

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 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.¹

There is good cause for issuance of this subpoena, which commands Jesse Willits to attend a deposition and produce documents related to this case. Mr. Willits was listed as a witness for Citizens for Keeping the All-Electric Promise, Joan Heginbotham, Sue Steigerwald and Bob Schmitt Homes, Inc. on December 30, 2010. The Companies therefore are entitled to depose Mr. Willits. Moreover, the document requests included with the subpoena, which seek documents sent between Mr. Willits and other parties, documents regarding Mr. Willits' identification as a witness, and documents regarding alleged "promises" made by the Companies to Mr. Willits regarding all-electric rates, are relevant.

For the foregoing reasons, the Companies respectfully request that this Motion be granted and that a subpoena in the form of Exhibit A be issued.

¹ Examiner Price signed the requested subpoena on January 10, 2011. A signed copy is included in Exhibit A.

Dated: January 10, 2011

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 for Issuance of a Subpoena and Memorandum in Support were delivered to the following persons by email this 10th day of January, 2011:

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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:

Jesse Willits

10300 Munich Drive

Cleveland, Ohio 44130

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 deposition and produce documents 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

Jones Day, 901 Lakeside Avenue, Cleveland

You are to appear at the offices of ~~the Commission, 180 East Broad Street, Columbus, Ohio,~~ on the

21st day of January, 2011, at 1:30 p.m. ~~XXXXXXXXXX~~ m. in hearing room.

You shall bring with you the following: All documents described in the attached Exhibit A.

Dated at Columbus, Ohio, this 10 day of January, 2011.


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 A

1. All correspondence or documents that you have sent to or received from Sue Steigerwald, Joan Heginbotham, Citizens for Keeping the All-Electric Promise ("CKAP"), Bob Schmitt Homes, Inc., or anyone associated with Sue Steigerwald, Joan Heginbotham, CKAP or Bob Schmitt Homes, Inc.
2. All correspondence or documents that you have sent to or received from anyone regarding your serving as a witness in Case No. 10-176-EL-ATA before the Public Utilities Commission of Ohio.
3. All documents reflecting representations made by anyone associated with The Cleveland Electric Illuminating Company, Ohio Edison Company or The Toledo Edison Company regarding the rate you would be charged for your electricity service.
4. All documents allegedly reflecting, relating or referring to any communication, promise, incentive, inducement or representation by The Cleveland Electric Illuminating Company, Ohio Edison Company or The Toledo Edison Company that any rate charged to you for your electricity service would be permanent, would remain in effect regardless of any future Commission order, or otherwise was available on terms not reflected in the corresponding Commission-approved tariff.
5. All documents that you believe you will discuss in or seek to introduce as part of your testimony at the hearing in this matter.