

**FILE**

THE PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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IN RE: CASE NO. 10-176-EL-ATA

Monday, November 22, 2010

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PUCO Local Public Hearing in the Matter of the  
Application of Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and the Toledo  
Edison Company for Approval of a New Rider and  
Revision of an Existing Rider, taken before me,  
the undersigned, Katrina Dearborn, a Notary  
Public in and for the State of Ohio, at North  
Ridgeville, Ohio, commencing at 6:00 p.m. the day  
and date above set forth.

PUCO

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1 MR. PRICE: Good evening. The  
2 Public Utilities Commission has set for  
3 hearing, at this time and this place,  
4 Case No. 10-176-EL-ATA, being in the  
5 Matter of the Application of Ohio Edison  
6 Company, The Cleveland Electric  
7 Illuminating Company and The Toledo  
8 Edison for approval of a new rider --

9 AUDIENCE: We can't hear you.

10 MR. PRICE: I will try to project.  
11 The microphone is on. It's as loud as I  
12 can turn it up.

13 -- Ohio Edison Company for  
14 approval of a new rider and revision of  
15 an existing rider.

16 My name is Gregory Price. I'm the  
17 attorney examiner assigned to preside  
18 over tonight's hearing, along with  
19 Commissioner Cheryl Roberto.

20 I would like to note that the  
21 evidentiary hearing in this proceeding  
22 will commence on November 29th, 2010 at  
23 which the parties will have an  
24 opportunity to present their witnesses.

25 This is one of six public hearings

1 to be held in this case. It is, as Beth  
2 indicated, an opportunity for you to  
3 tell the Commission how much of a  
4 discount you believe should be provided  
5 to all-electric customers.

6 Before we take our first witness,  
7 let's go ahead and take appearances of  
8 the parties, starting with the Company.

9 MR. BURKE: On behalf of Ohio  
10 Edison, Cleveland Electric Illuminating  
11 and Toledo Edison, James W. Burke. 76  
12 South Main Street, Akron, Ohio, 44308.

13 MR. PRICE: Thank you. Ms. Grady.

14 MS. GRADY: Thank you, Your Honor.  
15 On behalf of the residential rate payers  
16 of the FirstEnergy Company, the Office  
17 of the Consumers' Counsel, 10 West Broad  
18 Street, Suite 1800, Columbus, Ohio,  
19 43215. Janine Migden-Ostrander,  
20 Consumers' Counsel.

21 MR. PRICE: Thank you.

22 Mr. Corcoran.

23 MR. CORCORAN: Thank you. On  
24 behalf of Bob Schmitt Homes, Sue  
25 Steigerwald, CKAP, Joan Higgenbotham,

1 I'm Kevin Corcoran, 8501 Woodbridge  
2 Court, North Ridgeville, Ohio, 44039.

3 MR. PRICE: Okay. I would like to  
4 note all testimony in the public hearing  
5 tonight will be under oath and will be  
6 subject to cross-examination by the  
7 attorneys that just introduced  
8 themselves. We have a number of  
9 witnesses who have signed up. But if  
10 you've not had a chance to sign up,  
11 we'll take those witnesses at the end.

12 Our first witness is Brian  
13 Walters. Our first witness is Brian  
14 Walters.

15 - - - - -

16 (Thereupon, a discussion was had off the record.)

17 - - - - -

18 BRIAN WALTERS,

19 After having been first duly sworn, as  
20 hereinafter certified, was examined and testified  
21 as follows:

22 MR. PRICE: Mr. Walters, please  
23 proceed.

24 MR. WALTERS: I would like to thank  
25 all of you for taking the time to have

1           us present. I would tell I --

2           AUDIENCE: Please speak in the  
3           microphone. Speak into the microphone.

4           MR. WALTERS: Can you hear me now?

5           AUDIENCE: Yeah.

6           MR. WALTERS: Again, thanks for  
7           taking the time to give us the ability  
8           to present our perspective on this. I  
9           am here to tell you that it was in 2002  
10          I bought my home, based, in part, on a  
11          selling point by the utility from an  
12          attractive alternative. Of course, my  
13          utilities jumped from what they were by  
14          300 percent. Pretty typical, I guess.

15          I only have a handful of points.  
16          I'll try to be respectful of the time  
17          this evening. The first point, I've  
18          heard a lot about this issue concerning  
19          some sort of written evidence, so as to  
20          induce builders and buyers to expose  
21          themselves to this kind of vulnerability  
22          on something as inelastic as heat.

23          Personally, I just see that as  
24          absolute fallacy. Someone can tell us  
25          that we're so ignorant that we would

1 elect to move into a home with this kind  
2 of eventual exposure is nonsense. It's  
3 the result that is the evidence.

4 The second of just a couple of  
5 points here: One supermarket charges  
6 you \$6 a gallon for milk. You're going  
7 to go down the street and get a gallon  
8 of milk for \$2. The difference here is  
9 that these folks, including myself, have  
10 no alternative. There is no  
11 supermarket.

12 The issue was made a moment ago of  
13 what we might recommend that somebody do  
14 to accommodate this. I would say,  
15 manage your company better.

16 When I hear "market" -- when I hear  
17 a reference to marketing practices,  
18 that's a euphemism for a lie. we've  
19 been lied to and now, as they would say,  
20 "we've gotcha," in the board room.

21 I also have heard and read that,  
22 apparently, management, the board of  
23 directors or somebody has concluded that  
24 our numbers are insignificant. We  
25 represent such a small fraction of their

1 consumer base. Incredible.

2 What moral code are you following?

3 You have a problem with the  
4 discounts of what you've now told us is  
5 an insignificant number. Fine. Manage  
6 your company better.

7 None of my remarks are intended as  
8 a threat or intimidation, but the bottom  
9 line here is, I say, be careful because  
10 the last time I looked, I'm fairly  
11 certain this is a publicly traded  
12 company. And I don't know if you've got  
13 it, but you should wake up and come to  
14 understand that these consumers are also  
15 your shareholders. And if ever there  
16 was a -- there was an appropriate  
17 possible claim for rico suit here, it  
18 sure smells like one now. This is  
19 corrupt management. Enough is enough.  
20 Shame on you.

21 MR. PRICE: Our next witness is  
22 Councilman Jennifer Fenderbosch.

23 - - - - -

24 JENNIFER FENDERBOSCH,

25 After having been first duly sworn, as

1 hereinafter certified, was examined and testified  
2 as follows:

3 MS. FENDERBOSCH: This is in regard  
4 to --

5 AUDIENCE: Speak up.

6 MS. FENDERBOSCH: Okay. Can you  
7 hear me better?

8 AUDIENCE: Yes.

9 MS. FENDERBOSCH: This is in  
10 regards to Case No. 10-176-EL-ATA.

11 Dear members of the PUCO and  
12 residents, my name is Jennifer  
13 Fenderbosch. And as the councilwoman  
14 with the City of Avon Lake, I am a  
15 member of the Public Utilities  
16 Committee, the Public Services  
17 Committee, Safety Committee, Chair of  
18 the Environmental Committee,  
19 Facilitating Renewable Energy Task Force  
20 and I am a Council representative of the  
21 Planet Commission.

22 In Avon Lake there are between 300  
23 to 500 homes that were built all  
24 electric during the time of the gas  
25 embargo when FirstEnergy approached



1 developers with marketing incentives to  
2 build all-electric homes that were to  
3 have discounted electrical rates. As  
4 you know, those discounts were abruptly  
5 ended December 2009. There was a  
6 temporary reprieve this past spring.  
7 What we need today is a permanent  
8 solution, not only for the all-electric  
9 homeowners, regardless of when the home  
10 was built, but for the rest of the rate  
11 payers and for the utility.

12 As my testimony will show, I am in  
13 favor of decoupling to bring about a  
14 permanent solution. The following  
15 issues are parts to the puzzle that  
16 needs considered when finding a  
17 solution.

18 One, the PUCO does not calculate  
19 rate increment add-ons together,  
20 generation, plus distribution, plus  
21 transmission, plus they stated at the  
22 Consumer Affairs Economic Protection  
23 Committee of the Ohio House of  
24 Representatives that they were not aware  
25 that residents were going to experience

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1 a 109 percent to 300 percent increase in  
2 rates from December 2009 to January  
3 2010. These rates, in dollars, grew  
4 from a low of \$160 to over \$900 in one  
5 month.

6 It came as a total surprise to the  
7 PUCO that residents were being charged  
8 the price of another mortgage to heat  
9 their homes. There were residents that  
10 are not able to pay these electric bills  
11 at all or in full, thus they made  
12 partial payments in January 2010.  
13 Because they paid partial payments,  
14 their February bills arrive with  
15 information about programs for  
16 low-income families. These residents  
17 did not qualify for these programs  
18 because they were middle-class  
19 Americans. Their discretionary funds  
20 were already stressed and limited prior  
21 to the electric rate increase.

22 There should be no surprises and  
23 this should be no surprise to the PUCO.  
24 The public and utility depends on the  
25 PUCO to be fair and just and to perform

1           thorough research.

2           Two, while I was waiting to testify  
3 before the Consumer Affairs Economic  
4 Protection Committee of the Ohio House  
5 of Representatives, I heard a testimony  
6 that the PUCO typically grants the  
7 utility 80 percent of the rate increases  
8 they request. I prefer that the PUCO,  
9 as experts in the field, clearly  
10 research the request, including the  
11 impact that the consumer and the utility  
12 will have as a result of that request.

13           If outside non partial consultants  
14 need to be contracted, then PUCO  
15 contract them so that real solutions to  
16 real problems can be achieved.

17           Three, FirstEnergy was not able to  
18 meet the goals set for the record in  
19 Senate Bill 221 for renewable energy  
20 generation. Instead, the PUCO forgave  
21 their noncompliance, gave them a free  
22 pass.

23           If the State of Ohio is going to be  
24 serious in encouraging renewable energy  
25 generation and advancement in Ohio, then

1           they should not back away from the goals  
2           set. Instead, the PUCO should assist  
3           the energy industry in meeting the  
4           mandate.

5           Four, infrastructure. As an  
6           elected official, I, along with my other  
7           council members, receive complaints from  
8           residents regarding the reliability of  
9           electricity to our residents and  
10          businesses. It is an aging  
11          infrastructure that needs better  
12          maintenance and replacement of  
13          equipment.

14          Those residents who live in older  
15          areas of our community that have  
16          overhead distribution lines complain of  
17          brownouts and power outages with every  
18          shift of wind.

19          Located on the shores of Lake Erie,  
20          we experience both prevailing winds from  
21          the southwest and the convection wind  
22          off the lake, at times, that challenge  
23          the aging infrastructure.

24          Many residents who have their power  
25          lines underground complain of outages

1           when it rains, suggesting that those  
2           lines, too, need more maintenance or  
3           replacement.

4           The PUCO -- I'm sorry. The Public  
5           Utilities Committee dependent of Avon  
6           Lake City Council has held many meetings  
7           on this topic.

8           Five, national security. We need a  
9           dependable electrical generation  
10          transmission distribution system. Our  
11          homeland security depends on it, as do  
12          the first responders: Hospitals,  
13          communications, transportation, baking  
14          industry, food storage and preparation  
15          businesses, manufacturing industries,  
16          business and residents.

17          Number six, profit. Yes,  
18          FirstEnergy and other electric utilities  
19          need to make a profit so they can  
20          provide for dependable and reliable  
21          systems that secures our safety, and one  
22          that is well maintained to prevent  
23          outages, brownouts, power spikes and  
24          failures. They need to make a profit in  
25          order to further advance research and

1 development.

2 Seven, decoupling. Decoupling is a  
3 concept that provides a solution, by  
4 separating the profit needed to be a  
5 dependable, secure, reliable, well-  
6 maintained entity that is able to  
7 advance research and development from  
8 the tariff. The PUCO would be able to  
9 realign the financial structure of  
10 electric utilities in Ohio. It would  
11 permit the PUCO to do away with all  
12 tariffs and to start over.

13 Presently, on your bill, the lost  
14 profit calculation has the same affect  
15 of compound interest, only in reverse.  
16 The deficits keep multiplying and the  
17 homeowners will never catch up. What is  
18 owed as a lost profit in year one is  
19 one. In two is year one times two. In  
20 year two -- in year three it is year one  
21 times two times three and on, and on,  
22 and on. The PUCO must get away from the  
23 lost profit concept and adopt  
24 decoupling.

25 All-electric homes would be

1 provided with their own tariff that  
2 identifies the meters as their own  
3 electric property, as we're told. The  
4 rates would be frozen, transferred with  
5 the property and not be identified by  
6 the owner.

7 By decoupling, other rate payers,  
8 you and I who have gas and electricity,  
9 would not need to absorb any losses.  
10 The rate payers would be whole, as well  
11 as the utility. With decoupling, a  
12 dollar or two would get added to every  
13 rate payers' invoice, not per kilowatt,  
14 but per invoice, to fund a third-party  
15 non profit for the sole purpose of  
16 teaching rate payers to conserve through  
17 energy audits and implementation of  
18 energy efficiency improvements.

19 The real profit comes to play from  
20 the large manufacturing plants, not  
21 residential. And a large manufacturing  
22 plant, they would enjoy a better bottom  
23 line with a reduced energy cost that  
24 would afford them the ability, then, to  
25 expand, which in the long term, would

1 bring higher profitability to the  
2 electric utility. All through this  
3 process the utility's profit is  
4 guaranteed, along with the low rates for  
5 all of the electric users. Decoupling.

6 Decoupling is a concept that's  
7 successfully used on the east coast,  
8 Texas and the west coast. It is a  
9 concept the Ohio Consumer's Counsel and  
10 FirstEnergy are exploring.

11 All members of the PUCO, I do  
12 beseech you to adopt a permanent  
13 solution to electrical energy rates in  
14 Ohio by adopting decoupling with a  
15 third-party conservation component.  
16 Insist that, along with decoupling, that  
17 accelerated payments that all-electric  
18 homeowners paid this year is returned  
19 back to them. Thank you very much.

20 MR. PRICE: Our next witness is  
21 David Kos.

22 - - - - -

23 DAVID KOS,

24 After having been first duly sworn, as  
25 hereinafter certified, was examined and testified



1 as follows:

2 MR. KOS: Can everybody hear me?  
3 Okay. Good to go. I promise that I  
4 will be brief. And before I start my  
5 actual testimony, I want to hear --

6 AUDIENCE: We can't hear you.

7 MR. KOS: I want say that my  
8 comments and my testimony also reflect  
9 the opinions of Ward 3 City Council who  
10 is in attendance but will not be  
11 speaking tonight.

12 Members of the PUCO, first I would  
13 like to thank you for scheduling this  
14 hearing today in North Ridgeville. I'm  
15 aware that the location was not on the  
16 initial meeting site list. And thank  
17 you all for your considerations by  
18 adjusting your schedule and allowing all  
19 of us to be heard.

20 My name is David Kos, and I am the  
21 Ward 4 City Councilman in Avon Lake. I  
22 am also the chairman of the Public  
23 Utilities Committee.

24 Over the last year I have talked  
25 with dozens of the Avon Lake residents

1           who will be severely harmed should their  
2           all-electric discount not be continued.  
3           The City of Avon Lake and our tax base  
4           relies heavily on our many neighborhoods  
5           and our residents. There are  
6           approximately 300 all-electric homes in  
7           Avon Lake. A particular note is the  
8           neighborhood known as The Landings.

9           The overwhelming majority of the  
10          homes and small businesses in The  
11          Landings are all-electric users. These  
12          folks have been FirstEnergy's best and  
13          most loyal customers. However, last  
14          winter when they approved dropping the  
15          discounts, these residents and small  
16          business owners saw their costs jump  
17          from \$150 to \$200 a month to, in many  
18          cases, \$500 to \$700 or more per month.  
19          Let me be clear. It is obscene and  
20          immoral to allow for that type of rate  
21          increase during the country's worst  
22          economic crisis since the Great  
23          Depression.

24          How many middle-class homeowners  
25          and small business owners can survive

1           such a drastic, extreme increase? I  
2           received calls from residents who  
3           literally were going to sleep with their  
4           coats and gloves on because they could  
5           not afford to heat their homes. I  
6           received calls from a stay-at-home  
7           mother who worried how they would raise  
8           their small children during one of the  
9           coolest and coldest winters seen in  
10          years. These residents were desperate.  
11          And I will never forget the pain in  
12          their voices as they told me the shock  
13          and disbelief when they opened their  
14          electric bills.

15                 I do, however, want to thank the  
16                 PUCO and the Governor's office for  
17                 recognizing the severity of the crisis  
18                 last winter. You all did the right  
19                 thing by, basically, reinstating the  
20                 discount through this winter, as you  
21                 study the situation. Thank you for that  
22                 consideration. And please, during your  
23                 deliberation on the matter, keep the  
24                 following in mind: These residents are  
25                 trapped in their homes. Sure, they can

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1 move. But who is going to buy their  
2 homes? Would any of us buy a \$200,000  
3 home that has \$800 electric bills? What  
4 about the small business owner who will  
5 undoubtedly have to raise prices on  
6 their products and then eventually go  
7 out of business?

8 If this rate is not reinstituted  
9 permanently, Avon Lake will suffer a  
10 major blow to our community.  
11 Foreclosure will rise. Businesses will  
12 shudder. Property values surrounding  
13 these homes will plummet. We will have  
14 a gaping hole of a ghost town right in  
15 the middle of our city.

16 Those that remain in their home and  
17 somehow manage to pay their bills will  
18 have hundreds of dollars less to spend  
19 in the community. Our shops, our  
20 restaurants and our small businesses  
21 will feel this trickle-down effect.  
22 With less income in the communities, the  
23 burden will shift to those residents of  
24 non all-electric homes. The rest of us  
25 will feel the pinch, as many homes will

1           become vacant, providing less money  
2           flowing through the community. Simply  
3           put, this situation does not just affect  
4           all-electric homes. This affects all  
5           Avon Lake residents. This affects all  
6           Ohioans.

7           Regardless of who is to blame,  
8           whether it's FirstEnergy, the original  
9           contractor for the builders, or the  
10          homeowners, we must not allow such a  
11          spike to happen again.

