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THE PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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

Thursday, November 18, 2010

PUCO Local Public Hearing in the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider, taken before me, the undersigned, Kimberly A. Perhacs, a Notary Public in and for the State of Ohio, at Maumee Municipal Court, 400 Conant Street, Maumee, Ohio 43537, commencing at 6:02 p.m. the day and date above set forth.

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1 MR. PHILLIPS-GARY: Good Evening.
2 The Public Utilities Commission of
3 Ohio has assigned a public hearing at
4 this time and place, Case No. 10-176-
5 EL-ATA, being captioned in the matter
6 of the Application of Ohio Edison
7 Company, the Cleveland Electric
8 Illuminating Company, and The Toledo
9 Edison Company for approval of a new
10 rider and revision of an existing
11 rider.

12 My name is Henry H. Phillips-
13 Gary, and I am the attorney examiner
14 that has been assigned to preside over
15 this proceeding tonight.

16 At this point in time, we're
17 going to take proceedings -- or, I
18 mean we're going to take appearances.

19 So go ahead. May we have the
20 companies?

21 MS. DUNN: Good evening. Carrie
22 Dunn for Ohio Edison Company, for the
23 Toledo Edison Company, and Cleveland
24 Electric Illuminating Company.

25 MR. PHILLIPS-GARY: Thank you.

1 MR. CORCORAN: Kevin Corcoran for
2 Bob Schmitt Homes, CKAP, Sue
3 Steigerwald, and Joan Higgenbotham.

4 MR. PHILLIPS-GARY: Thank you.
5 Mr. Small?

6 MR. SMALL: Your Honor, on behalf
7 of the Office of the Ohio Consumer's
8 Counsel, I'm Jeffrey L. Small, Office
9 of the Ohio Consumer's Counsel, 10
10 West Broad Street, Suite 1800,
11 Columbus, Ohio.

12 Thank you.

13 MR. PHILLIPS-GARY: Thank you.

14 The six local public hearings
15 scheduled in this case are only one
16 aspect of the Commission's
17 consideration of the companies'
18 application to provide rate relief to
19 certain all-electric residential
20 customers.

21 In addition to the local public
22 hearings, the evidentiary hearing in
23 this case will begin on November 29th,
24 2010, at the Commission Offices in
25 Columbus.

1 The focus of that hearing is to
2 allow the Commission to offer
3 companies, to the staff, and the
4 intervenors to present witnesses and
5 evidence in support of their position
6 in the case.

7 The purpose of tonight's public
8 hearing is to receive comments from
9 the public regarding First-Energy's
10 proposed application to provide rate
11 relief for certain all-electric
12 residential customers.

13 We will not be hearing from the
14 companies, the staff, or the
15 intervenors tonight. This is your
16 opportunity to let the Commission know
17 what you think about the companies'
18 application regarding rates for
19 certain all-electric residential
20 customers.

21 And in particular, the Commission
22 has requested additional information
23 during the public hearings about the
24 following three issues:

25 First is the issue of

1 commitments. If you are in an
2 all-electric home, what contracts or
3 written documentation do you have
4 regarding your electric rates now and
5 in the future. Was there a commitment
6 that the rate would remain with the
7 home for future owners.

8 The second issue is electric
9 versus natural gas. If you are in an
10 all-electric home, do you think the
11 Commission should take into account in
12 setting rates any difference in costs
13 between heating a home with natural
14 gas or with electricity.

15 And the third issue is rate
16 shock. All-electric homes have had
17 discounted rates for many years,
18 however, future events and policy
19 changes, such as the federal
20 environmental regulations and
21 wholesale market changes could make it
22 necessary to alter the discount that
23 may be approved in this case.

24 What is a fair way to move or
25 phase in all-electric home bills to

1 accommodate these changes without
2 causing rate shock and without
3 burdening other customers.

4 Now, when you arrived, you were
5 given the opportunity to sign up to
6 testify. And if you missed that
7 opportunity it's still available at
8 the back of the room. Up at the front
9 -- well, I guess in this case, it's
10 more in the front of the room. But if
11 you do want to sign up as we go on to
12 speak, you will have that
13 opportunity.

14 And we had several witnesses who
15 have signed up. If there are people
16 after we -- I'll take these seven
17 witnesses in order. If there is
18 somebody at the end of those seven
19 witnesses who wants to speak, you will
20 be given the opportunity to do so as
21 well.

22 Just a little housekeeping so you
23 understand the process. Before you
24 begin your statement, I'll ask for
25 your name and address, and your

1 testimony is going to be considered
2 part of the official record of the
3 case to be reviewed by the
4 Commissioners before they make their
5 final decision. All testimony will be
6 under oath, and attorneys for the
7 companies and other parties will be
8 allowed to ask you questions about
9 your statement while you are under
10 oath.

11 The fact that a party chooses not
12 to cross-examine a witness for another
13 party in this case at the hearing
14 tonight will not constitute a waiver
15 of that party's right to cross-examine
16 the witness during subsequent
17 proceedings.

18 Excuse me. Sir?

19 Let's go off the record for a
20 second.

21 - - - - -

22 (Discussion had off the record.)

23 - - - - -

24 MR. PHILLIPS-GARY: All right.
25 We'll go ahead and go back on the

1 record.

2 One of the things that I want to
3 point out is that everything, as I
4 said earlier, everything is going to
5 be taken down by the court reporter.
6 So it's very important that we have
7 one person speaking at a time so that
8 the court reporter can hear everything
9 and make sure that it's accurately
10 transcribed.

11 If there's -- if you do hear
12 something and you wish to -- and you
13 haven't signed up to testify and you
14 wish to testify, you know, as I said
15 before, everyone will be given the
16 opportunity to do so. I just ask that
17 everyone respect the other person's
18 right to testify to make sure that the
19 court reporter can hear everything so
20 we can develop the record for
21 consideration by the Commissioners.

22 And if you are signed up to
23 testify and you decide you don't want
24 to testify, when I call your name, you
25 can just pass it on to the next

1 witness.

2 And at this point in time, I
3 would also apologize in advance. I
4 will probably mispronounce your name,
5 so if I make a mistake, I apologize,
6 and feel free to correct me.

7 As I've said, we have a court
8 reporter that's transcribing the
9 hearing tonight, so please speak
10 clearly so that the court reporter can
11 accurately reflect your comments on
12 the record.

13 And if you have prepared a
14 written statement, it's helpful if you
15 provide a copy to the court reporter
16 as well.

17 We appreciate your participation
18 in tonight's hearing, and we want
19 everyone who wishes to make a public
20 statement to do so. We do ask that
21 you try to keep your comments brief
22 and to the point so that everyone does
23 have the opportunity to testify.

24 One last thing, I'm presiding
25 over this proceedings, so I'm unable

1 to answer any substantial questions
2 about the case.

3 Before we get started, are there
4 any questions from anyone?

5 All right. So now we'll go
6 ahead, and I'll start calling
7 witnesses forward. As I said before,
8 when you're called, please state and
9 spell your first and last name and
10 provide your address for the record.

11 The first witness who signed up
12 is Michael P. Roetter.

13 Good evening, sir. And if you
14 could, spell and state your name for
15 the record.

16 MR. ROETTER: I'm Michael P.
17 Roetter, R-O-E-T-T-E-R. My wife and I
18 live at 404 Cedar Lane in Waterville.
19 The ZIP is 43566.

20 MR. PHILLIPS-GARY: Okay. And
21 now let me swear you in, and then you
22 can --

23 MR. ROETTER: I'm sorry?

24 MR. PHILLIPS-GARY: I need to
25 swear you in before you begin your

1 testimony.

2 Okay. I need to swear you in.

3 MR. ROETTER: Fine.

4 - - - - -

5 MICHAEL P. ROETTER,

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

9 MR. PHILLIPS-GARY: You may
10 proceed.

11 Thank you, sir.

12 MR. ROETTER: Mr. Chairman,
13 briefly just let me say I appreciate
14 the opportunity to present our
15 thoughts and concerns this evening.

16 My wife and I are retired and
17 have lived in Waterville since 1977,
18 when we purchased and when we built
19 our electric home. One of the selling
20 points, for example, why we built it,
21 was the all-electric home heating rate
22 promoted by Toledo Edison. Heating,
23 then as now, was through an energy
24 efficient heat pump, which was
25 replaced by another higher efficiency

1 heat pump approximately 15 years ago.

2 At that time, compression failure
3 of the first heat pump left us with
4 several options. One was to take
5 advantage of the natural gas line
6 located 50 feet from the rear of our
7 house.

8 Secondly, we could have continued
9 with repair of a much more vintage
10 '70s heat pump. The final option was
11 to install a state-of-the-art super
12 high efficiency heat pump.

13 I contacted the electric company
14 who strongly encouraged us to remain
15 all-electric given the continuation of
16 the favored rate. No mention was made
17 that the rate would not continue on
18 indefinitely.

19 As I recall, Edison even provided
20 a rebate towards installation of the
21 new equipment as an enticement.
22 Edison's encouragement was with the
23 knowledge that we could have easily
24 converted our heating to natural gas.

25 Following the installation of the

1 new trade-in of Trane/American
2 Standard equipment, we have continued
3 to enjoy the comfort of an
4 all-electric home.

5 It is important to add that we
6 have been diligent in ensuring that
7 our home is energy efficient, as we
8 have updated windows, added storm
9 windows, added ceiling fans, regularly
10 recaulked, and resealed windows and
11 doors, and do the necessary
12 preventative maintenance on the
13 heating equipment.

14 The point I'm making is that we
15 have been responsible customers.
16 We've maintained our home, and most
17 importantly our heating equipment.

18 We were shocked this past winter
19 when our electricity bill
20 skyrocketed. When I called Toledo
21 Edison, I was literally told by a
22 representative that we have had a
23 preferred rate long enough, and it was
24 time to pay up. Moreover, as a
25 stockholder of FirstEnergy, I was told

1 by the same representative that I
2 should be glad that the all-electric
3 customers will pay more, as it will
4 enhance my dividend.

