

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2 - - -

3 In the Matter of the :
4 Complaint of Diane :
5 Frazier, :

6 Complainant, :

7 vs. :

Case No. 09-319-EL-CSS

8 Ohio Edison Company for :
9 Alleged Unfair and Unjust :
10 Billing Practice, :

11 Respondent. :

12 - - -

13 PROCEEDINGS

14 before Mr. James Lynn, Hearing Examiner, at the
15 Public Utilities Commission of Ohio, 180 East Broad
16 Street, Room 11-G, Columbus, Ohio, called at 10:00
17 a.m. on Wednesday, September 23, 2009.

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5 Pro se.

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11 On behalf of Respondent Ohio Edison
12 Company.

13 - - -

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1 Wednesday Morning Session,

2 September 23, 2009.

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4 HEARING EXAMINER: Let's go on the
5 record at this time. The Public Utilities Commission
6 of Ohio has assigned for hearing at this time and
7 place case number 09-319-EL-CSS, In the Matter of
8 Diane Frazier versus Ohio Edison Company. I'm Jim
9 Lynn. I'm the attorney examiner assigned to hear
10 this case.

11 At this time we'll have the appearances
12 of the parties. We'll start with Ms. Frazier.
13 Ms. Frazier, if you'd state your name and address,
14 please, for the court reporter.

15 MS. FRAZIER: Diane Frazier, 40 East
16 Dalton, D-a-l-t-o-n, Street, Akron, Ohio 44310.

17 HEARING EXAMINER: Thank you.

18 And representing Ohio Edison.

19 MR. ALEXANDER: My name is Trevor
20 Alexander with Calfee Halter & Griswold. With me is
21 Ned Kendall from Ohio Edison.

22 HEARING EXAMINER: Thank you.

23 With that in mind we'll start with
24 Ms. Frazier and move on to Ohio Ed from there.
25 Ms. Frazier, if you'd like to take the witness stand,

1 please.

2 MS. FRAZIER: Certainly.

3 HEARING EXAMINER: I'll swear you in. If
4 you'd raise your right hand.

5 (Witness sworn.)

6 HEARING EXAMINER: Thank you.
7 Ms. Frazier, can you explain what brings you here
8 today?

9 - - -

10 DIANE FRAZIER
11 being first duly sworn, as prescribed by law,
12 testified and was examined as follows:

13 DIRECT TESTIMONY

14 THE WITNESS: What brought me here today
15 was someone had switched my wires with the neighbor's
16 electrical wires next door on the post. I had been
17 having problems with my TV, and then one day I was in
18 the room right across from the post and I realized
19 someone connected the house next door's wires to mine
20 and there was a bunch of wires and everything up
21 there.

22 Now, I submitted pictures.

23 HEARING EXAMINER: Sure.

24 THE WITNESS: I called Ohio Edison. They
25 came out -- oh, did you want to ask a question?

1 HEARING EXAMINER: No. Please go ahead.
2 I'll ask when you're finished.

3 THE WITNESS: I called Ohio Edison, they
4 came out, and the original time they came out he
5 admitted that the wires were connected, but somehow
6 from the time he left my house and I got the letter
7 back, they said, you know, it was normal, it was
8 nothing out of the ordinary, all this kind of stuff.

9 I had called Ohio Edison several times
10 and just no kind of customer service whatsoever.
11 Now, this was last year when I called. It's been,
12 actually it's been over a year since my service has
13 been messed up.

14 I pay a fee every month for full service,
15 not partial service. The letters from Trevor law
16 firm stated that the wires weren't connected or
17 whatever, the answer to the complaint. And after the
18 hearing they came out, disconnected the wires. The
19 hearing was 7/21 of this year. 7/22 they came out
20 and disconnected the wires.

21 And so I was there when the guy came out
22 and disconnected the wires. I asked him, I said,
23 "Could you take all that other stuff off?" And I
24 said, "What is that extra stuff?" He said, "Well,
25 I'll clean it up." But there were two little boxes

1 that's in those pictures when I blew up my pictures,
2 zoomed in, they were still there. I said, "I would
3 like for you to disconnect that," I said, "because
4 that's interfering with my TV."

5 He said -- now, this is what he told me,
6 I lived in the house 24 years, he told me that the
7 streetlights was using my line but wasn't using the
8 electricity. I don't know how dumb he thought I was,
9 but that was totally asinine, and he had an Ohio
10 Edison truck and Ohio Edison garb.

11 Okay. So then he said, "Do you want to
12 speak to my supervisor?" I said, "I certainly do."
13 He said, "Well, he drove up with me, but he went on."
14 He said, "I'll call him back for you."

15 Now, I did see two trucks. He said
16 something to the guy that was going on up to
17 disconnect the wires and he drove on. Well, I waited
18 and waited and waited, and he never came back, he
19 never called me. So finally I called Ohio Edison
20 again saying that.

21 And she connected me with a Terry Brian,
22 I believe. When I told him what the guy had told me
23 about the streetlight using my, you know, my line but
24 not my service, whatever, he laughed. He said,
25 "Well, I'll come out and check it out." Well, he

1 never came. And then when I tried to get in touch
2 with him again, he never responded.

3 Since that hearing I have spoken to
4 him -- you -- and the hearing officer. He told me,
5 he said, well, the lawyer for Ohio Edison, he told
6 me, he said, "Well, we did what you asked. We
7 disconnected the wire from the house." But before
8 they even -- they didn't even agree that it was
9 connected, okay? All of a sudden, okay, it was
10 connected, they're disconnecting it.

11 And I said, "Well, what about those other
12 little things up there?" I said, "Now that
13 everything is digital, they don't need that line
14 actually to go to the other house" because I had
15 analog stations and digital stations.

16 But he said, "Well, I don't believe that
17 was in the original complaint." And I told him, I
18 said, "I submitted pictures with the original
19 complaint which includes all that other stuff up
20 there. It's not a new claim. It was the same
21 claim."

22 And so I told him I wasn't satisfied,
23 that I was going to go ahead with the hearing. So
24 then I spoke to the hearing officer, he said, "Well,
25 do you want to talk to him again?" No. It's already

1 been over a year.

2 It was messed up very badly before I even
3 called Ohio Edison. After I called Ohio Edison
4 nothing's changed. I have given them an opportunity.
5 I've spoken to them time and time again. I am so
6 sick of it. You know what, before I was willing to
7 have my own VCRs fixed because the electricity was
8 messing up my VCRs and messed up my TV. I was going
9 to do all that. Now I want compensation.

10 I've been discriminated against by this
11 company, my service has been messed up, I can't see
12 any TV at all; this is ridiculous. And I want
13 compensation. I'm not paying my money to have my
14 stuff fixed up.

15 HEARING EXAMINER: Okay. Ms. Frazier,
16 you mentioned some photographs.

17 THE WITNESS: I did. I submitted them to
18 you.

19 HEARING EXAMINER: Okay. I have a copy
20 of your complaint here that has those photographs on
21 them, would you like to -- are you interested in
22 having that be part of the record for this case,
23 introducing this as an exhibit of yours?

24 THE WITNESS: Of course.

25 MR. ALEXANDER: Mr. Lynn, I've actually

1 got copies.

2 HEARING EXAMINER: You have that too.

3 MR. ALEXANDER: Yes.

4 HEARING EXAMINER: Well, we'll consider
5 this, then, to be Frazier Exhibit No. 1.

6 MR. ALEXANDER: May I approach?

7 HEARING EXAMINER: Yes, please. This is
8 your complaint filed with the photographs attached.

9 MR. ALEXANDER: These were actually
10 premarked as Exhibit A.

11 HEARING EXAMINER: Well, Frazier Exhibit
12 A [sic] then. Thank you.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 THE WITNESS: These things are dark. I
15 mean, I hope mine are showing better, the originals.

16 HEARING EXAMINER: What is here, if you
17 go, say, by page number, if you could indicate which
18 page number you think best illustrates what you were
19 referring to.

20 THE WITNESS: What about me looking at my
21 original? These things, it's hard to see these.

22 HEARING EXAMINER: I have the originals.

23 THE WITNESS: Thank you.

24 HEARING EXAMINER: Sure.

25 THE WITNESS: Okay. Now, I don't know

1 where it is in this so I can tell you what page
2 number it is.

3 Okay. You know, on this one you can't
4 even see it like you can on my colored one.

5 HEARING EXAMINER: Very well. Would you
6 like to go off the record for a minute and flip
7 through that and find the best page.

8 THE WITNESS: Okay.

9 HEARING EXAMINER: We'll go off the
10 record just for a minute, please.

11 (Recess taken.)

12 HEARING EXAMINER: We'll go back on the
13 record.

14 THE WITNESS: This one is good.

15 HEARING EXAMINER: Mr. Alexander, if
16 you'd like to come up here for a moment, please.

17 THE WITNESS: This one is good.

18 HEARING EXAMINER: We'll consider this,
19 then, on the exhibit that was submitted --

20 THE WITNESS: I couldn't find that
21 picture here.

22 HEARING EXAMINER: -- this would be --
23 I'm trying to get like a number.

24 MR. ALEXANDER: Page 4.

25 HEARING EXAMINER: Page 4 of what was

1 submitted.

