

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider.

Case No. 10-176-EL-ATA

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**MOTION TO COMPEL BY OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND THE TOLEDO EDISON COMPANY
(EXPEDITED RULING REQUESTED)**

Pursuant to Rule 4901-1-23 and other applicable authority, Applicants Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively the "Companies") respectfully move for an order compelling Citizens for Keeping the All-Electric Promise, Joan Heginbotham, Sue Steigerwald and Bob Schmitt Homes, Inc. (collectively "Consumer Parties") to provide complete responses to the Companies' First Set of Interrogatories and Requests for Production of Documents. As demonstrated in the attached Memorandum in Support, the Consumer Parties failed to answer certain requests seeking production of relevant documents and instead merely referred generally to the docket in this case without identifying which of those filed documents, if any, were responsive. Moreover, the Companies have become aware of responsive, non-publicly-available documents that the Consumer Parties have not produced. The Consumer Parties have utterly ignored their discovery obligations, and the Attorney Examiner should order that they provide the responses requested in this Motion.

The Consumer Parties also have failed to provide any responses to the Companies' Third Set of Interrogatories and Requests for Production. The Attorney Examiner should order them to

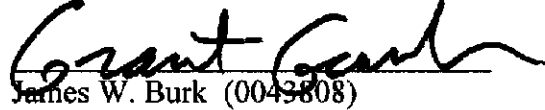
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do so immediately. Efforts to resolve these disputes are set forth in the attached Affidavit of Counsel.

Pursuant to Rule 4901-1-12(C), the Companies also request an expedited ruling on this Motion to Compel. Given that the hearing is less than two months away, and given the complexity of the issues presented by this case, an expedited ruling is necessary to allow the Companies a fair opportunity to review and prepare their cases based on the discovery responses. The Consumer Parties have indicated that they object to the issuance of an immediate ruling.

Dated: December 15, 2010

Respectfully submitted,


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AND THE TOLEDO EDISON COMPANY

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider.

Case No. 10-176-EL-ATA

MEMORANDUM IN SUPPORT

I. INTRODUCTION

The Consumer Parties have failed to meet their basic obligation to respond to the Companies' discovery. In their First Set of Interrogatories and Requests for Production, the Companies requested that the Consumer Parties produce, among other things, documents sent between the Consumer Parties and customers regarding, among other things, the Companies' all-electric rates. (*See* Ex. GWG-1.) In response, the Consumer Parties failed to identify, much less produce, any responsive documents. Rather, the Consumer Parties referred generally to the docket in this case and to documents submitted at public hearings, without specifically identifying a single responsive document. These responses are patently insufficient and do not remotely meet the Consumer Parties' obligation to respond to discovery requests. Moreover, as demonstrated below, it appears that the Consumer Parties have withheld without basis a potentially large number of responsive documents that are not publicly-available. The Attorney Examiner should order the Consumer Parties to provide complete responses immediately.

Further, the Consumer Parties have failed to provide any responses to the Companies' Third Set of Interrogatories and Requests for Production. (*See* Ex. GWG-3.) Those responses were due on December 10, 2010, but to date, the Companies have not received them, nor any indication when they will be provided. And as set forth below, the Consumer Parties are making

a habit of completely ignoring all of the Companies' discovery requests until well after the deadline for responding—and only then, after prompting by the Companies. The Attorney Examiner should order the Consumer Parties to respond to the Companies' third set of discovery requests immediately.

II. ARGUMENT

Parties to Commission proceedings have “ample rights” to take “full and reasonable discovery.” *See* R.C. 4903.082; *see also* Rule 4901-1-16(B) (authorizing parties to “obtain discovery of any matter, not privileged, which is relevant to the subject of the proceeding”). These “ample rights” necessarily include a party’s right to receive complete, timely responses to discovery requests so that the party may prepare for hearing. *See* Rule 4901-1-23; *In re Investigation into the Perry Nuclear Power Plant*, No. 85-521-EL-COI, Entry dated Mar. 17, 1987, p. 10 (observing that “the policy of discovery is to allow the parties to prepare cases and to encourage them to prepare thoroughly . . .”).

A. The Consumer Parties Should Be Ordered To Provide Complete Responses To The Companies' First Set Of Interrogatories And Requests For Production.

The Consumer Parties' responses to the Companies' First Set of Interrogatories and Requests for Production are deficient in several ways, and the Attorney Examiner should order them to supplement those responses immediately.¹

1. Request for Production No. 5

In Request for Production No. 5, the Companies seek:

All Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies

¹ In their first set of discovery requests, the Companies propounded identical interrogatories and requests for production on each of the four Consumer Parties. The Consumer Parties' responses to those requests also are identical.

regarding the Companies' All-Electric Tariffs² or related rates or credits, including but not limited to correspondence, emails, and handwritten notes.

(See Ex. GWG-1.)

In response, the Consumer Parties interposed objections and referred to their response to Request for Production No. 1, in which they state, "Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA." (See GWG-1.) The "as noted above" portion of this response apparently refers to the Consumer Parties' statement, in response to Interrogatory No. 3, that responsive documents also include those "previously submitted at the Public Meetings held in this proceeding" The Consumer Parties thus point to two categories of "documents" responsive to Request for Production No. 5: (i) documents filed in the docket; and (ii) documents submitted at public hearings.

The Consumer Parties, however, failed to specifically identify those documents. Thus, in response to a specific discovery request, the Consumer Parties point vaguely to the hundreds (if not thousands) of documents filed in this case and submitted at public hearings, without giving the Companies any idea which of those documents might be responsive. Put simply, after receiving this response, the Companies have no better idea what documents were sent from or to the Consumer Parties than they had before these discovery requests were issued. In response to an email outlining these deficiencies, counsel for the Consumer Parties indicated that he would provide supplemental identification of documents when he "has the time" to review the docket and public hearing transcripts. (See Ex. GWG-2.)

² For purposes of their first set of discovery requests, the Companies defined "All-Electric Tariffs" to mean "any of the current or former tariffs or rate schedules listed in the Companies' respective Residential Distribution Credit Riders ('Rider RDC')."

This is unacceptable. Even when responsive documents are publicly-available, a responding party must give enough information to let the requesting party know what the responsive document is and where, specifically, it may be found. *See* Rule 4901-1-20(D). Given that the hearing is fast approaching (and that the Companies' discovery requests were served six weeks ago), the Consumer Parties must provide this information now. The Attorney Examiner thus should order the Consumer Parties to (i) specifically identify the date, filing party and docket title of all documents responsive to Request for Production No. 5 that appear in the docket of this case; and (ii) provide a description of any responsive document submitted at any public hearing, including the name of the individual who submitted it and the date and location of the public hearing at which it was submitted.

Moreover, the Consumer Parties have failed to produce what may be a large volume of responsive documents that are not publicly-available. For example, on November 20, 2010, Sue Steigerwald, one of the Consumer Parties, apparently sent an email to a list of undisclosed recipients regarding the North Ridgeville public hearing. (*See* Ex. B.) Many of those recipients likely are customers of the Companies. And that email is highly relevant. In it, Ms. Steigerwald coaches individuals on the testimony they should provide at the public hearing, and in many places purports to tell those individuals what they should say. A sampling:

- “[T]ell whatever you were told or lead [sic] to believe, even if you do not have it in writing. In place of the phrase ‘written contract,’ you can simply use the term contract.”
- “Remember, these documents [that you should bring to the hearing] DO NOT need to mention the discount was permanent! These documents may not say the discount was permanent, but they also do not say there was an expiration date.”
- “Mention how the loss of the AE discount will decimate your property value by at least 30%, thus ruining the value of most individual’s nest egg investment—your home. Mention how this loss of property value will, in turn, significantly lower the tax revenue available to our communities, schools, other public services, etc.”

- “Mention how if the AE discount is not reinstated permanently, it will make it impossible to sell your home.”

(See Ex. B.) This type of written communication, sent by one of the Consumer Parties to a potentially large number of customers who provided public hearing testimony to the Commission (and may yet appear as witnesses at the merits hearing) is highly relevant. This document is squarely within at least one Consumer Party’s control, and plainly responsive to Request for Production No. 5. Yet Ms. Steigerwald did not produce it. She did not identify it in response to that request. In fact, she gave no indication that it even existed, and the Companies would not know about this document unless it had been forwarded to them by one of their customers. And this is not the only such example. At the November 23, 2010 public hearing in Kirtland, two customers—Mike Payne and Chester Karchefsky—indicated that they had worked with and/or received documents from Ms. Steigerwald. (See Ex. C (excerpts from Kirtland hearing transcript).) As with Ms. Steigerwald’s November 20 email, those documents were neither produced nor identified by her.

These examples suggest that there are other instances—possibly many other instances—in which the Consumer Parties sent or received documents from the Companies’ customers. The Companies are entitled to know what those documents are in order, among other reasons, to test the basis of individuals’ claims of alleged “promises” regarding all-electric rates and the extent to which the content of related testimony was literally dictated to public hearing witnesses by the Consumer Parties. These documents must be produced.

The Consumer Parties apparently intend to skate through this proceeding while doing as little as possible to respond to the Companies’ discovery. As described above, it is clear that they need to re-double their efforts to identify, gather and produce documents in response to the requests discussed in this Motion. Moreover, given that the hearing is fast approaching, they

must do so in a timely manner. Thus far, the Consumer Parties have completely ignored all of the Companies' discovery requests until well after the deadline for responding. For example, their responses to the Companies' first set of discovery requests (deficient as they are) were not provided until after the Companies prompted them to do so—after the deadline for responding had passed. (*See* Garber Aff., ¶ 2.) Similarly, the Consumer Parties did not respond to the Companies' second set of requests until after the deadline had passed (and the content of those responses likely will be the subject of a future motion to compel). (*See id.* at ¶ 4.) And the Consumer Parties have failed to provide *any* responses to the Companies' third set of discovery requests, which were due on December 10. *See* p. 8, *infra*.

