

FILE

PUCO EXHIBIT FILING

15

Date of Hearing: 10/1/09

Case No. 09-187-EL-CSS

PUCO Case Caption: Joe E. Snell

vs.

Ohio Edison Company

List of exhibits being filed:

Complainant's Ex. 1

Company Ex. 1-3

PUCO

Reporter's Signature:

Date Submitted:

Juliana Denise Best
10-14-2009

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Technician

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RECEIVED-DOCKETING DIV

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of: :
Joe E. Snell, :
Complainant, :
vs. : Case No. 09-187-EL-CSS
Ohio Edison Company, :
Respondent. :

- - -

PROCEEDINGS

before Mr. Kerry K. Sheets, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-F, Columbus, Ohio, called at 10:00
a.m. on Thursday, October 1, 2009.

- - -

10-15-09 Transcript Docketed Electronically

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Compl. Ex. 1





Agreement Required

When this card is presented on a mailer or other mailing institution, independent verification of the identity of the presenting person is recommended.

To verify this card, call (877) 688-6876 or (877) 687-6876.

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Under CIRC 2003-11, 2003-26, providing false information to public officials is a crime or use of a false statement is a crime punishable by fine or imprisonment.



FILE FAX
FirstEnergy

RECEIVED-DOCKETING DIV

76 South Main Street
Akron, Ohio 44308

2009 SEP 24 PM 4:33

Ebony L. Miller
Attorney330-384-8989
Fax: 330-384-3875

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

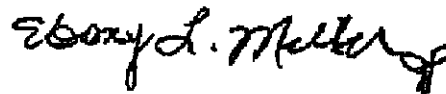
Dear Ms. Jenkins:

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

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 SM Date Processed SEP 25 2009

Company Exhibit 1

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

JOE E. SNELL,

COMPLAINANT,

V.


OHIO EDISON COMPANY,

DEFENDANT.

CASE NO. 09-187-EL-CSS

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,

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

65

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

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

69

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

72 **A.** No. He did not.

73

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

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

77

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

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

85

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

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

92

93

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.

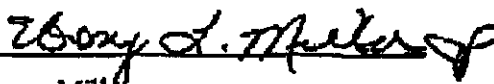
105

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.


Ebony Miller
Attorney

#110007064717 719 Victoria Ave														
	PRY	CUR	SUWD	INT	ADJ INT	FEA	RESET	DEF BAL	PRY BAL	NET PRY	PRY	BAL DUE	SCHD BAL	COMMENTS
6/23/2003	\$ 1,283.38	\$ 36.79	\$ 22.33	\$ 13.93	\$ (55.04)				\$ 76.00			\$ 621.27	\$ 1,301.37	
7/23/2003	\$ 819.48	\$ 66.61	\$ 41.35	\$ 14.48	\$ (0.23)			\$ (756.10)	\$ 76.00			\$ 819.48	\$ 1,423.58	
8/21/2003	\$ 718.58	\$ 62.59	\$ 38.87	\$ 11.11	\$ (0.22)	\$ 30.00			\$ 76.00		\$ (319.25)	\$ 718.58	\$ 1,248.88	reconnect fee
9/23/2003	\$ 906.60	\$ 61.87	\$ 38.35	\$ 12.05	\$ (0.25)				\$ 76.00			\$ 906.60	\$ 1,358.70	
10/22/2003	\$ 1,073.35	\$ 44.25	\$ 27.13	\$ 19.59	\$ (0.22)				\$ 76.00			\$ 1,073.35	\$ 1,449.45	
11/20/2003	\$ 1,242.12	\$ 44.83	\$ 27.51	\$ 20.66	\$ (0.22)				\$ 76.00			\$ 1,242.12	\$ 1,542.22	
12/22/2003	\$ 1,408.02	\$ 43.06	\$ 26.35	\$ 21.73	\$ (0.24)				\$ 76.00			\$ 1,408.02	\$ 1,633.12	
1/21/2004	\$ 1,607.22	\$ 41.44	\$ 38.22	\$ 22.77	\$ (0.23)				\$ 76.00			\$ 1,607.22	\$ 1,755.32	
2/20/2004	\$ 1,780.20	\$ 43.14	\$ 29.81	\$ 24.26	\$ (0.23)				\$ 76.00			\$ 1,780.20	\$ 1,852.30	
3/22/2004	\$ 1,942.53	\$ 38.61	\$ 26.50	\$ 25.35	\$ (0.23)				\$ 72.10			\$ 1,942.53	\$ 1,942.53	last installment of ip
4/21/2004	\$ 1,942.53	\$ 40.36	\$ 27.78	\$ 24.15	\$ (0.23)			\$ (1,767.53)	\$ 98.00		\$ (175.00)	\$ 190.05	\$ 1,859.58	new ip, 18 months
5/21/2004	\$ 190.05	\$ 44.19	\$ 30.60	\$ 25.17	\$ (0.23)				\$ 98.00			\$ 387.78	\$ 1,959.31	
6/21/2004	\$ 387.78	\$ 53.78	\$ 37.45	\$ 26.29	\$ (0.23)				\$ 98.00			\$ 803.08	\$ 2,076.61	
7/21/2004	\$ 803.08	\$ 75.49	\$ 52.86	\$ 27.66	\$ (0.23)				\$ 98.00			\$ 858.86	\$ 2,232.39	
8/20/2004	\$ 858.86	\$ 58.63	\$ 38.51	\$ 29.57	\$ (0.23)				\$ 98.00	\$ 602.85	\$ (602.85)	\$ 1,079.34	\$ 2,356.87	
9/21/2004	\$ 1,079.34	\$ 57.83	\$ 39.88	\$ 29.80	\$ (0.24)	\$ 20.00			\$ 98.00		\$ (100.00)	\$ 1,224.41	\$ 2,403.94	reconnect fee
10/21/2004	\$ 1,224.41	\$ 33.59	\$ 22.25	\$ 31.26	\$ (0.23)				\$ 98.00			\$ 1,408.28	\$ 2,480.81	
11/22/2004	\$ 1,408.28	\$ 33.84	\$ 22.43	\$ 32.09	\$ (0.24)				\$ 98.00			\$ 1,595.40	\$ 2,578.93	
12/21/2004	\$ 1,595.40	\$ 40.72	\$ 27.34	\$ 32.94	\$ (0.22)				\$ 98.00			\$ 1,794.18	\$ 2,679.71	
1/24/2005	\$ 1,794.18	\$ 38.11	\$ 26.12	\$ 33.96	\$ (0.26)				\$ 98.00			\$ 1,991.11	\$ 2,778.64	
2/22/2005	\$ 1,991.11	\$ 36.21	\$ 26.37	\$ 27.53	\$ (0.22)				\$ 98.00			\$ 469.89	\$ 2,376.53	reset ip
3/22/2005	\$ 469.89	\$ 30.77	\$ 22.13	\$ 28.47	\$ (0.21)	\$ 7.00	\$ 787.53	\$ (2,285.64)	\$ 380.00		\$ (500.00)	\$ 931.05	\$ 2,456.69	
4/21/2005	\$ 931.05	\$ 30.03	\$ 21.58	\$ 29.26	\$ (0.23)				\$ 380.00			\$ 1,391.67	\$ 2,537.31	
5/23/2005	\$ 1,391.67	\$ 30.63	\$ 22.03	\$ 37.43	\$ (0.24)	\$ 7.00			\$ 380.00	\$ 500.00		\$ 1,391.67	\$ 2,537.31	
6/23/2005	\$ 2,388.62	\$ 52.36	\$ 39.07	\$ 38.08	\$ (0.23)				\$ 380.00			\$ 2,388.62	\$ 3,134.16	
7/22/2005	\$ 2,388.62	\$ 73.67	\$ 55.26	\$ 39.15	\$ (0.22)				\$ 380.00		\$ (10.00)	\$ 2,867.78	\$ 3,253.42	
8/22/2005	\$ 3,397.03	\$ 70.27	\$ 52.85	\$ 41.09	\$ (0.20)				\$ 380.00	\$ 1,200.00	\$ (1,218.61)	\$ 3,397.03	\$ 3,402.87	
9/22/2005	\$ 3,598.48	\$ 63.52	\$ 47.47	\$ 42.92	\$ (0.14)				\$ 5.64			\$ 3,598.48	\$ 3,568.48	
10/21/2005	\$ 3,770.25	\$ 40.82	\$ 29.85	\$ 44.58	\$ (0.13)							\$ 3,770.25	\$ 3,720.25	
11/22/2005	\$ 3,835.18	\$ 39.16	\$ 28.70	\$ 44.14	\$ (0.14)							\$ 3,835.18	\$ 3,847.04	
12/21/2005	\$ 3,847.04	\$ 35.98	\$ 25.76	\$ 43.68	\$ (0.13)							\$ 3,847.04	\$ 3,851.71	
1/4/2006	\$ 3,851.71	\$ 2.77	\$ 2.14	\$ (56.06)								\$ 3,851.71	\$ 3,801.56	\$55 dep refunded

Payment plan was reset Nov 2006, changed to make-up, no late payment charges on plan balance
Onest debit effective 3/5/08 billing
adjustment = Net Purchases Power Adjustment .11 3/4/08 billing

Adjusted Net Settlement = Net Purchase Power Adjustment .11 3/4/09 billing

APR 23 2008 1:32PM

RITZMAN #1 COPLEY ROAD

3308578973

Company
Exhibit 3

Police Division Akron, Ohio

Report Date and Time 04/04/2008 17:24

Incident Report

Report # IN-06-009962

Report # IN-06-009962	Report Date and Time 04/04/2008 17:25	Occurred From 01/01/2000 17:26	Occurred To 02/02/2006 17:26	Report Type Offense
Cleared By ID#		Clearances Investigation Pending	Clearance Date	Cleared
Location Information 719 Victoria Av Akron, OH 44310				
Location Type #1 : 01-Single Family Home District : 02 Case Management Assignments : GIBSON DB Notified : YES		Notify Date/Time : 04/04/2008 17:38 Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00		

OFFENSE 1	Offense 2913.49 - Theft of Identity	Attempted/Committed COMMITTED
	Incident (If not a Criminal Act)	Arrestee Armed With Weapon 1 None
	Threat Offense- Chose One : Other Suspect Used Weapon 1 : None	Evidence Collected : No

PERSON 1	Person Type Victim	Business/Person Name Joe E SNELL		Business Phone
	Home Phone (330) 762-6053	Person Address Use Address from Incident Location Information		
	Other Phone	Employer Address Akron, OH		
	Race Black	Sex Male	SSN	DL Exp. Date
	DL Number			
	Birth Date	Birth Location		
	Adult/Juvenile : Adult Victim/Suspect Relationship : Live-In Boyfriend/Girlfriend Victim Linked to Suspect Number(s) : 1 Victim Linked to Offense Number(s) : 1 Victim Type : Individual		Can Identify Offender : Yes Victim Injured : No Injury Type 5 : None MO : 89-Other (USED INFO ON INTERNET, OBTAINED CREDIT TO GAMBLE)	

PERSON 2	Person Type Suspect	Business/Person Name RITA TANNER		Business Phone
	Home Phone	Person Address Use Address from Incident Location Information		
	Other Phone	Employer Address Akron, OH		
	Race White	Sex Female	SSN	DL Exp. Date
	DL Number			
	Birth Date	Birth Location		
	Adult/Juvenile : Adult		Victim Type : Individual	

Reporting Officer ROGER A MYERS (955)	Department	Report Status: Approved
Officer Name		Date/Time
Verifying Officer Nancy E Vought (948)	Department	Date / Time 04/05/2008 07:45

Apr 23 2008 1:32PM

RITZMAN #1 COPLEY ROAD

3308678873

Incident Report

Report# IN-06-009562

P R O P E R T Y 1	Type of Loss/Etc. Stolen/ETC...	Type of Item 54-Other property	Make or Brand	Model or Style
	Serial #	Color	Description IDENTITY INFO FOR CREDIT	Condition
	Value : \$, , .00 Amount : \$, , .00 Drug Value : \$, , .00		Stolen Location : Akron, OH Recovery Location : Akron, OH Recovery Value : \$, , .00	
N A R R A T I V E 1	Topic VICTIM STATEMENT			
	VICTIM STATES THAT SUSPECT, (RECENTLY DECEASED) RAN UP CREDIT ON GAMBLING WEB SITES AND CREDIT CARDS IN HIS NAME. HE SAID THAT HE THINKS THE TOTAL IN ALL IS AROUND TWENTY THOUSAND DOLLARS. HE WAS UNAWARE OF THIS UNTIL HE APPLIED FOR AN APARTMENT AND HIS CREDIT REPORT REVEALED IT.			

Reporting Officer ROGER A MYERS (958)	Department	Report Status: Approved
Officer Name		Date/Time
Verifying Officer Nancy E Vought (946)	Department	Date / Time 04/06/2008 07:45

004

07-13-06 04:05pm From-Kirkos Akron

330 762 5679

T-488 P.003/005 P-187

*Company
Exhibit
4*



JIM PETRO
ATTORNEY GENERAL
STATE OF OHIO
www.ag.state.oh.us

**IDENTITY
THEFT
VERIFICATION**
PASSPORT

Dear Identity Theft Victim:

This letter is to certify that a report regarding the theft of your identity was filed with your local law enforcement agency. A copy of the report and certification of the crime are on file with the Ohio Attorney General's Office, Crime Victims Services Section. As a result of this crime, you have been issued the enclosed **IDENTITY THEFT VERIFICATION PASSPORT** card from the Ohio Attorney General's Office. In order to activate this card, please call 1-888-MY-ID-4-ME from the telephone number you provided in your application for a **PASSPORT**.

The purpose of the **IDENTITY THEFT VERIFICATION PASSPORT** card and this letter is to verify that a report of identity theft has been filed with a law enforcement agency. It is not intended to act as a form of identification for the holder. When presented to a creditor or other lending institution, independent verification of the identity of the presenting person is recommended. When presented to a law enforcement officer or a creditor, the law enforcement agency or credit institution may follow up with the reporting agency or the Ohio Attorney General's Office, Crime Victims Services Section, 150 E. Gay St., 25th Fl., Columbus, OH 43215, or at (877)-VERIFY-IT (1-877-837-4394) for more information. Law enforcement can also seek verification through the Ohio Law Enforcement Gateway (OHLEG).

Jim Petro
Attorney General