2 THE WITNESS: I couldn't find this one in
3 this pile. I don't see it. That's too dark. I
4 can't see that.

5 MR. ALEXANDER: No. I'm sorry, that's
6 not correct.

7 THE WITNESS: I couldn't find that one in
8 this. And if that is this one, you can't see
9 anything.

10 HEARING EXAMINER: Let's go off the
11 record.

12 (Discussion off the record.)

13 HEARING EXAMINER: We'll go back on the
14 record. Ms. Frazier has a color version of her
15 earlier exhibit so the color version will be Frazier
16 Exhibit 1. And she's found a couple photographs she
17 thinks illustrate her problem.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 HEARING EXAMINER: So this was one of
20 them?

21 THE WITNESS: Yes.

22 HEARING EXAMINER: This is on what I have
23 which is the color version, this is on the second
24 page, the top photo.

25 THE WITNESS: Okay. Now, these two --

1 these two are the exact same photo, but --

2 HEARING EXAMINER: Well, again, if we
3 could go to the color version because that's the one
4 you want to rely on, correct?

5 THE WITNESS: I have two photos. I don't
6 know how clearly I can make this. I have two photos
7 that shows what I'm about to state here.

8 HEARING EXAMINER: Is this one of them?

9 THE WITNESS: This is one.

10 HEARING EXAMINER: Okay. This is, then,
11 on the color version --

12 THE WITNESS: That's in color; I can see
13 that.

14 HEARING EXAMINER: -- Frazier Exhibit 1,
15 then, this is on the top photo on the second page.
16 And you're intending that this illustrates, again,
17 what in particular?

18 THE WITNESS: After he cleaned these up
19 and separated the line, there were like, I thought it
20 was a wire 'cause I asked him, I said, "You know,
21 could you clean that up for me?" He said, "Sure, I
22 can do that."

23 He had come down, he went back up and
24 cleaned it up, but then after he cleaned it up it was
25 like a little thing like this along the line, it was

1 hard to see, but here it is right here, and there's
2 one up under here. It's two lines.

3 HEARING EXAMINER: But is that
4 illustrated on this photo here somewhere?

5 THE WITNESS: Yes. It's right up under
6 here.

7 HEARING EXAMINER: Ms. Frazier had been
8 referring to whatever, her Exhibit A, and we're going
9 to Exhibit 1 actually. Okay. Second page, top
10 photo.

11 THE WITNESS: Yeah, it's the same, exact
12 same thing.

13 HEARING EXAMINER: You're pointing to,
14 again?

15 THE WITNESS: Okay, I'm pointing to up
16 under here.

17 HEARING EXAMINER: Oh, I see.

18 THE WITNESS: You see this under here?

19 HEARING EXAMINER: Yes.

20 THE WITNESS: That, and there's another
21 one up under here, and you can see it here too.

22 HEARING EXAMINER: What we're referring
23 to, for our court reporter here, is in this
24 photograph, and it's Frazier Exhibit 1, on the pole
25 and to the upper left there is sort of a triangular

1 shape of wires, and Ms. Frazier is concerned about,
2 apparently, multiple wires leading off from this wire
3 coming down from the pole.

4 You're concerned about this spot right
5 there?

6 THE WITNESS: Uh-huh.

7 HEARING EXAMINER: Okay.

8 THE WITNESS: Well, they came, okay, this
9 is what they did, they came and they took this wire,
10 because it was a bunch of looping going on here.

11 HEARING EXAMINER: Okay.

12 THE WITNESS: You see these wires?

13 HEARING EXAMINER: Yes. You're talking
14 about several wires sort of mixed together.

15 THE WITNESS: They disconnected this one
16 and put it over here, mid-line connection.

17 HEARING EXAMINER: So what Ms. Frazier is
18 referring to is one of this sort of conglomeration of
19 wires here up to the left of the pole, she's saying
20 that one of these lines that was coming down from
21 this mix-up of wires was later, what, separated and
22 attached directly to the pole itself or something?

23 THE WITNESS: No, to the line. He had a
24 mid-line connection and he moved this over, connected
25 that.

1 HEARING EXAMINER: I see, okay.

2 THE WITNESS: Then disconnected mine.
3 But then when he cleared up all the unused wires, I
4 could see two little things like this real close.
5 You see this, they're skinny along the line.

6 HEARING EXAMINER: Yes.

7 THE WITNESS: And I said, "Well, take
8 that off," I said, "because with digital, now that
9 everything is digital, actually I didn't need this
10 line"; that's what messed up my analog stations. So
11 now that everything is digital, they're still there.
12 I said, "Could you" -- he said, "No. That needs to
13 stay there for the safety of the public -- the
14 utility like."

15 HEARING EXAMINER: So what you're
16 indicating -- and, Mr. Alexander, you'll certainly
17 have a chance to ask questions too -- but as we go
18 along, just trying to clarify things, what you're
19 indicating is that Ohio Edison did come to your
20 location and made, in your opinion, a partial
21 correction of what the problem was.

22 THE WITNESS: Exactly. Exactly.

23 HEARING EXAMINER: But not a complete
24 correction.

25 THE WITNESS: Exactly.

1 HEARING EXAMINER: And, therefore, you
2 are still having some problems with your television,
3 so on and so forth.

4 THE WITNESS: Absolutely. Absolutely.

5 HEARING EXAMINER: And your television,
6 this is cable TV or is it --

7 THE WITNESS: No, this is regular TV.

8 HEARING EXAMINER: -- over the air? I
9 see, okay. So you're contending Ohio Edison came to
10 your residence, made some correction to the concern
11 that you had.

12 THE WITNESS: And that's what I stated to
13 him. He called and spoke to me over the phone.

14 HEARING EXAMINER: Some correction, but
15 not, in your opinion, a complete correction.

16 THE WITNESS: Exactly.

17 HEARING EXAMINER: And you are still
18 having some difficulties with your television
19 reception which is over the air --

20 THE WITNESS: It's catching my digital
21 signals, yes.

22 HEARING EXAMINER: It's catching your
23 digital signals. So this is over the airwaves.

24 THE WITNESS: Yes.

25 HEARING EXAMINER: Now, was there any

1 other photograph in this, "this" would be Frazier
2 Exhibit 1, that you thought well illustrated the
3 problem?

4 THE WITNESS: Well, let me go through all
5 of them. I mean I -- these two --

6 HEARING EXAMINER: Again, it would be
7 helpful -- perhaps, since we're relying on this one,
8 it would be helpful to use the color.

9 THE WITNESS: Well, I only saw that one
10 color photo. All of them are colored back here
11 somewhere?

12 HEARING EXAMINER: They all should be
13 colored, yes.

14 THE WITNESS: Oh, okay. So this
15 illustrates it pretty well. You can actually see
16 that little thing I'm talking about.

17 HEARING EXAMINER: Okay. This would be
18 the only photograph in Frazier Exhibit 1 on the third
19 page.

20 THE WITNESS: This is neat. Okay. Yeah.
21 Can you still see that? It's skinny.

22 HEARING EXAMINER: So again, Ms. Frazier
23 is going to the fourth page, I guess, the fourth
24 page, and she's continually pointing to the same
25 collection of wires that is not directly attached to

1 the pole, apparently, but --

2 THE WITNESS: It was so many wires
3 attached to that pole.

4 HEARING EXAMINER: -- somewhat removed
5 from the pole.

6 So what you're indicating is that Ohio
7 Edison came out and made some correction to that,
8 apparently it does not look exactly the same as these
9 photos now.

10 THE WITNESS: No, it does not.

11 HEARING EXAMINER: And you're still
12 having some difficulty with your television over the
13 airwaves reception.

14 THE WITNESS: Absolutely. Absolutely.

15 HEARING EXAMINER: All right. I don't
16 have any -- I might have another question or two.
17 Mr. Alexander, I'll let you proceed and then I may
18 have further questions. Whenever you're ready to ask
19 your questions.

20 MR. ALEXANDER: Thank you very much.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Alexander:

24 Q. Good morning, Ms. Frazier.

25 A. Good morning.

1 Q. Please take a look at what's been
2 previously marked as Exhibit A.

3 HEARING EXAMINER: That would be the
4 black and white.

5 Q. Specifically the first page. Is that a
6 true and accurate copy of your complaint?

7 A. Oh, the first page.

8 Pretty much, yes.

9 MR. ALEXANDER: May I?

10 HEARING EXAMINER: Yes.

11 A. And that's why I connected the pictures
12 with the statement.

13 Q. I'm handing you what's previously been
14 marked as Exhibit B.

15 HEARING EXAMINER: B as in boy?

16 MR. ALEXANDER: As in boy.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 HEARING EXAMINER: Okay.

19 Q. Is this a picture of the property in
20 issue in the complaint?

21 A. Uh-huh. That's not the pictures of the
22 wire. What has happened was -- do you want me to
23 explain this? I'll be more than happy to, because
24 now it's part of another court system that I'm going
25 through.

