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2009 SEP 25 AM 9:55

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PUCO

September 24, 2009

*Via Federal Express
and Facsimile (614-466-0313)*

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 Broad Street
Columbus, OH 43215-3793

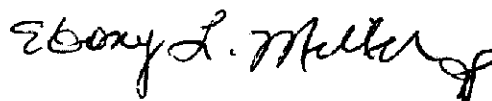
Dear Ms. Jenkins:

**Re: *Direct Expert Testimony of Rick L. Tobias
Filed on Behalf of Ohio Edison Company
Case No. 09-187-EL-CSS***

Enclosed for filing, please find the original and twelve (12) copies of the *Direct Expert Testimony of Rick L. Tobias Filed on Behalf of Ohio Edison Company* regarding the above-referenced case. Please file the enclosed *Testimony*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,



Ebony L. Miller

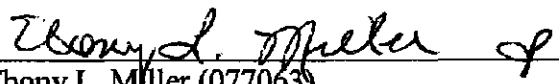
ELM/jhp
Enclosures
cc: Parties of Record

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Technician SM Date Processed SEP 25 2009

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

JOE E. SNELL,)	CASE NO. 09-187-EL-CSS
)	
COMPLAINANT,)	
)	
V.)	
)	
OHIO EDISON COMPANY,)	
)	
DEFENDANT.)	
)	
)	

**DIRECT EXPERT TESTIMONY OF RICK L. TOBIAS
FILED ON BEHALF OF OHIO EDISON COMPANY**


Ebony L. Miller (077063)
Attorney
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Phone: 330-384-5969
Fax: 330-384-3875
Attorneys for Ohio Edison Company

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND POSITION.**

2 A. My name is Rick L. Tobias. My business address is 76 South Main Street, Akron, Ohio
3 44308. I am employed by FirstEnergy Service Company ("FirstEnergy") as Supervisor
4 in the Revenue Operations Department.
5

6 **Q. WHAT ARE YOUR PROFESSIONAL QUALIFICATIONS?**

7 A. After beginning my employment with Ohio Edison Company ("Ohio Edison") in 1976, I
8 have worked in Customer Service throughout my career with FirstEnergy and its
9 affiliates. I have handled various job responsibilities related to credit, collections,
10 billing, meter reading, and revenue protection. As a supervisor in Revenue Operations, I
11 currently oversee the work of 17 field collectors in the Ohio Edison service territory. I
12 also answer customer's escalated credit issues and respond to informal inquiries. I work
13 closely with the FirstEnergy compliance department to ensure timely and accurate
14 responses. I also strive to ensure accurate and quality service to FirstEnergy customers.
15

16 I have been involved with the Credit and Collection process over the last 13 years and
17 have completed several FirstEnergy training courses dealing with our operating computer
18 system (SAP), analyzing customer accounts, developing leadership skills, and many other
19 topics related to customer accounts and customer service. I am extremely familiar with
20 the manner in which Ohio Edison trains its personnel to handle customer inquiries and
21 analyze customer accounts. I am also extremely familiar with the Public Utilities
22 Commission of Ohio ("PUCO") regulations and the internal policies and procedures of
23 Ohio Edison as they relate to Complainant's complaint before the PUCO.
24

25 **Q: ARE YOU AWARE THAT MR. JOE SNELL FILED A COMPLAINT WITH THE**
26 **COMMISSION ON MARCH 9, 2009?**

27 A: Yes. I am.
28

29 **Q. HAVE YOU FAMILIARIZED YOURSELF WITH COMPLAINANT'S**
30 **COMPLAINT?**

31 A: Yes. As I understand Complainant claims that in 1995 he moved to 719 Victoria Avenue

and lived there until 2006. Mr. Snell claims he lived with an individual named Rita Tanner and that she ordered electricity in his name without his knowledge. Mr. Snell claims that despite the fact that he is the customer of record on the account, that he is a victim of identity theft and should not be responsible for the outstanding balance for electric service.

