

Attorneys for The Cleveland Electric
Illuminating Company

1 **Q: PLEASE STATE YOUR NAME AND OCCUPATION FOR THE RECORD?**

2 A: My name is William T. Beutler, and I am an employee of FirstEnergy Service Company.

3 **Q: HOW LONG HAVE YOU WORKED FOR FIRSTENERGY SERVICE**
4 **COMPANY?**

5 A: I began my association with FirstEnergy Service Company in 1979.

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

7 A: I am a registered Professional Engineer in the state of Ohio. I received a Bachelor of
8 Electrical Engineering in 1979 and a Masters of Business Administration in 1985.

9 **Q: WHAT HAS BEEN THE NATURE OF YOUR EMPLOYMENT WITH**
10 **FIRSTENERGY SERVICE COMPANY? SPECIFICALLY, WHAT POSITIONS**
11 **HAVE YOU HELD AND WHAT DUTIES HAVE YOU PERFORMED?**

12 A: The focus of my employment with FirstEnergy Service Company and its affiliate The
13 Cleveland Electric Illuminating Company ("CEI") has been as an engineer employed in
14 the areas of distribution design, power quality and reliability analysis. I am extremely
15 familiar with the manner in which CEI trains its personnel to construct and maintain
16 electrical power lines in compliance with the National Electrical Safety Code, which is
17 also known as NESC. I am also extremely familiar with PUCO regulations and internal
18 company policies and procedures as they relate to the complaint before the PUCO.

19 After beginning my employment with FirstEnergy in 1979, I worked for fourteen (14)
20 years in the Distribution Engineering Unit as a Design Engineer where my job

responsibilities included designing specifications and standards for fuses, re-closers, transformers and arresters. In 1993, I transitioned to the Power Quality Engineering Unit to become the Supervisor of the Power Quality Unit. I was employed as the Supervisor of the Power Quality Unit from 1993 to 1998, and my job responsibilities included overseeing the work of five engineers and investigating customer power quality complaints. From 1998 to 2007, I was a Senior Engineer in the Energy Delivery-Distribution Operations Section, and my job responsibilities included overseeing reliability data, coding of outages and providing corporate support for NESC and NEC interpretations. In 2007, I assumed the role Manager and then Consultant in 2009 of Reliability Support in the Energy Delivery-Distribution Operations Section, where my job responsibilities include overseeing transmission and distribution reliability data.

Q: BASED UPON YOUR EXPERIENCE, WHAT CAN YOU TELL THE COMMISSION ABOUT CEI'S DISTRIBUTION SYSTEM?

A: CEI constructs, maintains and operates its distribution system in accordance with the National Electrical Safety Code ("NESC") and regulations of the Public Utilities Commission of Ohio, which is also known as the PUCO. Moreover, CEI also maintains its own engineering and construction standards that meet or exceed the NESC. Pursuant to CEI's internal company policies and procedures, each year the company invests substantial amounts of money to maintain and improve the reliability of the distribution system. The company and its employees are continuously working to anticipate and eliminate potential problems that may affect the distribution system.

43 Q: WHAT CAN YOU TELL THE COMMISSION ABOUT THE CIRCUIT THAT
44 SERVICES 36250 LAKELAND BLVD., #4, THE COMPLAINANT'S
45 PROPERTY?

46 A: I have reviewed the history and reliability of that circuit and the particular branch line
47 that services 36250 Lakeland Blvd., #4. Overall, the circuit and the branch line have
48 been very reliable.

49 Q: NOW, LET ME DIRECT YOUR ATTENTION TO THE EVENTS OCCURRING
50 MAY 4, 2009 TO MAY 9, 2009. YOU ARE AWARE THAT COMPLAINANT
51 SUBMITTED A CLAIM TO CEI ALLEGING LOSS OF WORK ORDERS AND
52 POSSIBLE LONG-TERM MACHINE DAMAGE?

53 A: Yes.

54 Q: HAVE YOU FAMILIARIZED YOURSELF WITH COMPLAINANT'S CLAIM?

55 A: Yes. I have reviewed documents submitted by Complainant describing the incident, CEI
56 trouble records for the period of May 4, 2009 through May 11, 2009, and the customer
57 call notes.