1 I found out -- I'd be more than happy to
2 explain this. I found out --

3 HEARING EXAMINER: Just to clarify, this
4 is then Frazier Exhibit B, correct?

5 MR. ALEXANDER: No, this is Ohio Edison
6 Exhibit B.

7 THE WITNESS: That is a picture of my
8 house.

9 HEARING EXAMINER: So earlier that was
10 Ohio Edison Exhibit A.

11 MR. ALEXANDER: That's correct.

12 HEARING EXAMINER: My mistake. Okay,
13 we'll call the color photos Frazier Exhibit 1.

14 A. I'll be more than happy to explain this.
15 I found out that Johnny Donofrio, who is the Summit
16 County Auditor, was, well, he was stealing from the
17 taxpayers; apparently, I'm not the only one.

18 When I contacted an attorney, he said
19 there's probably others and I should file a class
20 action suit. And every time I -- but he was in
21 another county. And every time I contacted an
22 attorney around here, they would take it, check into
23 it, and then drop it, wouldn't take it.

24 This man, I really do believe, is
25 responsible for some of the things that's been going

1 on near my home, but I'm not paying Johnny Donofrio
2 for electric services. That's why I did not make him
3 part of this complaint. I'm paying Ohio Edison for
4 my services. See, I went after him another way.

5 Q. Thank you, Ms. Frazier.

6 Is it a fair summary of your complaint to
7 state that we are here because you're unhappy that
8 the streetlight --

9 A. With your services. No, with my
10 electrical service going into my home, that's why
11 we're here.

12 Q. Okay. What specific service problem are
13 you alleging?

14 A. It's not an allegation. I can't get
15 stations for my TV. I bought a brand-new digital TV,
16 and I can't get any stations. The only thing that I
17 can get on my TV is I can play my DVD. I can't get
18 any stations on my TV whatsoever. Brand-new TV and I
19 can't get it.

20 Q. So your complaint is that your television
21 service isn't good.

22 A. No. No. My complaint is the electrical
23 service. These things that I alluded to, I pointed
24 to them while you were standing here, is interfering
25 with me receiving my signals. See, this is -- I

1 didn't make him -- I did not make this man part of my
2 complaint --

3 HEARING EXAMINER: For the record --

4 A. -- in no shape or form.

5 HEARING EXAMINER: Okay. Ms. Frazier's
6 holding up Ohio Ed Exhibit B.

7 Q. Ms. Frazier, do you have any training as
8 an electrician or an electrical engineer?

9 A. No, but I lived in the house 24 years and
10 I never had a problem until that mess -- fiasco on my
11 service line came up. It doesn't take rocket
12 scientists to figure that one out.

13 Q. Is it your testimony here today that you
14 were paying for your neighbor's usage?

15 A. For a short time, yeah. Then he moved
16 away. And once he moved away, my bill went right
17 back down to the normal. They haven't been there for
18 a long time.

19 Q. When did your neighbor move away?

20 A. In March.

21 Q. March of?

22 A. This year.

23 Q. So March of 2009.

24 A. Exactly.

25 Q. Your initial complaint alleges that your

1 neighbor had tampered with your meter; is that
2 correct?

3 A. No. I did not state that, nor is it
4 stated in this. And my neighbor -- there's nothing
5 in this that said my neighbor tampered with anything.
6 I did not allege that. No, I did not.

7 What you don't see in here is not what I
8 stated nor I've written.

9 HEARING EXAMINER: And Ms. Frazier is
10 holding up Ohio Ed Exhibit A when she's making those
11 statements.

12 Q. Isn't it true that Ohio Edison came to
13 your property and changed the wiring structure in
14 response to your complaint?

15 A. They came, they didn't do the whole job;
16 you were standing here when I mentioned that. They
17 didn't do the whole job, 'cause I was there when he
18 came, and I went out and spoke to the gentleman.

19 Q. Is it your testimony here today that your
20 house is still connected to your neighbor's house?

21 A. I had just stated that they came and
22 disconnected it. I don't know how many times I must
23 state that for you.

24 Q. Have you brought any evidence from an
25 electrician or electrical engineer with you today in

1 support of your complaint?

2 A. You told me -- when I had the hearing, I
3 asked if I could get an engineer or electrician to go
4 up there and change it. His answer was no because
5 that was the property of Ohio Edison. Therefore, I'm
6 coming after you because I have no option but to have
7 you do it, and your company refuses to do it. So
8 that is why we're here. They told me no.

9 Q. Ms. Frazier, I don't think you understood
10 my question. My question was do you have a report or
11 any documentation from an electrician or electrical
12 engineer?

13 A. My problem was on the post. I was
14 told -- yes, I understood exactly what you were
15 saying. My problem was on the post. You stated to
16 me that I had no right to do anything on that post
17 because it belonged to Ohio Edison so, therefore, no,
18 I had no one come and do anything because I didn't
19 have the right to do it. That's what I was told in
20 the hearing.

21 HEARING EXAMINER: I'll mention for the
22 record here when Ms. Frazier refers to the hearing,
23 you're referring to the discussions that actually
24 took place before today --

25 THE WITNESS: Yes.

1 HEARING EXAMINER: -- here in person, it
2 was actually --

3 THE WITNESS: Yes.

4 HEARING EXAMINER: -- what we call a
5 prehearing conference. Just so anybody who was
6 reading the record will know.

7 THE WITNESS: Okay.

8 HEARING EXAMINER: We call it a
9 prehearing conference. It was actually a hearing --

10 THE WITNESS: 'Cause I was going to do
11 that, but when they kept telling me I had no right to
12 do that, then I said, "Well, okay. Fine. I'll just
13 stick with this."

14 HEARING EXAMINER: And "this" is?

15 MR. ALEXANDER: Ohio Edison Exhibit C.

16 HEARING EXAMINER: Mr. Alexander is
17 introducing Ohio Edison Exhibit C.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 Q. (By Mr. Alexander) Ms. Frazier, is this a
20 true and accurate copy of the discovery requests that
21 you received from Ohio Edison in this case?

22 A. Is this what?

23 Q. Is this a true and accurate copy of the
24 discovery requests that you received from Ohio Edison
25 in this case?

1 A. I don't know. I don't have my copy with
2 me.

3 Q. Please just let me know when you've had a
4 chance to review it.

5 A. You wanted me to submit a lot of
6 documents, which I've already submitted documentation
7 I had submitted.

8 Q. Did you ever submit a response to these
9 discovery requests?

10 A. I didn't have any document -- no, I
11 didn't have any documentation to send you. You had
12 all the documentation. You sent -- what was it,
13 something, a response to the original complaint,
14 'cause I called Jim Lynn and spoke with him and I
15 said "What must I do now?"

16 You said, "Well, that was just a
17 response." I need do nothing. Or whoever I spoke
18 with. I do believe it was you.

19 When I received -- not this. You sent
20 something else. This was after the hearing.

21 Q. Ms. Frazier, my question is very simple,
22 did you ever send Ohio Edison a response to these
23 discovery requests?

24 A. And I will restate what I told you. I
25 looked through this. I had nothing to submit. I've

1 already submitted everything that I need to submit:
2 Pictures, complaint. No. There was nothing further
3 to submit to you, therefore, no, I did not. Is that
4 clear enough for you?

5 Q. Do you have any evidence with you here
6 today that shows that the wires you pointed to on
7 Frazier Exhibit 1 have any impact on your television
8 service?

9 A. Yeah, because my television service is
10 still not working. I still cannot watch my TV. Is
11 that good enough for you? I would have brought it
12 along had I thought it would help, you know. I
13 cannot watch my television. I don't know how much
14 more clearly I can make this.

15 MR. ALEXANDER: I have no further
16 questions.

17 HEARING EXAMINER: Thank you,
18 Mr. Alexander.

19 Ms. Frazier, I'll ask a few questions so
20 I can get something clear in my mind for the record.

21 THE WITNESS: Okay.

22 - - -

23 EXAMINATION

24 By the Hearing Examiner:

25 Q. You're indicating that prior to Ohio

1 Edison making what you feel are some corrections to
2 your problem, but not all the corrections that were
3 needed, you're saying that there had been an
4 electrical line going to your home that also was
5 attached to your neighbor's home.

6 A. Yeah.

7 Q. And you're indicating that that is no
8 longer the case.

9 A. Exactly.

10 Q. Okay. But you are also saying that while
11 it was attached to your neighbor's home, was it your
12 belief that your neighbors were getting electrical
13 service that you were paying for?

14 A. I truly believe that because the rates
15 went up.

16 Q. I see. So when you say "the rates," you
17 mean the bill --

18 A. The bill had gone up.

19 Q. And during what period of time was this
20 the case? Approximately.

21 A. It was during that time my line was
22 connected, but I didn't know right away.

23 Q. Right.

24 A. What alluded me to it was just looking at
25 my bills and noticing my bills had gone up for a

1 certain period of time.

2 Q. What I wondered is what month and year.
3 For example, in your complaint which was --

4 A. I did not bring my bills. I should have
5 brought them with me, but I didn't. They have copies
6 of them.

7 Q. Your Exhibit 1, you're saying the problem
8 had gone on, the electrical wires are connected to
9 the house next door, going on since last year, got
10 pretty bad in November and December of 2008.

11 A. The picture did.

12 Q. The picture? You mean your television.

13 A. In my television. I mean, I couldn't see
14 TV. It had really gotten so bad that I couldn't even
15 watch TV.

16 Q. Well, let's go back to the billing issue
17 for just a moment.

18 A. About the same time. That's when I
19 noticed -- the bills is what alluded me to the
20 wiring, because I'm thinking something's going on, my
21 bills have gone up.