5 Perhaps, the representative felt
6 I should be happy getting more on the
7 backs of many retired folks, such as
8 myself, who were getting socked with
9 these new rates.

10 I would like to go on and make a
11 few comments regarding other
12 communications, either directly by the
13 electric company or the media.

14 The first is the Toledo Blade
15 article, which is attached to the
16 document I gave the reporter, from
17 2006, reporting on a grandfathered
18 rate structure. Now, this is
19 certainly not an official FirstEnergy
20 document. It is nonetheless a
21 communication which was based on the
22 reporter's interview with the company
23 or a press release.

24 To my knowledge, the company
25 never took issue with the contents of

1 the release. I remember the time when
2 I felt no action was necessary as the
3 company was honoring commitments made
4 to us since 1977.

5 The second document is a flyer
6 which included our electric bill
7 during 2006, assuring us that our
8 favored rate would be continued as
9 long as we kept and utilized our
10 electric equipment.

11 The flyer presented a double
12 bind. First, it qualifies the
13 grandfathering as subject to future
14 rate approvals. However, owners were
15 admonished to continue to use and
16 maintain electrical equipment, and
17 bear the expense thereof, to keep
18 their rate.

19 What is a homeowner to do? Pull
20 the equipment and lose the rate? Or
21 maintain the equipment in good faith
22 and hope the rate will continue with
23 the good faith of the company?

24 The consequences of the
25 elimination of the preferred rate are

1 serious. As retirees, the unexpected
2 and dramatic increase in our electric
3 bills will significantly impact our
4 budgeted expenses for other
5 necessities.

6 At some point in the future, we
7 will likely be replaced with the
8 prospect of selling our home for more
9 suitable senior living arrangements.

10 I'm told the value of our home
11 would likely decline by at least 30
12 percent, which would be a great
13 change. That number was provided by
14 CKAP. As the equity of our home is a
15 substantial part of our financial
16 planning, this will cost us dearly, as
17 we own 100 percent of the equity in
18 our home. And the dollar value of the
19 loss of value may equate to \$60,000, a
20 substantial amount of money.

21 Finally, selling the home -- an
22 electric home without a preferential
23 rate would likely be very difficult,
24 if not impossible.

25 If Toledo Edison had told us at

1 the time of our new equipment
2 installation that they might
3 discontinue the all-electric rate, we
4 clearly would have converted to
5 natural gas.

6 Enhancing the companies'
7 profitability is disproportionately
8 being placed on the backs of its
9 all-electric customers, as we suffer
10 property value loss in addition to
11 the rate increases. So it's a
12 double-edged sword.

13 Due to the promises made by the
14 electric company and the harm done to
15 many loyal all-electric customers, I
16 request and strongly encourage the
17 PUCO to permanently reinstate the
18 previous all-electric residential rate
19 for both existing properties and for
20 future owners of those same
21 properties.

22 The company made verbal and
23 written policies to encourage
24 homeowners and home builders to be
25 all-electric and stay all-electric,

1 which was a mutual benefit to the
2 company and its customers for the past
3 30-plus years. They have reneged on
4 promises made that will cost us
5 thousands in additional energy
6 expenses and the loss of property
7 value.

8 The PUCO should notify
9 citizens -- excuse me -- the PUCO
10 should protect citizens against these
11 capricious actions by this utility.

12 Additionally, FirstEnergy should
13 not raise their rates for other
14 customers as they reinstate the
15 all-electric rate.

16 Let me say, I appreciate the
17 opportunity to share my thoughts and
18 concerns and look forward to the
19 PUCO's thoughtful deliberation on this
20 very important matter.

21 Thank you very much.

22 MR. PHILLIPS-GARY: Thank you.

23 MR. SMALL: Your Honor, if I
24 could for a moment?

25 MR. PHILLIPS-GARY: Yes.

1 MR. SMALL: Could I briefly
2 inspect the two documents that are
3 attached to the --

4 MR. PHILLIPS-GARY: Yes. And,
5 counsel, we'll go off the record for a
6 minute and have the counsel take a
7 minute and allow counsel to inspect
8 the documents.

9 - - - - -

10 (Discussion had off the record.)

11 - - - - -

12 MR. PHILLIPS-GARY: We'll go back
13 on the record.

14 All right. Go ahead.

15 MR. SMALL: Sir, I represent the
16 Ohio Consumer's Counsel, and at this
17 time I'd like to have the two exhibits
18 that the gentleman has identified
19 marked as Maumee Exhibit 1. That will
20 be the 2006 news report from the
21 Toledo Blade, I believe it is. And
22 the other flyer, the -- that was sent
23 by Toledo Edison, identified by the
24 individual as sent to and by Toledo
25 Edison and marked as Maumee Exhibit

2.

MR. PHILLIPS-GARY: And they will be so marked.

MR. SMALL: And the OCC would move to have those documents admitted into the record.

- - - - -

(Maumee Exhibit Nos. 1 & 2 were marked for identification.)

- - - - -

MR. PHILLIPS-GARY: Ms. Dunn?

MS. DUNN: Your Honor, we just -- I know that he's moved to admit them subject to the objections that we may bring up at the evidentiary hearing and as we discussed procedurally.

MR. PHILLIPS-GARY: Yes. And we will defer ruling on the motion to admit until the evidentiary hearing.

MS. DUNN: Okay.

MR. PHILLIPS-GARY: And we will defer ruling on the -- your motion to admitting until the evidentiary hearing. So --

MS. DUNN: Okay. Thank you.

1 MR. PHILLIPS-GARY: Does any
2 party have any questions they want to
3 ask this witness with regard to these
4 exhibits, Maumee Exhibit 1, which is
5 the Toledo Blade article, and Maumee
6 Exhibit 2, which is the flyer from
7 Toledo Edison?

8 Thank you, sir. You may be
9 excused.

10 Our second witness this evening
11 is James R. Ehlinger.

12 And, Mr. Ehlinger, if you will
13 state your name and spell it for the
14 record, and your address, please.

15 MR. EHLINGER: My name is James
16 R. Ehlinger. It's spelled
17 E-H-L-I-N-G-E-R. My home address is
18 14074 Power Dam Road, Defiance, Ohio
19 43512.

20 MR. PHILLIPS-GARY: Thank you.
21 And, again, I apologize for messing up
22 your name.

23 - - - - -

24 JAMES R. EHLINGER,
25 After having been first duly sworn, as

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

3 MR. PHILLIPS-GARY: You may
4 proceed.

5 MR. EHLINGER: Thank you for
6 holding this public hearing.

7 I would like to address three of
8 the issues that you had brought up.
9 One of them was the commitments and
10 whether there was any written
11 documentation. I'd like to state that
12 from 1980 until 1993, I was an HVAC
13 contractor in Defiance, Ohio, and at
14 the time Toledo Edison actively
15 promoted electric heat of all types.
16 They had incentives. They had
17 rebates. They did all kinds of
18 advertising.

19 At that particular time, Toledo
20 Edison was looking for a winter load,
21 because they were a summer peaking
22 company, wanted some load in the
23 wintertime. So they were out actively
24 seeking and endorsing electric heat.

25 As far as documentation, at the

1 time if you were building a new house,
2 you had to sign an electric service
3 contract. And that electric service
4 contract with Toledo Edison, it stated
5 that you were on -- typically, it
6 would have been an R-07 electric rate,
7 and that that rate followed the
8 building, it didn't follow the
9 customer, and would go on as long as
10 the electric heating system remained
11 functional and in the building.

12 So I submit to you that there are
13 thousands of these electric service
14 contracts in Toledo Edison's records,
15 if they would like to look for them.

16 Now, I'm going to change gears on
17 you a little bit. From 1993 to 2001,
18 I was an employee at FirstEnergy, and
19 specifically Toledo Edison. And in
20 part of my tenure I was a residential
21 account rep actively calling on the
22 HVAC contractors, home builder's
23 associations, anyone who would listen
24 to us, and we were actively seeking
25 more load for electric heat. We were

1 promoting it. We had rebates. We had
2 home shows. You name it, we were
3 doing it.

4 The same thing with electric
5 service contracts. If you put
6 electric heating in your home, you
7 would get that rate, basically,
8 indefinitely. So I submit that
9 there's a lot of those contracts out
10 there too.

11 One of the things that did happen
12 along the way at the particular time
13 that I was employed there, there was a
14 gentleman by the name of Al Temple
15 (phonetic), who was the sales -- vice
16 president of sales and marketing, and
17 one of the things he directed us to do
18 was to destroy all records that were
19 over three years old. So a lot of
20 those records are probably gone by
21 now.

22 Now, as far as the second item,
23 electric versus natural gas, I submit
24 that the people who have electrically-
25 heated homes have never subsidized to

1 people who do not have electrically-
2 heated homes. They buy electricity,
3 which is basically a commodity, and
4 the more you buy in most commodities,
5 the better price you get. So I submit
6 that we have never subsidized the
7 gas-heating customers.

8 I also ran some calculations on
9 fuel consumption, and based upon
10 current energy prices, even at the
11 best energy efficiency that you can
12 get with geothermal, natural gas is
13 still a better buy. And I will leave
14 these documents for you and just show
15 comparisons.

16 So no matter what, the
17 electrically-heated homes are always
18 going to be a higher cost at the
19 current energy rates.

20 As far as the rate shock, I
21 currently and have lived in my
22 all-electric home since 1970, which is
23 connected to Toledo Edison. I, too,
24 saw a bit of a rate shock last
25 winter. But since in my current

1 position I deal with utilities at all
2 levels, I anticipated it and knew it
3 was coming, because I follow this rate
4 case complaint quite closely.

5 What I would suggest is rather
6 than do what everybody considers to be
7 a subsidy for electrically-heated
8 homes, is that electrically-heated
9 homes be able to purchase electric
10 power at the market rates. I think
11 they would be -- it still wouldn't be
12 competitive with natural gas, but it
13 would bring you much closer.

