

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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2010 DEC 22 PM 3:34

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 PUCO

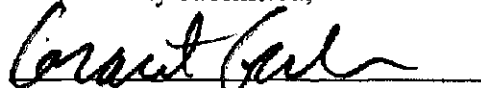
MOTION FOR ISSUANCE OF A SUBPOENA AND MEMORANDUM IN SUPPORT

Pursuant to Rule 4901-1-25, Ohio Administrative Code, and other applicable authority, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively "Companies") move for the issuance of a subpoena in the form attached hereto as Exhibit A.

There is good cause for issuance of this subpoena, which commands Tom Logan to produce the original version of a letter dated June 18, 1988 ("Letter") that purportedly was sent by Elio Andreatta. Mr. Logan appeared as a witness at the October 27, 2010 public hearing in Strongsville, Ohio. At that hearing, Mr. Logan testified to having received the Letter, which he contends constituted an agreement for a fixed all-electric rate. (See Tr. Vol I of Oct. 27, 2010 public hearing, pp. 124-27 (attached as Ex. B).) The Office of the Ohio Consumers' Counsel ("OCC") offered this letter into evidence at that hearing, where it was marked as Strongsville Exhibit 2. (See Ex. C.) The Companies believe that there are questions as to the authenticity (and ultimate admissibility) of the Letter and therefore request the issuance of this subpoena in order to examine the original version of the Letter.

Dated: December 22, 2010

Respectfully submitted,



James W. Burk (0043808)

Counsel of Record

FIRSTENERGY SERVICE COMPANY

76 South Main Street

Akron, OH 44308

Phone: (330) 384-5861

Facsimile: (330) 384-3875

E-mail: burkj@firstenergycorp.com

David A. Kutik (0006418)

JONES DAY

North Point, 901 Lakeside Avenue

Cleveland, Ohio 44114-1190

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

E-mail: dakutik@jonesday.com

Grant W. Garber (0079541)

JONES DAY

Mailing Address:

P.O. Box 165017

Columbus, Ohio 43216-5017

Street Address:

325 John H. McConnell Blvd., Suite 600

Columbus, Ohio 43215

Telephone: (614) 469-3939

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 foregoing Motion for Issuance of a Subpoena (Expedited Ruling Requested) and Memorandum in Support were delivered to the following persons by first class mail, postage prepaid, this 22 day of December, 2010:

Jeffrey L. Small
Maureen Grady
Christopher Allwein
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215
small@occ.state.oh.us
grady@occ.state.oh.us
allwein@occ.state.oh.us

Samuel C. Randazzo
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com

William L. Wright
Sarah Parrot
John Jones
Public Utilities Section
Office of the Attorney General
180 E. Broad St., 6th Floor
Columbus, Ohio 43215
william.wright@puc.state.oh.us
sarah.parrot@puc.state.oh.us
john.jones@puc.state.oh.us

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, Ohio 43215
ricks@ohanet.org

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

Kevin Corcoran
Corcoran & Associates, Co., LPA
8501 Woodbridge Court
North Ridgeville, Ohio 44039
kevinocorcoran@yahoo.com

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
smhoward@vorys.com

Cynthia Fonner Brady
Senior Counsel
Constellation Energy Resources, LLC
550 West Washington Blvd, Suite 300
Chicago, Illinois 60661
cynthia.brady@constellation.com

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org



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

Exhibit A

ACTION: Final

ENACTED

Appendix
4901-1-25

DATE: 04/27/2007 9:58 AM

APPENDIX to Rule 4901-1-25

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

SUBPOENA

TO:

Tom Logan

9276 Youngstown Salem Road

Canfield, Ohio 44406

Upon application of Ohio Edison, CEI & Toledo Edison you are hereby required to ~~appear before the Public Utilities Commission of Ohio as a witness for~~ produce documents (see below) in the following proceeding:

Case No. 10-176-EL-ATA

Case Title Application of Ohio Edison, CEI and Toledo Edison for Approval of a New Rider and Revision of an Existing Rider

produce to Vickie Willard, 9516 Brookside Road, Independence, OH 44131
You are to ~~appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio,~~ on the

31 day of December, 20 10, ~~at xxxxxxxxxxxx or in hearing room xxxxx.~~

You shall bring with you the following: The original of the letter dated June 18, 1988 with attachments from Elio Andreatta to you, which you provided in connection with you testimony on Oct. 27, 2010 at the Strongsville public hearing and which was marked as Strongsville Exhibit 2.

Dated at Columbus, Ohio, this day of , 20 .