This type of conduct must be brought to an end. The hearing in this case is less than two months away. The Companies' discovery requests are relevant, and the Companies are entitled to complete responses in order to prepare for hearing. The Consumer Parties should be ordered to provide complete responses to Request for Production No. 5.

2. Request for Production No. 7

In Request for Production No. 7, the Companies seek:

All Documents reflecting, based upon or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010.

(*See* Ex. GWG-1.) This Request seeks documents reflecting analyses of the options proposed by Staff regarding the amount, recovery and duration of future of all-electric rates. This information is relevant to this proceeding, which is intended to determine precisely those matters.

But in response to this Request, the Consumer Parties interposed privilege objections and responded, "See PUCO Docket in Case 10-176-EL-ATA." (*See id.*)

This response is deficient. As shown above, to the extent responsive documents were filed in the docket, the Consumer Parties should be ordered to identify specifically the date,

filing party and docket title of all such documents. And to the extent responsive documents are not publicly-available, the Consumer Parties should be ordered to produce them.

3. Interrogatory Nos. 4 and 5

In Interrogatory No. 4, the Companies ask the Consumer Parties to:

Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that Your “electric rates should be discounted as a result of the energy efficiencies already in place and given the bulk purchasing of electricity by these [*i.e.*, all-electric] homes throughout the year.

In Interrogatory No. 5, the Companies ask the Consumer Parties to:

Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that the Companies should “absorb the loss of revenue [arising from all-electric rates and riders] due to their representations made to all-electric homeowners regarding the discounted electric rate.”

(*See Ex. GWG-1.*) These Interrogatories, which ask the Consumer Parties to justify the unsupported statements they made in gaining intervention in this proceeding, are relevant.

In response, the Consumer Parties refer to their response to Request for Production No. 1, in which they state, “Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA.” (*See GWG-1.*) As demonstrated above, this response is insufficient. The Consumer Parties should be ordered to (i) identify specifically the date, filing party and docket title of all documents responsive to Interrogatory Nos. 4 and 5 that appear in the docket of this case; and (ii) provide a description of any responsive document submitted at any public hearing, including the name of the individual who submitted it and the date and location of the public hearing at which it was submitted. Any documents that are not publicly-available must be identified and produced. (*See Request for Production No. 1 (requesting production of all documents identified in response to interrogatories).*)

4. Interrogatory No. 3

In Interrogatory No. 3, the Companies ask the Consumer Parties to:

Identify each and every document, exhibit or other thing You intend to introduce into evidence or otherwise display at the hearing in this matter.

(See Ex. GWG-1.)

In response, the Consumer Parties state that they will “introduce documents submitted at the Public Meetings held in this proceeding” (*See id.*) For the reasons explained above, this is insufficient. The Consumer Parties should provide a description of any document responsive to Interrogatory No. 3 that was submitted at any public hearing, including the name of the individual who submitted it and the date and location of the public hearing at which it was submitted.

B. The Consumer Parties Should Be Ordered To Answer The Companies’ Third Set Of Interrogatories And Requests For Production Of Documents.


On November 30, 2010, the Companies served their Third Set of Interrogatories and Requests for Production of Documents on the Consumer Parties. By agreement of counsel, responses to those requests were due on December 10, 2010. (*See* Garber Aff., ¶¶ 5-6.)

To date, the Consumer Parties have not responded to these requests. (*See id.*) Nor have they requested an extension of time to respond. (*See id.*) In an attempt to obviate the need for this Motion, counsel for the Companies asked counsel for the Consumer Parties whether they could provide a date certain in the near future when those responses could be provided. (*See id.* at ¶ 7.) Counsel for the Consumer Parties indicated that they “may” be able to provide responses by December 17, but that they would not be sure until December 16. (*See id.*) Thus, even though those responses are already overdue, the Consumer Parties still refuse to commit to providing them by a date certain.

It is past time for the Consumer Parties to respond to this discovery. The hearing in this case is less than two months away, and the Companies need time to review and (given the state of the Consumer Parties' responses thus far) ask for additional supplementation and clarification. The Attorney Examiner should order the Consumer Parties to provide complete responses to the Companies' Third Set of Interrogatories and Requests for Production immediately.

DATED: December 15, 2010

Respectfully submitted,



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ATTORNEYS FOR APPLICANTS OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY,
AND THE TOLEDO EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (Expedited Ruling Requested) and Memorandum in Support were delivered to the following persons by first class mail, postage prepaid, this 15th day of December, 2010:

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An Attorney For Applicants Ohio Edison
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Exhibit A

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider.

Case No. 10-176-EL-ATA

AFFIDAVIT OF COUNSEL

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)

Grant W. Garber, being first duly sworn, states as follows:

1. I am one of counsel for Applicants The Cleveland Electric Illuminating Company, Ohio Edison Company and The Toledo Edison Company (collectively the "Companies").

2. On November 4, 2010, the Companies' First Set of Interrogatories and Requests for Production of Documents were served by first class mail on counsel for Citizens for Keeping the All-Electric Promise, Joan Heginbotham, Sue Steigerwald and Bob Schmitt Homes, Inc. (collectively the "Consumer Parties"). True and accurate copies of those discovery requests and the Consumer Parties' responses are attached as Exhibit GWG-1. The Companies received those responses, which were due on November 29, 2010, on December 8, 2010, and only after being prompted to respond by counsel for the Companies.

3. On December 9, 2010, I sent an email to counsel for the Consumer Parties outlining the deficiencies set forth in this Motion to Compel. Counsel responded by sending an email, a true and accurate copy of which is attached as Exhibit GWG-2.

4. On November 17, 2010, the Companies' Second Set of Interrogatories and Requests for Production of Documents were served by hand delivery on counsel for the

Consumer Parties. By agreement of counsel, responses to these requests were due on December 10, 2010. The Companies did not receive those responses until December 14, 2010.

5. On November 30, 2010, the Companies' Third Set of Interrogatories and Requests for Production of Documents were served by email on counsel for the Consumer Parties. True and accurate copies of those discovery requests are attached as Exhibit GWG-3. By agreement of counsel, responses to these requests were due on December 10, 2010.

6. To date, the Companies have not received any responses to their third set of discovery requests from the Consumer Parties. The Consumer Parties have not requested an extension of the deadline to respond to the Companies' discovery requests.

7. On December 14, 2010, I emailed counsel for the Consumer Parties and indicated that the Companies would not file a motion to compel the Consumer Parties' responses to the Companies' third set of discovery requests if the Consumer Parties could provide a date certain in the near future by when those responses would be provided. In response counsel indicated that the Consumer Parties "may" be able to respond to those requests by Friday December 17 but "can't be sure" until December 16.


Grant W. Garber

Sworn to before me

this 15th day of December, 2010.


Notary Public



TANNIA L. CAVENDISH
Notary Public, State of Ohio
My Commission Expires January 7, 2013

Exhibit GWG-1

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio
Edison Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company for Approval of a New
Rider and Revision of an Existing Rider**

Case No. 10-176-EL-ATA

**RESPONSES AND OBJECTIONS TO FIRSTENERGY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY
SUE STEIGERWALD**

Sue Steigerwald ("Steigerwald"), by and through her counsel, hereby submits its Responses and Objections to the First Set of Interrogatories and Requests for Production of Documents submitted to Steigerwald by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy" or "FE") in the above-captioned case.

Steigerwald's responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below and the specific objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. Steigerwald's responses to these discovery requests are submitted without prejudice to, and without waiving any general objections not expressly set forth therein.

The submittal of any response below shall not waive Steigerwald's objections. The responses below, while based on diligent investigation and reasonable inquiry by Steigerwald, reflect only the current state of Steigerwald's knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the

information and discovery to date. Steigerwald's investigation is not yet complete and is continuing as of the date of the responses below. Steigerwald anticipates the possibility that it may discover additional information and/or documents, and without obligating itself to do so, Steigerwald reserves the right to continue its investigation and to modify or supplement the responses below, with such pertinent information or documents. The responses below are made without prejudice to Steigerwald's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight.

Steigerwald reserves the right to object, on appropriate grounds, to the use of such information and/or documents. The fact that Steigerwald, in the spirit of cooperation, has elected to provide relevant information below in response to the FE's discovery requests shall not constitute or be deemed a waiver of Steigerwald's objections. Steigerwald hereby fully preserves all of its objections to the discovery requests or the use of its responses for any purpose.

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

GENERAL OBJECTIONS

1. Steigerwald objects to any discovery requests as improper, overbroad, and unduly burdensome to the extent that they purport to impose upon Steigerwald any obligations broader than those set forth in the Public Utilities Commission of Ohio's rules or

otherwise permitted by law. The rules of discovery require, among other matters, that matters inquired into must be relevant to the subject matter of the proceeding, and must appear to be "reasonably calculated to lead to the discovery of admissible evidence."

Ohio Adm. Code 4901-1-16(B).

2. Steigerwald objects to these discovery requests and to FE' Definitions and Instructions as improper, overbroad, and unduly burdensome to the extent that they improperly seek or purport to require the disclosure of information protected by the attorney-client privilege, a trial preparation doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.
3. Steigerwald objects to these discovery requests and to the FE's Definitions and Instructions to the extent that they improperly seek or purport to require Steigerwald to provide documents and information not in Steigerwald's possession, custody or control.
4. The objections and responses contained herein and documents produced in response hereto are not intended nor should they be construed to waive Steigerwald's right to object to these requests, responses or documents produced in response hereto, or the subject matter of such requests, responses, or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.
5. Steigerwald objects to these discovery requests to the extent they improperly seek or purport to require the production of documents or information which is not relevant to the

subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. Steigerwald objects to these discovery requests and to the FE's Definitions and Instructions to the extent they improperly seek or purport to require production of documents in a form other than how the documents are maintained in the regular course of business.
7. Steigerwald objects to these discovery requests insofar as they request the production of documents or information that are publicly available or already in the FE's possession, custody, or control.
8. Steigerwald objects to each and every data request that seeks to obtain "all," "each" or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
9. Steigerwald objects to these discovery requests to the extent that such requests are not limited to any stated time period or identify a stated period of time that is longer than is relevant for purposes of this proceeding, as such discovery is unduly burdensome and overly broad.
10. Steigerwald objects to these discovery requests to the extent they are vague, ambiguous, use terms or phrases that are subject to multiple interpretations but are not properly defined for purposes of these discovery requests, or otherwise provide no basis from which Steigerwald can determine what information is sought.

