll start directing this to
15 Tess, but maybe Tim or Jay may know more. But can you
16 tell me who [REDACTED] is?

17 A They are a mutual assistant utility that came
18 with us from [REDACTED]

19 Q (Tim Fouty) Via TECO.

20 A (Tess Roebuck) Via TECO.

21 Q So if I can ask how you acquired their
22 services, was it that you worked -- that you were in
23 communication with Tampa Electric Company and asked if
24 they had any resources that you could have when they
25 were done with them?

1 mutual assistance calls by TECO.

2 Q But I was asking is [REDACTED]
3 [REDACTED]?

4 A I do not --

5 A (Jason Cutliffe) Yes, they are. [REDACTED]
6 [REDACTED]

7 A (Tim Fouty) I was not aware of that.

8 MR. REHWINKEL: That's okay. All right. So
9 let's go off the record.

10 (Discussion off the record.)

11 MR. REHWINKEL: On the record, the document I
12 printed out to bring, it starts -- after 501 it
13 starts with 564. And so what we're going to do is
14 between now and the end of the deposition ask Duke
15 to make a copy of the entire invoice and make that
16 what will probably be Exhibit 11.

17 MR. BERNIER: Could we go off record?

18 MR. REHWINKEL: Yes.

19 (Discussion off the record.)

20 MR. REHWINKEL: Let's go to 564. I just think
21 it's locked up because it's printing, so we'll
22 wait.

23 While that's going on, I would like to -- I'm
24 going to identify an exhibit and this will be, what
25 are we at, 12? Let's -- Exhibit 11 is going to be

1 ████████ Invoice Excerpt. Okay?

2 **MR. BERNIER:** Yes.

3 (Exhibit 11 was marked for identification.)

4 **MR. REHWINKEL:** And for the record, it will be
5 the part of the invoice that -- well, these are
6 just document excerpts from the invoice, but the
7 first excerpt is at 26564. And while we're --
8 okay, so we can do that.

9 I'm also going to identify as Exhibit 12 the
10 ████████ invoice review work papers, okay? And this
11 is one that you provided for us today. It doesn't
12 have a Bates number on it. And I want to set that
13 aside. Then I will probably ask -- well, actually,
14 let's talk about this document, Exhibit 12. We can
15 just leave it there where it is. I don't know if
16 you can bring Exhibit 12 up on the screen. Is
17 there any way to bring this --

18 **MR. BERNIER:** Hold on. We're going to get set
19 real quick.

20 **MR. REHWINKEL:** Is there any way to get these
21 documents over there?

22 **MR. BENNETT:** I just emailed it to her.

23 **MR. REHWINKEL:** Oh, okay.

24 (Exhibit 12 was marked for identification.)

25

1 BY MR. REHWINKEL:

2 Q So what I want to go to is the first -- the
3 cover sheet page. All right. So this is Exhibit -- the
4 cover page of Exhibit 12.

5 And Tess, would you agree this is the summary
6 document for the review work papers for [REDACTED]

7 A (Tess Roebuck) Yes.

8 Q And this is the one we discussed in the
9 morning session that was housed on an employee's laptop
10 instead of put in the common share point drive; is that
11 right?

12 A It was actually just saved in a different area
13 on the share point rather than in the appropriate
14 section.

15 Q All right. But it was not with all the
16 others?

17 A Correct.

18 Q All right. So we see on this, this is an
19 invoice amount of [REDACTED]. That's the number -- the
20 invoice amount that we saw on Exhibit 10 on the cover
21 sheet; is that right?

22 A Yes.

23 Q And if we look here, it says: Audit Notes.
24 On receipts for Black Fire Steakhouse the totals were
25 handwritten, so I entered the amount of the receipt, not

1 the written totals. [REDACTED] was not -- that's
2 [REDACTED] I'm sure that's not how he pronounces
3 it -- was not on the time sheets but was in the audited
4 section as working three days per handwritten time
5 sheet, so I added him in. ROD is attached. All names
6 are matching.

7 Did I read that right?

8 A Yes. ROD is our Resource On Demand tool.

9 Q Okay. And then it says: [REDACTED]

10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]

18 Did I read that right?

19 A That is correct.

20 Q So starting from the bottom up, what can we
21 glean from the discussion about the [REDACTED]

22 [REDACTED] Does that make sense?

23 A One moment, please. One moment.

24 So many of these are quite complex. I've got
25 to look in multiple areas and --

1 Q Understood.

2 A -- you know, we're checking through that. So
3 there already appears to be some typos on here that were
4 made by the individual and we need to verify, but we
5 believe there were not [REDACTED]. So we will
6 verify what that count is.

7 Q All right. And I've just seen this today for
8 the first time, so I didn't -- this is not something I
9 came prepared to ask about, but when I saw it, it
10 certainly struck my curiosity. It looks weird, but it
11 doesn't look logical to me. I don't know how [REDACTED]
12 [REDACTED].

13 So what I'd like to do is maybe ask if we
14 could get a late-filed exhibit to reconcile any
15 discrepancies, apparent discrepancies on the cover sheet
16 of Exhibit 12. Can we do that rather than sit here and
17 try to zip through it?

18 A Yes.

19 MR. REHWINKEL: So this would be late-filed
20 No. 13, and it will be Reconciliation of Exhibit 12
21 Cover Sheet.

22 (Exhibit 13 to be marked and produced as a
23 late-filed exhibit.)

24 BY MR. REHWINKEL:

25 Q Okay. All right. Now, let's go ahead and

1 turn to Bates 26564. This looks like a time sheet for
2 September 17, 2017 for a crew of one, two, three, four,
3 five, six, seven, eight, nine -- ten people. Would you
4 agree with that?

5 A (Tess Roebuck) Yes.

6 Q And the bottom person is [REDACTED]
7 [REDACTED] Do you see that?

8 A Correct.

9 Q And if we look over in the middle of the page
10 on the right-hand side, there's a signature line. It
11 says [REDACTED], and then it has a
12 signature that looks like [REDACTED], right?

13 A Correct.

14 Q Okay. And then it says Customer Supervisor
15 below that. Is that someone who would work for Duke?

16 A I am not sure if it is.

17 Q We know -- well, let's look at the Comments.
18 It says 6:00 a.m. to 11:00 a.m. with TECO in Tampa.
19 11:00 a.m. to 4:00 p.m. waiting for reassignment work
20 elsewhere. 4:00 p.m. to 11:00 p.m. working for Duke
21 Energy, and, please bank time for [REDACTED]

22 So we don't know whether the customer is TECO
23 or Duke in that case; is that fair? Unless you
24 recognize somebody's handwriting. I'm just not
25 finding --

1 eyeballing it, it looks like it's the same guys on the
2 17th, but this is now a time sheet for the 23rd. Do you
3 see that?

4 A Yes.

5 Q And we see [REDACTED]. It says TR.31090,
6 which I'm assuming that means truck 31090 is his. Is
7 that how you would read that?

8 A Yes.

9 Q And we see truck 31090 up in the truck box,
10 there's six vehicles. [REDACTED] on the crew. His
11 truck is on the time sheet. That kind of matches up.
12 Would you agree?

13 A Yes, sir.

14 Q And the Comments say, "Travel home." So one
15 would assume that [REDACTED] had been released and they were
16 on their way home on the 23rd; is that right?

17 A I would need to verify that in ROD, but --

18 Q When you're verifying that, would you look in
19 the ROD and see what date and time if available they
20 were released?

21 A Yes. Okay. [REDACTED]

22 [REDACTED] [REDACTED]
23 [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 Q Okay. Is there a way to get a late-filed
5 exhibit that just had the ROD notes for [REDACTED]

6 [REDACTED] Is that something that can be printed?

7 A Sure.

8 MR. REHWINKEL: Okay. So let's make
9 late-filed No. 14 [REDACTED] ROD Notes.

10 (Exhibit 14 to be marked and produced as a
11 late-filed exhibit.)

12 BY MR. REHWINKEL:

13 Q Okay. So thank you. Let's -- do the notes
14 say what time they were released on --

15 A 6:00 a.m.

16 Q Oh, I'm sorry.

17 A Ask your question.

18 Q It sounded like the 22nd was when they were
19 actually released.

20 A No. They were not released until 6:00 a.m.
21 that next morning.

22 Q So what happened on the 22nd? What do the
23 notes say about the 22nd?

24 A Due to -- Jason spoke to this earlier.

25 Jason, do you want to repeat that on how we

1 released people the following morning to make their
2 travel back home, and in this case to [REDACTED]

3 A (Jason Cutliffe) Is the question why an AM
4 release? To make sure I understand.

5 A (Amy DeZonia) It was because they were
6 released so late in the day.

7 Q Well, my question is -- well, let's just go to
8 26579. So this is an interesting document. It's
9 filled-in handwritten. Do you see that? And the month
10 of January is stricken and it says September, or SEPT.
11 And then on the day it says 22nd, 2017. Time start at
12 6:00 a.m. Time stop is 10:00 p.m.

13 Is that right so far?

14 A (Tess Roebuck) Yes.

15 Q And then on the notes it says handwritten:
16 Storm relief. Duke Energy released from -- and I
17 believe that word says duty, D-U-T-Y. I wouldn't write
18 it that way, but that's what it looks like to me.

19 Do you agree with that?

20 A We can interpret it's the duty.

21 Q Okay. 8:00 a.m. What I'm trying to
22 understand is, is this right or is the ROD right?
23 Because this says they were cut loose at 8:00 a.m. on
24 the 22nd.

25 A One moment.

1 **Q And when I say "they," it's this crew here**
2 **which is** [REDACTED]

3 A Okay. One moment.

4 A (Jason Cutliffe) This comment most likely
5 indicates they were released for duty 8:00 a.m. the next
6 day. This would have been the last full day of work and
7 that would be consistent with our practice.

8 **Q All right. But --**

9 A (Tess Roebuck) So -- I'm sorry, Jason. Were
10 you speaking?

11 **Q He was suggesting -- and I don't mean to put**
12 **words in your mouth, but you were speculating that this**
13 **references to the next day, not -- did you find any?**

14 A (Tess Roebuck) So we work on a storyline with
15 each of these items what the note is that we have on
16 here specific to this crew --

17 **Q You're talking about "here," meaning ROD?**

18 A I'm sorry. No.

19 **Q Oh.**

20 A This is just -- so based on the notes that we
21 see here, we believe that the 8:00 a.m. is accurate
22 because there was some dialogue between Duke leadership
23 and them that they had some specific requirements
24 relevant to their driving hours and logbook. So they
25 had to have a set number of hours of rest time before

1 being able to travel. So even though we may have had
2 them released at 6:00 a.m., they may not have been able
3 to start traveling at 8:00 a.m. in order to meet --

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q So my question, I guess, is is the 22nd or
8 23rd the right day? This time sheet says the 22nd and
9 that's one thing I'm trying to understand.

10 A Okay. So I'm not sure -- I'm going to respond
11 to this. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q Okay. And when I asked for a late-filed 14
19 and I called it the ROD notes, but with those notes that
20 we intended to ask for here, would that have all of that
21 dialogue and information that you just talked about?

22 A I just asked her and we can provide it to you,
23 but I do not believe that was provided in those.

24 Q And I'm not asking to see it now. I just want
25 to know if we can get it as a late-filed --

1 A Absolutely.

2 Q -- that whole dialogue?

3 A Yes.

4 Q Okay. I called it ROD notes. And if it's not
5 part of ROD, if it's some other record, that's fine. I
6 want to see that explanation.

7 A Very good.

8 Q [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Is that what they're telling you?

15 A That's what they told us.

16 Q Okay. All right. So what you're seeing
17 there, and just so I understand it, is the date -- the
18 time between the morning of 8:00 a.m. on the 22nd and
19 the, we'll call it the release time on the 23rd at 6:00
20 a.m., that was an agreed-upon rest time that would allow
21 them to get back a day and a half earlier off your clock
22 --

23 A Correct.

24 Q -- off your dime?

25 A Correct.

1 Q Okay. But let's go to -- so we were on 26570
2 and we saw [REDACTED] truck on the 23rd and he's on a
3 crew that is headed by [REDACTED] Well, I don't know.
4 [REDACTED] at the top of the page. Do you agree with
5 that?

6 A (Nods head.)

7 Q So let's go to --

8 A Yes.

9 Q -- the next page which is 6574. Here we go,
10 that one.

11 All right. So this is a time sheet from
12 September 17, 2017, and it says -- [REDACTED] is the
13 guy at the top of the page. And I'm looking over here
14 in the truck column and I see truck 31090 on the 17th.
15 And then that truck was working, if you will, between
16 6:30 a.m. and 11:30 p.m. Do you see that?

17 A I do see what you're referencing.

18 Q And there's 17 hours of time associated with
19 that. I assume there's some kind of split between TECO
20 and Duke, and as a similar note, they were released from
21 TECO at 10:30, traveled to Duke Energy, finished that
22 day at 11:30. That's [REDACTED] crew; is that
23 right?

24 A Yes, correct.

25 Q I'm wondering if Duke paid for [REDACTED]

1 tell if that's 107 or 707. But this appears to be an
2 [REDACTED] receipt for 61 people to eat at the
3 Black Fire Brazilian Steakhouse for \$3,311.28. Do you
4 see that?

5 A (Tess Roebuck) Yes.

6 Q Do you have any information about whether this
7 was paid by Duke?

8 A One moment. Yes, we paid it.

9 A (Tim Fouty) Did you say 3,000 --

10 Q \$3,311.28. That's what I meant to say.

11 A (Tess Roebuck) Yes, we paid the full amount.

12 Q [REDACTED]

13 A [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 A No. One of the things that our folks take
21 into account in reviewing these is that. So, for
22 example, we have spoken to many contractors in follow-up
23 when we see items like this and they will say, look, our
24 logistics called five different restaurants to see how
25 they could handle us and this is the only one that

1 could; we have not had a hot dinner in, you know,
2 several weeks now.

3 There are those type of varied factors that
4 come into it. We do not make the presumption of fraud
5 unless we have proof.

6 Q So we had a discussion earlier about how 75
7 but in this case at least 61 park at a parking lot. And
8 I'm not assuming there's one vehicle to one man, but
9 that would be a lot of vehicles in a parking lot,
10 wouldn't it, if they all drove? I mean, did you-all bus
11 them there from somewhere?

12 A No. We know that they have pickup trucks
13 primarily.

14 Q Okay. All right. Let's go to -- if you had
15 it in paper, I'd say keep your finger on it, but let's
16 go to 26616. I don't know if there's a way to split
17 screen and look at both documents at the same time.

18 Well, before you go over there, let's look at
19 the information we do have. It says Table 124. Do you
20 see that? Check 5165 and the transaction number is
21 1874. Do you see those? And it says, Employee, [REDACTED]
22 employee name [REDACTED]

23 A Yes.

24 Q All right. So let's go over to 26616, 26616.

25 Okay. Over on the left-hand side, we see

1 Black Fire Brazilian Steakhouse and the transaction
2 number there is 1908. The table number is 125. The
3 check number is 5166 versus the other one was 5165.
4 Employee name is [REDACTED] And this is for \$740.61 and
5 the time is 9:42:55 at 9/20/2017. Does that summarize
6 that a little bit? Correct?

7 A That is what the receipt says.

8 Q And this is for -- can we tell how many meals
9 were served here?

10 A Not that I can see. [REDACTED]
11 [REDACTED]

12 Q Okay. My question is -- and it says under
13 here, K & M paid me, it looks like \$250. Is that booze?

14 A I do not know what that comment references.

15 Q Okay. It says Check Notes. Is that something
16 your reviewer would write or --

17 A Where at?

18 Q Underneath. See where it says Check Notes
19 underneath that?

20 A I also cannot differentiate looking at these
21 now whether the notes my employees made versus their
22 employees looking -- right.

23 Q And that's fine. I didn't -- does the check
24 mark there, is that one that your folks made or is that
25 something that [REDACTED] would have made?

1 A I do not know.

2 Q Okay. And we see an amount of \$939.02. Is
3 that them wanting to get paid in [REDACTED]

4 A They were -- one moment.

5 It is our understanding that the amount paid
6 is the amount listed on the receipt.

7 Q \$740.61?

8 A That is correct.

9 Q Okay. But if you were going to pay a [REDACTED]
10 vendor, they might want to be paid in [REDACTED]
11 [REDACTED] Is
12 that what that is? I'm just curious.

13 A I do not know.

14 Q Okay. So -- and I look here, it says Trace
15 Number under -- above it where it says Purchase is
16 001557 and the Trace Number on the \$3,300 invoice is
17 1556. Do you see that? You might not be able to see
18 that, but --

19 A Yes, I see what you're referencing.

20 Q Okay. So does it look like these two invoices
21 are for the same sit-down meal at the same restaurant
22 that they're split a certain way, maybe one to the
23 [REDACTED] and another to the [REDACTED] people?

24 I'm just trying to understand what we're
25 seeing because the date and time isn't on this other

1 **one.**

2 A My understanding is that the amount that was
3 paid on this total invoice matches with the receipt
4 amounts, not any handwritten amounts.

5 Q I'm good with that. I'm trying to understand,
6 if I use the \$740.61 invoice at 9:42, closing out at
7 9:42 on the 20th, would it be a fair assumption that
8 these are just two [REDACTED] crews in the same restaurant at
9 the same time on the same day?

10 A One moment.

11 There is not -- go ahead.

12 A (Tim Fouty) I was going to say while you're
13 looking, I did Google Black Fire and to answer the
14 direct question, it's part of a very large shopping
15 center, so it could have accommodated plenty of
16 vehicles.

17 Q Okay.

18 A (Tess Roebuck) So Charles, on the one that
19 you referenced, trace number 1556, below it is detailed
20 out 61 dinners which is under their total crew count.
21 So the trace number 1557 does not list the count, but
22 based on the dollar amount, you could make some
23 assumptions that it was their full crew.

24 Q That's kind of what I was doing is trying to
25 understand. I actually -- I mean, if you use the same

1 their dinnertime to what their new hotel location would
2 be to report the next morning for that work in that
3 area.

4 Q Well, if they did, they went out and had this
5 meal now, is it fair to assume that -- and they were
6 released basically a day later, on the 21st, would they
7 have been actually doing work or were they just kind of
8 hanging around Orlando is kind of what I'm trying to
9 understand.

10 A We would have to do some digging to
11 validate -- try to validate that.

12 Q Okay. And so [REDACTED] explanation
13 may fit, make some of the puzzle pieces fit together.

14 If I could get you to look at 26588 and we
15 see --

16 A Got it.

17 Q All right. So we see the Embassy Suites 2:30
18 in the afternoon, [REDACTED] and, I don't know, it looks like
19 [REDACTED] -- or [REDACTED] are at the Embassy
20 Suites getting chicken tenders and whatnot.

21 But if they were not really expected to work
22 that day because they were essentially resting, this
23 would not be inconsistent with that dialogue, that
24 timeline that you described earlier, this being in the
25 early afternoon they were at a restaurant? They

1 wouldn't be going to a staging area and loading their
2 trucks up, they're resting?

3 And I'm not trying to -- it's not a trick
4 question. I'm just -- I was trying to understand before
5 I knew about the [REDACTED] hold-over thing why
6 these guys were eating a meal in the afternoon when it
7 looked like they would be working on a --

8 A Well, we receive receipts from leadership
9 members, logistic members. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q But if they were not working -- if they were
13 resting on the 22nd, they basically were free to do what
14 they wanted. I mean, that's my point is they were --

15 A We would have still covered their meals until
16 they --

17 Q What I'm trying to do is --

18 A I'm sorry.

19 Q Before I understood about the [REDACTED]
20 I was wondering why these guys were in the early
21 afternoon not out stringing wire but in a restaurant.
22 But if they were being held, this is why they would be
23 in a restaurant in the House of Blues at Universal.
24 It's a rest time; is that right?

25 A (Tim Fouty) Lodging.

1 A (Tess Roebuck) Yes.

2 Q All right. Let's go to 6630. Okay. This
3 looks like a ██████████ MasterCard statement for a person
4 named ██████████ Do you see that?

5 A Yes.

6 Q All right. And he's asking to be reimbursed
7 it looks like for something on September 10th or 11th --
8 or September 10th for \$89.81?

9 A Red Lobster.

10 Q Yes.

11 A Yes.

12 Q And in Bristol, I believe, Virginia.

13 Given that you got this crew from TECO, should
14 you be paying costs for crew members before the 17th?

15 A I don't believe so, however, there could be
16 extenuating circumstances.

17 Q Okay. One of those wouldn't be if he had also
18 billed that to Tampa Electric, would it?

19 A I wouldn't know that. One second.

20 Q So let's go over to 6680.

21 A I'm sorry. This is some of the danger in
22 trying to answer stuff quickly when there's a lot of
23 factors. One moment, please.

24 Q Okay, sure.

25 A My response stands.

1 **Q** Okay. And can you tell from this whether that
2 **\$89.91, even though -- just because it's circled was**
3 **billed to you-all?**

4 A No, I cannot.

5 **Q** Okay.

6 A And we can speak to some of the contractual
7 terms around mutual assistance and how we handle meals
8 and how they invoice us and Tim could speak to that. I
9 think he did earlier.

10 A (Tim Fouty) ██████ came to us through TECO.
11 Actually, ██████ acquired through TECO but not through --
12 they weren't allocated through the SEE. They are a
13 utility, so it kind of complicates it a little bit. But
14 in general, yes. For other utilities we do not require
15 the documentation that we would for suppliers.

16 **Q** Well, on Exhibit -- I understand what you're
17 **saying, but on Exhibit 12 it says by reviewer notes SEE,**
18 **no rate sheet provided.**

19 A (Tess Roebuck) They are listed as a mutual
20 assistance.

21 **Q** They what?

22 A They are listed as a mutual assistance.

23 A (Tim Fouty) It's probably because we got them
24 through TECO, but they weren't -- they weren't
25 allocated -- because they're ██████ they weren't

1 allocated through SEE.

2 And also, we do have rate sheets. I think you
3 mentioned earlier that some of the notes may not be
4 correct on this particular one. I'm wondering if, like,
5 we do have rate sheets and stuff like that, but there
6 might just be some confusion on this one.

7 But regardless, they're another utility,
8 [REDACTED] and we treat other utilities whether we acquire
9 them from the SEE or not under the same level of
10 scrutiny. We require receipts, but not to the level of
11 detail that we would ask a supplier.

12 Q Okay. Thank you.

13 And when I look at -- what I want to do is go
14 over to 26 -- okay, you're there. Is there any way to
15 tell from this page 26680 which of these corporate
16 MasterCard statements for [REDACTED] was charged to
17 and/or paid by Duke? I see a bunch of check marks, but
18 I don't know what those mean. Would you know?

19 A No, not at this time.

20 Q Some of these charges are for the 9th through
21 the 11th and some are for the 22nd through the 25th.
22 Charges from the 22nd through the 25th would be within
23 the time frame of demobilization and/or rest time that
24 was authorized; is that right?

25 A Correct.

1 Q If the 9th through the 12th charges were for
2 mobilization down to Tampa Electric, they may or may not
3 be appropriate for you-all to pay, but we don't have any
4 evidence which way this one went?

5 A I don't have evidence that I actually paid
6 those items.

7 Q Is it possible that the work papers would in
8 any way support that, the answer to that question?

9 A No, we typically do not require this level of
10 detail and supporting documentation for mutual assistant
11 utilities.

12 A (Tim Fouty) Let me clarify too. This is Tim.
13 So I got some good information from some notes
14 from support behind me here. So [REDACTED] came to us kind
15 of through the SEE. They were discussed on a SEE call,
16 but they weren't actually allocated through the SEE
17 allocation tool. So we did acquire them via the SEE,
18 but not the official allocation that we normally do. So
19 that kind of explains the reference SEE and we don't
20 have record of it in our match log.

21 Q Okay. And if you have Exhibit -- I appreciate
22 that -- Exhibit 12, which is the work papers, if I
23 look -- and I don't think we need to put this on the
24 screen.

25 If we look at the meals listing, it doesn't

1 look like there's a meal charge before the 17th. I
2 don't see anything for the 9th, 10th, 11th and 12th
3 that's listed on here.

4 A (Tess Roebuck) Correct.

5 Q This would not indicate -- if this ties to
6 what they billed, it would not indicate that Duke paid
7 ██████ for charges on the 9th, 10th, 11th, 12th from
8 those credit card statements. Is that a fair conclusion
9 to make?

10 A According to this, no. However -- one moment.
11 Our list does not include any of those charges
12 for dates that they were not with Duke.