12          I respectfully ask the PUCO to do  
13          the honorable thing. I ask the PUCO to  
14          look beyond the initial issue of whether  
15          to discount or not and see the potential  
16          calamity that would ensue if the  
17          discounts are not permanently -- if the  
18          discounts are not permanently  
19          continued. And I urge the PUCO to look  
20          at the many elected state officials,  
21          such as the governor, our congressional  
22          representative, many state senators and  
23          our state representatives. But most of  
24          all, listen to those of us on the front  
25          lines. Listen to the mayors that are in

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1 attendance tonight. Listen to the  
2 council members. Listen to the elected  
3 officials who interacts with these folks  
4 on a daily basis. We are pleading with  
5 you and urging you to do the right  
6 thing. The right thing is to extend the  
7 discount for these hard working and  
8 honorable citizens. Please do the right  
9 thing. Please do the honorable thing.  
10 Thank you.

11 MR. PRICE: Thank you.

12 Representative Matt Lundy.

13 - - - - -

14 MATT LUNDY,

15 After having been first duly sworn, as  
16 hereinafter certified, was examined and testified  
17 as follows:

18 MR. LUNDY: First I want to start  
19 by thanking the PUCO for holding this  
20 public hearing here in Lorain County. I  
21 know that many of the elected leaders,  
22 the mayors, the respective councils very  
23 much wanted to have the meeting here.  
24 Thank you again for holding it here.

25 The all-electric consumers I

1 represent feel misled and betrayed by  
2 FirstEnergy. They also have lost  
3 confidence in the Commission following  
4 your decision that resulted in their  
5 winter heating bills increasing  
6 dramatically.

7 As chairman of the Consumer Affairs  
8 and Economic Protection Committee in  
9 Columbus, I called for public hearings  
10 in Columbus so that we could shed light  
11 on how FirstEnergy's program was greatly  
12 harming all-electric consumers in Ohio.  
13 We heard from residents who were just  
14 barely hanging on to pay their heating  
15 bills, some as high as \$800 to \$1,000 a  
16 month. Homeowners told us how the  
17 sellers, real estate agents and builder  
18 representatives told them not to be  
19 concerned about buying or building an  
20 all-electric home. They were assured by  
21 those who had direct contact with the  
22 utility they would eligible for the  
23 discount program.

24 We also heard from builders who  
25 received incentive checks from the

1 utility to build all-electric homes.  
2 These businesses also feel misled. They  
3 also have unbuilt lots with little  
4 building potential because of this  
5 issue. Homeowners now live in homes  
6 with little or no resale value because  
7 of the uncertain future and fear of what  
8 will happen to all-electric rates.

9 Ohio's housing market, building  
10 industry and real estate market is  
11 suffering enough without making matters  
12 worse. We have sent the testimony and  
13 the information shared with our  
14 committee to you, the PUCO. We are  
15 urging that you review all the  
16 information before making a final  
17 decision.

18 Governor Strickland was right to  
19 intervene and to urge that the original  
20 discount be restored.

21 As Governor Strickland pointed  
22 out -- and I don't think you'll find  
23 much disagreement from the consumers  
24 here tonight -- FirstEnergy was only  
25 focused on its bottom line.

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1 All-electric consumers have lost all  
2 trust in FirstEnergy and they've lost  
3 confidence in the PUCO system.

4 Based upon testimony presented in  
5 Columbus and conversations with  
6 residents here in my district, promises  
7 were made, and those promises were  
8 broken.

9 I'm requesting that you continue to  
10 vigorously look for all records and to  
11 talk to current and former employees of  
12 the utility company about how promises  
13 were made over the past 30 years to  
14 consumers. I believe that you will find  
15 the promises were made and those  
16 promises, as we know now, are broken.

17 As a result, I would urge you to  
18 consider a decision calling for the  
19 following: One, make the all-electric  
20 discount permanent. Two, make permanent  
21 that the discount stays with the  
22 property. Three, bring those who  
23 converted to all-electric home ownership  
24 after January 2007 into the discount  
25 program as well. Four, require the

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1 utility to absorb the cost and not  
2 permit the utility to pass the costs on  
3 to other consumers or businesses.

4 Consumers believe, and I agree,  
5 that when they were misled by any  
6 business, there must be consequences.

7 Finally, exhaust any and all legal  
8 means to require that the utility  
9 reimburse consumers the money it's made  
10 during the spikes in rates. Consumers  
11 believe that they were victims to what  
12 appeared to them to be an effort by the  
13 utility to grab some quick cash.

14 It is my hope that the Public  
15 Utilities Commission will demonstrate  
16 why "public" is in your name and render  
17 a decision that is fair and reasonable  
18 for the public; in this case, the  
19 consumers of all-electric homes. Thank  
20 you.

21 MR. PRICE: Our next witness is  
22 Rita Lockhart.

23 - - - - -

24 RITA LOCKHART,

25 After having been first duly sworn, as

1 hereinafter certified, was examined and testified  
2 as follows:

3 MR. PRICE: Please state your name  
4 and address for the record.

5 MS. LOCKHART: At any time, if you  
6 can't hear me --

7 AUDIENCE: We can't hear you.

8 MS. LOCKHART: All right. Can you  
9 hear me now?

10 AUDIENCE: No.

11 MS. LOCKHART: Can you hear me  
12 now?

13 AUDIENCE: Yes.

14 MS. LOCKHART: All right. If you  
15 can't hear me in the future, raise your  
16 hand.

17 For the record, my name Rita  
18 Lockhart. I reside at 8724 Timber Edge  
19 Drive, North Ridgeville, Ohio; in  
20 Ridgeville, a 500-acre, 700-home,  
21 all-electric planned development here in  
22 Lorain County.

23 I was born and grew up here in  
24 Lorain County. I have degrees from  
25 Miami University and the University of

1 Dayton. I worked in Hamilton and  
2 Montgomery County and at Wright-  
3 Patterson Air Force Base in Dayton  
4 before moving out of state.

5 I have always been proud of my home  
6 state and wanted to move back here when  
7 we retired.

8 My husband and I moved to our  
9 present home, our retirement home, in  
10 February 2009 from out of state. Even  
11 though we have lived in California,  
12 Colorado, Louisiana, Texas, Wyoming and  
13 overseas, we never previously had an  
14 all-electric home. After discovering  
15 that our desired home was all-electric  
16 and before making an offer on this home,  
17 we did what most prudent and diligent  
18 buyers would do when they are investing  
19 in the most expensive investment of  
20 their lives. We requested a detailed  
21 accounting of the cost of electricity,  
22 the cost of utilities at this home.

23 Attached to my testimony, which  
24 I'll provide to the Committee, is a copy  
25 of a detailed statement of account

1 prepared by Ohio Edison for the former  
2 owner of our home for the period 4-10-07  
3 to 4-8-08. Also attached is an e-mail  
4 from the realtor for the sellers of our  
5 home to our realtor, listing the amount  
6 of the electric bills for the months of  
7 September, October and November. Those  
8 amounts were respectively \$86.44,  
9 \$108.43, \$180.84. None of the bills or  
10 records indicated on the statements  
11 exceeded \$300 a month. Most were far  
12 less than that amount. We were not told  
13 and the statements prepared by Ohio  
14 Edison did not indicate that this  
15 statement reflected an all-electric  
16 discount rate which Ohio Edison and  
17 FirstEnergy had unilaterally and  
18 arbitrarily discontinued. And that we,  
19 as new buyers, would not receive this  
20 all-electric discount rate.

21 Accordingly, we were shocked to  
22 receive a bill for the period December  
23 4th, 2009 to January 4, 2010 in the  
24 amount of \$571.76, an amount almost  
25 double any previous bill and more than

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1 double the average of previous bills  
2 listed, but for comparable or lesser  
3 usage of electricity. Copies of these  
4 are also attached to my statement.

5 In summary of these discounted  
6 rates, let me just say that for the  
7 month of December '07, 4,095 kilowatts  
8 were used at a cost of \$227. In the  
9 month of January '08, 4,552 kilowatts  
10 were used in this home for a cost of  
11 \$262. In the month of February '08,  
12 5,303 kilowatts were used at a cost of  
13 \$298.47.

14 To repeat, our bill for the month  
15 of December in '09, because we did not  
16 receive the all-electric rate, for 4,787  
17 kilowatts, almost 600 kilowatts less  
18 than the highest bill I cited to you  
19 with the all-electric discount, our bill  
20 was \$571.76.

21 There is no alternative source of  
22 heat in most of this 700-unit planned  
23 development that we live in. There are  
24 no gas lines. Even if gas lines are  
25 installed, my home and the homes of my

1 neighbors do not have furnaces and hot  
2 water tanks compatible with gas. The  
3 cost to install compatible gas equipment  
4 will easily exceed \$10,000 per home.

5 We have investigated adding solar  
6 panels to our home. The cost for this  
7 service is high and the benefit is  
8 estimated at only providing a minor  
9 reduction in our energy costs. Northern  
10 Ohio, with our cloudy skies and winter  
11 snows is not an ideal location for  
12 extensive solar use. So I repeat, we  
13 have no alternative but to use the  
14 electricity because our homes are built  
15 to all-electric standards.

16 My husband and I are retired. This  
17 is our retirement home. We are on a  
18 fixed income. We are unable to pay  
19 these high rates that -- that we  
20 incurred once the all-electric rate was  
21 discontinued for us. We would not -- I  
22 repeat, not have purchased this home if  
23 we had known the electric provider had  
24 discontinued the all-electric discount  
25 rates, that we would not receive an

1 all-electric discount rate and that the  
2 cost to operate this home would be  
3 extraordinarily high, we would have  
4 purchased a compatible comparable gas  
5 home.

6 In May, the all-electric discount  
7 rate on this previously discounted rate  
8 home was temporarily reinstated for 11  
9 days. We understand that we will  
10 continue to receive this discounted rate  
11 this winter through May 2011, and we are  
12 appreciative of that, however, we need  
13 to continue to receive this discounted  
14 rate.

15 In the '70s, Ohio Edison, a  
16 subsidiary of FirstEnergy, wanted to  
17 compete with natural gas and sell more  
18 electricity in the winter. So they  
19 induced builders to build all-electric  
20 homes by paying them financial  
21 incentives to build all electric.  
22 Builders were required, in turn, to  
23 install certain electric energy-using  
24 systems, like 80-gallon water tanks and  
25 electric heat pumps. Our home has two



1           80-gallon water tanks and two electric  
2           heat pumps for two people. We don't  
3           need 160 gallons of hot water.

4           In exchange, home buyers were we  
5           given an ell-electric discount rate. A  
6           contract was thus formed. Benefits  
7           flowed to both parties, to the electric  
8           company and to the all-electric  
9           homeowner. The electric company sold  
10          more electricity, and the all-electric  
11          homeowners received a discounted rate.

12          Now, FirstEnergy has the ability to  
13          sell its excess electricity out of  
14          state, so they no longer find it  
15          advantageous to continue the  
16          all-electric discount rate.

17          Builders built all-electric homes  
18          and homeowners bought all electric  
19          homes, based upon the concept of a  
20          mutually beneficial contract. Ohio  
21          Edison, FirstEnergy and the Illuminating  
22          Company now want to unilaterally break  
23          their contract, break their promise by  
24          discontinuing the all-electric  
25          discount.

1           As I said previously, my husband  
2           and I would not have bought this  
3           property had we known that we would have  
4           such high utilities bills. Likewise,  
5           current owners of all-electric  
6           properties will not be able to sell  
7           those properties for their fair-market  
8           values when buyers can buy a comparable  
9           gas-heated home with reasonable electric  
10          bills -- utility bills. Property values  
11          on our all-electric homes will drop,  
12          perhaps as much as 30 to 40 percent.  
13          The loss in property value will  
14          significantly lower the tax revenue base  
15          in our communities and on a state level,  
16          thus revenues for public services and  
17          schools will drop significantly. And in  
18          these tough financial times, we need to  
19          do everything possible to keep utility  
20          costs down and home prices up and stable  
21          so Ohioans can prosper.

22                The all-electric rate needs to be  
23                permanently reinstated and with the  
24                property so that these rates are passed  
25                on to future owners of these

1 properties.

2 The other reasons for continuing  
3 these rates, in my opinion, are those  
4 that were cited by Representative Matt  
5 Lundy.

6 In summary, I want to say that  
7 Thomas Alva Edison, a native son of  
8 northern Ohio, was one of America's  
9 greatest inventors, obtaining 1,093  
10 patents during his lifetime. We all  
11 know that Thomas Edison invented the  
12 light bulb. He also designed and built  
13 factories that made many of his  
14 products, including plants to produce  
15 electricity. Because of Thomas Edison,  
16 we have heat, light and power. But Ohio  
17 Edison, a namesake company, is  
18 attempting to leave me and my neighbors  
19 sitting in the dark and the cold. I  
20 thank you very much for coming tonight.

21 MR. PRICE: Our next witness is  
22 Linda Jankura.

23 - - - - -

24 LINDA JANKURA,

25 After having been first duly sworn, as

1 hereinafter certified, was examined and testified  
2 as follows:

3 - - - - -

4 MS. GRADY: Your Honor, I would  
5 move for the admission of the documents  
6 attached to Ms. Lockhart's testimony.

7 MR. PRICE: You would like them  
8 marked first?

9 MS. GRADY: Yes.

10 MR. PRICE: How would you like them  
11 marked, Ms. Grady?

12 MS. GRADY: Exhibits 1, 2 and 3.  
13 Did you have three?

14 MS. LOCKHART: I have three copies  
15 of my statement, and they all have the  
16 attachments.

17 MS. GRADY: Okay. We'll call it  
18 attachment one, attachment two and  
19 attachment three. This is all one.

20 MS. LOCKHART: Attachment three is  
21 two pages.

22 MS. GRADY: Yes. So two.  
23 Attachment one being a single page.  
24 Attachment two being a single page. And  
25 attachment three being a two-page

1 document, moving all three into evidence

2 MR. PRICE: So marked.

3 MS. GRADY: Thank you very much.

4 MR. PRICE: Mr. Burke, any  
5 questions?

6 MR. BURKE: No, not at this point.

7 MR. PRICE: We'll defer ruling on  
8 the admission until the evidentiary  
9 hearing on the 29th.

10 MS. GRADY: Your Honor, I  
11 understood that if the objections were  
12 not made on authentication --

13 MR. PRICE: You understood  
14 incorrectly. We will rule on all  
15 admissions at the evidentiary hearing on  
16 the 29th.

17 MS. GRADY: On the grounds of  
18 relevancy and not on authentication,  
19 authentication being waived?

20 MR. PRICE: That's correct.

21 MS. GRADY: Correct. Thank you.

22 - - - - -

23 (Thereupon, Exhibits 1, 2 and 3  
24 were marked for identification.)

25 - - - - -

1 MR. PRICE: Please state your name  
2 and address for the record.

3 MS. JANKURA: My name is Linda  
4 Jankura. I live at 21325 Timber Oak  
5 Court in Strongsville. Good evening.  
6 Thank you for the opportunity for me to  
7 speak here tonight and thank you even  
8 more for making the decision to  
9 reconsider this issue again in greater  
10 detail.

11 My husband has been very active in  
12 testifying on this subject, both in  
13 Columbus and at several meetings at our  
14 hometown of Strongsville. I have  
15 attended some of these meetings with him  
16 and had listened to concerned parties  
17 speak about their individual situations  
18 as they pertain to FirstEnergy's  
19 attempted elimination of the  
20 all-electric discount rate.

21 First, let me state that my  
22 individual electric bill has more than  
23 doubled when our promised all-electric  
24 discount rate was taken away, with our  
25 highest bill nearly reaching \$800. Let

1 me also state that in building or our  
2 current all-electric home that we have  
3 lived in for 20 plus years, both the  
4 builder and our electric company  
5 representative assured us that our new  
6 home would receive their special  
7 all-electric discount rate, as had our  
8 prior all three electric homes. They  
9 also assured us that our rates would be  
10 comparable to and most likely become  
11 less than the combination gas/electric  
12 homes, as the supply of natural gas  
13 diminishes. It was never even intimated  
14 by them that this discount could ever be  
15 taken away at any point in the future.

16 My husband and I own an optical  
17 business which has been operating for 50  
18 plus year. In that time, we have seen  
19 many changes brought about by government  
20 concerns for protecting the interest of  
21 our customers and its citizens. Please  
22 bear with me while I make a correlation  
23 between our business and the issue we  
24 face here tonight. I would like to read  
25 you a small section from the advanced

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1 beneficiary notice that our company, as  
2 well as other optical retailers, are  
3 required to provide to anyone receiving  
4 glasses after cataract surgery that will  
5 be submitted to Medicare for payment.

6 I quote, "Medicare probably will  
7 not pay the following:" We must list  
8 each individual item with its cost.  
9 "Medicare care only pays for services it  
10 deems reasonable and necessary. If  
11 Medicare determines that a service is  
12 not reasonable and necessary under  
13 Medicare program standards, Medicare  
14 will deny payment. Medicare is likely  
15 to deny payment for the above-listed  
16 items as not reasonable and necessary.  
17 The purpose of this form is to help you  
18 make an informed choice about whether or  
19 not you want to receive these items or  
20 services, knowing that you might have to  
21 pay for them yourself. Before you make  
22 a decision about your options, you  
23 should read this entire notice  
24 carefully."

25 I will stop quoting from the form



1 here, as it goes on in much greater  
2 length and in much greater detail,  
3 stating the same things over and over  
4 again.

5 This form must be generated for,  
6 read with or to, checked in appropriate  
7 places and signed by, copied and given  
8 to every person purchasing glasses under  
9 the Medicare program. In addition, we  
10 have to keep a copy in our records for  
11 proof of its existence.

12 If a patient wants a simple tint  
13 put on their glasses, costing \$15, the  
14 government requires this extensive  
15 notification to be given to avoid any  
16 unexpected financial outcome to its  
17 enrollees.

