

**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 Authority to Establish a)	Case No. 1O-388-EL-SSO
Standard Service Offer Pursuant to R.C. §)	
4928.143 in the Form of an Electric Security)	
Plan.)	

**RESPONSES AND OBJECTIONS TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY
BY CPOWER, INC., VIRIDITY ENERGY, INC., ENERGYCONNECT, INC.,
COMVERGE INC., ENERWISE GLOBAL TECHNOLOGIES, INC., AND ENERGY
CURTAILMENT SPECIALISTS, INC.**

CPower, Inc., Viridity Energy, Inc., EnergyConnect, Inc., Comverge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc. (the “Demand Response Coalition”; all references to the Demand Response Coalition shall be construed to refer to all of these companies together and to each of them individually), by and through counsel, hereby submits Responses and Objections to Interrogatories and Requests for Production of Documents submitted to the Demand Response Coalition by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") in the above-captioned case.

The Demand Response Coalition’s responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below and the specific

objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. The Demand Response Coalition's responses to these discovery requests are submitted without prejudice to, and without in respect waiving, any general objections not expressly set forth therein.

The responses below, while based on diligent investigation and reasonable inquiry by the Demand Response Coalition, reflect only the current state of the Demand Response Coalition's knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the information and discovery to date. The Demand Response Coalition's investigation is not yet complete and is continuing as of the date of the responses below. The Demand Response Coalition anticipates the possibility that it may discover additional information and/or documents. Without obligating itself to do so, the Demand Response Coalition reserves the right to continue its investigation and to modify or supplement the responses below, with such pertinent information or documents.

The responses below are made without prejudice to the Demand Response Coalition's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight. The Demand Response Coalition reserves the right to object, on appropriate grounds, to the use of such information and/or documents. The fact that the Demand Response Coalition, in the spirit of cooperation, has elected to provide relevant information below in response to the Companies' discovery requests shall not constitute or be deemed a waiver of the Demand

Response Coalition's objections. The Demand Response Coalition hereby fully preserves all of its objections to the discovery request or the use of its responses for any purpose.

Furthermore, the Demand Response Coalition's provision of responses to these discovery requests shall not be construed as a waiver of the attorney-client privilege or trial preparation doctrine or any other applicable privilege or doctrine, and the Demand Response Coalition reserves its rights to file a motion for protective order under Ohio Adm. Code 4901-1-24 in order to protect the Demand Response Coalition from annoyance, embarrassment, oppression, or undue burden or expense or for any other reason.

GENERAL OBJECTIONS

1. The Demand Response Coalition objects to any data requests as improper, overbroad, and unduly burdensome to the extent that they purport to impose upon the Demand Response Coalition any obligations broader than those set forth in the Public Utilities Commission of Ohio's rules or otherwise permitted by law. The rules of discovery require, among other matters, that matters inquired into must be relevant to the subject matter of the proceeding, and must appear to be "reasonably calculated to lead to the discovery of admissible evidence." Ohio Adm. Code 4901-1-16(B).
2. The Demand Response Coalition objects to these discovery requests and to the Companies' Instructions and Definitions as improper, overbroad, and unduly burdensome to the extent that they improperly seek or purport to require the disclosure of information protected by the attorney-client privilege, attorney work-product doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not

include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.

3. The Demand Response Coalition objects to these discovery requests and to the Companies' Instructions and Definitions to the extent that they improperly seek or purport to require the Demand Response Coalition to provide documents and information not in the Demand Response Coalition's possession, custody or control.
4. The objections and responses contained herein and documents produced in response hereto are not intended nor should they be construed to waive the Demand Response Coalition's right to object to these requests, responses or documents produced in response hereto, or the subject matter of such requests, responses, or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.
5. The Demand Response Coalition objects to these discovery requests to the extent they improperly seek or purport to require the production of documents or information which is neither relevant nor material to the subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
6. The Demand Response Coalition objects to these discovery requests and to the Companies' Instructions and Definitions to the extent they improperly seek or purport to require production of documents in a form other than the form in which the documents are maintained in the regular course of business.

7. The Demand Response Coalition objects to these discovery requests insofar as they request the production of documents or information that are publicly available or already in the Companies' possession, custody, or control.
8. The Demand Response Coalition objects to each and every data request that seeks to obtain "all," "each" or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is neither relevant nor material to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
9. The Demand Response Coalition objects to these discovery requests to the extent that such requests are not limited to any stated time period or identify a stated period of time that is longer than is relevant for purposes of this docket, as such discovery is unduly burdensome and overly broad.
10. The Demand Response Coalition objects to these discovery requests to the extent they are vague, ambiguous, use terms that are subject to multiple interpretations but are not properly defined for purposes of these discovery requests, or otherwise provide no basis from which the Demand Response Coalition can determine what information is sought.
11. The objections and responses contained herein are not intended nor should they be construed to waive the Demand Response Coalition's rights to object to other discovery involving or relating to the subject matter of these requests, responses or documents produced in response hereto.

INTERROGATORIES

INTERROGATORY NO.1: Identify each person whom You intend to call as a witness at the hearing in this matter.

RESPONSE: The Demand Response Coalition objects, on the ground that this request impermissibly attempts to shorten the time in which the Commission has required intervenors to submit direct testimony of witnesses in this case, and, as such, potentially would require the disclosure of information protected by the attorney-client and/or work product privileges.