13 Q Okay. So what you just said was that your
14 documentation does not show that you were invoiced or
15 that you paid for charges for the days prior to the
16 17th? Is that what you said in another way?

17 A It is, but in transparency, I don't have the
18 ability to itemize that out on the invoice.

19 Q I understand. I appreciate that.

20 A Okay.

21 Q I was asking about those because they
22 submitted documentation that showed those dates. I just
23 wanted to make sure to the best of our ability here
24 today that we didn't show that being incurred by Duke
25 customers for a period prior to them working for TECO.

1 A Okay.

2 Q And we didn't see the work papers until today,
3 so I just want to be on the record that we somewhat
4 understood the scenario once you broke the ice with that
5 [REDACTED].

6 MR. REHWINKEL: It's 10 minutes to 6:00.
7 Let's just stop here, get a bite to eat, and then
8 we'll do a few more before we leave.

9 MR. BERNIER: Sounds good.

10 (Dinner recess from 5:50 p.m. to 6:35 p.m.)

11 BY MR. REHWINKEL:

12 Q I want to talk about some documentation inside
13 of this invoice here which is 9117Z and ask you to turn
14 to page 47562.

15 Okay. So does someone know what this invoice
16 9117Z is supposed to represent? It looks to us like
17 it's just all lodging for [REDACTED].

18 A (Tess Roebuck) One second.

19 Q Okay.

20 A Okay. So this group of documents that are
21 1,900 pages are all of the expenses for [REDACTED], and
22 [REDACTED] is one of the sub companies under [REDACTED] and their
23 lodging.

24 Q They're one of the [REDACTED]
25 [REDACTED]; is that fair?

1 Q [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A [REDACTED]

5 [REDACTED]

6 A [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 Q [REDACTED]

10 A [REDACTED]

11 Q [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A (Nods head.)

16 Q [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 A [REDACTED]

21 Q [REDACTED]

22 A [REDACTED]

23 [REDACTED]

24 Q How did you know where to pay?

25 A I would -- I'm trying to think if --

1 Q Why don't you speak up.

2 A I'm talking to myself really.

3 Q Okay.

4 A Give me a second.

5 Q All right.

6 A (Tess Roebuck) [REDACTED]

7 A (Tim Fouty) Right. That's what I was
8 confirming.

9 A (Jay Shawver) I just did the math and it was

10 [REDACTED]

11 Q Okay. So --

12 A If my math is right.

13 Q So it's somewhere in the [REDACTED] range?

14 A Yes, that's what I got, [REDACTED]

15 Q Okay. [REDACTED]

16 [REDACTED]

17 [REDACTED] Is that something you
18 would have agreed to or negotiated with [REDACTED]

19 A (Tim Fouty) It's something that could be, but
20 we don't see it in their rate sheet.

21 Q That's what we were struggling with is we
22 couldn't find it.

23 A I don't know -- we'll continue to look into
24 that. We may have some notes, but it's not in the rate
25 sheet.

1 Q Okay. So what I want to do is as a late-filed
2 exhibit, [REDACTED] we'll call it Authorization,
3 but what I'm looking for is a [REDACTED]

4 [REDACTED]
5 [REDACTED] Does that make sense?

6 A Yes.

7 MR. BERNIER: Yes.

8 (Exhibit 16 to be marked and produced as a
9 late-filed exhibit.)

10 BY MR. REHWINKEL:

11 Q All right. So we were talking earlier in the
12 day when we were -- I was asking about purchase orders,
13 and I think the term that was used was something along
14 the line -- it had the word "scope" in it. Can you
15 refresh my memory about what that document was?

16 A (Tim Fouty) This is Tim. You might be
17 referring to the scope and method of payment document.

18 Q Yes.

19 A Okay.

20 Q Would there be such a document for [REDACTED]?

21 A No. The scope and method of payment document
22 is generally for our on-system embedded crews.

23 Q And I think the master service agreement
24 refers to a purchase order when it says where to look
25 for [REDACTED] rates.

1 A If there is a purchase order.

2 Q Okay.

3 A In that case, there is not.

4 Q There is not one for [REDACTED]?

5 A There is not. The purchase order is the scope
6 and method of payment document or a different agreement.

7 Q Okay. So when we looked at the master service
8 agreement section Roman numeral IV.B on page 10 of 29 in
9 the contract between [REDACTED] and Duke discusses [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 And what I guess we're trying to understand is
13 is there a billing instructions document that you should
14 have?

15 A Well, there is a billing instructions document
16 on how to submit for your invoice.

17 Q Okay.

18 A It does not contain a detail of the -- I mean,
19 the document itself just tells you what accounting to
20 use and --

21 Q Oh, it's the same for everyone? It's a
22 boilerplate?

23 A Yes.

24 Q And then -- so when we're looking for rates --

25 A Right.

1 Q Okay. And that 45025 document is what you
2 were using for foreign crews universally or in most
3 cases? I mean, would there be exceptions to that?

4 A With [REDACTED] we actually did use the thicker
5 version of the master services agreement probably
6 because it was done prior to us, 2015. It was done
7 prior to going to that 45025 method.

8 Q All right. And any reference in that master
9 services agreement for [REDACTED] that referenced a purchase
10 order was just a dead end in the sense that there's no
11 such thing for them?

12 A That would be correct.

13 Q Okay.

14 A (Jay Shawver) And Charles, this is Jay. What
15 was that provision you called out, section -- or Roman
16 IV.B, or what was that?

17 Q Yes, Roman numeral IV.B, page 10 of 29.

18 A We'll look at that.

19 Q I have it in one of those boxes there. It's
20 probably easier for you-all to find it.

21 A I'll just look it up.

22 Q While he's looking for that, do you consider
23 people like [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 A (Tim Fouty). Yeah. I mean, when we're
2 dealing with [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q Okay.

6 A And we might make sure that [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q Okay. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A [REDACTED]

14 [REDACTED]

15 Q Okay. And nobody -- if somebody's got a union
16 rate and it's --

17 A We have two sets of rates for [REDACTED].

18 Q Okay.

19 A Two rate sheets. One is a union one and one
20 is a non-union.

21 Q Okay. But that's uniform?

22 A That's right.

23 Q It doesn't matter whether it's [REDACTED]

24 [REDACTED] union, non-union; same

25 thing uniformly?

1 A Right. That's correct.

2 Q So let's go back to [REDACTED] And if I looked at
3 this document here on the page that summarizes the
4 lodging, it shows hotel lodging from 9/7 through 9/10,
5 which I assume means on the way down, and then 9/21
6 which would be on the way back home, mobilization in the
7 first instance, demobilization on the 21st; is that
8 fair?

9 A Yes.

10 Q And we see [REDACTED] spending the night at a
11 Country Inn on the 21st, which would imply that they
12 were released probably on the 21st. Their last day of
13 work would have been the 20th?

14 A I would assume. I assume we can check, but I
15 would say that it seems logical.

16 Q And I think based on the conversation we've
17 had earlier today, that [REDACTED] would probably be on the
18 early end of release? You wouldn't hold them over to do
19 button-up work or anything like that?

20 A Generally not.

21 Q Okay.

22 A (Jay Shawver) This is Jay. So while she's
23 doing that, we referenced that contract and that's the
24 invoicing section, and then it references if there's not
25 a PO, otherwise it's the rates that we have in the

1 standard sheet, and in that sheet there is no mention of
2 a cost per mile. So that's probably an opportunity.

3 Q Okay. Is it possible, and we didn't ask --
4 well, we've got it somewhere, but given the time frame
5 we did not seek to look at the reviewer paper for [REDACTED]
6 thinking that they would probably be somewhat extensive.

7 Is it possible that there's documentation in
8 there that discusses propriety of a mileage rate?

9 A In what document?

10 Q You know these work papers that we've been
11 talking about? We'll start off on audit papers.

12 MR. BERNIER: POD 18 stuff?

13 MR. REHWINKEL: Yes.

14 A (Jay Shawver) I've never seen in ROD.

15 BY MR. REHWINKEL:

16 Q Okay.

17 A (Tess Roebuck) So our delay is that we do not
18 have the crews broken out by the [REDACTED] identifiers, they
19 are crew IDs. So to cross-reference that --

20 Q That's fine. I see you might have released
21 [REDACTED] resources differentially based on crew, okay,
22 rather than -- I don't know. How many [REDACTED] resources
23 do you have, [REDACTED]

24 A (Tim Fouty) In two waves we ended up with

25 [REDACTED]

1 Q Okay. So you wouldn't have obviously released
2 all [REDACTED] on the same --

3 A No. It was staggered. And we don't -- we're
4 still going to find the documentation, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q Okay.

8 A (Tess Roebuck) Subject to check, we've got a
9 good list of [REDACTED] but it's very specific
10 instructions that they are released as of 6:00 a.m. on
11 9/21, they should go to the staging site in the morning
12 for breakfast and to unload material, tree ground prior
13 to departing.

14 Q And that was all [REDACTED]?

15 A (Tess Roebuck) No.

16 Q Oh.

17 A It's a good percentage of them.

18 Q Good percentage. Okay. Gotcha. So they
19 essentially were done working on the 20th which -- and
20 you let them go first thing in the morning on the 21st.
21 Is that what you just said?

22 A (Tess Roebuck) Yes, sir.

23 Q Okay. So if I looked at this table that has
24 this summary of the hotels, I can assume that these all
25 relate to that same [REDACTED] crew. And would they likely

1 have traveled together, these 19 men? They would
2 have --

3 A That's a reasonable assumption.

4 Q Amy, did you have any thoughts about what --
5 all the [REDACTED] people have traveled together?

6 A (Amy DeZonia) Yes, the 19, I would assume
7 they would have traveled together.

8 Q Okay. So here's what I want to understand
9 about these invoices or receipts. So I'm looking at --
10 let's go to 47587. And so this is a [REDACTED] Electric 7.
11 I don't -- I guess is their name. But it's Room 303,
12 arriving on the 8th, departing on the 9th, and it's --
13 if you look at the bottom of the page it says Country
14 Inn and Suites, 1033 Fairmount Highway, Calhoun,
15 Georgia.

16 Did I read that right?

17 A (Tess Roebuck) Yes.

18 Q All right. And then we see if we look at --
19 it says they departed on the 9th. It has 9/11/17,
20 3:33:49 p.m. Eastern Standard Time, and it looks like
21 that's an indicator that that's when the invoice was
22 generated, but this says that the crew checked out or
23 departed on the 9th. Is that how you read that?

24 A It shows their room was from 9/8 to 9/9.

25 Q I'm just trying to kind of get rid of the 9/11

1 **MR. BERNIER:** I'm sorry?

2 **MR. REHWINKEL:** Calhoun, Georgia?

3 **MR. BERNIER:** Calhoun is up near the Tennessee
4 border. Milledgeville is not far from Perry where
5 the staging --

6 A (Tess Roebuck) They're about two to three
7 hours apart.

8 Q So that is a southerly --

9 **MR. BERNIER:** Yes.

10 A Two to three hours.

11 **BY MR. REHWINKEL:**

12 Q I thought it was down in southwest Georgia
13 somewhere.

14 **MR. BERNIER:** Middle College of Georgia is
15 there.

16 **BY MR. REHWINKEL:**

17 Q All right. I was rewarded for closing that
18 question out by error.

19 All right. Okay. I have a big scope question
20 about [REDACTED]. We looked at Bates from 46722 to 49386
21 and I don't know that we're going to be able to
22 determine this here today, but we totaled the invoices
23 there at [REDACTED], and we saw billings for [REDACTED] of
24 [REDACTED] and there was -- which left [REDACTED]
25 of invoices that we could not reconcile here.

1 And so what we're trying to understand is
2 where might we find the other [REDACTED]. I'm not
3 suggesting it doesn't exist. We just don't have in our
4 documentation invoices for -- and I think it's about two
5 or three invoices that support that amount of money.

6 A (Tess Roebuck) That is something we'd have to
7 follow up with you on. So if you wanted to send that to
8 us, we could do our research and reply to you validating
9 we have those documents --

10 Q Okay.

11 A -- or explaining otherwise.

12 Q Is there anything anybody knows about where
13 [REDACTED] invoices might be?

14 A There's a lot there.

15 Q Yeah, I understand. Okay.

16 A They were all moved there.

17 Q Okay. Let's go to invoice 9117 P.1-2. And I
18 want to ask about Bates -- well, let's just look at
19 that. This is 2-point -- [REDACTED] is the total
20 invoice here. Do you see that?

21 A Yes.

22 Q All right. And turn to the -- let's go to
23 Bates 470796. This looks like a time sheet for [REDACTED],

24 [REDACTED] [REDACTED]

25 A (Tim Fouty) That's correct?

1 A (Tess Roebuck) Yes.

2 Q And this is for the week ending 9/1017 and it
3 looks like the date of this time sheet is 9/1014, which
4 is two days after the storm has left town? No, three
5 days, right? 12, 13, 14?

6 A (Nods head.)

7 Q All right. So would you have information in
8 the ROD that says when this particular crew [REDACTED]
9 arrived or was unboarding?

10 A Let me check. If it's listed by that, yes, if
11 I have to cross-reference crew IDs, but let me see if
12 it's --

13 Q Okay.

14 A The size of [REDACTED] is going to create quite a
15 bit of time for us to do this.

16 Q Okay.

17 A We could have created the names with a crew ID
18 cross-reference given some time, but we could certainly
19 follow --

20 Q Okay. Well, let me move away from that. I
21 was just trying to understand.

22 If we look at page 7 -- 47082, this is a
23 summary of billing, it looks like, for the week ending
24 the 10th and it shows a billing for the 8th, 9th and
25 10th; is that fair, [REDACTED]

1 A Yes.

2 Q And then if we skip over to 84, 47084, we show
3 the billing time pretty uniformly for the 11th through
4 the 17th in this summary of time, right?

5 A Correct, with a couple of exceptions.

6 Q Right.

7 A Yes.

8 Q But would you assume from this that R [REDACTED]
9 arrived pretty much near the beginning of the event and
10 onboarded based on the travel time?

11 A Subject to check, that's a fair assumption,
12 but we would be able to validate it in ROD.

13 Q So now let's go back over to -- let's go to
14 7095. And this -- what I want to look at is, first of
15 all, this is a [REDACTED] daily time sheet and it shows
16 work on the 14th; is that right?

17 A Yes, that's what it appears.

18 Q It looks like it's a three-man crew?

19 A There are three names listed there, yes.

20 Q Okay. So then we go down -- let's go to the
21 notes at the bottom. It says there: Working off feeder
22 X83 inspected all -- what does that say?

23 A Stingers.

24 Q -- stingers for damage, repair service
25 primary --

1 A (Amy DeZonia) Secondary.

2 Q -- secondary and --

3 A Cans.

4 Q -- cans. That's meters that are cans?

5 A Or transformers.

6 Q Okay. And then it says: Waited at staging
7 till 12:00 p.m.

8 What would you deduce from the "waited at
9 staging" comment?

10 A I would defer.

11 Q Anybody?

12 A (Tim Fouty) This is Tim. I don't know if
13 this was an example, but I know there was a time when
14 the bus wasn't there and they had to wait for a bus to
15 return to take them to the hotel. I don't know if that
16 applied to this specific one.

17 Q Well, is the thought that 12:00 p.m. there is
18 midnight or noon?

19 A Yeah, I'm assuming midnight, but --

20 Q But you think -- I thought of 12:00 p.m. as
21 being noon.

22 A Well, it should be, but I think -- I was
23 taking it that they meant they waited till midnight, but
24 that could be. We were just all agreeing that noon is
25 probably more what the document is referring to.

1 Q All right. So --

2 A (Tess Roebuck) So we have located some ROD
3 notes. It appears that they were onboarded the morning
4 of 9/14 and went through the onboarding process. It
5 listed who the onboarding was completed with, by

6

██████████

7 Q Does anybody know where ██████████ started?

8 A We're checking to see if we have that.
9 They're from Canada.

10 Q Okay. So even though it shows them, I think
11 we looked at them, their first billing date was the 8th,
12 you're assuming that travel time would have brought them
13 in late on the 13th or early on the 14th to be onboarded
14 on the 14th?

15 A Yes, we had some that came in late night of
16 the 13th and were onboarded the morning of the 14th.

17 Q Okay. All right.

18 A (Amy DeZonia) This is Amy. That explains the
19 12:00 p.m. start because they would have been onboarded
20 at that point.

21 Q That's what I was trying to understand. So
22 okay.

23 All right. Let's, if we can, turn to ██████████ and
24 I want to turn to invoice -- well, we can go to Bates
25 38275.

1 All right. This shows a [REDACTED] crew working
2 on -- it says the 13th, 14th, 15th and 16th in
3 handwritten notation up there. Do you see that?

4 A (Tess Roebuck) Yes, 13, 14, 15 and 16.

5 Q Can you tell me what the [REDACTED] off to the right
6 represents?

7 A One moment.

8 Tim, Sharon, can you guys reference the
9 contract to see if that is in reference to the contract?

10 A (Tim Fouty) Oh, the [REDACTED]?

11 Q (Tess Roebuck) Yes.

12 A (Tim Fouty) I don't know which [REDACTED] crew this
13 was, but there was some that started as transmission and
14 switched to distribution. So we could have a different
15 contract to look at. So I was trying to figure out if
16 it's a transmission.

17 A (Tess Roebuck) Yes. I'm trying to figure out
18 if this is a distribution or transmission invoice.

19 We're confirming -- if it's distribution we
20 have it. If it's not, we don't.

21 Q Is this some kind of a [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A I'm checking, Charles.

25 Q Okay.

1 A So Charles?

2 Q Yes.

3 A There are some complexities to this one that
4 is more likely transmission than distribution. We've
5 got no reference to that [REDACTED] currently, but we could
6 follow up on the details with this one. It's just going
7 to take longer piecing together, unless you want us to
8 spend another five minutes doing that.

9 Q No, I think --

10 A We would have to just -- we're checking
11 various different systems as quickly as we can.

12 Q Okay. Well, let's go to, if we can, 38284.

13 A Excuse me?

14 Q 38284.

15 Okay. This shows rates, it looks like, for
16 the invoice. Can you tell anything from this, what type
17 of crew this was by their rates?

18 A (Tim Fouty) This is the distribution [REDACTED]
19 rates and we believe that that crew was transmission.

20 Q Okay.

21 A So we're looking to find transmission rates.

22 Q Why would these rates be attached to these
23 invoices?

24 A Well --

25 Q Or is this a boilerplate thing?

1 A It could be, but we kind of have to sort
2 through the notes because we did have some crews that
3 started as transmission and switched to distribution at
4 some point.

5 A (Tess Roebuck) Yes, just on the spot this is
6 not going to be an easy one to have a simple response
7 to, but we can definitely give you one.

8 Q Okay. Well, let's move past that and let's
9 go -- let me just generically ask a question about
10 38288. And this shows [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] Do you see that?

15 A Yes.

16 Q And are these specific rates for this specific
17 crew out of [REDACTED] versus some sort of a generic [REDACTED]
18 rate? To be fair, let's go to the page before which is
19 38287, and there's a letter here where somebody named
20 [REDACTED] with [REDACTED] sends a letter to Duke in July of
21 2017 talking about their rates based on, it looks like,
22 union requirements.

23 A (Brian Sawyer) Can you make that a little bit
24 bigger?

25 A (Tess Roebuck) So one of the things we need

1 to validate is -- and Tim, you need to speak to this --
2 that we had some that if there was not a current
3 contract what would you do, if there was a dated
4 contract.

5 A (Tim Fouty) Supply Chain would have requested
6 an update to the rates. But I'm not sure why the
7 in-state designation on this one.

8 A (Brian Sawyer) Okay. So -- this is Brian.
9 I'm sorry. So I recognize Mike Forest. He is actually
10 a transmission employee, a manager in the Midwest. This
11 looks like a communication from [REDACTED] who's out of [REDACTED]
12 [REDACTED] to perform potential transmission work in the
13 Midwest and trying to establish storm rates under what
14 we would call our blue sky MSA and SMP, scope and method
15 of payment. That's what that looks like to me.

16 Q Okay.

17 A (Tess Roebuck) And for further clarification,
18 we believe in this are 2018 storm rates -- or 2017.
19 Wait.

20 Q It says: I respectfully submit emergency
21 labor and equipment rates for the period July 1, 2017
22 through December 31, 2017.

23 So these -- and I guess the next page are
24 their rates. And so these would be --

25 Is this for a specific [REDACTED] versus all of

1 [REDACTED]?

2 A (Tim Fouty) That's what it looks like to me.
3 Not maybe a crew, but specific to those who were already
4 working for transmission.

5 A (Brian Sawyer) This would be -- because this
6 is a [REDACTED] company. This would be consistent with any
7 [REDACTED], one through however many that were under the
8 MSA contract in the Midwest. If they were deployed in a
9 named storm with us, these rates would apply if we
10 agreed to these. I don't know if we agreed to them or
11 not. We've had storm rates from other companies in the
12 past where they've tried to establish them which we did
13 not sign off and agree to.

14 In our current baseload blue sky through
15 method of payment of transmission we don't have storm
16 rates. We have overtime -- regular time and O.T.
17 There's no double time. So I don't know if these were
18 proposed or actually agreed upon. That I don't know.

19 Q So would [REDACTED] be considered embedded for the
20 Midwest of Duke?

21 A Yes. What I was confirming with Brent, I
22 think we had a signed MSA in 2017, so currently they are
23 embedded. I would assume in 2017 they were. They're a
24 current state, so --

25 They weren't in '17? Okay. They're working

1 today, I believe. They weren't in '17.

2 Q All right. So let's do this. Let's stop here
3 for the day and let's come back at 8:30 in the morning
4 and we'll kind of streamline our questions and then
5 we'll get a little -- dodge this, what we talked about
6 about [REDACTED].

7 But before we stop, what I want to understand
8 is, is this -- is [REDACTED] embedded only in the Midwest at
9 this point in time?

10 A For transmission, yes.

11 Q Are they embedded at all for distribution?

12 A I'm sorry. Let me clarify. For Transmission,
13 Midwest, yes.

14 Q Okay. So one thing I'm trying to understand
15 is, looking at these rates they seem [REDACTED]

16 [REDACTED]
17 [REDACTED] but they seem to be a lot
18 lower than the rates that Florida Public Utilities
19 Company brought onboard for Irma based on their
20 testimony that FPL negotiated them.

21 So what I'm trying to understand is does Duke
22 have a relationship with [REDACTED] that would give you some
23 better leverage with [REDACTED] than maybe some other utilities
24 would have?

25 A (Jay Shawver) So I'll answer that. This is

1 Jay. So we -- at the [REDACTED]
2 [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] that we do business with.

5 Q Who are the other [REDACTED]?

6 A [REDACTED]

7 Q Okay.

8 A They've got [REDACTED].

9 Q Okay.

10 A There are over [REDACTED]

11 [REDACTED].

12 Q So when it comes to negotiating rates, we
13 talked earlier today that it's sort of a -- for foreign
14 crews it's more a matter of kind of in the heat of the
15 moment price determination, right?

16 A Yes.

17 Q But I take it that you have a guy in Deland
18 talking about wanting to set up some rates for the
19 upcoming storm season, and would this be consistent with
20 that or is this a little bit different that you're
21 setting up potential discussions about rates in July
22 versus in August or September as the storm is starting
23 to heat up in the basin?

24 A Give me a second.

25 A (Brian Sawyer) I can probably answer that if

1 you'd like. This is Brian.

2 So from the letter that I saw, that was an
3 attempt to actually establish an MSA and a scope of
4 method of payment in the Midwest, in which case that
5 would be consistent with the [REDACTED]

6 [REDACTED]
7 [REDACTED].

8 That's probably why you're seeing the delta
9 between the July time frame versus the realtime
10 September foreign crews. [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q So is [REDACTED] a contractor that performs
15 high-quality work, quality work? Are they just --

16 A They perform substantial high-quality work.
17 When we brought them into Irma from a transmission
18 perspective, we actually tried to establish post-storm
19 an actual MSA scope and method of payment with them. [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 [REDACTED] but we tried substantially. They do fine
24 work.

25 Q That's at the transmission level. What about

1 can anybody address it at a distribution level?

2 A (Tim Fouty) From the storm perspective, not
3 from the distribution side that I'm aware of from a
4 day-to-day work standpoint.