18 Similar types of required  
19 disclosures and notifications are  
20 required throughout many other areas of  
21 the business community today. It is  
22 obvious that our government wants  
23 businesses today to go to great lengths  
24 to inform their customers of the various  
25 risks involving the purchase of a

1 product or service and clearly places  
2 that burden on -- to inform on the  
3 supplier.

4 I ask you one simple, rhetorical  
5 question here tonight: Where was our  
6 electric company's disclosure notice,  
7 either written or verbal, to us, warning  
8 of the potential pitfalls of building an  
9 all-electric home? Where was  
10 FirstEnergy's form whose purpose it was  
11 to help us make an informed choice about  
12 whether or not we wanted to receive  
13 their items or services, knowing that,  
14 in the future we may be paying double  
15 for such services, as our promised  
16 discounts were yanked out from under  
17 us?

18 I have listened to you ask us to  
19 provide written documents providing the  
20 all-electric discount rate was forever.  
21 And I understand that such a document --  
22 document was entered into evidence at  
23 the Strongsville hearing. What I  
24 haven't heard is you asking FirstEnergy  
25 for their written disclosure documents,

1 showing us being told by them that our  
2 promised discount would last forever.

3 If the government requires such a  
4 complete disclosure by suppliers over a  
5 tint in a pair of glasses, should we not  
6 have expected, at the time of building  
7 our homes, a disclosure that this  
8 special discount could be taken away  
9 from us at any time?

10 Did not our energy -- did not our  
11 energy supplier have a similar burden of  
12 disclosure to help us make an informed  
13 choice? After all, a pair of glasses  
14 costs a couple of hundred dollars.

15 The elimination of our all-electric  
16 discount rate will cost us thousands of  
17 dollars, increased utility bills, and  
18 hundreds of thousands of dollars in  
19 decreased home value and tax revenues to  
20 our cities.

21 I imagine that no such document  
22 exists or ever existed. Why not? When  
23 promised the all-electric discount rate  
24 in exchange for building all-electric  
25 homes, it was never the intention of our

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1 energy company to take those discounts  
2 away. I repeat, it was never their  
3 intention. So no such disclosures were  
4 necessary or given, either written or  
5 verbal. The alternative possible  
6 explanation for absence of disclosure  
7 documents finds our energy company, at  
8 best, practices deceptive bait and  
9 switch tactics, or if their non  
10 disclosure was intentional, possibly  
11 outright illegal in their practices.

12 There is no doubt in my mind that I  
13 and others here tonight have an implied  
14 contract -- that we had an implied  
15 contract, a promise, a 40-year long  
16 contract and promise with our electric  
17 company that was to last as long as our  
18 homes we built lasted.

19 The Public Utilities Commission of  
20 Ohio needs to set this situation right.  
21 Our largest retirement asset needs to be  
22 safeguarded and restored by your  
23 decision to permanently reinstate the  
24 all-electric discount rate forever.

25 Further, this rate needs to be tied

1 to the homes that we have made all  
2 electric and the cost of the  
3 reinstatement of this discount rate  
4 borne by FirstEnergy and not its other  
5 non all-electric customers.

6 We call upon the Public Utilities  
7 Commission of Ohio to make FirstEnergy  
8 live up to their original promises.  
9 Thank you.

10 MR. BURKE: I just have one  
11 question.

12 MR. PRICE: If the witness could  
13 come back, please. Mr. Burke has a  
14 question for you.

15 MR. BURKE: Do you recall the name  
16 -- are you with Ohio Edison or Cleveland  
17 Electric?

18 MS. JANKURA: Cleveland Electric.

19 MR. BURKE: Do you recall the name  
20 of the representative you spoke to about  
21 what you just testified to?

22 MS. JANKURA: No. It was 20-some  
23 years ago.

24 MR. BURKE: Right. Okay. Thank  
25 you.

1 MS. JANKURA: No. I'm sorry.

2 MR. PRICE: Our next witness is  
3 Jane Pfaff.

4 - - - - -

5 JANE PFAFF,

6 After having been first duly sworn, as  
7 hereinafter certified, was examined and testified  
8 as follows:

9 MS. PFAFF: I'm just an ordinary  
10 citizen, and this is a private plea, but  
11 I believe it might apply to some of the  
12 people here. My name is Jane Pfaff. I  
13 live at 33125 Tannager Court, a Bob  
14 Schmitt Development of Ridgefield in  
15 North Ridgeville.

16 We built our all-electric home and  
17 moved in in August of 2005. There was  
18 only one option of electricity at that  
19 time. We built with the understanding  
20 from Schmitt Builders that electric  
21 heat, with the discount, would be  
22 available while we lived in our home and  
23 when we would sell it.

24 My husband of 22 years died  
25 unexpectedly April 30th of this year.

1           Though he had a legal will and trust,  
2           his family of five children chose to sue  
3           me. It is still not completely  
4           resolved, and I had no income except  
5           Social Security since his death.

6           I did not use my air conditioning  
7           this summer and I'm very selective about  
8           using heat thus far this fall. But  
9           winter is coming. I am terrified that  
10          if the AE discount is not reinstated I  
11          will be forced to choose which bill I  
12          will be able to pay because my electric  
13          bill will be so high.

14          I strongly ask that the PUCO  
15          reinstate the AE discount and ensure  
16          that this discount pass on to the person  
17          to whom we all sell our homes. Thank  
18          you for your attention.

19                 MR. PRICE: Thank you.

20                 Next witness is Tom Sweeney.

21                         - - - - -

22                         THOMAS SWEENEY,

23           After having been first duly sworn, as  
24           hereinafter certified, was examined and testified  
25           as follows:

1 MR. PRICE: Please state your name  
2 and address for the record and proceed.

3 MR. SWEENEY: My name is Tom  
4 Sweeney. I'm a resident of The Landings  
5 in Avon Lake, an all-electric  
6 development. I'm very much at home here  
7 in North Ridgeville. I was Safety  
8 Service Director for three years here.  
9 I lived in Mills Creek, the all-electric  
10 development that surrounds this  
11 building.

12 Bob Schmitt built Mills Creek and  
13 Ridgefield, both all electric. Bob  
14 Schmitt was a friend, not only to the  
15 city, but to me as well. And I'm not  
16 being facetious when I say this, but if  
17 Bob Schmitt were alive today, he would  
18 not only feel betrayed, he would be  
19 apoplectic.

20 Commissioners -- Commissioners and  
21 the PUCO staff, you have my thanks for  
22 the opportunity to talk with you on the  
23 record. We're not here tonight, by the  
24 way, to rant or hurl unflattering words  
25 or hurt anybody's feelings. We're here



1 to testify that we need a PUCO ruling  
2 based on a thorough investigation of the  
3 facts that were and continue to be the  
4 basis for the all-electric discount.

5 You see, we rate payers are far  
6 from certain that a proper, correct and  
7 considered procedural outcome is  
8 assured. We rate payers need to know  
9 that PUCO has the tools and the will to  
10 do just that; intervene, investigate,  
11 evaluate, conclude and then rule.

12 We know that the Consumers' Counsel  
13 of Ohio has looked at the facts and  
14 thought long and hard on the facts.  
15 Janine Migden-Ostrander is our Joan of  
16 Arc, as is Sue Steigerwald. John Funk  
17 from the Plain Dealer calls it -- and  
18 I'm quoting from the paper -- a legal  
19 knife fight between OCC and FirstEnergy  
20 attorneys.

21 If I may, I would like to distill  
22 the situation we now all face and state  
23 it as simply as possible. Most of us,  
24 if not all of us in this room, believe  
25 in the benefits of capitalism and free

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1 enterprise, even as we talk about  
2 regulating a monopoly. I, for one,  
3 honestly appreciate creative marketing,  
4 even when it's used by a regulated  
5 monopoly. I like marketing  
6 competition. It drives creativity. It  
7 drives costs. It drives price, even our  
8 own regulated monopolies.

9 And so it was, 40 years ago, that  
10 CEI and East Ohio Gas and Columbia Gas  
11 competed for the energy dollars of Ohio  
12 industry, commerce, its working  
13 families, seniors, et cetera. CEI, now  
14 FirstEnergy, made an offer. It was  
15 accepted. They offered an inducement, a  
16 discount on electricity to developers,  
17 builders and homeowners, if what was  
18 built and then bought used only  
19 electricity. And because that bargain  
20 had been struck, homes were built and  
21 bought. Only electric appliances were  
22 installed, and today we're on the second  
23 or third generation of electric  
24 appliances.

25 That agreement, that contract,

1 marketing strategy leveled the playing  
2 field for CEI to compete with natural  
3 gas. They won. Glad to help.

4 CEI got its competitive edge. We  
5 gave it to them in an agreement, a  
6 contract that set the basis for a fair,  
7 fixed relationship between the electric  
8 supplier and a very large portion of the  
9 supplier's customer base that now runs  
10 in the hundreds of thousands.

11 Today, FirstEnergy's position is  
12 that this relationship, this contract no  
13 longer works for them. The basic  
14 problem is that we still rely on that  
15 agreement. We bought specific homes,  
16 continue to buy appliances and calculate  
17 the value and resale values of our homes  
18 based on that contractual relationship  
19 because we called CEI and we were told  
20 our rates would never change. I was  
21 told that seven years ago in Avon Lake.  
22 It was a promise, a contract. It was  
23 good for the developer, fair for the  
24 home owner, and I'm told, blessed by the  
25 Public Utilities Commission.

1           The Commission sanctioned that  
2 original contract, agreement,  
3 relationship, arrangement -- I don't  
4 care what you call it. Then a year ago  
5 it approved nullifying, doing away with  
6 that contract.

7           Today, after some twists and turns,  
8 PUCO believes, along with FirstEnergy,  
9 that PUCO has the legal standing, the  
10 required institutional neutrality and  
11 dedication to its mission statement of  
12 scrutiny, balance and advocacy on behalf  
13 of rate payers to decide this issue.

14          We are the Commission's clients.  
15 We pay their salaries and benefits and  
16 bills. Madam, we are clear thinking  
17 people who are testifying tonight. Our  
18 primary thought is this: That no party  
19 to a contract may simply walk away from  
20 that contract. At the end -- at the end  
21 of 2009, FirstEnergy wanted to  
22 streamline and simplify its rate  
23 structure. It had scores of different  
24 rates for different customers and was  
25 confusing for the customer. We're sorry

1           for the utility's confusion, but they  
2           had a plan. The plan was filed with the  
3           Public Utilities Commission, and it was  
4           to simply do away with the all-electric  
5           discount.

6           Today, in essence, FirstEnergy is  
7           saying, we don't need you anymore. Not  
8           thanks, just this is not to our  
9           advantage anymore. Now I say, plainly,  
10          that the position of the PUCO to even  
11          consider doing away with the  
12          all-electric discount goes beyond a  
13          disadvantage to us. It would be  
14          financially devastating and an  
15          unconscionable breach of contract and  
16          good faith. Any decision or so-called  
17          compromise that add this debilitating  
18          factor into Ohio's already sagging  
19          housing market surely, clearly militates  
20          against the basic health of that market  
21          and any chance of a timely recovery.

22          Our position -- everybody in this  
23          room, I believe, is that FirstEnergy may  
24          not compromise, not renegotiate or in  
25          any way substantially alter its contract

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1 after 346,000 Ohioans came to rely on  
2 it, act on it and spend thousands to  
3 remain compliant with the all-electric  
4 standards.

5 When the Chair of the Senate Energy  
6 Committee, Mr. Wyden, and Senate  
7 President, Bill Harris, decided not to  
8 let Senate Bill 236 go to the floor for  
9 a vote, they said they had reservation  
10 because this may be, "a contract issue  
11 to be settled in a court of law."

12 Let's do it. FirstEnergy is not  
13 losing money. We are. And we have.  
14 There is an attempt by the utility, with  
15 a sayonara from the Commission  
16 regulating it, to put rate payer against  
17 rate payer. The all-electric homeowner  
18 will not be subsidized by other fellow  
19 rate payers. It is not only a false  
20 premise, it is cynical, a red herring  
21 and dead wrong.

22 The all-electric discount has been  
23 effective in rate calculation for 40  
24 years. It was requested by  
25 CEI/FirstEnergy, granted by the

1 Commission and it's been part of a  
2 mathematical equation every month for  
3 four decades.

4 It's one thing to sit here and  
5 listen to people like me and other  
6 all-electric homeowners. It's quite  
7 another if there's due diligence done by  
8 PUCO legislative committees and even the  
9 governor's office.

10 I say, find Bob Farley, CEO of CEI  
11 back in the early '80s. Farley was also  
12 in charge of marketing in the 1970s.  
13 Have the official staffer or  
14 investigator call him. I think he's  
15 still alive.

16 Ask Dave Whitehead. Today he's at  
17 Squire, Sanders and Dempsey. He was the  
18 lead legal counsel for CEI in those  
19 years. Better yet, track down Alan  
20 Wright. He was CEI's vice president of  
21 legal affairs back then.

22 Ralph DiNicola and Tom Walsh did  
23 public relations. What I want to know  
24 is, what were they relating to the  
25 public back then.

1                   Call Frank Deaner who came from  
2                   WBNS TV in Columbus. He's now at the  
3                   Ohio Electric Utilities Institute. And  
4                   finally, get an interview with Tom  
5                   Chema. He ran the Public Utilities  
6                   Commission for four or five years in the  
7                   '80s. He's president of Hiram College.  
8                   He might know something. Ask him.

9                   Put their hands and ears on a Bible  
10                  and ask them straight, unambiguous  
11                  questions about the all-electric  
12                  contract; how it was promoted, passed,  
13                  what was promised and for how long.

14                 Janine Ostrander and the Ohio  
15                 Consumer's Counsel managed to get the  
16                 PUCO to order FirstEnergy to allow  
17                 interviews of past and current CEI  
18                 salespeople, and to turn over marketing  
19                 material and other things. Within hours  
20                 FirstEnergy asked for a stay, a  
21                 postponement of the order in the name of  
22                 due process, because it had to be fair.

23                 Now, this is a costly, arrogant  
24                 game of chess we're playing, ladies and  
25                 gentlemen. We rate payers are the



1 pieces on the board. As rate payers --  
2 no. As adults we are a god. Can this  
3 process really be this Byzantine? This  
4 convoluted? This arbitrary? The  
5 electric rate payers of Ohio pay for the  
6 costs of operating the Public Utilities  
7 Commission. It's a line item on yours  
8 and my bill every month. We pay for the  
9 Commission so that there could be a  
10 fairness based on scrutiny and balance  
11 between our utilities and those who pay  
12 their rates: Us. Each and every one of  
13 us.

14 We, in the regulations we support,  
15 allow utilities to be monopolized. They  
16 cannot lose money. The law guarantees  
17 them a profit. A fair justifiable  
18 profit. Today the governor is  
19 involved. And we pray the next governor  
20 is as well. But you see, we don't need  
21 assistance, a solution or relief. We  
22 simply need the contract to be  
23 enforced.

24 If that contract is not enforced,  
25 we face astronomical bills because we

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1           only use electricity. We have homes  
2           that have become undesirable if they're  
3           resold. Repavement will bring many  
4           thousands of dollars to hook up to the  
5           very same gas company that CEI  
6           successfully competed against and won,  
7           with our help. Then we'll go out and  
8           spend thousands more for appliances that  
9           use energy other than electricity.

10                 Are you following the logic here?  
11           On one side it's plain, simple common  
12           sense. On the other side, it's Alice  
13           through the looking glass. There is no  
14           sense.

15                 FirstEnergy is clearly that  
16           profitable. That grossly understates  
17           their financial situation. It is very  
18           accurate, however, to also state that  
19           FirstEnergy deals in more than electric  
20           power. It deals in political power as  
21           well. That power is wielded with the  
22           Public Utilities Commission that we rate  
23           payers subsidize to ensure fairness, and  
24           that power is wielded in legislative and  
25           executive offices as well. We remain

1 hopeful that Ohio Courts will decide a  
2 contract law case based on its merits.  
3 It's a quick concept, given the tenor  
4 and temper of the times. But it's one  
5 that we cling to.

6 Think about it. Each month we pay  
7 to run a Public Utilities Commission  
8 designed to take the politics out of  
9 power. Safe to say there is no arms-  
10 length relationship between utilities  
11 and our regulating commission?

12 The Public Utilities Commission of  
13 Ohio has the authority and the mandate  
14 to check, balance and make transparent  
15 the plan, dealings and rates of Ohio  
16 utilities. That is what is meant by a  
17 regulated monopoly. And FirstEnergy is  
18 one.

19 We are not radicals. We are tax  
20 payers, voters, homeowners and rate  
21 payers. None of those things are  
22 supposed to involve risk. We have an  
23 explicit contract with government to  
24 provide services in exchange for  
25 reasonable values. As voters, we even

1 get to pick the ones that govern it on  
2 each and every level, and it works  
3 fairly well.

4 If I've said anything tonight,  
5 alluded to or relied on, as I spoke to  
6 you, is challenged as not true, please,  
7 in the name of trust, show me -- show us  
8 the official documents, sworn statements  
9 or testimony that makes it's so.

10 As we defend ourselves, our homes,  
11 an untold number of neighbors,  
12 neighborhoods and developments against  
13 rates that represent a financial "C"  
14 change, please produce and share the  
15 results of the balanced investigation  
16 you surely will oversee or, maybe,  
17 conduct. That's only fair. And fair is  
18 a very good place to start and a good  
19 place to end.

20 I thank you for your time.

21 I don't remember who I talked to.

22 MR. BURKE: That was one of my  
23 questions: You don't recall who said  
24 your rates weren't going to change?

25 You said you were told that your

1 rates would never change.

2 MR. SWEENEY: Yeah. I think it  
3 might be the same for, you know, a lot  
4 of people out here. You know, you don't  
5 usually ask the name of the customer  
6 representative you get when you call the  
7 number on the back of your bill when you  
8 say, hey, I'm going to buy this house,  
9 blah, blah, blah. And he says, oh,  
10 Mr. Sweeney, dot, dot, dot, your rates  
11 will never go up.

