

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 07-551-EL-AIR
Edison Company for Authority to Increase)	Case No. 07-552-EL-ATA
Rates for Distribution Service, Modify)	Case No. 07-553-EL-AAM
Certain Accounting Practices and for)	Case No. 07-554-EL-UNC
Tariff Approvals.)	

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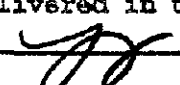
NOTICE OF FILING OF DEPOSITION

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February 8, 2008

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NOTICE OF FILING OF DEPOSITION

Pursuant to Rule 4901-1-21(N), Ohio Administrative Code, the Office of the Ohio Consumers' Counsel hereby gives notice of the filing of the deposition transcript of Susan Lettrich, taken February 5, 2008.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

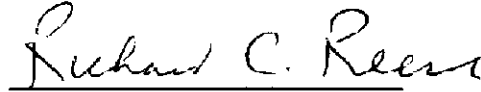


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing of Deposition by the Office of the Ohio Consumers' Counsel was served by first class United States Mail, postage prepaid, to the persons listed below, on this 8th day of February, 2008.



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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :
Application of Ohio Edison:
Company, The Cleveland :
Electric Illuminating :
Company, and The Toledo :
Edison Company for : Case Nos. 07-551-EL-AIR
Authority to Increase : 07-552-EL-ATA
Rates for Distribution : 07-553-EL-AAM
Service, Modify Certain : 07-554-EL-UNC
Accounting Practices, and :
for Tariff Approvals. :

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DEPOSITION

of Susan Lettrich, taken before me, Maria DiPaolo
Jones, a Notary Public in and for the State of Ohio,
at FirstEnergy Corp., 76 South Main Street, Akron,
Ohio, on Tuesday, February 5, 2008, at 10:05 a.m.

- - -

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ORIGINAL

1 APPEARANCES:

2 Ms. Ebony L. Miller
3 Mr. Arthur E. Korkosz
4 FirstEnergy
5 76 South Main Street
6 Akron, Ohio 44308

7 On behalf of the Applicants.

8 Janine L. Migden-Ostrander
9 Ohio Consumers' Counsel
10 By Mr. Richard C. Reese
11 Assistant Consumers' Counsel
12 Ten West Broad Street, Suite 1800
13 Columbus, Ohio 43215-3485

14 On behalf of the Residential Customers
15 of the FirstEnergy companies.

16 ALSO PRESENT:

17 Mr. David W. Cleaver;
18 Mr. Dean Philips.

19 APPEARANCES VIA SPEAKERPHONE:

20 Marc Dann, Ohio Attorney General
21 Duane W. Luckey, Senior Deputy Attorney
22 General
23 Public Utilities Section
24 Mr. William L. Wright
25 Assistant Attorney General
26 180 East Broad Street
27 Columbus, Ohio 43215

28 On behalf of the staff of the Public
29 Utilities Commission of Ohio.

30 Boehm, Kurtz & Lowry
31 By Mr. Kurt Boehm
32 36 East Seventh Street, Suite 1510
33 Cincinnati, Ohio 45202

34 On behalf of OEG and Kroger.

1 ALSO PRESENT VIA SPEAKERPHONE:

2 Mr. Pete Baker;
3 Ms. Deborah Gnann;
4 Mr. Charlie Loutzenhiser;
5 Mr. Duane Roberts;
6 Mr. Mario Scaramellino.

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1 Tuesday Morning Session,

2 February 5, 2008.

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4 STIPULATIONS

5 It is stipulated by and among counsel for the
6 respective parties that the deposition of Susan
7 Lettrich, a witness called by the Office of
8 Consumers' Counsel under the applicable Rules of
9 Civil Procedure, may be reduced to writing in
10 stenotypy by the Notary, whose notes thereafter may
11 be transcribed out of the presence of the witness;
12 and that proof of the official character and
13 qualification of the Notary is waived.

14 - - -

1 Tuesday Morning Session,
2 February 5, 2008.

3 - - -

4 MS. MILLER: It is stipulated by and
5 among counsel for the respective parties that the
6 deposition of David W. Cleaver, a witness called by
7 the office of the Ohio Consumers' Counsel under the
8 applicable rules of civil procedure, may be reduced
9 to writing in stenotypy by the Notary, whose notes
10 thereafter may be transcribed out of the presence of
11 the witness, and that proof of the official character
12 and qualifications of the Notary is waived.

13 This deposition is taken pursuant to an
14 order by the hearing examiners on January 22nd
15 granting the companies' motion to compel the
16 deposition of Mr. Cleaver the week of Tuesday,
17 February 5th, 2008, through Friday, February 8th,
18 2008, and agreed upon with counsel as far as the
19 specific date and time in the four cases before the
20 Public Utilities Commission of Ohio, and those case
21 numbers are 07-551-EL-AIR, 07-552-EL-ATA,
22 07-553-EL-AAM, and 07-554-EL-UNC.

23 MR. WRIGHT: Excuse me, Ebony. This is
24 Bill Wright. I have a question. I had that Susan

1 was going first. That's apparently changed.

2 MS. MILLER: I'm sorry, I misspoke. It
3 is Susan going first, and so that should have read
4 "Susan Lettrich."

5 MR. WRIGHT: All right. Thank you.

6 And then am I correct, while we're on
7 this subject then, at noon we'll be following up then
8 with Mr. Cleaver?

9 MS. MILLER: That's correct. It will
10 follow right after Susan Lettrich.

11 MR. WRIGHT: Very good. Thank you.

12 (Witness sworn.)

13 MR. REESE: Good morning, I'm Rick Reese,
14 assistant consumers' counsel. I'm also working with
15 Jeff Small who's the counsel of record for the Ohio
16 Consumers' Counsel in this case. We're here on
17 behalf of the residential customers of Ohio Edison
18 Company, The Cleveland Electric Illuminating Company,
19 and The Toledo Edison Company, collectively
20 FirstEnergy or company. And also on behalf of the
21 office of the Ohio Consumers' Counsel, Janine
22 Migden-Ostrander.

