

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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BE IT REMEMBERED, that upon the hearing of
the above-entitled matter, held at the Barberton
City Hall, 576 West Park, Barberton, Ohio,
before Janet K. Stoneking, Attorney Examiner,
and commencing on Wednesday, the 5th day of
March, 2008, at 6:30 o'clock p.m., at which time
the following proceedings were had.

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1 **APPEARANCES:**

2 On Behalf of the Public Utilities Commission
3 Of Ohio:

4 PUBLIC UTILITIES COMMISSION OF OHIO
5 BY: Janet K. Stoneking, Attorney Examiner
6 180 East Broad Street
7 Columbus, Ohio 43215
8 614/466-6849

9 On Behalf of Ohio Consumers' Counsel:
10 OFFICE OF THE OHIO CONSUMERS' COUNSEL

11 BY: Rick Reese
12 Assistant Consumers' Counsel
13 10 West Broad Street, Suite 1800
14 Columbus, Ohio 43215-3485
15 614/466-6092

16 On Behalf of FirstEnergy:
17 Stephen L. Feld, Attorney
18 Mark A. Hayden, Attorney
19 76 South Main Street
20 Akron, Ohio 44308
21 330/761-7735

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P R O C E E D I N G S

1
2 **MS. STONEKING:** My name is Janet
3 Stoneking. I'm the attorney examiner to conduct
4 the local hearing this evening. Before we go
5 further, is there anyone here who would like to
6 testify that has not signed up outside? If you
7 have not and decide later that you want to,
8 please see either one of the two gentlemen in
9 the corner who are here from the Public
10 Utilities Commission staff.

11 The Public Utilities Commission of
12 Ohio has assigned for public hearing at this
13 time and place Case numbers 07-551-EL-AIR,
14 07-552-EL-ATA, 07-553-EL-AAM, and Case number
15 07-554-EL-UNC. The four cases are titled "In
16 the Matter of the Application of the Ohio Edison
17 Company, The Cleveland Electric Illuminating
18 Company and The Toledo Edison Company for
19 Authority to Increase Rates for Distribution
20 Service, Modify Certain Accounting Practices and
21 for Tariff Approvals."

22 As I mentioned earlier, I've been
23 assigned to conduct the hearing this evening,
24 and with me are the two gentlemen on the left at
25 the door who are from the Commission Service

1 Monitoring and Enforcement Department. Then we
2 also have from Ohio Edison two people to answer
3 any questions that you might have, if you'll
4 raise your hands in the back.

5 And we also have two people from the
6 Ohio Consumers Counsel. If you have any
7 questions about the rate case, then you can feel
8 free to talk to any of those folks that are here
9 this evening. The main purpose of the hearing
10 is to receive your testimony about the proposed
11 rate cases -- excuse me, the proposed rate
12 increases. At this time I'd like to take
13 appearances from the attorneys that are present
14 tonight and I'll start with FirstEnergy.

15 **MR. FELD:** Good evening. My name
16 is Stephen L. Feld representing Ohio Edison
17 Company, Cleveland Illuminating Company, and
18 Toledo Edison Company. Also, appearing this
19 evening is Mark A. Hayden.

20 **MS. STONEKING:** Thank you. And the
21 Ohio Consumer's Counsel?

22 **MR. REESE:** Thank you, Your
23 Honor. On behalf of the residential rate payers
24 of the FirstEnergy Companies and the Ohio
25 Consumer's Counsel, I'm Rick Reese, Assistant

1 Consumers Counsel.

2 **MS. STONEKING:** There are also
3 other parties who have intervened into this rate
4 case. Just to let you know, they are the City
5 of Cleveland, Citizens Coalition comprised of
6 three groups, Consumers for Fair Utility Rates,
7 The Empowerment Center of Greater Cleveland, and
8 The Neighborhood Environmental Coalition. Also,
9 intervening parties in the case are the
10 Northwest Ohio Aggregation Coalition, The Kroger
11 Company, Constellation NewEnergy, Industrial
12 Energy Users Ohio, the Ohio Energy Group, Ohio
13 Home Builders, the Ohio Manufacturers
14 Association, Ohio Partners for Affordable
15 Energy, Ohio Schools Council, and Nucor Steel
16 Marion, Incorporated. Each of these parties
17 will represent their various constituents during
18 the rate case. I'm referring to this as the
19 rate case when there are actually three separate
20 cases, one filed for each of the utility
21 companies.