12 I said, "ever?"

13 He said, "Not as long as you're in  
14 that house."

15 MR. BURKE: But you weren't given a  
16 name or anything?

17 MR. SWEENEY: No.

18 MR. BURKE: You don't have any  
19 written documentation about the contract  
20 you were speaking?

21 MR. SWEENEY: I can probably get it  
22 for you if you need it.

23 MR. BURKE: I appreciate that.

24 MR. SWEENEY: Thank you.

25 MR. PRICE: Okay. Our next witness

1 is Hazel Ferry. After Ms. Ferry, we're  
2 going to take a brief 15-minute break.

3 I would ask -- however, we are at  
4 witness number ten and we've been doing  
5 this for an hour and 15 minutes. I have  
6 about 40 witnesses, so if people could  
7 be a little expeditious, I'm sure  
8 everybody would appreciate it.

9 - - - - -

10 HAZEL FERRY,

11 After having been first duly sworn, as  
12 hereinafter certified, was examined and testified  
13 as follows:

14 MR. PRICE: Please state your name  
15 and address for the record.

16 MS. FERRY: My name is Hazel  
17 Ferry. For ten years I've lived at  
18 33025 Hidden Hollow Court, North  
19 Ridgeville, Ohio, 44039. It's in the  
20 Ridgefield Development.

21 Incidentally, I live on a cul-de-  
22 sac. There are 16 homes there. Four of  
23 them are now for sale. Two people gave  
24 up and rented them. I have an  
25 investment in Ridgefield of \$676,000,

1 and if I were to sell any of my  
2 investments there, I would expect to  
3 receive about half.

4 Excuse me if I stop and pause and  
5 recheck what I've written because I've  
6 crossed out a lot that I wrote down in  
7 the hopes of being brief, which I'm not  
8 known for.

9 From 1997 through 1999, with my  
10 husband in tow, we spent two years  
11 earnestly searching for a new home. The  
12 one thing that he made quite clear to me  
13 was, "no electric home. No way.  
14 They're too expensive to run and not  
15 warm enough."

16 Okay. With that thought in mind,  
17 off we trudge, and we went back for the  
18 second time to Bob Schmitt Homes because  
19 we liked what we saw.

20 My husband, the consummate  
21 analyzer, used to drive me nuts -- sorry  
22 honey -- also very hard at hearing, put  
23 me on the phone with FirstEnergy. And  
24 by the way, mia culpa, I happen to be a  
25 stockholder and I'm not very proud of it

1 or the company.

2 The very hard at hearing husband  
3 put me on the phone with FirstEnergy's  
4 Marla Haughan. As an Ohio Bell  
5 supervisor for about a thousand years or  
6 so, we always wrote down the name of the  
7 person we spoke with and their phone  
8 number. Marla is M-A-R-L-A. Haughan is  
9 H-A-U-G-H-A-N. Telephone number:  
10 440-326-3350. The telephone number is  
11 always on busy these days.

12 Her input to both of us totally put  
13 us at ease with special rates for  
14 all-electric homes. With an 80-gallon  
15 hot water heater, we were to receive  
16 special rates. With geothermal, even  
17 the builders were receiving dollar  
18 incentives. It was the way to go, the  
19 wave of the future.

20 This was not a gimmick or a lost  
21 leader event. There was not an  
22 expiration date. We could take our  
23 time. And Tony, God love him, could  
24 analyze to his heart's content. She  
25 even sent materials out to us. And I



1 have copies for you.

2 With what we thought was an  
3 honorable electric company and what we  
4 thought was a very sound regulatory  
5 Commission, way to go we did.

6 And I do have my originals under  
7 lock and key.

8 "Electric service in your new  
9 home. Customers who have major electric  
10 appliances, like an electric heating  
11 system and an 80-gallon electric water  
12 heater may be eligible for special rate  
13 options. Your local Ohio Edison office  
14 has more information on these rates.

15 "Geothermal" -- by the way, the  
16 revised date on this was November of  
17 1995. Guess I ought to get rid of some  
18 of the paperwork in my house.

19 "By using geothermal, you qualify  
20 for a discount electric rate from the  
21 Illuminating Company, where you save on  
22 your total energy usage each month."

23 Again, their marketing tool was  
24 handled in a very nice manner. And as a  
25 supervisor for many years with Ohio Bell

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1 and training customer service  
2 representatives, this young lady did a  
3 very nice job. Recognizing the fact  
4 that we were totally their customer,  
5 totally committed to them, and them to  
6 us, that is the way she approached it.  
7 That's a contract. They set the  
8 precedent.

9 So FirstEnergy, your denials fall  
10 on deaf ears. Your emotional ploy that  
11 everyone else will have to pay this is  
12 as ridiculous as your CFL plan.

13 How about we start with you. My  
14 copy of my 2009 annual report. "Despite  
15 peak demands for power and lower  
16 electricity prices, we delivered solid  
17 financial results in 2009." There is  
18 much more information in here. The  
19 company is not bleeding.

20 My copy, Notice of Annual Meeting  
21 of Shareholders and Proxy Statement,  
22 dated May 18th, 2010 --

23 By starting with you, FirstEnergy,  
24 I'm looking at some of your pays, your  
25 pension benefits, your STIP awards --

1 I'm sorry. I'm not my husband. I do  
2 not read these from page to page -- your  
3 LTIP and other equity awards.

4 Mr. Anthony Alexander, total,  
5 \$38,430,503. Mark Clark, my goodness.  
6 He only gets \$10,514,019. Gary Leidich,  
7 you do slightly better at \$11,828,433.

8 If the PUCO does not read this type  
9 of thing, I'll gladly give you my  
10 originals.

11 FirstEnergy, unless these  
12 executives are hot on the trail of a  
13 cure for cancer or as a sideline they  
14 are brain surgeons, I think these  
15 salaries and award dollars are quite  
16 simply outrageous.

17 PUCO, everyone is asking us for our  
18 interpretation of FirstEnergy's special  
19 rates. Let me turn that back to you.  
20 What was your interpretation of their  
21 plan when it was first introduced to  
22 you? You have admitted that you have  
23 bungled your due diligence when FE  
24 discontinued the rates. But I do have  
25 to question just how far out in left

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1 field can you be?

2 FirstEnergy, you are affecting  
3 people's home values. It's just not a  
4 question of their monthly rates. When  
5 you affect home values, you start  
6 affecting property taxes. That's how we  
7 build communities.

8 FirstEnergy, you know you alone can  
9 well afford to continue these rates. Do  
10 the right thing. And it doesn't matter  
11 if there is a first-time buyer, a  
12 second-time buyer or a 28th home buyer.  
13 The rate is aligned to the home, not how  
14 many occupants are in the home, or  
15 owners. Do the right thing.

16 PUCO, your job is to be well  
17 informed. And somehow I'm missing that  
18 you understand your own mission  
19 statement of being fair. Do the right  
20 thing.

21 As I was driving over here this  
22 evening, it dawned on me that I'm old  
23 and, quite frankly, I'm getting very  
24 crabby. People not doing the right  
25 thing might have some bearing on that.

1 But it dawned on me that you may have  
2 very young folks on your staff and they  
3 might think that deregulation means go  
4 for the gusto, free license to raise  
5 rates up, up and away. It doesn't mean  
6 that at all.

7 I retired from the Bell system 25  
8 years, and then five. My last five as  
9 an AT&T phone center manager. I worked  
10 through deregulation. And let me tell  
11 you, our greatest concern was for our  
12 customers.

13 Thank you for the time.

14 MR. PRICE: Thank you. Ms. Grady.

15 MS. GRADY: Yes, Your Honor. I  
16 move for the admission of -- or I would  
17 like marked for identification purposes  
18 OCC Exhibits Nos. 4, 5 and 6.

19 MR. PRICE: So marked.

20 MS. GRADY: I'm asking for  
21 administrative notice --

22 MR. PRICE: We'll take care of that  
23 in the hearing and report it in the  
24 hearing. You don't have to do that  
25 right now.

1

- - - - -

2

(Thereupon, Exhibits 4, 5 and 6  
were marked for identification.)

3

4

- - - - -

5

(Thereupon, a recess had.)

6

MR. PRICE: Our next witness is

7

Brian Kurz.

8

Okay. We'll move on, then.

9

Our next witness is Franz Jager.

10

I'm sorry.

11

- - - - -

12

FRANZ JAGER,

13

After having been first duly sworn, as

14

hereinafter certified, was examined and testified  
as follows:

15

16

MR. PRICE: Please state your name

17

and address for the record and proceed.

18

MR. JAGER: Good evening. My name

19

is Franz Jager and I reside at 8748

20

Timber Edge Drive in North Ridgeville.

21

My home is in the Ridgefield Development

22

which is a residential development that

23

has no access to natural gas supply

24

systems and is, therefore, dependent on

25

electric power supply for home heating,

1 water heating and cooking purposes.

2 I have lived in my current  
3 residence for over nine years. I'm 66  
4 years old and my wife and I built our  
5 2,400 square foot home in 2001. We were  
6 attracted by the energy efficiency of  
7 the Bob Schmitt Homes and we had two  
8 separate heat pumps installed to  
9 separately control the temperature in  
10 our living and sleeping quarters.

11 Energy efficiency was very much on  
12 our minds when we built the home. We  
13 built it with an eye on nearing  
14 retirement. That retirement is now  
15 eminent, and going forward, my wife and  
16 I will have to live off our life savings  
17 and Social Security.

18 It is a discomfoting process to  
19 think that our power supplier, Ohio  
20 Edison, is now intent on terminating its  
21 practice of offering a special and  
22 reduced rate for owners of an  
23 all-electric home like ours.

24 I am providing testimony here today  
25 to state clearly to the Public Utilities

1 Commission of Ohio that it would be  
2 derelict in its duties to the Ohio  
3 public if it were to allow Ohio Edison  
4 and other FirstEnergy companies to  
5 discontinue the rates privilege,  
6 heretofore, extend it to the occupants  
7 of all-electric homes in their market.

8 Our monthly usage raises from a low  
9 of 1,500 kilowatts to a high of 5,500  
10 kilowatt hours. Of course, the lows  
11 occur in the spring and in the fall and  
12 the peak usage always occurs in the  
13 winter months. Our average monthly use  
14 is 2,750 kilowatt hours. Our electric  
15 bill for the period from December 2008  
16 through February 2009 was \$1,076.

17 For the same three -- for the same  
18 three-month period, a year later when  
19 Ohio Edison had rescinded its special  
20 all-electric rate, the bill was \$1,289,  
21 representing an increase of 20 percent  
22 for virtually the same, be it, a little  
23 less usage.

24 A year from now we will be living  
25 on a fixed retirement income, and we



1 shudder to think about the affect on our  
2 budget if you, the Public Utilities  
3 Commission of Ohio, let's FirstEnergy's  
4 decision to discontinue its all-electric  
5 rates stand. As bad as that will be for  
6 us and for all our fellow residents of  
7 Ridgefield, it pales in comparison by  
8 the harm that will be done to the value  
9 of our properties if you, the PUCO, do  
10 not deny FirstEnergy's request to  
11 discontinue its special rate for  
12 all-electric homes.

13 As it is, as a result of the  
14 depressed housing market, the appraised  
15 value of our home is already  
16 significantly below our original  
17 investment. If FirstEnergy's position  
18 is allowed to stand, it will not only  
19 lose significantly more value, it will  
20 become virtually unsalable. For us, and  
21 I assume for many other residents of  
22 Ridgefield, our home is a significant  
23 part of excess we have available to fund  
24 our retirement. It would be  
25 unconscionable, in my mind, if the PUCO,

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1           which is supposed to protect the  
2           public's interest in the citizen  
3           interaction with the utilities, were to  
4           allow the highway robbery that  
5           FirstEnergy is about to commit.

6           Let me ask you, have you already  
7           realized what this staggering loss of  
8           excess value of the homes in Ridgefield  
9           and our all-electric home developments  
10          in Ohio will do to the tax revenue our  
11          communities would have available to fund  
12          schools and other public services?

13          I'm not a lawyer -- or yes, I am.  
14          But I got my law degree more than 40  
15          years ago at the University of  
16          Rotterdam, the Netherlands. So that  
17          hardly counts. But you don't have to be  
18          a lawyer to understand that FirstEnergy  
19          created an implicit contract -- call it  
20          a covenant -- when it convinced Bob  
21          Schmitt Homes to create, in the '90s, a  
22          large, new residential development in  
23          North Ridgeville that would depend  
24          entirely on electric supply of energy by  
25          FirstEnergy.

1           In Ridgefield we have no options.  
2           There are no natural gas feeder lines  
3           and, therefore, Bob Schmitt Homes and  
4           FirstEnergy knew that the viability of  
5           Ridegfield would be dependent on  
6           FirstEnergy continuing the practice of  
7           offering a special, reduced rate for  
8           all-electric homes.

9           There is a good reason why Bob  
10          Schmitt Homes, in the instructions to  
11          its buyers, included the following  
12          statement -- this is taken from papers  
13          that we received when we -- when we  
14          signed the contract with Bob Schmitt for  
15          our newly built home. On the heading of  
16          these instructions -- under the heading  
17          of FirstEnergy, it says, "to establish  
18          service, contact FirstEnergy at the  
19          number listed above. Inform them that  
20          you have an all-electric home and the  
21          size of your hot water tank," which, in  
22          our case, was 92 gallons, "this  
23          qualifies you for the," in quotation  
24          marks, "optional heating rate."

25          No doubt, this is a reference to

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1 the all-electric rate and no doubt that  
2 Bob Schmitt would not give these  
3 instructions to its buyers if they would  
4 not have been assured of the continuance  
5 of the all-electric rates which were in  
6 effect for the first buyers of homes in  
7 Ridgefield and thereafter without  
8 interruption, until FirstEnergy got cute  
9 in late 2009 and broke its covenant with  
10 its all-electric customers.

11 Members of the PUCO, you have it in  
12 your power to stop FirstEnergy in its  
13 tracks, in its attempt to break its  
14 covenant with its all-electric  
15 customers. And I expect from you that  
16 you will utilize this power and put a  
17 permanent injunction on FirstEnergy's  
18 malicious intent to harm the very  
19 customer they so ardently courted when  
20 FirstEnergy was intent on selling more  
21 electric power.

22 I further expect from you, as a  
23 public service, that you make sure that  
24 all-electric rates will be transferrable  
25 to any successor occupants of my current

1 residence and all other Ohio residents  
2 that are all-electric homes.

3 If you -- if, as you are duty bound  
4 to do, you carefully consider all the  
5 facts in this case and the implication  
6 of the elimination of the all-electric  
7 home discount, you can, in good faith  
8 and in good conscience, not come to any  
9 other conclusion than that FirstEnergy's  
10 malicious and ruinous decision cannot be  
11 allowed to stand.

12 I count on you for doing the right  
13 thing.

14 MR. PRICE: Our next witness is  
15 Edward Bueche.

16 - - - - -

17 EDWARD BUECHE,

18 After having been first duly sworn, as  
19 hereinafter certified, was examined and testified  
20 as follows:

21 MR. PRICE: Please state your name  
22 and address for the record.

23 MR. BUECHE: My name is Edward J.  
24 Bueche. I live at 32362 Birchwood Lane  
25 in Avon Lake, Ohio, 44012. My wife and

1 I live in an all-electric home in Avon  
2 Lake, which we purchased in 1986. It's  
3 our position that the all-electric home  
4 discount rates were wrongly discontinued  
5 and should be permanently reinstated  
6 using the rate that was in existence  
7 through 2008.

8 Our home was built by Bucky Kopf in  
9 1983 as part of the Green Point  
10 Development. We were shown our future  
11 home by a realtor in 1986. Upon  
12 learning that this was an all-electric  
13 home, I immediately stated I would not  
14 buy it due to the expensive  
15 electricity.

16 The realtor countered that there  
17 were many all-electric homes in the area  
18 and the electric company had encouraged  
19 developers to build all-electric homes  
20 and guaranteed their sale to people like  
21 me with discounted rates.

22 I asked to see the last year's  
23 electric bills and questioned how long  
24 the discount would last.

25 She advised me they went with the

1 home permanently. I then questioned my  
2 work associates about these purported  
3 discounted rates. I had just  
4 transferred into the area.

5 They allayed my concerns, asserting  
6 that the realtor was correct. The  
7 discounted rates were forever for an  
8 all-electric home. This, coupled with  
9 my experience of the suppliers to the  
10 power generation industry, made sense to  
11 me. If the electric company was faced  
12 with large financial losses due to their  
13 building excess generation capacity to  
14 handle the summer loads, which resulted  
15 in excess capacity during the winter,  
16 the discounted all-electric home rates  
17 created a market for this excess  
18 capacity, allowing them to profit by  
19 selling the excess power at reduced  
20 rates; thus we purchased the home.

21 In January 2010 we received an  
22 electric bill so outrageous that I  
23 immediately went to my computer database  
24 to view the history. The bill was the  
25 highest we ever received; \$572 for 5,820

1 kilowatt hours.

2 We experienced a similar usage of  
3 5,816 kilowatt hours in March of 2007,  
4 with a billing of \$274. The January  
5 2010 was more than double the March 2007  
6 billing for the same kilowatt hours.  
7 This was followed by February's billing  
8 of \$388, and March's billing of \$441.  
9 There is a table attached that I'll give  
10 you that displays the top 50 electric  
11 bills for our home since 1986. January,  
12 February, March of 2010 are the top  
13 three and total \$1,400. That's \$673  
14 more than the same period in 2009, and  
15 \$730 more than the same period in 2008.

16 On November 11th, 2010, the Plain  
17 Dealer contained two articles concerning  
18 the all-electric rates. One quoted  
19 FirstEnergy as saying, The program costs  
20 them about 80 million dollars a year.  
21 The other stated, roughly, 361,000 homes  
22 were electrically heated. Therefore,  
23 the program costs FirstEnergy roughly  
24 \$222 per electrically heated home per  
25 year. We paid for FirstEnergy's loss



1           for three all-electric homes and still  
2           had six more months of their winter  
3           rates to go.

4           Does anyone think that  
5           FirstEnergy's predecessor would enact a  
6           program that would cost them money?  
7           Absolutely not.