23 Do we want to take appearances at this
24 time?

1 MS. MILLER: I can begin. Ebony L.
2 Miller, FirstEnergy Service Company, 76 South Main
3 Street, Akron, Ohio 44308.

4 MR. REESE: Richard C. Reese, 10 West
5 Broad Street, 18th floor, Columbus, Ohio 43215.

6 MR. WRIGHT: Via telephone this is Bill
7 Wright representing the staff of the Public Utilities
8 Commission and Mario Scaramellino, Duane Roberts,
9 Charlie Loutzenhiser, and Pete Baker of the staff are
10 also here with me. We're at 180 East Broad Street,
11 Columbus, Ohio. And I've just been informed that
12 Deborah Gnann is also listening in apparently from
13 her office. Thank you.

14 MR. BOEHM: This is Kurt Boehm
15 representing the Ohio Energy Group and the Kroger
16 Company, 36 East Seventh Street, Suite 1510,
17 Cincinnati, Ohio 45202.

18 MR. REESE: Also attending for OCC is
19 David Cleaver, same address as Richard Reese.

20 MS. MILLER: Also attending for
21 FirstEnergy Service Company is Susan Lettrich and
22 Dean Philips.

23 MR. KORKOSZ: And present also is Arthur
24 E. Korkosz, counsel of record in the case.

SUSAN LETTRICH

being by me first duly sworn, as hereinafter
certified, deposes and says as follows:

EXAMINATION

By Mr. Reese:

Q. Ms. -- is it Lettrich or Lettrich?

A. Lettrich.

Q. Lettrich, okay. Thank you. This is a fairly informal process. As you can see, we have a court reporter here with us to take down for the record whatever we say. If you can answer, I will let you answer so we don't talk over each other. If you can answer with "yes" or "no" answers as opposed to an "uh-huh" or "huh-uh," that would be preferable so the court reporter can take down what you say.

You are required to answer my questions unless your attorney specifically instructs you not to answer the question; they may object to a question, you can still answer that question. The attorney-examiner will deal with any objections later.

If you need a break, just let me know, we'll take a break. I just ask if there's a question pending, that we can finish the question and answer

1 before we take the break; is that fair enough?

2 A. Yes, it is.

3 Q. Okay. Can you give me your name and
4 business address?

5 A. My name is Susan Lettrich. My business
6 address is 76 South Main Street, Akron, Ohio 44308.

7 Q. What is your current position at
8 FirstEnergy?

9 A. My current position is Director of
10 Policy, Process, Procedures and Assessment.

11 Q. Who do you report to?

12 A. I report to Mark Julian.

13 Q. Who does he or she report to?

14 A. Mark Julian reports to Donny Schneider.

15 Q. Okay. How many people work for you?

16 A. Eight.

17 Q. And can you briefly give me your
18 educational background?

19 A. Yes. I have a Bachelor's of Science
20 degree in electrical engineering, and I also have a
21 Master's of Business Administration.

22 Q. Now, I'm going to be referring to several
23 documents during the deposition. I will provide you,
24 let your counsel take a look at them and provide you,

1 I don't intend on entering any of these as exhibits
2 to the deposition, but I will give you a copy of
3 these as I ask you questions about them.

4 Just to go over briefly what I have with
5 me in addition to your testimony, of course, I've got
6 the staff reports for CEI, Ohio Edison, and Toledo
7 Edison. And just so we're clear, I have the cover
8 page along with the Service Monitoring and
9 Enforcement Section, in other words, I don't have all
10 190 pages of each report or whatever.

11 I also have a copy of the UMS report and
12 some other testimony with me, some testimony that
13 staff recently filed. I'm not sure if I'll have any
14 questions from that.

15 I also have a copy of the Electric
16 Service and Safety Standards, that's Ohio
17 Administrative Code, 4901:1-10 is the chapter.
18 Ready?

19 A. Yes.

20 Q. Okay. On page 3 of your testimony, lines
21 8 and 9, you state that the operating companies
22 perform routine checks for reasonableness and
23 completeness of the inspection forms for line
24 reclosers. Do you see that?

1 A. Yes.

2 Q. Would you please provide the job title
3 and/or job descriptions of the persons who perform
4 this check?

5 A. Typically it is the supervisor in
6 Engineering Services.

7 Q. Okay. Do you know what the job
8 qualifications for this position are?

9 A. Typically, it's an engineer.

10 Q. Can you tell me any specific training
11 this person receives for purposes of performing this
12 test for reasonableness?

13 A. No, I cannot.

14 Q. If you know, what would constitute an
15 unreasonable counter reading for a line recloser?

16 A. An unreasonable counter reading would be
17 a reading that is taken that is less than the
18 previous reading.

19 Q. So anything less than the previous
20 reading.

21 A. Yes.

22 Q. So other than that, anything's in the
23 zone of reasonableness, anything above the last
24 count?

1 A. What I gave was an example of an
2 unreasonable reading.

3 Q. Can you give me an idea how you would
4 determine if a counter reading for a line recloser
5 was too high or too low?

6 A. How are you defining too high or too low?

7 Q. Well I'm asking you, actually, I think to
8 define that for me. Is there any tip-off that a line
9 recloser reading is unnecessarily high?

10 A. How do you define "unnecessarily high"?

11 Q. Well, we've defined that it's
12 unreasonable for a counter to have a reading less
13 than the prior reading, so that then indicates that
14 any count above the prior reading potentially is
15 reasonable; does that sound correct?

16 A. Yes.

17 Q. Within that reasonable range would there
18 be any indicator to the person performing the check
19 on the counter that the count on the line recloser
20 was high or low?

