

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 10:00 a.m. on Wednesday,  
March 11, 2009.

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VOLUME XV

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ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481  
FAX - (614) 224-5724

## 1 APPEARANCES:

2 FirstEnergy Corp.  
3 By Mr. Arthur E. Korkosz  
4 Mr. Mark A. Hayden  
5 Mr. Michael R. Beiting  
6 Mr. James W. Burk  
7 76 South Main Street  
8 Akron, Ohio 44308

9 On behalf of the Applicants.

10 Janine L. Migden-Ostrander,  
11 Ohio Consumers' Counsel  
12 By Mr. Jeffrey Small  
13 Ms. Jacqueline Roberts  
14 Mr. Terry L. Etter  
15 Assistant Consumers' Counsel  
16 10 West Broad Street, 18th Floor  
17 Columbus, Ohio 43215

18 On behalf of the Residential Consumers of  
19 the FirstEnergy Companies.

20 McNeese, Wallace & Nurick, LLC  
21 By Mr. Joseph M. Clark  
22 Fifth Third Center, Suite 1700  
23 21 East State Street  
24 Columbus, Ohio 43215-4228

25 On behalf of the Industrial Energy  
Users-Ohio.

Chester, Willcox & Saxbe, LLP  
By Mr. Matthew S. White  
65 East State Street, Suite 1000  
Columbus, Ohio 43215

On behalf of The Kroger Company.

Boehm, Kurtz & Lowry  
By Mr. David Boehm  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202

On behalf of Ohio Energy Group.

## 1 APPEARANCES: (Continued)

2 Vorys, Sater, Seymour and Pease, LLP  
3 By Mr. Howard Petricoff  
4 Ms. Betsy Elder  
5 52 East Gay Street  
6 Columbus, Ohio 43216-1008

7 On behalf of Constellation NewEnergy,  
8 Inc., Constellation Energy Commodity  
9 Group, Direct Energy Services, and  
10 Integrys Energy Services, Ohio  
11 Association of School Business Officials,  
12 the Ohio School Board Association, and  
13 the Buckeye Association of School  
14 Administrators.

15 Schottenstein, Zox & Dunn Co., LPA  
16 By Mr. Christopher L. Miller  
17 Mr. Andre T. Porter  
18 250 West Street  
19 Columbus, Ohio 43215

20 On behalf of the City of Cleveland and  
21 Association of Independent Colleges and  
22 Universities of Ohio.

23 Tucker, Ellis & West, LLP  
24 By Mr. Eric D. Weldele  
25 1225 Huntington Center  
41 South High Street  
Columbus, Ohio 43215

On behalf of the Council of Smaller  
Enterprises.

Richard Cordray, Ohio Attorney General  
Duane Luckey, Section Chief  
Public Utilities Section  
By Mr. William Wright  
Assistant Attorneys General  
180 East Broad Street  
Columbus, Ohio 43215

On behalf of the Staff of the Public  
Utilities Commission.

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1                               Wednesday Morning Session,  
2                               March 11, 2009.

3                               - - -

4                               EXAMINER PRICE: Good morning. The  
5 Public Utility Commission has set for hearing at this  
6 time and place Case Nos. 08-935-EL-SSO, In the Matter  
7 of the Application of Ohio Edison Company, The  
8 Cleveland Electric Illuminating Company, and The  
9 Toledo Edison Company for Authority to Establish a  
10 Standard Service Offer Pursuant to Revised Code  
11 Section 4928.143 in the Form of an Electric Security  
12 Plan.

13                              Also Case Nos. 09-21-EL-ATA,  
14 09-22-EL-AEM, 09-23-EL-AAM, In the Matter of the  
15 Application of Ohio Edison Company, The Cleveland  
16 Electric Illuminating Company and The Toledo  
17 Edison Company for Approval of Rider FUEL and Related  
18 Accounting Authority.

19                              My name is Gregory Price. With me is  
20 Christine Pirik, attorney examiners assigned to  
21 preside over today's hearing. This is a continuation  
22 of the hearing from March 4; therefore, we will  
23 dispense with taking appearances this morning.

24                              As a preliminary matter, we have received  
25 a motion to intervene from the City of Parma. Any

1 objections to the intervention of the City of Parma?

2 Seeing none, the motion will be granted.

3 Let's begin by taking our first witness.

4 Mr. Korkosz.

5 MR. KORKOSZ: If your Honor please, one  
6 additional preliminary matter. I would note that  
7 proofs of publication for the hearings have been  
8 offered as a late-filed exhibit. Company Exhibit  
9 No. 100 had been reserved, and I believe that exhibit  
10 had been admitted subject to being presented to the  
11 court reporter.

12 I would report to the Bench that those  
13 proofs of publications and tariff sheets have this  
14 morning been presented to the court reporter.

15 EXAMINER PRICE: Thank you. For the  
16 record, they were admitted last week on March 4.

17 Let's take our first witness.

18 MR. KORKOSZ: If your Honor please, I  
19 would ask to have marked as Company's Exhibit 105 the  
20 second supplemental testimony of David M. Blank.

21 EXAMINER PRICE: So marked.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 MR. KORKOSZ: And I would, based on the  
24 understanding that there are no parties that have  
25 indicated an interest in cross-examining Mr. Blank on

1 his testimony, I would offer his testimony into the  
2 record.

3 EXAMINER PRICE: Any objections as to the  
4 admission of Mr. Blank's testimony?

5 Seeing none, it will be admitted.

6 (EXHIBIT ADMITTED INTO EVIDENCE.)

7 EXAMINER PRICE: Mr. Wright.

8 MR. WRIGHT: Thank you, your Honor. At  
9 this time we would like to have marked as Staff  
10 Exhibit 103 the prefiled testimony -- let me refer to  
11 it as the Prefiled Supplemental Testimony of Richard  
12 C. Caahan filed on March 2 in these dockets.

13 EXAMINER PRICE: So marked.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 MR. WRIGHT: Absent any cross-examination  
16 on that document, I would move its admission at this  
17 time.

18 EXAMINER PRICE: Any objections to the  
19 admission of staff Exhibit 103?

20 Seeing none, it will be admitted.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 MR. WRIGHT: Thank you.

23 EXAMINER PRICE: Any other matters for  
24 the Bench?

25 With that, we will consider the case

1 submitted on the record and presented to the  
2 Commission.

3 Thank you all.

4 (The hearing adjourned at 10:03 a.m.)

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2 CERTIFICATE

3 I do hereby certify that the foregoing is a  
4 true and correct transcript of the proceedings taken  
5 by me in this matter on Wednesday, March 11, 2009,  
6 and carefully compared with my original stenographic  
7 notes.

8 \_\_\_\_\_  
9 Rosemary Foster Anderson,  
10 Professional Reporter and  
11 Notary Public in and for  
12 the State of Ohio.

13 My commission expires April 5, 2009.

14 (RFA-8246)

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**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 09-0021-EL-ATA**

Summary: Transcript Ohio Edison from 3/11/09 electronically filed by Mrs. Jennifer Duffer on behalf of Anderson, Rosemary Foster Mrs.