14 And so what I suggest is what I
15 call the tier grade, where the first
16 block of kilowatt hours is at the same
17 rate as any other electric residential
18 customer for Toledo Edison. I don't
19 know exactly what that block would be,
20 but I'm going to say it's probably in
21 the 700 to 1,000 kilowatt hours per
22 month where they would pay exactly the
23 same thing as everyone else pays.

24 In that block, Toledo Edison
25 would recover all of their utility

1 distribution costs, maintenance, and
2 all those others things because the
3 all-electric customer would be no
4 different than any other customer.

5 For the usage beyond that point,
6 the electric heat customer would get
7 it at a market rate without any adage
8 for fuel or things of that nature
9 because it's being sold at current
10 auction price, and those adders are
11 already built into the price.

12 Then, since we want to promote
13 energy conservation, there would be a
14 third block in this rate. And I am
15 suggesting there's probably somewhere
16 around above 3,000 kilowatt hours a
17 month on which the rate would go back
18 up to promote energy conservation.

19 What this will do is, it's not
20 going to subsidize anybody, Toledo
21 Edison is going to recover their
22 costs, and we're going to promote
23 energy conservation.

24 I would hope that the PUCO will
25 at least watch out for the residential

1 consumer a little closer than what
2 they have. What happened last winter
3 should have never happened. They
4 should have seen it coming.

5 As a final note, I would like to
6 suggest that the PUCO have
7 FirstEnergy/Toledo Edison get rid of
8 their 25 riders that it takes to
9 calculate our residential electric
10 bill. I deal with utility companies
11 all over the country. This is the
12 most complex and convoluted way that I
13 deal with anywhere in this country.
14 There is absolutely no reason to have
15 25 riders for a residential rate.

16 Thank you.

17 MR. PHILLIPS-GARY: Thank you.

18 And did you want to give a copy
19 to the court reporter?

20 Does counsel want to take a look
21 at that?

22 - - - - -

23 (Discussion had off the record.)

24 - - - - -

25 MR. SMALL: Good evening.

1 I have just a quick question
2 about your time as an employee.

3 MR. EHLINGER: Yes, sir.

4 MR. SMALL: Were you ever told by
5 your employer that there was a time
6 where the rate would be discontinued?

7 MR. EHLINGER: No.

8 MR. SMALL: And did you ever tell
9 anybody, any of your new customers,
10 whether it be for the residential or
11 home builders, that the rate would
12 ever disappear or discontinue?

13 MR. EHLINGER: No.

14 MR. SMALL: All right. Thank
15 you.

16 MR. PHILLIPS-GARY: Any other
17 questions for this witness from
18 counsel?

19 The witness may be excused.

20 The next witness who is signed up
21 is Charles Neshkof.

22 MR. NESHKOF: My name is Charles
23 Neshkof, N-E-S-H-K-O-F, 4875 Walbridge
24 Road, Northwood, Ohio, 43619.

25 - - - - -

1 CHARLES NESHKOF,

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

5 MR. PHILLIPS-GARY: You may
6 proceed.

7 MR. NESHKOF: I don't have too
8 much to say. Everybody else is
9 speaking pretty well.

10 I just want to give a piece of
11 paper that Edison gave me back in 10/3
12 of 1972, when I built my house that
13 was roughed in. When they came out
14 and gave me this estimate for
15 electric, and that's what I went
16 with. And I don't know if -- well,
17 anyway, sticker shock to the way the
18 rates and everything has gone up.
19 Like I say, there's -- I don't believe
20 that we should be paying the regular
21 rate with all-electric because we
22 should have a break, especially
23 retirees on a limited income.

24 So there ain't too much else I
25 can say, other than if you want to get

1 a copy of this paper here. I don't
2 have a copy, but if you want to get a
3 copy.

4 MR. PHILLIPS-GARY: Okay. And,
5 counsel, if you want to take a look at
6 it, and --

7 MR. SMALL: Yes, please.

8 MR. NESHKOF: These are all the
9 papers here that they gave me of how
10 to install it. And there is the
11 contractors and everything.

12 MR. PHILLIPS-GARY: Did you want
13 to have that document included with
14 your testimony, sir?

15 MR. NESHKOF: Yes. If you could
16 make a copy of it. I didn't know I
17 would have to have one, or I would
18 have made one at home. But if you
19 want to get a copy of it, you can get
20 a copy of it.

21 MR. PHILLIPS-GARY: All right.
22 Let's go off the record for a second.

23 - - - - -

24 (Discussion had off the record.)

25 - - - - -

1 MR. PHILLIPS-GARY: We'll go back
2 on the record.

3 Sir, if you want to, because we
4 don't have a way of copying it right
5 now, if you want to, the gentleman
6 over there, if you want to talk with
7 him, you can send a copy into the
8 Commission so that it will be -- and
9 that way we'll get a copy that way.

10 MR. NESHKOF: Okay.

11 MR. PHILLIPS-GARY: Because,
12 unfortunately, we don't have a copy
13 machine with us. But the gentleman
14 over, if you talk to him, he'll make
15 sure we can get that in.

16 Thank you, sir. You may be
17 excused.

18 The next witness who is signed up
19 is John D. Hawley.

20 Good evening, sir.

21 MR. HAWLEY: Good evening.

22 My name is John D. Hawley,
23 H-A-W-L-E-Y.

24 MR. PHILLIPS-GARY: And what is
25 your address, sir?

1 MR. HAWLEY: 1700 Christopher
2 Lane, Maumee, Ohio 43537.

3 - - - - -

4 JOHN D. HAWLEY,

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

8 MR. PHILLIPS-GARY: You may
9 proceed.

10 MR. HAWLEY: I can only give
11 testimony as an all-electric customer
12 since 1976, which we received a
13 preferential rate having a heat pump.
14 And we have a demand meter, so if we
15 kept the demand down, we got a lower
16 rate. And we had our own built in
17 management conservation so that when
18 the wife did a wash load and put the
19 clothes in the dryer, she did not let
20 the hot water tank recover at the same
21 time she was drying clothes. These
22 are two 5 kilowatt loads. And that
23 was our energy conservation. And as a
24 result, we were saving \$300 a year
25 based on doing this energy

1 conservation with the lower rate.

2 This went on for a good many
3 years. And then when we saw that we
4 were going to lose that, at that time
5 we converted to compact fluorescent
6 lamps, which I converted 90 percent of
7 our lamps to compact fluorescent.

8 Between seasons, our consumption
9 has dropped 300 kilowatt hours a
10 month, so this impacted the shock that
11 people are talking about. We
12 apparently didn't see that shock
13 because of the management we were
14 doing.

15 All of this taken into
16 consideration has preserved the
17 rolling capacity of the electric
18 utility, so they didn't have to add
19 additional rolling capacity to serve
20 us. And I'd like to have that be
21 known. Because through the progress
22 of technology, there's a lot of power
23 plants that have not had to be built
24 because of the consumption being
25 reduced by solid state products and

1 energy efficient products and now the
2 energy efficient lighting products.

3 With that, I guess I would like
4 to see the reduced rate being
5 preserved for the people who do
6 economize and try to control their
7 costs.

8 Thank you.

9 MR. PHILLIPS-GARY: Thank you,
10 sir.

11 The next witness who signed up is
12 G. Joe Morgan. If you would like to
13 come up.

14 MR. MORGAN: Can I pass until the
15 other presenters have taken their
16 turns?

17 MR. PHILLIPS-GARY: Yes. If
18 you'd like to wait, we can move on to
19 the next witness, and then you can
20 have a chance later.

21 The next witness who signed up is
22 Lance Whitacre.

23 Good evening, sir.

24 MR. WHITACRE: Good evening.

25 MR. PHILLIPS-GARY: Could you

1 please state your name and spell it
2 for the record, and your address,
3 please.

4 MR. WHITACRE: Lance
5 Whitacre, W-H-I-T-A-C-R-E.

6 MR. PHILLIPS-GARY: And your
7 address, please?

8 MR. WHITACRE: 6354 Nassau,
9 N-A-S-S-A-U, Court, Maumee, Ohio.

10 MR. PHILLIPS-GARY: Thank you.

11 - - - - -

12 LANCE WHITACRE,

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

16 MR. PHILLIPS-GARY: You may
17 proceed.

18 MR. WHITACRE: My first
19 experience with an all-electric home
20 was in 1997, in a subdivision that was
21 put together in the late '80s -- or
22 excuse me -- late '70s, early '80s,
23 and was predominantly, to my
24 knowledge, an all-electric
25 subdivision. And when I moved in in

1 1997, I was probably the minority, but
2 I chose to remain with an all-electric
3 property.

4 FirstEnergy, shortly after I
5 moved in, provided me with an energy
6 audit. They provided me with a number
7 of years of coming out and monitoring
8 and checking my HVAC system, the heat
9 pump, and so forth. Although, I
10 didn't receive anything in writing by
11 virtue of their actions, it felt that
12 the rate that we were receiving would,
13 in fact, remain intact for some time.

14 The rate increase that ensued
15 this past year came as a big
16 surprise. I've tried to maintain the
17 home by installing new windows, new
18 ceiling fans, new caulking, everything
19 I could do to preserve the energy that
20 was being used.

21 They even reduced the -- a
22 rebate, a \$2.00 per gallon rebate on
23 the hot water tank that I put in. So
24 there were numerous opportunities for
25 me to consider converting to gas, but,

1 again, by virtue of the fact that the
2 actions of FirstEnergy and Toledo
3 Edison felt compelled that they would
4 continue to honor their commitment
5 with the homeowner with the rate
6 structure that was in place.

7 The rate increase came as quite
8 of a shock after reading about it in
9 the paper, and a little shocked and
10 surprised that the PUCO was not aware
11 that this was coming down the road.