8           In the '60s and the '70s the power  
9           company built generation capacities to  
10          take advantage of the increased demand  
11          of the air conditioning boom. This  
12          created a major problem for them in the  
13          winter months. Shutting down a  
14          generator or a plant or plants is  
15          expensive. Restarting shutdown  
16          facilities is equally expensive. I'm  
17          sure the power company studied their  
18          options and came to the conclusion of a  
19          program that created demand for their  
20          products that would be profitable to the  
21          company. Obviously it was a money  
22          maker, as evidenced by its endorsement  
23          by the power company across the nation,  
24          and made electric power less expensive  
25          for every customer, as shutdown and

1 start-up costs were avoided and not  
2 passed on.

3 I'm tired of hearing of the  
4 inequity of the discounted all-electric  
5 rates on non all-electric residential  
6 customers. It hasn't cost them money.  
7 It saved them money and made money for  
8 FirstEnergy.

9 Our home has no ductwork. There is  
10 no gas feed and there is no location  
11 suitable for a furnace. In discussing  
12 these two problems with our local  
13 councilwoman, she provided me with a  
14 contact for an EPRI sponsored program to  
15 evaluate ductless heat pumps. I made  
16 the contact, filled out the application  
17 and was accepted for an on-site  
18 evaluation of my home.

19 On inspection, the representative  
20 concluded that while he would personally  
21 like to include our home in the study,  
22 he wanted to check our building codes  
23 and discuss his findings with his  
24 contractors. Their final decision was  
25 that our home was not an appropriate

1 candidate for the DHP, as extensive  
2 modifications would be required, such as  
3 filter cold air returns in all of our  
4 upstairs bedrooms.

5 I questioned the inspector as to  
6 what he would do if he were me. He  
7 responded that I should continue  
8 fighting for reinstatement of the  
9 permanent all-electric home discount  
10 rate.

11 My son is currently looking for a  
12 new home. He won't consider the  
13 purchase of an all-electric home.  
14 Absent the all-electric discounted  
15 rates, my home will become a major  
16 liability to me and our community. I  
17 know it will not sell for its assessed  
18 value. I anticipate that all-electric  
19 property values will be devalued, which  
20 will cause our community, schools and  
21 public services to be underfunded, which  
22 will result in higher property tax  
23 rates. The tax revenues lost from  
24 devaluation of the all-electric homes  
25 will be recovered with increased tax

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1           dollars paid by the non all-electric  
2           homeowners.

3           It's been previously testified that  
4           FirstEnergy and its predecessor paid  
5           contractors to build all-electric homes,  
6           with the proper check to prove it.

7           I know I would not have purchased  
8           my home without assurance that the  
9           discount went with the home. I believe  
10          that FirstEnergy's predecessors -- in my  
11          case, the Illuminating Company -- did  
12          guarantee the discounted rates for  
13          all-electric homes forever, and that  
14          FirstEnergy's actions constitute a  
15          breach of contract.

16          The PUCO has an obligation to  
17          reassess the previous acceptance of  
18          FirstEnergy's rate increases and  
19          reinstate and make permanent the  
20          all-electric discount, using the power  
21          company's previously established  
22          declining rates schedules. Do not allow  
23          FirstEnergy to pass on any discount  
24          affects to other consumers. Make  
25          FirstEnergy absorb the cost of their

1 commitment instead of buying more power  
2 companies with their excess profits.  
3 Thank you.

4 MR. PRICE: Thank you.

5 Our next witness is Mark Lammon.

6 - - - - -

7 MARK LAMMON,

8 After having been first duly sworn, as  
9 hereinafter certified, was examined and testified  
10 as follows:

11 MR. PRICE: Please state your name  
12 and address for the record.

13 MR. LAMMON: Good evening. My name  
14 is Mark Lammon, 50 Public Square, Suite  
15 825, Cleveland, Ohio, 44113. I am the  
16 Special Projects Manager for the  
17 Downtown Cleveland Alliance, a group  
18 representing property owners, businesses  
19 and over 10,000 downtown residents of  
20 which one-third are affected by the  
21 proposed elimination of the all-electric  
22 rate.

23 In the 1980s and early 1990s when  
24 the first of many downtown housing  
25 projects were being built, FirstEnergy

1 heavily marketed to make their buildings  
2 all electric. FirstEnergy promised the  
3 rate would continue and even provided an  
4 incentive to some properties to market  
5 the benefits of all-electric living.

6 By 2010, 1,221 residential  
7 apartments and condos have been built  
8 using all-electric utilities, and  
9 another 1,027 use a combination of  
10 systems that use electric that produce  
11 heat or air conditioning. That's 3,750  
12 downtown residents, people affected by  
13 the all-electric rate.

14 Now, FirstEnergy has decided not to  
15 honor their original deal, leaving many  
16 downtown residential buildings at a  
17 major competitive disadvantage. These  
18 buildings, which are historic, cannot be  
19 retrofitted to natural gas or any other  
20 type of heat source without completely  
21 gutting them and starting from scratch.  
22 Not only is this impossible, it's  
23 economically irresponsible and would be  
24 a step in the wrong direction for the  
25 redevelopment of Northeast Ohio.

1           Almost 300 all-electric apartments  
2           are on the verge of becoming for sale  
3           condominiums. If the all-electric rate  
4           ceases to continue, none of these units  
5           will be marketable and current owners  
6           who need to move will no longer be able  
7           to sell their investments, the property  
8           values will drop, meaning less funding  
9           for schools, the City of Cleveland and  
10          the county.

11          Buildings, some having over 100  
12          units, will no long be an affordable  
13          option for downtown residents and will  
14          go vacant. In order to prevent this,  
15          the all-electric rate must continue for  
16          the life of these residential buildings  
17          and must stay with the unit no matter  
18          when the resident moved in and must be  
19          transferrable in the case of for sale  
20          units.

21          Fundamentally, this is a greater  
22          issue than just an electric rate. For  
23          years, the State of Ohio has been  
24          bleeding out population or, at the very  
25          recent, suffering from stagnant growth.

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1 Young people are graduating from college  
2 and moving away and settling in other  
3 states, contributing to Ohio's brain  
4 drain. The one area in the state that  
5 continues to grow and attract young,  
6 educated, professional talent is our  
7 urban centers. These people are the  
8 future and they offer a hope to  
9 Cleveland and Ohio. By eliminating the  
10 all-electric rate, we are effectively  
11 telling these people to move away.

12 Downtown residents want to live in  
13 an urban environment. And when their  
14 apartment or condo becomes too costly to  
15 live in because their electric bill has  
16 doubled, they're not going to move to  
17 the suburbs. They're going to leave for  
18 New York, Chicago, San Francisco and  
19 Portland. We can't grow new business  
20 and attract entrepreneurs if we don't  
21 have areas where they want to live, work  
22 and play.

23 This isn't just about an electric  
24 rate. It's about the future of Ohio.

25 MR. PRICE: Our next witness is --



1 MR. BURKE: Your Honor --

2 MR. PRICE: Mr. Burke, I'm sorry.

3 MR. BURKE: Do you have a name of  
4 the contact who promised you the  
5 all-electric rate.

6 MR. LAMMON: You can go to John  
7 Carney's testimony in the Strongsville  
8 hearing. He supplied all that data on  
9 behalf of his company.

10 MR. BURKE: I don't think he gave  
11 any of the names. Do you have any names  
12 tonight?

13 MR. LAMMON: I don't have the names  
14 tonight.

15 MR. BURKE: Okay. Or is there any  
16 documentation --

17 MR. LAMMON: No. It was all  
18 submitted with that development company  
19 at the Strongsville hearing.

20 MR. BURKE: Thank you.

21 MR. PRICE: Our next witness is  
22 Leonard Skulina.

23 - - - - -

24 LEONARD SKULINA,

25 After having been first duly sworn, as

1 hereinafter certified, was examined and testified  
2 as follows:

3 MR. PRICE: Please state your name  
4 and address for the record and proceed.

5 MR. SKULINA: I'm Leonard Skulina.  
6 I'm at 8997 Timber Edge, a Bob Schmitt  
7 Home.

8 AUDIENCE: We can't hear you.

9 MR. SKULINA: Can you hear me now?

10 I want to thank you for the  
11 opportunity to present my findings here  
12 to the PUCO. I did make a presentation  
13 on March 13th of 2008 at the Frank  
14 Lausche Building, but unfortunately I  
15 don't think much was heard at that time  
16 about the all-electric homes.

17 Primarily, I think it's not  
18 necessarily that the subject wasn't  
19 important, but the crowd represented at  
20 that meeting represented every school  
21 district and every small business in the  
22 area complaining about the same issue.  
23 And I'm afraid the all-electric homes  
24 did not receive any attention as a  
25 result of that meeting.

1           Unfortunately, at that hearing the  
2           voice was not heard because I think our  
3           group is not large enough or we don't  
4           have the proper audience to support our  
5           homeowners. So I'm going to try again.  
6           I won't repeat what I said there. I  
7           have attached an outline of the  
8           presentation as Exhibit A that I used at  
9           that meeting.

10           For the new -- the new increases  
11           are a serious hardship to all-electric  
12           facilities, homes and property values.  
13           Many of these homes are owned by senior  
14           citizens where resale value is  
15           important.

16           FirstEnergy and Contractors. To  
17           support my request, I have provided  
18           several documents that I hope will  
19           convince you to fight on our behalf.  
20           My first document is titled, "The  
21           Neighborhood Builders." These documents  
22           were provided to us at the time we  
23           purchased our home. This should help  
24           you understand the features of an  
25           all-electric home and the technology

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1           that was built into the home. The  
2           booklet is dated 2002 and represents the  
3           latest features of all-electric designs  
4           that went into the construction for  
5           these homes.

6           These homes were made around the  
7           low electric rate promised by the power  
8           company because the power company's  
9           sales volume was lower in the heating  
10          season than in the summer when the air  
11          conditioning demand was high. They gave  
12          these discounted rates to better utilize  
13          their facility and increase their sales  
14          and power during these off-peak  
15          periods. The technology that is  
16          featured in this pamphlet was not called  
17          "green" at the time. But that's  
18          basically what the design will entail.

19          We purchased our home in 2003,  
20          based on forward thinking items and  
21          knowing that the power companies were  
22          backing these contracts. I have  
23          highlighted the areas in the document to  
24          make it easy to find.

25          The second document is called,

1 "Make plans." It emphasizes the  
2 electric design and the low monthly  
3 utility bills and the state-of-the-art  
4 construction. You will note that even  
5 the Olympic size swimming pool that is  
6 part of this community is heated with  
7 geothermal energy. Again, thinking and  
8 designing green, much with the help of  
9 the power company's interest in our  
10 entire communities.

11 The third document is titled, "The  
12 Quality Standards for Bob Schmitt  
13 Homes." This document shows the  
14 futuristic thinking in the designs and  
15 the installation of fiber optic cables  
16 and future technology advancements and  
17 applications that was built into the  
18 home.

19 Again, the homes are well insulated  
20 to accommodate all-electric designs.  
21 All these are based on FirstEnergy's  
22 commitment to a discounted electric rate  
23 to sell more power, especially during  
24 the winter.

25 The final document, which I marked

1 Exhibit B, is "Move-in checklist," as  
2 was read by someone before. This is  
3 written instructions on how we were to  
4 apply for our special electric rates.  
5 The document shows who we were to call  
6 and what information we were to give  
7 them to get what they call the Option B  
8 rate.

9 Our discount rate must be continued  
10 because the power company has maneuvered  
11 their program to establish a monopoly  
12 over the all-electric homes.

13 FirstEnergy and the Consumer. I  
14 think you need to review the history of  
15 FirstEnergy's actions in the past and  
16 how they'll continue to try to extract  
17 more money from the consumers.

18 This to follow in their  
19 inefficiencies, perks and expensive  
20 management, by paying the CEO 13 million  
21 dollars a year plus benefits.

22 Let's look at their rate requests.  
23 They established a separate company,  
24 Energy Solutions, to get around the PUCO  
25 so they could not control the generated

1 rates. They gave us free light bulbs, a  
2 \$5 value, and charged us about \$18 to  
3 get them. With this gift, they expected  
4 us to pay for the energy that we didn't  
5 use because we got these bulbs.

6 FirstEnergy required a rate  
7 increase under the title of "Electric  
8 Security Plan." The increased cost of  
9 this program went from 300 million  
10 dollars to 390 million dollars. It was  
11 to cover costs -- or was it covering  
12 perks? Why does Cleveland Clinic need  
13 70 million dollars in donations? Look  
14 at how the Clinic is spending money  
15 these days.

16 Fourth, now FirstEnergy is telling  
17 the PUCO that to grant the all-electric  
18 home discount they have six options, all  
19 of which they want the consumers to pick  
20 up the tab for. I suggest the PUCO and  
21 FirstEnergy look at the earmarks, the  
22 items and the ESP program, the company  
23 wastes, their cost reduction program and  
24 productivity.

25 So in summary, I conclude -- I ask

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1 the PUCO to step back, review these  
2 facts and grant our request for  
3 permanent rate discounts as the power  
4 company has promised and has built into  
5 our homes and businesses.

6 The schools and small businesses  
7 have received rate adjustments since  
8 their hearing was heard, to some  
9 degree.

10 FirstEnergy supported the contract  
11 design for the community and  
12 all-electric facilities and homes with  
13 discounts. FirstEnergy continue its  
14 efforts to create a monopoly in  
15 supplying power. And as I showed in the  
16 Exhibit B, it confirms that we have an  
17 agreement with FirstEnergy on their  
18 special rates from the contractors of  
19 the all-electric facility.

20 Many of these homes, as I said, are  
21 owned by senior citizens and need the  
22 support that you can provide for us and  
23 help restore the discounted rates and  
24 protect our home values. Thank you.

25 MS. GRADY: I would move for the



1 admission of OCC Exhibit 7, the  
2 Neighborhood Building Contract.

3 MR. PRICE: So marked. You're  
4 moving for admission of a Bob Schmitt  
5 document?

6 MS. GRADY: Yes.

7 MR. CORCORAN: That's a document  
8 that he got as a customer.

9 MR. BURKE: I think it's from you.

10 MR. CORCORAN: Yes.

11 MS. GRADY: OCC Exhibit 8 would be  
12 the "Make Plans" document.

13 MR. PRICE: Another Bob Schmitt  
14 document?

15 MS. GRADY: Appears to be.

16 MR. PRICE: How do we get those  
17 into the courtroom?

18 MS. GRADY: We're going to move  
19 them in at this point.

20 MR. CORCORAN: My picture on  
21 there. Right there, that's me and my  
22 wife.

23 MS. GRADY: OCC Exhibit 9 --

24 MR. BURKE: Is that authentication?

25 MS. GRADY: -- would be Quality

1 Standards for Bob Schmitt Homes.

2 MR. PRICE: I don't think we need  
3 to mark these separately. I think we  
4 probably could save our stickers, if you  
5 just mark one set of marked per --

6 Plus we can get out of here.

7 MS. GRADY: Well, I'd prefer to do  
8 it this way, for the record to be very  
9 clear.

10 MR. BURKE: Well, these aren't the  
11 witness's documents. These are Bob  
12 Schmitt documents.

13 MS. GRADY: And they're received by  
14 --

15 MR. PRICE: Argue relevance.

16 MR. BURKE: This goes more to  
17 authentication.

18 MS. GRADY: OCC 10 will be Exhibit  
19 B, and I move for the admission of 7, 8,  
20 9 and 10 at this point.

21 MR. PRICE: We'll continue with the  
22 practice on deferring ruling on the  
23 admission of these documents.

24 - - - - -

25 (Thereupon, Exhibits 7, 8, 9 and 10

1                   were marked for identification.)

2                   - - - - -

3                   MR. PRICE: Next witness is Eileen  
4                   Campo.

5                   - - - - -

6                   EILEEN CAMPO,

7                   After having been first duly sworn, as  
8                   hereinafter certified, was examined and testified  
9                   as follows:

10                  MR. PRICE: Please state your name  
11                  and address for the record and proceed.

12                  MS. CAMPO: My name is Eileen Campo  
13                  and I live at 32680 Greenwood Drive,  
14                  Avon Lake with my husband and four  
15                  children.

16                  Can you hear me now?

17                  AUDIENCE: Yeah.

18                  MS. CAMPO: I purchased an  
19                  all-electric baseboard heated home in  
20                  1992. Before I bought the home, as the  
21                  other gentleman said, I checked to see  
22                  what the average electric bill was,  
23                  concerned that it was heated with  
24                  electricity.

25                  Seeing that the bills were

1 comparable from a gas heated home, I  
2 bought the house. As a side, my dad was  
3 -- my mom and dad were the realtors that  
4 sold me the house. And my mom came to  
5 me when this all started, in tears,  
6 wanting to pay for my house to be  
7 converted to gas, feeling responsible  
8 for it.

9 Obviously, my parents were not  
10 going to sell me a house they thought  
11 was going to kill me financially 20  
12 years ago after I bought it. No -- my  
13 father, is dead -- I don't have a name.

14 FirstEnergy offered and promised a  
15 discount for all-electric homes for one  
16 reason and one reason only. Nobody in  
17 their right mind would choose to heat  
18 with electricity without the discount  
19 because it would cost too much compared  
20 to gas.

21 FirstEnergy benefited from selling  
22 electricity at the discounted price  
23 because it gave them a market in the  
24 winter when all the air conditioners get  
25 turned off and electricity usage

1 decreases. So they offered the  
2 discount, promising that instant  
3 gratuity, and we built our homes or  
4 purchased all-electric homes, thinking  
5 we were safe. Along comes  
6 deregulation. Deregulation allows  
7 FirstEnergy to sell its excess  
8 electricity on the open market at a  
9 higher price than they sell it to the  
10 all-electric customers with the  
11 discount.

12 FirstEnergy no longer needs the  
13 all-electric customer. With your  
14 blessing -- with the PUCO's blessing,  
15 the all-electric discount disappeared.  
16 FirstEnergy's profits go up and so do  
17 our bills. My February 2009 bill was  
18 \$367 with the discount. My February  
19 2010 was \$698. Almost \$700. And my  
20 usage decreased by 1,800 kilowatts. My  
21 bill went up 90 percent. My usage  
22 decreased.