Without waiving any specific or general objections, or any privilege, the following response is provided:

The Demand Response Coalition expects to call Bruce Campbell as a witness at the hearing in this matter. The Demand Response Coalition reserves the right to name additional witnesses at any time prior to the closing of the record. If and when the Demand Response Coalition makes any determination that it will present the direct testimony of additional witnesses, the Demand Response Coalition will seasonably supplement this response, consistent with Ohio Adm. Code 4901-1-16(D).

INTERROGATORY NO.2: For each person whom You intend to call as a witness at the hearing in this matter:

- a. State the substance of each opinion on which the witness will testify, including every adjustment, modification, or change to the Companies' Application that the witness intends to propose or support;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness's background and qualifications;

- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and
- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE:

Objection. Interrogatory Nos. 2(a) - 2(b) and 2(d) are vague and overbroad and seek information that is protected by the attorney client privilege and the trial preparation doctrines. The Demand Response Coalition is still determining what the testimony will be. Without waiving any specific or general objections, or any privilege, the following response is provided:

- a. See the Prefiled Direct Testimony of Mr. Campbell.
- b. The facts that will provide the basis for Mr. Campbell's opinion may include, but will not be limited to, documents that the Companies have filed with the Public Utilities Commission of Ohio ("Commission") in Case No. 10-388-EL-SSO, documents that the Companies may file in the future, the Companies' responses to pending and future discovery, documents that the Companies have filed in previous matters before the Commission related to demand response, and documents publicly available from PJM Interconnection, L.L.C., relevant to PJM demand response programs.
- c. Mr. Campbell's background and qualifications are summarized in his testimony.
- d. See the response to response to b above.
- e. Mr. Campbell testified before the Public Service Commission of Maryland, "In the Matter of the Inquiry Into Electric Generating Resource Adequacy," Case No. 8980, 2003.

The Demand Response Coalition reserves the right to name additional witnesses at any time prior to the closing of the record on any issue. If and when the Demand Response Coalition makes any determination that it will present additional witnesses, the Demand Response Coalition will seasonably supplement this response, consistent with Ohio Adm. Code 4901-1-16(D).

INTERROGATORY NO.3: Identify each and every document, exhibit or other thing You intend to introduce into evidence or otherwise display at the hearing in this matter.

RESPONSE:

Objection. Interrogatory No.3 is vague and ambiguous regarding the use of the terms "thing" and "display." Also, The Demand Response Coalition objects to the extent that the Companies are inquiring into analysis exempt from discovery under the trial preparation doctrine and/or the attorney-client privilege. Without waiving any specific or general objections or any privilege, the following response is provided:

The Demand Response Coalition has not yet determined the documents, exhibits, or other things it will introduce into evidence at the hearing in this case, other than the Prefiled Direct Testimony of Bruce Campbell, which the Demand Response Coalition currently expects to introduce.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO.1: All documents and things identified in response to the Companies' First Set of Interrogatories.

RESPONSE:

Objection. The Companies' request for Production No.1 seeks information that was objected to in response to the Companies' Interrogatories Nos. 2 and 3 above, and those objections are incorporated herein.

REQUEST FOR PRODUCTION NO.2: A curriculum vitae for each expert witness.

RESPONSE:

See the Direct Prefiled Testimony of Bruce Campbell.

REQUEST FOR PRODUCTION NO.3: All exhibits You intend to introduce at hearing.

RESPONSE: Objection. The Demand Response Coalition objects to the extent that the Companies are inquiring into analysis exempt from discovery under the trial preparation doctrine and/or the attorney-client privilege. Without waiving any specific or general objections or any privilege, the following response is provided:

The Demand Response Coalition has not yet determined the exhibits it will introduce into evidence at the hearing in this case.

REQUEST FOR PRODUCTION NO. 4: All documents and things supplied to, relied upon, reviewed by, or prepared by any expert witness identified in response to Interrogatory No. 1 in connection with his or her testimony in this matter.

RESPONSE: Objection. Request for Production No. 4 is vague and ambiguous regarding the use of the term "things," and is also overbroad. Also, The Demand Response Coalition objects to the extent that the Companies are inquiring into analysis exempt from discovery under the trial preparation doctrine and/or the attorney-client privilege. Without waiving any specific or general objections or any privilege, the following response is provided:

Mr. Campbell may review documents that the Companies have filed with the Commission in Case No. 10-388-EL-SSO, documents that the Companies may file in the future, the Companies' responses to pending and future discovery, documents that the Companies have filed in previous matters before the Commission related to demand response, and documents publicly available from PJM Interconnection, L.L.C., relevant to PJM demand response programs.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Supplemental Responses and Objections to FirstEnergy Companies' First Set of Interrogatories and Request for Production of Documents was served in accordance with Ohio Adm. Code 4901-1-18, as modified by the Attorney Examiner's Entry dated March 24, 2010, upon those identified below, electronically, this 15th day of April, 2010.

/s/ Samuel A. Wolfe
Samuel A. Wolfe

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Summary: Response RESPONSES AND OBJECTIONS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY BY CPOWER, INC., VIRIDITY ENERGY, INC., ENERGYCONNECT, INC., COMVERGE INC., ENERWISE GLOBAL TECHNOLOGIES, INC., AND ENERGY CURTAILMENT SPECIALISTS, INC. electronically filed by Mr. Samuel A. Wolfe on behalf of Viridity Energy, Inc. and CPower, Inc. and EnergyConnect, Inc. and Comverge, Inc. and Enerwise Global Technologies, Inc. and Energy Curtailment Specialists, Inc.