12 So that's my statement.

13 MR. PHILLIPS-GARY: All right.
14 Thank you, sir.

15 The next witness who has signed
16 up to testify is Mildred Robert.

17 MS. ROBERT: I decline at this
18 time.

19 MR. PHILLIPS-GARY: All right.
20 Thank you.

21 And the next witness who has
22 signed up to testify is Emmett
23 Beavers, I believe.

24 MR. BEAVERS: Emmett C. Beavers,
25 E-M-M-E-T-T, B-E-A-V-E-R-S. I am a

1 World War II Veteran.

2 MR. PHILLIPS-GARY: Sir, before
3 -- I need to swear you in, and I need
4 to get your address before you start
5 testifying.

6 Can you give your address?

7 MR. BEAVERS: 5856 Holly Glenn,
8 Toledo, Ohio 43612.

9 - - - - -

10 EMMETT C. BEAVERS,

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

14 MR. PHILLIPS-GARY: You may
15 proceed.

16 MR. BEAVERS: I just want to tell
17 you I have seen and have been involved
18 throughout this whole world building a
19 house -- when I built the one I'm in
20 right now 46 years ago, I was told
21 that I couldn't have a gas line unit
22 going in the house because they were
23 putting in new houses along there.
24 And the guy I think that worked for
25 Edison at that time was Doug Nick

1 (phonetic). He belonged to the same
2 lodge I belonged to. He said, "You
3 will never be sorry you have electric
4 heat."

5 Well, my wife and I were very
6 happy to have the electric heat. It's
7 cleaner and everything was real good
8 until this deal of being -- well, I
9 might have to tell you a couple
10 stories about what happened to a lot
11 of it.

12 I had a place in Florida. And
13 during the World War II, I was a
14 charter member of the World War II
15 Memorial. And I liked it down there.
16 I had the place in real good shape.
17 Then all of a sudden visitors came in
18 from the South and disturbed the whole
19 neighborhood, and I tried to get help,
20 so I called the Sheriff. He sent a
21 deputy out. Two days, they
22 transferred him. They sent the second
23 one out. He couldn't do anything.

24 So I called the Sheriff's proffer
25 to let him know I was very unhappy for

1 paying taxes on that place for 19
2 years and couldn't get help from the
3 Sheriff. He says, "Well, I can't help
4 you. My higher echelon has told me I
5 can't."

6 I said, "Who is your higher
7 echelon?"

8 He said, "I can't tell you his
9 name."

10 Well, I knew who it was.
11 Everyone else in the area told me who
12 it was. So I had to go through that
13 one.

14 I put a sign in the yard right
15 quick. I didn't have any trouble
16 selling it -- maybe \$15,000 cheaper
17 than I should have got for it -- but I
18 got rid of it real quick. And I made
19 it to Washington DC for being the
20 charter member of the memorial. And
21 that was real good.

22 Now, when I get home, not going
23 to Florida anymore, my wife says,
24 "What are we going to do? They're
25 going to raise our electric heat.

1 It's a big house."

2 I was guaranteed that if I did it
3 the way they wanted, and now that they
4 told me, he says, "Have electric heat
5 put in."

6 They plastered wiring all through
7 the ceiling about 2 inches apart. I
8 don't have any baseboard or anything
9 like that. I had a good heating
10 system, and I liked it for the 46
11 years I lived there and had no
12 problem.

13 But now that they're going to
14 raise the rate, at 90 years old, and
15 my wife is 89, and I had to sell a
16 house before I built this one so that
17 she didn't have to climb the steps. I
18 got one, and it was a nice one. All
19 brick. When I got the electric heat
20 in it, I was very happy.

21 The cleanliness of electric is
22 very good. I took some drapes down
23 one day and took them to a cleaner and
24 asked him if they were very dirty.
25 And he told me, he said, "No. I'm

1 surprised why you brought them in."

2 I said, "No, my wife says they're
3 three years old, she wanted them
4 cleaned."

5 He said, "Then you've got
6 electric heat."

7 And I said, "You're absolutely
8 right, and we're proud to have it."

9 But now this business coming up
10 like it is, and if I had told you all
11 the things that I had went through in
12 the service and then had to run into
13 this one at 90 years old, is not
14 easy.

15 And I want to tell you this: I'm
16 very proud to stand here and tell you
17 the absolute truth of everything.

18 Thank you.

19 MR. PHILLIPS-GARY: Thank you,
20 sir.

21 All right. That's the last
22 witness who is signed up to testify.

23 Mr. Morgan, you said you wanted
24 to defer. If you would like to
25 testify now, you may.

1 MR. MORGAN: My name is Joe
2 Morgan, and I reside at 1209 South
3 Golf Lane, Oak Harbor, Ohio.

4 - - - - -

5 JOE MORGAN,

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

9 MR. MORGAN: Now, I'd like to go
10 on record as saying that all of the
11 previous speakers, I think, spoke very
12 eloquently to the three general
13 concerns before the PUCO. I'm not
14 going to reiterate all of the previous
15 testimony, however, I'm a bit
16 confused.

17 When I received in the mail -- I
18 live in Ottawa County, and this letter
19 of correspondence comes from -- it's I
20 believe, a joint -- it's called the
21 Ottawa County Electric Government
22 Aggregation Program. This was sent
23 out the middle of October, and the
24 reference date on here is October 25,
25 2010.

1 Paragraph two -- and this is --
2 this deals with aggregation of
3 electric rates where the residents of
4 Ottawa County, which are FirstEnergy
5 consumers, either running under the
6 banner of Toledo Edison or Ohio
7 Edison, the two power suppliers to our
8 county.

9 Paragraph two reads: After
10 researching competitive electricity
11 pricing options for you, we have again
12 chosen FirstEnergy Solutions
13 Corporation a subsidiary of
14 FirstEnergy Corporation to provide you
15 with savings on your electric
16 generation through October 2013.

17 And in bold print, which I'll let
18 the people look at here later, there
19 is no cost for enrolling. You will
20 not be charged a switching fee, and
21 you do not need to do anything to
22 participate.

23 In addition, this is the sentence
24 that draws attention from my
25 standpoint: In addition, you will

1 continue to benefit from any utility
2 credits for having all-electric space
3 heating, electric water heating,
4 and/or low-management equipment.

5 I reside in a home that has a
6 geothermal unit. I have lived in a
7 previous home that was also
8 all-electric. I've done the consumer
9 conservation things as anyone has,
10 heat pump replacement. There was a
11 fellow that testified earlier, there
12 was an incentive to stay all-electric,
13 which we did. We've replaced it with
14 a much more energy-conserving heat
15 pump. We were paid an incentive to
16 stay all-electric.

17 Two summers back, our geothermal
18 unit needed to be replaced. It was 15
19 years of age in our current home.
20 Again, we were encouraged to replace
21 it with a more energy efficient,
22 all-electric geothermal unit. And at
23 one time, the ratio of costs to pay
24 back on the geothermal was
25 approximately 1:4, which is one unit

1 of electricity. We enjoyed one
2 unit -- or four units of cooling or
3 four units of heat.

4 With rate increases, that has
5 dropped nationwide approximately to, I
6 believe, a 1:3 ratio.

7 Nonetheless, we have been very
8 pleased with the service. However,
9 reading this sentence, it leads me to
10 believe as a resident of Ottawa
11 County, I'm not going to have a rate
12 increase.

13 And I would like have the PUCO
14 please consider this paragraph in this
15 letter of correspondence that was sent
16 to all residents of Ottawa County on
17 October 25, 2010.

18 MR. PHILLIPS-GARY: Thank you,
19 sir.

20 Do counsel want to take a look at
21 the document?

22 Is there anyone else at this
23 point in time who wishes to testify?

24 All right. Seeing no one else
25 desiring to testify at this point in

1 time, this public hearing is
2 adjourned. Thank you.

3 - - - - -

4 (Hearing adjourned at 6:49 p.m.)

5 - - - - -

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

3 I, Kimberly A. Perhacs, Notary Public within
4 and for the State of Ohio, duly commissioned and
5 qualified, do certify that this deposition was
6 taken at the time and place in the foregoing
caption specified and was completed without
adjournment.

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

12 IN WITNESS WHEREOF I have hereunto set my
13 hand and affixed my seal of office at Cleveland,
Ohio on this 2nd day of December, 2010.

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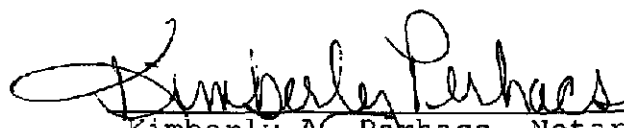
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Kimberly A. Perhacs, Notary Public
In and for the State of Ohio.
My commission expires 11-30-11.