21 A. No.

22 Q. Is there a number? There's not -- no?

23 A. No.

24 Q. Okay. So when you look at the, again

1 referring to page 3 of your testimony, we're
2 discussing these inspection forms, do you see that at
3 line 8?

4 A. Yes.

5 Q. The forms are reviewed for completeness
6 and reasonableness of data. In that context what
7 would the reasonableness of the data include?

8 A. Is that a question?

9 Q. Yes. Sorry.

10 A. I believe I answered that. If the
11 counter reading was less than the previous reading,
12 that would indicate unreasonableness.

13 Q. Well, the e.g. at line 13 of your
14 testimony says, for instance, "Are the readings
15 unchanged or reasonably greater than the last
16 reading?"

17 A. Right.

18 Q. What would unreasonably greater than the
19 last reading be? What would be an example?

20 A. It depends on the duty rating of the
21 recloser.

22 Q. Can you tell me what a duty rating is?

23 A. It's what that recloser is rated at.

24 Q. Is that a manufacturer's rating?

1 A. Yes.

2 Q. For the recloser?

3 A. Yes.

4 Q. And can that manufacturer's rating vary
5 from one model of recloser to another?

6 A. Yes.

7 Q. If you know, at what point does
8 FirstEnergy perform maintenance on a recloser which
9 has an excessively high counter reading?

10 A. It just depends on the rating of that
11 recloser.

12 Q. Do you have any guidelines internally
13 that would -- model by model that would indicate when
14 that would need to be done?

15 A. Yes.

16 Q. Okay. On page 4 of your testimony, lines
17 11 and 12, you state that faults are measured to a
18 prescribed tolerance level to determine whether or
19 not the line recloser needs to be replaced. Do you
20 see that?

21 A. Yes.

22 Q. How are these fault currents measured,
23 and how is the tolerance measure determined?

24 A. I don't know.

1 Q. Do you know who would know that within
2 the company; what their position would be?

3 A. May I ask a question or is that not --

4 MR. REESE: Sure. Go ahead.

5 (Discussion off the record.)

6 A. I'd say a retail engineering manager.

7 Q. Are fault currents measured by a device
8 which is an integral part of the line recloser?

9 A. I don't know.

10 Q. Same page of your testimony, page 4, line
11 16, you state that the inspection forms for line
12 capacitors are checked for reasonableness and
13 completeness of data in a similar manner as that for
14 line reclosers. Do you see that?

15 A. Yes, I do.

16 Q. Okay. Would you please describe the job
17 title and/or job description of the persons who
18 perform this check?

19 A. Supervisor in engineering.

20 Q. What are the job qualifications for this
21 position?

22 A. It was the same as how I previously
23 answered.

24 Q. Can you tell me in terms of the line

1 capacitors what would constitute incomplete or
2 unreasonable data?

3 A. Well, incomplete would be lines not
4 completed on the form.

5 Q. What would be some unreasonable data?

6 A. Incorrect date.

7 Q. Anything else?

8 A. No.

9 Q. If the data is unreasonable or
10 incomplete, what steps does FirstEnergy take to
11 correct the information on the inspection form?

12 A. They go back to that line shop where the
13 inspection was done and have it redone.

14 Q. So they redo the inspection.

15 A. Yes.

16 Q. If you know, at what point does
17 FirstEnergy perform maintenance on a capacitor bank
18 based on the data obtained from this inspection?

19 A. Could you repeat that?

20 Q. Sure. At what point does FirstEnergy
21 perform maintenance on a capacitor bank based on the
22 data obtained from one of these inspections?

23 A. I don't know.

24 Q. Let's go to line 6 of your testimony.

1 MR. KORKOSZ: Page 6?

2 MR. REESE: Sorry. Yes, page 6.

3 Q. I just wanted to mention at this point I
4 may be going over some of these issues again simply
5 because I'll be referring to another document, so I
6 hope that doesn't mess us up too bad. I may have
7 some line capacitor questions based on this, but I
8 just wanted to put that out there.

9 On page 6 of your testimony, lines 1 and
10 2 you state that additional quality control checks to
11 line reclosers as recommended by the staff are not
12 cost-effective. Do you see that?

13 A. Yes.

14 Q. Could you please identify some of the
15 costs to FirstEnergy for implementing the proposed
16 quality control checks?

17 A. I'd like to see the actual language in
18 the Staff Report.

19 Q. Okay. Let me make sure I know which
20 Staff Report this is in.

21 Here's a copy of the CEI Staff Report
22 and, again, it's specific to the section on service
23 monitoring and enforcement.

24 MR. KORKOSZ: It's the whole section?

1 MR. REESE: Yes.

2 MS. MILLER: Could you say the page
3 reference again?

4 MR. REESE: Oh, sure. From the Staff
5 Report?

6 MS. MILLER: Whichever one you're going
7 to refer to.

8 MR. REESE: Well, we were at page 6 of
9 Ms. Lettrich's testimony, and she's talking about the
10 cost-effective -- that the quality control checks as
11 recommended by staff are not cost-effective. We're
12 then looking in the CEI Staff Report at page 65, I
13 believe that's where the reference is. Staff's
14 findings are in this middle paragraph and their
15 recommendations, again, at the bottom of page 65 and
16 move over to the top of page 66.

17 MS. MILLER: Can you repeat the question
18 now that we have a document?

19 MR. REESE: Could you read back my
20 original question to Ms. Lettrich, please.

21 (Record read.)

22 A. There would be additional labor costs.

23 Q. Have you quantified any of those?

24 A. No.

1 Q. Are there any costs in addition to the
2 additional labor costs?

3 A. No.

4 Q. Moving on to page 10 of your testimony,
5 specifically lines 5 and 6, you state that
6 FirstEnergy first started recording specific start
7 and end dates back in 2005 to provide additional
8 precision to the process. Does your statement apply
9 to the start and end dates associated with
10 FirstEnergy's vegetation management program?

