

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

AMERICAN WIRE AND CABLE
COMPANY,

Complainant,

vs.

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,

Respondent.

Case No.: 13-1613-EL-CSS

AFFIDAVIT OF COUNSEL

STATE OF OHIO

COUNTY OF LUCAS COUNTY

)
) SS.
)

Now comes, Denise Hasbrook, of legal age and after having been duly sworn and states that the following is true:

1. I am counsel for The Cleveland Electric Illuminating Company in the above-referenced litigation filed by Complainant, American Wire and Cable Company.

2. On August 9, 2013, a First Set of Interrogatories and Request for Production of Documents were served upon Complainant seeking basic information on the claims and alleged damages asserted in the Complaint.

3. The responses were not timely received on August 30, 2013 when due. I sent the attached correspondence as Exhibit 1 dated September 17, 2013 to Complainant requesting that the past due responses be completed or that I be contacted in order to discuss when answers to the requested information will be received. On September 19, 2013, I telephoned Walter



McClain, principal agent for Complainant, and asked about the status of the responses to discovery. Mr. McClain indicated during that conversation that the responses would be forthcoming, but that they had been sent to his legal counsel for final review. He indicated that he would contact his legal counsel to ascertain the timing of when the responses would be mailed.

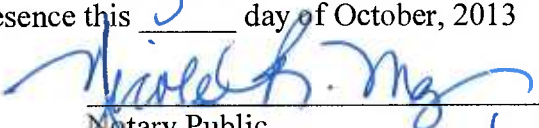
4. Because the responses were not yet received by September 20, 2013, a Motion was made to continue the settlement conference, which at that time was scheduled for September 26, 2013. A copy of the Motion was sent to Mr. McClain. The Motion was subsequently granted and a new pretrial date was set for October 29, 2013.

5. As of this date, no responses have been received from Complainant to the First Set of Interrogatories and Request for Production of Documents. Complainant has had no contact with Respondent. The responses to discovery are necessary in order for Respondent to fully prepare for the upcoming pretrial settlement conference which has been rescheduled to October 29, 2013 at 1:00 p.m.

FURTHER AFFIANT SAITH NOT.


Denise M. Hasbrook

Sworn to and subscribed in my presence this 3rd day of October, 2013


Notary Public
My commission expires: 4/21/18



NICOLE R. MAYER
Notary Public, State of Ohio
My Commission Expires 4/21/18

One SeaGate
Suite 1700
Toledo, OH 43604
DIRECT DIAL 419.254.5243
PHONE 419.242.7985 FAX 419.242.0316
dhasbrook@ralaw.com

WWW.RALAW.COM

September 17, 2013

Walter McClain
American Wire and Cable Company
7951 Bronson Road
Olmsted Falls, OH 44138

Re: *American Wire and Cable Company v. The Cleveland Electric Illuminating Company*
Before the Public Utilities Commission of Ohio
Case No. 13-1613-EL-CSS

Dear Mr. McClain:

As you are aware, we have served a First Set of Interrogatories and Request for Production of Documents in this case several weeks ago. Your responses were due on August 30, 2013. Please provide the past due responses immediately or contact me to discuss when we will receive this requested information.

Your complete responses are necessary so that we can evaluate and investigate our position in a timely manner. Your cooperation is anticipated.

Very truly yours,

ROETZEL & ANDRESS, LPA



Denise M. Hasbrook

DMH/nm

cc: Carrie Dunn, Esq. (via email)