23 Quoting from the PUCO website, "The  
24 PUCO is created to assure Ohioans  
25 adequate, safe and reliable public

1 utility service at a fair price." Does  
2 a 90 percent increase in my heating bill  
3 sound like a fair price to you? I'd  
4 really like an answer to that. I don't  
5 know if you're allowed to answer me or  
6 not.

7 MR. PRICE: We're not allowed to  
8 answer.

9 MS. CAMPO: When heating bills shot  
10 up, the PUCO said they had no idea that  
11 eliminating the discount would result in  
12 such high bills. That's because you  
13 took what FirstEnergy said as gospel and  
14 you didn't do your homework. You never  
15 questioned the numbers they gave you.  
16 And we don't see the pricing. I don't  
17 evening think I've heard an "I'm  
18 sorry."

19 While deregulation has benefited  
20 FirstEnergy, it has not benefited the  
21 average consumer. At this point,  
22 deregulation does not give me a choice  
23 on where I get my electricity. I can  
24 join Nopec and get FirstEnergy Solutions  
25 or I can get FirstEnergy. So my choices

1 are FirstEnergy Solutions or  
2 FirstEnergy. That's not much of a  
3 choice.

4 Why don't I just convert to gas?  
5 My street does not have a gas line, and  
6 the cost quoted to me to run gas to my  
7 house is \$10,200. And that's with 100  
8 feet of gas line thrown in for free. If  
9 my home is baseboard electric heating,  
10 as the other gentleman stated, there  
11 isn't any ductwork in my home. The cost  
12 to put in ductwork and a furnace,  
13 \$13,500. Total cost of converting to  
14 gas, \$23,700. And that doesn't include  
15 somebody coming in to fix my walls after  
16 they've all been cut apart to put  
17 ductwork in. The icing on the cake is  
18 that removal of the all-electric  
19 discount makes my home impossible to  
20 sell.

21 Would you buy a house with a \$700  
22 heating bill when homes heated by gas  
23 have heating bills less than half of  
24 that. Why would you buy a house that  
25 would require \$23,000 to convert to

1 gas? You wouldn't. Neither would  
2 anyone else.

3 When asked about permanently  
4 reinstating the discount, both the PUCO  
5 and FirstEnergy cried, "well, how can we  
6 pay for it?"

7 Neither PUCO nor FirstEnergy seemed  
8 concerned about that fact the last time  
9 I was here, doing this same thing,  
10 saying that I didn't want the electric  
11 security plan, Case No. 10-0388-EL-SSO.  
12 I didn't want you to pass it. Why?  
13 Because you approved over 100 million  
14 dollars in programs that FirstEnergy is  
15 paying for to entities, such as the  
16 Cleveland Clinic, and that the Ohio  
17 Consumers are the ones paying for this.  
18 That was okay. You're okay with us  
19 paying for that. But you're concerned  
20 with how FirstEnergy is going to give us  
21 our discount back? How can you justify  
22 that? How can you say that you are out  
23 there protecting the consumer when you  
24 make choices such as that?

25 This agreement was negotiated



1 behind closed doors with the PUCO,  
2 lawyers representing industrial  
3 customers, as well as trade associations  
4 representing manufacturers, hospitals,  
5 school boards, colleges and others.  
6 These meetings were not public. And no  
7 one was there to fight for the average  
8 residential customer, certainly not the  
9 PUCO. So they justify taking away our  
10 discount that was promised us because  
11 they don't know how to pay for it and  
12 then they turn around and give away 100  
13 million dollars and make the consumer  
14 pay for it.

15 I wish you, the PUCO, was an  
16 elected body so we could vote each and  
17 every person serving on that Commission  
18 out of office.

19 Perhaps Governor Kasich will keep  
20 better tabs on what the PUCO is up to  
21 during his term in office.

22 The PUCO is more of a friend of  
23 FirstEnergy than to the Ohio consumers  
24 it is supposed to protect. Another  
25 example of this is, it took the PUCO

1 five months to make a decision on the  
2 Ohio Consumers' Counsel's request to  
3 investigate FirstEnergy's marketing  
4 practices and interview FirstEnergy  
5 employees. Yet it took you, the PUCO,  
6 only four hours to grant a continuance  
7 to FirstEnergy.

8 This is the fourth meeting or  
9 hearing I've spoken at on this topic, in  
10 addition to spending a day in Columbus  
11 with the citizens for keeping the  
12 all-electric discounts, as well as  
13 meeting with my state representative,  
14 writing letters together, and calling  
15 the governor's office. Why am I  
16 devoting all of this time to get wind  
17 mills? Simple. I can't afford not to.  
18 I need the PUCO to step up and protect  
19 the all-electric customer from crippling  
20 heating bills by main staying our  
21 discount permanently and attaching it to  
22 the home.

23 The alternative is financial ruin  
24 to my family and others like us. You  
25 asked a fair way to implement increases.

1           You cannot implement a rate increase  
2           that makes it more expensive to heat  
3           with electricity than gas. You kill us  
4           if you do. We can't sell our homes if  
5           you do that. We can't.

6           And you talked about changes in the  
7           marketplace. Why should we pay for  
8           that? Why is that our fault? I truly  
9           wish you could answer these questions  
10          for me. Why are we supposed to suck  
11          that up? Why don't you ask FirstEnergy  
12          to take a hit on their -- I think it was  
13          record profit last year. I feel that  
14          the information FirstEnergy gave you  
15          that I got from the Ohio Consumers'  
16          Counsel's testimony in 2010, they were  
17          giving you a chart, comparing gas usage  
18          to heat a home and electric usage to  
19          heat a home. They compared a cubic foot  
20          of gas to a kilowatt of electricity.  
21          You can't do that. That's why you're  
22          sitting here listening to all of us,  
23          because you went with that comparison.  
24          It doesn't work.

25                 I'm submitting a chart that

1 compares, based on the department of  
2 energy's website, that estimate that one  
3 kilowatt of electricity is worth 3.3  
4 cubic feet of natural gas in terms of  
5 generating heat. This chart is an  
6 accurate measurement of why they gave us  
7 the discount. If they don't give us the  
8 discount, nobody would heat with  
9 electricity. Nobody would make that  
10 choice.

11 I submit this into evidence and I  
12 implore you to do the right thing.  
13 You've made many, many mistakes in the  
14 past: Referencing the CFLs bulbs.  
15 Passing what you just passed, 100  
16 million plus dollars that you want us to  
17 pay for. Do this right. I beg of you.

18 MS. GRADY: I move for the  
19 admission of OCC Exhibit No. 11, the DOE  
20 chart attached to her testimony.

21 MR. PRICE: So marked.

22 - - - - -

23 (Thereupon, Exhibit 11  
24 was marked for identification.)

25 - - - - -

1 MR. PRICE: Our next witness is  
2 Norb Fox.

3 - - - - -

4 NORBERT FOX,

5 After having been first duly sworn, as  
6 hereinafter certified, was examined and testified  
7 as follows:

8 MR. PRICE: Please state your name  
9 and address for the record and proceed.

10 MR. FOX: My name is Norbert Fox.  
11 I live at 26 Creekside Trail, Olmsted  
12 Township, Ohio, and I live in Columbia  
13 Park where we have a lot of the  
14 manufactured homes that are fully  
15 electrified.

16 I just want to reminisce for a  
17 little bit. I've been paying electric  
18 bills for 57 years, and I never thought  
19 I would go into an electric home. But  
20 when I found out the facts of it and how  
21 well the house was built, with six-inch  
22 walls and the R factor of 19 in the  
23 walls, 36 in the ceilings and 19 in the  
24 floor with the electric discount rate, I  
25 thought I couldn't lose. It sounded

1 great. But I want to go back a little  
2 bit.

3 In 1968 I bought stock in CEI,  
4 paying \$36.78 a share. I thought it was  
5 a lot, and things looked good. Good  
6 dividends. They'll always make a  
7 profit. Everybody's got to have  
8 electricity. How can you lose?

9 Well, in the '70s they started to  
10 build the Besse nuclear plant. They  
11 were going to build two generating  
12 places for the plant. And the cost of  
13 it ended up costing millions upon  
14 millions upon millions. But the  
15 incentive to build the plant was  
16 electricity would be so cheap, we would  
17 only send you a token bill of five or  
18 ten dollars a month and we wouldn't even  
19 have to read your meter. That sounds  
20 great.

21 Well, at that time my stock now was  
22 worth \$9 a share. My stock broker told  
23 me, you better sell it because it's  
24 going down to \$4 and maybe almost worth  
25 nothing. Our dividends were cut in

1 half.

2 That Besse plant that they were  
3 building, they built one part of it, and  
4 the other half never got built and they  
5 couldn't get the money from the tax  
6 payers and they were in debt. And  
7 finally, along the line, what do they  
8 develop, a hole in it, a six-inch hole.  
9 The plant was shut down. We were lucky  
10 we didn't have a nuclear meltdown. This  
11 whole area would have been decimated if  
12 that would have happened.

13 They had to go out and get another  
14 lid. They put another lid in there.  
15 The plant was shut down for -- I don't  
16 know -- two or three years. Millions  
17 and millions and millions of dollars was  
18 spent. They finally got that rectified,  
19 got it back online. Now they got to put  
20 another lid on the top of it. It will  
21 be shut down for another two or three  
22 years. They're looking ahead, that's  
23 why they need our money now because  
24 they're going to -- they're in bad  
25 shape.

1                   But saying that, we're looking for  
2                   a fact sheet on our electric discount  
3                   rates. We're looking for a contract. I  
4                   think I have it right here. It's, "Fast  
5                   Facts on Our Discount Electric Rates."  
6                   Why we offer different rates. You might  
7                   think that residential customers in the  
8                   Illuminating Company's service area  
9                   receive the same basic rate each month,  
10                  no matter how much electricity they  
11                  use. This is not necessarily true.  
12                  Customers can be placed on a standard  
13                  residential rate or be placed on one of  
14                  the several discount rates, depending  
15                  upon how they heat and cool their home;  
16                  how they heat the water in their home  
17                  and how and when they use their  
18                  electricity." And it goes on about how  
19                  many kilowatt hours and things. But  
20                  right down here in the bottom it says,  
21                  "The Public Utilities Commission of Ohio  
22                  approves the rates that the Illuminating  
23                  Company offers to our customers. The  
24                  following is an explanation of our  
25                  discount rate schedule."



1           Heating of your water: "This  
2           discount rate applies to any home that  
3           has an electric water heater as the sole  
4           source of water heating. Customers can  
5           receive a significant savings on their  
6           total monthly energy bills by using an  
7           electric water hater discount rate."

8           I, when I got the place, the home  
9           came with a 30-gallon water heater. And  
10          they told me, to get a discount rate,  
11          CEI, I would have to put in a 40. I'm  
12          sure glad I didn't have to put in an 80  
13          or a 90, like some of these other  
14          people. I really feel good about this.  
15          It costs me an extra \$35, but to get the  
16          rate, I went for it.

17          "There are a few requirements to  
18          qualify for this discount. Electric  
19          water heater must be 40 gallons or  
20          higher capacity. Insulated to R-10 or  
21          higher and be warranted for at least  
22          five years."

23          You have space heating where you  
24          should get a discount.

25          All-electric homes; customers are

1 placed on this year-round rate -- not  
2 discounted in the summer. This says,  
3 year-round rate -- when the sole source  
4 of space heating, water heating is  
5 electric. This rate combination is the  
6 winter discount of the space heating  
7 rate with the summer discount of the  
8 water heating rate. Once again, you  
9 have saved money. You also have heating  
10 and cool pump. It spells it out, also,  
11 for the people.

12 And on the last page, in bold  
13 print, it says, Illuminating Company,  
14 FirstEnergy Makers, a Centerior Energy  
15 Company.

16 This was brought out in the '90s.  
17 And I wish to enter it to you. This is  
18 a contract. Their name is on the  
19 bottom. This is with their selling  
20 issue. We've been looking for this, and  
21 here it is. I don't know what more you  
22 need.

23 They keep getting bigger and  
24 bigger, buying places. Sometimes bigger  
25 isn't better. The right hand don't know

1           what the left hand is doing when it gets  
2           so big, and money just flies out the  
3           window. I don't know how many copies  
4           you want of this.

5           MR. PRICE: One is fine.

6           MR. FOX: Two?

7           MR. PRICE: One is fine.

8           MR. FOX: Thank you for your time.

9           MS. GRADY: Move for admission OCC  
10          12.

11          MR. PRICE: 12. So marked.

12          - - - - -

13                 (Thereupon, Exhibit 12  
14          was marked for identification.)

15          - - - - -

16                 Our next witness is Teryl Bishop.

17          - - - - -

18                 TERYL BISHOP,

19                 After having been first duly sworn, as  
20          hereinafter certified, was examined and testified  
21          as follows:

22                 MR. PRICE: Please state your name  
23                 and address for the record. Proceed.

24                 MR. BISHOP: My name is Teryl  
25                 Bishop. I live at 3760 Turnberry Drive

1 Medina, Ohio. I'm not here -- I do live  
2 in an electric home, but I'm here  
3 because I'm a retiree from FirstEnergy.  
4 I worked 16 years in the marketing of  
5 electric heat.

6 AUDIENCE: Use the mic.

7 MR. BISHOP: I worked 16 years in  
8 the marketing of electric heat for Ohio  
9 Edison residential customers throughout  
10 northeast Ohio. Prior to joining Ohio  
11 Edison, I owned a heating and air  
12 conditioning company in Springfield,  
13 Ohio. Following my sale of the company,  
14 Ohio Edison hired me to assist, from a  
15 dealer standpoint, in the development  
16 and implementation of the heat pump,  
17 water heating marketing program. This  
18 became their "A" plus -- alternative  
19 plus program. This program promoted and  
20 provided incentives for the installation  
21 of electric heating and water heating  
22 equipment.

23 Within a couple of years I had been  
24 promoted to the position of supervisor  
25 residential marketing for the Youngstown

1 Division of Ohio Edison. There I had 12  
2 sales representatives on my staff  
3 working with builders, heating and  
4 cooling contractors and plumbers and our  
5 customers on the sales and installation  
6 of heating and water heating systems.

7 So to Jim Burke, to answer your  
8 question, to many of these folks, it was  
9 me or my reps, or reps just like them  
10 throughout Ohio Edison territory that  
11 told these people about this.

12 One of the major obstacles to our  
13 success -- and I've heard it here  
14 tonight -- was the skepticism by dealers  
15 and customers that the special electric  
16 rates being offered with this program  
17 would be eliminated, leaving them with  
18 high bills and unhappy customers.

19 To counter this, we assured them  
20 that if the special rate was ever  
21 eliminated or replaced by a different  
22 rate, that they could remain on that  
23 rate until they decided to change or  
24 when there was a change in account.  
25 This grand fathering was a normal and

1 customary option whenever rates were  
2 changed.

3 To my knowledge, historically, at  
4 least while I was there, there were no  
5 rates eliminate without grand fathering  
6 existing customers.

7 Additionally, as part of our  
8 representatives' responsibilities was to  
9 check with those grandfathered customers  
10 periodically to see if there was a  
11 better rate available to them. This was  
12 not unique to my division, and was  
13 identical to all other Ohio Edison  
14 residential marketing in this area.

15 Recently, FirstEnergy, apparently  
16 with the blessings of the PUCO,  
17 eliminated these special rates afforded  
18 to those customers who had chosen  
19 electricity for their homes. There are  
20 tens of thousands -- I heard the total  
21 361,000 customers impacted by this  
22 decision, resulting in hundreds of  
23 thousands of dollars in increased  
24 heating costs monthly going directly to  
25 FirstEnergy, without any additional

1 expense to them or benefit to the  
2 customer. This is an incredible move by  
3 FirstEnergy that profits them by  
4 hundreds of thousands of dollars every  
5 month all taken from already burdened  
6 Ohio consumers.

7 I think you can tell I'm extremely  
8 distressed by this action and that a lot  
9 of it would take place. It makes me and  
10 my representatives guilty of lying to  
11 these customers, abandoning the trust  
12 and confidence that they placed in us.  
13 Thank you for listening.

14 MR. BURKE: We reserve the right to  
15 call him later as a witness.

16 MS. GRADY: All right.

17 MR. BISHOP: Be happy to do it.

18 MR. PRICE: Fred Hickok is our next  
19 witness.

20 - - - - -

21 FRED HICKOK,

22 After having been first duly sworn, as  
23 hereinafter certified, was examined and testified  
24 as follows:

25 MR. PRICE: Please state your name

1 and address for the record and proceed.

2 MR. HICKOK: My name is Fred  
3 Hickok. I live at 33146 Eagle Glen  
4 Court here in North Ridgeville. I came  
5 here tonight prepared to plead my case  
6 for those of us 360,000 strong. But  
7 after the last testimony, I have  
8 absolutely nothing to say. And I hope  
9 that what you heard from that gentleman  
10 is enough to push this thing to the  
11 point where you can make a decision  
12 based on what you heard from him and  
13 from others. It's sort of -- I know  
14 that this is going to end up in court.  
15 But I would ask the Commission to listen  
16 to that testimony and rule to make the  
17 all-electric home discount permanent to  
18 the residents and then let the judges,  
19 as a football referee would do, look at  
20 the evidence and force them to say that  
21 we can overrule the Commission.

22 But I hope that the evidence will  
23 prove, when they look at the film, that  
24 there is no evidence to overrule the  
25 Commission's decision. Thank you.



1 MR. PRICE: Our next witness is  
2 Mark Griffiths.

3 - - - - -

4 MARK GRIFFITHS,

5 After having been first duly sworn, as  
6 hereinafter certified, was examined and testified  
7 as follows:

8 MR. PRICE: Please state your name  
9 and address for the record. Proceed.

10 MR. GRIFFITHS: Good evening. My  
11 name is Mark Griffiths, and I live at  
12 33137 Hawks Nest Court here in North  
13 Ridgeville. When my wife Karen and I  
14 bought our all-electric home in October  
15 2003, it was on the premise -- make that  
16 the implied contract that the  
17 all-electric discount would be  
18 permanent.

