

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
 Application of Ohio Edison:
 Company, The Cleveland :
 Electric Illuminating :
 Company, and The Toledo :
 Edison Company for :
 Authority to Establish a : Case No. 08-935-EL-SSO
 Standard Service Offer :
 Pursuant to RC §4928.143 :
 in the Form of an :
 Electric Security Plan. :

In the Matter of the :
 Application of Ohio Edison:
 Company, The Cleveland : Case No. 09-21-EL-ATA
 Electric Illuminating : 09-22-EL-AEM
 Company and The Toledo : 09-23-EL-AAM
 Edison Company for :
 Approval of Rider FUEL and:
 Related Accounting :
 Authority. :

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PROCEEDINGS

before Ms. Christine Pirik and Mr. Gregory Price,
 Attorney Examiners, at the Public Utilities
 Commission of Ohio, 180 East Broad Street, Room 11-C,
 Columbus, Ohio, called at 1:00 p.m. on Thursday,
 February 26, 2009.

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1 APPEARANCES:

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19 On behalf of the Applicants.

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21 Ohio Consumers' Counsel
22 By Mr. Jeffrey Small
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On behalf of the Residential Consumers of
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22 Inc., Constellation Energy Commodity
23 Group, Direct Energy Services, and
24 Integrys Energy Services, Ohio
25 Association of School Business Officials,
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12 Council and the Ohio Schools Council.

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17 Columbus, Ohio 43215

18 On behalf of the City of Cleveland and
19 Association of Independent Colleges and
20 Universities of Ohio.

21 Bailey Cavalieri, LLC
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25 On behalf of FPL Energy Power Marketing,
Inc., and Gexa Energy Holdings, LLC.

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Cleveland, Ohio 44120

On behalf of Material Science
Corporation.

1 APPEARANCES: (Continued)

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3 Duane Luckey, Section Chief
4 Public Utilities Section
5 By Mr. John Jones
6 Mr. Thomas McNamee
7 Mr. William Wright
8 Assistant Attorneys General
9 180 East Broad Street
10 Columbus, Ohio 43215

11 On behalf of the Staff of the Public
12 Utilities Commission.

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102 - Direct Testimony of Dr. Miller 9 10
(Public version)

102A - Direct Testimony of Dr. Miller 9 10
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103 - Direct Testimony of Dr. Jones 9 10

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JOINT EXHIBITS IDFD ADMTD

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1 Thursday Afternoon Session,
2 February 26, 2009.

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4 EXAMINER PRICE: Let's go on the record.
5 Good afternoon, the Public Utilities Commission has
6 set for hearing at this time and this place in Case
7 No. 09-835-EL-SSO in the Matter of the Application of
8 Ohio Edison Company, The Cleveland Electric
9 Illuminating Company, and The Toledo Edison Company
10 For Authority to Establish a Standard Service Offer
11 Pursuant to Section 4928.143 Revised Code, in the
12 Form of an Electric Security Plan.

13 As well as Case No. 09-21-EL-ATA, Case
14 No. 09-22-EL-AEM, and Case No. 09-23-EL-AAM, being in
15 the Matter of the Application of Ohio Edison Company,
16 The Cleveland Electric Illuminating Company, and The
17 Toledo Edison Company for Approval of Rider FUEL and
18 Related Accounting Authority.

19 My name is Gregory Price. With me is
20 Christine Pirik, we are attorney-examiners assigned
21 to today's proceeding.

22 Before we take any witnesses do have any
23 preliminary matters for the Bench?

24 MR. KORKOSZ: If your Honor please, I'm
25 pleased to report that there has been a supplemental

1 stipulation in this matter executed by a large number
2 of parties that resolved that -- that should have the
3 effect of resolving all of the remaining issues that
4 are before the Commission, and obviously the
5 recommendation of the parties on that stipulation
6 that it be given consideration and be viewed
7 favorably by the Commission.

8 I would ask that that document which has
9 been executed will be filed and is identified as
10 titled Supplemental Stipulation and be identified for
11 this record as Joint Exhibit 101.

12 EXAMINER PRICE: So marked.

13 (Exhibit marked.)

14 MR. KORKOSZ: And I would, if it's the
15 Bench's pleasure, I would offer both Joint
16 Exhibit 100, which was the original stipulation and
17 recommendations as well as Joint Exhibit 101
18 supplemental stipulation into the record.

19 EXAMINER PRICE: Any objections to the
20 admission of Joint Exhibit 100 and Joint Exhibit 101?

21 Seeing none, those documents will be
22 admitted.

23 (Exhibit admitted.)

24 MR. KORKOSZ: And if your Honor please,
25 at this time there were a number of items of

1 testimony that were filed on behalf of the company.
2 I'm prepared to identify those for the record and for
3 the Commission as well.

4 EXAMINER PRICE: Please proceed.

5 MR. KORKOSZ: All right. Prefiled was
6 the testimony of Mr. Dean Stathis that was both a
7 public version as well as a confidential version. I
8 would ask that the public version be identified as
9 Companies' Exhibit 101, and the confidential version
10 be identified as Companies' Exhibit 101A.