11 A. Well, when you say "program," what do you
12 mean, program?

13 Q. Your vegetation management program.

14 A. The start and end dates of the program?
15 I'm confused by your question and your use of the
16 term "program."

17 Q. Let's call it process. Your testimony at
18 line 5, let me just read from it, "The Operating
19 Companies first started recording specific start and
20 end dates back in 2005 to provide additional
21 precision to the process." Okay, "process" instead
22 of "program."

23 Does that process reference your
24 company's vegetation management system?

1 A. Yes.

2 Q. Thank you.

3 Do you believe that this is a good
4 practice going forward?

5 A. What practice?

6 Q. Recording the start and end dates of the
7 process.

8 A. The start and end dates of the circuit
9 inspection, yes.

10 Q. If you know, does FirstEnergy intend to
11 continue this practice for their four-year tree
12 trimming program?

13 A. Yes.

14 Q. On page 12 of your testimony, lines 9 and
15 10, you state that staff's recommendation to require
16 retention of data for FirstEnergy's tree trimming
17 program to include two cycles -- that would be eight
18 years total -- that that is excessive. Is that
19 correct?

20 A. Yes.

21 Q. Could you tell me additional work
22 activities and/or costs that you believe FirstEnergy
23 will incur for including the extra cycle's worth of
24 data?

1 A. No.

2 Q. Let's go to page 19 of your testimony.
3 Beginning at lines 3 and 4 of your testimony on page
4 19 you refer to outages coded "unknown." Can you
5 tell me what the costs associated with providing the
6 yearly report concerning outages coded as "unknown"
7 as recommended by the staff? Let me rephrase that.

8 Staff has recommended that FE provide a
9 yearly report concerning outages coded as "unknown."
10 Can you identify what costs would be associated with
11 providing such a report?

12 A. No.

13 Q. Still on page 19, lines 17 and 18, can
14 you provide additional costs associated with enhanced
15 vegetation clearance which you mention here?

16 A. Can I provide the cost.

17 Q. Right.

18 A. No.

19 Q. Can you tell me what the term "enhanced
20 vegetation clearance" means to you?

21 A. Enhanced vegetation clearance here is
22 referring to the removing of the overhang from
23 healthy trees.

24 Q. Okay. Now, if we could, I'd like to take

1 a look at the Electric Service and Safety Standards.

2 MR. REESE: Can we go off the record just
3 a second?

4 (Discussion off the record.)

5 MS. MILLER: The record should reflect
6 that the witness has been shown section 4901:1-10 of
7 the Ohio Administrative Code.

8 Q. My understanding, Ms. Lettrich, is that
9 there are certain reliability targets that
10 FirstEnergy and each of its operating companies has
11 to meet each year; is that correct?

12 A. When you say "has to meet" --

13 Q. Let me rephrase. My understanding is
14 that you file a plan with the Commission staff to
15 meet certain reliability indices for upcoming years,
16 those could include CAIDI, the Customer Average
17 Interruption Duration Index, SAIDI, S-A-I-D-I, the
18 System Average Interruption Duration Index, it could
19 also be SAIFI, S-A-I-F-I, System Average Interruption
20 Frequency Index, and there are several others.

21 Is it correct to say that you file a plan
22 that you are free to update annually in consultation
23 with the Commission staff to meet certain reliability
24 targets?

1 A. A plan is submitted if we miss the
2 targets.

3 Q. So you submit -- let's look specifically
4 at Rule 4901:1-10-10(B)(2). So each EDU submits
5 performance targets and justification for each
6 service reliability index to the staff; is that
7 correct?

8 A. Yes.

9 Q. And you may revise these targets in
10 subsequent years?

11 A. When you say "you" may --

12 Q. I'm sorry. FirstEnergy may revise these
13 targets in subsequent years in consultation with
14 staff?

15 A. In consultation with staff.

16 Q. Okay. And further down in the middle of
17 this same section of the same rule the performance
18 targets should reflect historical performance, system
19 design, other relevant factors; is that correct?

20 A. Where are you --

21 MS. MILLER: Is it correct that it says
22 that?

23 MR. REESE: Yes.

24 A. I don't know where you're at.

1 Q. Let's look at about halfway through
2 (B)(2), there's a sentence that begins with
3 "Performance targets should reflect historical system
4 performance, system design." Do you see that?

5 A. Yes.

6 Q. Okay. You agree with me that's what it
7 says.

8 A. Yes.

9 Q. Okay. Now over on the next page of the
10 chapter here, specifically 4901:1-10-10(C)(2)(b), if
11 you fail to meet any of these annual performance
12 levels, you then have to file an action plan to
13 improve your performance; is that correct?

14 A. Yes, it is.

15 Q. Has FirstEnergy been filing such plans
16 each year since 2000 or 2001 for missing its CAIDI
17 targets?

18 MS. MILLER: FirstEnergy?

19 MR. REESE: I'm sorry.

20 Q. CEI. Excuse me.

21 A. I don't know about those two years.

22 Q. Do you still have the CEI Staff Report
23 nearby? I'd like to take a look at page 76 of the
24 CEI Staff Report if we could. This relates back to

1 the question I asked you regarding
2 4901:1-10-10(C)(2)(b), this chart on page 76 that's
3 in staff's CEI report indicates that the company
4 failed to meet its CAIDI performance targets in the
5 years 2000 through 2006. Do you see that?

6 A. Yes.

7 Q. Do you agree that that's an accurate
8 representation of CEI's performance?

9 A. Yes.

10 Q. If you know, did CEI file an action plan
11 in accordance with 4901:1-10-10(C)(2)(b) after each
12 of those years it failed to meet the CAIDI targets?