19 If FirstEnergy is allowed to walk  
20 away from this contract, it will do  
21 irreparable harm to those living in our  
22 community. You see, based on the  
23 promise of a permanently discounted  
24 electric rate, gas lines were not  
25 installed in our neighborhood. So with

1 no ready energy alternative, we will be  
2 forced to pay much higher rates than we  
3 planned.

4 As had been stated previously, the  
5 loss of the permanent discount will  
6 reduce values of all-electric homes by  
7 30 percent and make them increasingly  
8 difficult to sell.

9 To embarking builders and by  
10 extension to home buyers, FirstEnergy  
11 was allowed to gain a monopolistic  
12 advantage in terms of supplying energy.  
13 To change the pricing strategy now is  
14 nothing but a classic bait and switch  
15 tactic.

16 We look at the PUCO as a public  
17 entity whose primary mission is to  
18 protect utility consumers in Ohio. If  
19 the PUCO allows FirstEnergy to step away  
20 from the heavily marketed all-electric  
21 discount arrangement, it will be failing  
22 in its duties to the public.

23 Specifically, I suggest the  
24 following: All current all-electric  
25 homes without ready access to natural

1 gas supply lines should retain, on a  
2 permanent basis, the all-electric rate  
3 differential discount for nine months of  
4 the year for generation and  
5 distribution. The rate differential  
6 should be given to the pre 2007  
7 declining rate structure.

8 Finally, as to the suggestion that  
9 retaining the discount will cause other  
10 electric users to pay more, this is not  
11 a zero sum game. The PUCO should police  
12 the electric rates of other users as  
13 vigilante as ever. FirstEnergy should  
14 not be allowed to use the continuation  
15 of the all-electric discount as a  
16 justification to raise rates.

17 FirstEnergy concocted the  
18 all-electric discount strategy. They  
19 need to live with the results and not  
20 permit it to pass this expense on to  
21 other consumers. This is a defining  
22 moment for the PUCO. Either you stand  
23 up for the consumers in Ohio or you  
24 become a tool of the utilities you are  
25 supposed to regulate. Thank you.

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1 MR. PRICE: Thank you.

2 Our next witness is Shirley  
3 Yunkers.

4 - - - - -

5 SHIRLEY YUNKERS,

6 After having been first duly sworn, as  
7 hereinafter certified, was examined and testified  
8 as follows:

9 MR. PRICE: Please state your name  
10 and address for the record.

11 You guys are a tough act to  
12 follow. Anyway, my name is Shirley  
13 Yunkers. I live in the Meadowood  
14 Development, a Bob Schmitt Development,  
15 in Strongsville at 10798 Meadow Trail.  
16 That's 44149.

17 We purchased our Bob Schmitt Home  
18 24 years ago after visiting my niece in  
19 a cluster home she purchased on Meadow  
20 Trail in a Strongsville Development in  
21 Meadowood. At that time, this was only  
22 about one-third developed. We fell in  
23 love with the cluster home concept but  
24 were concerned about the all-electric  
25 utilities. From what we had heard,

1 all-electric homes were very expensive  
2 to maintain. Our home in North Royalton  
3 had a combination of gas and electric.

4 Our niece said her electric bills  
5 were comparable to what she had paid on  
6 a previous home when she had both gas  
7 and electric.

8 We visited Bob Schmitt Visitors  
9 Center and spoke with his brother Ed.  
10 Ed explain that when Meadowood was  
11 planned, they met with officials from  
12 the Illuminating Company who determined  
13 Bob Schmitt Homes qualified for their  
14 all-electric heating rate. This rate is  
15 only available to homes built to CEI's  
16 efficiency standard, which Schmitt Homes  
17 were substantially above.

18 The all-electric rate is lower than  
19 the general residential rate. CEI was  
20 offering a load management option rate,  
21 which would further reduce electric  
22 bills in our home.

23 In order to process them with a  
24 load controller, Bob Schmitt Homes was  
25 installing these units for \$600 in new

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1 homes being built, and on existing  
2 homes, for a cost of \$750. This device  
3 electronically prioritizes and juggles  
4 larger loads, like a hot water heater,  
5 supplemental heat, dryer, et cetera, so  
6 the power demand is kept at a minimum.  
7 This could save from \$150 to \$300 per  
8 year beyond the favorable rates  
9 explained above.

10 Bob Schmitt Homes also reminded us  
11 to make sure, prior to moving in, that  
12 CEI was aware that our billing should be  
13 receiving the energy discount because  
14 our all-electric homes were insulated  
15 above CEI standards. Our home was  
16 purchased in 1986 and met all the  
17 requirements listed above.

18 During the 24 years my husband and  
19 I lived in our home, we enjoyed the  
20 cluster home concept. My husband was on  
21 disability those years and suffered from  
22 emphysema, so the one floor concept was  
23 ideal for us. Unfortunately, Tom passed  
24 away on January 10th, 2001. I had  
25 retired after 43 years in banking and

1 had enough income to exist, although my  
2 resources were depleted during the past  
3 few years due to the stock market  
4 fiasco. My electrical payments were set  
5 up to be estimated on a monthly basis so  
6 I would know exactly how much would be  
7 deducted monthly.

8 In 2008, the estimated payments for  
9 my house was \$160 monthly. In 2009, it  
10 rose to \$173.36 monthly. Not an  
11 unreasonable increase, and one that was  
12 affordable. However, in 2010, the  
13 estimated payment was \$220.91, which is  
14 a substantial increase and will create a  
15 hardship. But it's still not without --  
16 it's still conceivable. I could handle  
17 that.

18 However, even more disturbing is  
19 the accumulated balance of \$952.28 in a  
20 three-month period, which would have to  
21 be paid if I ever sold my home, which,  
22 under the circumstances, is highly  
23 unlikely. That keeps going up all the  
24 time, every month.

25 Anyway, I feel that now I'm living

1 in a nice home, but one I may not be  
2 able to afford and cannot sell because  
3 of the all-electric stigma hanging over  
4 it. Also, there is no way for me or  
5 anyone in Meadowood to convert to gas  
6 because there are no gas lines leading  
7 into the subdivision.

8 My neighbors next door put in a new  
9 furnace this summer. I don't know how  
10 much it cost, but at our homeowners'  
11 meeting last week she confided to me  
12 that she was so worried about not having  
13 enough money to see them through the  
14 coming years.

15 At our ages, we should not have to  
16 be concerned with rising electric costs  
17 that had been addressed prior to  
18 purchasing our home. But we are now  
19 looking at electric charges that will  
20 negatively affect our way of living.

21 I'm 78 years old and my main source  
22 of income is Social Security plus a  
23 small income from my Mary Kay business.  
24 I am enclosing copies of my Illuminating  
25 statements from March 6, 2009 and March

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1           5, 2010, showing an increase of \$16.64,  
2           which isn't excessive. But I am  
3           concerned. On the reverse side of the  
4           2010 statement, the actual usage  
5           comparison charges shows a huge increase  
6           in usage. From that, I can only  
7           conclude that I am not getting the  
8           discount originally promised.

9           If the discount is no longer  
10          available, there is no way I can stay in  
11          my home, but even worse, how will I ever  
12          be able to sell it. Selling it is not  
13          what I want or can even afford.

14          I thank CKAP for the efforts on our  
15          behalf. They are working endlessly to  
16          help us get the discount restored. I  
17          can only pray their efforts will be  
18          successful. Thank you.

19          MR. PRICE: Thank you. At this  
20          point our court reporter has been at  
21          this for about three hours with only one  
22          break.

23                   - - - - -

24           (Thereupon, a recess was had.)

25                   - - - - -

1 MS. GRADY: Before we left, I had  
2 marked and moved OCC 13, 14, 15 and 16  
3 marked and moved into evidence.

4 - - - - -

5 (Thereupon, Exhibits 13, 14, 15 and 16  
6 were marked for identification.)

7 - - - - -

8 BRENDA KOCEVAR,

9 After having been first duly sworn, as  
10 hereinafter certified, was examined and testified  
11 as follows:

12 MR. PRICE: Please proceed.

13 MS. KOCEVAR: My name is Brenda  
14 Kocevar, 7 Friendship Lane in Columbia  
15 Park, Olmsted Township.

16 AUDIENCE: Speak up.

17 MS. KOCEVAR: I don't know how to  
18 get it anymore. Is it on?

19 My name -- I'm speaking for Frank  
20 Pojman. He's the President of the  
21 Columbia Park Tenant Association, and  
22 I'm the treasurer of that.

23 "My name is Frank Pojman and I live  
24 in Columbia Park Manufactured Home  
25 Community in Olmsted Township with 1,096

1 available home sites and President of  
2 the Columbia Park Homeowners/Tenants  
3 Association. I'm representing members  
4 of our association who are residents,  
5 many of whom are here tonight who own  
6 our homes but rent the land we live on.

7 Columbia Park is a 55 plus  
8 community with most residents living on  
9 Social Security. After being retired,  
10 many have had to find jobs to pay for  
11 utilities, doctors, medication, food and  
12 other bills. We even had to start a  
13 food bank to help take care of our own.

14 We thank the Public Utilities  
15 Commission again for attempting to stay  
16 on top of the FirstEnergy rate  
17 increases. We are not against  
18 FirstEnergy making a profit because that  
19 is what business is all about. What we  
20 are against is the fact of making a  
21 profit at the expense of the quality of  
22 life for the senior population, as well  
23 as others living in an all-electric  
24 world. Some of our homeowners have had  
25 electric bills in excess of \$800.

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1                   We in Columbia Park, like many  
2                   others who bought all-electric homes,  
3                   were told when we bought our homes, that  
4                   we will be getting the all-electric home  
5                   discount. We appreciate the discount  
6                   and need to keep its status as it has  
7                   been for many decades.

8                   The announcement that FirstEnergy  
9                   will carry the discount through the end  
10                  of the winter of 2011 heating season has  
11                  been just a smoke screen, hoping that we  
12                  will forget about it. How about the  
13                  added cost of electricity during the  
14                  cooling season? We can't forget, also,  
15                  many seniors are encouraged by their  
16                  doctors to remain cool for their health  
17                  and need to use their A/C. This is not  
18                  just a heating issue. It's a year-round  
19                  issue.

20                 Many of our homeowners have been  
21                 trying to keep up with ever-increasing  
22                 rents in Columbia Park, close to \$200 a  
23                 month since our landlords from New York  
24                 purchased it. Many have and many are on  
25                 the brink of walking away from their

1 homes, being unable to afford to live in  
2 Columbia Park. Losing the all-electric  
3 home discount is devastating to all and  
4 will force many more to throw their keys  
5 on the table and walk away.

6 We need to make sure that with your  
7 help, the help of Ohio Consumers'  
8 Counsel, our political leaders,  
9 Congressman Kucinich on the federal  
10 level, and my State Representative Matt  
11 Patten, who is here tonight and has  
12 stayed at the forefront of this issue,  
13 will make sure that the deal that was  
14 made decades ago stays that way.  
15 FirstEnergy, please give us back what we  
16 had, permanently. I like the word  
17 'grandfathered,' as you put it about  
18 four years ago.

19 Thank you again for this great  
20 opportunity. We need you to make the  
21 correct decision to protect the citizens  
22 of the State of Ohio that will be faced  
23 with the devastation of unconscionable  
24 increases in electric rates. Give us  
25 back our all-electric home discount

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1 permanently. Frank Pojman, President.  
2 Columbia Park Homeowners/Tenants  
3 Association. 87 Periwinkle Drive,  
4 Olmsted Township, Ohio 44138."

5 MR. PRICE: Thank you. Our next  
6 witness is Mark Farson. Our next  
7 witness is Mark Farson. Mark Farson.  
8 Charles Nagy.

9 - - - - -

10 CHARLES NAGY,

11 After having been first duly sworn, as  
12 hereinafter certified, was examined and testified  
13 as follows:

14 MR. PRICE: Please state your name  
15 and address for the record.

16 MR. NAGY: My name is Chuck Nagy.  
17 I live at 8765 Mosswood Circle in North  
18 Ridgeville. I wish I could express  
19 myself as some of the others have. I'm  
20 an engineer, so I'm going to give you  
21 some facts and figures. I want to  
22 express my concern about how the imposed  
23 and predicted future tariff rates will  
24 impact the bills in my all-electric  
25 home.

1 I'm a 74-year old retired  
2 electrical engineer who worked for 39  
3 years in the plant engineering  
4 departments of Union Carbide  
5 Corporation. Before retiring in 2000,  
6 my wife and I planned our retirement  
7 near family members in northeast Ohio  
8 and chose Bob Schmitt Homes to build us  
9 a custom-designed, ranch-style,  
10 one-floor home in the Ridgefield  
11 Development of North Ridgeville, Ohio.  
12 We were impressed by the all-electric  
13 design, featuring energy efficient heat  
14 pumps for heating and air conditioning.

15 Although we knew it usually cost  
16 more to heat a home with electricity, we  
17 knew that Bob Schmitt Homes took  
18 advantage of a low discounted cost of  
19 electricity from Ohio Edison Company,  
20 and we calculated that the electric  
21 utility cost in our all-electric home  
22 would be slightly less than the cost of  
23 electricity and gas in our older North  
24 Olmsted home. We assumed that the low  
25 discounted cost of electricity would

1 continue in the future.

2 From 2000 to 2008 we received  
3 electric bills with an average rate of  
4 approximately \$.07 per KWH. During  
5 2009, new tariffs went into effect, and  
6 the average rate increased to \$.09 per  
7 KWH.

8 When I called the Ohio Edison  
9 customer service representative to  
10 obtain details to calculate future  
11 bills, I was told that bill calculation  
12 was complicated, with more than 20 rates  
13 and riders. Approximate rates for  
14 comparison could be calculated by simply  
15 dividing the cost of your bill by the  
16 KWH. 2010 rates, I was told, would be  
17 up to \$.12 per KWH during July and  
18 August, and \$.09 the other months.

19 With this information, I prepared  
20 the attached spreadsheet for my home  
21 that shows the actual data from 2008,  
22 the last full year using all-electric  
23 discounted rates; the actual data from  
24 2009 when the tariff rate was raised;  
25 and calculated 2010 costs using rates



1 supplied by Ohio Edison, and the 2008  
2 KWH that I experienced for comparison.  
3 I also calculated the 2012 rates, when  
4 it's predicted to be the same as other  
5 customers. And we were told that this  
6 would be make us equal to the cost being  
7 paid by people in gas-heated homes.

8 To check my data, represented 570  
9 Ridgefield residents with all-electric  
10 homes, I reviewed their actual data and  
11 discussed my conclusions with four of my  
12 neighbors. They agreed closely.

13 In conclusion, the new rates that  
14 went into effect by 2010 would increase  
15 my 2008 bill by 27 percent. 27 percent  
16 increase.

17 With the rates predicted to be the  
18 same as other customers, my 2012 bill  
19 would increase my old discounted rate by  
20 a 62 percent increase. I heard a lot of  
21 costs about \$300, \$500, \$800 a month.  
22 This is a percent increase over whatever  
23 you are experiencing.

24 I realize that Ohio Edison, a  
25 FirstEnergy company, is entitled to make

1 a profit for its stockholders but I hope  
2 that this won't be at the expense of  
3 those homeowners who believe they're  
4 making a wise decision by buying  
5 all-electric homes a few years ago.

6 Please consider carefully the  
7 existing and predicted rates and tell  
8 FirstEnergy to reinstall the  
9 all-electric discounted rates. Thank  
10 you.

11 MR. PRICE: Thank you. Our next  
12 witness is Carl Silski.

13 MR. CORCORAN: I'm going to move  
14 for the admission of that document that  
15 was just handed to you.

16 MR. PRICE: Sure. Go ahead and  
17 mark that as --

18 MR. CORCORAN: 17.

19 - - - - -

20 (Thereupon, Exhibit 17  
21 was marked for identification.)

22 - - - - -

23 MR. PRICE: So marked.

24 - - - - -

25 CARL SILSKI,

1       After having been first duly sworn, as  
2       hereinafter certified, was examined and testified  
3       as follows:

4               MR. PRICE: Please state your name  
5               and address for the record.

6               MR. SILSKI: My name is Carl  
7               Silski. I live at 32876 Woodhaven  
8               Circle in the City of North Ridgeville.  
9               There isn't much that I can say that  
10              isn't going to be new. I mean, so many  
11              people have said such wonderful things,  
12              came up with some wonderful facts in a  
13              very eloquent way. I feel that even  
14              though there a few of us here, it's  
15              important that at least some of us still  
16              stay here because you guys are here, and  
17              as a courtesy, I think it's important.  
18              That way, at least, give you as much  
19              input as we possibly can. With that  
20              said, my comments will be very brief,  
21              for the sake of time.

22              In many years past, the perception  
23              of all-electric homes was that they were  
24              the most expensive types of homes to  
25              heat. Consumers tended to avoid them,

1 even though electric utility companies  
2 promoted them as a clean form of  
3 living.

4 With the advent of the heat pump,  
5 these homes were then promoted as a form  
6 of affordable, clean living. These heat  
7 pumps, however, still had a reputation  
8 of cool heat. They were contrary to  
9 warm heat. And the warm heat we see in  
10 gas and we feel in gas is certainly  
11 absent in the heat pumps and all of the  
12 new technology. So that's a sacrifice  
13 that we had to take. Nonetheless, we  
14 felt that it was somewhat worth while  
15 doing.

16 Contemplating retirement under a  
17 fixed income scenario, I, myself,  
18 purchased my all-electric home in 2005.  
19 I was to become its second owner. This  
20 home had a geothermal heating system and  
21 was more expensive than those treated  
22 with traditional heat pumps. I,  
23 however, was willing to pay a premium  
24 for this heating system because I felt  
25 that it supported the new spirit of our

1 nation to support clean energy that took  
2 advantage of Earth's natural resources.

3 The original owner assured me that  
4 his all-electric discount would be  
5 passed on to successive buyers. This  
6 was also confirmed by my real estate  
7 agent.

