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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

PETER J. WIELICKI,

Complainant,

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

Respondent.

Case No. 10-2329-EL-CSS

NOTICE OF FILING DEPOSITION

Pursuant to Rule 4901-1-21(N), Ohio Administrative Code, The Cleveland Electric Illuminating Company hereby provides notice that it is filing with the Commission, concurrently with this Notice, the transcript of the deposition of Peter J. Wielicki, which was taken on March 28, 2011.

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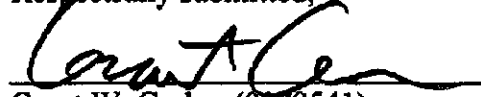
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Respectfully submitted,



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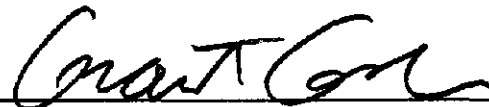
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing Deposition was delivered to the following person by email and first class mail, postage prepaid, this 29th day of March, 2011:

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An Attorney For Respondent
The Cleveland Electric Illuminating Company

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

~~~~~

PETER J. WIELICKI,

Complainant,

vs. Case No. 10-2329-EL-CSS

THE CLEVELAND ELECTRIC

ILLUMINATING COMPANY,

Respondent.

~~~~~

Deposition of

PETER J. WIELICKI

March 28, 2011

9:57 a.m.

Taken at:

Home of Peter J. Wielicki

3314 Fortune Avenue

Parma, Ohio

Karen M. Patterson, RMR

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18 ~~~~~

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1 PETER J. WIELICKI, of lawful age, called
2 for examination, as provided by the Ohio Rules
3 of Civil Procedure, being by me first duly
4 sworn, as hereinafter certified, deposed and
5 said as follows:

6 EXAMINATION OF PETER J. WIELICKI
7 BY MR. GARBER:

8 Q. Would you please state your name
9 for the record.

10 A. Peter J. Wielicki.

11 Q. Mr. Wielicki, my name is Grant
12 Garber. I'm from the law firm of Jones Day and
13 I represent the Cleveland Electric Illuminating
14 Company in this matter.

15 You are representing yourself in
16 this case, correct?

17 A. That's correct.

18 Q. And I take it that you have been
19 deposed before?

20 A. Yes.

21 Q. Given that, I think you're familiar
22 with the basic format, but just to go over a
23 few ground rules; first, you're aware of no
24 reason why you would not be able to give
25 truthful testimony today, correct?

1 usage and amount you think was wrong from
2 August 2006?

3 A. That's correct.

4 Q. You're not disputing the monthly
5 usage and monthly amount associated with any
6 other months?

7 A. No.

8 Q. That's correct, you're not
9 disputing that?

10 A. I'm not disputing that, no.

11 Q. Why did you pay \$109 initially for
12 the August 2006 bill? And I should back up for
13 a second. If I use the term "August 2006 bill"
14 to refer to the bill dated August 16th, 2006 in
15 the amount of \$354.59, if I use the term
16 "August 2006 bill," will you understand that's
17 the bill I'm referring to?

18 A. Yes. Yes.

19 Q. Why did you initially pay \$109 for
20 that bill?

21 A. Because that was the agreed-upon
22 amount after I called and disputed the usage on
23 that.

24 Q. When did you first call and dispute
25 the usage associated with the August 2006 bill?

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Page 9

1 A. No, I'm not aware of any.

2 Q. And one thing that we're doing a
3 good job of so far, I'd ask so that the record
4 is clear, that you allow me to finish my
5 question before you begin your answer, and then
6 I'll return the same courtesy and not interrupt
7 you while you're answering. Is that okay?

8 A. That's fine.

9 Q. Mr. Wielicki, the bill that you
10 believe was incorrect was the bill from August
11 2006, correct?

12 A. Correct.

13 Q. Are there any other bills that
14 you've received from CEI where you believe the
15 current charges were incorrect for a particular
16 month?

