

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-BOOKENING DIV  
2009 OCT 16 PM 3:59  
**PUCO**

In the Matter of the Complaint of James Giesler, )  
)  
Complainant, )  
)  
v. ) Case No. 07-498-EL-CSS  
)  
Toledo Edison Company, )  
)  
Respondent. )

In the Matter of the Complaint of Lester L. )  
Lemke )  
)  
Complainant, )  
)  
v. ) Case No. 07-514-EL-CSS  
)  
Toledo Edison Company, )  
)  
Respondent. )

In the Matter of the Complaint of Brian A. and )  
Christy G. Malott )  
)  
Complainant, )  
)  
v. ) Case No. 07-525-EL-CSS  
)  
Ohio Edison Company, )  
)  
Respondent. )

---

**RETURN OF SERVICE**

---

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business  
Technician                      Date Processed **OCT 16 2009**

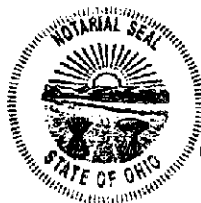
State of Ohio            )  
                                  ) ss.  
County of Franklin    )

Wade Kinney, being duly sworn, states that he is over eighteen (18) years of age, and that on October 16, 2009, at approximately 2:15 p.m., he served the within subpoena (Paul Gerber) on Mark Whitt, serving as a counsel for FirstEnergy Service in this proceeding, by delivering a copy thereof to Mark Whitt at 280 North High St., Suite 1300, Columbus, Ohio 43215.

Wade Kin  
Wade Kinney

Subscribed and sworn to before me this the 16<sup>th</sup> day of October, 2009

Debra Jo Bingham  
Notary



STATE OF OHIO  
PUBLIC UTILITIES COMMISSION  
180 EAST BROAD STREET  
COLUMBUS, OHIO 43215-3793



Ted Strickland  
GOVERNOR

THE PUBLIC UTILITIES COMMISSION OF OHIO  
SUBPOENA

PUCO

2009 OCT 16 PM 12:01

RECEIVED-DOCKETING DIV

**TO:** Paul Gerber – Senior Engineer  
FirstEnergy Corp.  
76 S. Main St.,  
Akron, Ohio 44308

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Paul Gerber, Senior Engineer with FirstEnergy Corp. is hereby required to appear on October 21, 2009, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio (180 E. Broad Street, 11th Floor, Columbus, Ohio 43215), and attend the hearing from day to day until called by OCC and completing his testimony. The witness shall submit to oral testimony by cross-examination by the OCC concerning Mr. Gerber's role participating in, and communicating, Ohio Edison's and Toledo Edison's decision-making in the above-captioned complaint case(s) to Mr. and Mrs. Malott, Mr. Giesler and Mr. Lemke. The witness shall bring with him the following documents:

- 1) Copies of phone logs or written records of conversations Mr. Gerber had with Mr. and Mrs. Malott, Mr. Lemke and/or Jerry Giesler concerning their respective interconnection agreements and net energy metering rider applications.
- 2) Copies of any e-mail communications between Mr. Gerber and Mr. and Mrs. Malott, and Mr. Lemke and/or Jerry Giesler.
- 3) Copies of phone logs or written records of conversations Mr. Gerber had with any First Energy employee concerning the interconnection agreements and net energy metering rider agreements of Mr. Lemke and Mr. Giesler.

- 4) Copies of any e-mail communications between Mr. Gerber and any other FirstEnergy employee concerning the interconnection agreements and net energy metering rider applications of Mr. Lemke and Mr. Giesler.

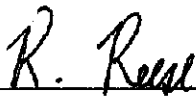
Dated at Columbus, Ohio, this 16th day of October, 2009.

BY: Jeffrey R. Jones

TITLE: Attorney General

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the Return of Service has been served upon the following parties this 16th of October, 2009.

  
\_\_\_\_\_  
Richard C. Reese  
Assistant Consumers' Counsel

*by JLD (0061488)*

**SERVICE LIST**

Duane Luckey  
John Jones  
Thomas McNamee  
**Attorney General's Office**  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, OH 43215

Gerald Giesler  
16454 W. Yeasting Rd.  
Elmore, OH 43416

Brian A. and Christy G. Malott  
1010 Sandusky County Road 308  
Bellevue, OH 44811

Kathy J. Kolich  
**FirstEnergy Service Company**  
76 South Main Street  
Akron, OH 44308

Lester L. Lemke  
3270 State Route 590  
Elmore, OH 43416

Mark A. Whitt  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215