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able 27:9 about 5:17,23 8:8 11:2 30:2 35:11 39:8 41:10 43:7 above 1:19 28:16 above-captioned 50:7,8 absolute 44:17 absolutely 29:14 44:7 accommodate 7:1 account 6:11 24:21 accurately 9:9 10:11 action 16:2 50:7,8 50:9,11 actions 19:11 38:11 39:2 actively 23:14,23 24:21,24 adage 28:7 add 14:5 35:18 added 14:8,9 adders 28:10 addition 4:21 18:10 46:23,25 additional 5:22 19:5 35:19 Additionally 19:12 address 7:25 11:10 22:14,17 23:7 33:25 37:2 37:7 40:4,6 adjourned 49:2,4 adjournment 50:5 admit 21:13,19 admitted 21:5 admitting 21:23 admonished 16:15 advance 10:3	advantage 13:5 advertising 23:18 affiliated 50:10 affixed 50:12 after 7:16 12:6 22:25 31:2 34:5 37:13 38:4 39:8 40:11 45:6 46:9 again 22:21 39:1 46:11 47:20 against 19:10 age 47:19 aggregation 45:22 46:2 ago 13:1 40:20 ahead 3:19 8:25 11:6 20:14 ain't 31:24 Akron 2:16 Al 25:14 allow 5:2 20:7 allowed 8:8 all-electric 4:19 5:11,19 6:2,10 6:16,25 12:21 13:15 14:4 15:2 18:3,9,15,18,25 18:25 19:15 26:22 28:3 31:21 34:11 37:19,24 38:2 47:2,8,12,16,22 along 25:12 40:23 already 28:11 alter 6:22 Although 38:9 always 26:17 amount 17:20 and/or 47:4 another 8:12 12:25 answer 11:1 anticipated 27:2 anybody 28:20 30:9 anymore 42:23	anyone 11:4 24:23 47:9 48:22 anything 38:10 41:23 43:8 46:21 anyway 31:17 anywhere 29:13 apart 43:7 apologize 10:3,5 22:21 apparently 35:12 appearances 2:2 3:18 application 1:11 3:6 4:18 5:10,18 appreciate 10:17 12:13 19:16 approval 1:13 3:9 approvals 16:14 approved 6:23 approximately 13:1 47:25 48:5 area 42:11 around 28:16 arrangements 17:9 arrived 7:4 article 15:15 22:5 asked 43:24 aspect 4:16 assigned 3:3,14 Associates 2:12 associations 24:23 assuring 16:7 attached 15:15 20:3 attention 46:24 attorney 3:13 50:7,8 attorneys 8:6 auction 28:10 audit 38:6 available 7:7 aware 39:10	back 7:8 8:25 20:12 28:17 31:11 33:1 47:17,24 backs 15:7 18:8 banner 46:6 baseboard 43:8 based 15:21 26:9 34:25 basically 25:7 26:3 bear 16:17 Beavers 39:23,24 39:24 40:7,10 40:16 before 1:14 7:23 8:4 9:15 11:3,7 11:25 40:2,4 43:16 45:13 begin 4:23 7:24 11:25 behalf 4:6 being 3:5 18:8 28:9 35:24 36:4 38:20 41:8 42:19 believe 20:21 31:19 39:23 45:20 48:6,10 belonged 41:1,2 benefit 19:1 47:1 best 26:11 better 26:5,13 between 6:13 35:8 beyond 28:5 big 38:15 43:1 bill 14:19 16:6 29:10 bills 6:25 17:3 bind 16:12 bit 24:17 26:24 45:15 Blade 15:14 20:21 22:5	block 27:16,19,24 28:14 Bob 4:2 bold 46:17 both 18:19 break 31:22 brick 43:19 brief 10:21 briefly 12:13 20:1 bring 21:15 27:13 Broad 2:5,8 4:10 brought 23:8 44:1 budgeted 17:4 builders 18:24 30:11 builder's 24:22 building 24:1,8 24:11 40:18 built 12:18,20 28:11 31:12 34:16 35:23 40:19 43:16 burdening 7:3 business 44:9 buy 26:2,4,13 B-E-A-V-E-R-S 39:25
				C
				C 39:24 40:10 calculate 29:9 calculations 26:8 call 9:24 27:15 called 11:8 14:20 41:20,24 45:20 calling 11:6 24:21 came 31:13 38:15 39:7 41:17 capacity 35:17,19 capricious 19:11 caption 50:5 captioned 3:5 Carrie 2:15 3:21 case 1:7 3:4 4:15 4:23 5:6 6:23 7:9 8:3,13 11:2

27:4 caulking 38:18 causing 7:2 Cedar 11:18 ceiling 14:9 38:18 43:7 certain 4:19 5:11 5:19 certainly 15:19 CERTIFICATE 50:1 certified 12:7 23:1 31:3 34:6 37:14 40:12 45:7 certify 50:4,6 Chairman 12:12 chance 36:20 change 17:13 24:16 changes 6:19,21 7:1 charged 46:20 Charles 30:21,22 31:1 charter 41:14 42:20 cheaper 42:16 checking 38:8 chooses 8:11 chose 38:2 chosen 46:12 Christopher 34:1 citizens 19:9,10 Civil 50:10 CKAP 4:2 17:14 cleaned 44:4 cleaner 41:7 43:23 cleanliness 43:21 clearly 10:10 18:4 Cleveland 1:11 3:7,23 50:12 climb 43:17 closely 27:4 closer 27:13 29:1	clothes 34:19,21 Co 2:12 Columbus 2:5,9 4:11,25 come 36:13 comes 45:19 comfort 14:3 coming 27:3 29:4 38:7 39:11 44:9 commencing 1:18 comments 5:8 10:11,21 15:11 commission 1:4 2:4 3:2 4:24 5:2 5:16,21 6:11 33:8 50:18 commissioned 50:3 Commissioners 8:4 9:21 Commission's 4:16 commitment 6:5 39:4 commitments 6:1 16:3 23:9 commodities 26:4 commodity 26:3 communication 15:21 communications 15:12 compact 35:5,7 companies 3:20 4:17 5:3,14,17 8:7 18:6 29:10 company 1:11,12 1:13 3:7,8,9,22 3:23,24 13:13 15:13,22,24 16:3,23 18:14 18:22 19:2 23:22 comparisons 26:15 compelled 39:3	competitive 27:12 46:10 complaint 27:4 completed 50:5 complex 29:12 compression 13:2 Conant 1:17 concerns 12:15 19:18 45:13 confused 45:16 connected 26:23 consequences 16:24 conservation 28:13,18,23 34:17,23 35:1 47:9 consider 38:25 48:14 consideration 4:17 9:21 35:16 considered 8:1 considers 27:6 constitute 8:14 consumer 29:1 47:8 consumers 2:8 46:5 Consumer's 4:7,9 20:16 consumption 26:9 35:8,24 contacted 13:13 contents 15:25 continuation 13:15 continue 13:17 16:15,22 39:4 47:1 continued 13:8 14:2 16:8 contract 24:3,4 50:10 contractor 23:13 contractors 24:22 32:11	contracts 6:2 24:14 25:5,9 control 36:6 converted 13:24 18:4 35:5,6 converting 38:25 convoluted 29:12 cooling 48:2 copy 10:15 29:18 32:1,2,3,16,19 32:20 33:7,9,12 copying 33:4 Corcoran 2:11,12 4:1,1 Corporation 46:13,14 correct 10:6 correspondence 45:19 48:15 cost 17:16 19:4 26:18 46:19 costs 6:12 28:1,22 36:7 47:23 counsel 2:8 4:8,9 20:5,6,7,16 29:20 30:18 32:5 48:20 country 29:11,13 county 45:18,21 46:4,8 48:11,16 50:2 couple 41:9 court 1:17 2:12 9:5,8,19 10:7,10 10:15 29:19 37:9 50:9 credits 47:2 cross-examine 8:12,15 current 26:10,19 26:25 28:9 47:19 currently 26:21 customer 24:9 27:18 28:3,4,6 34:11	customers 4:20 5:12,20 7:3 14:15 15:3 18:9 18:15 19:2,14 26:7 30:9 Cuyahoga 50:2 D D 33:19,22 34:4 Dam 22:18 date 1:18 45:24 day 1:18 43:23 50:13 days 41:21 DC 42:19 deal 27:1 29:10 29:13 41:8 deals 46:2 dearly 17:16 December 50:13 decide 9:23 decision 8:5 decline 17:11 39:17 defer 21:18,22 44:24 Defiance 22:18 23:13 defined 50:10 deliberation 19:19 demand 34:14,15 deposition 50:4 deputy 41:21 desiring 48:25 destroy 25:18 develop 9:20 difference 6:12 different 28:4 difficult 17:23 diligent 14:6 directed 25:17 directly 15:12 dirty 43:24 disappear 30:12 discontinue 18:3
---	---	---	--	--

30:12	during 5:23 8:16	electrical 16:16	14:2,13,17	expense 16:17
discontinued 30:6	16:7 41:13	electrically 25:24	16:10,16,20,21	expenses 17:4
discount 6:22		26:1	18:1 47:4	19:6
discounted 6:17	E	electrically-hea...	equity 17:14,17	experience 37:19
discussed 21:16	earlier 9:4 47:11	26:17 27:7,8	especially 31:22	expires 50:18
Discussion 8:22	early 37:22	electricity 6:14	Esq 2:4,7,11,15	E-H-L-I-N-G-E...
20:10 29:23	easily 13:23	14:19 26:2	estimate 31:14	22:17
32:24	East 2:5	46:10 48:1	even 13:19 26:10	E-M-M-E-T-T
disproportionat...	easy 44:14	elimination 16:25	38:21	39:25
18:7	echelon 42:4,7	eloquently 45:12	evening 3:1,21	
distribution 28:1	economize 36:6	EL-ATA 3:5	11:13 12:15	F
disturbed 41:18	Edison 1:11,13	Emmett 39:22,24	22:10 29:25	fact 8:11 38:13
dividend 15:4	3:6,9,22,23	40:10	33:20,21 36:23	39:1
document 15:16	12:22 13:19	employed 25:13	36:24	failure 13:2
15:20 16:5	14:21 17:25	employee 24:18	event 50:11	fair 6:24
32:13 48:21	20:23,25 22:7	30:2 50:7,8	events 6:18	faith 16:21,23
documentation	23:14,20 24:4	employer 30:5	ever 30:4,8,12	fans 14:9 38:18
6:3 23:11,25	24:19 26:23	encourage 18:16	everybody 27:6	far 23:25 25:22
documents 20:2,8	27:18,24 28:21	18:23	31:8	26:20
21:5 26:14	29:7 31:11 39:3	encouraged 13:14	everyone 9:15,17	favored 13:16
doing 25:3 34:25	40:25 46:6,7	47:20	10:19,22 27:23	16:8
35:14	Edison's 13:22	encouragement	42:11	federal 6:19
dollar 17:18	24:14	13:22	everything 9:3,4,8	fee 46:20
done 18:14 47:8	efficiency 12:25	end 7:18	9:19 31:18	feel 10:6
doors 14:11	13:12 26:11	endorsing 23:24	32:11 38:18	feet 13:6
double 16:11	efficient 12:24	energy 12:23 14:7	41:7 44:17	fellow 47:11
double-edged	14:7 36:1,2	19:5 26:10,11	evidence 5:5	felt 15:5 16:2
18:12	47:21	26:19 28:13,18	evidentiary 4:22	38:11 39:3
Doug 40:25	Ehlinger 22:11,12	28:23 34:23,25	21:15,19,23	few 15:11
down 9:5 34:15	22:15,16,24	36:1,2 38:5,19	exactly 27:19,22	final 8:5 13:10
39:11 41:15	23:5 30:3,7,13	47:21	examined 12:7	29:5
43:22	either 15:12 46:5	energy-conservi...	23:1 31:3 34:6	Finally 17:21
dramatic 17:2	electric 1:12 3:7	47:14	37:14 40:12	financial 17:15
drapes 43:22	3:24 6:4,8 12:19	enhance 15:4	45:7	financially 50:9
draws 46:24	13:13 15:13	Enhancing 18:6	examiner 3:13	Fine 12:3
dropped 35:9	16:6,10 17:2,22	enjoy 14:3	example 12:20	firm 50:9
48:5	18:14 23:15,24	enjoyed 48:1	excuse 8:18 19:9	first 5:25 11:9,11
dryer 34:19	24:2,3,6,10,13	enough 14:23	37:22	12:6 13:3 15:14
drying 34:21	24:25 25:4,6,23	enrolling 46:19	excused 22:9	16:12 22:25
Due 18:13	27:9,17 28:6	ensued 38:14	30:19 33:17	27:15 31:2 34:5
duly 12:6 22:25	29:9 31:15	ensuring 14:6	Exhibit 20:19,25	37:13,18 40:11
31:2 34:5 37:13	35:17 41:3,6	enticement 13:21	21:8 22:4,6	45:6
40:11 45:6 50:3	42:25 43:4,19	environmental	exhibits 20:17	FirstEnergy 2:15
Dunn 2:15 3:21	43:21 44:6	6:20	22:4	14:25 15:19
3:22 21:11,12	45:21 46:3,15	equate 17:19	existing 1:14 3:10	19:12 24:18
21:20,25	47:3	equipment 13:21	18:19	38:4 39:2 46:4