58 Q: DOES CEI HAVE ANY RECORDS OF THE COMPLAINANT CONTACTING
59 THE COMPANY THE WEEK OF MAY 4, 2009?

60 A: Yes, CEI responded to five calls from the customer between May 4 and May 11, 2009.

61 Q: HOW DID CEI RESPOND?

62 A: It is my understanding that CEI responded to each of the calls, which included checking

the voltage at the customer's property and making adjustments to the system to bring the customer within acceptable voltage limits when necessary.

Q. HAVE YOU SPOKEN WITH THE DISTRIBUTION DISPATCH OFFICE CONCERNING THESE CALLS?

A. Yes.

Q: BASED ON DISCUSSION WITH THE DISTRIBUTION DISPATCH OFFICE, HAVE YOU ARRIVED AT ANY CONCLUSIONS REGARDING THE CAUSE OF THE COMPLAINANT'S VOLTAGE ISSUES AND ALLEGED EQUIPMENT DAMAGE?

A: The substation serving this customer was not in it's normal configuration. Typically the substation is served by two transformers; however, regularly scheduled maintenance was being performed on one of the two transformers, which left the remaining transformer to serve the substation. This process occurs across the system on a regular basis. The configuration of this substation affected over 6000 customers. However, during this time period, the Companies received few complaints. CEI made changes at the substation and on the circuit to bring the voltage back into acceptable limits. It is commonly accepted that when voltage is outside acceptable ranges, utilization equipment may not operate satisfactorily and customer protective devices operate to protect the equipment. Although Complainant did allege that its equipment did not operate satisfactorily, Complainant did not indicate any protective devices operated. Thus, I believe it is unlikely that there was any equipment damage.

84 Q: WHAT DOES CEI DO TO MINIMIZE INCIDENTS LIKE YOU HAVE JUST
85 DESCRIBED?

86 A: CEI performed the maintenance I discussed above to help ensure proper voltage to
87 customers and minimize the probability of a sustained outage. In addition, CEI designs,
88 builds and constructs its distribution system to specific standards of the NESC and PUCO
89 regulations.

90 Q: EVEN IF CEI DESIGNS, BUILDS AND CONSTRUCTS ITS DISTRIBUTION
91 SYSTEM TO SPECIFIC STANDARDS OF THE NESC AND PUCO
92 REGULATIONS, IS IT STILL POSSIBLE TO HAVE VOLTAGES OUTSIDE
93 THE ACCEPTABLE RANGE?

94 A: Yes, By placing the system in different configurations during maintenance activities,
95 voltages outside acceptable ranges could occur. Although we properly plan maintenance
96 activities so that service is not disrupted, there are many factors beyond CEI's control
97 such as predicting the effects of customer loads and the weather. When notified voltage is
98 outside of the acceptable range, the CEI takes corrective action.

99 Q: WHAT, IF ANYTHING, HAVE YOU CONCLUDED REGARDING CEI'S
100 EQUIPMENT SERVICING 36250 LAKELAND BLVD., #4 DURING THE
101 PERIOD OF MAY 4, 2009 THROUGH MAY 11, 2009?

102 A: I have concluded to a reasonable degree of engineering certainty that CEI's equipment
103 was installed properly and that CEI took appropriate actions in responding to
104 Complainant's voltage issues.

105 Q: DO YOU UNDERSTAND THAT SOME TIME ON OR ABOUT MAY 8, 2009,
106 COMPLAINANT SUBMITTED A CLAIM TO CEI SEEKING
107 REIMBURSEMENT FOR ALLEGED EQUIPMENT DAMAGES?

108 A: Yes.

109 Q: DO YOU KNOW HOW CEI RESPONDED TO COMPLAINANT'S CLAIM?

110 A: Complainant submitted a claim to CEI in May of 2009. CEI investigated his claim and
111 determined that it was not responsible for the loss of production or possible damages. As
112 such, CEI denied the claim.

113 Q: DID CEI TREAT THE COMPLAINANT DIFFERENT FROM ANY OTHER
114 CUSTOMER?

115 A: No. CEI does not guarantee, nor is it required to provide continuous service to all
116 customers. CEI is not an insurer for its customers. That is clearly set forth in CEI's tariff
117 PUCO No. 8, which was in effect at the time of the incident and on file with the PUCO. I
118 have regularly dealt with the tariff during my employment and am familiar with its
119 provisions.