5 Q Is there a reason for that? Is it because of
6 price?

7 A (Jay Shawver) This is Jay. Yes.

8 Q So distribution end price has been an issue?

9 A Yes.

10 Q Okay. All right. [REDACTED]

11 [REDACTED]
12 [REDACTED] Is that
13 essentially what you experienced?

14 A I'm sorry. Can you repeat that?

15 Q Their hourly rates would be [REDACTED]
16 [REDACTED]. Is that what you experienced for [REDACTED] on the
17 distribution side?

18 So is this document here, are those the rates?
19 What page is that? Are these the rates that you used
20 for [REDACTED] or were they --

21 A (Tim Fouty) That is not the rates that we
22 have for distribution.

23 SHARON BOGDANOS: Those are transmission.

24 BY MR. REHWINKEL:

25 Q Okay. For distribution I see --

1 A (Brian Sawyer) These are transmission rates.
2 This is Brian. These are transmission rates. Those are
3 not the distribution rates. Is that correct?

4 A (Tim Fouty) That is correct.

5 Q So when I look at 38284, this document here,
6 for [REDACTED]

7 [REDACTED]
8 Are these rates also -- those rates there,
9 what are those?

10 A Distribution.

11 A (Tim Fouty) Those are distribution rates.

12 A (Tess Roebuck) These are what were utilized.

13 Q [REDACTED] [REDACTED]

14 [REDACTED]

15 A (Tim Fouty) Yes, that would be correct.

16 Q When you say --

17 A (Jay Shawver) This is Jay. The way this rate
18 sheet appears is for storm only, and so it's not
19 applicable [REDACTED].

20 Q Okay. [REDACTED]?

21 A Yes.

22 A (Tim Fouty) The description of when the
23 overtime applies is below.

24 Q Right there?

25 A [REDACTED]

1 [REDACTED]

2 Q [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 [REDACTED], but for storm work that seems in line.

7 Q For union crews or for any crews?

8 A [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. REHWINKEL: Okay. All right. Well, let's
12 stop there and we'll come back at 8:30 tomorrow and
13 we'll pick up with PAR or somebody else. I'm just
14 going to leave these boxes in here if that's okay.

15 MR. BERNIER: That's fine.

16 MR. REHWINKEL: We can go off the record.

17 (The deposition adjourned at 7:44 p.m.)

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I N D E X

1		
2		PAGE
3	PROCEEDINGS.....	330
	CONTINUED DIRECT EXAMINATION BY MR. REHWINKEL.....	332
4	CERTIFICATE OF OATH.....	451
	CERTIFICATE OF REPORTER.....	452
5	ERRATA SHEETS.....	453-459

E X H I B I T S

7	FOR THE OFFICE OF PUBLIC COUNSEL:	PAGE
8	17 - Late-Filed - [REDACTED].....	344
	18 - Late-Filed - Pre-Staged Crews.....	352
9	19 - [REDACTED] Review Work Papers.....	369
	20 - [REDACTED] Invoice 40061880.....	369
10	21 - Late-Filed - Storm Damage Follow-Up.....	389
	22 - Late-Filed - [REDACTED] Documents Showing	
11	[REDACTED].....	413
	23 - Late-Filed - [REDACTED] Follow-Up.....	430
12	24 - [REDACTED] Invoice 901711041A.....	431
	25 - [REDACTED] Invoice 272035.....	440
13	26 - [REDACTED] Invoice 59221.1-2.....	441
	27 - Late-Filed - [REDACTED].....	441
14	28 - [REDACTED] Invoice 1771 Excerpt.....	447

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16
17
18
19
20
21
22
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25

P R O C E E D I N G S

1
2 **MR. REHWINKEL:** So let's go back on the
3 record. I think in the room today everyone that
4 made an appearance yesterday is here again without
5 exception, except Bill Schultz is not here today.
6 And I think everybody on the phone has indicated --

7 **MR. BERNIER:** Yes, I think on the phone I had
8 Schef, J.R. Kelly, Rachel -- I'm going to butcher
9 your last name as always.

10 **MR. REHWINKEL:** Charles.

11 **MS. DZIECHCIARZ:** No worries.

12 **MR. BERNIER:** And you're going to provide me a
13 list of the other people you've got with you.

14 And then I have Laura Wynn and Jon Moyle; is
15 that all correct?

16 **MR. REHWINKEL:** You have Schef.

17 **MR. BERNIER:** I had Schef.

18 **MR. REHWINKEL:** And Schef, your sound was kind
19 of low again today for whatever reason.

20 **MR. WRIGHT:** I'm using my phone for other
21 reasons.

22 **MR. REHWINKEL:** Okay. You're very faint.

23 **MR. WRIGHT:** You're coming in loud and clear
24 and I'm going back on mute because I probably won't
25 have much to say.

1 **MR. REHWINKEL:** Okay.

2 **MR. WRIGHT:** Again, just before we go on the
3 record -- (Discussion off the record.)

4 **MR. REHWINKEL:** And now that we're on the
5 record, this is a continuation of yesterday, and
6 everyone, I would just like you to go down the
7 line, acknowledge that you've still under oath
8 starting with Tess.

9 **TESS ROEBUCK:** Yes.

10 **MR. REHWINKEL:** Jason?

11 **JASON CUTLIFFE:** Yes.

12 **LAQUITTA GHENT:** Yes.

13 **MS. DEZONIA:** This is Amy. Yes.

14 **BRIAN SAWYER:** This is Brian. Yes.

15 **TIM FOUTY:** This is Tim. Yes.

16 **MR. SHAWVER:** This is Jay. Yes.

17 **MR. REHWINKEL:** Thank you.

18 CONTINUED DIRECT EXAMINATION

19 **BY MR. REHWINKEL:**

20 **Q** All right. So I've asked to put on the screen
21 the email that's attached to Exhibit 9. Okay. And I
22 think I'll direct this question to Tess, but it could go
23 to Tim or Jay. But Tess, are you familiar with this
24 email?

25 **A** (Tess Roebuck) Yes, sir.

1 Q Okay. Can you explain to me -- and I'm just
2 trying to understand the circumstances of the time
3 frame. I don't know if you need to go to the beginning
4 of the email, but tell me what your understanding of
5 this email describes.

6 A This email is really our process that we use
7 for any time we have a challenge with a vendor on
8 getting information from them or getting lack of
9 follow-back when we keep asking them for things or we
10 need clarification, then we get guidance from the
11 contract management group. And Robin Grace was the lead
12 working with the payment team for Hurricane Irma.

13 Q Okay. Let's go to, I guess, the very
14 beginning of the email string which I think will be at
15 678, 60678. And this is Robin to Joan Sharpshair and
16 Brent Holly and some others, and this is dated in March,
17 March 27 of 2018.

18 It says, "We're still trying to process an
19 invoice for [REDACTED] for Hurricane
20 Irma storm restoration support. I do see them on the
21 off-system line support spreadsheet I received from
22 Sharon and they have a crew ID in ROD, so I can validate
23 they were on system working for us.

24 Today, they were able to provide me with a
25 rate sheet and their corporate signed terms and

1 conditions contract.

2 Can someone in Contract Management give me
3 approval to use this rate sheet to complete our audit of
4 their invoice?"

5 And it seems like from the email stream that
6 there was not a rate sheet in place prior to them doing
7 work. Is that what I'm understanding from this?

8 A That was our understanding.

9 Q And if we go to 677, which is -- it's an email
10 from Brent Holly to [REDACTED]
11 [REDACTED], and it looks like he says, "Can you
12 please confirm who at Duke Energy you provided these
13 rates to storm work being performed? Also, if you can
14 forward me the email documentation, that would be
15 great."

16 And then on April 4th [REDACTED] sends
17 back to Brent Holly, "As we discussed, [REDACTED]
18 was sent to Duke Energy via mutual assistance from PPL.
19 Our rates did not make it to Duke prior to work."

20 Is that right?

21 A Yes, sir.

22 Q So -- and this may be directed to Tim or Jay.
23 Can you explain why this circumstance would happen and
24 if there's anything unusual about it?

25 A (Tim Fouty) Yes. This is Tim. I'll start.

1 BY MR. REHWINKEL:

2 Q -- where he says: Hi Sharon, Please see below
3 from company [REDACTED] Robin has been sent --
4 has been trying to track down validation of their
5 invoicing from Irma, but we have been unable to locate
6 any storm rate sheet internally. Per note below, they
7 were a mutual assistance contractor provided from PPL.
8 Based on that, are you okay with Robin moving forward
9 with payment based on the rates [REDACTED] provided
10 post storm?

11 And Sharon's response to Robin was: Are the
12 rates way out of line with what you've been seeing for
13 other companies? If not, then I would be okay with
14 processing invoices based on the rates they have
15 provided us.

16 And then Robin says to Sharon: Their rates
17 are a little on the high side, but certainly not the
18 highest we've seen -- we have seen. Expenses seem
19 reasonable and in line with others as well. I will go
20 ahead with processing their invoice if you agree.

21 So this is to Tess. Did I read that, despite
22 my stumbles, fairly accurately?

23 A (Tess Roebuck) Yes, sir.

24 Q Okay. And from the standpoint of review and
25 processing of the invoice, your team would have relied

1 A I can get that for you relatively quickly.

2 Q Okay. Thank you.

3 A Charles, [REDACTED] goes to one
4 of our executives to approve that.

5 Q Okay. Thank you.

6 All right. Now, we can move from the [REDACTED]
7 [REDACTED] invoice to -- I want to tee up, if we can, this
8 [REDACTED]. I think I misspelled it. [REDACTED] and then it's
9 [REDACTED]. And the Bates on this would be 3269.

10 Okay. This -- and I don't know exactly who
11 the right person to direct this to is, so I'll ask the
12 question and hopefully someone can speak up.

13 This appears to be a time sheet summary for a
14 week ending the 23rd of September with the last time
15 summary for the day of the 21st; is that correct?

16 A (Tess Roebuck) Yes, that's what it appears.

17 Q Okay. And this is a, I don't know, it looks
18 like about 10-people crew. I didn't count the numbers.
19 So what I want to ask about is are the notes for the
20 date of Sunday, 9/17 at the bottom. And I don't know if
21 that needs to be enlarged to folks, but you can see it a
22 tiny bit.

23 And what I want to ask, the notes say: Crews
24 were released from TECO storm -- I can't tell if that's
25 a 9 or an 8:00 a.m., and transferred to Duke Energy for

1 gone to one site to have that briefing and onboarding
2 and then to another base camp to receive work and get
3 their assignments.

4 Q Okay. So can you tell from this -- I guess my
5 question was would the assumption be that they worked on
6 Monday and then on Tuesday and then they were released
7 on Wednesday?

8 A That's what I would draw from this. And
9 again, Monday is an assumption because it's not noted
10 specifically in those comments.

11 Q Okay. What I'd like to do is just ask if we
12 could get maybe some notes of follow-up explanation of
13 what happened with this crew with a little bit more
14 detail, whatever notes you have that show what they did
15 from the time they onboarded with you to the time they
16 were released.

17 A We can do that.

18 Q Because their demobilization time seems rather
19 quick, so that doesn't look like an issue for us. We
20 just want to understand. And what I'm looking for here
21 is just to understand the mechanics of it because these
22 notes are a little bit odd.

23 A We can do that.

24 MR. REHWINKEL: So this will be a late-filed
25 No. 17 and it would be [REDACTED] Detail. I'm just

1 right?

2 A (Tim Fouty) Depending on -- this is Tim.

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 Q Okay. And let's say that somebody has gone to
7 a location north of Florida to, I use the term "hole
8 up," you know, just wait for the storm. So then they're
9 not traveling, but they're on standby. They're just
10 waiting around.

11 Is there a limitation on the billing for
12 standby time when someone's in a hotel waiting for a
13 couple of days or are they allowed to bill [REDACTED]
14 generally?

15 A They are probably generally allowed to bill [REDACTED]
16 [REDACTED].

17 Q Okay. So I guess another way of asking that
18 question is you don't have a maximum for standby time
19 that vendors can bill?

20 A We do not. [REDACTED]
21 [REDACTED]. [REDACTED] [REDACTED]
22 [REDACTED]

23 Q All right.

24 A (Jason Cutliffe) This is Jason. What I would
25 just add to that to tie into Tess' comments, there's an

1 the state. I'll ask the group if they recall anything
2 different. Not line crews. I mean, we had leadership
3 and support and damage assessment. Those folks were
4 here.

5 **Q I understand.**

6 A They were in state. But our off-system
7 restoration crews, I believe we had them all in those
8 two mustering locations.

9 A (Amy DeZonia) I would like to confer.
10 Jason, if I could just for a minute.

11 **Q Okay. And my question isn't every single one,**
12 **but I mean as a general rule.**

13 **MR. BERNIER:** Your question was whether or not
14 as a general rule crews would be staged in Georgia,
15 not whether or not every --

16 **MR. REHWINKEL:** That's right.

17 A (Amy DeZonia) All right. I can answer this
18 now.

19 **Q Yes.**

20 A Okay. So yes, we did bring in roughly 1,000
21 resources before the storm.

22 **Q Okay.**

23 A We had a parking site at the Orange County
24 Convention Center where we parked trucks and then vetted
25 them down before the storm.

1 that fair?

2 A (Jason Cutliffe) This is Jason. Yes. Their
3 function is a bit different. They need to be out just
4 as soon as it's safe to travel and they need to be
5 familiar with their area before so that they're
6 effective immediately. And so we need them, as many as
7 we can get, actually here on site.

8 Q Okay. And then tree removal, what you were
9 calling veg, tree removal crews are crucial too because
10 they needed to clear the path if it needed to be cleared
11 for the line crews to work because you don't ask line
12 crews to clear trees other than maybe small limbs,
13 right?

14 A (Amy DeZonia) Correct.

15 Q Is that fair?

16 A (Jason Cutliffe) Correct.

17 Q All right. I want to switch to the -- first
18 of all, let me ask this, and this may go to Tim or to
19 Jay first. [REDACTED]

20 [REDACTED]
21 [REDACTED] Is that something you're familiar
22 with?

23 A (Tim Fouty) This is Tim. They can charge --
24 I guess it depends on the contract and whether or not
25 they are a contract company or a utility.

1 Q Okay. My example is a utility.

2 A A utility, we honor whatever stipulation they
3 have with their crews. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q Okay. So if -- and my -- I'm going to tee up
7 the [REDACTED]

8 [REDACTED]

9 [REDACTED] Have you seen
10 that before?

11 A Yes.

12 Q Okay. So when they get that -- and as I
13 understand it, [REDACTED]

14 [REDACTED]

15 [REDACTED] is that right?

16 A I have seen that note and that's what that
17 indicated, yes.

18 Q Okay. So in a situation like that, does it
19 mean anything more than that they're just going to get

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A [REDACTED]

1 [REDACTED]
2 Q Okay. What is Duke's expectation? Is it that

3 [REDACTED]

4 [REDACTED]

5 A [REDACTED]

6 Q Okay. Go ahead.

7 A (Jay Shawver) This is Jay. In our sheet from
8 each supplier, there's a question that says if Duke does
9 not provide a meal what is the per diem you'll charge,
10 and we have that for each supplier.

11 Q Okay. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A That's what it appears, yes.

15 Q Okay. I wanted to get the [REDACTED] invoice up
16 and this would be -- let's just go to -- the page would
17 be 25113, and if we can scroll down to the notes at the
18 bottom. There you go. And maybe zoom in a little bit,
19 more towards the left side.

20 It appears to read in the box there -- first
21 of all, this looks like a weekly summary of time worked
22 for a [REDACTED] crew. There's hand-numbered on the
23 left-hand side, 52. Do you see the hand number 52 by
24 the last guy, [REDACTED]

25 A (Tim Fouty) Yes.

1 Q And then in the per diem box at the bottom it
2 says, [REDACTED]

3 [REDACTED]

4 [REDACTED] Do you see that?

5 A (Nods head.)

6 Q Is that an unusual provision or is that
7 something you're used to seeing?

8 A (Jay Shawver) This is Jay. That is not
9 common.

10 Q Okay. Let's go to the next page which is 114,
11 25114. And this -- what I want to ask about, if we
12 can -- before we go to the notes, let's go to -- this
13 looks like a summary of time for the week ending on
14 Saturday, the 23rd. Actually, it's more than that.
15 It's Wednesday, the 13th, through Saturday, the 23rd.
16 Do you see that?

17 A (Tess Roebuck) Yes.

18 Q Okay. [REDACTED]

19 [REDACTED]

20 [REDACTED] Is that right?

21 A Correct.

22 Q And then each box has the same names, it
23 appears, populated in it from --

24 A They do.

25 Q -- [REDACTED] right?

1 A Yes.

2 Q And we see in the bottom box [REDACTED] for
3 everyone --

4 A Correct.

5 Q -- with some -- well, through -- for everyone
6 through the 18th.

7 A It's actually not everyone.

8 Q Not everyone. I'm sorry.

9 A That's okay.

10 Q Everyone -- yeah, it's intermittent.

11 And then on the top box we see hours ranging
12 from [REDACTED] for those folks.

13 A Correct.

14 Q Some people have [REDACTED] if you look on
15 the Saturday there.

16 So on one hand, one would look at -- if we
17 take [REDACTED] at the top on the 13th, it looks
18 like he's recording [REDACTED] and also [REDACTED]
19 [REDACTED] but then there's a
20 note --

21 A Correct.

22 Q -- at the bottom, if we could scroll down now
23 to the note.

24 Okay. So it says: Per internal policy,
25 management employees providing mutual assistance support

1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Did I read that right?

10 A Yes, sir.

11 Q Is that an unusual provision?

12 A Yes. The top boxes, they're actual hours
13 worked. [REDACTED]

14 [REDACTED]

15 Q Okay. [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] is that right?

19 A (Tim Fouty) It appears to be correct, yes.

20 Q And one thing I just want to understand by
21 asking this example, this is a mutual assistance vendor.
22 This is another IOU in the [REDACTED] area, I
23 think, right?

24 A (Tim Fouty) Yes.

25 A (Tess Roebuck) Yes.

1 Q What's mutual about it is they help you, you
2 help them if they need help in an ice storm or something
3 or a Hurricane Sandy situation, but what's not mutual
4 is --

5 Well, let me ask this: Does Duke have
6 provisions like this where you [REDACTED]
7 [REDACTED]
8 [REDACTED] Does anyone
9 know?

10 A (Jason Cutliffe) This is Jason. When we
11 support another utility, we have guidance that we use.
12 We treat it the same as if we're working on system up to
13 a certain level of management. If the event is approved
14 to meet criteria as a major event, [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] We carry that same pay
18 practice into off-system deployments.

19 At a certain level of management, that is not
20 available. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED].

24 So that's how we roll on storms that are here
25 in Florida, and we apply the same criteria when our

1 strike teams go outside of the state.

2 Q Okay. So what I'm hearing is that in a mutual
3 assistance arrangement with respect to [REDACTED] your pay
4 practices for management are symmetrical with theirs?

5 A That's fair.

6 Q And in the mutual assistance world where you
7 require resources through the RMAGs, this is a situation
8 where it may not be what you do for your internal pay
9 practices at home or when providing mutual assistance,
10 but you're not in a position to challenge theirs if you
11 accept their resources; you pay what they charge you,
12 right?

13 A That's correct.

14 Q Okay. Is there ever a circumstance other
15 than, say, if somebody submits a receipt for some -- you
16 know, an engine overhaul or some kind of major repair
17 that you say, We're not paying that, and you push back
18 on that, I assume? That's a hypothetical.

19 A An example of that is if the expectation is
20 anything purchased is consumed during the event. So
21 things that are purchased that aren't consumed in the
22 event, we -- we've done that ourselves at some of our
23 deployments where we have had to take those off the
24 invoices, sleeping bags, things like that that aren't
25 consumed that were necessary, but we absorbed that cost

1 because it didn't meet the criteria.

2 Q Well, beyond those kind of items, you're going
3 to pay what they charge you for their labor regardless
4 of whether you like it or you would do it yourself; is
5 that right?

6 A That's fair.

7 Q Okay.

8 A Within reason.

9 Q Yes. Can you recall or does anyone know of
10 any instances where you pushed back on the labor charges
11 of a mutual assistance provider?

12 A (Tim Fouty) I'm not aware -- this is Tim.
13 I'm not aware of it. We have given feedback to
14 leadership. I don't know specific to this one, but we
15 have given feedback to leadership about what --
16 something that's not symmetrical.

17 Q Right.

18 A And a particular example I'm thinking of, it
19 was our representative on the EEI. So they meet as
20 executives and discuss. So I assume that it was
21 discussed, but I don't know what the result of that was.

22 Q Okay. Let's -- what I want to do is look at
23 some invoices -- I'm sorry, some receipts in support of
24 this particular invoice here, and what I want to do is
25 look at 25124.

1 finish their work, get your eight hours work and start
2 the next day.

3 Q Okay. Well, let's look at 25113.

4 MR. BERNIER: I'm sorry, Charles. Is that
5 113?

6 MR. REHWINKEL: 113. It's a time summary.

7 BY MR. REHWINKEL:

8 Q Okay. So if I look on Sunday, the 17th, I
9 notice that most of the time is billed at 16 hours. Do
10 you see that? Or recorded at 16 hours. There's a
11 section of zero hours and they're starting, it looks
12 like, with employee 12, [REDACTED], down to

13 [REDACTED] Do you see
14 that?

15 A (Tess Roebuck) Yes, sir.

16 Q So given the prior answer that you gave, it
17 would look like some people on this crew worked no time
18 that day and then those people worked 14 hours the next
19 day, but everyone else seems to have 16 hours.

20 Is there anything -- are you saying that you
21 don't know whether this 16 hours that people recorded
22 would have put them into, you know, after the 10:00
23 time? Is that what you're saying?

24 A Only because we don't know their start and
25 stop times per this or anything that we specifically

1 track.

2 Q But everything -- so do we know when they
3 arrived and were onboarded?

4 A Yes, ROD should tell us that.

5 Q Okay.

6 A There is not anything in the short that gives
7 us an indication of why they've listed those hours as
8 zero. We could take it as a follow-up for further
9 research to see if we can validate that one way or the
10 other. But our initial tools for a quick reference are
11 not providing any insight.

12 Q Okay. Is there any way to know what they
13 worked on the night of the 17th or the day of the 17th?
14 Is there any information that you might have about that
15 elsewhere?

16 A So no. Once -- Amy, you want to speak to once
17 we've mobilized them on to where -- in between when we
18 demobilize them?

19 A (Amy DeZonia) Well, that would be operations.
20 So this is Amy. So once they are handed over to
21 operations in the field, they control, like Jason spoke
22 to yesterday, the process of where they work them and
23 move them out in the field. So once they move out in
24 the field, we don't have insight to when they release
25 them and go to bed.

1 Q All right. So basically what we're saying is
2 at this point there's no way of knowing whether they put
3 in a late night such that they got to sleep in and go to
4 the cafe until 9:30?

5 A Yeah, we wouldn't know that on our side.

6 Q But you're saying that if they had worked
7 late, they would be entitled probably as a matter of
8 fairness, but also probably their union rules, to get
9 eight hours' sleep before they work again; is that
10 right? Is that generally how it works?

11 A The general rule of thumb, yes. We would
12 allow them eight hours of sleep.

13 Q All right.

14 A Or rest. I should not say sleep. I should
15 say rest.

16 Q Right. Would anyone know with respect to --
17 we talked a little bit about the [REDACTED]
18 [REDACTED] if there's any issue about whether
19 those employees, or does Duke concern itself in this
20 kind of environment with whether there are any federal
21 rules about extra compensation for employees, Fair Labor
22 Standards Act issues about whether those employees could
23 be paid at that rate? Is that something between them
24 and their employer or do you guys get involved in that
25 at all, if you know?

1 A (Jason Cutliffe) Yeah, and this is Jason.
2 I'm not aware that we've ever scrutinized it to that
3 level, and I have looked at it always as a necessary
4 accommodation to bring resources into Florida.

5 Q Okay. Let's look at 25210. I'm sorry.
6 Strike that. 25214. And this looks like -- this is
7 Freightliner of Savannah and it's a bill for it looks
8 like \$1,153 and some obliterated change. Oh, wait.
9 \$1,153.53 on the receipt there on the left. And I see
10 the word -- well, I can't tell what this is for. I see
11 what looks like the last part of the word "compressor,"
12 but I don't know if that's even what that is.

13 And my question is is this something that
14 should be paid?

15 A (Tim Fouty) This is Tim. According to our
16 agreement with EDI, the EDI agreement between utilities,
17 we would pay for any equipment repairs or fix any damage
18 to any of their equipment utilized during the storm.