11. The objections and responses contained herein are not intended nor should they be construed to waive Steigerwald's rights to object to other discovery involving or relating to the subject matter of these requests, responses or documents produced in response hereto.

INTERROGATORIES

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

RESPONSE: Unknown at this time. Expert testimony will be pre-filed as ordered.

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

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness's background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and
- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE: See Response to #1 above.

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

RESPONSE: CKAP will introduce documents previously submitted at the Public Meetings held in this proceeding and the testimony of any expert witness and party. Other documents, exhibits and testimony will be introduced when they are identified.

INTERROGATORY NO. 4: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that Your “electric rates should be discounted as a result of the energy efficiencies already in place and given the bulk purchasing of electricity by these [*i.e.*, all-electric] homes throughout the year.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 5: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that the Companies should “absorb the loss of revenue [arising from all-electric rates and riders] due to their representations made to all-electric homeowners regarding the discounted electric rate.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 6: Identify all Documents that in any way relate to or concern any issue in this case.

RESPONSE: Objection, the interrogatory is vague and overbroad. Without waiving any specific or general objections, BSH responds as follows:

See BSH's responses to other interrogatories and requests for admission in this proceeding.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents identified in response to the Companies' First Set of Interrogatories, including but not limited to Documents You identified in Your responses to the Companies' Interrogatory Nos. 3 through 6.

RESPONSE: Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA.

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

RESPONSE: Will provide once identified.

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

RESPONSE: See Response to Interrogatory #3.

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

RESPONSE: Will provide when expert testimony is filed.

REQUEST FOR PRODUCTION NO. 5: All Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies regarding the Companies' All-Electric Tariffs or related rates or credits, including but not limited to correspondence, emails, and handwritten notes.

RESPONSE: Objection, overbroad; as well as objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, and/or the attorney-client privilege. Without waiving any specific or general objections, BSH responds as follows:

See the response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 6: All Documents reflecting, related or referring to the Companies' All-Electric Tariffs.

RESPONSE: Objection, overly broad. Without waiving any specific or general objections, BSH responds as follows: See PUCO Docket in Case 10-176-EL-ATA.

RESPONSE:REQUEST FOR PRODUCTION NO. 7: All Documents reflecting, based upon, or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010.

RESPONSE: Objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, the attorney-client privilege, and privileged settlement discussions. Without waiving any specific or general objections, BSH responds as follows:

See PUCO Docket in Case 10-176-EL-ATA.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Responses and Objections was served electronically to the counsel identified below this 8th day of December 2010.

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Attorney for Bob Schmitt Homes, Inc., Sue
Steigerwald, Joan Heginbotham and CKAP

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio
Edison Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company for Approval of a New
Rider and Revision of an Existing Rider**

Case No. 10-176-EL-ATA

**RESPONSES AND OBJECTIONS TO FIRSTENERGY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY
BOB SCHMITT HOMES, INC.**

Bob Schmitt Homes, Inc. ("BSH"), by and through its counsel, hereby submits its Responses and Objections to the First Set of Interrogatories and Requests for Production of Documents submitted to BSH by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy" or "FE") in the above-captioned case.

BSH's responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below and the specific objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. BSH's responses to these discovery requests are submitted without prejudice to, and without waiving any general objections not expressly set forth therein.

The submittal of any response below shall not waive BSH's objections. The responses below, while based on diligent investigation and reasonable inquiry by BSH, reflect only the current state of BSH's knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the information and discovery to date. BSH's investigation is not yet complete and is continuing as of the date of the responses below.

BSH anticipates the possibility that it may discover additional information and/or documents, and without obligating itself to do so, BSH reserves the right to continue its investigation and to modify or supplement the responses below, with such pertinent information or documents. The responses below are made without prejudice to BSH's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight.

BSH reserves the right to object, on appropriate grounds, to the use of such information and/or documents. The fact that BSH, in the spirit of cooperation, has elected to provide relevant information below in response to the FE's discovery requests shall not constitute or be deemed a waiver of BSH's objections. BSH hereby fully preserves all of its objections to the discovery requests or the use of its responses for any purpose.

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

GENERAL OBJECTIONS

1. BSH objects to any discovery requests as improper, overbroad, and unduly burdensome to the extent that they purport to impose upon BSH any obligations broader than those set forth in the Public Utilities Commission of Ohio's rules or otherwise permitted by law. The rules of discovery require, among other matters, that matters inquired into must be relevant to the subject matter of the proceeding, and must appear to be "reasonably

calculated to lead to the discovery of admissible evidence.” Ohio Adm. Code 4901-1-16(B).

2. BSH objects to these discovery requests and to FE’ Definitions and Instructions as improper, overbroad, and unduly burdensome to the extent that they improperly seek or purport to require the disclosure of information protected by the attorney-client privilege, a trial preparation doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.
3. BSH objects to these discovery requests and to the FE’s Definitions and Instructions to the extent that they improperly seek or purport to require BSH to provide documents and information not in BSH’s possession, custody or control.
4. The objections and responses contained herein and documents produced in response hereto are not intended nor should they be construed to waive BSH’s right to object to these requests, responses or documents produced in response hereto, or the subject matter of such requests, responses, or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.
5. BSH objects to these discovery requests to the extent they improperly seek or purport to require the production of documents or information which is not relevant to the subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. BSH objects to these discovery requests and to the FE's Definitions and Instructions to the extent they improperly seek or purport to require production of documents in a form other than how the documents are maintained in the regular course of business.
7. BSH objects to these discovery requests insofar as they request the production of documents or information that are publicly available or already in the FE's possession, custody, or control.
8. BSH objects to each and every data request that seeks to obtain "all," "each" or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
9. BSH objects to these discovery requests to the extent that such requests are not limited to any stated time period or identify a stated period of time that is longer than is relevant for purposes of this proceeding, as such discovery is unduly burdensome and overly broad.
10. BSH objects to these discovery requests to the extent they are vague, ambiguous, use terms or phrases that are subject to multiple interpretations but are not properly defined for purposes of these discovery requests, or otherwise provide no basis from which BSH can determine what information is sought.
11. The objections and responses contained herein are not intended nor should they be construed to waive BSH's rights to object to other discovery involving or relating to the subject matter of these requests, responses or documents produced in response hereto.

INTERROGATORIES

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

RESPONSE: Unknown at this time. Expert testimony will be pre-filed as ordered.

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

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness's background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and
- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE: See Response to #1 above.

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

RESPONSE: BSH will introduce documents previously submitted at the Public Meetings held in this proceeding and the testimony of any expert witness and party. Other documents, exhibits and testimony will be introduced when they are identified.

INTERROGATORY NO. 4: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that Your “electric rates should be discounted as a result of the energy efficiencies already in place and given the bulk purchasing of electricity by these [*i.e.*, all-electric] homes throughout the year.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 5: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that the Companies should “absorb the loss of revenue [arising from all-electric rates and riders] due to their representations made to all-electric homeowners regarding the discounted electric rate.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 6: Identify all Documents that in any way relate to or concern any issue in this case.

RESPONSE: Objection, the interrogatory is vague and overbroad. Without waiving any specific or general objections, BSH responds as follows:

See BSH's responses to other interrogatories and requests for admission in this proceeding.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents identified in response to the Companies' First Set of Interrogatories, including but not limited to Documents You identified in Your responses to the Companies' Interrogatory Nos. 3 through 6.

RESPONSE: Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA.

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

RESPONSE: Will provide once identified.

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

RESPONSE: See Response to Interrogatory #3.

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

RESPONSE: Will provide when expert testimony is filed.

REQUEST FOR PRODUCTION NO. 5: All Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies regarding the Companies' All-Electric Tariffs or related rates or credits, including but not limited to correspondence, emails, and handwritten notes.

RESPONSE: Objection, overbroad; as well as objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, and/or the attorney-client privilege. Without waiving any specific or general objections, BSH responds as follows:

See the response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 6: All Documents reflecting, related or referring to the Companies' All-Electric Tariffs.

RESPONSE: Objection, overly broad. Without waiving any specific or general objections, BSH responds as follows: See PUCO Docket in Case 10-176-EL-ATA.

REQUEST FOR PRODUCTION NO. 7: All Documents reflecting, based upon, or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010.

RESPONSE: Objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, the attorney-client privilege, and privileged settlement discussions. Without waiving any specific or general objections, BSH responds as follows:

See PUCO Docket in Case 10-176-EL-ATA.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Responses and Objections was served electronically to the counsel identified below this 8th day of December 2010.

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Attorney for Bob Schmitt Homes, Inc., Sue
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio
Edison Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company for Approval of a New
Rider and Revision of an Existing Rider**

Case No. 10-176-EL-ATA

**RESPONSES AND OBJECTIONS TO FIRSTENERGY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY
CITIZENS FOR KEEPING THE ALL-ELECTRIC PROMISE**

Citizens for Keeping the All-Electric Promise ("CKAP"), by and through its counsel, hereby submits its Responses and Objections to the First Set of Interrogatories and Requests for Production of Documents submitted to CKAP by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy" or "FE") in the above-captioned case.

CKAP's responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below and the specific objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. CKAP's responses to these discovery requests are submitted without prejudice to, and without waiving any general objections not expressly set forth therein.

The submittal of any response below shall not waive CKAP's objections. The responses below, while based on diligent investigation and reasonable inquiry by CKAP, reflect only the current state of CKAP's knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the information and discovery

to date. CKAP's investigation is not yet complete and is continuing as of the date of the responses below. CKAP anticipates the possibility that it may discover additional information and/or documents, and without obligating itself to do so, CKAP reserves the right to continue its investigation and to modify or supplement the responses below, with such pertinent information or documents. The responses below are made without prejudice to CKAP's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight.