17 A. Are you talking about usage or
18 anything?

19 Q. Right. I mean setting aside the
20 accumulating balance since that time that's
21 shown up on subsequent bills.

22 A. Right.

23 Q. If you just look at the monthly
24 usage and the amount billed for that monthly
25 usage in each particular month, is the only

1 A. I'm going to say it was probably
2 latter part of August, early part of September.

3 Q. Of 2006?

4 A. Yes.

5 Q. So the first time you called to
6 dispute the August 2006 bill was in either late
7 August 2006 or September 2006?

8 A. Right.

9 Q. Tell me about that first call.

10 A. Well, I had noticed that the usage
11 was three times what it had been in previous
12 months and previous years to that, and I --
13 there were really no changes that occurred to
14 our lifestyle and that, so I wanted an
15 explanation as to why that amount seemed to be
16 that high.

17 And after talking to the service
18 representative, I seemed to be getting nowhere
19 except that, Well, it could be this, it could
20 be that; maybe this, maybe that. And I asked
21 to talk to a supervisor or a manager, and I was
22 put on the line to a manager and we went
23 through it in great length and detail.

24 Although I still got a lot of, It
25 could be this, it could be that; maybe this,

3 (Pages 6 to 9)

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1 maybe that, I never really got an explanation.
2 We talked about possibly the meter was acting
3 up. There was some discussion about coming out
4 and checking the meter.

5 But at great length, to make a long
6 story short, the usage seemed to be
7 inordinately high in regards to the manager
8 that I spoke with, and we agreed that a
9 reduction in price was applicable, and that's
10 the agreed-upon amount that we came up with.

11 Q. Who did you speak with in that
12 first call?

13 A. I don't know. They would not give
14 names. According to them, it was their policy
15 for security reasons.

16 Q. And how many different people did
17 you speak with during that first call?

18 A. I talked with the service
19 representative, and then either he or she -- I
20 can't remember at this point -- turned me over
21 to a service manager.

22 Q. So it was two people on one call
23 where there was a transfer from one person to
24 the next?

25 A. Correct. Correct.

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1 Q. Do you remember if the manager that
2 you spoke with was a male or female?

3 A. It was a male.

4 Q. Did either of the two CEI folks you
5 spoke with give you their first names?

6 A. No.

7 Q. So no names, no first or last
8 names, for either of those people?

9 A. No.

10 Q. And during that first call, was
11 that when you claim that the CEI personnel
12 agreed to the \$109 partial payment?

13 A. Correct.

14 Q. So there were no subsequent calls
15 to follow up or no other calls you had to make;
16 it was just one call that day and the
17 agreed-upon amount was there, and it was \$109?

18 A. Yes. Yes. I mean, there were
19 follow-up calls that I made because it was not
20 reflected in my bill.

21 Q. Is it fair to say that you are not
22 claiming that the payment of \$172.86 that you
23 made in August 2007 -- is it fair to say that
24 that was not a settlement amount you agreed
25 upon for the August 2006 bill?

Page 12

1 A. No. The \$109 was the agreed upon.

2 Q. How did you pay that \$109?

3 A. I paid it in a personal check with
4 a restrictive endorsement and sent it to the --
5 one of the things that I asked the manager at
6 the end of our discussion was where would I
7 send a restrictively endorsed check. So I got
8 the address from him, and to whose attention
9 should I send it to, and he said to the
10 customer service manager, and that all of this
11 information should be put into the computer and
12 we'd be good to go.

13 Q. What specifically was the title
14 that you were given to which you should address
15 that letter?

16 A. Customer service manager.

17 Q. Do you recall what the address was
18 to which you were supposed to send that letter,
19 or instructed to send that letter?

20 A. It was Akron. I got -- there was a
21 copy of the letter in your testimony with the
22 proper address on it. That was 76 South Main
23 Street, A-RPC, Akron, Ohio, 44308-1890.

24 Q. Did you send a cover letter with
25 the check that you sent in August 2006?

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1 A. Yes, I did. Yes, I did.