Attorney Examiner

Notice: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

Exhibit B

1 Logan.

2 - - - - -

3 THOMAS LOGAN,

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

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

9 MR. LOGAN: My name is Tom Logan.
10 I live at 9276 Youngstown-Salem Road,
11 Canfield, Ohio down near Youngstown.
12 Thank you for the opportunity to speak
13 today. I will be very brief. In my
14 testimony to the members of the
15 Committee, I introduced myself as Thomas
16 H. Logan, a life-long resident of
17 Mahoning County in Northeast Ohio. I
18 wish to testify as to the issue of fixed
19 and permanent rates established by Ohio
20 Edison for my all-electric home.

21 I have had an all-electric home for
22 more than 30 years, utilizing an
23 agreement between myself and Ohio
24 Edison, now FirstEnergy, on electric
25 rates for my home. You have heard

1 numerous testimonies from other
2 homeowners to the effect that for more
3 than 40 years FirstEnergy has introduced
4 -- induced home owners to install
5 all-electric homes by offering a
6 permanent and special rate for those
7 homes. You have also heard from
8 FirstEnergy that it never made such
9 commitments and that under existing PUCO
10 rules, it is within its right to charge
11 all-electric homes the going rate for
12 electric consumption.

13 I submit to you that FirstEnergy
14 did, in fact, make such commitments and
15 that their testimony to you that such
16 commitments do not exist is false. I
17 wish to submit herewith a written
18 document issued by an authorized Ohio
19 Edison employee that shows that Ohio
20 Edison did enter into a permanent, fixed
21 rate agreement with me as an
22 all-electric homeowner. The document I
23 am submitting states that. "Even if
24 Ohio Edison ever removes this rate from
25 our files, you will not be in jeopardy

Dearborn Reporting Services

P.O. Box 93943 Cleveland, Ohio 44101

P: 216.298.4888

F: 216.298.4880

1 of forfeiting this rate. This rate will
2 be guaranteed for you as long as you
3 wish to utilize it."

4 I have asked myself, why has
5 FirstEnergy lost its moral compass and
6 engaged a busload of Philadelphia
7 lawyers to extricate itself from an
8 agreement they do not now like. The
9 answer is simple. Please do the math
10 yourself.

11 If Ohio Edison is able to increase
12 the all-electric homeowner's bill by an
13 average of only \$120 per month, it will
14 reap a benefit of nearly one-half
15 billion dollars, straight to the bottom
16 line, every year. One-half billion
17 dollars, just by punching in some new
18 numbers in their billing computer.
19 There is no other reason. The only
20 thing that stands between the predatory
21 FirstEnergy and the all-electric
22 homeowner who, in good faith, took
23 FirstEnergy's word and went forward with
24 an all-electric home is you, the PUCO.
25 Please do what is right and make the

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1 all-electric home rate permanent by
2 regulation. Thank you.

3 MR. PRICE: Thank you. Mr. Small.

4 MR. SMALL: As previously stated,
5 the OCC would like to have Mr. Logan's
6 document marked as Strongsville Exhibit
7 2.

8 MR. PRICE: It will be so marked.

9 MR. SMALL: And OCC moves the
10 document into evidence.

11 MR. PRICE: Thank you. We'll take
12 your motion up at the time.

13 Please give the document to Miss --

14 AUDIENCE: Make sure you have a
15 copy --

16 MR. PRICE: Thank you. Our next
17 witness is Chris Brant. Chris Brant.
18 Okay. Mary Hill.

19 MS. HILL: I submitted my
20 document.

21 MR. PRICE: Okay. Thank you.
22 Sherry Grivna.

23 - - - - -

24 SHERRY GRIVNA,

25 After having been first duly sworn, as

Exhibit C

COPY

EX 2



PLUS



electric heat pump
program

June 18, 1988

SAVE

Thomas H Logan
9276 Yo Salem Rd
Canfield, OH 44406

Dear Tom:

As you requested I have enclosed a detailed copy of the new rate which you have been put on. You may notice that the rate is titled "experimental". What this means is if Ohio Edison ever removes this rate from our files you would not be in jeopardy of forfeiting this rate. This rate will be guaranteed for you as long as you wish to utilize it.

Seems like only yesterday that we first spoke. I can easily remember the course and circumstances leading us to our present situation. First I put you on Power Commander. Next came the new heat pump, and finally the new rate. The three years have gone by quite fast since we first met. I hope all the time we have spent together provides years of satisfaction, not only with Ohio Edison, but with the service I have been able to extend to you.

Thanks for all your patience and should you need anything in the future please call me at 747-2071.

Sincerely,

Elio

Elio Andreatta
Sr. Residential Rep.
Ohio Edison Company

Enclosures