

EXHIBIT MTH-1

JONES DAY

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034569-742005

July 22, 2011

Lewis C. Zajac
4969 Old State Road
West Farmington, OH 44491

Re: Lewis C. Zajac v. Ohio Edison Company

Dear Mr. Zajac:

Enclosed please find a copy of the discovery material that was originally sent to you on May 11, 2011 by Grant Garber. These responses were originally due on Friday, June 3, 2011. Per the Attorney Examiner's most recent order in this case that granted Ohio Edison Company's motion to compel discovery, your responses were due on Monday, July 18, 2011 (I have enclosed a copy of the order for your reference). I have yet to receive any responses from you.

Please note that if you fail to provide me with your responses and the requested documents by 5:00 PM on Friday, July 29, 2011, I will file a motion to dismiss the case with the Public Utilities Commission of Ohio.

Sincerely,



Martin T. Harvey

Enclosures

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FILE
COPY

JP007123
034569-742005

May 11, 2011

VIA REGULAR MAIL

Lewis C. Zajac
4969 Old State Road
West Farmington, OH 44491

Re: Lewis C. Zajac v. Ohio Edison Company

Dear Mr. Zajac:

Enclosed please find Respondent, Ohio Edison Company's First Set of Interrogatories and Requests for Production of Documents in the above-captioned case.

Very truly yours,



Grant W. Garber
Associate

Enclosure

COI-1459312v1

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

LEWIS C. ZAJAC,

Complainant,

v.

OHIO EDISON COMPANY,

Respondent.

Case No. 10-2310-EL-CSS

**OHIO EDISON COMPANY'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-1-20 of the Ohio Administrative Code, Ohio Edison Company requests Complainant Lewis C. Zajac to respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty days hereof. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. Where an interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.
2. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where

the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.

3. If You claim any form of privilege as a ground for not completely answering any interrogatory, state the nature of the privilege and the general subject of the information withheld.

4. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the document. If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.

5. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

6. Please identify all responses to requests for production of documents by the number of the request.

7. Where an interrogatory requests that a date be given, but You cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

DEFINITIONS

1. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means of an oral or written statement, including, without limitation, any, meeting, conversation, correspondence,

memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

2. "Company" refers to Ohio Edison Company and anyone acting on its behalf.

3. "Document" is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

4. "Identify" means:

a. When used in reference to a natural person, to state the full name, the present or last-known address, and the present or last-known employer or business affiliation of the person;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the above-captioned proceeding;

c. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

d. When used in reference to a communication, to state all persons involved in the communication, the time, date, and location of the communication, a general description of the subject matter of the communication, and the nature of the communication (e.g., telephone, e-mail, in person).

5. "Person" means any natural or artificial person, including business entities and other legal entities.

6. "Property" refers to the residence at 4969 Old State Road in West Farmington, Ohio 44491.

7. "You" or "Your" refers to Lewis C. Zajac and anyone acting on Your behalf, including your agents and representatives.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each person whom You intend to call as an expert witness at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 2: For each person whom You intend to call as an expert witness at the hearing in this matter:

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness' background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and

- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE:

INTERROGATORY NO. 3: Identify each and every document, exhibit or other thing You intend to introduce into evidence or otherwise display at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 4: State the total amount that You are disputing in this case, including both amounts already paid by You to the Company and amounts billed by the Company but not paid by You, and describe how You calculated that total amount.

RESPONSE:

INTERROGATORY NO. 5: Identify the major electrical appliances and equipment that were in use at the Property in June 2010, including but not limited to pool pumps and air conditioning units.

RESPONSE:

INTERROGATORY NO. 6: Identify the individuals who lived at the Property in June 2010 and describe any changes to the number of individuals living at the Property between January 1, 2008 and the present.

RESPONSE:

INTERROGATORY NO. 7: State the date(s) on which You communicated by phone with any representative of Ohio Edison since June 30, 2010.

RESPONSE:

INTERROGATORY NO. 8: For any inspection, examination, survey or investigation into the cause of the bill dated July 30, 2010:

- a. State the name of each and every person who directed, assisted with, worked on or participated in, in any way, such inspection, examination, survey or investigation;
- b. Provide a contact address and phone number for all such persons;
- c. State the date on which such inspection, examination, survey or investigation occurred; and
- d. Identify all Documents reflecting, relating, referring to or generated in connection with such inspection, examination, survey or investigation, including but not limited to e-mails and other correspondence.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents identified in response to the Company's First Set of Interrogatories, including but not limited to Documents identified in response to Interrogatory No. 8.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: A curriculum vitae for each expert witness.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All exhibits You intend to introduce at hearing.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All Documents and Communications supplied to, relied upon, reviewed by, or prepared by any expert witness identified in response to Interrogatory No. 1 in connection with his or her testimony in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All Documents reflecting, relating or referring to any Communication between You and the Company, excluding routine bills, since June 30, 2010.