13 A. I am only familiar with the one filed in
14 2005.

15 Q. So you're not sure if one was filed in
16 2006?

17 A. It's the same one for 2006 with some
18 enhancements.

19 Q. Now, Rule 10-10(B)(2) requires each of
20 the companies to submit performance targets. The
21 targets are then submitted to the staff, I guess
22 sometimes there's consultation on these targets; is
23 that correct?

24 A. Discussion.

1 Q. Okay. Do you consider it a noncompliance
2 with the Commission's Electric Service and Safety
3 Standards to fail to meet your reliability targets --
4 I'm sorry, FE's reliability targets?

5 A. No.

6 Q. Going back again to Rule 10-10(C)(2)(b),
7 when you file these action plans to improve
8 performance based on not attaining a reliability
9 target for the prior year, and you fail to meet the
10 target or the reliability index the following year,
11 isn't it true that that's in noncompliance with your
12 plan?

13 A. No.

14 Q. Can you tell me what that is to you? How
15 would you characterize that, failure to meet the
16 target?

17 A. Exactly that, a missed target.

18 Q. So the way you view this particular rule
19 is that as long as the company, FirstEnergy and its
20 operating companies, as long as they file -- that you
21 continue to file plans for improvement, then you're
22 in compliance with the rule; is that correct?

23 MS. MILLER: Just to distinguish, the
24 Ohio operating companies that are in this case right

1 now, right?

2 MR. REESE: That's correct. Sorry.

3 MS. MILLER: We have other companies.

4 MR. REESE: I gotcha.

5 THE WITNESS: So could you repeat that
6 question?

7 (Record read.)

8 A. Yes.

9 Q. Okay. If you could move through the
10 rules, let's go to Rule 4901:1-10-27. It's actually
11 on page 31 of the handout. Do you see that?

12 A. Yes.

13 Q. Let's look specifically at Rule
14 10-27(E)(1). Do you see that?

15 A. Yes.

16 Q. (E)(1) requires EDUs to establish and
17 maintain written programs, procedures, and schedules
18 for the inspection, maintenance, repair, and
19 replacement of its transmission and distribution
20 circuits and equipment, correct?

21 A. Yes.

22 Q. It also states that "These programs shall
23 establish preventative requirements for the electric
24 utility to maintain safe and reliable service,"

1 correct?

2 A. Yes.

3 Q. Okay. Section (E)(2)(a) indicates that
4 the utility beginning in year 2000 should submit a
5 plan for inspection, maintenance, repair, and
6 replacement of circuits as stated in paragraph
7 (E)(1). Do you see that?

8 A. Yes, it says "circuits and equipment."

9 Q. And subsequent to that time EDUs are free
10 to submit revisions to previously accepted plans; I'm
11 looking at item (c) below.

12 A. Yes.

13 Q. Now, do you consider a failure by
14 FirstEnergy to follow its plan filed in 2000 or the
15 revisions to such plans, do you consider a failure to
16 abide by each of those terms to be noncompliance?

17 MS. MILLER: Can we again specify which
18 company?

19 MR. REESE: FirstEnergy.

20 MS. MILLER: I mean --

21 MR. REESE: Any of them. Ohio.

22 MS. MILLER: But the operating companies
23 that are part of this case?

24 MR. REESE: That's correct.

1 MS. MILLER: Okay.

2 THE WITNESS: Okay, so can you repeat the
3 question?

4 MR. REESE: Can you read that back for
5 us.

6 (Record read.)

7 THE WITNESS: I'm sorry, can you read it
8 one more time, please?

9 (Record read.)

10 A. And what do you mean by "terms"?

11 Q. Well, as I understand it from reading the
12 rule, the company is to establish and maintain
13 written programs, procedures, and schedules for
14 inspection and maintenance activities, et cetera.

15 A. Yes.

16 Q. Okay. And further in Rule (E)(2)(a) each
17 company is to submit a plan for the inspection,
18 maintenance, and replacement of circuits and
19 equipment, correct?

20 A. Yes.

21 Q. You're also allowed to amend that plan.

22 A. Yes.

23 Q. If FirstEnergy, CEI, Ohio Edison, or
24 Toledo Edison, failed to follow the plan that's

1 submitted for maintenance, repair, and inspection and
2 replacement of circuits, do you consider that a
3 noncompliance with the rules?

4 A. No.

5 Q. How would you characterize a failure to
6 follow the plan that you file with the Commission?

7 A. A plan is a plan, it's just that.

8 Q. Bringing your attention to Rule
9 1-10-27(E) -- I'm sorry, 1-10-27(F), the rule here
10 requires that each utility shall maintain records
11 sufficient to demonstrate compliance with its
12 transmission and distribution facilities inspection,
13 maintenance, repair, and replacement programs as
14 required by the rule. How do you demonstrate
15 compliance with your programs?

16 A. We demonstrate compliance with our
17 programs through our records.

18 Q. So if your records indicate that you
19 haven't followed the program, isn't that a
20 noncompliance?

21 A. Program. Noncompliance to a program.

22 Q. So you're distinguishing a noncompliance
23 with a program from a noncompliance with the rule.

24 A. No.

1 Q. Okay. Let me rephrase the question.
2 Subsection (F) requires the EDUs to maintain records
3 sufficient to demonstrate compliance, okay, we agree
4 on that?

5 A. Yes, we do.

6 Q. Okay. And that compliance is with the
7 programs that you have filed with the Commission; is
8 that correct?

9 A. That is correct.

10 Q. And if such records do not demonstrate
11 compliance with the program, you admit that that is a
12 noncompliance with the program; is that correct?

13 A. That's correct.

14 Q. But it's not a noncompliance with the
15 rule. Is that correct?

16 A. I didn't say that.

17 Q. Okay. Would you characterize it as a
18 noncompliance with the rule?

19 A. With this rule, yes.

20 Q. Okay.

21 MR. REESE: Is it okay if we take about a
22 five-minute break?

23 (Recess taken.)