2 Q. Do you have a copy of that letter?

3 A. No, I do not. No, I do not.

4 Q. Do you recall what that letter
5 said?

6 A. It basically said that this was in
7 regards to the matter of the dispute on the
8 usage charges for August of 2006, and that this
9 was to confirm the agreed-upon amount that was
10 due on that bill.

11 Q. Why did you attach a letter dated
12 August 2007 to your complaint?

13 A. Because I -- when I didn't seem to
14 get the reduction on the statements, I called
15 customer service again and I got the story that
16 they had no record of the conversation; they
17 had no record of the agreement; they had no
18 record of anything, no record of a call at all.
19 And at that point, I put another letter in the
20 mail with a check that had a restrictive
21 endorsement on it.

22 I again asked who I should send
23 that to, and that was the result of the January
24 28th letter. And there were probably a couple
25 more restrictively endorsed checks that went

4 (Pages 10 to 13)

1 out to the Illuminating Company. I noticed you
2 have two in the testimony.

3 Q. Between August 2006 or early
4 September 2006 and January 2007, did you
5 communicate in any way with CEI?

6 A. Oh, yes. Yes. There was
7 correspondence that went to CEI and there were
8 telephone calls.

9 Q. You mentioned a call that we just
10 talked about through the initial call in late
11 August 2006, early September 2007. What was
12 the next communication -- and then I suppose
13 the second communication would be the letter
14 that you say you sent.

15 What was the date of that letter in
16 August or September 2007, the letter that had
17 the \$109 check?

18 A. Oh, that went in the mail the same
19 day that I talked with the customer service
20 manager, but I don't have a date because I
21 don't have the letter.

22 Q. Do you have a copy of the \$109
23 check?

24 A. No, I don't have the \$109 check. I
25 have it on my check registry, though.

1 Q. Do you know what the date of that
2 check is?

3 A. I don't have it now, but I can
4 probably get that for you.

5 Q. What would you have to do to get it
6 for me?

7 A. Call it up on the computer.

8 Q. What was the basis of the \$109?
9 Why that number?

10 A. Well, because the usage was about
11 three times what normally would have occurred
12 in this month and -- in that particular month,
13 I should say, based on historical data, and
14 basically we took the charge and reduced it by
15 two-thirds.

16 Q. After the letter that you sent with
17 the -- first of all, how many letters did you
18 send with the check in the amount of \$109?

19 A. How many letters did I send?

20 Q. Yes.

21 A. One letter.

22 Q. You included one letter in that
23 packet?

24 A. Right. Right.

25 Q. What was your next communication

1 either by mail or phone or otherwise with CEI
2 after you mailed that letter?

3 A. There were various communications.
4 Probably the next one would have been -- they
5 told me that it would take two billing cycles
6 to get the credit initiated, and after two
7 billing cycles, when I didn't see the credit
8 there, I placed a phone call to the customer
9 service line and inquired about it. And that's
10 when I found out that nobody knows anything
11 about anything.

12 Q. Do you recall what month you made
13 that phone call in?

14 A. Well, it was two billing cycles.
15 So it was probably September, October.
16 Probably October, November, somewhere in
17 through there.

18 Q. The next communication you had with
19 CEI after you sent in the \$109 check was a
20 phone call in October, November 2007?

21 A. Right.

22 Q. Tell me about that call.

23 A. Well, it was rather surprising,
24 because I had assumed that everything was going
25 to be documented on the computer, and

1 apparently it hadn't been, and at that point I
2 again spoke to a representative, and I asked
3 the question again -- well, let's go back to
4 step one -- why was my usage so high, and I got
5 the same, Well, it could have been this, it
6 could have been that. And we ended the call
7 with something like, We don't need to tell you
8 why; that's what it registered and that's what
9 you have to pay, regardless of historical data.

10 Q. During that October, November of
11 '07 phone call, did you indicate you had
12 reached an agreement with CEI to pay \$109 as a
13 full settlement of the August 2006 bill?