46:12,14	26:12 27:12	16:13	hereinafter 12:7	24:22 38:8
FirstEnergy/To...	38:25 40:21	great 17:12	23:1 31:3 34:6	H-A-W-L-E-Y
29:7	gas-heating 26:7	guaranteed 43:2	37:14 40:12	33:23
First-Energy's	gave 15:16 31:11	guess 7:9 36:3	45:7	I
5:9	31:14 32:9	guy 40:24	hereunto 50:12	identification
Florida 41:12	gears 24:16	H	he'll 33:14	21:9
42:23	general 45:12	H 2:4 3:12	Higgenbotham	identified 20:18
fluorescent 35:5,7	generation 46:16	hand 50:12	4:3	20:23
flyer 16:5,11	gentleman 20:18	happen 25:11	high 13:12	II 40:1 41:13,14
20:22 22:6	25:14 33:5,13	happened 29:2,3	higher 12:25	Illuminating 1:12
focus 5:1	geothermal 26:12	41:10	26:18 42:4,6	3:8,24
folks 15:7	47:6,17,22,24	happy 15:6 41:6	him 33:7,14 41:22	impact 17:3
follow 24:8 27:3	getting 15:6,8	43:20	41:25 43:24	impacted 35:10
followed 24:7	give 29:18 31:10	Harbor 45:3	holding 23:6	important 9:6
following 5:24	34:10 40:6	harm 18:14	Holly 40:7	14:5 19:20
13:25	given 7:5,20 9:15	having 12:6 22:25	home 6:2,7,10,13	importantly
follows 12:8 23:2	13:15	31:2 34:5,13	6:25 12:19,21	14:17
31:4 34:7 37:15	glad 15:2	37:13 40:11	14:4,7,16 17:8	impossible 17:24
40:13 45:8	Glenn 40:7	45:6 47:2	17:10,14,18,21	incentive 47:12
foregoing 50:4	go 3:19 7:11 8:19	Hawley 33:19,21	17:22 18:24	47:15
forth 1:19 38:9	8:25,25 11:5	33:22 34:1,4,10	22:17 24:22	incentives 23:16
forward 11:7	15:10 20:5,12	hear 9:8,11,19	25:2,6 26:22	inches 43:7
19:18	20:14 24:9	hearing 1:5,10	30:11 32:18	included 16:6
four 48:2,3	28:17 32:22	3:3 4:22 5:1,8	37:19 38:17	32:13
free 10:6	33:1 42:12 45:9	5:13 8:13 10:9	42:22 47:5,7,19	income 31:23
from 5:8,13 11:4	going 3:17,18 8:1	10:18 21:15,19	homeowner 16:19	increase 17:2
13:6 15:16	9:4 24:16 26:18	21:24 23:6 49:1	39:5	38:14 39:7
20:20 22:6	27:20 28:20,21	49:4	homeowners	48:12
23:12 24:17	28:22 35:4	hearings 4:14,22	18:24	increases 18:11
30:17 41:18	40:22 42:22,24	5:23	homes 4:2 6:16	48:4
42:2 45:19	42:25 43:13	heat 12:24 13:1,3	25:25 26:2,17	indefinitely 13:18
46:24 47:1	45:14 48:11	13:10,12 23:15	27:8,9	25:8
front 7:8,10	Golf 45:3	23:24 24:25	honor 4:6 19:23	individual 20:24
fuel 26:9 28:8	gone 25:20 31:18	28:6 34:13 38:8	21:12 39:4	information 5:22
functional 24:11	good 3:1,21 11:13	41:4,6 42:25	honoring 16:3	inspect 20:2,7
further 50:6	16:21,23 29:25	43:4,19 44:6	hope 16:22 28:24	install 13:11
future 6:5,7,18	33:20,21 35:2	47:10,14 48:3	hot 34:20 38:23	32:10
16:13 17:6	36:23,24 41:7	heated 25:25 26:2	hours 27:16,21	installation 13:20
18:20	41:16 42:21	heating 6:13	28:16 35:9	13:25 18:2
G	43:9,22	12:21,22 13:24	house 13:7 24:1	installing 38:17
G 36:12	Government	14:13,17 24:10	31:12 40:19,22	intact 38:13
gallon 38:22	45:21	25:6 43:9 47:3,3	43:1,16	interested 50:9,10
Gary 3:13	grade 27:15	help 41:19 42:2,3	housekeeping	intervenors 5:4
gas 6:9,14 13:5,24	grandfathered	helpful 10:14	7:22	5:15
18:5 25:23	15:17	Henry 2:4 3:12	houses 40:23	interview 15:22
	grandfathering		HVAC 23:12	

involved 40:17
issue 5:25 6:8,15
15:25
issues 5:24 23:8
item 25:22

J

James 22:11,15
22:24
Jeffrey 2:7 4:8
Joan 4:3
Joe 36:12 45:1,5
John 33:19,22
34:4
joint 45:20
just 7:22 9:16,25
12:13 21:12
26:14 30:1
31:10 40:16

K

keep 10:21 16:17
kept 16:9 34:15
Kevin 2:11 4:1
kilowatt 27:16,21
28:16 34:22
35:9
Kimberly 1:15
50:3,17
kinds 23:17
knew 27:2 42:10
know 5:16 9:14
21:13 27:19
31:16 32:16
41:25
knowledge 13:23
15:24 37:24
known 35:21

L

L 2:7 4:8
lamps 35:6,7
Lance 36:22 37:4
37:12
Lane 11:18 34:2
45:3

last 10:24 11:9
26:24 29:2
44:21
late 37:21,22
later 36:20 46:18
leads 48:9
least 17:11 28:25
leave 26:13
left 13:3
let 5:16 11:21
12:13 19:16
34:19 41:25
46:17

letter 45:18 48:15
Let's 8:19 32:22
levels 27:2
lighting 36:2
like 15:10 20:17
23:7,11 24:15
29:5 31:19
35:20 36:3,12
36:18 43:9
44:10,24 45:9
48:13

liked 41:15 43:10
likely 17:7,11,23
limited 31:23
line 13:5 40:21
listen 24:23
literally 14:21
little 7:22 24:17
29:1 39:9
live 11:18 45:18
lived 12:17 26:21
43:11 47:6
living 17:9
load 23:20,22
24:25 34:18
loads 34:22
local 1:10 4:14,21
located 13:6
lodge 41:2
long 14:23 16:9
24:9
look 19:18 24:15
29:20 32:5

46:18 48:20
looking 23:20
lose 16:20 35:4
loss 17:19 18:10
19:6
lot 25:9,19 35:22
41:10
lower 34:15 35:1
low-management
47:4
loyal 18:15
L.P.A 2:12

M

M 2:15
machine 33:13
made 13:16 16:3
18:13,22 19:4
32:18 42:18
mail 45:17
Main 2:16
maintain 16:16
16:21 38:16
maintained 14:16
maintenance
14:12 28:1
make 6:21 8:4 9:9
9:18 10:5,19
15:10 32:16
33:14
making 14:14
management
34:17 35:13
many 6:17 15:7
18:15 35:2
marked 20:19,25
21:3,9
market 6:21
27:10 28:7
marketing 25:16
matter 1:10 3:5
19:20 26:16
Maumee 1:16,17
20:19,25 21:8
22:4,5 34:2 37:9
may 3:19 6:23