CKAP reserves the right to object, on appropriate grounds, to the use of such information and/or documents. The fact that CKAP, in the spirit of cooperation, has elected to provide relevant information below in response to the FE's discovery requests shall not constitute or be deemed a waiver of CKAP's objections. CKAP hereby fully preserves all of its objections to the discovery requests or the use of its responses for any purpose.

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

GENERAL OBJECTIONS

1. CKAP objects to any discovery requests as improper, overbroad, and unduly burdensome to the extent that they purport to impose upon CKAP any obligations broader than those set forth in the Public Utilities Commission of Ohio's rules or otherwise permitted by law. The rules of discovery require, among other matters, that matters inquired into must be

relevant to the subject matter of the proceeding, and must appear to be “reasonably calculated to lead to the discovery of admissible evidence.” Ohio Adm. Code 4901-1-16(B).

2. CKAP objects to these discovery requests and to FE’ Definitions and Instructions as improper, overbroad, and unduly burdensome to the extent that they improperly seek or purport to require the disclosure of information protected by the attorney-client privilege, a trial preparation doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.
3. CKAP objects to these discovery requests and to the FE’s Definitions and Instructions to the extent that they improperly seek or purport to require CKAP to provide documents and information not in CKAP’s possession, custody or control.
4. The objections and responses contained herein and documents produced in response hereto are not intended nor should they be construed to waive CKAP’s right to object to these requests, responses or documents produced in response hereto, or the subject matter of such requests, responses, or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.
5. CKAP objects to these discovery requests to the extent they improperly seek or purport to require the production of documents or information which is not relevant to the subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. CKAP objects to these discovery requests and to the FE's Definitions and Instructions to the extent they improperly seek or purport to require production of documents in a form other than how the documents are maintained in the regular course of business.
7. CKAP objects to these discovery requests insofar as they request the production of documents or information that are publicly available or already in the FE's possession, custody, or control.
8. CKAP objects to each and every data request that seeks to obtain "all," "each" or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
9. CKAP objects to these discovery requests to the extent that such requests are not limited to any stated time period or identify a stated period of time that is longer than is relevant for purposes of this proceeding, as such discovery is unduly burdensome and overly broad.
10. CKAP objects to these discovery requests to the extent they are vague, ambiguous, use terms or phrases that are subject to multiple interpretations but are not properly defined for purposes of these discovery requests, or otherwise provide no basis from which CKAP can determine what information is sought.
11. The objections and responses contained herein are not intended nor should they be construed to waive CKAP's rights to object to other discovery involving or relating to the subject matter of these requests, responses or documents produced in response hereto.

INTERROGATORIES

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

RESPONSE: Unknown at this time. Expert testimony will be pre-filed as ordered.

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

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness's background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and
- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE: See Response to #1 above.

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

RESPONSE: CKAP will introduce documents previously submitted at the Public Meetings held in this proceeding and the testimony of any expert witness and party. Other documents, exhibits and testimony will be introduced when they are identified.

INTERROGATORY NO. 4: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that Your “electric rates should be discounted as a result of the energy efficiencies already in place and given the bulk purchasing of electricity by these [*i.e.*, all-electric] homes throughout the year.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 5: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that the Companies should “absorb the loss of revenue [arising from all-electric rates and riders] due to their representations made to all-electric homeowners regarding the discounted electric rate.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 6: Identify all Documents that in any way relate to or concern any issue in this case.

RESPONSE: Objection, the interrogatory is vague and overbroad. Without waiving any specific or general objections, BSH responds as follows:

See BSH's responses to other interrogatories and requests for admission in this proceeding.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents identified in response to the Companies' First Set of Interrogatories, including but not limited to Documents You identified in Your responses to the Companies' Interrogatory Nos. 3 through 6.

RESPONSE: Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA.

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

RESPONSE: Will provide once identified.

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

RESPONSE: See Response to Interrogatory #3.

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

RESPONSE: Will provide when expert testimony is filed.

REQUEST FOR PRODUCTION NO. 5: All Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies regarding the Companies' All-Electric Tariffs or related rates or credits, including but not limited to correspondence, emails, and handwritten notes.

RESPONSE: Objection, overbroad; as well as objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, and/or the attorney-client privilege. Without waiving any specific or general objections, BSH responds as follows:

See the response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 6: All Documents reflecting, related or referring to the Companies' All-Electric Tariffs.

RESPONSE: Objection, overly broad. Without waiving any specific or general objections, BSH responds as follows: See PUCO Docket in Case 10-176-EL-ATA.

RESPONSE:REQUEST FOR PRODUCTION NO. 7: All Documents reflecting, based upon, or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010.

RESPONSE: Objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, the attorney-client privilege, and privileged settlement discussions. Without waiving any specific or general objections, BSH responds as follows:

See PUCO Docket in Case 10-176-EL-ATA.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Responses and Objections was served electronically to the counsel identified below this 8th day of December 2010.

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Attorney for Bob Schmitt Homes, Inc., Sue
Steigerwald, Joan Heginbotham and CKAP

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio
Edison Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company for Approval of a New
Rider and Revision of an Existing Rider**

Case No. 10-176-EL-ATA

**RESPONSES AND OBJECTIONS TO FIRSTENERGY'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY
JOAN HEGINBOTHAM**

Joan Heginbotham ("Heginbotham"), by and through her counsel, hereby submits its Responses and Objections to the First Set of Interrogatories and Requests for Production of Documents submitted to Heginbotham by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, "FirstEnergy" or "FE") in the above-captioned case.

Heginbotham's responses to these discovery requests are being provided subject to, and without waiver of, the general objections stated below and the specific objections posed in response to each interrogatory and request for production of documents. The general objections are hereby incorporated by reference into the individual response made to each discovery request. Heginbotham's responses to these discovery requests are submitted without prejudice to, and without waiving any general objections not expressly set forth therein.

The submittal of any response below shall not waive Heginbotham's objections. The responses below, while based on diligent investigation and reasonable inquiry by Heginbotham, reflect only the current state of Heginbotham's knowledge and understanding and belief with respect to the matters about which the discovery requests seek information, based upon the

information and discovery to date. Heginbotham's investigation is not yet complete and is continuing as of the date of the responses below. Heginbotham anticipates the possibility that it may discover additional information and/or documents, and without obligating itself to do so, Heginbotham reserves the right to continue its investigation and to modify or supplement the responses below, with such pertinent information or documents. The responses below are made without prejudice to Heginbotham's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight.

Heginbotham reserves the right to object, on appropriate grounds, to the use of such information and/or documents. The fact that Heginbotham, in the spirit of cooperation, has elected to provide relevant information below in response to the FE's discovery requests shall not constitute or be deemed a waiver of Heginbotham's objections. Heginbotham hereby fully preserves all of its objections to the discovery requests or the use of its responses for any purpose.

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

GENERAL OBJECTIONS

1. Heginbotham objects to any discovery requests as improper, overbroad, and unduly burdensome to the extent that they purport to impose upon Heginbotham any obligations broader than those set forth in the Public Utilities Commission of Ohio's rules or

otherwise permitted by law. The rules of discovery require, among other matters, that matters inquired into must be relevant to the subject matter of the proceeding, and must appear to be “reasonably calculated to lead to the discovery of admissible evidence.”

Ohio Adm. Code 4901-1-16(B).

2. Heginbotham objects to these discovery requests and to FE’ Definitions and Instructions as improper, overbroad, and unduly burdensome to the extent that they improperly seek or purport to require the disclosure of information protected by the attorney-client privilege, a trial preparation doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed as a waiver of any such privilege or doctrine.
3. Heginbotham objects to these discovery requests and to the FE’s Definitions and Instructions to the extent that they improperly seek or purport to require Heginbotham to provide documents and information not in Heginbotham’s possession, custody or control.
4. The objections and responses contained herein and documents produced in response hereto are not intended nor should they be construed to waive Heginbotham’s right to object to these requests, responses or documents produced in response hereto, or the subject matter of such requests, responses, or documents, as to their competency, relevancy, materiality, privilege and admissibility as evidence for any purpose, in or at any hearing of this or any other proceeding.
5. Heginbotham objects to these discovery requests to the extent they improperly seek or purport to require the production of documents or information which is not relevant to the

subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. Heginbotham objects to these discovery requests and to the FE's Definitions and *Instructions to the extent they improperly seek or purport to require production of* documents in a form other than how the documents are maintained in the regular course of business.
7. Heginbotham objects to these discovery requests insofar as they request the production of documents or information that are publicly available or already in the FE's possession, custody, or control.
8. Heginbotham objects to each and every data request that seeks to obtain "all," "each" or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.
9. Heginbotham objects to these discovery requests to the extent that such requests are not limited to any stated time period or identify a stated period of time that is longer than is relevant for purposes of this proceeding, as such discovery is unduly burdensome and overly broad.
10. Heginbotham objects to these discovery requests to the extent they are vague, ambiguous, use terms or phrases that are subject to multiple interpretations but are not properly defined for purposes of these discovery requests, or otherwise provide no basis from which Heginbotham can determine what information is sought.

11. The objections and responses contained herein are not intended nor should they be construed to waive Heginbotham's rights to object to other discovery involving or relating to the subject matter of these requests, responses or documents produced in response hereto.

INTERROGATORIES

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

RESPONSE: Unknown at this time. Expert testimony will be pre-filed as ordered.

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

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness's background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and
- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

RESPONSE: See Response to #1 above.

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

RESPONSE: CKAP will introduce documents previously submitted at the Public Meetings held in this proceeding and the testimony of any expert witness and party. Other documents, exhibits and testimony will be introduced when they are identified.

INTERROGATORY NO. 4: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that Your “electric rates should be discounted as a result of the energy efficiencies already in place and given the bulk purchasing of electricity by these [*i.e.*, all-electric] homes throughout the year.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 5: Identify all facts and Documents supporting Your claim on page 3 of the Memorandum in Support of Your Motion to Intervene dated June 2, 2010 that the Companies should “absorb the loss of revenue [arising from all-electric rates and riders] due to their representations made to all-electric homeowners regarding the discounted electric rate.”