14 A. Yes, I did.

15 Q. What did they say?

16 A. Again, they said they have no
17 record of anything.

18 Q. When was your next communication
19 with CEI?

20 A. I'm going to say that it was
21 probably every month thereafter I sent in a
22 restrictively endorsed check referring to the
23 dispute. I had continued to dispute it and
24 included with my correspondence a restrictively
25 endorsed check for the amount that was due for

<p style="text-align: right;">Page 18</p> <p>1 that month.</p> <p>2 Q. You say "every month thereafter."</p> <p>3 When was the first restrictively endorsed check</p> <p>4 you sent to CEI?</p> <p>5 A. Well, that would have been the</p> <p>6 \$109.</p> <p>7 Q. Had you sent any restrictively</p> <p>8 endorsed checks to CEI prior to that?</p> <p>9 A. No.</p> <p>10 Q. Was every check you sent to CEI</p> <p>11 after the \$109 check restrictively endorsed?</p> <p>12 A. Pardon me? I didn't --</p> <p>13 Q. Was every check that you sent to</p> <p>14 CEI, starting with the \$109 check,</p> <p>15 restrictively endorsed?</p> <p>16 A. No. I'm going to say that there</p> <p>17 were probably six or eight, and then I feel</p> <p>18 that -- felt that I did my due diligence in</p> <p>19 regards to them accepting the restriction on</p> <p>20 the check, and I just maintained payment of</p> <p>21 normal billing amounts.</p> <p>22 Q. After the \$109 check you sent, when</p> <p>23 was the next restrictively endorsed check that</p> <p>24 you sent?</p> <p>25 A. I'm going to say it was probably</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Let's kind of go through the same</p> <p>2 series of questions with the cover letter</p> <p>3 correspondence.</p> <p>4 A. Yes.</p> <p>5 Q. You mentioned that you sent a cover</p> <p>6 letter to CEI along with a \$109 check, correct?</p> <p>7 A. Correct.</p> <p>8 Q. You don't have a copy of that</p> <p>9 letter, correct?</p> <p>10 A. No. No.</p> <p>11 Q. When was the next sort of</p> <p>12 restrictive endorsement type cover letter that</p> <p>13 you sent to CEI?</p> <p>14 A. Well, again, there were various</p> <p>15 dates. I don't have all of the cover letters,</p> <p>16 but two of the cover letters appear in the</p> <p>17 testimony that was given.</p> <p>18 Q. Are you referring to the testimony</p> <p>19 of Ms. Reinhart?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. You sent both of the letters that</p> <p>22 are attached to her testimony?</p> <p>23 A. Yes.</p> <p>24 Q. That's your signature on both of</p> <p>25 those letters?</p>
<p style="text-align: right;">Page 19</p> <p>1 the month thereafter.</p> <p>2 Q. So in September 2006?</p> <p>3 A. Probably.</p> <p>4 Q. When was the next restrictively</p> <p>5 endorsed check you sent after that?</p> <p>6 A. I can't honestly tell you that,</p> <p>7 except that I do know that there was one on</p> <p>8 January 28th of 2007, and also August 19th of</p> <p>9 2007.</p> <p>10 Q. Do you recall the dates of any</p> <p>11 other restrictively endorsed checks that you</p> <p>12 sent to CEI?</p> <p>13 A. I don't recall the dates, no.</p> <p>14 Q. Do you recall the months of any</p> <p>15 restrictively endorsed checks you sent to CEI?</p> <p>16 A. No, I don't.</p> <p>17 Q. Do you recall when the last</p> <p>18 restrictively endorsed check you sent to CEI</p> <p>19 was?</p> <p>20 A. That would have probably been the</p> <p>21 August 19th of 2007.</p> <p>22 Q. So based on your recollection, none</p> <p>23 of the checks you sent to CEI after August 2007</p> <p>24 were restrictively endorsed?</p> <p>25 A. No. I don't believe so, no.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. So is it fair to say that you sent</p> <p>3 restrictive endorsement cover letters with</p> <p>4 every restrictively endorsed check that you</p> <p>5 sent to CEI?</p> <p>6 A. Absolutely. If there was a</p> <p>7 restrictively endorsed check, there also was a</p> <p>8 cover letter.</p> <p>9 Q. Is it fair to say then, based on</p> <p>10 your prior testimony about the last</p> <p>11 restrictively endorsed check, that the last</p> <p>12 restrictive endorsement cover letter you sent</p> <p>13 was in August 2007?</p> <p>14 A. Yes.</p> <p>15 Q. You mentioned a phone call in</p> <p>16 October, November 2007. Setting aside the</p> <p>17 restrictive endorsement cover letters that you</p> <p>18 were sending with the checks on a monthly basis</p> <p>19 after that, setting those aside, what was the</p> <p>20 next phone call or nonroutine letter type</p> <p>21 communication you had with CEI after the</p> <p>22 October, November '07 phone call?</p> <p>23 A. I really couldn't tell you. I</p> <p>24 don't know. I'm sure that there were phone</p> <p>25 calls that I made. I believe that I've made</p>

