

RECEIVED-DOCKETING DIV.  
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## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.	)	
Foods, Inc., et al.; Miles Management Corp.,	)	
et al.; Allianz US Global Risk Insurance	)	
Company, et al.; Lexington Insurance	)	
Company, et al.; and BMW Pizza, Inc. and	)	
DPNY, Inc., et al.,	)	
	)	
Complainants,	)	Case Nos.: 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
	)	05-1014-EL-CSS
	)	
The Cleveland Electric Illuminating	)	
Company, Ohio Edison Company,	)	
Toledo Edison Company, and	)	
American Transmission Systems, Inc.	)	
	)	
Respondents,	)	

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S.G. FOODS, INC. ANSWER TO RESPONDENTS' FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
COMPLAINANTS S.G. FOODS, INC. ET AL

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## ANSWERS TO INTERROGATORIES:

1. Yes;
2.
  - a. Do not recall exact time of day;
  - b. Service was not restored for at least three (3) days. It then went out again and was finally restored two (2) days after that. Therefore, full restoration did not occur until approximately one week after the outage;
  - c. 5555 Brecksville Road  
Independence, OH 44131;
  - d. Same;
  - e. \$15,000.00;
  - f. Not available;
  - g. No;
3.
  - a. Exact dates unknown;
  - b. Several times between January 01, 2000 and the present, power would go off for four (4) or five (5) hours;

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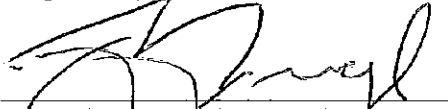
- c. Storms;
  - d. Service address is 5555 Brecksville Road  
Independence, OH 44131
  - e. \$3,000.00 from each interruption;
  - f. Not available;
  - g. No;
4. None
5. a. Food in freezers and refrigerators;  
b. Will be provided later;  
c. Records attached as Exhibit A;
6. No;
7. N/A;
8. Objection. Calls for legal conclusion;
9. Objection. Calls for legal conclusion;
10. Objection. Calls for legal conclusion;
11. Objection. Calls for legal conclusion;
12. Objection. Calls for legal conclusion;
13. Objection. Calls for legal conclusion;
14. Pak Yan Lui. He has knowledge of all of the facts;
15. None;
16. None yet identified;
17. Not yet identified;
18. None;
19. N/A;

ANSWERS TO REQUEST FOR PRODUCTION:

- 1. Will be supplied prior to hearing;
- 2. Will be supplied prior to hearing;
- 3. N/A;

4. N/A;
5. Objection. These are in the possession of the Respondent;
6. Objection. Attorney – Client work privilege;
7. Not yet identified;
8. Not yet identified;

Respectfully submitted,



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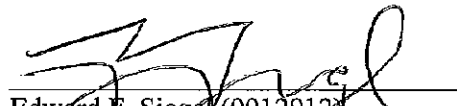
Edward F. Siegel (0012912)  
27600 Chagrin Blvd., Ste. 340  
Cleveland, OH 44122  
(216) 831-3424/Fax: 831-6584  
efsiegel@efs-law.com

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **ANSWERS** were sent to the following on February

9, 2007:

David A. Kutik  
Mark A. Whitt  
Francis Sweeney, Jr.  
Paul W. Flowers  
Alyssa J. Endelman  
Henry Eckhart  
Craig Bashein  
Joel L. Levin  
Patrick J. O'Malley  
Leila Vespoli



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Edward F. Siegel (0012912)

STATE OF OHIO

COUNTY OF CUYAHOGA

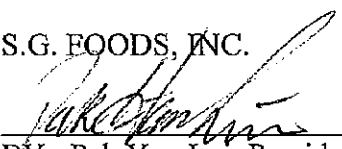
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)  
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ss:

**VERIFICATION**

Pak Yan Lui, BEING FIRST DULY SWORN, states that he is authorized to answer these Interrogatories on behalf of S.G. Foods, Inc.; that he has read the answers; and the answers are true, as he verily believes.

S.G. FOODS, INC.

  
BY: Pak Yan Lui, President

Sworn to and subscribed in my presence this 7<sup>th</sup> day of

February, 2007.

  
NOTARY PUBLIC

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.	)	
Foods, Inc., et al.; Miles Management Corp.,	)	
et al.; Allianz US Global Risk Insurance	)	
Company, et al.; Lexington Insurance	)	
Company, et al.; and BMW Pizza, Inc. and	)	
DPNY, Inc., et al.,	)	
	)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
The Cleveland Electric Illuminating	)	05-1014-EL-CSS
Company, Ohio Edison Company,	)	
Toledo Edison Company, and	)	
American Transmission Systems, Inc.	)	
	)	
Respondents,	)	

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**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO  
COMPLAINANTS S.G. FOODS, INC., ET AL.**

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Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Complainants S.G. Foods, Inc., Pak Yan Lui, and John Summers to respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying document responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty (20) days. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

## INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to You.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

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

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

9. 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. "August 14, 2003 Outage" means the electrical outage complained of in the Complaint.

2. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or 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.

3. "Complainant" means S.G. Foods, Inc., Pan Yan Lui, and John Summers.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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 subject matter of this complaint;

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.

7. "You" and "Your" refer to the Complainant, individually.