RESPONSE: See Response to Request for Production #1.

INTERROGATORY NO. 6: Identify all Documents that in any way relate to or concern any issue in this case.

RESPONSE: Objection, the interrogatory is vague and overbroad. Without waiving any specific or general objections, BSH responds as follows:

See BSH's responses to other interrogatories and requests for admission in this proceeding.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All Documents identified in response to the Companies' First Set of Interrogatories, including but not limited to Documents You identified in Your responses to the Companies' Interrogatory Nos. 3 through 6.

RESPONSE: Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA.

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

RESPONSE: Will provide once identified.

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

RESPONSE: See Response to Interrogatory #3.

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

RESPONSE: Will provide when expert testimony is filed.

REQUEST FOR PRODUCTION NO. 5: All Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies regarding the Companies' All-Electric Tariffs or related rates or credits, including but not limited to correspondence, emails, and handwritten notes.

RESPONSE: Objection, overbroad; as well as objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, and/or the attorney-client privilege. Without waiving any specific or general objections, BSH responds as follows:

See the response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 6: All Documents reflecting, related or referring to the Companies' All-Electric Tariffs.

RESPONSE: Objection, overly broad. Without waiving any specific or general objections, BSH responds as follows: See PUCO Docket in Case 10-176-EL-ATA.

RESPONSE:REQUEST FOR PRODUCTION NO. 7: All Documents reflecting, based upon, or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010.

RESPONSE: Objection to the extent that the Company is inquiring into information exempt from discovery under the trial preparation doctrine, attorney work-product doctrine, the attorney-client privilege, and privileged settlement discussions. Without waiving any specific or general objections, BSH responds as follows:

See PUCO Docket in Case 10-176-EL-ATA.

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Responses and Objections was served electronically to the counsel identified below this 8th day of December 2010.

Kevin Corcoran
Attorney for Bob Schmitt Homes, Inc., Sue
Steigerwald, Joan Heginbotham and CKAP

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Exhibit GWG-2



Subject:
Re: 10-176-EL-ATA: Responses to FirstEnergy Companies' discovery requests

From:
 Kevin Corcoran
 12/14/2010 04:56 PM

To:
 Grant W Garber
 Show Details

History: This message has been forwarded.

Grant,

The responses have noted that documents from the Docket and the Public Hearings will be submitted in this matter. I have not had the time to review the documentation submitted to the Docket in this matter. The transcripts of the various Public Hearings were just posted yesterday and I have not reviewed those either. All of those documents are available to you. Specific documents from the Docket and the Public Hearings will be identified and the responses will be supplemented at that time.

Kevin

From: Grant W Garber <gwggarber@jonesday.com>
To: kevinocorcoran@yahoo.com
Cc: David A. Kutik <dakutik@JonesDay.com>; burkj@firstenergycorp.com
Sent: Thu, December 9, 2010 4:51:43 PM
Subject: 10-176-EL-ATA: Responses to FirstEnergy Companies' discovery requests

Kevin,

I'm writing regarding the responses of CKAP, Bob Schmitt Homes, Sue Steigerwald and Joan Heginbotham ("Consumer Parties") to the Companies' First Set of Interrogatories and Requests for Production of Documents. The responses are deficient in several ways and require immediate supplementation.

First, RFP No. 5 seeks "Documents and Communications received from or sent to the Staff of the Commission or any customer of one of the Companies regarding the Companies' All-Electric Tariffs or related rates or credits, including but not limited to correspondence, emails and handwritten notes." The Consumer Parties answered this request by referring to their response to Request for Production No. 1, in which they state "Will provide as noted above or see PUCO Docket in Case 10-176-EL-ATA."

This is not an acceptable response. To the extent the Consumer Parties have responsive Documents in their possession, they must produce them to the Companies now. For example, at the November 23 public hearing in Kirtland, Mike Payne and Chester Karchefsky each indicated that they had worked with and/or received documents from Sue Steigerwald. Those documents must be produced, along with any others sent between any Consumer Party and any customer of the Companies (or Staff). Further, to the extent responsive documents are publicly available, indicate specifically what those documents are and where they may be found. To the extent such documents appear in the docket in this case, please identify the date and docket description of such documents.

Second, the Consumer Parties cite their deficient response to RFP No. 1 in responding to Interrogatory Nos. 4 and 5. Those responses also must be supplemented as explained above.

Third, RFP No. 7 seeks "All Documents reflecting, based upon, or related to the Staff Report dated September 24, 2010, or referring to any analysis conducted based upon the Staff Report dated September 24, 2010." The Consumer Parties responded, "See PUCO Docket in Case 10-176-EL-ATA." Again, to the extent responsive documents appear on the Commission's website, please identify the date and docket description of all documents responsive to this request. Please also produce any responsive documents that are not publicly available.

Fourth, Interrogatory No. 3 seeks identification of "each and every document, exhibit or other thing You intend to introduce into evidence or otherwise display at the hearing in this matter." In response, the Consumer Parties state that they will "introduce documents previously submitted at the Public Meetings held in this proceeding." This response also is deficient. The Consumer Parties give no indication what "Public Meeting" documents they intend to introduce, much less produce them. To the extent such documents are publicly available, please identify the date and docket description of them, or otherwise indicate specifically what they are and where they may be found. To the extent such documents are not publicly available, please produce them.

Please provide the supplementations requested above no later than December 14, 2010 or the Companies will move to compel them.

Grant W. Garber
Jones Day
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This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.
=====

Exhibit GWG-3

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider

Case No. 10-176-EL-ATA

THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY TO JOAN HEGINBOTHAM

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-1-20 of the Ohio Administrative Code and the Entry dated November 23, 2010, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") request that Joan Heginbotham respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within ten days hereof. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. Where an interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.
2. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where

the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.

3. If You claim any form of privilege as a ground for not completely answering any interrogatory, state the nature of the privilege and the general subject of the information withheld.

4. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the document. If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.

5. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

6. Please identify all responses to requests for production of documents by the number of the request.

7. Where an interrogatory requests that a date be given, but You cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

DEFINITIONS

1. "All-Electric Rates" refers individually or collectively to any rate reflected in any of the current or former tariffs or rate schedules listed in the Companies' respective Residential Distribution Credit Riders ("Rider RDC") or generally to any discounted or reduced-price rate

charged or credit applied (including Rider RDC) to customers with electric heat pumps, electric space heating or other all-electric facilities.

2. "Communication" and "Communicate" are used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

3. "Companies" refers to The Cleveland Electric Illuminating Company, Ohio Edison Company and/or The Toledo Edison Company, either individually or collectively.

4. "Document" is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

5. "Identify" means:

a. When used in reference to a natural person, to state the full name, the present or last-known address, phone number and the present or last-known employer or business affiliation of the person;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address and phone number of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the above-captioned proceeding;

c. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

d. When used in reference to a communication, to state all persons involved in the communication, the time, date, and location of the communication, a general description of the subject matter of the communication, and the nature of the communication (e.g., telephone, e-mail, in person).

6. "Person" means any natural or artificial person, including business entities and other legal entities.

7. "You" or "Your" refers to Joan Heginbotham.

INTERROGATORIES

INTERROGATORY NO. 15: Identify each employee of the Office of the Ohio Consumers' Counsel who assisted in the preparation of Your responses to the Companies' First, Second and Third Sets of Interrogatories and Requests for Production of Documents, including but not limited to each such employee who gathered or provided the information and Documents reflected in those responses.

RESPONSE:

INTERROGATORY NO. 16: Identify each Person whom You intend to call as a non-expert witness at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 17: For each Person whom You intend to call as a non-expert witness at the hearing in this matter:

- a. Provide a summary of the witness' testimony;
- b. State a contact address and phone number for the witness;
- c. State whether the witness has ever taken service pursuant to any All-Electric Rate from one or more of the Companies;
- d. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the All-Electric Rate(s) under which the witness took service;
- e. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state each and every Company from which the witness took such service; and
- f. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the date(s) during which the witness took such service.

RESPONSE:

INTERROGATORY NO. 18: Identify all employees or former employees of any one of the Companies with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices or other issues in this matter. For each employee or former employee You identify:

- a. State the date(s) on which Your Communication with such employee or former employee occurred;
- b. Provide a summary of the content of Your Communication with such employee or former employee; and
- c. Identify all Documents sent between You and such employee or former employee.

RESPONSE:

INTERROGATORY NO. 19: Identify all Persons who have testified at any local public hearing held in connection with this case with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

For each such Person:

- a. State a contact address and phone number for such Person;
- b. State whether such Person is a member of "Citizens for Keeping the All-Electric Promise";
- c. State the date(s) on which You Communicated with such Person;
- d. Provide a summary of the content of Your Communications with such Person; and
- e. Identify all Documents sent between You and such Person.

RESPONSE:

INTERROGATORY NO. 20: State whether You are affiliated with or a member of Citizens for Keeping the All-Electric Promise.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 13: All Documents identified in response to the Companies' Third Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All Documents sent between You and any employee or former employee of any of the Companies that reflect, relate or refer to any All-Electric Rate, the Companies' marketing practices or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All Documents sent between You and any Person who has testified at any local public hearing held in connection with this case regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All Documents allegedly reflecting, relating or referring to any reduction in the value of any property or residence served or formerly served by one of the Companies under any All-Electric Rate because such property or residence utilizes electric heating.

RESPONSE:

DATED: November 30, 2010

Respectfully submitted,

/s/ Grant W. Garber

James W. Burk (0043808)

Counsel of Record

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ATTORNEYS FOR APPLICANTS OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO
EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Companies' Third Set of Interrogatories and Requests for Production of Documents to Joan Heginbotham was delivered to the following persons by e-mail this 30th day of November, 2010.

/s/ Grant W. Garber

An Attorney For Applicants Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider

Case No. 10-176-EL-ATA

THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY TO SUE STEIGERWALD

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-1-20 of the Ohio Administrative Code and the Entry dated November 23, 2010, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") request that Sue Steigerwald respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within ten days hereof. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. Where an interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.
2. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where

the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.

