



## 1 APPEARANCES:

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19 On behalf of the Applicants.

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21 On behalf of Constellation NewEnergy,  
22 Inc., Constellation Energy Commodity  
23 Group, Direct Energy Services, and  
24 Integrys Energy Services, Ohio  
25 Association of School Business Officials,  
the Ohio School Board Association, and  
the Buckeye Association of School  
Administrators.

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On behalf of Ohio Energy Group.

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18 On behalf of the City of Cleveland and  
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On behalf of Material Science  
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APPEARANCES: (Continued)

Richard Cordray, Ohio Attorney General  
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By Mr. John Jones  
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On behalf of the Staff of the Public  
Utilities Commission.

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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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CERTIFICATE

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

\_\_\_\_s/Julieanna Hennebert\_\_\_\_\_

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

My commission expires February 19, 2013.

(MDJ-3353)

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