22 Q. And you're saying this occurred during
23 2008, then.

24 A. Yes.

25 Q. And do you recall what months?

1 A. Not specific months.

2 Q. Not specifically.

3 A. No, I didn't bring those bills, but I can
4 get those. I can call you back with that
5 information.

6 Q. Well, we'll just work with the
7 information we have today.

8 A. Okay.

9 Q. So you're saying that you believe your
10 neighbor was receiving electrical service that you
11 were actually paying for.

12 A. I do.

13 Q. And that line going to your neighbor's
14 home is no longer connected to your neighbor's home.

15 A. And my bills went right back down to what
16 they were.

17 Q. Your bills have gone back down, okay.
18 And again, if I understand your descriptions
19 correctly and your photographs correctly, you're
20 saying that there was a line headed to your home and
21 there was some sort of a split and then from there a
22 wire went off to your neighbor's home; am I correct?

23 A. Could you restate that?

24 Q. Okay. There was a line that was coming
25 down to your home and then it's --

1 A. No. No. No. No. The wiring from my
2 home to the post or to that line and their wiring
3 were connected.

4 Q. Oh, I see. So you're saying -- describe
5 that to me one more time.

6 A. Okay. At the top, you know, at the top
7 of the home there's a wire that goes out to the
8 street.

9 Q. Well, yes, there would be a connection
10 from your home to --

11 A. Yeah.

12 Q. -- the electrical service.

13 A. I have no cable or anything else, so
14 that's the only thing I have.

15 Q. Okay.

16 A. And likewise, from their home they were
17 connected in air at the post, okay?

18 Q. I see. So just a minute. Would the
19 color photographs help you?

20 A. Yes, because I can't distinguish all
21 this --

22 HEARING EXAMINER: Hold on. We'll go
23 back to Frazier Exhibit 1 then. And, Mr. Alexander,
24 if you want to approach for a moment, please.

25 Q. I believe you were referring primarily to

1 the second page of color photos, this one here I
2 believe, correct, the top photo on the second page?

3 A. Yeah. What you can't see is this is
4 their line and this is my line.

5 Q. I see.

6 A. But it's better here.

7 Q. Okay. So this is actually -- just a
8 minute, please.

9 A. But this is what we're talking about now.

10 Q. "This" would be Frazier Exhibit 1, it's
11 the third page of the color photos, and what you're
12 saying is that --

13 A. Okay. This is coming from the corner of
14 my --

15 Q. Of your home.

16 A. Of my home.

17 HEARING EXAMINER: Okay. Ms. Frazier is
18 referring to, this would be Frazier Exhibit 1, third
19 page of the color photos, and there's a wire that
20 comes almost straight down, let's see, it would be
21 straight down vertically from the wires that are
22 crossing the pole horizontally, and she's indicating
23 that this wire that's coming straight down vertically
24 is attached to her home. And there's a wire somewhat
25 to the left of that that is not horizontal nor

1 vertical, it's maybe like at a 45-degree angle to the
2 horizontal line, she's saying that's the line that is
3 going to her neighbor's home.

4 THE WITNESS: Exactly.

5 Q. Or, was going to your neighbor's home.

6 A. Yes. They disconnected that.

7 Q. You believe because of that arrangement
8 your neighbor was benefiting from service that you
9 were paying for.

10 A. Somebody was 'cause I was paying a higher
11 bill than normally.

12 Q. Okay. So your bills went up and that's
13 why --

14 A. That's what drew my attention is like,
15 there's a problem here.

16 Q. Okay. Thank you.

17 Now, as far as the television service
18 goes, you're indicating that you are still having
19 some difficulty with your TV reception.

20 A. Uh-huh.

21 Q. And that you bought a digital television,
22 was it earlier this year or late last year?

23 A. It was last year.

24 Q. Okay, last year. And that you have a
25 digital television and that you are having difficulty

1 with your reception which is over the airwaves
2 reception. You do not have cable television.

3 A. No, I do not.

4 Q. I see, okay. Let's see. So you're
5 indicating that really all you can do with your
6 digital television currently is play DVDs.

7 A. Right. Oh, I can get a few stations, but
8 it's something I really don't want to see, I don't
9 watch.

10 Q. Okay.

11 A. Because they're being caught, my signal
12 somehow with these contraptions, it's not -- somehow
13 with these contraptions they're able to capture my
14 digital signal.

15 Q. Okay.

16 A. For the most part.

17 Q. The contraptions being --

18 A. Those little things that I pointed out to
19 you in the picture.

20 Q. The aspects of the electrical wires
21 outside your home --

22 A. Yes.

23 Q. -- that you feel --

24 A. Absolutely.

25 Q. -- still have not been corrected.

1 A. Absolutely.

2 Q. And you believe that is interfering with
3 your television.

4 A. Absolutely.

5 Q. Which is a digital TV.

6 A. Yes. Absolutely.

7 Q. And this is over the airwaves.

8 A. Yes.

9 Q. Okay. When you're saying you want some
10 compensation, are you indicating that you wanted some
11 money refunded on your bill, or how do you mean
12 exactly when you say you wanted compensation for
13 this?

14 A. Well, I don't know if my other TVs are
15 even working after all this electricity and stuff
16 because they stopped -- before they went to --

17 Q. Digital.

18 A. -- digital, yeah, because they had
19 postponed it I think a couple times.

20 Q. Well, actually, digital now is in full
21 service.

22 A. I know. As of June. But they had
23 postponed it. It was supposed to have gone on the
24 earlier part of this year.

25 Q. At any rate, you're saying you want some

1 compensation for the fact that you believe that you
2 were --

3 A. Yes, because I don't have --

4 Q. -- basically you believe you were
5 overcharged on your bill.

6 A. I want it all. I want -- they
7 overcharged me, and I can go back to my bills and
8 pick up. They overcharged me. Somebody was getting
9 use of my electricity service. They overcharged me.
10 I have two VCRs that were messed up, my TVs were
11 messed up. Now, the other TVs are regular
12 television.

13 Q. Nondigital.

14 A. Right.

15 Q. Okay.

16 A. And before they switched over I just
17 couldn't get any picture on them whatsoever.

18 Q. You couldn't get a signal, okay.

19 A. Yeah.

20 Q. So you're indicating that --

21 A. I don't know if it would clear. I don't
22 know.

23 Q. You had difficulty with what was called
24 the analog reception, too, predigital.

25 A. Yes. Absolutely.

1 Q. And your VCRs weren't working properly.

2 A. Yeah.

3 Q. Okay. Mr. Alexander had introduced Ohio
4 Edison Exhibit B to you, those are the photographs
5 which apparently are signs on the front of your home;
6 am I correct?

7 A. Right. Yes. And this has nothing to do
8 with this case whatsoever.

9 Q. All right.

10 A. May I ask a question?

11 Q. Sure.

12 A. What does this have to do -- I don't pay
13 Johnny Donofrio for electrical service so I'm just
14 curious as to what this has to do with my case since
15 he is not in the original complaint.

16 Q. Well --

17 A. No. I would like to know.

18 Q. Well, what you can do is when you're no
19 longer on the witness stand and the witness for Ohio
20 Edison is up here --

21 A. Oh, okay.

22 Q. -- you can ask your questions then.

23 A. Okay. Is this my copy? Because I would
24 like to -- okay.

25 HEARING EXAMINER: And she's referring to

1 Ohio Ed Exhibit B.

2 Okay. I don't believe I have any more
3 questions at this time. Thank you. You can take
4 your seat for the time being.

5 THE WITNESS: Is one of these mine?
6 Here's another one.

7 HEARING EXAMINER: Yes.

8 THE WITNESS: Oh, here's two of them.

9 HEARING EXAMINER: The copies of Ohio Ed
10 Exhibit A, those are yours.

11 THE WITNESS: Both of these are.

12 HEARING EXAMINER: Apparently they're
13 duplicates, right, Mr. Alexander?

14 MR. ALEXANDER: It should be Ohio Edison
15 Exhibits A, B, and C, and you can have all those.

16 HEARING EXAMINER: A is your original
17 complaint.

18 THE WITNESS: Okay, I got it.

19 HEARING EXAMINER: B is this photograph
20 of the signs on her home.

21 MR. ALEXANDER: The property, yes.

22 HEARING EXAMINER: C is the discovery
23 requests, okay.

24 Thank you. Ms. Frazier, if you'll take
25 your seat, please.

1 THE WITNESS: I certainly will.

2 (Witness excused.)

3 HEARING EXAMINER: And Ohio Edison,
4 Mr. Alexander, if you'd like to call your witness.

5 MR. ALEXANDER: Ohio Edison would call
6 Ned Kendall from Ohio Edison.

7 HEARING EXAMINER: Mr. Kendall, come up
8 front. If you'd raise your right hand, please.

9 (Witness sworn.)

10 HEARING EXAMINER: Please take your seat.

11 And, Mr. Alexander, please go ahead with
12 your questioning then.

13 - - -

14 NED G. KENDALL III
15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Alexander:

19 Q. Good morning, Mr. Kendall.

20 A. Good morning.

21 Q. Could you please state your name for the
22 record.

23 A. Yes. Ned G. Kendall III.

24 Q. Could you spell that, please.

25 A. That's N-e-d G, as in George, Kendall,

1 K-e-n-d-a-l-l, III.

2 Q. Mr. Kendall, are you currently employed?

3 A. Yes, with Ohio Edison.

4 Q. And how long have you been with Ohio Ed?

5 A. Just about six years.

6 Q. What's your current job title?

7 A. I'm an account manager.

8 Q. Did you personally visit the property at
9 issue in this complaint in connection with your
10 position at Ohio Edison?