8 When I phoned Ohio Edison, they  
9 assured me that I would continue to  
10 receive this discount, since it was  
11 associated with my particular class of  
12 home and its heating system.

13 Similar to what the one lady has  
14 done -- said that she had done, I also  
15 took names of the people that I spoke  
16 with but I don't have it with me.

17 Our tendency to clean out our  
18 records, some of that stuff went out.  
19 But I certainly can look for it and  
20 provide you the name of the customer  
21 service agent that I spoke with at Ohio  
22 Edison.

23 In any event, I purchased my home,  
24 and was very excited about it and its  
25 green, friendly heating system. Even

1           though I put up with my new form of  
2           cool, sometimes uncomfortably cool  
3           heating system, I maintained my indoor  
4           winter temperature at about 68 degrees  
5           to conserve on cost.

6           During the first four years of my  
7           home ownership, I felt that my heating  
8           bills were reasonable. However, last  
9           year when the discount was eliminated,  
10          my average bill increased over 30  
11          percent compared to my previous four  
12          years.

13          Now living during times of a  
14          growing fiscal conservatism and rising  
15          local taxes, increasing health care  
16          costs, little or no cost of living  
17          increases for people on fixed incomes, I  
18          fear my home may eventually become  
19          unaffordable. Eliminating the discount  
20          worsens an already bleak situation. I  
21          feel my home will no longer become  
22          attractive to someone wanting to buy  
23          it. I feel its value will decrease in  
24          an even worsening housing market. I  
25          feel that the tax base of our community

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1 will also decrease. So ladies and  
2 gentlemen of the Commission, I feel that  
3 it is imperative that all of our  
4 electric -- our all-electric discount be  
5 grandfathered and maintained forever and  
6 transferrable to future owners.

7 Most of us have no other heating  
8 options without major costly utility  
9 infrastructure improvements, which are  
10 really not even economically feasible.  
11 We've heard that testimony over and over  
12 again here tonight.

13 I live in a neighborhood where  
14 electricity is the only infrastructure  
15 option available. Without permanently  
16 continuing our discount, I fear that our  
17 homes will lose market value and be  
18 harder to sell. Our homes are generally  
19 our only major asset, the value of which  
20 we cannot allow to erode. Thank you  
21 very much.

22 MR. PRICE: Thank you.

23 Our next witness is Jim Crozier. I  
24 Jim Crozier.

25 Jerry Canterbury.

1 David Kennett.

2 MR. KENNETT: I didn't give up.

3 - - - - -

4 DAVID KENNETT,

5 After having been first duly sworn, as  
6 hereinafter certified, was examined and testified  
7 as follows:

8 MR. PRICE: Please state your name  
9 and address for the record and proceed.

10 MR. KENNETT: My name is David  
11 Kennett. I live at 5603 White Oak Way,  
12 very close by here in Mills Creek. And  
13 when I'm in this room, I usually expect  
14 to see my granddaughter up here singing  
15 or playing an instrument of some sort.

16 I like my all-electric home and I  
17 believe electricity is the preferred  
18 method of energy distribution. It can  
19 be created by burning anything or even  
20 by burning nothing, and I don't think  
21 it's ever exploded. And this is a lot  
22 of what you've heard.

23 The electric companies have  
24 promoted all-electric homes and so on.  
25 And it almost seems to me like now, at



1           this point, they would prefer we switch  
2           to gas. Certainly, if the rates go  
3           through, they will not be competitive  
4           with gas. And you've heard a lot of  
5           this. And I guess they're not  
6           interested in selling the quantities of  
7           electricity to the all-electric homes  
8           because they will leave as soon as  
9           possible.

10                 So I would encourage you to do your  
11           own thinking. Get your own numbers and  
12           do your own arithmetic. Years ago I  
13           attended a -- a tongue-in-cheek slide  
14           presentation by a large company. It  
15           proved -- proved that black was white.  
16           And this was to a bunch of engineers. I  
17           suspect you may be getting the same  
18           presentation. Thank you.

19                 MR. PRICE: Our next witness is  
20           Robert Zavesky. Zavesky.

21                 Ed O'Connor.

22                 Christopher Gute.

23                 David Lynn.

24                 Bill Chorba.

25                 Candace Bohn.

1 Tom --

2 MR. PALUSCSCZK: Paluscsczk.

3 MR. PRICE: Thank you.

4 - - - - -

5 TOM PALUSCSCZK,

6 After having been first duly sworn, as  
7 hereinafter certified, was examined and testified  
8 as follows:

9 MR. PRICE: Please state your name  
10 and address for the record.

11 MR. PALUSCSCZK: Tom J. Paluscsczk,  
12 6992 Anthony Lane, Parma Heights. I've  
13 been fighting with FirstEnergy for about  
14 six years over my J-5 rate that they  
15 claimed that they never had, but it was  
16 on my house from 1976. And I moved in  
17 January 1st, 1978. Bonnie Builders were  
18 -- are the contractors. He's deceased  
19 now. But when I purchased that house  
20 from a block away from where I was  
21 living, I was told that that rate would  
22 stay with me until I either died or  
23 moved. I didn't move. I ain't dead. I  
24 still live there. But my rates have  
25 jumped up so high from \$.04 per kilowatt

1 hour. So many thousand kilowatt hours,  
2 it would drop down a penny. So many  
3 more, it would drop down another penny,  
4 all the way down to one penny per  
5 kilowatt hour.

6 Now, I didn't make that contract.  
7 FirstEnergy made it with the  
8 Illuminating Company and Bonnie  
9 Builders. When I purchased the home,  
10 the builder and the salesman told me I  
11 would have that until I sold the house.  
12 My neighbor next door, unfortunately  
13 he's gone -- got his head blown off over  
14 the Cleveland Blue Bridge. So when that  
15 house was sold, the first thing that  
16 went up was the electric bill. And I  
17 was glad I was on my J-5 because the  
18 gentleman that bought the home, his  
19 first electric bill was \$700. And that  
20 was about six, seven years ago.

21 Now, I still live there. I'm on my  
22 fourth or fifth heat pump. This last  
23 one I bought, I had a furnace put in so  
24 it would be comparable. I'm already,  
25 after the warranty went down, have to

1           buy another one. They're not cheap.  
2           They're from \$5,000 to \$8,000 now.  
3           That's a lot of money. Plus I got an  
4           electric bill one month for over a  
5           thousand. I paid that. Took two  
6           months. Then I got one for \$888. And I  
7           complained about that.

8           So I figured it out that I was on  
9           the J-5 rate and I was on the budget.  
10          Well, we all know during the summer  
11          months, the budget money that you're  
12          paying continuously until the winter  
13          comes is put away in a little pocket.  
14          The money is sitting there so that when,  
15          in the summer months, we have the air  
16          conditioning on and our bills get  
17          bigger, you can pull a hundred bucks out  
18          of that fund and pay for it.

19          Nobody tells us in, the public,  
20          that. I found this out. So I cancelled  
21          my budget. My \$888 was paid off from  
22          the fund I had built up in my budget.

23          This month I got an electric bill  
24          for \$168. I don't know what happened  
25          because I complained about PUCO having

1 FirstEnergy go up to Mr. Strickland, who  
2 was our governor, and beg him to take  
3 the J-5 rate away. And Mr. Strickland  
4 told PUCO, go ahead. Drop it.

5 Now, Mr. Strickland broke my  
6 contract. What right does he have to  
7 interfere with our contracts and break  
8 them, without asking you individually  
9 whether he can break your contract for  
10 you?

11 Now, I'm asking all you people in  
12 here, sitting here, sitting over there,  
13 sitting out there, is that fair, to go  
14 to our governor who we are paying their  
15 salary, and we're paying their salary  
16 (indicating), PUCO? Is that fair,  
17 people? I don't hear anything.

18 AUDIENCE: No.

19 MR. PALUSCSCZK: Now I hear it.  
20 Did you hear it?

21 All right, sir. You can smile. I  
22 don't blame you. I'm not denying your  
23 smile. It's a nice one. But mine, I  
24 can't smile anymore. I'm 77 and a  
25 half. I lost my wife -- be three years

1           this coming March 19th. God love her.  
2           When she was there, she was very cold  
3           from that heating that we had. But she  
4           was afraid of gas.

5           The heat exchanger in our gas  
6           furnace at the house we had before had a  
7           crack in it. One of the dangers of gas,  
8           at that time, was before the pilot would  
9           light, you have so much gas that goes up  
10          through the crack, trapped in the heat  
11          exchanger. Well, when the pilot come  
12          on, it exploded. We'd hear this boom in  
13          the house. So we went to an  
14          all-electric house because they said  
15          it's going to be cheap.

16          When they built, like the man said,  
17          those atomic electric makers, it's going  
18          to be pennies. Man, them pennies ain't  
19          pennies. They're dollars, and plenty of  
20          them. And it's not fair. We believed  
21          in what the electric companies said,  
22          what the people said that they were  
23          going to cost. The tax payers' money  
24          paid for it. You know darn well the  
25          government didn't. They're taking our

1 Social Security money by the droves and  
2 paying for everything.

3 First Energy is buying up every  
4 electric power company that produces  
5 electric in the State of Ohio, plus the  
6 surrounding states. That's monopoly.  
7 There's a government law against  
8 monopolization.

9 Now, the man called it "controlled  
10 monopoly" here a little bit ago.  
11 Controlled and a pure monopoly of buying  
12 all the surrounding power companies  
13 around the State of Ohio is not a  
14 controlled monopoly.

15 You guys made 12 billion dollars  
16 last year, didn't you? That was good  
17 money. How much did your CEOs get? How  
18 much do you get? How much do you get?  
19 How much -- she's a hard worker.

20 You're not going to tell me. I  
21 know you won't. But I ask you.

22 I don't make much. I'm a retired  
23 steelworker. My company was taken over  
24 by LTV. LTV took our pension money that  
25 the company left us and paid for the

1                   company. We lost our pension.

2                   The government is paying me now  
3                   through PBGC. What I was supposed to  
4                   get is cut in half. My Social lost 20  
5                   percent. When my wife died, I lost her  
6                   Social Security. Now I'm paying big  
7                   electric bills.

8                   Our school system wants 12 million  
9                   dollars, a ten-year hike in my taxes.  
10                  How am I going to pay for your electric  
11                  power? How am I going to pay for this  
12                  new sewer thing that's coming here?  
13                  Cleveland is going to spend billions of  
14                  dollars on a sewer system.

15                 We're not working. We're all on  
16                 Social Security, mainly, out here. I  
17                 can see us all. We're all sitting there  
18                 with long faces. How are we going to  
19                 pay? They're sitting there thinking  
20                 about it. And you people sit here and  
21                 say, well, that's the way it's going to  
22                 go.

23                 Now, we may have some people over  
24                 at the other end there that look like  
25                 they are listening and they're going to



1 do something about it. I hope. That's  
2 all I have to say. Please. Goodnight.

3 MR. PRICE: Our next witness is  
4 Dick Kenney. Our next witness is Dick  
5 Kenney. No.

6 Then Jules Rewald.  
7 Dennis Boose.

8 - - - - -

9 DENNIS BOOSE,

10 After having been first duly sworn, as  
11 hereinafter certified, was examined and testified  
12 as follows:

13 MR. PRICE: Please state your name  
14 and address for the record.

15 MR. BOOSE: Yes. My name is Dennis  
16 Boose, 6405 Denise Drive, North  
17 Ridgeville, Ohio. I'm also the Ward 2  
18 City Councilman in the City of North  
19 Ridgeville.

20 I first want to thank the PUCO for  
21 coming to our town and having this  
22 opportunity to give testimony and to  
23 make our comments public to you. Thank  
24 you very, very much.

25 Choice. I believe it all comes

1 down to choice. And all we're asking is  
2 that a fair and just decision to restore  
3 the all-electric rate be done; to keep  
4 the promise.

5 Choice. Many of us that have  
6 talked this evening already, we've heard  
7 that they don't have a choice. The  
8 choice we have we made when we bought  
9 the home ten, five years ago, whenever,  
10 because we were told that the  
11 all-electric discount would be there.

12 Now, I'm sorry, I'm not an  
13 attorney, so I may not have this right,  
14 but just common sense wise tells me that  
15 if someone offers me a discount for my  
16 home to buy the home, to live in the  
17 home, then it's going to be there as  
18 long as I'm there. Who in their right  
19 mind -- and apparently there are 360,000  
20 people in Ohio bought a home,  
21 understanding a discount and thinking it  
22 would go away? I don't think so. That  
23 doesn't makes sense to me. The choice  
24 we made.

25 Where I come from, that's called

1           bait and switch. You come in and buy  
2           something for less, and then a little  
3           while later they take it up so it's  
4           more. Doesn't make sense to me.  
5           Choice.

6           So when we made the choice to buy  
7           the all-electric home and then we get  
8           switched to where now we have to pay  
9           more -- we're not talking \$10, \$20, \$30  
10          a month. We're talking hundreds of  
11          dollars a month. Hundreds of dollars.  
12          Who could afford that? Nobody should be  
13          expected to afford that. And I'm hoping  
14          my government feels that way too,  
15          because this doesn't make sense. And  
16          hopefully somewhere within the  
17          government there's common sense.

18          But there is more. When the rates  
19          go up, as has been testimony given  
20          earlier, it's harder to sell the home.  
21          Especially in today's economy, when home  
22          price are already at a discount. So now  
23          if I can't afford my hundreds of dollars  
24          a month increase in rate, then I have to  
25          consider selling my home. I'm certainly

1 not going to get the price that I hoped  
2 to get, because one of the long-term  
3 investments in most people's lives in  
4 today's society is your home.

5 Well, now I can't make that -- I  
6 can't get the return on my investment.  
7 So I sell it for less, which guess what,  
8 makes my neighbor's house less now, and  
9 the house next to it, and the house next  
10 to it. As a councilman, every week I  
11 drive through my Ward and try to locate  
12 the abandoned homes through the  
13 foreclosure crisis that's going on. And  
14 all I could be thinking when I listened  
15 to the several hours of testimony this  
16 evening, when we talk about home values  
17 going down because of this, that's  
18 almost like an electric foreclosure; a  
19 utility foreclosure, forcing people to  
20 make a choice to leave their home.

21 But there is more than that. As  
22 has been told earlier, what happens then  
23 is the tax base goes down. When your  
24 property value goes down, the tax base  
25 goes down. What does that do? We're

1 left as a community with less  
2 opportunity for improvement to -- not  
3 only the improvement to our own  
4 infrastructure, to our roads, our  
5 sewers, our water lines, but our  
6 schools; all the county programs that  
7 the property tax pays for. You can't  
8 pay for the maintenance, let alone hope  
9 to strive to be better.

10 You can see it's sort of a circle,  
11 and not a very good one, because it's  
12 going the wrong direction. Choices.

13 To me it's simple. I think, as  
14 everybody has already communicated, I  
15 can hardly add anything more.  
16 Especially the retired gentleman from  
17 FirstEnergy who spoke up -- spoke the  
18 truth under oath and told us what he and  
19 his representatives said. That counts  
20 for 100 times more than what I'm  
21 saying. But I'll end it with this:  
22 Again, it comes down to choice. And  
23 again, I want to thank the Committee for  
24 being here. And all I would ask is that  
25 you choose to keep the promise.

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1                   Permanently restore the discount. Thank  
2                   you very much.

3                   MR. PRICE: Thank you.

4                   And our last witness is David  
5                   Urig.

6                   - - - - -

7                   DAVID URIG,

8                   After having been first duly sworn, as  
9                   hereinafter certified, was examined and testified  
10                  as follows:

11                  MR. PRICE: Please state your name  
12                  and address for the record.

13                  MR. URIG: I will try to be as  
14                  quick as possible. My name is David  
15                  Urig. I'm a trustee of Amherst  
16                  Township, Lorain County, Ohio. My  
17                  address is 359 Deepwood Lane, Amherst,  
18                  Ohio 44001.

19                  I'm a trustee with Amherst  
20                  Township, as I have been for the last,  
21                  going on, 27 years now. I'm speaking on  
22                  behalf of the residents and, in  
23                  particular, the residents that have  
24                  all-electric homes, which I am one.

25                  I will reiterate what has been

said -- the speakers prior to me said it very well. And on behalf of the residents of Amherst Township, I object to the rate increase. It impacts the residents' ability to pay. It impacts the residents' ability to sell the property. The long-term effect on the community is negative because of the -- I won't belabor the point. I'll just state those two items.

I have a little anecdote and a rhetorical question that I would like to pose to the PUCO today under oath. You'll see it in testimony. And the anecdote and rhetorical question is this: There is a way around this price increase. It wasn't discussed that I have heard tonight. And the way around it is this: A cold January morning you're in bed, you wake up you get out of bed. You throw the covers off and you jump on the floor and it hits you, the 45 to 50 degrees of your bedroom. That's the way around this rate increase; the way to save the money that

would otherwise cause increased bills.

And my rhetorical question to the PUCO, to Governor Strickland, to Governor Kasich is, is this acceptable? Is this acceptable to the State of Ohio? Is this where we want to go to as a state? Is there where we want to go to as a people? Thank you.

MR. PRICE: Thank you. We are adjourned.

- - - - -

(Hearing adjourned at 10:00 p.m.)

- - - - -




The State of Ohio,       )  
                                      ) SS:                   CERTIFICATE  
County of Cuyahoga.    )

I, Katrina L. Dearborn, Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witnesses were first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by him/her was by me reduced to stenotypy in the presence of said witnesses, afterwards transcribed on a computer, and that the foregoing is a true and correct transcript of the testimony so given by him/her as aforesaid.

I do further certify that this hearing was taken at the time and place in the foregoing caption specified and was completed.

I do further certify that I am not a relative, employee of, or attorney for any of the parties in the above-captioned action; I am not a relative or employee of an attorney for any of the parties in the above-captioned action; I am not financially interested in the action; I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D); nor am I otherwise interested in the event of this action.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this 25th day of November, 2010.

  
\_\_\_\_\_  
Katrina L. Dearborn, Notary Public  
In and for the State of Ohio.  
My commission expires 11-02-15.

Dearborn Reporting Services

P.O. Box 93943 Cleveland, Ohio 44101

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