19 Q Okay.

20 A I'm not sure exactly what this one is yet, but
21 I do know we cover all their costs while they're working
22 for us for repairs.

23 Q Okay. But that will be unless it was like an
24 item of -- a capital item that Jason talked about?

25 A Yeah. A bucket truck breaks down while

1 they're here, we'll pay for those repairs to fix it.

2 **Q** And they do the same for you when you're on
3 the road?

4 **A** Yes.

5 **MR. REHWINKEL:** I'm going to -- I don't know
6 that we need to bring this up, but just for the
7 record, there's a -- the audit work papers which
8 are at Bates 4-18-0901, I should call it the review
9 work papers for this invoice. I'm just going to
10 make this an exhibit if it's okay.

11 **MR. BERNIER:** Sure.

12 **MR. REHWINKEL:** And that would be, I think,
13 No. 19, because late-filed 18 was pre-stage crews.
14 So this will be [REDACTED] Review Work Papers.

15 **MR. BERNIER:** Could you give me the Bates
16 number one more time?

17 **MR. REHWINKEL:** Yes. It's 4-18-0901.

18 **MR. BERNIER:** Thank you.

19 **MR. REHWINKEL:** And then 20 was going to be
20 the invoice 40061880.

21 **MR. BERNIER:** I'm sorry. The invoice number
22 one more time? Is that the [REDACTED] one that we just
23 spoke about?

24 **MR. REHWINKEL:** Yes. It's the one that's
25 40061880.

1 **MR. BERNIER:** Thank you.

2 (Exhibits 19 and 20 were marked, respectively,
3 for identification.)

4 **BY MR. REHWINKEL:**

5 **Q** So just before we wrap up on [REDACTED] when a
6 crew of this size is working, does Duke ever embed
7 anyone with the crew or have any of their people that
8 stay with that crew all the time or are they treated
9 like everyone else where there's a feeder coordinator
10 that works multiple crews? Do you know that you?

11 **A** This is Jason. They would be treated much
12 like other vendors in terms of being assigned to a
13 feeder coordinator and moved out to an area.

14 **Q** Okay. So for a crew of this size, would there
15 be someone from Duke that was kind of dedicated to them
16 while they were out there?

17 **A** I don't recall. What was the size of this
18 crew?

19 **Q** Well, we see 52 on the linemen and then you
20 had another dozen or so of management folks.

21 **A** Okay. So we target, you know, 30 to 50 per
22 feeder coordinator. So it's possible they worked with
23 one, you know, or two, but we would have assigned them
24 the same way. We would either assemble or attempt to
25 break down other contractors that were here.

1 And I'm sorry if that's not answering your
2 question, but --

3 **Q Well, and I appreciate that. I think you're**
4 **saying if you had 52 line crew out there, they might get**
5 **broken up?**

6 A Yes.

7 **Q They're not all going to be 52 people together**
8 **moving as a mob around, right?**

9 A Exactly, correct.

10 **Q But would they generally -- would you**
11 **generally try to assign people that worked for an IOU**
12 **like that to work in the same general vicinity or would**
13 **they just be split up and sent wherever?**

14 A We would attempt to keep them in the same
15 location and then the value comes in and most utilities
16 are better at this in breaking those 52 crew men down
17 into smaller units, and at the end of a restoration
18 that's very valuable to send one or two trucks on a call
19 versus five or six trucks for some that aren't equipped
20 or trained or willing to break down to that level.

21 **Q Okay. All right. I think what I want to do**
22 **is I just want to talk about ██████ for a second. I don't**
23 **know that we need to look at invoices, but we may. And**
24 **I don't know who to direct this to, but I think I'll**
25 **start with Jason.**

1 We noticed some [REDACTED] crews stayed and were
2 working up until, I think, even December, a small number
3 of crews. Can you tell me why that would occur and what
4 was going on there?

5 A (Jason Cutcliffe) Yes. This is Jason. So
6 there would have been -- there were a number of reasons
7 that we engaged these additional crews beyond the 20th,
8 which is about the time that all the lights were back
9 on. We went through a process that we do at the end of
10 hurricanes, we call them a sweep, where we patrol the
11 hardest hit areas and attempt to catalog and list all of
12 the temporary repairs and any of the other conditions
13 that don't meet our current standards. And there's a
14 lot of legitimate reasons why crews that come in and
15 work in a pressed time will make temporary repairs where
16 they will restore service, but not bring the facilities
17 up to our standards. So we keep crews over to address
18 that work.

19 The other thing that was particularly acute in
20 Irma is the damage that was left after lights were on
21 was considerable. So we looked at just the six-week
22 period after the 20th when we were done getting lights
23 on, and our outage volume was more than 50 percent
24 greater than it typically would be for that time of
25 year. And that was due to a lot of damaged limbs,

1 pejorative in the sense there's something wrong with
2 your network. It was still in the state of healing just
3 because of the way you put service back in in exigency
4 versus how you would do it on a blue sky day; is that
5 right?

6 A That is fair.

7 Q And this question may go to Tim or to Jay, but
8 when you're in the storm restoration period, I think
9 some vendors we saw in the [REDACTED]

10 [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 But what we just talked about here, where
15 you've got vendors who are working out into October,
16 November, December to do this work we talked about, is
17 there a different standard? And I'm looking at [REDACTED]
18 for example. [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 A (Tim Fouty) This is Tim, and this would be
22 subject to check, but I --

23 Q Why don't you speak up a little bit.

24 A Yes. This would be subject to check, but I
25 believe it would be a [REDACTED] we probably have in

1 place. I'm just thinking of [REDACTED] as an example.

2 Q Okay. I'm probably going to ask you if you
3 could give me a contrast between what a [REDACTED]
4 crew would -- and I assume what you just described are
5 [REDACTED] crews, is that right, that you would hold
6 over to do that?

7 A (Jason Cutliffe) Yeah. This is Jason. We
8 need to check. That is absolutely our desire is to
9 select the crews that make the most sense for that kind
10 of work for the extended stay, that know our system and
11 know their contacts. So that is definitely a
12 preference, but we need to check for what we actually
13 did for Irma.

14 Q So what I want to understand is the contrast
15 of [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] that you still consider storm
19 restoration work that you would include in this filing.

20 And so I don't know if we could take a minute
21 and get those rates and talk about them, but what I'm
22 going to be looking at also is whether -- I understand
23 billing overtime, you want to get as many people back in
24 service as fast as possible so you're going to have more
25 long days, but now when you're in more of this

1 post-restoration environment, are you still working more
2 than eight-hour days and billing overtime and things
3 like that?

4 A (Jay Shawver) Yes, we'll check.

5 MR. REHWINKEL: Why don't we just take a
6 ten-minute break here, people can do what they want
7 and then we can check on this.

8 MR. BERNIER: Off the record.

9 (Recess from to 9:58 a.m. to 10:14 a.m.)

10 BY MR. REHWINKEL:

11 Q All right. So back on the record, and I think
12 I direct my questions to Jay or Tim. And on the break
13 we gave some invoice examples and I'd like to ask if you
14 have any general comments about the last question I
15 asked.

16 A (Jay Shawver) Yes. This is Jay. So we
17 confirmed that, I think it was -- what's that first one,
18 the left you have bracketed, 58843?

19 Q Yes.

20 A So we looked that up and [REDACTED]

21 [REDACTED]
22 [REDACTED] So we tied off what was on John's
23 ROD report versus our rate structure for that particular
24 invoice.

25 Q Okay. So when you say -- is it still a storm

1 rate --

2 A No.

3 Q -- that these folks are working?

4 A It's our standard rate for blanket services.

5 Q So can you tell me what the change would have
6 been in the hours worked and the rates in general?

7 A Yes. Let me go look.

8 MR. REHWINKEL: We're off the record.

9 (Discussion off the record.)

10 BY MR. REHWINKEL:

11 Q Okay. Back on the record.

12 A [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q But would the rate change from what they got
16 during the storm restoration period?

17 A Yes, it would change. [REDACTED]

18 [REDACTED]

19 Q You're talking about hours. I'm talking about
20 the hourly rate, the pay rate.

21 A [REDACTED]

22 [REDACTED]

23 Q [REDACTED]

24 A [REDACTED]

25 Q Okay. And what I was trying to understand is

1 it would go from -- let's say for a lineman, it would go
2 from what to what?

3 A Okay.

4 A (Tim Fouty) We need a moment.

5 Q And let's take a Florida embedded crew because
6 I understand that the rates could be different.

7 A (Jay Shawver) I need to clarify what I said.

8 Q Okay.

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q Okay.

14 A -- storm work, post storm.

15 Q And does -- let's say you've got where you're
16 talking about a Florida embedded [REDACTED] crew. So that
17 Florida embedded [REDACTED] crew during the restoration
18 period, they would have worked generally 16 hour days at
19 a certain rate, right?

20 A Right.

21 Q Then in this post-restoration work that we
22 talked to Mr. Cutliffe about, they're doing some follow
23 up-work. I'm using that in a broad sense. That may not
24 be your term. But follow-up work, and you're saying
25 their hours would drop down from, say, 16 to something

1 less than that, maybe 12; is that fair?

2 A Yes.

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A Correct.

7 Q Okay. Now, I think we saw some invoices where
8 these crews were working as late as the end of December.
9 Some of these crews were working as late as December 29.
10 Does that sound right?

11 A Yes, I see that.

12 Q After this type of what we call -- I'm going
13 to call follow-up work was concluded, would they still
14 be working at that [REDACTED] in January of 2018 on blue
15 sky days where they're just doing ordinary work for
16 you-all?

17 A So long as it's an embedded crew. I didn't
18 look at the other invoices, so I don't know if those are
19 Florida embedded crews or not.

20 Q So is the rate that these [REDACTED] crews -- these
21 embedded Florida [REDACTED] crews bill you at, is it the [REDACTED]

22 [REDACTED]

23 A That is correct.

24 Q Okay.

25 A (Jason Cutliffe) Charles, when it's

1 appropriate if I could clarify?

2 **Q Please, go ahead.**

3 A And this is Jason. Just to clarify the scope
4 of that work. So there were elevated outage levels
5 after the hurricane that were clearly linked to damage
6 from the hurricane, but we have not been charging those
7 to the hurricane. So the scope of work that these [REDACTED]
8 crews had was related to things like streetlight
9 restoration that came after the power was back on and
10 homeowners who were returning and had secondary damage
11 and now they're ready to receive service so line work's
12 got to be done.

13 So what we included in the Irma cost, the
14 follow-up work was that type of damage that was left
15 over from the hurricane. And even though we would have
16 used these crews for some emergent outages, their time
17 was absorbed in our normal operations for the activity.

18 **Q Okay. So is it -- and I have -- I've been**
19 **asking you sort of general questions without giving you**
20 **specific invoice numbers. But if I'm seeing invoices**
21 **that are in the support for your \$420 million for Irma**
22 **restoration costs, they should be for work that -- for**
23 **this Pike example, that these vendors are doing that are**
24 **related to what you consider storm restoration costs**
25 **that are lingering after the 22nd or the 20th, whatever**

1 It says more, but I'm going to stop there.

2 Twice we saw in that passage I read, and this
3 is from paragraph 38C of the August 29, 2017 agreement
4 that's in effect now, it's used the phrase "storm damage
5 costs." So the answer that you gave was that those --
6 that work that is billed for under these invoices is for
7 storm damage costs?

8 A (Jason Cutliffe) Correct.

9 Q Okay. And if the work in these invoices were
10 to represent normal work that an embedded [REDACTED] crew was
11 to do year round irrespective of the storm, that
12 wouldn't be appropriate for recovery in this case; is
13 that --

14 A That's fair. That would not be consistent
15 with our intention if that's the case.

16 Q These crews that are embedded here, do these
17 guys live in Florida? Do they get up, go to work every
18 day? They're not being lodged anywhere on the company's
19 dime; is that right?

20 A (Amy DeZonia) This is Amy. That's correct.
21 They are not.

22 Q Okay. Now, that's for an embedded Florida
23 [REDACTED] crew?

24 A Correct.

25 Q If you brought a non-embedded [REDACTED] crew, or at

1 least it wasn't embedded in Florida but they might be
2 embedded with an affiliate in another state, would you
3 lodge them and did you do any of that for [REDACTED] after the
4 storm?

5 A After the storm, no, sir, we did not.

6 Q Okay. So the intent for these invoices would
7 be -- and I say "these invoices." The ones that occur
8 after the restoration period would be -- those should
9 only be embedded [REDACTED] crews; is that right?

10 A Correct.

11 Q And is that true -- I know I've been talking
12 about [REDACTED]. Were there other vendors that did this same
13 kind of follow-up storm damage cost work?

14 A Yes, there was on some of the street-lighting
15 work that we had, yes.

16 Q Who would have done that kind of work?

17 A [REDACTED], also known as W [REDACTED].

18 Q [REDACTED] something like
19 that?

20 A Yes.

21 Q What was the first word you said?

22 A [REDACTED]. That's their new name.

23 Q Can you spell that for the --

24 A [REDACTED].

25 Q Okay. Would they have been embedded?

1 A They are embedded, yes.

2 Q So that would be the same kind of general
3 rules for them as with [REDACTED]?

4 A Yes.

5 Q Okay. But other than that, any of this
6 follow-up work would not have been done from
7 out-of-state or out-of-town people that you had to
8 lodge; is that right?

9 A That is correct.

10 Q Okay. Now, when these embedded [REDACTED] crews are
11 doing this kind of, my term, follow-up work, are they
12 being fed any differently than they would be, you know,
13 in March to July in their blue sky work? Do they get a
14 per diem or do they get meals or anything like that?

15 A That's back to contract. So per diem, do you
16 want to speak to that?

17 A (Tim Fouty) This is Tim. I think if I
18 understand your question right, there wouldn't be any
19 difference. It's the same contract, same rates, same
20 expectations.

21 Q Okay.

22 A As long as they weren't traveling overnight,
23 they would not receive meals or --

24 Q Okay. So if they're embedded and they're
25 working, they're just going to be almost like any Duke

1 employee that goes to work and goes out and works in the
2 field on distribution facilities, they're not getting
3 meals paid for on their workday? Is that how it's
4 supposed to be?

5 A That's the way I understand it, yes.

6 A (Jay Shawver) So hypothetically -- this is
7 Jay. So hypothetically, if we moved them out of the
8 their zone to another zone, then we potentially could
9 pay them for lodging.

10 Q So if we see in these invoices per diem and
11 lodging, we would have to ask the question: Are they
12 working out of their ordinary site?

13 A That's right.

14 Q And that would be pegged to where they
15 actually live, I guess, is how that works?

16 A Not necessarily. I mean, they could live in
17 that area and choose to go up to the other zone.

18 Q Okay. Would there be -- should there be
19 anything on the invoice that indicated that they either
20 moved out of their zone and that's why they were
21 billing, billing meals or lodging if we found that on an
22 invoice?

23 A (Tim Fouty) If they were billing, there
24 should be -- it should be on their invoice.

25 Q Some justification?

1 A Yeah.

2 Q Okay. Duke -- the work that we talked about,
3 [REDACTED] are the contracts that
4 would apply to this follow-up work that we've talked
5 about, are they in what we've been provided in the
6 discovery?

7 So when we asked for the contract for the work
8 for these vendors, we got master service agreements and
9 rate sheets. So for this [REDACTED] work, for example, should
10 we have the rate sheets and any contracts that apply to
11 this follow-up work?

12 A (Jay Shawver) Yes.

13 Q Okay. So when we look at [REDACTED] we'll see that?

14 A (Nods head.)

15 Q You gave an example of a native -- well, an
16 embedded [REDACTED] vendor. Are there -- and I think we
17 established that none of this work that's follow-up was
18 being done by anything other than an embedded [REDACTED] crew;
19 is that right?

20 A Well, what I said earlier is that I only
21 looked at that one invoice that matched to an embedded
22 crew.

23 Q Okay. And on the break -- and I'm not trying
24 to put words in your mouth. I'm just trying to
25 understand. Are there possible [REDACTED] charges that are

1 based on a rate other than the Florida embedded rate?

2 Were there any union variables or anything like that?

3 MR. REHWINKEL: Let's go off the record for a
4 second.

5 (Discussion off the record.)

6 MR. REHWINKEL: Let's go back on the record.

7 BY MR. REHWINKEL:

8 Q And [REDACTED], is that a line crew contractor
9 or do they do specific work related to streetlights
10 only?

11 A (Amy DeZonia) Actually, they're a line crew
12 contractor.

13 Q All right.

14 A (Jay Shawver) So I don't remember the
15 acquisition date, but [REDACTED] acquired -- I'm sorry --
16 [REDACTED] I don't know if it was after
17 Irma before or after. I think it was after. So just so
18 the timing of your --

19 Q So it should be [REDACTED], then, because they
20 were acquired after?

21 A I think so.

22 Q One final on this area and I'll direct it to
23 Jason, but maybe someone else actually knows.

24 We talked about -- and I read this provision
25 about storm damage costs. Should there be any

1 [REDACTED] next, so let's do that. Let's go to -- and
2 this is -- [REDACTED], that's a [REDACTED] -- what used to
3 be [REDACTED], I think. That's a mutual assistance
4 IOU?

5 A (Tim Fouty) Yes. Not part of the SEE, but
6 they are in our Great Lakes Mutual Assistance Group.

7 Q So can you tell me a little bit just how you
8 got [REDACTED] Was this after you exhausted your SEE
9 resources and then you asked them to go and looked to
10 some other RMAGs?

11 A Yes, all the impacted utilities were brought
12 in through Great Lakes Mutual Assistance and we acquired
13 them through that process.

14 Q Okay. I'd like to ask if we could turn to
15 6246. And this document here appears to be a receipt
16 for the Oasis Pool bar at the Wyndham Lake Buena Vista
17 on September 14th at 9:39 p.m. Well, cashing out at
18 9:39 p.m., and it has a \$578.10 as the amount?

19 A (Tess Roebuck) Yes, sir.

20 Q Tess, that's for you? Okay.

21 A Um-hum.

22 Q So can you tell me anything about -- when it
23 says Pool Bar, that sort of makes you ask, Well, what
24 are they doing at a bar? Would you have any idea what
25 this represented?

1 A So it was the belief of the reviewer that this
2 was for food, though there are some challenges that they
3 sometimes see at hotels on how they can seat a large
4 group of people, and sometimes they'll set up burger
5 bars or, you know, buffets -- I said bars -- those type
6 of things. So the reviewer processed this as though it
7 was food for the group.

8 Q Okay. Would they have -- you know, I
9 understand you're processing hundreds of millions of
10 dollars of invoices. We talked about that yesterday.
11 Is this something where they would have followed up or
12 asked for more detail? I mean, because this is the
13 payment receipt. It doesn't show any of the details.
14 Is there anything they would have done differently?

15 A It would have been left at the judgment of
16 that reviewer if they saw a number of red flags. And in
17 this stack of receipts, there are a number that are done
18 at this Oasis Pool Bar. So they by deduction thought
19 this was how they were being fed at this particular
20 hotel they were staying at.

21 Q Okay. We talked about Cafe Gauguin for the
22 ██████████. Is this a situation where Duke had asked
23 for this crew to eat at the hotel instead of coming to
24 the staging area?

25 A I would have to validate the date.

1 A (LaQuitta Ghent) I need to check that.

2 A (Tess Roebuck) So Charles, in full
3 transparency, I mean, they are checking to see if we
4 were feeding at Richey Brothers' staging site. But
5 because of everything that happened during Irma, [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 If we received food receipts during that time frame, we
9 reimbursed for those.

10 Q Okay. Let me -- before we leave this page
11 here while I've got a train of thought in that area,
12 let's go back -- and I don't want to bring the document
13 up, I want to stay here, but let's go back to the
14 example of [REDACTED]. You said
15 feed them here. They're not eating at the staging area.

16 What I'm trying to understand is you get [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] [REDACTED] Then they're
23 paying for them to eat at the \$20-a-plate buffet.

24 So my question to you is is that what's
25 happening?

1 A So I can give you some examples we had during
2 the storm that there were box lunches that were picked
3 up in the morning by crews and then late afternoon, when
4 they eat those box lunches from the vendors we had
5 hired, there was mold on those breads or the sandwiches
6 that were bad, so they were having to then go out and
7 purchase food and bring to them.

8 So those complexities mixed with the fact that

9 [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Q Okay. Putting aside the practicalities of
15 enforcing any kind of policy that you might want to
16 enforce, is there any kind of desire on Duke's part or
17 was there a theoretical desire to say, [REDACTED]

18 [REDACTED]

19 [REDACTED] Is that what you would --

20 A Expect?

21 Q -- in a perfect world have dictated and
22 enforced if you could?

23 A Yes, sir.

24 Q Okay. So let's go over two pages from that
25 pool bar receipt to 6248.

1 know, these [REDACTED], things like that, why are
2 they doing this kind of stuff?

3 A This would not be our expectations. This is
4 one that instantly we would have seen and said this is
5 not appropriate. We would have documented the tracker
6 sheet that we have, but we didn't reject it based on
7 that, but I agree.

8 Q I understand.

9 A (Jason Cutliffe) This is Jason. I'll just
10 add to that. So, I mean, outside of the practicality
11 and the logistics of processing these thousands of
12 invoices and what makes sense there, this is
13 disappointing that this casts a negative light on a lot
14 of folks working hard doing the right thing.

15 And so absent some circumstance that somebody
16 was not recording time that day or there's a myriad of
17 personal circumstances that could enter into things with
18 birthdays, and I don't know what was going on with this,
19 but on the surface of it, this is completely opposite to
20 what we work for, what we expect and to the conduct and
21 behavior that the vast majority of folks who volunteer
22 to come here and help us exhibit.

23 Q I appreciate that answer. I understand what
24 you're saying. And let me follow up on that by asking
25 you this, because one of our yardsticks is what does

1 Duke do when Duke goes and provides mutual assistance.

2 Is it your answer that you would not -- you
3 would not expect your employees to do this when they go
4 and represent your company in a mutual assistance
5 environment?

6 A That is correct, and expectations are set
7 ahead of time. Our folks are told how long to pack for.
8 They understand that they're on a humanitarian mission
9 to help people and that that comes first.

10 And so, again, outside of the lapse of
11 judgment to turn a ticket like this in is, What are you
12 doing that day, what are you here for?

13 Q Yes.

14 A And there's a serious mission to get things
15 back to normal.

16 Q Thank you.

17 Let's -- I don't know if we could pull this
18 up, but POD 4-18-1000 is the [REDACTED]
19 work papers, and I'm looking at the cover sheet.

20 MR. BERNIER: Do you want to take a second to
21 find this? This one broke up because of the size.

22 MR. REHWINKEL: Okay. I think we're there.

23 MR. BERNIER: Tess is here, so I think you can
24 probably go on.

25

1 BY MR. REHWINKEL:

2 Q Okay. So this is the cover sheet of the
3 review work papers and I'm looking at this. It says,
4 Vendor [REDACTED], invoice date 11/30/2017, invoice
5 number 902591.75, and that was the invoice number that
6 we just looked at. I said dot 75. There's no dot
7 there. Invoice amount [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A (Tess Roebuck) Yes, sir.

11 Q That looks like you didn't pay it, but am I
12 misreading that?

13 A What you are seeing here is that this invoice,
14 this template was created, but it has never been updated
15 with what actually occurred with reviewing the account
16 and paying it. So when you look at 90,000 pieces of
17 paper coming in, we tried to create a process that
18 ensured that we were very organized and tracked this
19 paper per person, but this is one of those items that
20 from a November timeframe to June timeframe when they
21 were paid was misplaced.

22 Q Okay.

23 A So there was some initial reviewing that took
24 place. They had to resubmit everything in June so that
25 we could pay them.

1 Q "They" meaning?

2 A [REDACTED]

3 Q Okay. So if I look at -- if you can go to the
4 receipts tab?

5 A Yes.

6 Q And go to the top.

7 MS. FALL-FRY: It's in the same workbook.

8 MR. REHWINKEL: You have to go over.

9 MS. FALL-FRY: Click the green arrow over.
10 There you go. Two more, I think. There it is.

11 MR. REHWINKEL: Thank you.

12 BY MR. REHWINKEL:

13 Q All right. So if you could go all the way to
14 the [REDACTED]; is that right?

15 A (Tess Roebuck) Correct.

16 Q And now let's go all the way to the bottom,
17 just a little further, and go to the left a little bit
18 with that [REDACTED]. Is that -- it looks from
19 this document that that's all out of the 337 or whatever
20 that number was that that was paid or approved. Can you
21 shed any light on that?