11 A. Yes, I did.

12 MR. ALEXANDER: If we could go off the
13 record for just one moment.

14 HEARING EXAMINER: Yes, we'll go off the
15 record for one moment, please.

16 (Discussion off the record.)

17 HEARING EXAMINER: Go back on the record.
18 Mr. Alexander has provided the witness with Ohio Ed
19 Exhibits A, B, and C.

20 Q. Mr. Kendall, is Exhibit B a picture of
21 the house that you visited?

22 A. Yes.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 Q. I'm now handing you what has been
25 previously marked as Ohio Edison Exhibit D as in dog.

1 Mr. Kendall, when Ohio Edison has a customer contact,
2 is it Ohio Edison's normal practice to create a
3 memorandum or report at or near the time of that
4 contact in the regular course of business?

5 A. Yes.

6 Q. Is this report kept in the course of Ohio
7 Edison's regularly conducted business activity?

8 A. Yes.

9 Q. Are these reports kept electronically by
10 Ohio Edison?

11 A. Yes, they are.

12 Q. Are you familiar with the general format
13 of these reports?

14 A. Yes.

15 Q. As part of your employment with Ohio
16 Edison do you have access to these reports?

17 A. Yes, I do.

18 Q. Did you have occasion to review the
19 reports relating to Ms. Frazier's property?

20 A. Yes, I did.

21 Q. Is Exhibit D a true and accurate copy of
22 the reports created in the ordinary course of
23 business related to Ms. Frazier's property?

24 A. Yes.

25 Q. Could you please briefly walk us through

1 what this document shows?

2 A. Sure. These are screen prints from SAP,
3 a database that we use to maintain accounts.

4 HEARING EXAMINER: SAP stands for what,
5 sir?

6 THE WITNESS: I'm not too sure. That's
7 the name of the company. It's a German company.

8 HEARING EXAMINER: All right.

9 A. It looks like Mrs. Frazier called
10 December 18th, this is the first time she had a
11 complaint. She stated that her neighbor had attached
12 himself to her meter. It looks like at that time we
13 created a work request to investigate
14 tampering/foreign load on our meter.

15 It looks like she called back again about
16 the same incident on the 18th, stated that, again,
17 the neighbor had attached --

18 MS. FRAZIER: No.

19 A. -- himself to her meter.

20 HEARING EXAMINER: You'll have your
21 opportunity.

22 A. She stated I guess it was before the
23 meter, and there's a note here about contacting the
24 police. A note that it's up on the post,
25 second-story meter, and they informed her that they

1 would send somebody out.

2 HEARING EXAMINER: For the record, this
3 gentleman was referring to Ohio Ed Exhibit D, the
4 next-to-the-last page close to the bottom.

5 A. Looks like on the 22nd Mrs. Frazier
6 called back to check up on the status of that
7 notification. Looks like she was transferred over to
8 another representative and they advised her that the
9 notification would be worked shortly and the
10 reference is any day.

11 Again on the 22nd it looks like she
12 called in again to check on the status, and we
13 advised her that somebody would be coming out to the
14 property.

15 And on the 23rd of December it looks
16 like Mrs. Frazier called in again about the same
17 issues. I guess there's a comment about outlets that
18 are sparking. It looks like the account manager
19 informed them that the tampering notification is
20 loaded, still to be worked.

21 Remarks here that the representative said
22 that Mrs. Frazier would not let her explain the
23 options on the account, that she was being
24 interrupted, that she didn't care about what the rep
25 had to say and ended the call. Again, it looks like

1 the rep didn't have a chance to explain that they
2 were sending a trouble man out to check the voltage.
3 She had a complaint about the voltage.

4 HEARING EXAMINER: And which date are you
5 referring to?

6 THE WITNESS: December 23rd.

7 HEARING EXAMINER: December 23rd, okay.

8 A. And it looks like there's a note she
9 called back in about the status, and it appears that
10 the call center representative quoted -- the trouble
11 man had been to the house, Trouble Man Bean, and
12 reported good voltage at the meter base, that there
13 was not a problem with the voltage that day.

14 Again December 26th Mrs. Frazier called
15 in, and it looks like the representative advised her
16 that the trouble man didn't find any problems, and
17 she accused the representative of lying or the
18 trouble man of lying; it's hard to say from here.
19 That she -- she also said she was going to go to the
20 PUCO with pictures of the outside of her house, and
21 she kept going on about everything, says neighbor's
22 trying to murder her and --

23 MS. FRAZIER: Oh, that's a lie.

24 HEARING EXAMINER: Ms. Frazier, you'll
25 have your chance when the witness is finished.

1 And I'll clarify for the record, trouble
2 man, you're referring to whatever technician's on the
3 property.

4 THE WITNESS: Yes.

5 MS. FRAZIER: I know that was included
6 because of this, but it had nothing to do with that.
7 All my stuff was about the electrical.

8 HEARING EXAMINER: Ms. Frazier, wait till
9 the witness has finished.

10 Q. (By Mr. Alexander) All right.
11 Mr. Kendall, just to fast forward us a little bit
12 here, was there another contact on July 23rd, 2009?

13 A. Yes. Looks like Mrs. Frazier called in
14 on July 23rd and stated that an employee -- an Ohio
15 Edison employee was at her house that day, she
16 mentions a black box that's located on her line that
17 she was told that goes to a streetlight, and that she
18 wanted it removed. She claims that that streetlight
19 had never been there before.

20 MS. FRAZIER: I never said -- that
21 streetlight's been there for 24 years.

22 HEARING EXAMINER: Ms. Frazier, wait till
23 he's finished, please.

24 A. And I guess the worker mentioned that a
25 supervisor would come back out to the property.

1 Looks like the call center representative talked to
2 the line shop regarding her inquiry.

3 Q. And, Mr. Kendall, you were here for
4 Ms. Frazier's previous testimony when she testified
5 the line was changed on or about July 22nd, 2009.

6 A. Yes.

7 Q. So this would have been the day after the
8 line was changed?

9 A. I believe that the line was actually
10 changed on the 23rd.

11 MS. FRAZIER: It was changed on the
12 22nd, the day after the hearing.

13 MR. ALEXANDER: Ms. Frazier --

14 HEARING EXAMINER: Ms. Frazier, again, if
15 you could please --

16 MS. FRAZIER: I need to get back up there
17 because he's not telling the truth. I need to rebut
18 some of this stuff.

19 HEARING EXAMINER: Again, you'll have
20 your opportunity.

21 MS. FRAZIER: Okay.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 Q. (By Mr. Alexander) Mr. Kendall, I'm
24 handing you what's been previously marked as Ohio
25 Edison Exhibit E. Could you please briefly explain

1 what this document represents.

2 A. Yes. This is a two-year billing summary
3 of Mrs. Frazier's account.

4 Q. Are you familiar with Ohio Edison's
5 recordkeeping policies relating to this data?

6 A. Yes.

7 Q. Have you personally reviewed the usage
8 data for Mrs. Frazier's account?

9 A. Yes, I have.

10 Q. Have there been any substantial change in
11 usage from September of 2007 to the present?

12 A. No.

13 Q. If there's been no significant change in
14 usage, what does that suggest to you?

15 A. That really nothing's changed. There's
16 nothing abnormal here. I mean, usage is pretty
17 consistent when you look at the two-year period here.

18 Q. When Ohio Edison went to Ms. Frazier's
19 property in response to her complaint, did it find
20 any evidence that Ms. Frazier's meter had been
21 tampered with?

22 A. No, they did not.

23 Q. Did they find any evidence of voltage
24 problems?

25 A. No, they did not.

1 Q. Just for background, are customers billed
2 for anything that happens before the electricity hits
3 their meter?

4 A. No.

5 Q. Please turn your attention to Exhibit 1,
6 page 4.

7 HEARING EXAMINER: That's Frazier Exhibit
8 1. I'll provide that to you, we only have one --

9 MR. ALEXANDER: I'm sorry, I thought it
10 was still on the witness chair.

11 HEARING EXAMINER: Page 4?

12 MR. ALEXANDER: Page 4, please.

13 May I approach?

14 HEARING EXAMINER: Yes, you can approach
15 just to make sure we're finding the same page.

16 MR. ALEXANDER: I'm sorry, I thought we
17 had marked it as page 4.

18 HEARING EXAMINER: This is actually,
19 let's see, Mr. Alexander is referring to what would
20 be the third page of color photographs in Frazier
21 Exhibit 1, okay.

22 MR. ALEXANDER: And that would be the
23 fourth page of the overall exhibit.

24 HEARING EXAMINER: Fourth page overall.

25 MR. ALEXANDER: Just so the record is

1 clear.

2 Ms. Frazier, if you would like to
3 approach, you can.

4 Q. (By Mr. Alexander) Mr. Kendall, I am
5 indicating the portion of a picture where two
6 different lines are meeting, a line that's horizontal
7 to the ground, one line appears to go vertically, one
8 line goes at a 45-degree angle between the horizontal
9 line and the vertical line. Do you see where I'm
10 indicating?