24 MR. REESE: We can go back on the record.

1 Q. Ms. Lettrich, isn't it true that your
2 various inspection programs including inspection,
3 maintenance, repair, preventative, oversight, that
4 these are negotiated with staff?

5 A. I would not characterize it as
6 negotiated.

7 Q. So how would you characterize it?

8 A. We submit it and they approve or
9 disapprove.

10 Q. Now, in terms of your performance targets
11 that we discussed earlier, CAIDI, SAIFI, SAIDI, you
12 submit those targets and is it only if those targets
13 are not acceptable to the staff that you discuss
14 those targets with them?

15 A. Staff may have questions.

16 Q. Let's look at page 9 of your testimony.
17 At the top of page 9 you have a question and answer
18 regarding missing records that are referred to in the
19 Staff Report. Does that sound familiar?

20 A. I see it.

21 Q. It references start and end dates. Your
22 second sentence, you say "Such information is over
23 and above what the Operating Companies have
24 historically provided to Staff for its verification

1 that all circuits are on-cycle." Does that mean you
2 don't agree with staff's characterization that there
3 were missing records?

4 A. Well, you're making the assumption here
5 that that second sentence has to do with the missing
6 records, and there's two questions.

7 Q. Okay.

8 A. So can you ask one question at a time?

9 Q. Sure, I can do that. When you refer to
10 "Such information is over and above what the
11 Operating Companies have historically provided to
12 Staff for its verification that all circuits are
13 on-cycle," what information are you referring to?

14 A. The information that is over and above
15 are the specific start and end dates.

16 Q. When FirstEnergy states that it has a
17 four-year cycle for its vegetation management
18 programs, does that mean the cycle is completed in 48
19 months?

20 MS. MILLER: Which line are you referring
21 to?

22 MR. REESE: Well, actually my first --
23 I'm looking at page 12 of her testimony beginning at
24 line 5. There's actually a reference to record

1 retention, but my question is a little broader than
2 that.

3 Q. Is a four-year vegetation management
4 cycle 48 months long or is it longer?

5 A. It can be longer.

6 Q. Can you tell me up to how long?

7 A. No.

8 Q. Could it be 59 months?

9 A. There's no number.

10 Q. So it could be 59 months, correct?

11 A. No; that would be longer.

12 Q. Page 18 of your testimony, specifically
13 lines 7 to 12, I'm just curious, there's three
14 references here to staff recommendations that are,
15 quote/unquote, buried in the report. Can you explain
16 to me why it's -- why you made that distinction for
17 those recommendations?

18 A. Yes. In the SMED report they follow the
19 same format where there was a finding and a distinct
20 recommendation, and in that area, one part of the
21 report, they had no distinction so it was difficult
22 to determine if it was indeed a recommendation.

23 Q. So it was sort of a clarity issue?

24 A. Yes.

1 Q. Okay. On page 19 of your testimony,
2 again in reference to outages coded "unknown," you're
3 referencing an annual report on remedial activity.
4 Beginning at line 7 you say, "However, if the
5 recommendation was implemented Ohio Edison would need
6 a mechanism to recover the associated costs." Do you
7 have any idea, have you got some examples of a
8 mechanism that the company would need?

9 A. No, I do not.

10 Q. Referring to the question at line 10
11 referencing objection No. 14, and here we're talking
12 about removing overhang from healthy trees, I believe
13 you mentioned earlier that's how you refer -- you
14 refer to that as enhanced vegetation management.

15 A. An example of.

16 Q. An example of, okay.

17 Beginning at line 16 your testimony
18 states "Any expansion of Ohio Edison's current
19 practice would necessitate a mechanism to recover the
20 additional costs associated with enhanced vegetation
21 clearance." Does the company currently perform any
22 enhanced vegetation clearance?

23 A. It depends on what your definition of
24 "enhanced" is.

1 Q. Well, I think I asked you that earlier.
2 Can you tell me what your definition is?

3 A. We have a practice and anything that goes
4 over and above the practice would be "enhanced."

5 Q. So "enhanced" would be something that's
6 nonroutine?

7 A. No. That's not what I said.

8 Q. Okay. It's not -- can you repeat for me;
9 an enhanced vegetation clearance program would be
10 something that's not part of your regular program?

11 A. That's not part of the program.

12 Q. Okay. These enhanced vegetation
13 clearance practices then would be something that's
14 part of a practice that is not necessarily filed with
15 the Commission?

16 A. I don't know what you're asking. I'm
17 sorry, I don't understand your question.

18 Q. Let's move on.

19 Beginning at line 16 regarding the
20 enhanced vegetation clearance you say "Any expansion
21 of Ohio Edison's current practice would necessitate a
22 mechanism to recover the additional costs associated
23 with enhanced vegetation clearance." Again, do you
24 have any idea as to what type of mechanism this would

1 be?

2 A. No.

3 Q. Let's go to page 21 of your testimony.
4 This is probably going to lead up to a question or
5 two on the UMS report. This is a copy of the entire
6 report. I'll make specific page references when we
7 get to it.

8 At page 19 of your testimony you say that
9 "CEI objects, in part, to the second recommendation
10 provided by Staff on page 79 of the CEI Staff Report
11 which sets forth 12 'additional' recommendations
12 Staff refers to from the UMS final report."

13 MS. MILLER: I'm sorry. Can you give the
14 page reference again and the line reference?

15 MR. REESE: Page 21 of your testimony.
16 I'm sorry.

17 A. You had said "page 19."

18 Q. I'm just seeing if anybody was awake.
19 And I'm not.

20 Page 21. Beginning on line 19 on page
21 21, "CEI objects, in part, to the second
22 recommendation provided by Staff on page 79 of the
23 CEI Staff Report which sets forth 12 'additional'
24 recommendations Staff refers to from the UMS final

1 report." Do you see that?