11 EXAMINER PRICE: So marked.

12 (Exhibits marked.)

13 MR. KORKOSZ: Also filed was the
14 testimony of Dr. Brad Miller. I would ask that be --
15 the public version of that testimony be identified as
16 Companies' Exhibit 102, and the confidential version
17 be identified as Companies' Exhibit 102A.

18 EXAMINER PRICE: That will be so marked.

19 (Exhibits marked.)

20 MR. KORKOSZ: Next was prefiled the
21 testimony of Dr. Scott Jones. I would ask -- and
22 there was only a public version of that. Single
23 testimony. I'd ask that be identified as Companies'
24 Exhibit 103.

25 EXAMINER PRICE: So marked.

1 (Exhibit marked.)

2 MR. KORKOSZ: And finally the
3 supplemental testimony of Mr. David Blank was filed
4 on behalf of the company, so I ask that that be
5 identified as Companies' Exhibit 104.

6 EXAMINER PRICE: And that will also be so
7 marked.

8 (Exhibit marked.)

9 MR. KORKOSZ: At this time I would move
10 the admission of Companies' Exhibit 101, 101A, 102,
11 102A, 103, and 104 into the record.

12 EXAMINER PRICE: Any objection to the
13 admission of Companies' exhibits?

14 Seeing none, those exhibits will be
15 admitted.

16 (Exhibits admitted.)

17 MR. KORKOSZ: I believe that's all for
18 the company.

19 EXAMINER PRICE: Mr. Boehm.

20 MR. BOEHM: Yes, your Honor. If you
21 please, we have a document that we'd like to have
22 marked as Ohio Energy Group Exhibit, I don't know how
23 you want to do this, like 105?

24 EXAMINER PRICE: Is this the first -- the
25 intent was to begin with 1 prefaced with the 100.

1 We'll go with 101.

2 MR. BOEHM: Okay. If it please the
3 Commission, we will ask that this document entitled
4 Supplemental Testimony of Stephen J. Baron on behalf
5 of the Ohio Energy Group be marked as the Ohio -- as
6 OEG Exhibit No. 101.

7 EXAMINER PRICE: So marked.

8 (Exhibit marked.)

9 MR. BOEHM: And we would ask that it be
10 admitted.

11 EXAMINER PRICE: Any objections to the
12 admission of OEG Exhibit 101?

13 Seeing none, it will be so admitted.

14 (Exhibit admitted.)

15 EXAMINER PRICE: Mr. Wright?

16 MR. WRIGHT: Yes, thank you, your Honor.
17 On behalf of the staff of the Commission, we have two
18 pieces of testimony we'd like to mark at this time,
19 the first being the prepared testimony of Raymond W.
20 Strom. I'd like to have that marked as Staff
21 Exhibit No. 101.

22 EXAMINER PRICE: So marked.

23 (Exhibit marked.)

24 MR. WRIGHT: And the other being the
25 prefiled testimony of Richard C. Cahaan filed in this

1 docket, I'd like to have that marked as Staff
2 Exhibit No. 102.

3 EXAMINER PRICE: So marked.

4 (Exhibit marked.)

5 MR. WRIGHT: And I would move their
6 admission at this time.

7 EXAMINER PRICE: Any objection to the
8 admission of Staff Exhibits 101 and 102?

9 Seeing none, those exhibits will be
10 admitted.

11 (Exhibits admitted.)

12 EXAMINER PRICE: We also have a number of
13 pending motions for protective orders. I believe all
14 the motions were for 18 months. All those motions
15 will be, including the protective orders that were
16 filed in 09-21-EL-ATA on February 2, all of those
17 motions will be granted at this time subject to the
18 Commission review.

19 Do we have any other pending motions or
20 housekeeping matters we need to address?

21 MR. SMALL: Your Honor, on behalf of the
22 OCC I'll just make a record that the OCC withdraws
23 the testimony of Stacia Harper.

24 EXAMINER PRICE: Thank you, Mr. Small.

25 The other issue is briefs. My

1 understanding is the parties are all willing to
2 dispense with briefs in this matter; is that correct?

3 Seeing no objections, we'll not be
4 setting a briefing schedule.

5 Our next hearing in this proceeding is
6 March 11 and we'll adjourn until that time. We did
7 extend the deadline for filing testimony for the
8 March 11 hearing to Monday, March 2nd. We'll be
9 adjourned until that time.

10 Let's go off the record.

11 (Hearing adjourned at 3:55 p.m.)

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1 CERTIFICATE

2 I do hereby certify that the foregoing is a
3 true and correct transcript of the proceedings taken
4 by me in this matter on Thursday, February 26, 2009,
5 and carefully compared with my original stenographic
6 notes.

7 _s/Julieanna Hennebert_____

8 Julieanna Hennebert, Registered
9 Professional Reporter, and
10 Notary Public in and for the
11 State of Ohio.

12 My commission expires February 19, 2013.

13 (MDJ-3353)

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Case No(s). 08-0935-EL-SSO

Summary: Transcript First Energy Volume XIV 2/26/09 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.