120 Q: CAN YOU DESCRIBE BRIEFLY CEI'S ELECTRIC TARIFF?

121 A: CEI's electric tariff contains the rates, rules and regulations under which CEI provides
122 service to its customers. In short, it contains the rules by which the company provides
123 billing information and handles utility services for all its customers.

124 Q: I AM HANDING YOU WHAT HAS BEEN PRE-MARKED COMPANY'S

125 **EXHIBIT 2. CAN YOU PLEASE IDENTIFY COMPANY'S EXHIBIT 2 FOR**
126 **THE RECORD?**

127 A: Yes. Company's Exhibit 2 is a copy of CEI's electric tariff, which was approved by the
128 PUCO.

129 Q: **BASED UPON YOUR EXPERIENCE, WHAT SECTION OR SECTIONS OF THE**
130 **TARIFF ARE APPLICABLE TO CEI'S DENIAL OF THE COMPLAINANT'S**
131 **CLAIM?**

132 A: In particular, sections IV. B entitled "Continuity" and section X. B entitled
133 "Limitation of Liability" are applicable. Section IV. B
134 states:

135 The Company will endeavor, but does not guarantee, to furnish a
136 continuous supply of electric energy and to maintain voltage and
137 frequency within reasonable limits. The Company shall not be liable for
138 damages which the customer may sustain due to variations in service
139 characteristics or phase reversals.

140 The standard secondary voltages are 120/240 volt three wire single
141 phase, 208Y/120 volt four wire three phase and 480Y/277 volt four wire
142 three phase. The Company designs its system so that under normal
143 operating conditions the sustained service voltage is within a range of
144 plus or minus 5% of the normal voltage level for that service. Whenever
145 voltages shall be known to exist outside of such ranges, the Company
146 will take steps to promptly initiate corrective action to restore the
147 sustained voltage level within said ranges.

148 Further, Section X. B states:

149 The Company shall not be liable for any loss, cost, damage or expense
150 that the customer may sustain by reason of damage to or destruction of
151 any property, including the loss of use thereof arising out of, or in any
152 manner connected with interruptions in service, variations in service
153 characteristics, high or low voltage, phase failure, phase reversal, the use
154 of electrical appliances or the presence of the Company's property on the
155 customer's premises whether such damages are caused by or involve any
156 fault, failure or negligence of the Company or otherwise except such

157 damages that are caused by or due to the willful and wanton misconduct
158 of the Company. The Company shall not be liable for damage to any
159 customer or to third persons resulting from the use of the service on the
160 customer's premises or from the presence of the Company's appliance or
161 equipment on the customer's premises.

162

163 **Q: HOW DO YOU AND CEI INTERPRET THOSE SECTIONS OF THE TARIFF?**

164 A: That CEI does not guarantee, nor is CEI required to provide continuous service to all
165 customers. CEI is not an insurer for its customers. Moreover, CEI is not responsible for
166 voltage fluctuations or loss of service, nor is CEI responsible for the property damage
167 that was the result of these events.

168 **Q: APPLYING THOSE PROVISIONS TO THE COMPLAINANT'S COMPLAINT**
169 **BEFORE THE PUCO, HOW DO YOU INTERPRET THAT LANGUAGE IN**
170 **RELATION TO THE COMPLAINT?**

171 A: That CEI is not responsible for the alleged voltage fluctuation, equipment failure and
172 alleged loss of work orders and possible equipment damage.

173

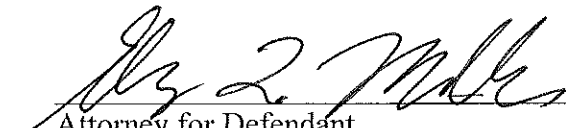
174 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

175 A. Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Expert Testimony was served this 24th day of November, 2009, by First Class United States Mail, postage prepaid, and by facsimile upon:

David Patterson
33579 Euclid Avenue
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Attorney for Defendant

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Summary: Testimony DIRECT EXPERT TESTIMONY OF WILLIAM T. BEUTLER, P.E. FILED
ON BEHALF OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
electronically filed by Ms. Ebony L Miller on behalf of The Cleveland Electric Illuminating
Company