22 On June 7, 2007, the Ohio Edison
23 Company, the Toledo Edison Company and the
24 Cleveland Electric Illuminating Company each
25 filed applications with the Public Utilities

1 Commission to increase their electric
2 distribution rates. And by their application,
3 each company is seeking a rate increase that
4 would generate the following additional revenue
5 for those companies. For the Cleveland Electric
6 Illuminating Company, they're seeking
7 approximately an additional \$108,598,923 as
8 additional revenue. The Ohio Edison Company is
9 seeking approximately \$160,762,886 of additional
10 revenue. And the Toledo Edison Company is
11 seeking approximately \$70,539,796 of additional
12 revenue.

13 Now, as part of the rate case
14 proceeding, the staff of the Public Utilities
15 Commission inspected portions of each company's
16 plants and equipment, they interviewed company
17 personnel and government officials, they
18 reviewed company records and performed analysis
19 of company data, including financial information
20 collected from each company. The Commission
21 staff then prepared and filed a staff report for
22 each of the three companies on December 4, 2007.
23 The staff report summarized the staff's findings
24 regarding each company's financial information
25 and service performance and sets forth the

1 staff's recommendations in this case, and each
2 of the staff reports can be found at The Public
3 Utilities Commission's website.

4 Specifically, in terms of revenue
5 increase, the staff has recommended the
6 following for each of the three companies:
7 Cleveland Electric Illuminating Company, a
8 revenue increase range between \$22,678,561 and
9 \$29,807,558; for the Ohio Edison Company, a
10 revenue increase range between \$56,162,093 and
11 \$64,701,390; and for the Toledo Edison Company,
12 a revenue increase range between \$34,924,693 and
13 \$37,823,225.

14 Tonight is the second of 12 local
15 public hearings that have been scheduled in this
16 case, and the local public hearings are just one
17 aspect of the rate case. There's also an
18 evidentiary hearing which began on January 29th
19 at the Commission offices in Columbus. The
20 purpose of the evidentiary hearing was to allow
21 the companies, the staff and the intervening
22 parties to present witnesses and evidence in
23 support of each of their positions in the case.
24 The purpose of tonight's public hearing is to
25 receive comments from you as local consumers for

1 each of the companies -- and tonight I'm
2 assuming everyone here is represented by or gets
3 service from Ohio Edison -- to hear from you
4 about your thoughts about the proposed rates.
5 We will not be hearing from the companies or the
6 staff or any interveners tonight, this is
7 strictly for consumers, to let the Commission
8 know what you each think about the company's
9 request to increase its rates.

10 Again, if you missed the opportunity
11 to sign up to testify, you can do that at any
12 point during the hearing. I'm now going to
13 begin taking witnesses in the order in which
14 they signed up. Before your statement, I will
15 ask you for your name and your address. Your
16 testimony will be considered part of the
17 official record of the case and will be reviewed
18 by the commissioners before they make their
19 final decision about each of the rate increases
20 that have been requested. Before you present
21 your sworn testimony, you will be required to
22 take an oath or an affirmation stating that what
23 you're about to say is the truth. As you've
24 noticed, we have a court reporter here and she's
25 going to record each of the statements so that

1 we will have a typewritten record for the
2 commissioners to review. Should you decide that
3 you do not want to testify when I call your
4 name, please let me know and we can pass to the
5 next witness. Once you've finished testifying
6 or if you're just in attendance to observe the
7 hearing, you can feel free to leave at any point
8 that you'd like. Before we begin, do you have
9 any questions about the process that I've
10 explained? Our first witness is Gwenetta Askew.

11 (Thereupon, Ms. Askew was sworn.)

12 **MS. STONEKING:** Please state and
13 spell your name for the record and your address.

14 **MS. ASKEW:** My name is
15 Gwenetta, G-w-e-n-e-t-t-a, Askew, A-s-k-e-w. My
16 address is 202-1/2 Second Street, Northwest,
17 Barberton Ohio, 44203.

18 **MS. STONEKING:** Please give your
19 statement.

20 **MS. ASKEW:** Good evening,
21 ladies and gentlemen. My name is Gwenetta
22 Askew. I am one out of 100,000 voices. I make
23 \$7.75 an hour. Per week I make \$132. After
24 taxes, \$528 a month. My rent is \$400 a month.
25 For gas and electric makes my total monthly

1 costs \$688. This does not include clothes and
2 food and phone. The expenses of health
3 insurance I don't even think about it. With the
4 help of government-funded agencies, they do
5 provide help as far as money for utility
6 shut-offs. People like myself who are single
7 and pay taxes can see a day ahead. Barberton
8 alone has one agency that provides for
9 FirstEnergy consumers, and still there are
10 certain guidelines and eligibility requirements
11 that even I don't meet. So to cut the budget
12 plan more than in half not only will single out
13 adults not working, but what about the people
14 who do work and are single and have children?
15 Not only do we need the agencies, we need more
16 cooperation from all companies, mainly
17 FirstEnergy. Electricity may be the only source
18 of heat and light in the home. There may be a
19 medical need for electricity, and if they should
20 be disconnected for lack of payment or late
21 payment plans because the electric company does
22 not offer payment arrangement plans, where do
23 they turn to?

24 I am one voice, again, of many, and
25 an increase from FirstEnergy would be ludicrous.

1 It's hard for me as a poor-class, single adult
2 working. What about the families and elderly?
3 Let's think about the overall picture now, not
4 tomorrow. Thank you.

5 **MS. STONEKING:** Thank you for your
6 testimony.

7 Bonnie Neidert.

8 (Thereupon, Ms. Neidert was sworn.)

9 **MS. STONEKING:** Please state and
10 spell your name for the record and your address.

11 **MS. NEIDERT:** Bonnie Neidert,
12 N-e-i-d-e-r-t. I live at 218, Apartment B,
13 Austin Court, Barberton, Ohio, 44203.

14 And I want to say amen to everything
15 that Gwenetta said, but there's one group that
16 she really didn't talk about and that's those of
17 us who are retired. B & W gives me less than
18 \$325 a month. It will never ever go up. For
19 me, I'm only supporting one person, but I
20 have -- I mean, I went out and bought the new
21 light bulbs, I've cut down on television, I keep
22 my apartment at about 60, and, fortunately, so
23 far I can still afford to eat. But what about
24 the seniors who have no medical coverage, worse
25 yet, no retirement, some who have worked hard

1 all their lives, and now there are some of them
2 even trying to raise grandchildren. They make a
3 choice of do they pay the rent or the utilities,
4 do they buy food, or do they buy prescriptions?
5 If Ohio Edison thinks they have a financial
6 problem, how does it compare to the lives of
7 many of these seniors? Ohio Edison has a lot of
8 people in high places that are making more in 15
9 minutes than what we see in a month. If this
10 goes through, next the gas company, the phone
11 company are going to be waiting in line for us
12 to give them more. We would respectfully
13 suggest that Ohio Edison might look more closely
14 at their own finances than expect those who have
15 so little to live on to bail them out. We who
16 have learned to make due with a lot less would
17 truly appreciate any help and relief that the
18 PUCO can give us by refusing the requested rates
19 that they're asking for. Thank you very much.

20 **MS. STONEKING:** Thank you for your
21 testimony. Cathleen Finn.