Q. ARE YOU AWARE OF WHOM MR. SNELL CLAIMS STOLE HIS IDENTITY?

A. According to his Complaint, Mr. Snell claims the woman he lived with Ms. Rita Tanner stole his identity.

Q. HAVE YOU ATTEMPTED TO CONTACT MS. TANNER?

A. No. According to Mr. Snell, he discovered that the electric account was in his name subsequent to Ms. Tanner's death.

Q. WHOSE NAME WAS ON THE ELECTRIC SERVICE INVOICE?

A. The invoice was issued to the customer of record, Mr. Joseph Snell.

Q. WAS THE INVOICE SENT TO THE SAME ADDRESS IN WHICH SERVICE WAS PROVIDED?

A. Yes. Mr. Snell was the customer of record at the property 719 Victoria Avenue and the electric service invoice was sent to 719 Victoria Avenue bearing Mr. Snell's name as the addressee and accountholder.

Q. WHAT IS THE COMPANY'S PROCEDURE FOR ASSIGNING A CUSTOMER OF RECORD?

A. A consumer must contact Ohio Edison and request that the electric service be put into his/her name. The consumer becomes Ohio Edison's customer of record. The customer of record is required to provide Ohio Edison with the address of the property the customer wishes electric service, certain purchase or rental agreement, if applicable, and certain personal information that is placed on the account. This personal information includes the customer's name, mailing address, social security number, contact number,

and the name of any individuals the customer would like to have added as a contact person.

Q. ARE YOU AWARE OF HOW MANY INVOICES WERE SENT TO MR. SNELL?

A. Ohio Edison would have mailed Mr. Snell a monthly invoice for the consumption of electric service since the account opened in his name back in 1986.

Q. DID MR. SNELL EVER CONTACT OHIO EDISON AND INDICATE THAT HE NO LONGER WANTED SERVICE IN HIS NAME?

A. No. He did not.

Q. DOES OHIO EDISON STILL HAVE THE TAPED CALL WHEREBY MR. SNELL PUT SERVICE IN HIS NAME?

A. No. Ohio Edison does not have recorded calls which date back to 1986.

Q. DO YOU BELIEVE MS. TANNER COULD HAVE PUT SERVICE IN MR. SNELL'S NAME?

A. No. I do not. First, Ohio Edison does not permit an individual to put electric service in a name other than his/her own. Second, I believe the operator that took the call would have distinguished the difference between a female caller (Ms. Tanner) from a male caller (Mr. Snell). Third, Ohio Edison requires the caller to verify the caller's identity by providing home address, phone number, and social security number.

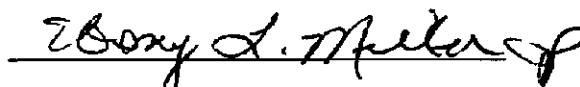
Q. DID MR. SNELL PROVIDE ANY EVIDENCE TO SUBSTANTIATE HIS CLAIM OF IDENTITY THEFT?

A. No. Mr. Snell provided a police report that stated he filed a claim of identity theft, but nothing which verified that his identity had in fact been stolen. In fact, Mr. Snell admits that he lived at the property at the time he was receiving electric service and electric service invoices for such service.

94 **Q. MR. SNELL CLAIMS THAT THE COMPANY'S POLICY IS THAT IT WILL**
95 **ALLOW A HOMEOWNER TO ORDER ELECTRIC SERVICE IN SOMEONE**
96 **ELSE'S NAME WHILE NOT EVEN KNOWING WHETHER THE PERSON**
97 **LIVED THERE OR NOT. IS THAT IN FACT OHIO EDISON'S POLICY?**
98 **A. No. It is not. As I stated before, Ohio Edison does not permit an individual to put**
99 **electric service in a name other than his/her own. Moreover, in this case, Mr. Snell**
100 **admits he lived at 719 Victoria Avenue for the period 1995 through 2006.**
101
102 **Q. DID OHIO EDISON TREAT THE COMPLAINANT DIFFERENT FROM ANY**
103 **OTHER CUSTOMER?**
104 **A. No.**
105
106 **Q: IS THERE ANYTHING THAT YOU WOULD LIKE TO ADD TO YOUR**
107 **TESTIMONY?**
108 **A: Yes. Ohio Edison at all times complied with its tariffs and the PUCO rules and**
109 **regulations.**

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Direct Expert Testimony of Rick L. Tobias filed on behalf of Ohio Edison Company was served by regular U.S. Mail, postage prepaid, to Joseph E. Snell, 2561 Romig Road, Apt. 14, Akron, Ohio 44320, this 24th day of September, 2009.

A handwritten signature in black ink, reading "Ebony L. Miller", is written over a horizontal line.

Ebony Miller

Attorney