6 (Pages 18 to 21)

1 some as recent as two, three weeks ago in
2 regards to usage information off my billings to
3 confirm certain data. But to give you a
4 rundown of every call that I made, I'm not in a
5 position to do that.

6 Q. Do you remember approximately how
7 many phone calls you made to CEI about this
8 between October, November of '07, that second
9 phone call, and the end of 2007? Did you make
10 any more in 2007?

11 A. I don't know. I can't tell you.

12 Q. Do you know about how many phone
13 calls you made to CEI in 2008?

14 A. I have no idea.

15 Q. Can you talk about generally how
16 many calls you made to CEI in 2009?

17 A. I don't know. I have no idea.

18 Q. Did you make any in 2009?

19 A. I may have.

20 Q. Is it possible you didn't make any
21 to CEI in 2009?

22 A. Could be.

23 Q. It's possible you didn't call CEI
24 at all about this in 2009?

25 A. It's possible.

1 Q. Is it possible you didn't call CEI
2 about this in 2008?

3 A. It's possible.

4 Q. Were you living -- and I'm going to
5 refer to the house, the residence, the place
6 we're in right now, as 3314 Fortune Avenue.
7 You understand that if I use that term?

8 A. Yes.

9 Q. When did you first move into this
10 house?

11 A. We started moving in about 2002 or
12 2003, I believe, on an interim basis. I think
13 we fully moved in somewhere around 2004.

14 Q. And have you lived here
15 continuously; that is to say, this has been
16 your primary residence since that time through
17 the present?

18 A. Yes.

19 Q. In 2007, 2008, 2009, 2010, you were
20 getting monthly bills from CEI, correct?

21 A. Correct.

22 Q. Do you recall whether there were
23 disconnection notices or disconnection
24 paragraphs on those bills?

25 A. Yes.

1 Q. You recall they were present on
2 those bills?

3 A. Yes, I do.

4 Q. They were present on those bills
5 throughout 2007, correct?

6 A. Correct.

7 Q. Every month, right?

8 A. Probably, yes.

9 Q. They were present on those bills
10 throughout 2009, correct?

11 A. Correct.

12 Q. They were on there every month?

13 A. Correct.

14 Q. You saw them on there every month?

15 A. Correct.

16 Q. Did you send any correspondence,
17 any letters or e-mails, at all regarding this
18 dispute to CEI after the letter that you sent
19 in August 2007?

20 A. I don't believe so.

21 Q. How many letters did you send to
22 CEI in August 2007?

23 A. There were a couple of versions
24 that I had contemplated sending, and I decided
25 on sending one. So there would have been one

1 letter that I sent in August of 2007.

2 Q. Is that the letter that's attached
3 to Ms. Reinhart's testimony?

4 A. Yes.

5 Q. Now, you mentioned in either late
6 August or early September 2007 your initial
7 call regarding the August 2006 bill, right?
8 That was your initial call. That's correct,
9 right?