## INTERROGATORIES

**INTERROGATORY NO. 1:** Did You sustain a loss of electrical service during the August 14, 2003 Outage?

**RESPONSE:**

**INTERROGATORY NO. 2:** If the answer to Interrogatory No. 1 is "yes," identify:

- a. The time of day You lost service;
- b. The time of day service was restored;
- c. Your service address where service was interrupted;
- d. Your billing address, if different from the service address;
- e. All damages allegedly sustained because of the interruption of service;
- f. All documents relating to the interruption of service, or to any damages sustained as a result of the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
  - i. The person or entity to whom or when the claim was made;
  - ii. Whether the claim was paid and, if so, the amount paid; and
  - iii. All documents relating to the claim.

**RESPONSE:**

**INTERROGATORY NO. 3:** Identify all other electric service interruptions not otherwise identified in response to Interrogatory Nos. 1 and 2 experienced by You from January 1, 2000 to the present, including, for each interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. The service address where the interruption occurred;
- e. All damages sustained as a result of the interruption;
- f. Each document which relates to or constitutes a Communication concerning the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
  - i. The person or entity to whom or when the claim was made;
  - ii. Whether the claim was paid and, if so, the amount paid; and
  - iii. All documents relating to the claim.

**RESPONSE:**

**INTERROGATORY NO. 4:** Identify:

- a. Any surge protection, voltage regulation or other electrical protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise unusable.

**RESPONSE:**

**INTERROGATORY NO. 5:** With respect to any property damage, if any, allegedly sustained by You as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated; and
- c. Documentation of Your ownership of the property.

**RESPONSE:**

**INTERROGATORY NO. 6:** With respect to any personal injury, if any, allegedly sustained by You or for which You are responsible as a result of the August 14, 2003 Outage, identify:

- a. Who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

**RESPONSE:**

**INTERROGATORY NO. 7:** With respect to any other damages not otherwise identified in response to Interrogatory Nos. 5 and 6 that You allegedly sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

**RESPONSE:**

**INTERROGATORY NO. 8:** Identify each tariff provision that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

**RESPONSE:**

**INTERROGATORY NO. 9:** Identify each Ohio statute that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact You contend supports a finding that such violation occurred.

**RESPONSE:**

**INTERROGATORY NO. 10:** Identify each rule or regulation of the Ohio Administrative Code that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

**RESPONSE:**

**INTERROGATORY NO. 11:** Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

**RESPONSE:**

**INTERROGATORY NO. 12:** Identify any other local, state and federal statutes, regulations, and administrative agency orders that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

**RESPONSE:**

**INTERROGATORY NO. 13:** Identify any industry standards that You allege any FirstEnergy Respondent did not comply with and provide a summary of the facts that allegedly constitute such noncompliance.

**RESPONSE:**

**INTERROGATORY NO. 14:** Identify each individual with knowledge of any fact underlying any claim contained in the Amended Complaint, and identify each fact that such person is believed to know.

**RESPONSE:**

**INTERROGATORY NO. 15:** Identify all insurance payments or other reimbursements received by You for losses allegedly sustained from the August 14, 2003 Outage.

**RESPONSE:**

**INTERROGATORY NO. 16:** 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's 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. 17:** Identify each document that You intend to offer as evidence at the hearing in this matter.

**RESPONSE:**

**INTERROGATORY NO. 18:** Identify all insurance claims made by You during the past ten (10) years arising from a loss of utility service.

**RESPONSE:**



**INTERROGATORY NO. 19:** For each claim identified in response to Interrogatory No. 18,

Identify:

- a. The insurance company to whom the claim was made;
- b. The amount of the claim;
- c. The type of service from which the claim arose;
- d. The location and date of the service interruption; and
- e. Each document which relates to or constitutes a Communication concerning the claim, including without limitation all documents submitted to any insurance company.

**RESPONSE:**

## **REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories to Complainants S.G. Foods, Inc., Pak Yan Lui, and John Summers

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** All documents and things reflecting any damages allegedly sustained by You arising from the August 14, 2003 Outage.

**RESPONSE::**

**REQUEST FOR PRODUCTION NO. 3:** All insurance policies pursuant to which You made claims for losses allegedly sustained from the August 14, 2003 Outage.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** All documents relating to claims submitted to any insurance company for any claim arising from a loss of utility service from 2000 to the present.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** A copy of Your electric bills for service to You provided during any time in August 2003.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** All documents and things that allegedly support any allegation made in the Complaint in Case No. 04-28-EL-CSS.

**RESPONSE:**

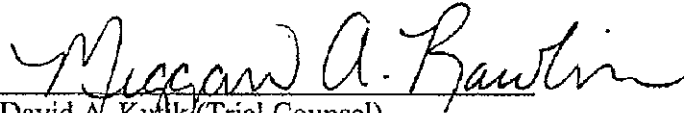
**REQUEST FOR PRODUCTION NO. 7:** A curriculum vitae for each expert witness identified in response to Interrogatory No. 16.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** All exhibits You intend to introduce at hearing.

**RESPONSE:**

Respectfully submitted,



David A. Kutik (Trial Counsel)

Meggan A. Rawlin

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E-mail: mawhitt@jonesday.com

Attorneys for Respondents

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories And Requests For Production Of Documents To Complainants S.G. Foods, Inc., et al. was mailed by ordinary U.S. mail to the following persons this 29<sup>th</sup> day of September, 2006.

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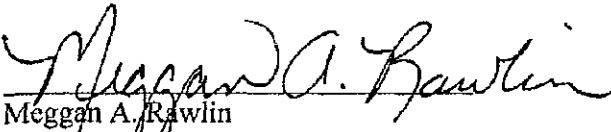
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