22 A So you are seeing what receipts were tabulated
23 here --

24 Q Right.

25 A -- and on this spreadsheet. But what we do

1 know about this is that in June, the reason we know
2 about this is because they called and said, We have not
3 been paid for Hurricane Irma. So it was an escalated
4 complaint that came into our senior associate in that
5 group, [REDACTED] had these receipts, but they also emailed
6 her a link to what appeared to be like a share point
7 site for [REDACTED] that they gave her access to.

8 She reviewed those, but in expediting the
9 payment and the process, she did not print those
10 receipts and attach them with the hard copy. So we do
11 not have the remaining balance of those receipts. But
12 also, in full transparency, the receipts we do not
13 believe would have totaled that full other category
14 because there are some vehicle charges that are included
15 in that as well.

16 Q So given that explanation, is the
17 [REDACTED], is that the amount that was ultimately
18 paid --

19 A Yes, sir.

20 Q -- and included in the amount? Okay.

21 All right. So we've got this receipt -- I
22 mean invoice that we talked about and we've got those
23 audit work papers. Is there any other documentation
24 related to this process that went from November to June,
25 final payment?

1 A This would be an example of us trying to put a
2 very strong business control in process, but with humans
3 these things happen. So this one did not go perfect to
4 our procedure, so not all of this was documented on the
5 template as it should have been.

6 Q Well, the two pieces of information that I
7 have, this invoice and the audit work papers, is that
8 basically what you have?

9 A Yes. The only other thing I have is an email
10 that shows that that employee did have the links and
11 access, but there is nothing else attached to it, no,
12 sir.

13 Q Okay. Is there any documentation that would
14 describe kind of the back and forth between [REDACTED] and
15 wherever it got escalated to the company?

16 A I believe that was a phone call.

17 Q Okay. So your answer would be that there's no
18 other documentation in written form that would explain
19 the rest of this?

20 A That is correct. It was all verbal.

21 Q Okay. One other thing I want to ask about the
22 invoice, if we could go back to that, this is going to
23 be a specific question, but it's also going to be sort
24 of a philosophical question probably to Tim.

25 If we could go to 26233. So this shows of

1 this [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] And those are those expenses,
6 right?

7 You have about [REDACTED]

8 [REDACTED]

9 [REDACTED] Is that generally
10 right?

11 A Yes. The only item that they would also
12 receive for vehicles that isn't detailed out, it would
13 be included in the "other" category.

14 Q Was there more paid than [REDACTED]

15 A No, sir.

16 Q The vehicles would have been in the [REDACTED]

17 A Correct.

18 Q Okay. What I'm trying to understand is some
19 IOUs, they have administrative fees, A & G fees, other
20 loadings. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Does Duke make any judgment about whether you
24 want a mutual assistance resource based on kind of the
25 ratio of overhead to actual labor? Like, would you

1 bring in a resource that the overheads were 60 percent
2 and the labor was 40 percent? Is that something that
3 factors into any of your decision making?

4 A (Tim Fouty) This is Tim. And when we're
5 acquiring resources, we don't even know that
6 information.

7 Q Okay. So it's all on the back end?

8 A Yes. We don't know their rate structure,
9 anything.

10 Q Okay.

11 A All we have to go by is this agreement that
12 says we'll make you whole.

13 Q Okay. So is that something that you look at
14 after the fact and say, you know, if you get a utility
15 that's sort of -- and I'm not saying [REDACTED] has done that.
16 If you get a utility that's sort of top heavy on
17 overheads, do you make any kind of judgment as, like, we
18 don't want those guys coming down here again?

19 A This is Tim again. I would say that's seldom.
20 Now, a company like [REDACTED] sticks in the back of our
21 mind, so we would probably try not to bring them on
22 again. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q I understand. So it seems like there is a
2 diminishing returns kind of thing that goes on when
3 you've got an IOU that's, my term, top heavy. They're
4 coming from a long way away. You sort of are paying a
5 lot of money to get a little bit of help. Is that a
6 fair question for us to ask?

7 A I think it would be -- that's a very general
8 statement, so it would be hard for us to say yes or no.

9 Q And I'm not asking in terms of looking back at
10 Irma because your answer is you don't know until you get
11 the bill what their rate structure is. But for the next
12 time, is it something that you give consideration to
13 whether you're going to think twice before inviting
14 someone down that's far away and top heavy? Does
15 anybody have any --

16 A This is Tim again. I mean, just from my
17 perspective, and I'll defer to others for their
18 thoughts, but we don't generally even know this
19 feedback, this information. This doesn't make its way
20 back nor would I expect it to normally. But if we
21 encounter an issue during the storm and we're questioned
22 about that company, then we do make notes of the issues
23 we've had with companies, whether it be charges, not
24 working, didn't show up with the proper equipment, so
25 that when we do have the next storm, we can say, you

1 know, we had some issues with these guys, we really
2 don't need these resources desperately, you know, let's
3 look elsewhere or just not take them.

4 So we kind of do that, but the exact example
5 you're giving, I can't say that I've ever had that
6 information.

7 Q Okay.

8 A (Jason Cutcliffe) This is Jason. I would just
9 add. Tim answered it very well. In this moment in
10 time, in a state of emergency like a hurricane presents
11 with the range of variances that we're looking at, [REDACTED]
12 [REDACTED] some are
13 higher, some are lower, we recognize that every vendor
14 comes at a different cost, and within the ranges that we
15 have seen, we do not screen on that criteria. We're
16 looking to get help in as quickly as I can.

17 What I would offer is where we do flag and
18 have long memories are cases where vendors don't work
19 safe. We have dismissed entire contractors in the
20 middle of an event when that has occurred and we have
21 chosen not to use certain vendors for that reason. And
22 when they show up and they're not ready to work, that's
23 a problem. So if they don't have the equipment to
24 function, if they show up with four bald tires and an
25 empty truck, we have turned them around before and we

1 don't call them back.

2 So in the spectrum of considerations, fit for
3 duty is number one, and the range of costs that we see
4 is a lesser consideration when we're trying to get
5 people to help us.

6 Q I appreciate that, and I asked the question in
7 the spirit of not this storm but process improvement,
8 because as we started off this deposition -- you know,
9 we're here today because the customers feel like every
10 penny of these costs are on them because that's the way
11 this is designed is we pay for it all.

12 So our question is, in the future would you
13 look at certain of these things based on what you've
14 learned? Because I think we talked about again at the
15 beginning, it's a -- you're in a continuous improvement
16 mode.

17 A Um-hum.

18 Q And in the throes of the storm, you're trying
19 to get service back in and we understand that. But for
20 the next storm, are you going to be taking people in
21 that maybe are unreasonably high? And I'm not saying
22 anything about [REDACTED] Their loadings aren't as bad as
23 some that we've seen.

24 So that's the spirit I asked the question in.
25 Not let's go back and challenge something that you would

1 have visibility into when you picked up the phone.

2 A And that's a fair question and that is
3 something we -- you know, in our continuous improvement
4 mode, we make choices about how far away we're willing
5 to go in an event and it's all in the spirit of making
6 the best use of resources and minimizing costs,
7 balancing all those things that are going on.

8 Q Okay. Let's move away from [REDACTED]

9 MR. REHWINKEL: I've been asked to go off the
10 record.

11 (Discussion off the record.)

12 BY MR. REHWINKEL:

13 Q Tess, I just want to ask just a conversation
14 we had off the record based on some work papers that
15 supported the [REDACTED] review. It appears that there was a
16 rather small amount, but 4,000 or so dollars of invoices
17 [REDACTED] submitted to Duke that should have been submitted to
18 FPL?

19 A (Tess Roebuck) That is correct.

20 Q Okay. And the company is pursuing
21 reimbursement for that, but not that it would move the
22 needle on the \$400 million?

23 A Yes, sir.

24 Q Okay. Let's look at [REDACTED] and the invoice, at
25 least we get it teed up, is at Bates 38294. And I'd

1 like to look at 38307 and I have a question, and it's
2 about halfway down on the right-hand side under the
3 Column description. There is a [REDACTED] and a
4 [REDACTED]. Do you see that?

5 A Yes, sir.

6 Q And I'm just trying to understand. Is this a
7 situation where you've got a father and son or is this
8 some person that's on there twice?

9 A One moment.

10 Q Okay.

11 A We're validating, but we should have validated
12 this against ROD.

13 Q Yes, I see it's circled here by somebody and
14 one's an AP 6 and another's an AP 5 which I assume is
15 apprentice.

16 A Charles?

17 Q Yes.

18 A Based on what we know at this point, we
19 believe that [REDACTED] actually worked two different types
20 of jobs with two different types of pay. Given those
21 hours combined, they fall in line with the other hours
22 and we do not have two different [REDACTED] as of yet.
23 They're checking the different crews as quickly as
24 possible, but we don't see two different ones.

25 Q Okay. So you say you're checking the ROD?

1 A Yes, I'm sorry, the ROD.

2 Q And do you know what AP 6 and AP 5 are?

3 A The labor category states that they're two
4 different level type of jobs done.

5 Q Okay. So when I see JL, I think of journeyman
6 lineman. When I see GF, I think of general foreman.
7 And FM I would think of as a foreman. And when I see
8 AP, I think of apprentice. Am I pretty close?

9 A (Brian Sawyer) This is Brian. I would say
10 you're accurate in your assessment. The 5, 6 and the 7
11 probably indicate the step in his apprentice
12 progression.

13 Q So would people likely change job
14 classification during a week when they're down on storm
15 work? I'm just asking. I don't know how that works.

16 A (Tess Roebuck) Charles?

17 Q Yes?

18 A [REDACTED]

19 Q Okay.

20 A So even though it's separated out [REDACTED]

21 [REDACTED]

22 Q Okay. So is it a function of their
23 recordkeeping is that when -- [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 BY MR. REHWINKEL:

2 Q Can you spell it for her?

3 A (Brian Sawyer) S-A-I-O-C-A-T. It's an
4 apprenticeship program.

5 The apprentice levels, those steps, they have
6 to have a certain amount of hours performing those tasks
7 that correlate to those steps. So that's probably an
8 internal tracking mechanism for his apprenticeship
9 progression to journeyman.

10 Q So he just hit his threshold while he was
11 working that week?

12 A No. He was probably just indicating the tasks
13 that he was performing. You've got to get through
14 all -- there's a bunch of different steps at the
15 apprentice level and you have to complete all those
16 tasks before you become a journeyman.

17 Q All right. Thank you.

18 A Yep.

19 Q All right. 38363 is the same invoice. So my
20 question is, first of all, about the notes.

21 Well, let -- before I ask about the notes,
22 this says 9/12/17 and I think that was a Wednesday that
23 week given that the 17th was a Sunday.

24 The question that I had was why were people
25 working [REDACTED] It looks like they had one hour at

1 [REDACTED] on a weekday.

2 A (Tess Roebuck) One moment.

3 Q Okay.

4 A So according to the contract, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q Okay. So now let's look at the note and it
8 says: Mobilize from Charles -- I think that means
9 Charleston, South Carolina to St. Petersburg, Florida.
10 Go through check-in, safety orientation. Guys on bus
11 waited 45 minutes for bus to leave to go to Tradewinds
12 Resorts. Guys that drove went there. No rooms. Went
13 to Sheraton.

14 Is that something that is just part of the
15 first day and getting onboarded where they would have
16 delays?

17 A (Jason Cutcliffe) This is Jason. I'll respond
18 to that and invite others to add as well.

19 So this is Tuesday, the 12th.

20 Q Okay.

21 A This is the day after the storm exited the
22 system. So this is quite normal in the first full day
23 after a hurricane has come through, and, you know, we're
24 talking about county crews would have just finished
25 road-clearing activities. The hotels have to get their

1 workers in to open up. And so getting people housed,
2 getting them to their first bed assignments in that
3 first day is -- could be chaotic at times.

4 Q Okay.

5 A (LaQuitta Ghent) Can I add to that?

6 Q Yes.

7 A This is LaQuitta. Also, to Jason's points,
8 things are a bit chaotic, but the Tradewinds Resort, we
9 had a block of rooms prior to the storm that we reserved
10 and they had damage to some of their rooms that we could
11 not then utilize, so we had to reallocate resources.

12 Q Okay. Thank you.

13 Let's go to the next page which is 3864. All
14 right. So this is -- I'm sorry. I said the other one
15 was Wednesday, but this is now Wednesday, the 13th. And
16 we see all of the hours for this 15-and-a-half-hour day
17 [REDACTED] and I wanted to ask why would
18 that be.

19 A (Tess Roebuck) One moment.

20 Charles, we believe what has occurred here is
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q Does it move them into [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 A [REDACTED]

4 [REDACTED] Is that correct?

5 I'm getting a nod. [REDACTED]

6 [REDACTED]

7 A (Tim Fouty) They don't see that in the
8 contract. We're still looking.

9 Q All right. Here's what we're going to do.
10 It's almost 11:30, but before we go to break, J.R. and
11 Matt and I, we've been emailing back and forth. We've
12 still been struggling to make sure we understand and
13 have the full contracting documents with PAR.

14 And what I'd like to do, I don't know if we
15 can get it today but at least ask as a late-filed and
16 get it as soon as we can, is whatever contract documents
17 you were relying on to give those last two answers, we
18 need to see that. We just want to understand it and see
19 it for ourselves.

20 MR. REHWINKEL: And so I'm just going to make
21 a late-filed No. 22. This will be PAR Contract

22 [REDACTED]

23 BY MR. REHWINKEL:

24 Q Is that understood?

25 A (Tess Roebuck) Yes, sir.

1 (Exhibit 22 to be produced and marked as a
2 late-filed exhibit.)

3 **MR. REHWINKEL:** And so with that, Matt, is
4 this -- do we know --

5 **MR. BERNIER:** I will check. We can probably
6 go off the record.

7 **MR. REHWINKEL:** I can ask a few more questions
8 to save some time.

9 **MR. BERNIER:** Okay.

10 **MR. KELLY:** Charles, are you off the record?

11 **MR. REHWINKEL:** Not yet because Tim may have
12 some information.

13 A (Tim Fouty) Brian, do you want to tell them
14 what you told me? We're still looking specifically.

15 A (Brian Sawyer) This is Brian. As they're
16 looking through the contract for PAR as it pertains --
17 one second, guys -- as it pertains to Duke and our
18 contract with PAR for the storm, it may behoove us if we
19 point back to the [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q Okay. I had a question in here that I
23 prepared a while back that I hadn't asked, but I wanted
24 to in following up on that is to ask if -- do you -- in
25 terms of understanding payment terms and supporting

1 documentation, do you ever ask for a vendor's union
2 contract so you will understand what the requirements
3 are to verify whether you should be paying based on
4 their representations or do you take their word for it?
5 Does anybody know?

6 A (Tim Fouty) This is Tim. [REDACTED]

7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED].

10 Q Okay. Do some of the union contract terms
11 that you have encountered with the vendors, [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 A [REDACTED] [REDACTED]
18 [REDACTED]

19 Q But do you know what the union contract terms
20 are for your own Duke employees?

21 A We would have access to that.

22 Q Okay. So part of what I'm trying to
23 understand is if you see a union contract requirement
24 from a vendor, do you sort of bump it up against what
25 you know about your own internal crews' union

1 requirements and say, yeah, we've seen that before or
2 that one looks really weird, we need to understand that
3 a little more? Do you understand my question?

4 A Yes, I do. And on the front end, I rarely
5 would have to worry about that during the acquisition
6 piece because I'm not seeing any of the conflicts, but
7 we would have the ability to do that if it was provided.
8 And it would be logical to, if we saw something that we
9 really needed to compare a term in the contract. ■

10 [REDACTED] ■
11 [REDACTED]

12 A (Tess Roebuck) What you just stated is the
13 exact level of reasonability that our reviewers look at.
14 So for example, [REDACTED]
15 [REDACTED] So we have
16 reasonability under this one.

17 Q Okay.

18 A (Jason Cutliffe) And this is Jason. I would
19 just add to that in practical terms. If we were to
20 support another utility and they asked us for our
21 memorandum of agreement with the union, I would take a
22 very dim view on a second opinion about how our folks --
23 represented folks get paid. We have an entire labor
24 relations department that handles that. It's just not a
25 fruitful area of inquiry, quite honestly.

1 Q Okay. So in a mutual sense, everybody stays
2 out of everybody else's union business in kind of a
3 general sense; is that fair?

4 A It would be a stretch to interpret a company's
5 pay structure under their own contract with their own
6 union differently than they have. They would know.

7 Q Okay. And that sort of goes with the vendors
8 as well?

9 A Yes.

10 Q While we're waiting on lunch, let me go to
11 another [REDACTED] invoice, and this will be -- let's just go
12 to the Bates at 38546.

13 MS. WEST: 38 what?

14 MR. REHWINKEL: 546. It's invoice 901711041A.

15 MS. WEST: It's in this series? It's in [REDACTED]

16 MR. REHWINKEL: Yes. It's a different
17 invoice.

18 MS. WEST: Okay. I'm sorry.

19 BY MR. REHWINKEL:

20 Q Okay. This is a cash receipt for \$54 and it's
21 got some signatures on it. If you could go back up to
22 the top, I just have to ask about this.

23 It looks strange. The date on it looks like
24 January 11th, 2000 something and it's at 1:33 a.m. I'm
25 just wondering --

1 A (Tess Roebuck) One moment. Charles, I can
2 answer this one.

3 **Q Tess?**

4 A I can answer this one. The \$54 was placed on
5 our variance document as unreadable but that they
6 submitted it for reimbursement.

7 **Q Okay. Is there something wrong with the date
8 and time on that?**

9 A They had it listed that the invoice itself --

10 **Q Your reviewers?**

11 A The reviewer said the invoice itself was
12 questionable and they couldn't thoroughly read it so
13 they listed it as a variance.

14 **Q You said invoice but you meant receipt?**

15 A Yes. I'm sorry.

16 **Q All right. Let's look at --**

17 **MR. REHWINKEL:** Is the food here?

18 **MR. BERNIER:** Yes.

19 **MR. REHWINKEL:** All right. Let's stop.

20 (Lunch recess 11:37 a.m. to 12:24 p.m.)

21 **MR. REHWINKEL:** Let's go back on the record.

22 **BY MR. REHWINKEL:**

23 **Q And as we were heading off to break, I wanted
24 to -- I had asked -- I wanted to get 38540 up on the
25 screen. And this is in this 901711041A [REDACTED] invoice.**

1 is for -- well, hours on 9/6?

2 A (Tess Roebuck) It is the week ending 9/9. So
3 it's 9/8 and 9/9.

4 Q Okay. But it doesn't show them billing time
5 before 9/8. Is that --

6 A That is correct. I do not see it.

7 Q Okay. So is this a situation like we
8 discussed yesterday where you acquired resources and
9 even though they could have billed you pretty much as
10 soon as you acquired them, these guys started billing on
11 the 8th?

12 A (Tim Fouty) That could be. I think we
13 received -- I need to confirm, but I think we received
14 some crews from [REDACTED] that were originally allocated
15 somewhere else as well. Let me check real quick.

16 Q Okay. While he's checking, what Tess is
17 telling me is this. These time sheets are the ones
18 that -- and it's for the [REDACTED] crew. These
19 relate to the hotel rooms --

20 A (Tess Roebuck) And again -- go ahead. I'm
21 sorry.

22 Q -- on the night of the 8th.

23 A Those are what we cross-referenced for the
24 dates and the headcount, yes, sir?

25 A (Tim Fouty) I clarified that this is what we

1 printed so that they had all of the receipts prior to
2 leaving to get on the road the next morning. So they
3 were reimbursed based on this.

4 Q Okay. I'd like to turn now to 38624, and this
5 document here appears to be a receipt for 1:07 p.m. on
6 the 14th of September at the Hooters of Clearwater, and
7 it's got somebody's name, [REDACTED], and there's a
8 couple of other names there as well.

9 My question is, first of all, is a meal at
10 Hooters at 1:07 during the early days of storm
11 restoration something that you expect the crews to be
12 partaking of?

13 A I understand that there are a lot of variables
14 that come into play when you're looking at receipts like
15 this. We do know that this [REDACTED] is a foreman.
16 So we do not know if these were foremen that were out
17 going from crew to crew out in the field visiting their
18 employees and then went into this restaurant to quickly
19 eat, but what we do know is they submitted this for food
20 they consumed and asked for reimbursement for it.

21 Q Okay. If we look at the next page, 38625, we
22 see [REDACTED] and again those two somewhat illegible
23 names at Crabby Bills St. Pete Beach ending up at
24 8:25 p.m. And I guess my question would be would you
25 expect, foreman or not, this guy to be eating in one

1 place at Clearwater and the next night at -- or later in
2 the day at St. Pete Beach, all while service is still
3 out?

4 A I do not have all those factors around why
5 they would have eaten at those two locations.

6 Q Okay. Is Clearwater Hooters and
7 St. Petersburg Beach -- I'm not that familiar with it.
8 Are they right close to each other or -- does anyone
9 know?

10 A (Jason Cutliffe) This is Jason. Yeah,
11 they're, what is it, about maybe a 45-minute drive, an
12 hour drive between the two at the most.

13 Q Okay. So would a crew that [REDACTED] might
14 be in charge of, would they be in these vicinities
15 during a day like that or -- it seems like at that point
16 in time when service is kind of out, people would be
17 working. They wouldn't be going all over the place
18 because they would be, like, concentrated out as they'd
19 be working and not moving a lot. But I don't know. I'm
20 not in the business like you guys are.

21 A It's impossible to tell from the meal ticket,
22 but it's not inconceivable that crews from a contingent
23 like this could be spread from Clearwater to St. Pete.

24 Q Okay. But you would agree with me, it looks
25 like on these two, the Hooters invoice and the Crabby

1 Bills invoice, that it looks like it's the same three
2 people, assuming that that represents three people
3 eating meals there?

4 A Those appear to be the same three names, yes.

5 Q And I think what's interesting, I guess, if we
6 could go back to 624, is although there are three names
7 on here, if you look under Danielle, the server, at
8 1:07 p.m. and it says table 14 and has a slash of 1, I
9 usually read that after the slash is that's the number
10 of people that that server served. Is that how you read
11 these?

12 A I don't know.

13 Q Okay. Tess, do you have any thoughts about
14 that?

15 A (Tess Roebuck) I'm not an expert on what
16 those numbers represent nor if they're always accurate.

17 Q Okay. So is it also fair to say that both for
18 Hooters as well as Crabby Bills, that we have a receipt
19 with no detail about what was purchased?

20 A Furthermore, we don't even know if they got
21 these orders to go.

22 Q But we don't know if they did either, right?

23 A No.

24 Q Well, let's look at 38627, and this is a place
25 called Mainstay Tavern and it's for the 16th, which I

1 guess was probably a Saturday, closing the check at
2 8:14. And we see this is a \$101.32 payment. It's got
3 [REDACTED] name on it and there's now four other
4 pretty much illegible names under that. And it shows a
5 Yuengling draft, Bud Light draft, Angus burger. It
6 looks like several meals here. And this is at
7 Clearwater Beach.

8 Is this something that you would expect to
9 incur the time to eat as well as the expense to pay?

10 A This appears to be at Sand Key Resort
11 Sheraton. I do know that was a hotel that we were
12 housing people at. So I do not know the factors around
13 if they had gotten their crew back and were there eating
14 and ending their day, but they submitted reimbursement
15 for those four individuals for \$81.32 which we paid on a
16 total invoice -- one moment -- for [REDACTED].

17 Q What was [REDACTED]?

18 A The total invoice submitted for [REDACTED] was
19 [REDACTED] originally.

20 Q Okay. This doesn't show like -- this isn't
21 like Gauguin's where 65 people were eating. This is
22 just four people. This isn't where you couldn't feed
23 them at the staging area. You said Sand Key would feed
24 need crew. This is just four people eating some burgers
25 and having a couple of beers, right?

1 A It's really impossible for us to know all the
2 factors around what drove them to eat at the restaurant
3 at their hotel.

4 Q But I mean, [REDACTED] had a larger contingent than
5 just four people, right? I mean, this isn't the whole
6 crew sitting down and getting their dinner, right?

7 A No.

8 Q Let's go to 38633 and we see now [REDACTED] I
9 think it says [REDACTED] and it's a receipt for Mugs and
10 Jugs for \$113.25 plus a \$25 tip for \$138.25.