11 A. Yes.

12 Q. Mr. Kendall, would any connection at that
13 point have any impact on Ms. Frazier's bill?

14 A. No.

15 Q. Did Ohio Edison investigate whether the
16 line connection at Ms. Frazier's home as it exists in
17 that photograph was done appropriately?

18 A. Yes.

19 Q. Was it appropriate?

20 A. Yes.

21 Q. Even though the line connection was
22 appropriate, in Ohio Edison's opinion did Ohio Edison
23 still attempt to take steps to resolve this
24 customer's complaints?

25 A. Yes. I believe on the 13th they did

1 relocate the line mid-span --

2 MS. FRAZIER: Twenty-second.

3 A. -- on the secondary to appease
4 Mrs. Frazier.

5 Q. In your personal opinion, having visited
6 the property, was the connection to this home
7 appropriate?

8 A. Yes.

9 Q. In your opinion, does the connection to
10 the streetlight have any impact on Ms. Frazier's
11 service whatsoever?

12 A. No.

13 Q. In your opinion, is this customer billed
14 correctly and at the appropriate rate?

15 A. Yes.

16 HEARING EXAMINER: And, Mr. Kendall, if I
17 can interrupt for a moment, when you say the
18 connection is appropriate, you're referring to the
19 connection prior to any changes being made by Ohio
20 Edison?

21 THE WITNESS: Correct.

22 HEARING EXAMINER: Okay.

23 THE WITNESS: I mean, just looking at
24 this photograph here, it's a very common connection
25 on the secondary to have multiple, you know, two

1 customers tapping in on the same secondary line.

2 It's very common.

3 HEARING EXAMINER: Okay. And by
4 "secondary line" you mean what? That's the
5 horizontal line in that photo.

6 THE WITNESS: Correct.

7 HEARING EXAMINER: That's a line that
8 would be involved in the distribution of the home?

9 THE WITNESS: Correct. All residential
10 customers up and down that street would be tapped off
11 that secondary line.

12 HEARING EXAMINER: So the secondary line,
13 then, is typically the horizontal electrical wire
14 between the poles.

15 THE WITNESS: Correct.

16 HEARING EXAMINER: Okay. Thank you.

17 THE WITNESS: There's actually also
18 another -- a primary line that's above outside this;
19 it runs parallel with that secondary.

20 HEARING EXAMINER: It's not illustrated
21 in that photograph.

22 THE WITNESS: Correct. It's much higher
23 up on the pole.

24 Q. (By Mr. Alexander) Mr. Kendall, in your
25 opinion, are there any substantial service problems

1 associated with this account?

2 A. No.

3 MR. ALEXANDER: I have no further
4 questions.

5 HEARING EXAMINER: Okay. Ms. Frazier,
6 questions for the witness?

7 MS. FRAZIER: No. When he spoke about me
8 telling about the neighbors and stuff, I didn't even
9 mention the neighbors. I never even mentioned the --

10 MR. ALEXANDER: Objection.

11 HEARING EXAMINER: Do you have any,
12 actually, questions for Mr. Kendall?

13 MS. FRAZIER: No, because he -- no, I
14 don't have any questions.

15 HEARING EXAMINER: Do you have any
16 further statements to make?

17 MS. FRAZIER: I have further statements
18 to make.

19 HEARING EXAMINER: Then we can put you
20 back on the witness stand.

21 MS. FRAZIER: Okay. That's what needs to
22 happen.

23 HEARING EXAMINER: No further questions
24 then, Mr. Alexander.

25 MR. ALEXANDER: I have no further

1 questions for Mr. Kendall.

2 HEARING EXAMINER: Mr. Kendall, you can
3 resume your seat.

4 (Witness excused.)

5 HEARING EXAMINER: Ms. Frazier, you can
6 reoccupy the witness stand.

7 MS. FRAZIER: Thank you.

8 MR. KENDALL: Would you like this color
9 one?

10 HEARING EXAMINER: Yes.

11 Ms. Frazier, I'll remind you you are
12 still under oath.

13 MS. FRAZIER: Absolutely.

14 MR. ALEXANDER: Mr. Kendall, please leave
15 those copies.

16 HEARING EXAMINER: All right,
17 Ms. Frazier.

18 - - -

19 DIANE FRAZIER

20 being previously duly sworn, as prescribed by law,
21 further testified and was examined as follows:

22 REDIRECT TESTIMONY

23 THE WITNESS: Yes, first of all, I did
24 some investigation of my own. My neighbors, I went
25 to their houses, some of my friends, they were never

1 connected with another wire as he states was a normal
2 setup.

3 They don't have any of those little black
4 boxes connected up under their wires. I went to
5 several of my friends' home and out of all of them,
6 none of them had a connection like mine. None of
7 them are reporting they can't watch their television.
8 I still can't watch my TV.

9 And when I called in, I never stated all
10 that stuff that they was saying. They're lying. I
11 mean, they can put down I said anything, you know, I
12 have no proof because I didn't tape the conversation.

13 HEARING EXAMINER: And, Ms. Frazier, when
14 you're referring to black boxes, are you referring
15 to --

16 THE WITNESS: That little thing that's up
17 under the line. There are two.

18 HEARING EXAMINER: We're back on Frazier
19 Exhibit 1 and this is the --

20 THE WITNESS: This is -- it's a little
21 thing right up under the wire, and there are two of
22 them.

23 HEARING EXAMINER: For the record, this
24 would be on the fourth page overall of Frazier
25 Exhibit 1, the third page of color photos.

1 Mr. Alexander, if you'd like to come up here, that's
2 fine.

3 THE WITNESS: And none of my friends had
4 two wires connected together, they had a single
5 attachment.

6 HEARING EXAMINER: So Ms. Frazier is
7 referring to a point on the horizontal line where the
8 vertical line and the 45-degree line almost converge
9 or almost meet, and it's a little device there where
10 I guess the vertical line --

11 THE WITNESS: Yes.

12 HEARING EXAMINER: -- is connected to the
13 horizontal line.

14 Ms. Frazier, at any rate, you're saying
15 that you didn't observe that on any of the lines on
16 your neighbors' houses.

17 THE WITNESS: I went to, you know, and I
18 personally went and checked it out. It was nothing
19 like they're stating.

20 HEARING EXAMINER: And you believe that
21 that device is the cause of your electrical --

22 THE WITNESS: Those things are
23 interfering --

24 HEARING EXAMINER: -- difficulties.

25 THE WITNESS: Yes, I do.

1 HEARING EXAMINER: Your television
2 reception.

3 THE WITNESS: And I didn't see anything
4 on anybody else's line. They said, "Diane, what are
5 you looking for?" And I said, "Well, there is a
6 little, it's not much thicker than the wire itself on
7 my line," I said, "and I can't get any television."
8 She said, "You can't?" I said "No." So I went to
9 several of them and they -- they didn't have the
10 connection with the next-door neighbor, nothing like
11 that.

12 And when I called in and they wanted to
13 come out and check the meter, I told them no because
14 I knew there was nothing wrong with the meter. All
15 my problems was on Ohio Edison's line.

16 And I did suggest that I get an
17 electrician to go up there. They said "No."

18 HEARING EXAMINER: And when you say "They
19 said no" --

20 THE WITNESS: He did, in the hearing.

21 HEARING EXAMINER: So you're saying
22 actually, you mean in the conference that we had
23 prior to this.

24 THE WITNESS: In the conference, prior to
25 this, yes.

1 HEARING EXAMINER: You had asked whether
2 it was possible to have --

3 THE WITNESS: An electrician go up and
4 straighten that out so I could watch my television.
5 He said, "No. That's the property of Ohio Edison."

6 HEARING EXAMINER: And when you say "an
7 electrician," you're referring to someone other than
8 an Ohio Edison technician.

9 THE WITNESS: Exactly.

10 HEARING EXAMINER: I see.

11 THE WITNESS: And about the neighbor, I
12 didn't mention anything about the neighbor as far as
13 that, 'cause when they came to check the electrical
14 box outside my home, I went outside and I said, "What
15 are you doing?"

16 First of all, they didn't even knock on
17 the door. My dog kept running to the door. She
18 doesn't bark hardly, but she let me know someone was
19 out there. So I went out there, it was these people
20 I assume was from Ohio Edison. They never knocked on
21 my door to let me know they were there or anything.
22 They came up on my property doing this stuff and I
23 asked them "Well, what are you doing?" He said,
24 "Well, we came to check your meter, you called and
25 said" -- I said, "No, I did not state there was a

1 problem with my meter. It was on the post, on the
2 line."

3 I never said my neighbor tampered with
4 the box on the side of my house; that was untrue.
5 Because had I said that, I would have wanted them to
6 check the box on the side of my house. But I knew my
7 neighbor had not done that. I never said the
8 neighbor did that.

9 HEARING EXAMINER: So you do not believe
10 that the issue was anyone tampering with your meter,
11 but you do believe that --

12 THE WITNESS: Exactly.

13 HEARING EXAMINER: -- because of the way
14 the wires were connected to your home and your
15 neighbor's home prior to the corrections being made
16 by Ohio Edison, you believe that your neighbor was
17 receiving service that you ended up paying for.