10 A. Repeat that question again.

11 Q. I'm sorry. Just to double back,
12 you had testified that your initial call to CEI
13 regarding the August 2006 bill was in either
14 late August or early September of that year,
15 right?

16 A. That's correct.

17 Q. You mentioned that during that
18 phone call you spoke to two people, right?

19 A. Right.

20 Q. The second person that you spoke
21 with, the manager, was the one who actually
22 agreed to the \$109 partial payment?

23 A. Correct.

24 Q. And I believe you testified that
25 he -- or perhaps I think this might be in your

1 complaint. There's some reference to an
2 investigation that CEI did. Do you recall in
3 your complaint that you referred to an
4 investigation by CEI?

5 A. It was discussed as a possible
6 procedure that they had available to
7 investigate the complaint. Whether one was
8 carried out or not, I had no idea. They had
9 talked about testing the meter or whatever
10 procedures they go through.

11 Q. Do you know if your meter was ever
12 tested?

13 A. I have no idea.

14 Q. Did you request a test of your
15 meter?

16 A. No, I didn't. I basically said,
17 "Well, whatever you need to do to answer my
18 question as to why my usage is inordinately
19 high, do." Whether it was done or not, I don't
20 know.

21 Q. That's what you said during the
22 initial phone call, right, the first phone
23 call, correct?

24 A. That I said what?

25 Q. What you just said: Do what you

1 need to do.

2 A. Yes. Yes.

3 Q. But during that same phone call,
4 your testimony is that CEI gave you --
5 basically allowed you to pay the \$109?

6 A. That's correct. We came to the
7 conclusion mutually that something happened.
8 It was apparent that -- I wasn't satisfied with
9 the answers that I was getting in regards to,
10 It might be, it could be, if there were sun
11 spots, you know, those types of things.

12 And I, quite frankly, was very
13 irate that I couldn't get an exact answer to
14 the question because it seemed that the problem
15 was so blatant that we concluded with this is
16 what I would pay.

17 Q. Is your testimony that the CEI
18 representative you spoke with during that
19 initial call allowed you to pay \$109 without
20 testing the meter, right?

21 A. I don't know if he was going to
22 test the meter or what he was going to do. I
23 didn't get a firm answer in regards to are they
24 going to investigate it any further after the
25 phone call. They may have. If they did, I

1 received nothing in regards to test results.

2 Q. Well, during that initial phone
3 call, CEI, your testimony is, allowed you to
4 pay the \$109 in satisfaction of the August '06
5 bill, correct?

6 A. Right.

7 Q. From your point of view, from that
8 single phone call, the matter was closed,
9 right?

10 A. The matter for that month was
11 closed, but my concern is that if there was a
12 faulty meter we would have a recurring problem.

13 Q. Has the meter serving this house
14 ever been changed?

15 A. I don't know. I don't know.

16 Q. Is it possible it has not been
17 changed?

18 A. It's possible. Only CEI's records
19 would indicate that. I don't know.

20 Q. Do you believe that the meter in
21 place at your house now is working properly?

22 A. Well, based on the usage data that
23 I've accumulated over the past seven, eight
24 years, the data has been extremely consistent,
25 not only in summer months, but also in all the

1 other months. I'm very surprised, because when
2 I look at weather data corresponding to the
3 usages, the temperature changes are between one
4 and two degrees, and the usages based on that
5 are very consistent.

6 Q. So you believe that the meter in
7 place at your residence now is working
8 properly, correct?

9 A. Yeah, I think it is.

10 Q. You believe that the meter serving
11 your house, whatever that meter was, was
12 working properly except in July, August 2006,
13 right?

14 A. Well, I don't know whether it was
15 working properly or not. I don't know what the
16 problem was.

17 Q. Fair enough. Is it possible that
18 the meter serving your house during the August
19 '06 bill time period was working properly?

20 A. It's a possibility, but I don't
21 know how the reading was taken.

22 Q. Okay.

23 A. If the meter was working properly,
24 the reading that was taken from it is
25 incorrect.

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1 Q. Did you ever ask to see the meter
2 reads of that meter during the time period in
3 question?