11 A Yes, sir.

12 Q And it's at 2:58 p.m. on Sunday, which is
13 still several days before lights on.

14 And so my question is, is this something you
15 would expect line crews charging [REDACTED] maybe [REDACTED]
16 [REDACTED], to be doing at 3:00 in the afternoon?

17 A I have no details that tell me that line crews
18 are the ones that are actually consuming this food. It
19 could be leaders, logistics, their support staff.
20 There's a variety of people who submit reimbursement
21 that are not actually line crews restoring power, they
22 are supporting those restoring power.

23 Q Okay. But do you know what they bought at
24 Mugs and Jugs? What would you get there, the food?

25 A Yes.

1 Q Do they serve alcohol?

2 A I believe that most restaurants do.

3 Q Okay. Again, even if they're not people who
4 string wire, get up and do the overhead work, are you
5 expecting that while people are out of service, that
6 even the supervisory folks work a little bit less, they
7 don't -- you know, they're not out there putting in on a
8 [REDACTED] day a full day's work?

9 I mean, that's a serious question that I pose
10 to you-all. Is this what you expect the people that
11 come down here and get paid these premium rates to do
12 while lights are out?

13 A So there's a number of ways to answer that,
14 and I do see your point of view. But the different
15 point of view that we see so frequently is leaders like
16 this that are working 19, 20 hours, their crews are
17 being moved from area to area. Their crews are being
18 separated up. They're having to travel between those.
19 And when they can stop for a few minutes to get a bite
20 to eat and do planning where they can sit at a table
21 with light and spread out papers to be able to do that,
22 then they take the time to do that.

23 So my only point to that is as much as you
24 could have points on that side, there are points for how
25 hard they worked to restore power and to support their

1 crews.

2 Q Do you have information about who [REDACTED]
3 is?

4 A One moment.

5 Q I mean what his role on the --

6 A Yes, sir, I should be able to. One moment.
7 In ROD he's listed as oversight leadership, a
8 general foreman.

9 Q Okay. Those guys get paid the highest rates
10 on a crew, don't they?

11 A It's actually hard to tell when -- it could
12 not always be true, right?

13 Q I meant to say bill at, not paid. I don't
14 know what they get paid, but bill at. Aren't those
15 usually the top of the pyramid in the rate structure?

16 A (Tim Fouty) This is Tim. I would say in
17 general from a crew standpoint, yes.

18 Q And would [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A Yes, they do.

22 Q Okay. Let's move to Michels. Oh, actually,
23 I'm sorry. I want to go to [REDACTED] 46543.
24 I'm sorry, that's the right invoice. And go to 46543.

25 Is [REDACTED] -- what kind of vendor

1 are they, if anyone knows?

2 A (Amy DeZonia) This is Amy. They're a line
3 contractor.

4 Q Okay. This is a hotel, arrival date of 9/11,
5 departure date 9/17. I see the name [REDACTED]
6 handwritten up there and there may be something above
7 that. And there's a Progress Energy sticker that says
8 this hotel is in Anderson, South Carolina, 483 miles
9 from Silver Springs, seven-and-a-half-hour drive, 30
10 people on time sheets, seven rooms.

11 Can you tell me why a hotel in Anderson,
12 South Carolina is billed for six nights?

13 A (Tess Roebuck) One moment.

14 Q Maybe more?

15 A Charles?

16 Q Yes.

17 A This one appears to be quite complex which
18 some of these take pulling together.

19 Q Okay.

20 A And then we're trying recreate it in this
21 moment what could have taken a week to pull together.

22 Q Okay.

23 A So we would need to follow up on this one for
24 you.

25 Q And if you wouldn't mind in your follow-up,

1 there's -- I just picked one invoice. There's several
2 in here that have a similar kind of, you know, multi-day
3 out-of-town hotel stay.

4 MR. REHWINKEL: So I would -- we'll make that
5 No. 23, late-filed 23, and we'll give it a title of
6 [REDACTED] Follow-Up.

7 (Exhibit 23 to be produced and marked as a
8 late-filed exhibit.)

9 BY MR. REHWINKEL:

10 Q And I think as part of that explanation,
11 there's probably -- I would ask you to look at -- I
12 think it's on 547. Yes, let's go to 547.

13 So we look at this hotel invoice in Silver
14 Springs, Florida, it shows the crew -- well, this hotel
15 billing beginning 9/4.

16 Let me start again.

17 547 shows a hotel bill that shows the first
18 night's lodging on September 4th. There are numbers
19 written next to the lodging records of September 10th,
20 11th and 12th and onto the next page through the 15th.

21 So part of what I would want to understand is
22 it doesn't look like those first dates from the 4th
23 through the 9th are coded to a storm bill, but
24 nevertheless, this person who I assume is with [REDACTED]
25 [REDACTED] with an address of Apalachicola, it looks like

1 he was in Silver Springs, Florida on -- earlier than the
2 storm.

3 So if you could just in your narrative explain
4 kind of what happened here.

5 A (Tess Roebuck) Absolutely.

6 Q All right. I think I want to go to [REDACTED]
7 Let's look at Bates 33964. This is similar to a
8 question I asked earlier.

9 If we look on this invoice, it looks like the
10 crew is billing [REDACTED] on a Wednesday. Is that
11 what it looks like to you-all?

12 A Yes.

13 Q So I would want to know why they would do
14 that.

15 A One moment.

16 Q Okay. While she's --

17 A Charles --

18 Q -- researching that --

19 A -- I can answer.

20 MR. REHWINKEL: Before you do that, I wanted
21 to make this [REDACTED] invoice 91 -- 901711041A, I want
22 to make that an exhibit. We'll give it 24.

23 (Exhibit 24 to be produced and marked as a
24 late-filed exhibit.)

25

1 BY MR. REHWINKEL:

2 Q I'm sorry, Tess. Were you about to --

3 A Yes, sir.

4 Q Okay.

5 A Subject to check, which we are going to do,
6 the notes that we have listed from a review and payment
7 process is that they received [REDACTED]

8 [REDACTED]

9 Q Okay.

10 A Tim and his team are validating that that is
11 in fact --

12 A (Tim Fouty) I don't know if we have that
13 documentation.

14 A (Tess Roebuck) They are double-checking?

15 A (Tim Fouty) We do not have the documentation
16 kind of like we talked about earlier with IEB. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q So for clarification for me on that, are you
23 saying that you should have a contract or some document
24 that says this is why that would be or --

25 A Because it's a union item, sometimes

1 they'll -- a supplier or a contractor will put it in
2 their agreement with us and other times they don't spell
3 out all the stipulations. This is one that is not
4 spelled out in their pricing sheet.

5 Q Okay. So what you're saying is that there's
6 nothing in the documentation that spells out [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A Nothing that they have found yet.

10 Q Okay. So you're still looking? That's what
11 I'm trying understand.

12 A We may have a note or something. There's
13 nothing in the contract, but we may have a note or
14 something, so that's what we'll search.

15 Q Let's look at 33962 while we're waiting for
16 further information, 33962.

17 Okay. Can you tell me what rates or whether
18 this invoice is being billed at -- well, [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A (Tim Fouty) [REDACTED]

23 MR. REHWINKEL: Let's go off the record for a
24 second.

25 (Discussion off the record.)

1 BY MR. REHWINKEL:

2 Q Let's go back on and give your clarification.
3 We're ready. Go ahead, Tim.

4 A (Tim Fouty) Yes, this is Tim. For
5 clarification, the [REDACTED] storm contract we did find
6 out that the [REDACTED]

7 [REDACTED]

8 Q Okay. And is that unusual or is that
9 something you expect to see?

10 A For a storm contract? I have to get the
11 expert's opinion. It sounds as if we have seen it both
12 ways.

13 Q Okay. We looked at the audit review work
14 papers for [REDACTED] and the day before, on a Tuesday, and
15 it says they worked 18 hours on that sheet. [REDACTED]

16 [REDACTED]

17 [REDACTED] Is that what
18 you would see?

19 A (Tess Roebuck) That sounds accurate.

20 Q Okay. Let's look at 33995. Okay. So what
21 I'm looking at here is, I think it says Cracker Bar and
22 Grill on 9/13 at 9:34 in the evening for \$67.61. It
23 shows that it's unpaid. But the issue is, is this a --
24 well, I take that back. It does show -- there's a
25 credit card number on that, so I withdraw that part of

1 it. It says Balance Due, but you see -- it seems to
2 show that it was paid.

3 I'm sorry. Let's go and ask about the Hooters
4 bill, the next one. Are these bills that are on the
5 13th at 9:30 and 10:00, are those consistent with the
6 workday, in other words, being done with the workday for
7 those days?

8 A When we are reviewing the invoices, we do not
9 have the details of what exactly their workday was. So
10 that is not necessarily considered in the reimbursement
11 process for meals based on all the varied complexities.

12 Q Okay. Let's look at 334016. Look on the
13 18th. It shows, it looks like, the whole crew. Well,
14 this is an invoice for vehicles. Am I right about that?

15 A Yes, sir.

16 Q Okay. Is there a reason why there wouldn't be
17 the individuals that go with those vehicles?

18 A It sure would be nice, but we get these in
19 every format imaginable. So we cross-reference them
20 with the crew count to ensure there are no significant
21 variables.

22 Q Okay. So if I look on the next page, 34017,
23 we see eight hours for certain people. I mean, you see
24 eight hours for everyone who is on the sheet and it says
25 [REDACTED]. Do you see that?

1 A Yes, sir.

2 Q And then if we go to the next page, it shows
3 11 hours [REDACTED]

4 A Correct. [REDACTED]

5 [REDACTED]
6 [REDACTED].

7 Q Okay. So we see -- and like we talked about,
8 their rate is [REDACTED] -- well, let's just take [REDACTED]
9 [REDACTED] general foreman. He's
10 billing at [REDACTED] and then on 34018
11 he's billing 11 hours at time and a half, but it's at
12 the same [REDACTED] like we talked about earlier, right?

13 A Yes.

14 Q All right. [REDACTED]

15 [REDACTED]
16 [REDACTED] Is that what it appears to
17 show?

18 A Yes.

19 Q Okay. So it looks like on the 19th -- [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Now, given our prior example about Wednesday,
24 why would there not be [REDACTED] When I say "our
25 prior example about Wednesday," on the invoice before we

1 talked about that showed they worked [REDACTED]

2 [REDACTED] Why
3 wouldn't you have a similar situation here?

4 A Without having the start and stop times, it's
5 hard to ascertain if they, in fact, [REDACTED]

6 [REDACTED]

7 Q Okay. So on the prior example, we didn't have
8 the start and stop times, [REDACTED]

9 [REDACTED]

10 Now, on this example we see [REDACTED] [REDACTED]

11 [REDACTED] So you're just assuming they

12 [REDACTED] When I say the second
13 day, on the 19th in this example.

14 A That is correct.

15 Q Okay. But that would be an assumption you
16 would have to make without digging and finding some
17 other documentation that, say, operations had about when
18 they started and stopped?

19 A I do not have those details.

20 Q I don't mean you, but I'm just saying if
21 someone were to ultimately find it out, it would reside
22 somewhere other than what you have?

23 A Correct.

24 Q Let's look at 34016. Okay. This shows this
25 [REDACTED] crew and these are the vehicles, but if we look

1 on the next one, 34017, we see this crew we've been
2 talking about, they stopped billing on Thursday, the
3 21st. They billed eight hours. Do you see that?

4 A Yes.

5 Q Okay. And then we look at -- if you can turn
6 over to 34025, we see a hotel bill or several hotel
7 bills from 25 through 27 for a Holiday Inn Express in
8 Pittsburg, South Pittsburg, without an "h", Tennessee.
9 Do you see that?

10 A Yes.

11 Q All right. And this hotel bill shows checkout
12 on the 20th; is that right?

13 A It does.

14 Q And it looks like, if we look at the pages 17
15 and 18, when we combine the [REDACTED]
16 [REDACTED] they show 16 hours on
17 the 20th and another 16 hours on the 21st. Do you see
18 that?

19 A Correct. Yes.

20 Q All right. So that's a total of 32 hours for
21 the 20th and 21st, if my math is right?

22 A Yes.

23 Q Okay. And [REDACTED] -- well, this invoice says
24 [REDACTED] What I don't know is
25 whether this crew is based there or if that's just the

1 corporate headquarters and this crew is -- their portal,
2 if you will, is somewhere else.

3 But my question would be assuming they then
4 released, they were in Pittsburg, Tennessee on the
5 morning of the 20th, why would it take 32 hours to
6 demobilize from Pittsburg, Tennessee to [REDACTED]
7 [REDACTED] or is there another place they demobilized
8 to?

9 A Just one moment.

10 Q Okay.

11 MR. REHWINKEL: We can go off the record.

12 (Discussion off the record.)

13 MR. REHWINKEL: Let's go back on the record.

14 Are we on mute?

15 MS. WEST: Yes.

16 BY MR. REHWINKEL:

17 Q Yes.

18 A (Tess Roebuck) So Charles, what is typically
19 an easy check-in reference for us with ROD, this was a
20 Midwest crew. So we would need to follow up with some
21 more research on getting this detail and explain the
22 actual travel time here.

23 From the sidebars, it doesn't seem all of that
24 out of the window of possibility between traveling and
25 this size of caravan, but we want to give accurate

1 details to you and check those.

2 Q Okay. Well, do you know what their end portal
3 is, this crew? Did you get that much information? Do
4 we know when they started?

5 A Keep in mind, I'll state that the person
6 reviewing this back two years ago very likely had all of
7 this information and knew that. We just can't put our
8 hands on it this very second for you, but we could, in
9 fact, get it all.

10 Q Okay. Does anyone else have any --

11 A (Tim Fouty) This is Tim. We believe it's an
12 Indiana-based crew or crews.

13 Q Okay. Indiana -- from Tennessee to Indiana?

14 A They were embedded with Midwest Duke.

15 Q Okay. Okay.

16 A We had two groups of [REDACTED] but we believe
17 this is the one that was embedded.

18 MR. REHWINKEL: Okay. So I'm going to ask for
19 a late-filed, but we were side-barring. I wanted
20 to identify the [REDACTED] Invoice 272035 as No. 25.

21 (Exhibit 25 to be produced and marked as a
22 late-filed exhibit.)

23 MR. REHWINKEL: And I had forgotten to
24 identify the [REDACTED] Invoice that
25 we're going to get a late-filed on. So I want to

1 introduce -- I want to identify Invoice 59221.1-2
2 as No. 26.

3 (Exhibit 26 was marked for identification.)

4 **MR. REHWINKEL:** Which would bring us to
5 late-filed No. 27, which would be late-filed
6 Exhibit 27, [REDACTED] Demobilization Explanation.
7 But you know what I'm looking for, the portal where
8 they ended up and then any explanation about the
9 travel time from Pittsburg, Tennessee to the end
10 point.

11 (Exhibit 27 to be produced and marked as a
12 late-filed exhibit.)

13 **BY MR. REHWINKEL:**

14 **Q** Let me ask a demobilization question. Some
15 vendor crews might be spread out before the storm and
16 then when the call goes out and you acquire the
17 resource, folks have to gather up at a point and then
18 travel down. Are you familiar with that scenario? Yes?

19 **A** (Amy DeZonia) Yes.

20 **Q** Okay. So do you -- and I'm just going to use
21 a hypothetical. Let's say that you've got a vendor
22 whose home base is Columbus, Ohio, but they've got a
23 24-man crew that's based from Cleveland to Cincinnati to
24 Dayton.

25 **As they're gathering up, is there any time or**

1 A (Tess Roebuck) One moment.

2 Q I guess I just have a question about whether
3 this is part of the -- I just used the word "mustering,"
4 but you use mustering as sort of the check-in point in
5 Georgia. And what I'm wondering, is that what this is
6 here on the 10th? That does say 10th, right?

7 A (Jason Cutliffe) This page has a 19.

8 Q Oh, 19. I'm sorry. My eyes are bad. I can
9 only read it if it's small.

10 Well, first of all, so my question is, is this
11 a receipt or a proof of payment, given that what it says
12 on there and there's no --

13 A (Tess Roebuck) There is no -- we believe this
14 to be based on the notes that this is a Perry, Georgia,
15 Motel 6 and that this was intended for reimbursement on
16 the room lodging fee.

17 Q Okay. There is a similar set of questions I
18 have about this crew getting back to wherever they were
19 ending up. And the time sheets reflect again a 32-hour
20 situation from this point here back to wherever their
21 portal was. So what I would ask is if we could just
22 include any research and explanation related to this
23 Bates field along with late-filed 27. Can we do that?

24 A Yes.

25 Q Okay. Let's look at [REDACTED], and

1 the Bates would be 4140 -- I'm sorry, 41413. It's
2 invoice 1771. Let's go to the next page. Well,
3 actually, I'm sorry. Let's go to 41493.

4 MR. REHWINKEL: Matt, the paper copy I gave
5 you earlier is an excerpt from this invoice.

6 MR. BERNIER: Yep.

7 BY MR. REHWINKEL:

8 Q Okay. What I see here are hotel rooms. The
9 one in the upper left shows departure 9:29, the upper
10 right 9/29, bottom left 9/29. So all of these documents
11 show a hotel room that shows the beginning date of
12 9/6/17 and the departure date of 9/29/17 in a hotel, a
13 Holiday Inn Express in Apex, North Carolina, which I
14 think is somewhat near Raleigh.

15 A (LaQuitta Ghent) This is LaQuitta. That's
16 correct.

17 Q Why would Duke be housing someone in the
18 Raleigh area for two weeks?

19 A This is LaQuitta again. Our [REDACTED]
20 [REDACTED] is in Apex, North Carolina, which
21 is about seven miles from Cary, North Carolina, in that
22 vicinity, and that is where their [REDACTED]
23 [REDACTED] on the ground that are
24 supporting restoration.

25 Q So what is the -- well, who would this be

1 that -- why wasn't -- I guess what I'm struggling with
2 understanding is if that's where the outfit is that runs
3 [REDACTED] -- well, whose hotel room is this?

4 A The hotel receipt says [REDACTED]. [REDACTED]
5 is our, I guess I would say for lack of better terms,
6 the lead for [REDACTED]
7 [REDACTED] there. So [REDACTED] and his team,
8 they have a team that supports outside of the impacted
9 areas to secure assets and to make sure that the team
10 that's within Florida has full support.

11 So just as we have our storm centers in
12 different locations in Florida that support the entire
13 state, this is where they muster and their headquarters
14 is and that's where they support out of and that
15 supports the impacted areas to get support and supplies
16 in.

17 Q Who is [REDACTED] employer?

18 A [REDACTED].

19 Q Where does he normally live?

20 A I cannot answer that. Just stand by.

21 At the time, he lived in Indiana.

22 Q And why was he there through the 29th?

23 A So [REDACTED] they obviously come in
24 for the storm, and then after the storm they have to
25 demobilize assets and make sure that everything is, you

1 know, brought back in and reconciled and administrative
2 duties, invoicing, things of that nature.

3 Q So does your contract with [REDACTED]
4 say that if you've got to bring in your employee from
5 other parts of the country, you get to bill Duke for
6 that, for lodging them?

7 A I will have to check with our contracts. Just
8 one second.

9 I'm back, Charles.

10 Q Okay.

11 A So [REDACTED] was also -- outside of
12 just supporting the sites during the event, they were
13 also supporting us in restoration activities after the
14 event to any of our sites that were damaged. And then
15 we do have [REDACTED]
16 [REDACTED] but that's in the contract.

17 Q Okay. And 41460, the Bates there, if we could
18 go to that, and we see at the bottom left of this,
19 [REDACTED] is housed in a hotel in Jacksonville,
20 Florida.

21 A That is correct.

22 Q Who is [REDACTED]

23 A [REDACTED] is an employee of [REDACTED]

24 [REDACTED]

25 Q And then the receipt above that hotel receipt

1 for Jacksonville shows Labelle, Florida on
2 September 5th. It looks like fuel for \$54 and change.

3 A That is correct.

4 Q So does she live in Labelle?

5 A I do not know where [REDACTED] lives, but she
6 was traveling from Labelle, Florida north to support the
7 storm and stopped in Jacksonville.

8 Q Okay.

9 A And headed to Apex, North Carolina.

10 Q So why doesn't she have a hotel room?

11 A [REDACTED] is [REDACTED]

12 Q Okay. [REDACTED]

13 [REDACTED]

14 A I don't know if she was living there, but at
15 the time of her deployment she was in Labelle, Florida
16 and she was traveling back to Apex.

17 MR. REHWINKEL: All right. I'm going to go
18 ahead and just make this a -- and this is going to
19 be 28, and it will be [REDACTED] Excerpt,
20 Invoice Excerpt. Actually, I should call it
21 [REDACTED] Invoice 1771 Excerpt.

22 Is that fair?

23 MR. BERNIER: Yes.

24 (Exhibit 28 was marked for identification.)

25 A (LaQuitta Ghent) And Charles, can I add for

1 the record?

2 Q Yes, please.

3 A These explanations were asked and will be in
4 the responses to the Ninth Set of Interrogatories that
5 we received.

6 Q That's fine. Okay.

7 MR. BERNIER: 28, right, Charles? Am I
8 counting right?

9 MR. REHWINKEL: That was 28.

10 MR. BERNIER: Thanks.

11 MR. REHWINKEL: Let's take a brief break. I
12 may be done, but I just need to make sure.

13 MR. BERNIER: No problem.

14 (Recess from 1:49 p.m. to 1:55 p.m.)

15 MR. REHWINKEL: So back on the record.

16 Matt, I'm not sure we have the contract for
17 [REDACTED] but I'd like to ask as a
18 late-filed that we can get it. And if we have it,
19 if you think we have it, if you could just give us
20 the Bates number.

21 MR. BERNIER: My guess is you probably don't
22 because I think you-all asked for line.

23 MR. REHWINKEL: I believe so.

24 MR. BERNIER: But we'll get it for you. No
25 problem.

1 **MR. REHWINKEL:** So it will be late-filed No.
2 29, [REDACTED] Contract.

3 **MR. BERNIER:** Yep.

4 (Exhibit 29 to be produced and marked as a
5 late-filed exhibit.)

6 **BY MR. REHWINKEL:**

7 **Q** Okay. And I guess the last question I would
8 ask is that after these two days and all the topics
9 we've covered, and you certainly don't have to do this
10 now, but I just was wondering if anybody had any
11 clarifications or any information that they wanted to
12 clarify?

13 **A** (LaQuitta Ghent) I have one small -- very
14 small clarification.

15 **Q** Okay.

16 **A** [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED]

20 **Q** That's a good thing not to have if it's not
21 true.

22 **MR. BERNIER:** This is a family deposition.

23 **MR. REHWINKEL:** It is confidential.