12:9 17:19
21:14 22:8 23:3
30:19 31:5
33:16 34:8
37:16 40:14
44:25
maybe 42:16
mean 3:18
media 15:13
member 41:14
42:20
memorial 41:15
42:20
mention 13:16
messing 22:21
meter 34:14
Michael 11:12,16
12:5
middle 45:23
might 18:2 41:9
Mildred 39:16
minority 38:1
minute 20:6,7
mispronounce
10:4
missed 7:6
mistake 10:5
moment 19:24
money 17:20
monitoring 38:7
month 27:22
28:17 35:10
more 7:10 13:9
15:3,6 17:8
24:25 26:4
47:14,21
Moreover 14:24
Morgan 36:12,14
44:23 45:1,2,5,9
most 14:16 26:4
29:12
motion 21:18,22
move 6:24 21:5
36:18
moved 21:13
37:25 38:5

much 13:9 19:21
27:13 31:8,24
47:14
Municipal 1:17
mutual 19:1
myself 15:8

N

name 3:12 7:25
9:24 10:4 11:9
11:14 22:13,15
22:22 25:2,14
30:22 33:22
37:1 42:9 45:1
Nassau 37:8
nationwide 48:5
natural 6:9,13
13:5,24 18:5
25:23 26:12
27:12
nature 28:8
necessary 6:22
14:11 16:2
necessities 17:5
need 11:24 12:2
40:3,3 46:21
needed 47:18
neighborhood
41:19
Neshkof 30:21,22
30:23 31:1,7
32:8,15 33:10
never 15:25 25:25
26:6 29:3 41:3
new 1:13 3:9
13:21 14:1 15:9
18:1 24:1 30:9
38:17,17,18
40:23
news 20:20
next 9:25 30:20
33:18 36:11,19
36:21 39:15,21
nice 43:18
Nick 40:25
nonetheless 15:20

48:7	one 4:15 9:2,7	papers 32:9	33:1,11,24 34:8	press 15:23
North 2:13	10:24 12:19	paragraph 46:1,9	36:9,17,25 37:6	pretty 31:9
Northwood 30:24	13:4 23:9 25:11	48:14	37:10,16 39:13	preventative
Nos 21:8	25:17 32:17,18	part 8:2 17:15	39:19 40:2,14	14:12
Notary 1:15 50:3	40:19 41:23	24:20	44:19 48:18	previous 18:18
50:17	42:13 43:16,18	participate 46:22	phonetic 25:15	45:11,14 47:7
note 29:5	43:18,23 44:13	participation	41:1	price 26:5 28:10
notify 19:8	47:23,25 48:1	10:17	piece 31:10	28:11
November 1:8	48:24	particular 5:21	place 3:4 39:6	prices 26:10
4:23	only 4:15 34:10	23:19 25:12	41:12,16 42:1	pricing 46:11
number 17:13	opportunities	parties 8:7 50:7,8	50:4	print 46:17
38:6	38:24	party 8:11,13	placed 18:8	probably 10:4
numerous 38:24	opportunity 5:16	22:2	planning 17:16	25:20 27:20
N-A-S-S-A-U	7:5,7,13,20 9:16	party's 8:15	plants 35:23	28:15 38:1
37:9	10:23 12:14	pass 9:25 36:14	plastered 43:6	problem 43:12
N-E-S-H-K-O-F	19:17	past 14:18 19:2	please 10:9 11:8	procedurally
30:23	option 13:10	38:15	22:14 32:7 37:1	21:16
O	options 13:4	pay 14:24 15:3	37:3,7 48:14	proceed 12:10
Oak 45:3	46:11	27:22 47:23	pleased 48:8	23:4 31:6 34:9
oath 8:6,10	order 7:17	paying 31:20 42:1	point 3:16 9:3	37:17 40:15
objections 21:14	other 7:3 8:7 9:17	pays 27:23	10:2,22 14:14	proceeding 3:15
OCC 21:4	15:11 17:4	peaking 23:21	17:6 28:5 48:23	proceedings 3:17
October 45:23,24	19:13 20:22	people 7:15 25:24	48:25	8:17 10:25
46:16 48:17	27:17 28:4	26:1 35:11 36:5	points 12:20	process 7:23
off 8:19,22 20:5	30:16 31:25	46:18	policies 18:23	products 35:25
20:10 29:23	36:15	per 27:21 38:22	policy 6:18	36:1,2
32:22,24	others 28:2	percent 17:12,17	position 5:5 27:1	proffer 41:24
offer 5:2	otherwise 50:10	35:6	power 22:18	profitability 18:7
office 2:8 4:7,8	Ottawa 45:18,21	Perhaps 1:15 50:3	27:10 35:22	Program 45:22
50:12	46:4 48:10,16	50:17	46:7	progress 35:21
Offices 4:24	out 9:3 23:23 25:9	Perhaps 15:5	predominantly	promises 18:13
official 8:2 15:19	28:25 31:13	permanently	37:23	19:4
Ohio 1:4,11,16,17	38:7 41:21,23	18:17	preferential 17:22	promote 28:12,18
2:4,5,8,9,13,16	45:23	person 9:7	34:13	28:22
3:3,6,22 4:7,9	over 3:14 10:25	person's 9:17	preferred 14:23	promoted 12:22
4:11 20:16	25:19 29:11	phase 6:25	16:25	23:15
22:18 23:13	33:6,14	Phillips 3:12	prepared 10:13	promoting 25:1
30:24 34:2 37:9	own 17:17 34:16	Phillips-Gary 2:4	present 5:4 12:14	properties 18:19
40:8 45:3 46:6	owners 6:7 16:14	3:1,25 4:4,13	presented 16:11	18:21
50:1,3,13,18	18:20	8:24 11:20,24	presenters 36:15	property 18:10
Okay 11:20 12:2	P	12:9 19:22,25	preserve 38:19	19:6 38:3
21:20,25 32:4	P 11:12,16 12:5	20:4,12 21:2,11	preserved 35:16	proposed 5:10
33:10	paid 47:15	21:17,21 22:1	36:5	prospect 17:8
old 25:19 43:14	paper 31:11 32:1	22:20 23:3	preside 3:14	protect 19:10
44:3,13	39:9	29:17 30:16	president 25:16	proud 44:8,16
		31:5 32:4,12,21	presiding 10:24	provide 4:18 5:10

10:15 11:10 46:14 provided 13:19 17:13 38:5,6 public 1:4,5,10,16 2:4 3:2,3 4:14 4:21 5:7,9,23 10:19 23:6 49:1 50:3,17 PUCO 1:10 18:17 19:8,9 28:24 29:6 39:10 45:13 48:13 PUCO's 19:19 Pull 16:19 pump 12:24 13:1 13:3,10,12 34:13 38:9 47:10,15 purchase 27:9 purchased 12:18 purpose 5:7 put 25:5 34:18 37:21 38:23 42:14 43:5 putting 40:23 p.m 1:18 49:4	15:18 16:8,14 16:18,20,22,25 17:23 18:3,11 18:18 19:15 24:6,7 25:7 26:20,24 27:3 27:17 28:7,14 28:17 29:15 30:6,11 31:21 34:13,16 35:1 36:4 38:12,14 39:5,7 43:14 48:4,11 rates 5:18 6:4,12 6:17 15:9 19:13 26:19 27:10 31:18 46:3 rather 27:5 ratio 47:23 48:6 RE 1:7 reading 39:8 48:9 reads 46:9 real 41:7,16 42:18 42:21 rear 13:6 reason 29:14 rebate 13:20 38:22,22 rebates 23:17 25:1 recall 13:19 recaulked 14:10 receive 5:8 38:10 received 34:12 45:17 receiving 38:12 record 8:2,19,22 9:1,20 10:12 11:10,15 20:5 20:10,13 21:6 22:14 29:23 32:22,24 33:2 37:2 45:10 records 24:14 25:18,20 recover 27:25	28:21 34:20 reduced 35:25 36:4 38:21 reference 45:24 reflect 10:11 regard 22:3 regarding 5:9,18 6:4 15:11 regular 31:20 regularly 14:9 regulations 6:20 reinstate 18:17 19:14 reiterate 45:14 relative 50:7,8 release 15:23 16:1 relief 4:18 5:11 remain 6:6 13:14 38:2,13 remained 24:10 remember 16:1 reneged 19:3 rep 24:21 repair 13:9 replace 47:20 replaced 12:25 17:7 47:13,18 replacement 47:10 report 20:20 reporter 9:5,8,19 10:8,10,15 15:16 29:19 reporter's 15:22 reporting 15:17 50:9 represent 20:15 representative 14:22 15:1,5 request 18:16 requested 5:22 resealed 14:10 researching 46:10 reside 45:2 47:5 resident 48:10 residential 4:19	5:12,19 18:18 24:20 27:17 28:25 29:9,15 30:10 residents 46:3 48:16 respect 9:17 responsible 14:15 result 34:24 retired 12:16 15:7 retirees 17:1 31:23 reviewed 8:3 revision 1:14 3:10 rid 29:7 42:18 rider 1:13,14 3:10 3:11 riders 29:8,15 Ridgeville 2:13 right 8:15,24 9:18 11:5 20:14 30:14 32:21 33:4 39:13,19 40:20 42:14 44:8,21 48:24 road 22:18 30:24 39:11 Robert 39:16,17 Roetter 11:12,16 11:17,23 12:3,5 12:12 rolling 35:17,19 room 7:8,10 roughed 31:13 Rule 50:10 ruling 21:18,22 run 44:12 running 46:5 R-O-E-T-T-E-R 11:17 R-07 24:6	34:20 41:1 saving 34:24 savings 46:15 saw 26:24 35:3 saying 45:10 says 42:3,23 43:4 44:2 scheduled 4:15 Schmitt 4:2 seal 50:12 seasons 35:8 second 6:8 8:20 16:5 22:10 25:22 32:22 41:22 Secondly 13:8 see 35:12 36:4 Seeing 48:24 seeking 23:24 24:24 seen 29:4 40:17 sell 43:15 selling 12:19 17:8 17:21 42:16 send 33:7 senior 17:9 sent 20:22,24 41:20,22 45:22 48:15 sentence 46:23 48:9 serious 17:1 serve 35:19 service 24:2,3,13 25:5 44:12 48:8 set 1:19 50:12 setting 6:12 seven 7:16,18 several 7:14 13:4 shape 41:16 share 19:17 Sheriff 41:20 42:3 Sheriff's 41:24 shock 6:16 7:2 26:20,24 31:17 35:10,12 39:8
--	--	--	---	---