2 A. Yes.

3 Q. Do you still have the CEI Staff Report
4 over there with you?

5 A. Yes.

6 Q. Okay. I just want to make sure that
7 we're talking about exactly the same thing when we
8 refer to those 12 additional recommendations. I
9 believe the second recommendation, I believe it's the
10 second set of recommendations, I believe that starts
11 on page 78 of the CEI Staff Report; is that correct?
12 Look on, yes, page 78.

13 A. What --

14 Q. Your testimony references the second
15 recommendation provided by staff on page 79 of the
16 CEI Staff Report which sets forth 12 additional, so
17 you object to only several of the 12 recommendations
18 listed beginning on page 78 of the CEI Staff Report?

19 A. We object to 3 of the 12.

20 Q. Three of the 12. Just so we're clear,
21 and the recommendations are listed beginning on page
22 78; is that correct?

23 A. I did not do a cross-reference to make
24 sure that they're the same.

1 Q. Okay. All right. Let's get back to the
2 staff's recommendations, then. Staff had 12
3 additional recommendations that it refers to from the
4 UMS report; that's in your testimony.

5 A. Yes.

6 Q. In particular, CEI objects to items 1, 2,
7 and 5.

8 A. Yes.

9 Q. Can you point out to me exactly which
10 recommendations those are?

11 A. They are 1, 2 and 5 on page 78 of the CEI
12 Staff Report.

13 Q. Okay.

14 A. The second set of -- there's two 1s, 2s,
15 and 5s.

16 Q. I got you.

17 A. So at the bottom of page 78.

18 Q. So No. 1 is the enhance tree trimming
19 program. No. 2 begins with "Ensure lightning
20 protection initiatives."

21 A. Yes.

22 Q. No. 5 begins "Inspect, maintain, and test
23 4 kV exit cable."

24 A. Yes.

1 Q. All right. I just want to make sure we
2 have the same references.

3 At line 21 you go on to say, "These items
4 were considered not cost effective (by UMS) based on
5 the estimated reliability improvements cited in the
6 UMS final report." Then you go on to quote at the
7 top of page 22 of your testimony from the UMS report,
8 "Because of the economics, and the existence of other
9 programs that could help CEI achieve its goals, [UMS]
10 would not expect the second tier of this program to
11 be implemented."

12 Could you tell me where that cite comes
13 from? What part of the UMS report.

14 A. Not at this moment I wouldn't be able to
15 find it.

16 Q. Let me refer you to page 113 of the UMS
17 report to see if that might help. The last sentence
18 before item SI-8, the last sentence "Because of the
19 economics, and the existence of other programs that
20 could help CEI achieve its goals, we would not expect
21 the second tier of this program to be implemented."
22 Do you see that?

23 A. I do.

24 Q. Is that where the cite comes from?

1 A. I don't recall if that was exactly the
2 page.

3 Q. Let's go back to your testimony. Is it
4 your testimony that -- is it true, then, that this
5 cite you have at the top of page 22 of your testimony
6 refers to recommendations 1, 2, and 5 on page 78 of
7 the CEI Staff Report?

8 A. It refers to the second tier of
9 recommendations in the UMS report.

10 Q. And are the 12 additional recommendations
11 that begin on page 78, are those all second-tier
12 recommendations?

13 A. Yes.

14 Q. They are.

15 So the quote at the top of 22 of your
16 testimony that's taken from somewhere in the UMS
17 report references all 12 of those second-tier
18 recommendations? Does it just refer to
19 recommendations 1, 2, and 5 that you objected to?

20 A. It references the 12.

21 Q. It references the 12, okay.

22 You've objected specifically to items 1,
23 2, and 5 on page 78 of the CEI Staff Report from the
24 tier 2 recommendations, as you put it. There are I

1 believe nine other recommendations. Is FirstEnergy
2 okay with those other nine recommendations?

3 A. Yes.

4 Q. Referring again to the CEI Staff Report
5 beginning at page 77, staff's recommendations that
6 come from the UMS report begin with some short-term
7 recommendations at the top of 77, on the next page
8 there are five long-term recommendations that begin
9 at the top of the page, and then there are the
10 second-tier recommendations as you reference them at
11 the bottom of page 78.

12 Does FirstEnergy accept all of the
13 recommendations listed on these pages with the
14 exception of items 1, 2, and 5 on page 78?

15 A. I do not know.

16 Q. I have a couple of questions for you from
17 the UMS report.

18 MS. MILLER: Are they questions that were
19 in the Staff Report?

20 MR. REESE: I'm not sure.

21 MS. MILLER: We didn't introduce the UMS
22 report into the record, nor do I know if it's going
23 to be part of the record. It's attached to
24 Mr. Cleaver's testimony.

1 MR. REESE: That's correct.

2 MS. MILLER: So I may ask some questions,
3 but she doesn't have any sort of connection right now
4 to the UMS report other than what's in the Staff
5 Report.

6 MR. REESE: Well, she quoted from the UMS
7 report in her testimony.

8 MS. MILLER: Right.

9 MR. REESE: Are you saying I can't ask
10 her questions from the UMS report?

11 MS. MILLER: I'm going to have a standing
12 objection to your questions, but go ahead.

13 MR. REESE: Okay, that's fine.

14 Q. (By Mr. Reese) Bear with me just a moment
15 here, I'm looking through to see what I might have.

16 Ms. Lettrich, are you familiar with the
17 UMS report?

18 A. I have seen it.

19 Q. Have you read it?

20 A. No, I've not read it.

21 Q. Have you read any of it?

22 A. I have reviewed it.

23 Q. Let me read a quote to you from page 24
24 of the UMS report, see if you agree with this. First

1 bullet point at the top, "The overall condition of
2 CEI's electric distribution system presents a
3 significant challenge to CEI reaching top quartile
4 performance in SAIFI and second quartile performance
5 in CAIDI . . . particularly given the mandate to
6 sustain this performance over a ten year period." Do
7 you agree with that statement?