24 And I don't know if any of the parties have
25 any questions, but now is the time.

LATE-FILED EXHIBIT

5

REDACTED

In their entirety

LATE-FILED EXHIBIT

6

REDACTED

In their entirety

LATE-FILED EXHIBIT

7

REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

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REDACTED

In its entirety

LATE-FILED EXHIBIT

27

REDACTED

In its entirety

LATE-FILED EXHIBIT

28

REDACTED

In its entirety

LATE-FILED EXHIBIT

29

REDACTED

In its entirety

**DUKE ENERGY FLORIDA
Confidentiality Justification Matrix**

DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
<p>Deposition Transcript for Depositions held on March 14 - 15, 2019</p>	<p>Page 4 Lines 13: all information after “9” and before “Invoice, after “10” and before “Work papers”, Lines 14: all information after “11” and before “Excerpt”, after “12” and before “Review”, Line 16: all information “after “late-filed” and before ROD Notes”, and Line 17: all information after “late-filed” and before “Authorization”.</p> <p>Page 71 Line 5: the information after “Ameren with a”</p> <p>Page 72 Line 22: the information before “Do you see that?”</p> <p>Page 72 Line 25: the information after “invoice amount is” and before “Do you see that?”</p> <p>Page 125 Lines 1-2: the complete lines in its entirety</p> <p>Page 126 Line 4: the information after “A” in its entirety</p> <p>Page 126 Line 9: the information after “generally”</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF’s efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF’s competitive interests, the disclosure would impair the competitive business.</p> <p>§366.093(3)(f), F.S. The document in question contains confidential employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.</p>

	<p>Page 126 Lines 11-16: the information after “(Jay Shawver)” in its entirety</p> <p>Page 126 Line 17-18: the information after “Okay” in its entirety</p> <p>Page 126 Line 19: the information after “A”</p> <p>Page 156 Lines 15-17: the information after “Q” in its entirety</p> <p>Page 156 Line 18: the information after “A” in its entirety</p> <p>Page 156 Lines 24-25: the information after “Okay” in its entirety</p> <p>Page 157 Lines 1-2: the complete lines in its entirety</p> <p>Page 157 Lines 4-6: the information after “Q” in its entirety</p> <p>Page 157 Lines 8-12: the information after “Okay” in its entirety</p> <p>Page 157 Lines 18-21: the information after “we’re -- in the” and before “and that’s been”</p> <p>Page 166 Lines 22-24: the information after “Q” in its entirety</p> <p>Page 199 Line 19: the</p>	
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	<p>information after “employee for anything” in its entirety</p> <p>Page 201 Lines 20-21: the information after “I do” In its entirety</p> <p>Page 201 Lines 24-25: the information after “This is Tim” in its entirety</p> <p>Page 202 Lines 1-3: the information before “The contract says” in its entirety</p> <p>Page 202 Lines 4-6: the information after “Okay” in its entirety</p> <p>Page 202 Lines 16-25: all information contained in the sentences in their entirety</p> <p>Page 203 Lines 1-4: the complete lines in its entirety</p> <p>Page 203 Lines 9-16: the complete lines after “A” in its entirety</p> <p>Page 211 Line 9: the information after “vendor’s name is” and before “is that”</p> <p>Page 211 Line 11: the information after “This is”</p> <p>Page 212 Line 7: the information after “550, this shows” and before “that”</p> <p>Page 212 Line 15: the information after “me to be” in its entirety</p>	
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	<p>Page 212 Line 16: the information before “of the” in its entirety</p> <p>Page 212 Line 18: the information after “It involved our”</p> <p>Page 212 Line 19: the information before “to our contract”</p> <p>Page 212 Line 23: the information after “at 551 is” in its entirety</p> <p>Page 212 Line 24: the information before “and then the”</p> <p>Page 212 Line 24: the information after “other one is” and before “Do”</p> <p>Page 213 Line 4: the information after “doing business as” and before “They submitted the”</p> <p>Page 213 Lines 5-8: the information after “other one as” in its entirety</p> <p>Page 213 Line 9: the information after “notice that the” in its entirety</p> <p>Page 213 Line 11: the information after “and then the” and before “invoice”</p> <p>Page 213 Lines 19-22: the information after “they submitted those” in its</p>	
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	<p>entirety</p> <p>Page 214 Line 3: the information after “go ahead and” and before “The other”</p> <p>Page 214 Line 4: the information after “go through our” and before “that was taking”</p> <p>Page 214 Line 5: the information after “frame of about” and before “to get through”</p> <p>Page 214 Lines 11-13: the information after “an” and before “Is that”</p> <p>Page 214 Line 16: the information after “we did the” and before “but”</p> <p>Page 214 Lines 24-25: the information after “the goal of” in its entirety</p> <p>Page 215 Lines 1-17: the complete lines in its entirety</p> <p>Page 215 Line 22: the information after “If it was” and before “I believe, the”</p> <p>Page 215 Line 23: the information after “invoice” and before “If it was”</p> <p>Page 215 Line 23: the information after “If it was”</p> <p>Page 215 Line 24: the information before “we just tried”</p>	
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	<p>Page 216 Lines 2-8: the information after “A” in its entirety</p> <p>Page 216 Line 19: the information after “(Amy DeZonia)”</p> <p>Page 216 Line 21: the information after “that was just the” in its entirety</p> <p>Page 216 Line 24: the information after “if it was” and before “It”</p> <p>Page 217 Line 2: the complete line in its entirety</p> <p>Page 217 Line 11: the information after “indicated that we” and before “on August”</p> <p>Page 217 Line 12: the information after “2nd. We” in its entirety</p> <p>Page 217 Lines 16-20: the complete lines in its entirety</p> <p>Page 217 Line 24-25: the information after “the term audited” in its entirety</p> <p>Page 218 Lines 1-2: the complete lines in its entirety</p> <p>Page 218 Lines 3-4: the information after “I just want to --” and before “So I just”</p> <p>Page 218 Lines 8-10: the</p>	
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	<p>information after “your folks aren’t” in its entirety</p> <p>Page 218 Line 14: the information after “record of” and before “was one of”</p> <p>Page 218 Line 19: the information before “audit review”</p> <p>Page 219 Line 9: the information after “entire amount of” and before “that we saw”</p> <p>Page 219 Line 13: the information after “you paid was”</p> <p>Page 220 Lines 8-10: the complete lines in its entirety</p> <p>Page 220 Line 23: the information before “Do you see that?”</p> <p>Page 220 Line 25: the information after “equipment” and before “meals” as well as the information after “meals” and before “hotels”</p> <p>Page 221 Line 1: the information before “and fuel of” as well as the information after “and fuel of” and before “And assuming this”</p> <p>Page 221 Line 3: the information before “all of those”</p>	
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	<p>Page 221 Line 6: the information after “of the same” and before “and”</p> <p>Page 221 Line 10: the information after “a total of” and before “That”</p> <p>Page 221 Line 14: the information after “meal summary of”</p> <p>Page 221 Line 17: the information after “we see the”</p> <p>Page 223 Lines 11-22: the complete lines in its entirety</p> <p>Page 223 Line 25: the information after “That’s correct.”</p> <p>Page 224 Lines 12: the complete lines in its entirety</p> <p>Page 224 Lines 14-18: the information after “Job Notes it says” and before “Do you see that” in its entirety</p> <p>Page 225 Line 25: the information after “sometime on the” in its entirety</p> <p>Page 226 Lines 1-2: the complete lines in its entirety</p> <p>Page 226 Lines 3-5: the information after “when they are” in its entirety</p> <p>Page 226 Lines 22-25: the information after “This is</p>	
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	<p>Tim” in its entirety</p> <p>Page 227 Lines 1-3: the complete lines in its entirety</p> <p>Page 227 Lines 7-8: the information after “for whatever reason” in its entirety</p> <p>Page 227 Lines 9-14: the information after “A” in its entirety</p> <p>Page 227 Lines 23-25: the information after “I mean, we would” in its entirety</p> <p>Page 228 Lines 1-3: the information before “Amy may know more about” in its entirety</p> <p>Page 229 Line 15: the information before “is a firm”</p> <p>Page 229 Line 17: the information after “(Tim Fouty)”</p> <p>Page 229 Line 18: the information after “(Tim Fouty)” and before “possibly, not”</p> <p>Page 229 Line 19: the information after “under” and before “I’m assuming we”</p> <p>Page 229 Line 20: the information after “believe” and before “we’ve done work</p>	
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	<p>Page 229 Line 22: the information before “They” in its entirety</p> <p>Page 230 Line 4: the information after “is just a” and before “it looks like”</p> <p>Page 230 Lines 5-6: the information after “me” in its entirety</p> <p>Page 230 Line 7-9: the information after “So I ---” in its entirety</p> <p>Page 230 Lines 10-11: the information after “Okay” in its entirety</p> <p>Page 230 Line 13-15: the information after “you look under” in its entirety</p> <p>Page 230 Line 20: the information after “It’s a meal” in its entirety</p> <p>Page 230 Line 24-25: the information after “at the bottom” in its entirety</p> <p>Page 231 Line 1: the complete line in its entirety</p> <p>Page 231 Line 11-17: the complete lines in its entirety</p> <p>Page 232 Line 4-5: the information after “frame” in its entirety</p> <p>Page 232 Lines 14-15: the</p>	
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	<p>information after “and it says” in its entirety</p> <p>Page 233 Line 1-5: the complete lines in its entirety</p> <p>Page 233 Line 8-9: the information before “I suppose, but --” in its entirety</p> <p>Page 233 Line 16: the information after “It says” and before “and”</p> <p>Page 235 Lines 11-13: the complete lines in its entirety</p> <p>Page 235 Line 15-17: the information after “let’s see” in its entirety</p> <p>Page 235 Line 19-23: the information after “assumption that if” in its entirety</p> <p>Page 235 Line 25: the information after “invoice shows the” in its entirety</p> <p>Page 236 Line 1: the complete line in its entirety</p> <p>Page 236 Line 4: the information after “where it says” in its entirety</p> <p>Page 236 Line 17: the information after “something that” and before “used”</p> <p>Page 237 Line 21: the</p>	
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	<p>information after “assuming that was” and before “production end right”</p> <p>Page 237 Line 25: the information after “top, it looks like” and before “is handwritten in there”</p> <p>Page 238 Line 5: the information before “however you pronounce” in its entirety</p> <p>Page 239 Line 10: the information after “the summary that” and before “provided right”</p> <p>Page 242 Line 14: the information before “lunch 9/12 in” in its entirety</p> <p>Page 242 Line 15: the information after “says – again” and before “It”</p> <p>Page 242 Line 16: the information after “just shows an” and before “Would you agree”</p> <p>Page 242 Lines 20-21: the information after “next page says” in its entirety</p> <p>Page 242 Line 25: the information after “about” and before “probably” as well as the information after “probably” and before “or however you”</p> <p>Page 243 Line 7: the</p>	
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	<p>information after “There’s” and before “with a” as well as the information after “with a” and before “Is there any way”</p> <p>Page 243 Line 20: the information after “So this shows” in its entirety</p> <p>Page 243 Line 23: the information after “that these” and before “There’s a”</p> <p>Page 243 Line 25: the information after “A” in its entirety</p> <p>Page 244 Lines 1-7: the complete lines in its entirety</p> <p>Page 244 Line 9: the information after “didn’t show” and before “would”</p> <p>Page 244 Lines 16-17: the information after “an employee that” and before “would that cause”</p> <p>Page 244 Lines 21-22: the information after “five \$76-plus” and before “would”</p> <p>Page 245 Line 11: the information before “Invoice”</p> <p>Page 246 Line 11: the information before “and it says”</p> <p>Page 246 Line 15: the</p>	
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	<p>information after “you know who” and before “is”</p> <p>Page 246 Line 16: the information after “did not have” in its entirety</p> <p>Page 246 Line 23: the information after “know whether” and before “is a”</p> <p>Page 247 Lines 16-19: the information after “90,000” in its entirety</p> <p>Page 249 Lines 12-15: the information after “suggestion alternative” in its entirety</p> <p>Page 249 Line 19: the information after “are under” and before “name were actually”</p> <p>Page 249 Line 24: the information after “I mean” in its entirety</p> <p>Page 250 Line 3: the information after “Do you know who” and before “is”</p> <p>Page 250 Line 4: the complete line in its entirety</p> <p>Page 250 Line 12: the information after “main contact for”</p> <p>Page 251 Line 7: the information after “is” and before “worth of fuel”</p> <p>Page 251 Line 10: the</p>	
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	<p>information after “through 557 are”</p> <p>Page 251 Line 19: the information after “employee named” and before “Do you see”</p> <p>Page 252 Line 2: the information before “do you see that?” in its entirety</p> <p>Page 252 Line 9: the information after “Jacksonville” and before “\$150 even”</p> <p>Page 252 Line 18: the information after “below that by” and before “do you know”</p> <p>Page 254 Line 11: the information after “I’m going to stop” and before “and go to”</p> <p>Page 254 Line 12: the information before “and I’m going to”</p> <p>Page 254 Line 20: the information after “I call it the” in its entirety</p> <p>Page 255 Line 3: the information after “is the invoice for” in its entirety</p> <p>Page 255 Line 5: the complete line in its entirety</p> <p>Page 255 Line 8: the information after “I believe it’s”</p>	
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	<p>Page 255 Line 9: the information after “Oh, I apologize” and before “I thought”</p> <p>Page 255 Line 10: the information after “that was” and before “Thank you”</p> <p>Page 255 Line 16: the information after “tell me who” and before “is”</p> <p>Page 255 Line 18: the information after “with us from”</p> <p>Page 256 Line 3: the information after “conversation around” and before “of course”</p> <p>Page 256 Line 9: the information after “if needed. So” and before “is one of those”</p> <p>Page 256 Line 24: the information after “but did you say” in its entirety</p> <p>Page 257 Lines 2-3 the information after “But I was asking is” in its entirety</p> <p>Page 257 Lines 5-6 the information after “Yes, they are” in its entirety</p> <p>Page 258 Line 1: the information before “Invoice Excerpt”</p>	
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	<p>Page 258 Line 10: the information before “invoice review”</p> <p>Page 259 Line 6: the information after “work papers for”</p> <p>Page 259 Line 19: the information after “invoice amount of” and before “That’s the number”</p> <p>Page 260 Line 1: the information after “the written totals” and before “was not”</p> <p>Page 260 Line 2: the information before “I’m sure that’s not”</p> <p>Page 260 Lines 9-17: the information after “And then it says:” in its entirety</p> <p>Page 260 Line 21-22: the information after “discussion about the” and before “Does that make sense”</p> <p>Page 261 Line 5: the information after “there were not” and before “So we will”</p> <p>Page 261 Lines 11-12: the information after “I don’t know how” in its entirety</p> <p>Page 262 Lines 6-7: the information after “the bottom person is” and before “Do you see that”</p>	
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	<p>Page 262 Line 11: the information after “says” and before “and then it”</p> <p>Page 262 Line 12: the information after “that looks like” and before “right”</p> <p>Page 262 Line 21: the information after “please bank time for” in its entirety</p> <p>Page 264 Line 5: the information after “And we see” and before “It says TR.31090”</p> <p>Page 264 Line 10: the information after “there’s six vehicles” and before “on the crew”</p> <p>Page 264 Line 15: the information after “would assume that” and before “had been released”</p> <p>Page 264 Lines 21-25: the information after “Yes. Okay.” in its entirety</p> <p>Page 265 Lines 1-3: the complete lines in its entirety</p> <p>Page 265 Line 5: the information after “the ROD notes for” in its entirety</p> <p>Page 265 Line 6: the information before “Is that something”</p> <p>Page 265 Line 9: the information after “late-filed</p>	
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	<p>No. 14” and before “ROD Notes”</p> <p>Page 266 Line 2: the information after “in this case to”</p> <p>Page 267 Line 2: the information after “which is” in its entirety</p> <p>Page 268 Lines 4-6: the complete lines in its entirety</p> <p>Page 268 Lines 11-17: the information after “to this” in its entirety</p> <p>Page 269 Lines 8-13: the information after “Q” in its entirety</p> <p>Page 270 Line 2: the information after “and we saw” and before “truck on the”</p> <p>Page 270 Line 3: the information after “is headed by” and before “Well, I don’t”</p> <p>Page 270 Line 12: the information after “and it says” and before “is the”</p> <p>Page 270 Line 22: the information after “day at 11:30. That’s” and before “crew; is that”</p> <p>Page 270 Line 25: the information after “Duke paid for” in its entirety</p>	
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	<p>Page 272 Line 2: the information before “receipt for 61” in its entirety</p> <p>Page 272 Line 12: the information after “Q” in its entirety</p> <p>Page 272 Lines 13-15: the information after “A” in its entirety</p> <p>Page 272 Lines 16-19: the information after “Q” in its entirety</p> <p>Page 273 Line 21: the information after “it says, Employee”</p> <p>Page 273 Line 22: the information after “employee name”</p> <p>Page 274 Line 4: the information after “employee name is” and before “And this is”</p> <p>Page 274 Lines 10-11: the information after “Not that I can see” in its entirety</p> <p>Page 274 Line 25: the information after “something that” and before “would have made”</p> <p>Page 275 Line 3: the information after “get paid in” in its entirety</p> <p>Page 275 Line 9: the information after “to pay a”</p>	
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	<p>Page 275 Lines 10-11: the information after “want to be paid in” and before “Is”</p> <p>Page 274 Line 23: the information before “and another to the” as well as the information after “and another to the” and before “people”</p> <p>Page 276 Line 8: the information after “these are just two” and before “crews in the”</p> <p>Page 278 Line 12: the information after “Okay. And so” and before “explanation”</p> <p>Page 278 Line 18: the information after “in the afternoon” and before “and”</p> <p>Page 278 Line 19: the information before “-- or” as well as the information after “-- or” and before “are at the Embassy”</p> <p>Page 279 Line 5: the information after “knew about the” and before “hold-over thing”</p> <p>Page 279 Lines 9-11: the information after “members, logistic members” in its entirety</p> <p>Page 279 Line 19: the information after “understood about the” in</p>	
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	<p>its entirety</p> <p>Page 280 Line 3: the information after “looks like a” and before “MasterCard statement”</p> <p>Page 280 Line 4: the information after “named” and before “Do you see”</p> <p>Page 281 Line 10: the information after “(Tim Fouty)” and before “came to us”</p> <p>Page 281 Line 11: the information after “Actually” and before “acquired through”</p> <p>Page 281 Line 25: the information after “because they’re” and before “they weren’t”</p> <p>Page 282 Line 8: the information before “and we treat”</p> <p>Page 282 Line 16: the information after “MasterCard statements for” and before “was charged to”</p> <p>Page 283 Line 14: the information after “behind me here. So” and before “came to us kind”</p> <p>Page 284 Line 7: the information before “for charges on”</p>	
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	<p>Page 285 Line 5: the complete line in its entirety</p> <p>Page 285 Line 17: the information after “all lodging for”</p> <p>Page 285 Line 21: the information after “the expenses for” and before “and”</p> <p>Page 285 Line 22: the information before “is one of” as well as the information after “sub companies under” and before “and their”</p> <p>Page 285 Lines 24-25: the information after “They’re one of the” and before “is that fair”</p> <p>Page 286 Line 5: the information before “this is their”</p> <p>Page 286 Lines 13-15: the information after “Q” in its entirety</p> <p>Page 286 Line 17: the information after “there’s meals of” and before “for a total”</p> <p>Page 286 Line 18: the information after “expenses for” and before “of” as well as the information after “of” and before “right”</p> <p>Page 287 Lines 1-14: the information after “Q” in its</p>	
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	<p>entirety</p> <p>Page 287 Lines 16-23: the information after “Q” in its entirety</p> <p>Page 288 Line 6: the information after “(Tess Roebuck)” in its entirety</p> <p>Page 288 Line 10: the complete line in its entirety</p> <p>Page 288 Line 13: the information after “somewhere in the” and before “range”</p> <p>Page 288 Line 14: the information after “that’s what I got”</p> <p>Page 288 Lines 15-17: the information after “Okay” and before “Is that something you”</p> <p>Page 288 Line 18: the information after “or negotiated with”</p> <p>Page 289 Line 2: the information after “exhibit” and before “we’ll call it”</p> <p>Page 289 Lines 3-5: the information after “looking for is a” and before “Does that make sense”</p> <p>Page 289 Line 20: the information after “such a document for”</p> <p>Page 289 Line 25: the</p>	
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	<p>information after “for” and before “rates”</p> <p>Page 290 Line 4: the information after “not one for”</p> <p>Page 290 Lines 9-11: the information after “the contract between” and before “and Duke discusses” as well as the information after “and Duke discusses” in its entirety</p> <p>Page 293 Line 4: the information after “With” and before “we actually did”</p> <p>Page 293 Line 9: the information after “services agreement for” and before “that referenced a purchase”</p> <p>Page 293 Lines 23-25: the information after “people like” in its entirety</p> <p>Page 294 Lines 2-4: the information after “dealing with” in its entirety</p> <p>Page 294 Lines 6-9: the information after “make sure that” in its entirety</p> <p>Page 294 Lines 10-14: the information after “Okay.” in its entirety</p> <p>Page 294 Line 17: the information after “of rates for”</p>	
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	<p>Page 294 Lines 23-24: the information after “doesn’t matter whether it’s” and before “union, non-union; same”</p> <p>Page 295 Line 2: the information after “go back to” and before “And if I”</p> <p>Page 295 Line 10: the information after “And we see” and before “spending the night”</p> <p>Page 295 Line 17: the information after “earlier today, that” and before “would probably be”</p> <p>Page 296 Line 5: the information after “reviewer paper for”</p> <p>Page 296 Line 18: the information after “out by the” and before “identifiers, they”</p> <p>Page 296 Line 21: the information before “resources differentially based”</p> <p>Page 296 Line 22: the information after “How many” and before “resources”</p> <p>Page 296 Line 23: the information after “do you have”</p> <p>Page 296 Line 25: the complete line in its entirety</p>	
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	<p>Page 297 Line 2: the information after “all” and before “on the same”</p> <p>Page 297 Lines 4-6: the information after “find the documentation” in its entirety</p> <p>Page 297 Line 9: the information after “good list of” and before “but it’s very”</p> <p>Page 297 Line 14: the information after “And that was all”</p> <p>Page 297 Line 25: the information after “to that same” and before “crew. And would”</p> <p>Page 298 Line 5: the information after “all the” and before “people have traveled”</p> <p>Page 298 Line 10: the information after “this is a” and before “Electric 7”</p> <p>Page 301 Line 20: the information after “about” and before “We looked at Bates”</p> <p>Page 301 Line 23: the information after “there at” and before “and we saw” as well as the information after “saw billings for” and before “of”</p>	
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	<p>Page 301 Line 24: the information before “and there was “as well as the information after “which left”</p> <p>Page 302 Line 2: the information after “find the other” and before “I’m not”</p> <p>Page 302 Line 13: the information before “invoices might be”</p> <p>Page 302 Line 19: the information after “this is 2-point --” and before “is the total”</p> <p>Page 302 Line 23-24: the information after “a time sheet for” in its entirety</p> <p>Page 303 Line 8: the information after “this particular crew”</p> <p>Page 303 Line 14: the information after “The size of” and before “is going to create”</p> <p>Page 303 Line 25: the information after “is that fair?”</p> <p>Page 304 Line 8: the information after “from this that”</p> <p>Page 304 Line 15: the information after “this is a” and before “daily time sheet”</p>	
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	<p>Page 306 Line 6: the complete line in its entirety</p> <p>Page 306 Line 7: the information after “anybody know where” and before “started”</p> <p>Page 306 Line 23: the information after “if we can, turn to” and before “and”</p> <p>Page 307 Line 1: the information after “This shows a” and before “crew working”</p> <p>Page 307 Line 5: the information after “tell me what the” and before “off to the right”</p> <p>Page 307 Line 10: the information after “Oh, the”</p> <p>Page 307 Line 12: the information after “don’t know which” and before “crew this”</p> <p>Page 307 Lines 21-23: the information after “some kind of a” in its entirety</p> <p>Page 308 Line 5: the information after “reference to that” and before “currently, but we could”</p> <p>Page 308 Line 18: the information after “This is the distribution”</p> <p>Page 309 Lines 10-14: the information after “And this</p>	
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	<p>shows” and before “Do you see that”</p> <p>Page 309 Line 17: the information after “crew out of” and before “versus some sort” as well as the information after “of a generic”</p> <p>Page 309 Line 20: the information before “with” as well as the information after “with” and before “sends a letter”</p> <p>Page 310 Line 11: the information after “communication from” and before “who’s out of” as well as the information after “who’s out of”</p> <p>Page 310 Line 12: the information before “to perform potential”</p> <p>Page 310 Line 25: the information after “for a specific” and before “versus all of”</p> <p>Page 311 Line 1: the complete line in its entirety</p> <p>Page 311 Line 6: the information after “is a” and before “company”</p> <p>Page 311 Line 7: the information before “one through however many”</p> <p>Page 311 Line 19: the information after “So</p>	
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	<p>would” and before “be considered embedded”</p> <p>Page 312 Line 6: the information after “about”</p> <p>Page 312 Line 8: the information after “is this -- is” and before “embedded only in”</p> <p>Page 312 Lines 15-17: the information after “these rates they seem” and before “but they seem to be a lot”</p> <p>Page 312 Line 22: the information after “a relationship with” and before “that would give”</p> <p>Page 312 Line 23: the information after “better leverage with” and before “than maybe some”</p> <p>Page 313 Line 1-4: the information after “So we – at the” and before “that we do business with.”</p> <p>Page 313 Line 5: the information after “Who are the other”</p> <p>Page 313 Line 6: the information after “A” in its entirety</p> <p>Page 313 Line 8: the information after “They’ve got”</p> <p>Page 313 Lines 10-11: the information after “There are</p>	
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	<p>over” in its entirety</p> <p>Page 314 Lines 5-7: the information after “consistent with the” in its entirety</p> <p>Page 314 Lines 10-13: the information after “September foreign crews” in its entirety</p> <p>Page 314 Line 14: the information after “So is” and before “a contractor that”</p> <p>Page 314 Lines 19-23: the information after “of payment with them” and before “but we tried”</p> <p>Page 315 Lines 10-12: the information after “Okay. All right.” and before “Is that”</p> <p>Page 315 Lines 15-16: the information after “rates would be” and before “Is that what”</p> <p>Page 315 Line 16: the information after “you experienced for” and before “on the”</p> <p>Page 315 Line 20: the information after “for” and before “or were they”</p> <p>Page 316 Lines 6-7: the information after “for” in its entirety</p> <p>Page 316 Lines 13-14: the</p>	
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	<p>information after “Q” in its entirety</p> <p>Page 316 Line 19: the information after “applicable” in its entirety</p> <p>Page 316 Line 20: the information after “Okay.” in its entirety</p> <p>Page 316 Line 25: the information after “A” in its entirety</p> <p>Page 317 Line 1: the complete line in its entirety</p> <p>Page 317 Lines 2-6: the information after “Q” and before “but for storm work”</p> <p>Page 317 Lines 8-10: the information after “A” in its entirety</p> <p>Page 330-Line 8: all information -after “late-filed” and before “344”, Lines 9: all information after “19” and before “Review”, all information after “20” and before “Invoice”, Line 10: all information after “late filed” and Lines 11: before “413”, after “late filed” and before “follow-up”, Lines 12: all information after “24” and before “Invoice”, all information after “25” and before “Invoice”, Lines 13: all information after “26” and before “Invoice”, after “late-filed” and before</p>	
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	<p>“Invoice” and Line 14: all information after “28” and before “Invoice” are confidential</p> <p>Page 333 Line 19: the information after “invoice for” and before “for Hurricane”</p> <p>Page 334 Lines 10-11: the information after “Brent Holly to” and before “and it looks like”</p> <p>Page 334 Line 16: the information after “then on April 4th” and before “sends”</p> <p>Page 334 Line 17: the information after “As we discussed” in its entirety</p> <p>Page 338 Line 3: the information after “from company” and before “Robin has been sent”</p> <p>Page 338 Line 9: the information after “on the rates” and before “provided”</p> <p>Page 340 Line 3: the information after “Charles” and before “goes to one”</p> <p>Page 340 Line 6-7: the information after “can move from the” and before “invoice to – I want”</p> <p>Page 340 Line 8: the information before “I think I</p>	
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	<p>misspelled it” as well as the information after “I think I misspelled it” and before “and then it’s”</p> <p>Page 340 Line 9: the information before “And the Bates”</p> <p>Page 343 Line 25: the information after “and it would be” and before “Detail. I’m just”</p> <p>Page 347 Lines 3-5: the complete lines in its entirety</p> <p>Page 347 Line 13: the information after “allowed to bill”</p> <p>Page 347 Lines 15-16: the information after “allowed to bill” in its entirety</p> <p>Page 347 Lines 20-22: the information after “We do not.” in its entirety</p> <p>Page 353 Lines 19-21: the information after “Jay first” and before “Is that something?”</p> <p>Page 354 Lines 3-5: the information after “have with their crews” in its entirety</p> <p>Page 354 Lines 7-9: the information after “the” and before “Have you seen”</p> <p>Page 354 Lines 13-15: the information after “understand it” and before</p>	
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	<p>“is that right”</p> <p>Page 354 Lines 20-25: the complete line in its entirety</p> <p>Page 355 Line 1: the complete line in its entirety</p> <p>Page 355 Lines 3-4: the complete line in its entirety</p> <p>Page 355 Line 5: the information after “A” in its entirety</p> <p>Page 355 Lines 11-13: the information after “A” in its entirety</p> <p>Page 355 Line 15: the information after “to get the” and before “invoice up”</p> <p>Page 355 Line 22: the information after “for a” and before “crew. There’s hand-numbered”</p> <p>Page 355 Line 24: the information after “the last guy” in its entirety</p> <p>Page 356 Lines 2-4: the information after “says” and before “Do you see that”</p> <p>Page 356 Lines 18-20: the information after “Okay” and before “Is that right”</p> <p>Page 356 Line 25: the information after “Q --” and before “right”</p>	
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	<p>Page 357 Line 2: the information after “in the bottom box” and before “for”</p> <p>Page 357 Line 12: the information after “from” and before “for those folks”</p> <p>Page 357 Line 14: the information after “Some people have” and before “if you look on”</p> <p>Page 357 Line 17: the information after “take” and before “at the top”</p> <p>Page 357 Line 18: the information after “like he’s recording” and before “and also” as well as the information after “and also” in its entirety</p> <p>Page 357 Line 19: the information before “but then there’s a” in its entirety</p> <p>Page 357 Line 24-25: the information after “So it says:” in its entirety</p> <p>Page 358 Line 1-8: the complete lines in its entirety</p> <p>Page 358 Lines 13-14: the information after “worked” in its entirety</p> <p>Page 358 Lines 15-18: the information after “Okay” and before “is that right” in its entirety</p>	
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	<p>Page 358 Line 22: the information after “IOU in the” and before “area, I”</p> <p>Page 359 Lines 6-8: the information after “this where you” and before “Does anyone” in its entirety</p> <p>Page 359 Lines 14-17: the information after “as a major event” and before “We carry that same pay” in its entirety</p> <p>Page 359 Lines 20-23: the information after “available” in its entirety</p> <p>Page 360 Line 3: the information after “with respect to” and before “your pay”</p> <p>Page 365 Line 12: the information after “with employee 23” and before “down to”</p> <p>Page 365 Line 13: the information before “Do you see” in its entirety</p> <p>Page 367 Lines 17-18: the information after “little bit about the” and before “if there’s any”</p> <p>Page 369 Line 14: the information after “this will be” and before “Review Work Papers”</p> <p>Page 369 Line 22: the information after “Is that</p>	
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	<p>the” and before “one that we just”</p> <p>Page 370 Line 5: the information after “wrap up on” and before “when a”</p> <p>Page 371 Line 22: the information after “to talk about” and before “for a second”</p> <p>Page 372 Line 1: the information after “We noticed some” and before “crews stayed and were”</p> <p>Page 374 Lines 9-13: the information after “we saw in the” in its entirety</p> <p>Page 374 Line 17: the information after “And I’m looking at”</p> <p>Page 374 Lines 18-20: the information after “for example” in its entirety</p> <p>Page 374 Line 25: the information after “would be a” and before “we probably have”</p> <p>Page 375 Line 1: the information after “just thinking of” and before “as an example”</p> <p>Page 375 Line 3: the information after “between what a” in its entirety</p> <p>Page 375 Line 5: the information before “crews,</p>	
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	<p>is that right”</p> <p>Page 375 Lines 15-18: the information after “of” and before “that you still”</p> <p>Page 376 Lines 20-22: the information after “looked that up and” and before “So we tied off”</p> <p>Page 377 Lines 12-14: the information after “A” in its entirety</p> <p>Page 377 Lines 17-18: the information after “Yes, it would change.” in its entirety</p> <p>Page 377 Lines 21-22: the information after “A” in its entirety</p> <p>Page 377 Lines 23-24: the information after “Q” in its entirety</p> <p>Page 378 Lines 9-12: the information after “A” in its entirety</p> <p>Page 378 Line 16: the information after “a Florida embedded” and before “crew. So that”</p> <p>Page 378 Line 17: the information after “Florida embedded” and before “crew during the restoration”</p> <p>Page 379 Lines 3-5: the information after “Q” in its</p>	
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	<p>entirety</p> <p>Page 379 Line 14: the information after “working at that” and before “in January of 2018”</p> <p>Page 379 Line 20: the information after “rate that these” and before “crews -- these”</p> <p>Page 379 Line 21: the information after “embedded Florida” and before “crews bill you at”</p> <p>Page 379 Lines 21-22: the information after “is it the” in its entirety</p> <p>Page 380 Line 7: the information after “scope of work that these”</p> <p>Page 380 Line 23: the information after “this” and before “example, that these”</p> <p>Page 382 Line 10: the information after “that an embedded” and before “crew was”</p> <p>Page 382 Line 23: the information before “crew”</p> <p>Page 382 Line 25: the information after “brought a non-embedded” and before “crew, or at”</p> <p>Page 383 Line 3: the information after “of that for” and before “after the”</p>	
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	<p>Page 383 Line 9: the information after “only be embedded” and before “crews; is that”</p> <p>Page 383 Line 12: the information after “about” and before “Were there other”</p> <p>Page 383 Line 17: the information after “A” and before “also known as” as well as the information after “also known as”</p> <p>Page 383 Line 18: the information before “something like”</p> <p>Page 383 Line 22: the information after “A” and before “That’s their new”</p> <p>Page 383 Line 24: the information after “A” in its entirety</p> <p>Page 384 Line 3: the information after “for them as with”</p> <p>Page 384 Line 10: the information after “when these embedded” and before “crews are”</p> <p>Page 386 Line 3: the information before “are the contracts that” in its entirety</p> <p>Page 386 Line 9: the information after “So for this” and before “work, for</p>	
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	<p>example”</p> <p>Page 386 Line 13: the information after “we look at” and before “we’ll see that”</p> <p>Page 386 Line 16: the information after “embedded” and before “vendor”</p> <p>Page 386 Line 18: the information after “embedded” and before “crew”</p> <p>Page 386 Line 25: the information after “Are there possible” and before “charges that are</p> <p>Page 387 Line 8: the information after “And” and before “is that a line crew”</p> <p>Page 387 Line 15: the information after “acquisition date, but” and before “acquired -- I’m sorry --”</p> <p>Page 387 Line 16: the information before “I don’t know”</p> <p>Page 387 Line 19: the information after “it should be” and before then, because they”</p> <p>Page 390 Line 1: the information before “next, so let’s do that.”</p>	
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	<p>Page 390 Line 2: the information after “this is --” and before “that’s a” as well as the information after “that’s a” and before “-- what used to”</p> <p>Page 390 Line 3: the information after “be” and before “I think”</p> <p>Page 390 Line 8: the information after “got” and before “Was this after”</p> <p>Page 391 Line 22: the information before “Is this a situation” in its entirety.</p> <p>Page 392 Lines 5-7: the information after “happened during Irma” in its entirety.</p> <p>Page 392 Line 14: the information after “example of” and before “You said”</p> <p>Page 392 Lines 16-22: the information after “is you get” and before “Then they’re” in its entirety</p> <p>Page 393 Lines 9-13: the complete lines in its entirety</p> <p>Page 393 Lines 17-19: the information after “desire to say” and before “Is that what you”</p> <p>Page 395 Line 1: the information after “know, these” and before “things like that”</p>	
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	<p>Page 396 Line 18: the information after “POD 4-18-1000 is the” in its entirety</p> <p>Page 397 Line 4: the information after “Vendor” and before “invoice date”</p> <p>Page 397 Lines 7-9: the information after “Invoice amount” in its entirety</p> <p>Page 398 Line 2: the information after “A” in its entirety</p> <p>Page 398 Line 14: the information after “the” and before “is that right” in its entirety</p> <p>Page 398 Line 18: the information after “with that” and before “Is that”</p> <p>Page 399 Line 5: the information after “group” and before “had these receipts”</p> <p>Page 399 Line 7: the information after “site for” and before “that they gave”</p> <p>Page 399 Line 17: the information before “is that the amount”</p> <p>Page 400 Line 14: the information after “back and forth between” and before “and”</p>	
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	<p>Page 401 Lines 1-5: the information after “this” and before “And those are” in its entirety</p> <p>Page 401 Lines 7-9: the information after “You have about” and before “Is that generally” in its entirety</p> <p>Page 401 Line 14: the information after “more paid than”</p> <p>Page 401 Line 16: the information after “have been in the”</p> <p>Page 401 Lines 20-22: the information after “loadings” in its entirety</p> <p>Page 402 Line 15: the information after “I’m not saying” and before “has done that”</p> <p>Page 402 Line 20: the information after “a company like” and before “sticks in the back”</p> <p>Page 402 Lines 22-25: the information after “again” in its entirety</p> <p>Page 404 Lines 11-12: the information after “we’re looking at” and before “some are” in its entirety</p> <p>Page 405 Line 22: the information after “anything about” and before “Their loadings aren’t”.</p>	
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	<p>Page 406 Line 8: the information after “move away from” in its entirety</p> <p>Page 406 Line 15: the information after “supported the” and before “review. It appears”</p> <p>Page 406 Line 17: the information before “submitted to Duke”</p> <p>Page 406 Line 24: the information after “Let’s look at” and before “and the invoice”</p> <p>Page 407 Line 3: the information after “There is a” and before “and a”</p> <p>Page 407 Line 4: the information before “Do you see that”</p> <p>Page 407 Line 19: the information after “believe that” and before “actually worked two”</p> <p>Page 407 Line 22: the information after “have two different” and before “as of yet”</p> <p>Page 408 Line 18: the information after “A” in its entirety</p> <p>Page 408 Lines 20-21: the information after “its separated out” in its entirety</p>	
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	<p>Page 408 Lines 23-25: the information after “recordkeeping is that when --” in its entirety</p> <p>Page 410 Line 25: the information after “working” and before “It looks like they”</p> <p>Page 411 Line 1: the information before “on a weekday” in its entirety</p> <p>Page 411 Lines 4-6: the information after “according to the contract” in its entirety</p> <p>Page 412 Line 17: the information before “and I wanted to” in its entirety</p> <p>Page 412 Lines 21-24: the complete lines in its entirety</p> <p>Page 412 Line 25: the remaining sentence after “it move them into” in its entirety</p> <p>Page 413 Lines 1-2: the complete lines in its entirety</p> <p>Page 413 Lines 3-4: the information after “A” and before “Is that correct”</p> <p>Page 413 Lines 5-6: the information after “I’m getting a nod” in its entirety</p> <p>Page 413 Line 22: the complete line in its entirety</p>	
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	<p>Page 414 Lines 19-21: the information after “point back to the” in its entirety</p> <p>Page 415 Lines 6-9: the information after “This is Tim” in its entirety</p> <p>Page 415 Lines 11-18: the information after “encountered with the vendors” in its entirety</p> <p>Page 416 Lines 9-11: the information after “term in the contract” in its entirety</p> <p>Page 416 Lines 14-15: the information after “So for example” and before “So we have”</p> <p>Page 417 Line 11: the information after “another” and before “invoice, and this will”</p> <p>Page 417 Line 15: the information after “It’s in this series? It’s in”</p> <p>Page 418 Line 25: the information after “in this 301711041A” and before “invoice”</p> <p>Page 420 Line 14: the information after “some crews from” and before “that were originally”</p> <p>Page 420 Line 18: the information after “and it’s for the” and before “crew. These”</p>	
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	<p>Page 422 Line 7: the information after “got somebody’s name” and before “and there’s a”</p> <p>Page 422 Line 15: the information after “know that this” and before “is a foreman”</p> <p>Page 422 Line 22: the information after “see” and before “and again those”</p> <p>Page 423 Line 13: the information after “would a crew that” and before “might”</p> <p>Page 425 Line 3: the information before “name on it” in its entirety</p> <p>Page 425 Line 16: the information before “one moment -- for”</p> <p>Page 425 Line 17: the information before “one moment -- for”</p> <p>Page 425 Line 18: the information after “invoice submitted for” and before “was”</p> <p>Page 425 Line 19: the information before “originally”</p> <p>Page 426 Line 4: the information after “But I mean” and before “had a larger”</p>	
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	<p>Page 426 Line 8: the information after “we see now” and before “I”</p> <p>Page 426 Line 9: the information after “think it says” and before “and it’s a”</p> <p>Page 426 Line 15: the information after “line crews charging” and before “maybe” as well as the information after “maybe”</p> <p>Page 426 Line 16: the information before “to be doing at” in its entirety</p> <p>Page 427 Line 8: the information before “day a full”</p> <p>Page 428 Line 2: the information after “information about who”</p> <p>Page 428 Lines 18-20: the information after “And would” in its entirety</p> <p>Page 428 Line 23: the information after “want to go to” and before “46543”</p> <p>Page 428 Line 25: the information after “Is” and before “what kind of vendor”</p> <p>Page 429 Line 5: the information after “see the name” in its entirety</p> <p>Page 430 Line 6: the</p>	
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	<p>information before “Follow-up”</p> <p>Page 431 Line 6: the information after “want to go to”</p> <p>Page 431 Line 10: the information after “crew is billing” and before “on a Wednesday”</p> <p>Page 431 Line 21: the information after “to make this” and before “invoice 91”</p> <p>Page 432 Lines 7-8: the information after “that they received” in its entirety</p> <p>Page 432 Lines 16-21: the information after “earlier with IEB” in its entirety</p> <p>Page 433 Lines 6-8: the information after “that spells out” in its entirety</p> <p>Page 433 Lines 18-21: the information after “billed at - - well” in its entirety</p> <p>Page 433 Line 22: the information after “(Tim Fouty)” in its entirety</p> <p>Page 434 Line 5: the information after “clarification, the” and before “storm contract”</p> <p>Page 434 Line 14: the information after “papers for” and before “and the day</p>	
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	<p>before”</p> <p>Page 434 Lines 15-17: the information after “hours on that sheet” and before “Is that what”</p> <p>Page 435 Line 25: the information before “Do you see that”</p> <p>Page 436 Line 3: the information after “11 hours”</p> <p>Page 436 Lines 4-6: the information after “Correct” in its entirety</p> <p>Page 436 Line 8: the information after “their rate is” and before “-- well, let’s just take” as well as the information after “let’s just take”</p> <p>Page 436 Line 9: the information before “general foreman”</p> <p>Page 436 Line 10: the information after “billing at” and before “and then on”</p> <p>Page 436 Line 12: the information after “the same” and before “like we talked”</p> <p>Page 436 Lines 14-16: the information after “All right” and before “like we talked”</p> <p>Page 436 Lines 19-22: the information after “like on</p>	
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	<p>the 19th --" in its entirety</p> <p>Page 436 Line 24: the information after "there not be" and before "When I say"</p> <p>Page 437 Lines 1-2: the information after "that showed they worked" and before "Why"</p> <p>Page 437 Lines 5-6: the information after "if they, in fact" in its entirety</p> <p>Page 437 Lines 8-9: the information after "start and stop times" in its entirety</p> <p>Page 437 Line 10-11: the information after "example we see" and before "So you're just"</p> <p>Page 437 Line 12: the information before "When I say" in its entirety</p> <p>Page 437 Line 25: the information before "crew and these are"</p> <p>Page 438 Line 15-16: the information after "when we combine the" and before "they show 16 hours"</p> <p>Page 438 Line 23: the information after "Okay. And" and before "-- well, this invoice says"</p> <p>Page 438 Line 24: the information before "What I</p>	
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	<p>don't know is"</p> <p>Page 439 Line 6: the information after "Tennessee to"</p> <p>Page 439 Line 7: the information before "or is there"</p> <p>Page 440 Line 16: the information after "two groups of" and before "but we believe"</p> <p>Page 440 Line 20: the information after "to identify the" and before "Invoice 272035"</p> <p>Page 440 Line 24: the information after "identify the" and before "Invoice that"</p> <p>Page 441 Line 6: the information after "Exhibit 27" and before "Demobilization Explanation"</p> <p>Page 443 Line 25: the information after "Let's look at" and before "and"</p> <p>Page 444 Lines 19-20: the information after "Our" and before "is in Apex, North Carolina"</p> <p>Page 444 Lines 22-23: the information after "is where their" and before "on the ground"</p>	
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	<p>Page 445 Line 3: the information before "-- well, whose hotel"</p> <p>Page 445 Line 4: the information after "hotel receipt says" in its entirety</p> <p>Page 445 Lines 6-7: the information after "the lead for" and before "there"</p> <p>Page 445 Line 7: the information after "there. So" and before "and his team"</p> <p>Page 445 Line 17: the information after "Who is" and before "employer"</p> <p>Page 445 Line 18: the information after "A" in its entirety</p> <p>Page 445 Line 23: the information after "So" and before "they obviously"</p> <p>Page 446 Line 3: the information after "your contract with" in its entirety</p> <p>Page 446 Line 11: the information after "So" and before "was also"</p> <p>Page 446 Lines 15-16: the information after "we do have" and before "but that's in"</p> <p>Page 446 Line 19: the information before "is house in" in its entirety</p>	
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	<p>Page 446 Line 22: the information after “Who is” in its entirety</p> <p>Page 446 Line 23: the information before “is an employee of” as well as the information after “is an employee of”</p> <p>Page 446 Line 24: the complete line in its entirety</p> <p>Page 447 Line 5: the information after “not know where” and before “lives, but she”</p> <p>Page 447 Line 11: the complete line in its entirety</p> <p>Page 447 Lines 12-13: the information after “Okay” in its entirety</p> <p>Page 447 Line 19: the information after “it will be” and before “Excerpt”</p> <p>Page 447 Line 21: the information before “Invoice 1771 Excerpt”</p> <p>Page 448 Line 17: the information before “but I’d like to” in its entirety</p> <p>Page 449 Line 2: the information after “29” and before “Contract”</p> <p>Page 449 Lines 16-19: the information after “A” in its</p>	
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	entirety	
DOCUMENT/RESPONSES	PAGE/LINE	JUSTIFICATION
Late filed Exhibits for Deposition held on March 14-15, 2019	<p>Exhibit No. 5: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 6: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 7: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 8: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 9: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 10: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 11: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 12: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 13: all information contained in the</p>	<p>§366.093(3)(d), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's efforts to contract for goods or services on favorable terms.</p> <p>§366.093(3)(e), F.S. The document in question contains confidential information, the disclosure of which would impair DEF's competitive interests, the disclosure would impair the competitive business.</p> <p>§366.093(3)(f), F.S. The document in question contains confidential employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.</p>