22 (Thereupon, Ms. Finn was sworn.)

23 **MS. STONEKING:** Please state and
24 spell your name for the record and give your
25 address.

1 **MS. FINN:** My name is
2 Cathleen, with a "C," Finn, F-i-n-n, and I'm at
3 636 West Park Avenue, Barberton, Ohio.

4 I've worked for 12 years with a group
5 called Barberton Area Community Ministries.
6 We're a local charitable organization that helps
7 low-income residents pay utility bills, among
8 other things. I think any decision to raise
9 electric rates must take into consideration the
10 impact of small local charities like us. Our
11 organization pays up to \$150 to assist a poor
12 family with a utility bill with a limit of once
13 per year. We receive many, many more calls to
14 help than we're able to assist. While many of
15 the households we do aid also receive help with
16 heat or are on the percent of income plan, often
17 they're still unable to afford the rising costs
18 in many areas, including their utility bills.

19 Unfortunately, many of them do try to
20 get help with their utility bills, but we and
21 their payments are still insufficient to keep
22 them connected in some instances. Even with
23 repayment plans, their income from disability,
24 social security, part-time jobs can't keep up
25 with the rising costs we've heard about from

1 previous speakers.

2 Our organization receives no income
3 from the government, no income from United Way
4 or FirstEnergy to assist people with utility
5 bills. We rely on churches, fund-raisers and
6 donations from people like Bonnie who themselves
7 live on very limited incomes. Many of our
8 donors are elderly. They often give us five or
9 ten dollars per month to help other people pay
10 their bills. At that rate it takes 5, 10, 15
11 people to help one family pay one utility bill.
12 Our donors can't afford to keep up giving to
13 organizations like us if their funds are going
14 to pay their own utility bills with rising
15 rates. It used to be not too long ago that the
16 \$150 we could give a family would definitely
17 keep them connected for a month or more and give
18 them an opportunity to get back on their feet.
19 Now it rarely covers a past due amount.
20 FirstEnergy is not as flexible in making payment
21 arrangements for clients as they used to be, and
22 their suspension of the percent of income plan
23 over the summer months presents another hardship
24 for us and our clients.

25 The last few years we've distributed

1 energy-saving light bulbs for free to our
2 clients and tried to promote efficiency
3 measures. It's hard for renters to replace
4 windows or roofs or insulate the homes if they
5 don't own them. We see many households do
6 without electrical service for extended periods.
7 In our food pantry, people tell us they have no
8 refrigeration because they can't afford it. We
9 also hear lots of stories of people making
10 decisions between paying for food, medicine,
11 utilities and rent.

12 We love helping the people that we
13 assist at our organization and the community has
14 been very supportive. One of the reasons we can
15 spend close to \$50,000 a year in aid to families
16 with utility and rent bills is because we as an
17 organization make lots of sacrifices in our
18 operation to funnel money to our clients. We
19 don't have parties on the company tab, no big
20 salaries, benefit packages or bonuses, no
21 company cars or new office furniture or
22 expensive advertising.

23 We're not complaining, but just
24 letting you know that both individual households
25 and charitable organizations are stretching

1 every penny to make it possible for people to
2 keep their utilities connected. We would all
3 like more income, more profit, more financial
4 security in our lives, but in these hard times
5 many of us are learning to live within the most
6 restrictive budgets we've ever experienced, and
7 we believe FirstEnergy should learn to do the
8 same. Thank you.

9 **MS. STONEKING:** Thank you for your
10 testimony. I'd like to ask that if you do have
11 a typed statement, if you could give it to the
12 court reporter, that would be helpful for her
13 for the record.

14 Todd Puster.

15 (Thereupon, Mr. Puster was sworn.)

16 **MS. STONEKING:** Please state and
17 spell your name for the record and your address.

18 **MR. PUSTER:** The first name is
19 Todd spelled with two D's. Last name is Puster,
20 spelled "P," as in Paul, u-s-t-e-r, 9000 Kirby
21 Lane, K-i-r-b-y, Streetsboro, Ohio, 44241.