3. If You claim any form of privilege as a ground for not completely answering any interrogatory, state the nature of the privilege and the general subject of the information withheld.

4. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the document. If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.

5. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

6. Please identify all responses to requests for production of documents by the number of the request.

7. Where an interrogatory requests that a date be given, but You cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

DEFINITIONS

1. "All-Electric Rates" refers individually or collectively to any rate reflected in any of the current or former tariffs or rate schedules listed in the Companies' respective Residential Distribution Credit Riders ("Rider RDC") or generally to any discounted or reduced-price rate

charged or credit applied (including Rider RDC) to customers with electric heat pumps, electric space heating or other all-electric facilities.

2. "Communication" and "Communicate" are used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

3. "Companies" refers to The Cleveland Electric Illuminating Company, Ohio Edison Company and/or The Toledo Edison Company, either individually or collectively.

4. "Document" is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

5. "Identify" means:

a. When used in reference to a natural person, to state the full name, the present or last-known address, phone number and the present or last-known employer or business affiliation of the person;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address and phone number of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the above-captioned proceeding;

c. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

d. When used in reference to a communication, to state all persons involved in the communication, the time, date, and location of the communication, a general description of the subject matter of the communication, and the nature of the communication (e.g., telephone, e-mail, in person).

6. "Person" means any natural or artificial person, including business entities and other legal entities.

7. "You" or "Your" refers to Sue Steigerwald.

INTERROGATORIES

INTERROGATORY NO. 15: *Identify each employee of the Office of the Ohio Consumers' Counsel who assisted in the preparation of Your responses to the Companies' First, Second and Third Sets of Interrogatories and Requests for Production of Documents, including but not limited to each such employee who gathered or provided the information and Documents reflected in those responses.*

RESPONSE:

INTERROGATORY NO. 16: *Identify each Person whom You intend to call as a non-expert witness at the hearing in this matter.*

RESPONSE:

INTERROGATORY NO. 17: For each Person whom You intend to call as a non-expert witness at the hearing in this matter:

- a. Provide a summary of the witness' testimony;
- b. State a contact address and phone number for the witness;
- c. State whether the witness has ever taken service pursuant to any All-Electric Rate from one or more of the Companies;
- d. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the All-Electric Rate(s) under which the witness took service;
- e. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state each and every Company from which the witness took such service; and
- f. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the date(s) during which the witness took such service.

RESPONSE:

INTERROGATORY NO. 18: Identify all employees or former employees of any one of the Companies with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices or other issues in this matter. For each employee or former employee You identify:

- a. State the date(s) on which Your Communication with such employee or former employee occurred;
- b. Provide a summary of the content of Your Communication with such employee or former employee; and
- c. Identify all Documents sent between You and such employee or former employee.

RESPONSE:

INTERROGATORY NO. 19: Identify all Persons who have testified at any local public hearing held in connection with this case with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

For each such Person:

- a. State a contact address and phone number for such Person;
- b. State whether such Person is a member of "Citizens for Keeping the All-Electric Promise";
- c. State the date(s) on which You Communicated with such Person;
- d. Provide a summary of the content of Your Communications with such Person; and
- e. Identify all Documents sent between You and such Person.

RESPONSE:

INTERROGATORY NO. 20: State whether You are affiliated with or a member of Citizens for Keeping the All-Electric Promise.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 13: All Documents identified in response to the Companies' Third Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All Documents sent between You and any employee or former employee of any of the Companies that reflect, relate or refer to any All-Electric Rate, the Companies' marketing practices or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All Documents sent between You and any Person who has testified at any local public hearing held in connection with this case regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All Documents allegedly reflecting, relating or referring to any reduction in the value of any property or residence served or formerly served by one of the Companies under any All-Electric Rate because such property or residence utilizes electric heating.

RESPONSE:

DATED: November 30, 2010

Respectfully submitted,

/s/ Grant W. Garber

James W. Burk (0043808)

Counsel of Record

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ATTORNEYS FOR APPLICANTS OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO
EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Companies' Third Set of Interrogatories and Requests for Production of Documents to Sue Steigerwald was delivered to the following persons by e-mail this 30th day of November, 2010.

/s/ Grant W. Garber

An Attorney For Applicants Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider

Case No. 10-176-EL-ATA

**THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY TO
BOB SCHMITT HOMES, INC.**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-1-20 of the Ohio Administrative Code, and the Entry dated November 23, 2010, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") request that Bob Schmitt Homes, Inc. respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within ten days hereof. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the following interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to You.
2. Where an interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.

3. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.

4. If You claim any form of privilege as a ground for not completely answering any interrogatory, state the nature of the privilege and the general subject of the information withheld.

5. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the document. *If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.*

6. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Where an interrogatory requests that a date be given, but You cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

DEFINITIONS

1. "All-Electric Rates" refers individually or collectively to any rate reflected in any of the current or former tariffs or rate schedules listed in the Companies' respective Residential Distribution Credit Riders ("Rider RDC") or generally to any discounted or reduced-price rate charged or credit applied (including Rider RDC) to customers with electric heat pumps, electric space heating or other all-electric facilities.

2. "Communication" and "Communicate" are used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

3. "Companies" refers to The Cleveland Electric Illuminating Company, Ohio Edison Company and/or The Toledo Edison Company, either individually or collectively.

4. "Document" is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

5. "Identify" means:

a. When used in reference to a natural person, to state the full name, the present or last-known address, phone number and the present or last-known employer or business affiliation of the person;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address and phone

number of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the above-captioned proceeding;

c. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

d. When used in reference to a communication, to state all persons involved in the communication, the time, date, and location of the communication, a general description of the subject matter of the communication, and the nature of the communication (e.g., telephone, e-mail, in person).

6. "Person" means any natural or artificial person, including business entities and other legal entities.

7. "You" or "Your" refers to Bob Schmitt Homes, Inc.

INTERROGATORIES

INTERROGATORY NO. 17: Identify all payments, credits, inducements or other incentives offered or provided by Ohio Edison Company, The Cleveland Electric Illuminating Company or The Toledo Edison Company to You in exchange for building, developing or marketing or agreeing to build, develop or market residences eligible for any All-Electric Rate. For each such payment, credit, inducement or other incentive:

- a. Identify the Company that offered or provided it;
- b. Identify the date on which such payment, credit, inducement or other incentive was offered or provided; and

- c. Identify all Documents reflecting, relating or referring to such payment, credit, inducement or other incentive.

RESPONSE:

INTERROGATORY NO. 18: Identify all Documents You published or provided to any Person in order to market or advertise residences eligible for any All-Electric Rate or to convince any Person to purchase such a residence, including but not limited to brochures, flyers, correspondence, or newspaper or magazine advertisements. For each such Document, identify the date on which You published it or provided it to any Person.

RESPONSE:

INTERROGATORY NO. 19: Identify each Person whom You intend to call as a non-expert witness at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 20: For each Person whom You intend to call as a non-expert witness at the hearing in this matter:

- a. Provide a summary of the witness' testimony;
- b. State a contact address and phone number for the witness;
- c. State whether the witness has ever taken service pursuant to any All-Electric Rate from one or more of the Companies;
- d. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the All-Electric Rate(s) under which the witness took service;
- e. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state each and every Company from which the witness took such service; and
- f. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the date(s) during which the witness took such service.

RESPONSE:

INTERROGATORY NO. 21: Identify all employees or former employees of any one of the Companies with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices or other issues in this matter. For each employee or former employee You identify:

- a. State the date(s) on which Your Communication with such employee or former employee occurred;
- b. Provide a summary of the content of Your Communication with such employee or former employee; and
- c. Identify all Documents sent between You and such employee or former employee.

RESPONSE:

INTERROGATORY NO. 22: Identify all Persons who have testified at any local public hearing held in connection with this case with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

For each such Person:

- a. State a contact address and phone number for such Person;
- b. State whether such Person is a member of "Citizens for Keeping the All-Electric Promise";
- c. State the date(s) on which You Communicated with such Person;
- d. Provide a summary of the content of Your Communications with such Person; and
- e. Identify all Documents sent between You and such Person.

RESPONSE:

INTERROGATORY NO. 23: Identify each employee of the Office of the Ohio Consumers' Counsel who assisted in the preparation of Your responses to the Companies' First, Second and Third Sets of Interrogatories and Requests for Production of Documents, including but not limited to each such employee who gathered or provided the information and Documents reflected in those responses.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 14: All Documents identified in response to the Companies' Third Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All Documents sent between any of the Companies and You, Ridgefield Homes or Bob Schmitt that reflect, relate or refer to All-Electric Rates, the Companies' marketing practices or other issues in this matter, including but not limited to correspondence, contracts and agreements.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All Documents sent between You and any employee or former employee of any of the Companies that reflect, relate or refer to any All-Electric Rate, the Companies' marketing practices or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: All Documents sent between You and any Person who has testified at any local public hearing held in connection with this case regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: All Documents allegedly reflecting, relating or referring to any reduction in the value of any property or residence served or formerly served by one of the Companies under any All-Electric Rate because such property or residence utilizes electric heating.

RESPONSE:

DATED: November 30, 2010

Respectfully submitted,

/s/ Grant W. Garber

James W. Burk (0043808)

Counsel of Record

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Grant W. Garber (0079541)

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Facsimile: (614) 461-4198

E-mail: gwgarber@jonesday.com

ATTORNEYS FOR APPLICANTS OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO
EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Companies' Third Set of Interrogatories and Requests for Production of Documents to Bob Schmitt Homes, Inc. was delivered to the following persons by e-mail this 30th day of November, 2010.

/s/ Grant W. Garber

An Attorney For Applicants Ohio Edison
Company, The Cleveland Electric Illuminating
Company, and The Toledo Edison Company

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider

Case No. 10-176-EL-ATA

THIRD SET OF INTERROGATORIES OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY TO CITIZENS FOR KEEPING THE ALL-ELECTRIC PROMISE

Pursuant to Rules 4901-1-16 and 4901-1-19 of the Ohio Administrative Code, and the Entry dated November 23, 2010, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the "Companies") request that Citizens for Keeping the All-Electric Promise respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying documents responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within ten days hereof. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the following interrogatory, who shall furnish all such information which is known or available to You.
2. Where an interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.