8 A. I am not familiar enough with the overall
9 condition of CEI's electric distribution system to
10 agree or disagree.

11 Q. Look on page 29 of the UMS report. The
12 first bullet point, about halfway down the page,
13 CEI's 2006 SAIFI performance was _____, almost
14 identical to the 12-month rolling --

15 MS. MILLER: Object. Any mention of CEI
16 or any of the companies' targets is confidential
17 information. I don't think that the parties on the
18 phone are privy to that information.

19 MR. REESE: Can we go off the record for
20 a minute, please?

21 (Discussion off the record.)

22 MR. REESE: Let's go back on the record.

23 Q. Let's go back to the UMS report for a
24 second.

1 THE WITNESS: I apologize, but I'd like
2 to take a quick break.

3 MR. REESE: Sure.

4 (Recess taken.)

5 MR. REESE: We're back on the record.

6 Q. I wanted to provide you with copies of
7 the staff testimony just filed in this case from
8 Mario Scaramellino, Duane Roberts, and Peter Baker;
9 that's their testimony in its entirety. I may have
10 several questions for you based on their testimony.

11 Look at page 4 of Mr. Scaramellino's
12 testimony.

13 MS. MILLER: Can we confirm that she's
14 actually read the testimony?

15 MR. REESE: I have plenty of time for her
16 just to read the questions and answers, they're very
17 short, if that's okay.

18 Q. Look at page 4 of his testimony, this
19 refers to FirstEnergy objection VI.2, it takes issue
20 with staff's failure to recommend a mechanism to
21 recover costs associated with its quality control
22 recommendation. The answer from Mr. Scaramellino is
23 "The Companies have always had maintenance
24 responsibilities. Staff is not adding or creating

1 additional obligations." Do you agree with that
2 statement?

3 A. Do I agree with staff is not adding or
4 creating additional obligations?

5 Q. Yes.

6 A. No, I do not.

7 Q. Can you specify which additional
8 obligations that staff is creating?

9 A. As described in their Staff Report.

10 Q. Do you have any specific examples?

11 A. Any specific examples of what's in the
12 Staff Report?

13 Q. Of any additional obligations that were
14 created in the Staff Report in terms of the
15 reporting -- I'm sorry, strike that -- in regards to
16 the quality control recommendations.

17 A. What's in the Staff Report seemed to go
18 over and above what we already have in our program.

19 Q. Okay. Let's look at page 5 of
20 Mr. Scaramellino's testimony. If you want to take
21 time to read question and answer 10.

22 A. Okay.

23 Q. Calling your attention to lines 18 to 22
24 of the answer on page 5, "Staff reasoning is that

1 without a specific Start Date and End Date, a tree
2 that is trimmed, for instance in January 2004, could
3 go 4 years and 11 months and be trimmed in December
4 of 2008; technically in compliance with the four year
5 program, but effectively a five year trimming cycle."

6 Do you agree with that statement?

7 A. I do not agree with that statement.

8 Q. So you don't agree that it's effectively
9 a five-year trimming cycle?

10 A. No, I do not.

11 Q. Okay. I have two questions and I think
12 we'll be done. I'll call your attention to the
13 Electric Service and Safety Standards for one
14 question. I want you to look specifically at Rule
15 4901:1-10-06.

16 A. Okay.

17 Q. Can you read that for me briefly? Just
18 review it, I'll ask you a question.

19 A. Okay.

20 Q. Ms. Lettrich, doesn't Rule 10-06 require
21 each EDU to comply with the 2002 American National
22 Standard Institute's National Electric Safety Code?

23 A. Yes.

24 Q. Thank you.

1 One last question. This is on page 75,
2 the first page of the CEI -- I'm sorry, that's
3 incorrect.

4 Page 75 of the CEI Staff Report, it says
5 "Service Reliability Assessment" at the top.

6 A. Where are you at?

7 Q. I'm sorry, I know I've been jumping
8 around a lot. The CEI Staff Report, page 75, chart
9 1. I'm referring to footnote 1 underneath the chart.
10 Isn't it true that the SAIFI targets identified in
11 chart 1 have been in effect for CEI since 1992?

12 A. I don't know that.

13 Q. Don't know? Okay.

14 MR. REESE: I don't have any other
15 questions. Anybody out there have any questions?

16 MR. WRIGHT: We don't, Rick.

17 MR. REESE: Okay.

18 MS. MILLER: If we can go off the record,
19 let me take a five-minute break to regroup.

20 (The deposition concluded at 3:47 p.m.)

21 - - -

1 State of Ohio :
2 County of _____ : SS:

3 I, Susan Lettrich, do hereby certify that I
4 have read the foregoing transcript of my deposition
5 given on Tuesday, February 5, 2008; that together
6 with the correction page attached hereto noting
7 changes in form or substance, if any, it is true and
8 correct.

9 _____
10 Susan Lettrich

11 I do hereby certify that the foregoing
12 transcript of the deposition of Susan Lettrich was
13 submitted to the witness for reading and signing;
14 that after she had stated to the undersigned Notary
15 Public that she had read and examined her deposition,
16 she signed the same in my presence on the _____
17 day of _____, 2008.

18 _____
19 Notary Public

20 My commission expires _____, _____.
21
22
23
24

CERTIFICATE

State of Ohio :
County of Franklin : SS:

I, Maria DiPaolo Jones, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named Susan Lettrich was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotypy in the presence of said witness, afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified and completed without adjournment.

I certify that I am not a relative, employee, or attorney of any of the parties hereto, or of any attorney or counsel employed by the parties, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 7th day of February, 2008.

Maria DiPaolo Jones
Maria DiPaolo Jones, Registered
Diplomate Reporter, CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2011.

(MDJ-3135A)

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