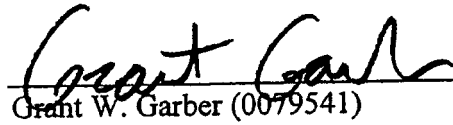
RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All Documents reflecting, relating or referring to any analysis of the bills and/or electrical usage at the Property, including but not limited to spreadsheets that You have created that reflect past bill amounts and usage.

RESPONSE:

DATED: May 11, 2011

Respectfully submitted,



Grant W. Garber (0079541)

Counsel of Record

Jones Day

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P.O. Box 165017

Columbus, OH 43216-5017

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Carrie M. Dunn (0076952)

FirstEnergy Service Company

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Telephone: (330) 761-2352

Facsimile: (330) 384-3875


E-mail: cdunn@firstenergycorp.com

ATTORNEYS FOR RESPONDENT
OHIO EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of Ohio Edison Company's First Set of Interrogatories and Requests for Production of Documents was delivered to the following person by first class mail, postage prepaid, this 11th day of May, 2011:

Lewis C. Zajac
4969 Old State Road
West Farmington, Ohio 44491


An Attorney For Respondent
Ohio Edison Company

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Lewis C. Zajac,)	
)	
Complainant,)	
)	
v.)	Case No. 10-2310-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) By entry issued April 19, 2011, an evidentiary hearing in this matter was originally scheduled to occur on June 9, 2011. Later, by entry issued on June 8, 2011, the hearing was postponed and rescheduled to take place on July 22, 2011.
- (2) On July 1, 2011, the respondent, Ohio Edison Company (Ohio Edison) filed a motion to compel discovery, along with a request for an expedited ruling on that motion, regarding its need for discovery responses from the complainant, Lewis C. Zajac (Mr. Zajac). Ohio Edison explains that Mr. Zajac has not responded to its discovery requests, consisting of the respondent's First Set of Interrogatories and Requests for Production of Documents, served over six weeks ago, on May 11, 2011. Further, explains the respondent, Mr. Zajac has not replied to Ohio Edison's letter, e-mails, and telephone messages regarding his need to answer the respondent's interrogatories and to provide documents. Ohio Edison also asserts that Mr. Zajac did not answer a June 24, 2011, voicemail message concerning the request for expedited ruling. The respondent contends that the information that it seeks through discovery is necessary to formulate its defense in this matter, and that Mr. Zajac should be ordered to respond to discovery no later than July 11, 2011, given that the July 22, 2011, hearing date is approaching.

- (3) Under Rule 4901-1-12(C), Ohio Administrative Code (O.A.C.), a party that files a motion requesting an expedited ruling may first contact all other parties to determine whether any party objects to such a ruling without the filing of a memorandum contra. Rule 4901-1-12(C), O.A.C., also states that if the moving party fails to certify that no party has any objection, any party may file a memorandum contra within seven days after service of the motion.
- (4) The attorney examiner observes that Ohio Edison has not certified that Mr. Zajac has no objection to an expedited ruling. The attorney examiner does, however, take notice of Ohio Edison's assertion that, on June 24, 2011, it left Mr. Zajac a voicemail message regarding its motion for expedited ruling, and that he has not responded. Further, the attorney examiner notes that Mr. Zajac did not file a memorandum contra by July 8, 2011. Given these factors, and Ohio Edison's assertion that discovery responses are necessary to formulate its position at the upcoming hearing, the attorney examiner grants, on an expedited basis, Ohio Edison's motion to compel. In doing so, however, the attorney examiner finds it appropriate to order both that Mr. Zajac shall have until July 18, 2011, to reply to Ohio Edison's discovery requests, and further, to order that the hearing currently scheduled for July 22, 2011, should be postponed and rescheduled to occur, instead, on September 1, 2011.
- (5) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1966), 5 Ohio St.2d 198.
- (6) In addition, the attorney examiner emphasizes to Mr. Zajac that under Rule 4901-1-23(F)(4), O.A.C., if any party disobeys an order of the Commission compelling discovery, the Commission may dismiss the proceeding that was initiated by the disobedient party.

It is, therefore,

ORDERED, That Ohio Edison's motion to compel discovery is granted. It is, further,


ORDERED, That Mr. Zajac shall reply to Ohio Edison's discovery requests no later than July 18, 2011. It is, further,


ORDERED, That the hearing currently scheduled to occur on July 22, 2011, is postponed and rescheduled to take place on September 1, 2011, at 10:00 a.m., in Hearing Room 11-D, on the 11th Floor of the Commission offices, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), Ohio Administrative Code, which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing. It is, further,

ORDERED, That a copy of this entry be served upon interested parties of record.

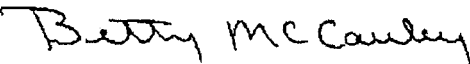
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Daniel E. Fullin
Attorney Examiner

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Entered in the Journal

JUL 11 2011.


Betty McCauley

Betty McCauley
Secretary