18 THE WITNESS: Yeah. Somebody was,
19 because it went up.

20 HEARING EXAMINER: Or someone.

21 THE WITNESS: I circled -- my bills is
22 like 25 -- I don't even be home half the time. They
23 went up to 40, 50, you know. But, you know, that's
24 what alluded me to something was wrong because my
25 bills started going up, and I don't have a Play

1 Station, I don't have cable, I don't do a lot of
2 excessive watching of TV. And then I said, "Well,
3 why are my bills going up?" And when I went in that
4 room, 'cause it's a vacant room, and I looked out
5 there, I saw my wires connected.

6 HEARING EXAMINER: And again, when you're
7 indicating your bills went up, you're saying that was
8 primarily last year I guess, correct, 2008?

9 THE WITNESS: Yeah, but now I'm seeing
10 2009 \$42, 53.80, for December. That was December. I
11 did call in December. The December bill was \$53.80
12 when it's normally 28, 25, 33. And, well, they
13 didn't do -- they did 2007, which as you can see, 28,
14 28, 25, 28, 29, but they didn't do the beginning
15 of -- I mean the year 2008 for the basic. They have
16 2009. They have August --

17 HEARING EXAMINER: Ms. Frazier, for the
18 record, is referring to Ohio Ed Exhibit E.

19 Ms. Frazier, for my own information, the
20 heat in your home, was it gas heat or electric?

21 THE WITNESS: Gas.

22 HEARING EXAMINER: Gas heat, okay.

23 THE WITNESS: Yeah.

24 HEARING EXAMINER: So when you're
25 indicating that your bills had gone up, in your mind

1 excessively, you're referring to --

2 THE WITNESS: Well, it wasn't excessive,
3 but it did go up and I --

4 HEARING EXAMINER: It did go up.

5 THE WITNESS: And I didn't know, I
6 thought, what's going on, 'cause I'm hardly home and
7 I don't have anybody living there but me, you know.

8 HEARING EXAMINER: You're referring to
9 some of these increases, you're indicating bills --
10 you're billed typically in your --

11 THE WITNESS: It's pretty low, yeah.

12 HEARING EXAMINER: How much do you mean
13 by "pretty low"?

14 THE WITNESS: Well, as you can see, like
15 28.

16 HEARING EXAMINER: Okay.

17 THE WITNESS: Twenty-nine. Thirty.

18 HEARING EXAMINER: So your objection was
19 to some of the bills on Ohio Edison Exhibit E that
20 are, for example, anything like, what, \$50 and above
21 or something like that?

22 THE WITNESS: Yeah. Usually I don't even
23 check that, but it was just like with all -- and then
24 what I told him, I said -- and at one time the
25 voltage in my house was so bad that when I would go

1 stick a plug in, the spark would meet the plug before
2 I even got it into the outlet.

3 HEARING EXAMINER: I see.

4 THE WITNESS: And I did complain about
5 that, but I knew it was nothing wrong with my
6 service.

7 HEARING EXAMINER: Ms. Frazier, do you
8 have air conditioning at your home?

9 THE WITNESS: No.

10 HEARING EXAMINER: No air conditioning.

11 THE WITNESS: No air conditioning.

12 HEARING EXAMINER: No window air
13 conditioners.

14 THE WITNESS: I have fans.

15 HEARING EXAMINER: You have fans, okay.

16 THE WITNESS: My house normally is pretty
17 cool, so I never had to have that. I open the
18 window, put a fan in, and I'm usually fine.

19 HEARING EXAMINER: Okay. And you
20 indicated that you didn't happen to bring any of your
21 bills with you today.

22 THE WITNESS: No, I did not.

23 HEARING EXAMINER: Mr. Alexander, did you
24 have additional questions? Please go ahead.

25 MR. ALEXANDER: I do, just a few

1 follow-up questions.

2 - - -

3 RECROSS-EXAMINATION

4 By Mr. Alexander:

5 Q. Ms. Frazier, you previously testified
6 about a conversation you and I had at the prehearing
7 settlement conference; is that correct?

8 A. Uh-huh. Uh-huh, I mentioned some things.

9 Q. In that conversation you had requested
10 the ability to have yourself hire an electrician to
11 move the lines; is that correct?

12 A. What I said was "If you guys don't want
13 to take care of it, do I have the option to have that
14 done?" And I was told no because that was the
15 property of Ohio Edison.

16 Q. And by "take care of it" what are you
17 referring to?

18 A. To move the lines and take away all the
19 stuff that don't belong there. To fix whatever the
20 problem was that he found.

21 Q. Ms. Frazier, you previously testified
22 that you believed your neighbor was getting service
23 that you were paying for, that your neighbor --

24 A. Somebody was. My bill was going up. I
25 know I wasn't --

1 Q. Ms. Frazier, please let me finish my
2 question.

3 HEARING EXAMINER: Please let him finish.

4 THE WITNESS: Okay. I'm sorry.

5 Q. You previously testified that you
6 believed your neighbor was getting service that you
7 were paying for and that your bills had gone up as a
8 result of this. After having reviewed Ohio Edison
9 Exhibit E, is that still your belief?

10 A. Which one is E?

11 HEARING EXAMINER: Exhibit E is the one
12 you were just looking at right there.

13 A. Well, I tell you, my neighbors have been
14 gone -- let me explain -- my neighbors have been gone
15 since March and my bills are all back down to 25, 28,
16 so you know what, I don't know how to explain that
17 any further.

18 HEARING EXAMINER: When you say they've
19 been gone since March, that's March of this year?

20 THE WITNESS: Yeah.

21 Q. Ms. Frazier, I direct your attention to
22 the April 2009 bill which would have been after your
23 neighbors left; is that correct?

24 A. Well, actually, the bill I got for April
25 was for March, if that's what they explained to me.

1 The current bill that I get in April 2009 is not for
2 April 2009, it's for the usage for the previous
3 month.

4 Q. Ms. Frazier, you previously testified as
5 to some damages you allegedly incurred. Do you have
6 any documentation associated with that damages claim
7 with you here today?

8 A. Damages. You mean my TVs don't work? I
9 couldn't heft them here, all I can do is tell you I
10 can't watch them. There's no pictures. Now, since
11 the digital came into play I don't watch my analog
12 TVs, because I didn't get a converter box. And the
13 reason why I didn't get a converter box is I'm not
14 getting a signal; I can't watch them anyway. I can't
15 even watch the digital TV I bought last year in
16 November.

17 Q. So, Ms. Frazier, you don't have a digital
18 converter box on those televisions you've testified
19 here to today?

20 A. I can't watch them. I couldn't watch
21 them. After the analog left I couldn't watch them
22 anyway. Prior to the analog stations being there, I
23 could watch them, and I did.

24 HEARING EXAMINER: Mr. Alexander, was
25 your question whether there was a converter box on

1 her digital or analog?

2 MR. ALEXANDER: Her analog televisions.

3 HEARING EXAMINER: Wondering if there was
4 a converter box on your analog televisions.

5 A. I didn't need it until June of this year.
6 But prior to that no, I couldn't watch them before
7 that.

8 Q. Do you have any evidence of electrical
9 service problems with you here today besides your own
10 testimony?

11 A. Now what?

12 Q. Do you have any evidence of electrical
13 service problems with you here today besides your own
14 testimony?

15 A. What, was I supposed to bring my TVs in
16 with me?

17 Q. All right. Do you have any evidence
18 suggesting that the connection was improper besides
19 your own testimony?

20 A. What you mean, outside?

21 Q. Yes, the connection at the street.

22 A. You told me -- you know what, I would
23 have had you told me I could bring in an outside
24 electrician or whatever they were. I would have had
25 that. But when you told me I couldn't do that, I

1 didn't bother to hire someone to do that when they
2 weren't supposed to be up there going on what he told
3 me in the last hearing. You told me I couldn't do
4 that. I wanted to do that.

5 Q. Ms. Frazier, my question is very
6 simple --

7 A. My answer is very simple. I don't have
8 it because I was told I couldn't.

9 MR. ALEXANDER: I have no further
10 questions.

11 THE WITNESS: You know what --

12 HEARING EXAMINER: Whoa.

13 THE WITNESS: No, I'm sorry, whoa is not
14 going to get it. He tells me at the last hearing I
15 can't have an independent person come and check
16 because that's Ohio property, then in this hearing he
17 asks me do I have proof.

18 The reason why I do not have proof is
19 because you told me I couldn't do it. So I didn't do
20 it. Perhaps I should have had it done.

21 HEARING EXAMINER: Ms. Frazier, so you're
22 indicating that at the conference prior to this --

23 THE WITNESS: Exactly.

24 HEARING EXAMINER: -- you had asked
25 whether you could have a --

1 THE WITNESS: Independent.

2 HEARING EXAMINER: -- an electrician or
3 somebody who you would hire --

4 THE WITNESS: Yes.

5 HEARING EXAMINER: -- to not only take a
6 look at these wiring issues --

7 THE WITNESS: But correct the problem.

8 HEARING EXAMINER: -- but you're also
9 saying correct the problem.

10 THE WITNESS: Right.

11 HEARING EXAMINER: And you were told you
12 could not do that.

13 THE WITNESS: Exactly right.

14 Q. (By Mr. Alexander) Just to clarify,
15 Ms. Frazier, is it your testimony that during that
16 settlement conference you asked if you could hire an
17 expert to look at the wires or to move the wires?