22 Thank you for this opportunity to
23 explain the impact of the FirstEnergy electric
24 rate increase on the Streetsboro City School
25 District.

1 The Streetsboro school district
2 operates five school buildings serving more than
3 2,200 students. Utility costs represent second
4 largest budgeted expense for our school
5 district. Only the cost of compensating
6 teachers and support personnel consumes a
7 greater share of our operating budget.

8 This school year the Streetsboro
9 Board of Education has a general fund of
10 approximately \$20 million. That budget includes
11 \$250,000 for electricity. Primarily as a result
12 of the Ohio Schools Council Energy for Education
13 program, the Streetsboro schools have benefitted
14 from stable and predictable electricity costs.

15 The rate increase proposal before the
16 Commission will nullify much of this benefit. A
17 40 percent increase in the cost of electricity
18 will cost the Streetsboro schools as much as
19 100,000 per year. This means if the proposed
20 rate increase is passed through to our school
21 district, the cost of electricity will rise from
22 just over 1 percent of our operating budget to
23 almost 2 percent of that budget. Every member
24 of our community, students, parents, employees,
25 and taxpayers will be squeezed. Every dollar

1 consumed from our school budget as a result of
2 this rate increase is a dollar that cannot be
3 spent on other necessary educational supplies
4 and services.

5 In terms of teaching staff, this
6 increase is roughly equivalent to the salary and
7 benefits for two beginning teachers. Another
8 way to look at it is that it is the cost of a
9 new series of reading textbooks for grades
10 kindergarten through sixth. A third way is that
11 it almost equals the cost of a new school bus.

12 Electricity is a basic need for our
13 schools. The uses for electricity in schools
14 have grown in recent years. Educational
15 technology, modern building air handling systems
16 and security systems are just a few of today's
17 uses of electricity that were unknown a
18 generation ago. For these reasons the
19 Commission must recognize that a decision to
20 allow electricity costs to increase
21 exponentially for our schools is an onerous
22 financial burden for our schools and for the
23 taxpayers of the State of Ohio. Thank you.

24 MS. STONEKING: Thank you for your
25 testimony.

1 Dave Plahuta.

2 (Thereupon, Mr. Plahuta was sworn.)

3 **MR. PLAHUTA:** Dave Plahuta,
4 P-l-a-h-u-t-a, 7285 Old Oak Boulevard,
5 Middleburg Heights, Ohio, 44130. I'm the
6 treasurer at Polaris Career Center. We're a
7 technical center, similar to what Todd is
8 talking about in regard to Streetsboro. Our
9 structure would be somewhat similar other than
10 because of the nature of our training facility,
11 we have a lot more square footage per kid
12 because we've got labs, et cetera, that need
13 ventilation and some other things. So we've got
14 a \$300,000 budget. A 40 percent rate increase
15 for us is \$120,000, and we'd have to obviously
16 reallocate some funds in order to be able to pay
17 for that type of a rate increase. Similar to
18 Todd, that would be probably three to four new
19 teachers for us.

20 At the moment, we're looking at
21 expanding programs. Our programs provides
22 training for students to be able to enter the
23 economy, and so if we're not able to do that we
24 would not be able to service other students, but
25 obviously have an aggregate throughout the State

1 of Ohio have impact on the economic ability of
2 people to earn money and have higher wages
3 because they're better trained.

4 We're also a member of the Ohio
5 School Council. We've had those stabilized
6 rates for a number of years, and that plan ends
7 December 31st as this rate increase will take
8 in, so we not only get the normal rate increase,
9 but we probably lose the benefits of that plan
10 because it doesn't appear that there's a
11 successor plan to it at the moment. So the
12 impact on us is going to be twofold, and we also
13 would be in a position where we wouldn't be able
14 to train kids as well as we have in the past.
15 Thank you for your time.