3. You are under a continuing duty to supplement Your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.

4. If You claim any form of privilege as a ground for not completely answering any interrogatory, state the nature of the privilege and the general subject of the information withheld.

5. Where an interrogatory requests that a date be given, but You cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

DEFINITIONS

1. "All-Electric Rates" refers individually or collectively to any rate reflected in any of the current or former tariffs or rate schedules listed in the Companies' respective Residential Distribution Credit Riders ("Rider RDC") or generally to any discounted or reduced-price rate charged or credit applied (including Rider RDC) to customers with electric heat pumps, electric space heating or other all-electric facilities.

2. "Communication" and "Communicate" are used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

3. "Companies" refers to The Cleveland Electric Illuminating Company, Ohio Edison Company and/or The Toledo Edison Company, either individually or collectively.

4. “Document” is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

5. “Identify” means:

a. When used in reference to a natural person, to state the full name, the present or last-known address, the phone number, and the present or last-known employer or business affiliation of the person;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address and phone number of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the above-captioned proceeding;

c. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

d. When used in reference to a communication, to state all persons involved in the communication, the time, date, and location of the communication, a general description of the subject matter of the communication, and the nature of the communication (e.g., telephone, e-mail, in person).

6. “Person” means any natural or artificial person, including business entities and other legal entities.

7. "You" or "Your" refers to Citizens for Keeping the All-Electric Promise and any of Your members, individually or collectively.

INTERROGATORIES

INTERROGATORY NO. 16: Identify each employee of the Office of the Ohio Consumers' Counsel who assisted in the preparation of Your responses to the Companies' First, Second and Third Sets of Interrogatories and Requests for Production of Documents, including but not limited to each such employee who gathered or provided the information and Documents reflected in those responses.

RESPONSE:

INTERROGATORY NO. 17: Identify each Person whom You intend to call as a non-expert witness at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: For each Person whom You intend to call as a non-expert witness at the hearing in this matter:

- a. Provide a summary of the witness' testimony;
- b. State a contact address and phone number for the witness;

- c. State whether the witness has ever taken service pursuant to any All-Electric Rate from one or more of the Companies;
- d. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the All-Electric Rate(s) under which the witness took service;
- e. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state each and every Company from which the witness took such service; and
- f. If the witness has taken service pursuant to any All-Electric Rate from one or more of the Companies, state the date(s) during which the witness took such service.

RESPONSE:

INTERROGATORY NO. 19: Identify all employees or former employees of any one of the Companies with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices or other issues in this matter. For each employee or former employee You identify:

- a. State the date(s) on which Your Communication with such employee or former employee occurred;
- b. Provide a summary of the content of Your Communication with such employee or former employee; and

- c. Identify all Documents sent between You and such employee or former employee.

RESPONSE:

INTERROGATORY NO. 20: Identify all Persons who have testified at any local public hearing held in connection with this case with whom You have Communicated regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

For each such Person:

- a. State a contact address and phone number for such Person;
- b. State whether such Person is a member of "Citizens for Keeping the All-Electric Promise";
- c. State the date(s) on which You Communicated with such Person;
- d. Provide a summary of the content of Your Communications with such Person; and
- e. Identify all Documents sent between You and such Person.

RESPONSE:

INTERROGATORY NO. 21: Identify each Person that is affiliated with or a member of You who has testified at any local public hearing held in connection with this case. For each such Person:

- a. State a contact address and phone number for such Person; and
- b. Identify all Documents sent between You and such Person.

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO.13: All Documents identified in response to the Companies' Third Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: All Documents sent between You and any employee or former employee of any of the Companies that reflect, relate or refer to any All-Electric Rate, the Companies' marketing practices or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: All Documents sent between You and any Person who has testified at any local public hearing held in connection with this case regarding any All-Electric Rate, the Companies' marketing practices, the content of any testimony or presentations offered or to be offered at any local public hearing, or other issues in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: All Documents allegedly reflecting, relating or referring to any reduction in the value of any property or residence served or formerly served by one of the Companies under any All-Electric Rate because such property or residence utilizes electric heating.

RESPONSE:

DATED: November 30, 2010

Respectfully submitted,

/w/ Grant W. Garber

James W. Burk (0043808)

Counsel of Record

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ATTORNEYS FOR APPLICANTS OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO
EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Companies' Third Set of Interrogatories and Requests for Production of Documents to Citizens for Keeping the All-Electric Promise was delivered to the following persons by e-mail this 30th day of November, 2010.

/s/ Grant W. Garber

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Company, The Cleveland Electric Illuminating
Company, and The Toledo Edison Company

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Exhibit B

From: Sue Steigerwald [mailto:sue2811@roadrunner.com]
Sent: Saturday, November 20, 2010 1:48 AM
To: Undisclosed-Recipient;;
Subject: CKAP - PUCO Hearings Nov. 22 in N. Ridgeville, Nov. 23 at Lakeland College

Dear CKAP Friends,

Remember that two PUCO Public hearings are coming this week, each at 6pm: Monday Nov. 22 is N. Ridgeville and Tuesday Nov. 23 is Lakeland Community College in Building D, Performing Arts Auditorium. Visit our website for exact locations at: <http://allelectrichomes.info/PUCOHearingSchedule.aspx>.

I know this is the week of Thanksgiving, but it is of utmost importance for you to attend ONE of these public hearings. Even if you do not testify, please show up as a body of support!!! This fight has been going on since January, but this will be your final opportunity to take action that could help you save thousands on your future electric bills and preserve the value of your property!!

If you choose to testify, plan to arrive by 5:30ish. The reason is because you will need to put your name on a sign up sheet, and once the hearing starts, names are called in the order of signup. That's all you officially have to do to get the opportunity to testify. However, to make your testimony as effective as possible, we recommend that you Write out your testimony and read directly from your statement. If you write it out ahead of time, you won't forget something you want to say and you also won't wander off target. You should be able to give effective testimony in 3 - 5 minutes max if it is all written out. Remember that there could be over 50 + people at each hearing who want to testify, so carefully crafting what you want to say ahead of time will make things run much more quickly and allow enough time for everyone to testify.

As far as what to include in your testimony, don't worry if you do not have any written documents promising the discount permanently. This is the chance to TELL YOUR VERSION OF THE STORY. In other words, in your testimony, tell whatever you were told or lead to believe, even if you do not have it in writing. In place of the phrase "written contract," you can simply use the term contract. We all either built our homes to a specific

set of requirements and/or later installed specific all-electric equipment in our homes in exchange for a discounted electric rate. Therefore, this is a contract between us and FE.

That being said, if you DO HAVE any written documents promising the discount, of course, bring copies of them!!! Please be sure to bring three copies of any documents you wish to submit at the hearing. Don't come with only your original copy and lose the opportunity to officially submit an important document into the record! In order to support the idea of contract mentioned above, also bring three copies of any documents you have that mention anything about installing specific equipment, building to specific requirements, etc. Remember, these documents DO NOT need to mention the discount was permanent! These documents may not say the discount was permanent, but they also do not say there was an expiration date. You can also bring copies of any advertisements or other FE marketing material that you have.

Suggestions for what else to include in your testimony:

* How many years have you lived in your residence and received the AE discount.

* State what your highest winter bill USUALLY is (ie Jan - Mar 2009), and what your highest winter bills spiked to when the discount was taken away (ie Dec - Mar 2010). Try to pick a month that has similar kwh usage.

* If you are on EPP (budget), state what your budget payment used to be and what it went up to. Likewise, if you have a high balance left to payoff, state that too.

* State how the increased cost of electricity has impacted your overall lifestyle. For example, were you having trouble paying for other monthly expenses like food and medicine? Were you keeping your house uncomfortably cool in order to save money? Are you on a fixed income and if so, what percentage of your total income was going to pay for your high electric bills, etc.

* State what other options you have to heat your home and how much it might cost to convert. For instance, if gas is available, would it cost \$10,000 to replace all of your current infrastructure? What if no ductwork exists, how much then? And if gas isn't even available in your neighborhood, by all means, mention that too, that you simply have no other option!!!

* Especially if you have installed new heating equipment within the last 5 - 10 years, state how much money you have already invested in your home's current heating system.

* Mention how the loss of the AE discount will decimate your property value by at least 30%, thus ruining the value of most individual's nest egg investment - your home. Mention how this loss of property value will, in turn, significantly lower the tax revenue available to our communities, schools, other public services, etc.

* Mention how if the AE discount is not reinstated permanently, it will make it impossible to sell your home. If you have a real life story to support this, tell that too!

* Remember the current temporary ruling states that as long as a

home/condo/apt. previously had an AE discount, YOU should now be getting that discount effective Sept. 1, 2010 regardless of when you moved in. If you are not, please email me immediately. For those who either built, converted, or moved into a house that had never received the AE discount and

are currently NOT receiving the temporary discount, please show up and testify that we want ALL homes/condos/apts. to have the discount regardless of when they were built. Especially include any info you received that lead

you to believe you would receive the discount.

* State that FirstEnergy must NOT raise the rates of other ratepayers,

but rather absorb the cost of this program which benefited FirstEnergy for the last 40 years. FirstEnergy made implied and written promises to owners and builders alike to entice them to go all-electric, and they must not be allowed to break these promises and charge others for their breach of contract!

* Anything else you wish to say!

* Conclude your testimony strongly by asking the PUCO to rule in our favor by permanently reinstating the AE discount and making sure it passes onto any successor accounts (people we sell our homes, condos, etc. to)

After your testimony is finished, you may be asked by the PUCO if you have any documents in writing promising the discount. If you DO NOT, confidently

answer no, but that you consider the conduct of the electric company over the past forty years to be a contract since they never told you that it could be taken away. If you DO have documents to submit, briefly describe what the documents are, then you can turn in your three copies at this time (at the end of your testimony.)