Q

qualified 50:4
qualifies 16:12
question 30:1
questions 8:8 11:1
11:4 22:2 30:17
quick 30:1 42:15
42:18
quite 27:4 39:7

R

R 22:11,16,24
raise 19:13 42:25
43:14
ran 26:8
rate 4:18 5:10 6:6
6:15 7:2 12:21
13:16,17 14:23

S

sales 25:15,16
same 15:1 18:20
25:4 27:16,23

shocked 14:18 39:9 shortly 38:4 show 26:14 shows 25:2 sign 7:5,11 24:2 42:14 signed 7:15 9:13 9:22 11:11 30:20 33:18 36:11,21 39:15 39:22 44:22 significantly 17:3 since 12:17 16:4 26:22,25 28:12 34:12 sir 8:18 11:13 12:11 20:15 22:8 30:3 32:14 33:3,16,20,25 36:10,23 39:14 40:2 44:20 48:19 six 4:14 skyrocketed 14:20 Small 2:7 4:5,6,8 19:23 20:1,15 21:4 29:25 30:4 30:8,14 32:7 socked 15:8 sold 28:9 solid 35:25 Solutions 46:12 some 17:6 23:22 26:8 38:13 43:22 somebody 7:18 something 9:12 somewhere 28:15 sorry 11:23 41:3 South 2:16 41:18 45:2 space 47:2 speak 7:12,19 10:9	speakers 45:11 speaking 9:7 31:9 specifically 24:19 specified 50:5 spell 11:9,14 22:13 37:1 spelled 22:16 spoke 45:11 SS 50:1 staff 5:3,14 stand 44:16 Standard 14:2 standpoint 46:25 start 11:6 40:4 started 11:3 state 1:16 11:8,14 22:13 23:11 35:25 37:1 50:1 50:3,18 stated 24:4 statement 7:24 8:9 10:14,20 39:12 state-of-the-art 13:11 stay 18:25 47:12 47:16 Steigerwald 4:3 steps 43:17 sticker 31:17 still 7:7 26:13 27:11 stockholder 14:25 stories 41:10 storm 14:8 Street 1:17 2:5,8 2:16 4:10 strongly 13:14 18:16 structure 15:18 39:6 subdivision 37:20 37:25 subject 16:13 21:14 submit 24:12 25:8	25:23 26:5 subsequent 8:16 subsidiary 46:13 subsidize 28:20 subsidized 25:25 26:6 subsidy 27:7 substantial 11:1 17:15,20 sudden 41:17 Sue 4:2 suffer 18:9 suggest 27:5,14 29:6 suggesting 28:15 suitable 17:9 Suite 2:9 4:10 summer 23:21 summers 47:17 super 13:11 suppliers 46:7 support 5:5 sure 9:9,18 33:15 surprise 38:16 surprised 39:10 44:1 swear 11:21,25 12:2 40:3 switching 46:20 sword 18:12 sworn 12:6 22:25 31:2 34:5 37:13 40:11 45:6 system 24:10 38:8 43:10	talking 35:11 tank 34:20 38:23 taxes 42:1 technology 35:22 tell 30:8 40:16 41:9 42:8 44:15 44:16 Temple 25:14 tenure 24:20 testified 12:7 23:1 31:3 34:6 37:14 40:12 45:7 47:11 testify 7:6 9:13,14 9:18,23,24 10:23 39:16,22 44:22,25 48:23 48:25 testifying 40:5 testimony 8:1,5 12:1 32:14 34:11 45:15 Thank 3:25 4:4 4:12,13 12:11 19:21,22 21:25 22:8,20 23:5 29:16,17 30:14 33:16 36:8,9 37:10 39:14,20 44:18,19 48:18 49:2 their 5:5 8:4 16:18 19:13 27:25 28:21 29:8 36:6,15 38:11 39:4 thereof 16:17 thing 10:24 25:4 27:23 things 9:2 25:11 25:17 28:2,8 44:11 47:9 think 5:17 6:10 27:10 40:24 45:11 third 6:15 28:14	thoughtful 19:19 thoughts 12:15 19:17 thousands 19:5 24:13 three 5:24 23:7 25:19 44:3 45:12 through 12:23 35:21 42:12 43:6 44:11 46:16 throughout 40:18 Thursday 1:8 tier 27:15 time 3:4,16 9:7 10:2 13:2 14:24 16:1 18:1 20:17 23:14,19 24:1 25:12 30:2,5 34:21 35:4 38:13 39:18 40:25 47:23 48:23 49:1 50:4 together 37:21 told 14:21,25 17:10,25 30:4 40:20 42:4,11 43:4,25 44:10 Toledo 1:12 3:8 3:23 12:22 14:20 15:14 17:25 20:21,23 20:24 22:5,7 23:14,19 24:4 24:14,19 26:23 27:18,24 28:20 39:2 40:8 46:6 tonight 3:15 5:15 8:14 10:9 tonight's 5:7 10:18 towards 13:20 trade-in 14:1 Trane/American 14:1
---	---	---	---	--

transcribed 9:10	very 9:6 17:23	24:24,25 25:2	world 40:1,18	19 42:1
transcribing 10:8	19:20,21 41:5	25:18 30:4	41:13,14	1970 26:22
transferred 41:22	41:25 43:20,22	34:24 35:4,13	wouldn't 27:11	1972 31:12
tried 38:16 41:19	43:24 44:16	38:12,24 40:22	writing 38:10	1976 34:12
trouble 42:15	45:11 48:7	41:5 43:24	written 6:3 10:14	1977 12:17 16:4
truth 44:17	Veteran 40:1	47:15,20	18:23 23:10	1980 23:12
try 10:21 36:6	vice 25:15	West 2:8 4:10	W-H-I-T-A-C-...	1993 23:12 24:17
turns 36:16	vintage 13:9	we'll 8:25 11:5	37:5	1997 37:20 38:1
two 20:2,17 34:22	virtue 38:11 39:1	20:5,12 33:1,9		
41:21 46:1,7,9	visitors 41:17	we're 3:16,18	Y	2
47:17		28:22 44:8	yard 42:14	2 21:1,8 22:6 43:7
types 23:15	W	We've 14:16	year 34:24 38:15	2nd 50:13
typically 24:5	wait 36:18	47:13	years 6:17 13:1	2001 24:17
	waiver 8:14	WHEREOF	19:3 25:19 35:3	2006 15:17 16:7
U	Walbridge 30:23	50:12	38:7 40:20 42:2	20:20
unable 10:25	want 7:11 9:2,23	while 8:9	43:11,14 44:3	2010 1:8 4:24
under 8:6,9 46:5	10:18 22:2	Whitacre 36:22	44:13 47:19	45:25 48:17
50:10	28:12 29:18,20	36:24 37:4,5,8		50:13
undersigned 1:15	31:10,25 32:2,5	37:12,18	Z	2013 46:16
understand 7:23	32:12,19 33:3,5	whole 40:18 41:18	ZIP 11:19	225-8965 2:13
unexpected 17:1	33:6 40:16	wholesale 6:21	\$	25 29:8,15 45:24
unfortunately	44:15 48:20	wife 11:17 12:16	\$15,000 42:16	48:17
33:12	wanted 23:22	34:18 41:5	\$2.00 38:22	28(D) 50:10
unhappy 41:25	43:3 44:3,23	42:23 43:15	\$300 34:24	29th 4:23
unit 40:21 47:6,18	wants 7:19	44:2	\$60,000 17:19	
47:22,25 48:2	War 40:1 41:13	windows 14:8,9		3
units 48:2,3	41:14	14:10 38:17	1	3,000 28:16
until 21:19,23	wash 34:18	winter 14:18	1 20:19 21:8 22:4	30 17:11
23:12 36:14	Washington	23:20 26:25	1,000 27:21	30-plus 19:3
41:8	42:19	29:2	1:3 48:6	300 35:9
updated 14:8	watch 28:25	wintertime 23:23	1:4 47:25	330 2:17
usage 28:5	water 34:20 38:23	wiring 43:6	10 2:8 4:9	
use 16:15	47:3	wish 9:12,14	10-176 3:4	4
used 38:20	Waterville 11:18	wishes 10:19	10-176-EL-ATA	400 1:17
utilities 1:4 2:4	12:17	48:23	1:7	404 11:18
3:2 27:1	way 6:24 25:12	witness 8:12,16	10/3 31:11	43215 2:5,9
utility 19:11	29:12 31:17	10:1 11:11 22:3	100 17:17	43512 22:19
27:25 29:10	33:4,9,9 43:3	22:10 30:17,19	11-30-11 50:18	43537 1:18 34:2
35:18 47:1	well 7:9,21 10:16	30:20 33:18	1209 45:2	43566 11:19
utilized 16:9	31:9,16 41:5,8	36:11,19,21	14074 22:18	43612 40:8
	42:3,10	39:15,21 44:22	15 13:1 47:18	43619 30:24
V	went 31:15 35:2	50:12	1700 34:1	440 2:13
value 17:10,18,19	44:11	witnesses 5:4 7:14	18 1:8	44039 2:13
18:10 19:7	were 7:4 14:18	7:17,19 11:7	180 2:5	44308 2:16
verbal 18:22	15:8 16:14 21:9	Woodbridge 2:12	1800 2:9 4:10	46 40:20 43:10
versus 6:9 25:23	23:21,23 24:1,5	worked 40:24		466-0106 2:6

Dearborn Reporting Services

466-8574 2:10
4875 30:23

5

5 34:22
50 13:6
5856 40:7

6

6:02 1:18
6:49 49:4
614 2:6,10
6354 37:8

7

70s 13:10 37:22
700 27:21
76 2:16
761-2352 2:17

8

80s 37:21,22
8501 2:12
89 43:15

9

90 35:6 43:14
44:13

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