18 A. To fix it. To both. To look and to --
19 after they saw the problem, to correct the problem
20 that exists. You told me no.

21 Q. As to correcting the problem; is that
22 correct?

23 HEARING EXAMINER: So at that conference
24 did you propose somebody, you know, correct the
25 problem?

1 THE WITNESS: I'm not going to have
2 somebody come out look and say this, this, and this
3 is wrong and then they can't correct it. You told me
4 they couldn't touch it because it was Ohio Edison's
5 property. Now why would I just have somebody come
6 out and look and say, you know, why would I hire
7 somebody to do that if they couldn't do the whole
8 thing? Why would I do that? It would be no benefit
9 to me.

10 MR. ALEXANDER: I have no further
11 questions for this witness.

12 HEARING EXAMINER: Thank you,
13 Ms. Frazier, you can take your seat for a minute.

14 (Witness sworn.)

15 HEARING EXAMINER: Mr. Kendall, I would
16 like you to come back up to the witness stand,
17 please. Thank you. Mr. Kendall, I'll remind you
18 you're still under oath as well. Thank you. Have a
19 seat.

20 - - -

21 NED G. KENDALL III
22 being previously duly sworn, as prescribed by law,
23 was further examined and testified as follows:

24 EXAMINATION

25 By the Hearing Examiner:

1 Q. Mr. Kendall, were you present at the
2 prehearing conference on this case?

3 A. No, I was not.

4 Q. Okay. So the only -- all right.

5 HEARING EXAMINER: So, Mr. Alexander,
6 then it was just yourself, Ms. Frazier, and Mr. Kerry
7 Sheets who was --

8 MR. ALEXANDER: Mr. Sheets, yes.

9 HEARING EXAMINER: I see. The mediator.

10 MR. ALEXANDER: But I do think the record
11 is clear, and I admit that we did discuss it. She
12 did ask to have an electrician go and move the two
13 wires to be separate connections, and I did instruct
14 her that she could not do that, that was Ohio Edison
15 property. We do agree on that point; that
16 conversation did take place.

17 MS. FRAZIER: Absolutely.

18 HEARING EXAMINER: Okay. And Ms. Frazier
19 indicates she agrees on that.

20 MR. ALEXANDER: But there is a dramatic
21 difference between moving two wires and submitting
22 expert testimony here today, which was the gist of my
23 questions.

24 HEARING EXAMINER: Okay.

25 MS. FRAZIER: Well you know what, you

1 didn't differentiate that in the last hearing. Had
2 you done so, I probably would have done that, but you
3 act like nobody can go up there and do anything. I
4 mean, I just assumed --

5 HEARING EXAMINER: Ms. Frazier,
6 actually -- Mr. Kendall, you can take your seat.

7 (Witness excused.)

8 HEARING EXAMINER: Ms. Frazier, if you
9 would like to, if you have any final comments, you
10 could come to the witness stand and state whatever
11 you have to say.

12 MS. FRAZIER: No, he knows what he's
13 doing.

14 HEARING EXAMINER: Okay.

15 MS. FRAZIER: Had he --

16 HEARING EXAMINER: You're still under
17 oath.

18 MS. FRAZIER: Yes.

19 - - -

20 DIANE FRAZIER

21 being previously duly sworn, as prescribed by law,
22 further testified and was examined as follows:

23 FURTHER REDIRECT TESTIMONY

24 THE WITNESS: Had he told me that, and
25 had he specified "Well, you know, Diane, you can hire

1 someone to come in and look, but they can't touch."
2 He made it sound like nobody could do anything, you
3 know, so I didn't hire them. I would have done that
4 had I thought it was needed. You can't have your
5 cake and eat it too.

6 HEARING EXAMINER: Ms. Frazier, did you
7 state, just so I can get clear in my mind, earlier
8 that when Ohio Edison did make some changes to the
9 wire --

10 THE WITNESS: Yes, they did.

11 HEARING EXAMINER: -- did you state then
12 your electrical bill dropped, it went down?

13 THE WITNESS: Well, I know my bill went
14 back to normal.

15 THE EXAMINER: I see, it went back to
16 normal.

17 THE WITNESS: He said I said the lamppost
18 wasn't there or something, something stupid. You
19 know what, that telephone post or light post has been
20 there for 24 years. Every time I back out of my
21 garage I see that lamppost.

22 HEARING EXAMINER: You're referring to a
23 streetlight.

24 THE WITNESS: Streetlight. I'm sorry.
25 The lamppost, streetlight, whatever, had been

1 there -- when I moved in, it was there, and I lived
2 there for 24 years. It was there.

3 What the Ohio Edison personnel person
4 told me was that the light came on and went off due
5 to those connections. I said, "You know what, I
6 might have been born at night, but not last night."
7 There is no way that that lamppost or streetlight
8 needs to be connected to anything leading from my
9 house to come on and go off. That was ludicrous.

10 HEARING EXAMINER: And you are stating,
11 then, that the connection to your home, the wire
12 going to your home to provide electrical service was
13 also connected to the streetlight; am I correct? Am
14 I right about that?

15 THE WITNESS: Now what?

16 HEARING EXAMINER: You mentioned the
17 streetlight issue.

18 THE WITNESS: Yes.

19 HEARING EXAMINER: You were mentioning
20 that. Are you stating that --

21 THE WITNESS: I only mentioned that
22 because that's what -- the person who said that
23 brought up the streetlight.

24 HEARING EXAMINER: The person who said
25 that being?

1 THE WITNESS: Ohio Edison personnel who
2 came and disconnected the wires.

3 HEARING EXAMINER: Who came to your home.

4 THE WITNESS: Yes.

5 HEARING EXAMINER: I see. So you're
6 referring to the Ohio Ed personnel who showed up at
7 your home, made some changes to how the wiring was
8 done --

9 THE WITNESS: Absolutely.

10 HEARING EXAMINER: -- and then they said
11 they couldn't make an additional change that was
12 related to wires going to that streetlight.

13 THE WITNESS: Yes.

14 HEARING EXAMINER: Okay.

15 THE WITNESS: And you know what, and I
16 called Ohio Edison, they connected me with the
17 supervisor, and I spoke with a Terry Brian. He bust
18 out laughing when I told him that. He said, "Well,
19 I'll be there." But you know what? He never came.

20 HEARING EXAMINER: And are you saying
21 that that connection to the streetlight, do you
22 believe that also affects your television service?

23 THE WITNESS: Yes, I do. It's not
24 connected to the streetlight; that's what he was
25 telling me. Whatever it is that's hindering me from

1 getting my service -- and I did, I went up and down
2 the street, I went to friends's house and discussed
3 it with them, the problem I was having. We went out
4 and looked. There was nothing else connected, it was
5 a straight wire connected to the wires going up and
6 down the street. There were no little boxes, no
7 little anything attached, not all that wire.

8 HEARING EXAMINER: So I can be clear in
9 my mind, and for our record, so you believe that
10 currently although Ohio Edison has made some changes
11 to the wiring outside of your home --

12 THE WITNESS: Right.

13 HEARING EXAMINER: -- by the electrical
14 poles, that the changes are not complete, therefore,
15 you're still having a problem with reception to your
16 television.

17 THE WITNESS: Yes.

18 HEARING EXAMINER: And that
19 streetlighting issue, you're thinking that the
20 connection to the streetlight, electrical connection
21 to the streetlight, somehow that's affecting your
22 television service as well.

23 THE WITNESS: Okay. First of all,
24 streetlight doesn't affect my service going in and
25 out, I mean --

1 HEARING EXAMINER: Your electrical
2 service to your home.

3 THE WITNESS: Yeah.

4 HEARING EXAMINER: Do you believe that it
5 affects your television reception?

6 THE WITNESS: No. Let me finish. First
7 of all, I do not believe that streetlight has any
8 bearing whatsoever on my service; that's what I
9 believe.

10 HEARING EXAMINER: And you're referring
11 to like getting electrical current into your home.

12 THE WITNESS: Right. It has no bearing
13 whatsoever. However, those little things that I
14 pointed out in the picture I do believe is
15 interfering with me receiving the signals that I need
16 to watch my television.

17 HEARING EXAMINER: For your television.

18 THE WITNESS: Yes.

19 HEARING EXAMINER: All right. Thank you.

20 Mr. Alexander, any other questions?

21 MR. ALEXANDER: No thank you.

22 HEARING EXAMINER: Ms. Frazier, thank
23 you. You can take your seat.

24 (Witness excused.)

25 HEARING EXAMINER: We'll go off the

1 record at this point.

2 (Discussion off the record.)

3 HEARING EXAMINER: We'll go back on the
4 record then. Thank you both for being present,
5 actually all three of you, and for your testimony and
6 for your exhibits. On that note we will end the
7 hearing for the day. Thank you very much.

8 (Discussion off the record.)

9 (ALL EXHIBITS ADMITTED INTO EVIDENCE.)

10 (The hearing concluded at 11:11 a.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 Wednesday, September 23, 2009, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones, Registered
Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2011.

(MDJ-3447)

- - -

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