	<p>document is confidential in its entirety.</p> <p>Exhibit No. 14: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 15: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 16: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 17: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 19: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 20: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 22: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 23: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 24: all information contained in the</p>	
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	<p>document is confidential in its entirety.</p> <p>Exhibit No. 25: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 26: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 27: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 28: all information contained in the document is confidential in its entirety.</p> <p>Exhibit No. 29: all information contained in the document is confidential in its entirety</p>	
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Exhibit D

AFFIDAVIT OF JASON CUTLIFFE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for limited proceeding for
recovery of incremental storm restoration
costs related to Hurricanes Irma and Nate by
Duke Energy Florida, LLC

Docket No. 20170272-EI

Dated: May 15, 2019

**AFFIDAVIT OF JASON CUTLIFFE IN SUPPORT OF
DUKE ENERGY FLORIDA, LLC'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jason Cutliffe, who being first duly sworn, on oath deposes and says that:

1. My name is Jason Cutliffe. I am over the age of 18 years old and I have been authorized by Duke Energy Florida (hereinafter "DEF" or the "Company") to give this affidavit in the above-styled proceeding on DEF' s behalf and in support of DEF's Request for Confidential Classification (the "Request"). The facts attested to in my affidavit are based upon my personal knowledge.

2. I am the General Manager of Customer Delivery Operations in DEF's Florida Customer Delivery organization. I am also the Planning Section Chief in DEF's Incident Command Structure ("ICS") which affords rapid scalability in response to a specific event.

3. DEF is seeking confidential classification for information contained in the Deposition Transcript and DEF's Late Filed Exhibits, specifically exhibit numbers 5 through 17, 19 through 20, and 22 through 29 to the Office of the Public Counsel ("OPC"), held on March 14, 2019 and March 15, 2019.

4. The confidential information at issue is contained in confidential Exhibit A attached to this Request and is outlined in DEF's Justification Matrix that is attached as Exhibit C. DEF is requesting confidential classification of this information because it contains proprietary confidential business information, the disclosure of which would impair the Company's ability to protect proprietary business information, and also because disclosure would impair the Company's ability to contract on favorable terms.

5. Strict procedures are established and followed to maintain the confidentiality of the Company's vendor contracts and mutual aid agreements, as well as sensitive contractual pricing information, which includes restricting access to those persons who need the information to assist the Company, and restricting the number of, and access to the information. At no time since receiving the information in question has the Company publicly disclosed that information. The Company has treated and continues to treat the information at issue as confidential.

6. This concludes my affidavit.

Further affiant sayeth not.

Dated the _____ day of February, 2019.

(Signature)

Jason Cutliffe
General Manager CD Operations
Florida Customer Delivery Organization
Duke Energy
299 1st Avenue North
St. Petersburg, FL 33701

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this ____ day of February 2019 by Jason Cutliffe. He is personally known to me or has produced his _____ driver's license, or his _____ as identification.

(Signature)

(AFFIX NOTARIAL SEAL)

(Printed Name)

NOTARY PUBLIC, STATE OF _____

(Commission Expiration Date)

(Serial Number, If Any)