16 **MS. STONEKING:** Thank you for your
17 testimony. Fred Fries.

18 (Thereupon, Mr. Fries was sworn.)

19 **MR. STONEKING:** Please state and
20 spell your name for the record and your address.

21 **MR. FRIES:** My name is Fred,
22 F-r-e-d, Fries, F-r-i-e-s. My address is
23 8245 Tallmadge Road, Tallmadge, Ravenna, Ohio,
24 44266.

25 I'm representing the Southeast Local

1 School District in Portage County where I'm
2 currently the business manager. But before I
3 make a comment about that, I was blessed to be
4 the business manager here in the Barberton
5 schools for the past ten years, and I have to
6 thank FirstEnergy because I'm the guy that
7 worked very closely with them to build the new
8 high school here, which is the largest
9 geothermal building in the State of Ohio, and it
10 couldn't have been done without FirstEnergy's
11 help. It's a tremendous benefit to this
12 community and I thank FirstEnergy for it. But
13 on the flip side, as Todd has said and Mr.
14 Plahuta has said, everything we do has to go
15 back to the taxpayers, and we're the guys that
16 have to beg the taxpayers for more funds.

17 In the school district where I'm
18 currently serving as business manager, we're
19 about the size of Todd's district, 2100 kids,
20 three school buildings. Yes, we are blessed
21 with state facility funds from the Ohio Schools
22 Facilities Commission, but the downside is that
23 on our three school buildings, we're 100 percent
24 air-conditioned, so our budget, we're spending
25 about \$350,000 to \$360,000 per year to heat and

1 air-condition three school buildings, and then
2 you have the days like today where we had to
3 cancel school because of power outages and we
4 worked all day with FirstEnergy.

5 But the bottom line on this is that
6 we have to beg the taxpayers for any rate
7 increase that comes back because utilities are
8 so costly. If you apply we're part of Ohio
9 Schools Council, it's been a blessing to pay the
10 flat rates because it's been a tremendous
11 benefit for budgeting and for planning. But
12 with the economy, every time you go to the
13 taxpayers, look at what happened to the tax
14 levies yesterday, virtually all new tax levies
15 for schools failed, very few of them passed.
16 The facility issue here in Barberton did because
17 the state is paying money for it, and the
18 renewals passed, but new tax levies did not
19 because the consumers have the same problem that
20 the school districts do with any increased
21 costs. So what I'm saying to you is anything
22 you can do to provide any type of relief, \$100
23 to \$150,000 increase in costs to us again will
24 be a couple to three teachers, a reading
25 adoption, school buses, it's one of those things

1 that are out of our control and we have to
2 manage it because the taxpayers expect us to
3 manage it, so thank you very much.

4 **MS. STONEKING:** Thank you for your
5 testimony. Is there anyone who would like to
6 testify who is not signed up to do so? We'll
7 take a 15-minute break at this point and wait to
8 see if anyone else comes, so we'll go off the
9 record at this point.

10 (Thereupon, a recess was taken.)

11 **MS. STONEKING:** I'll note for the
12 record the time is 7:15 p.m. and we have no
13 additional witnesses who wish to testify, so we
14 will adjourn the hearing for this evening.
15 Thank you.

16 (Thereupon, the proceedings were
17 concluded at 7:15 o'clock p.m.)

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C E R T I F I C A T E

STATE OF OHIO,)
) SS:
SUMMIT COUNTY,)

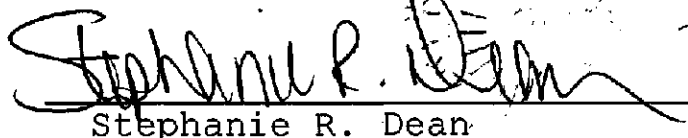
I, Stephanie R. Dean, Court Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were taken by me and reduced to Stenotypy, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcription of the proceedings so taken as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio on this 11th day of March, 2008.


Stephanie R. Dean

My commission expires August 30, 2010.

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A			B	
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