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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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IN THE MATTER OF THE
ODESSA AND DAVID HENDERSON,

COMPLAINANTS,

vs.

CASE NO. 08-1077-EL-CSS

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY

RESPONDENT.

MOTION OF
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
TO SUBPOENA THE APPEARANCE OF GREG GILES

Pursuant to Section 4901-1-25(A) of the Ohio Administrative Code, The Cleveland Electric Illuminating Company respectfully asks the Commission to issue the attached subpoena, requiring Greg Giles to appear at the scheduled evidentiary hearing in this matter and to waive the required fee deposit, with the Company instead committing to pay any required fees on the day of the hearing. As more fully discussed in the attached Memorandum in Support, attendance of this individual is necessary in order to properly resolve issues raised in this matter.

Respectfully submitted,

Kathy J. Kolich / JTS

Kathy J. Kolich (Reg. No. 0038855)

Senior Attorney

FirstEnergy Service Company

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Akron, Ohio 44308

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On behalf of The Cleveland Electric
Illuminating Company

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MEMORANDUM IN SUPPORT

I. INTRODUCTION

This action arises out of Odessa and David Henderson's ("Complainants") complaint against The Cleveland Electric Illuminating Company ("CEI") filed on September 12, 2008. In paragraph 5 of the Complaint, Complainants alleged that Gregory Giles and Jan Parks (collectively "Giles/Parks") resided at 885 Keystone Drive during the period in which the amounts included in the disputed bill arose and that said individuals were willing to enter into a payment plan to pay the outstanding arrearage. The Company, after numerous attempts, finally contacted Jan Parks, who reiterated that Giles/Parks consumed the electricity during the period in question and that they were willing to set up a payment plan. However, since that conversation, Jan Parks has failed to return telephone calls from CEI's counsel, or to follow through on setting up a meeting with CEI's counsel so as to settle this matter.

On October 31, 2008, The Cleveland Electric Illuminating Company timely filed its answer to the complaint. On November 5, 2008, CEI also filed a motion requesting the Commission to join Jan Parks and Gregory Giles to the proceeding in order to properly resolve the matter and hold the proper party responsible for payment of the electricity consumed at the location in question. That motion was denied by Entry issued February 9, 2009. However, in this same entry, the Commission noted that CEI could subpoena Jan Parks and Gregory Giles (Entry at 2), thus prompting the instant request.

II. ARGUMENT

Section 4901-1-25(A) of the Ohio Administrative Code provides, "The commission, any commissioner, the legal director, or the attorney examiner assigned to a case may issue subpoenas, ... upon motion of any party. A subpoena shall command the person to whom it is directed to attend and give testimony at the time and place specified therein." Therefore, in

accordance with the Ohio Administrative Code, The Cleveland Electric Illuminating Company respectfully requests the Commission to issue the attached subpoena requiring Greg Giles to appear as a witness in the hearing on this matter, which is scheduled on May 28, 2009 at 11:00 AM in Room 11-G of the Commission's offices, 180 East Broad Street, Columbus, Ohio 43215-3793.¹

While CEI believes that it has sufficient grounds to charge the Complainants for the usage during the period in question, CEI would prefer to charge the consuming party. In order to formally determine the identity of such individual(s), the attendance of Mr. Giles is necessary.

III. SUMMARY AND CONCLUSION

Based upon the foregoing, CEI respectfully asks that the Commission issue the attached subpoena compelling the attendance of Mr. Greg Giles at the scheduled evidentiary hearing in this matter. Further, CEI requests waiver of the deposit of witness fees, instead committing to pay the same on the day of the hearing.

Respectfully submitted,

Kathy J. Kolich / JS

Kathy J. Kolich (Reg. No. 0038855)
Senior Attorney
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Phone: 330-384-4580
Fax: 330-384-3875

On behalf of The Cleveland Electric
Illuminating Company

¹ A separate request for subpoena of Ms. Parks is being filed concurrent herewith.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Motion of The Cleveland Electric Illuminating Company to Subpoena Greg Giles was served by regular U.S. Mail, postage prepaid, to Odessa and David Henderson at 352 Knollwood Trail, Richmond Heights, Ohio 44143, this 23rd day of April, 2009.

Kathy J. Kolich/ons

Kathy J. Kolich
Attorney

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

SUBPOENA

TO: Greg Giles
885 Keystone Drive
Cleveland Heights, Ohio 44121

Upon application of The Cleveland Electric Illuminating Company ("CEI"), you are hereby required to appear before the Public Utilities Commission of Ohio and give testimony as a witness for CEI in the following proceeding:

Case No. 08-1077-EL-CSS

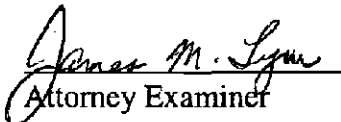
Case Title: In the Matter of the Odessa and David Henderson

You are to appear at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio, on the 28th day of May, 2009, at 11:00 am in hearing room 11-G.

You shall bring with you books, papers, documents, or other tangible materials that would demonstrate:

- (a) the location at which you resided during the period September 4, 2004 through the present, including but not limited to copies of tax returns, bank statements and utility bills; and
- (b) the identity of any individuals residing at 885 Keystone Drive, Cleveland Heights, Ohio 44121, including without limitation, any leases, sales agreements or deeds in effect during this same period.

Dated at Columbus, Ohio, this 23 day of April, 2009.


Attorney Examiner

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned.