

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company For Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2010 Through 2012 and Associated Cost Recovery Mechanisms.)	Case Nos. 09-1947-EL-POR
)	09-1948-EL-POR
)	09-1949-EL-POR
)	
)	
)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company For Approval of Their Initial Benchmark Reports.)	Case Nos. 09-1942-EL-EEC
)	09-1943-EL-EEC
)	09-1944-EL-EEC
)	
)	
In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company.)	Case Nos. 09-580-EL-EEC
)	09-581-EL-EEC
)	09-582-EL-EEC
)	

**NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION
AND
REQUEST FOR PRODUCTION OF DOCUMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Office of the Ohio Consumers' Counsel ("OCC") will take the oral deposition of all individuals for whom testimony is filed or who have knowledge and expertise with the subject matter of these proceedings on behalf of the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company ("FirstEnergy" or "Companies"). Depositions will be as follows:

- 1) John E. Paganie, Vice President – Customer Service and Energy Efficiency, FirstEnergy Corporation, 76 South Main Street, Akron, Ohio, 44308.
- 2) Katherine M. Kettlewell, Director – Retail Load Forecasting and RTO Settlements, FirstEnergy Corporation, 76 South Main Street, Akron, Ohio, 44308.
- 3) Steven E. Ouellette, Director – Ohio Rates and Regulatory Affairs, FirstEnergy Corporation, 76 South Main Street, Akron, Ohio, 44308.
- 4) George L. Fitzpatrick, Managing Director – Enterprise Management Solutions, Black & Veatch Corporation, 898 Veterans Memorial Highway, Suite 430, Hauppauge, NY, 11788.
- 5) Joseph T. Trainor, Senior Consultant - Enterprise Management Solutions, Black & Veatch Corporation, 898 Veterans Memorial Highway, Suite 430, Hauppauge, NY, 11788.
- 6) A person with knowledge and expertise with regard to the preparation and contents of the Program Portfolio Application and the Initial Benchmark Report that FirstEnergy will call as a witness to testify in the above-captioned cases.

The depositions will take place at the offices of OCC, 10 West Broad Street, 18th Floor, Columbus, Ohio, and will begin at 9:00 a.m. on Wednesday, February 10, 2010, or such other place and time as are mutually agreed upon by FirstEnergy and the OCC, beginning with the deposition of John E. Paganie. The deposition of Steven E. Ouellette will begin at 1:30 p.m. on Wednesday, February 10, 2010, or immediately following the completion of Mr. Paganie's deposition. The deposition of George L. Fitzpatrick will begin at 9:00 a.m. on Thursday, February 11, 2010. The deposition of Katherine M. Kettlewell will begin at 1:30 p.m. on Thursday, February 11, 2010, or immediately following the completion of Mr. Fitzpatrick's deposition. The deposition of the Company's designee witness (as described in (6) above) will begin at 9:00 a.m. on Friday, February 12, 2010. The deposition of Joseph T. Trainor will begin at 1:30 p.m. on Friday, February 12, 2010, or immediately following the completion of the deposition of FirstEnergy's designee witness (as described in (6) above). Deponents will appear at

designated times with documents at OCC and remain present until deposed. Parties are invited to attend and cross-examine.

The depositions will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of each deponent's testimony or the deponent's knowledge and expertise with the subject matter of this proceeding. Each deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, each deponent is requested to produce at the time of his or her deposition all documents relating to his or her testimony, supporting documentation and documentation relating to the deponent's knowledge and expertise with the subject matter of these proceedings; and the deponent's responses to any discovery, including, but not limited to, the results of any studies done for these proceedings and any backup documentation, including raw data, for those studies.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

/s/ Christopher J. Allwein
Jeffrey L. Small, Counsel of Record
Gregory J. Poulos
Christopher J. Allwein
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the OCC's Notice to Take Depositions and Request for Production of Documents was served on the persons stated below via electronic transmission pursuant to the Commission's January 14, 2010 Entry this 28th day of January 2010.

/s/ Christopher J. Allwein_____
Christopher J. Allwein
Assistant Consumers' Counsel

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in

Case No(s). 09-0580-EL-EEC, 09-0581-EL-EEC, 09-0582-EL-EEC, 09-1942-EL-EEC, 09-1943-EL-EEC,

Summary: Notice of Deposition Notice to Take Deposition Upon Oral Examination and Request for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Allwein, Christopher J. Mr.