Our strong allies, the OCC, have some additional general tips on how to testify at a public hearing available on their website here:
http://www.pickocc.org/publications/general_occ_information/How_to_Testify.p

df

Please feel free to email me with any questions you may have about testifying. I will gladly help you with this very important task!

CKAP's Motion to Intervene in the All-Electric Case was officially approved by the PUCO this week. This means CKAP, represented by our attorney Kevin Corcoran, are official parties to the case. Since my name is specified in the motion to intervene and Kevin is the attorney, neither one of us is permitted to testify at the local public hearings. However, I will be at both hearings, as well as Kevin who will be acting as our attorney representative at both hearings!

Thanks,

Sue Steigerwald
CKAP - Citizens for Keeping the All-Electric Promise
Visit www.AllElectricHomes.info

for the latest news on how to fight to make the all-electric discount
permanent for EVERYONE!

Exhibit C

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In Re: Case No. 10-176-EL-ATA

**Hearing Before Attorney Henry Phillips Gary
and
Commission Paul Centolella**



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1 MR. KARCHEFSKY: My name is Chester
2 Karchefsky. That's K-A-R-C-H-E, F as in
3 Frank, K-Y. My address is 8220 Morley
4 Road, Concord Township, Ohio 44060.

5 - - - - -

6 CHESTER KARCHEFSKY,

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

10 MR. KARCHEFSKY: Good evening. I'd
11 like to thank you, the PUCO, for holding
12 these public hearings on this very
13 important issue. My testimony will be
14 different from what you've heard at
15 other hearings because, not only am I an
16 all-electric homeowner, I am a former
17 Illuminating Company employee who
18 actively sold and promoted all-electric
19 homes. As an all-electric geothermal
20 homeowner, I was assured that if I got
21 the electric hookup before the 2007
22 deadline, I would be safely in with the
23 all-electric rate. I was told by
24 FirstEnergy that I, along with all the
25 others before me, would be grandfathered

1 would move for the admission. We'll
2 have marked first, Kirtland Exhibit No.
3 1, the Leads Generate Sales documents.
4 Kirtland 2, the Builders Incentive
5 contracts. Kirtland 3, the customer
6 testimonials. And Kirtland 4, the fast
7 facts marketing sheets. We would have
8 them marked for identification purposes
9 and moved into evidence.

10 - - - - -

11 (Kirtland Exhibits Nos. 1-4
12 were marked for identification.)

13 - - - - -

14 (Discussion had off the record.)

15 - - - - -

16 MR. PHILLIPS-GARY: At this point
17 in time we are going to go back on the
18 record. Mr. Burk has some questions.

19 MR. BURK: In the documents that
20 you've submitted, as we were flipping
21 through them as we were off the record,
22 I noted in a number of areas that
23 certain phrases or sentences had either
24 been highlighted or underlined or
25 starred. And then on some of the

1 documents there are handwritten notes.
2 And I just wondered, if I look through
3 here on all these pages and all these
4 underlined and starred and notes, are
5 those all yours?

6 MR. KARCHEFSKY: Yes. I would say
7 I was having a conversation with Sue,
8 learning what was important regarding
9 this issue situation. When I was having
10 that conversation, I was underlining
11 things that I thought would be
12 interesting, to point out those facts.
13 Now, if there are some others -- I don't
14 think Sue made any -- oh, on the fast
15 facts here, the FAQ on LGS right at the
16 very top.

17 MR. BURK: How far in is it?

18 MR. KARCHEFSKY: I'm sorry. Yes,
19 it's right after this page here
20 (indicating).

21 MR. BURK: Do you have an idea how
22 many pages into this --

23 MR. KARCHEFSKY: Actually, why
24 can't we -- let me show you.

25 MR. BURK: Right at the top she

1 wrote that to label it. Could you
2 identify for the record who Sue is.

3 MR. KARCHEFSKY: Yes. I just know
4 Sue as the administrator and lead for
5 CKAP, the Citizens to Keep the
6 All-Electric Promise.

7 MR. BURK: Is that Sue Steigerwald?

8 MR. KARCHEFSKY: Yes.

9 MR. PHILLIPS-GARY: To clarify for
10 the record, the witness is referring to
11 a document that is part of what he has
12 marked and moved for admission as
13 Kirtland Exhibit 1, which is a page
14 dealing with the leads generate sales
15 program. And the top of the page has
16 written on it "FAG on LGS" and a couple
17 of statements starting with question No.
18 27 through 31.

19 MR. BURK: The witness has just
20 identified another page where Sue
21 Steigerwald has a handwritten note.
22 It's on the geothermal home fast facts
23 page.

24 MR. KARCHEFSKY: The geothermal
25 fast facts page. It's about five from

1 the back.

2 MR. BURK: Okay. It says every
3 testimonial has a back side; is that
4 correct?

5 MR. KARCHEFSKY: Yes.

6 MR. BURK: And that is part of what
7 OCC has marked and moved for admission
8 as Exhibit 4.

9 So we have identified two hand
10 written notes that were written in by
11 Sue Steigerwald. Are the other
12 underlined and stars and marks the ones
13 that you made?

14 MR. KARCHEFSKY: I would say a lot
15 of them are, just due to the fact that I
16 was, again, researching the limits of
17 what was important to the LGS situation.

18 MR. BURK: Who else may have made
19 stars or notes?

20 MR. KARCHEFSKY: I would say it
21 would just be between Sue and I on these
22 documents.

23 MR. BURK: But you're not sure
24 which ones you made and which ones she
25 made?

1 MR. KARCHEFSKY: I could probably
2 take some time and see if I -- I might
3 be able to identify what are the pages
4 that I may have written on. But for the
5 most part --

6 MR. PHILLIPS-GARY: I ask the
7 audience to please allow the witness to
8 answer. Again, we have a court reporter
9 trying to record all this and the
10 background distractions make it
11 difficult for the court reporter to
12 accurately reflect the witness's
13 testimony. Thank you.

14 MR. BURK: Even if you're not sure
15 exactly who made all the remarks, were
16 they all made tonight?

17 MR. KARCHEFSKY: No.

18 MR. BURK: When were they made?

19 MR. KARCHEFSKY: It could have been
20 -- well, let's see -- sometime in the
21 last three months.

22 MR. BURK: Can you be anymore
23 precise?

24 MR. KARCHEFSKY: I don't think so
25 at this time.

1 three years ago? It was the dereg bill
2 in 1999. So if it's the Senate Bill, I
3 stand corrected. It was before my time
4 in office.

5 MR. PHILLIPS-GARY: Thank you.
6 We'll proceed to take a couple more
7 witnesses, and then we'll take a break
8 so the court reporter can get a little
9 bit of rest.

10 Our next witness is Mike Payne.

11 MR. PAYNE: My name is Frances
12 Michael Payne, P-A-Y-N-E, 11423 Twin
13 Mills Lane, Chardon, Ohio, 44024.

14 - - - - -

15 MICHAEL PAYNE,

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

19 MR. PAYNE: I'm here to talk to you
20 as a home builder. I'm guessing that in
21 my career I built around a thousand --
22 maybe over a thousand all-electric
23 homes. In that time in my career we had
24 very close relations with the various
25 energy providers; the gas company, the

1 testimony is going to be presented.

2 At this point in time we
3 have -- OCC has marked to moved for
4 admission Kirtland Exhibits 5 through
5 16. So the record is clear, I need to
6 state what those are.

7 Kirtland Exhibit 5 is the
8 August 11, 2009 letter from the PUCO.

9 Kirtland Exhibit 6 is
10 correspondence from Teryl Bishop.

11 Kirtland Exhibit 7 is dated
12 August 7, 1980, a customer letter.

13 Kirtland Exhibit 8 an is letter
14 from Thomas Logan.

15 Kirtland Exhibit 9 is an
16 advertisement from April 1996.

17 Kirtland Exhibit 10 is a packet
18 of documents from Paul Fisher.

19 Kirtland Exhibit 11 is a letter
20 from The Schipper Group.

21 Kirtland Exhibit 12 is a
22 resolution from Concord Township.

23 Kirtland Exhibit 13 is a packet
24 of information from Mr. Arcuri.

25 Kirtland Exhibit 14 is a letter

1 from Mr. Gift.

2 Kirtland Exhibit 15 is a letter
3 from Mr. Neuger.

4 Kirland Exhibit 16 is a bill
5 insert from The Illuminating Company.

6 For those eight exhibits, those
7 are from Senator Grendell's testimony.
8 And they've been marked and moved.

9 MR. BURK: Your Honor, at this time
10 I would object on the grounds on failure
11 to properly authenticate Exhibits 5, 6,
12 8, 12 and 14.

13 MR. PHILLIPS-GARY: And we will
14 defer ruling on the motion to admit as
15 we would the motion to admit further,
16 Exhibits 1 through 4 and also on the
17 Company's objection.

18 MS. GRADY: Your Honor, at this
19 time we would move for the admission of
20 the Kirtland Exhibit No. 17 and Mike
21 Payne Builder documents.

22 MR. PHILLIPS-GARY: OCC has moved
23 for admission, currently, Exhibit 17,
24 the Mike Payne documents.

25 MR. BURK: Your Honor, we would

1 move to exclude the documents contained
2 in those notebooks, commencing with the
3 page entitle: "R.F. Bob Schmitt"
4 through the end of those documents, as
5 the witness has indicated that those
6 documents were provided to him. They
7 were not his information and he just
8 stuck them in the note back.

9 MR. PHILLIPS-GARY: The bench will
10 defer on the motion to admit and on the
11 motion to exclude that evidence until
12 further.

13 - - - - -

14 (Kirtland Exhibits 5 through 17
15 were marked for identification.)

16 - - - - -

17 MR. PHILLIPS-GARY: The next
18 witness is Rich Jordan.

19 Mr. Jordan, would please state
20 your full name and address for the
21 record.

22 MR. JORDAN: Richard Jordan, 11430
23 Twin Mills Lane, Munson Township, Ohio
24 44024.

25 - - - - -