4 A. I saw that on the billing, billing
5 statements.

6 Q. Do you believe there was a meter
7 reading error?

8 A. I don't know what the error was,
9 but I do believe there was an error.

10 Q. Can you say what the problem was
11 with the high usage in August 2006? What
12 resulted in the high usage?

13 A. I don't know. That's what
14 perplexes me, because based on the usage, I
15 would have had to have all the doors and
16 windows open for the entire month to accumulate
17 that type of a usage, and that certainly was
18 not the case, and every year from there forward
19 are so consistent that -- you know, that's one
20 thing about historical data; the more data you
21 have, the closer to the truth you get.

22 Q. It's your testimony that it is not
23 possible that you used that much power in the
24 July, August 2006 time period?

25 A. No.

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1 Q. It's not possible?

2 A. It's not possible.

3 Q. You believe the problem then was,
4 whether it was meter reading, meter, whatever,
5 that the problem was on CEI's end? Is that
6 your position?

7 A. That's correct.

8 Q. What evidence do you have of that?

9 A. Well, I have a printout that I've
10 put together.

11 Q. Well, I see the printout of your
12 historical usage and bills, right?

13 A. Correct.

14 Q. That's what you're referring to?

15 A. Correct.

16 Q. One piece of evidence you have is
17 the historical evidence and bills, right?

18 A. Right.

19 Q. What other evidence do you have?

20 A. That's it. That's it.

21 Q. The only evidence that you have
22 there was a problem on --

23 A. Well --

24 Q. Let me finish my question.

25 A. I'm sorry.

Page 32

1 Q. The only evidence you have that the
2 problem was on CEI's end was your review and
3 compilation of the historical usage and bills;
4 is that correct?

5 A. Well, also I inquired from some of
6 the other neighbors around as to what -- had
7 they experienced any problems in usage, extra
8 usage, and they had not. They had not.

9 Q. When did you have those
10 conversations?

11 A. Well, it was shortly after I -- it
12 was either before or after I talked to the
13 customer service manager.

14 Q. How many people --

15 A. In -- well, there were about four
16 people I talked to.

17 Q. Who were they?

18 A. This neighbor here (indicating),
19 which was my mother; that neighbor over there;
20 the neighbor across the street, and --

21 Q. Other than your mother, what were
22 the names of the folks that you spoke with?

23 A. Well, these -- those people had
24 moved (indicating) already. I can't recall
25 their name. I really -- it doesn't come to

Page 33

1 memory.

2 Q. Other than your mom, can you give
3 me the names of anyone else you spoke with
4 regarding comparison of usage in August 2006?

5 A. No. No. It doesn't come to mind.

6 Q. Did --

7 A. Oh, yes, I can. Pettinggal.

8 Q. Can you spell that for me?

9 A. I'll get as close as I can.

10 Q. Sure.

11 A. P-e-t-t-i-n-g-g-a-l. They're two
12 doors down.

13 Q. Was this a male or female?

14 A. Female.

15 Q. What's her first name?

16 A. I don't know. She was elderly. We
17 always called her Mrs. Pettinggal.

18 Q. Does she still live in the
19 neighborhood?

20 A. No. She passed away.

21 Q. When did she pass away?

22 A. Probably two years ago.

23 Q. Can you think of the name of anyone
24 else that you spoke with about sort of
25 comparing your August '06 bill with other

9 (Pages 30 to 33)

1 folks?

2 A. In regards to a name, just my
3 mother.

4 Q. Okay. So your evidence to support
5 the notion that the problem was on CEI's end
6 was the compilation of historical usage and the
7 bill, your conversation with other folks.
8 Anything else?

9 A. No. No. I mean, when you say that
10 it's on -- I believe it's on CEI's end. My
11 question initially when I made my first phone
12 call was basically an inquiry for an
13 explanation more so than anything else.

14 When I found that, for whatever
15 reason, they were in the dark as much as I was,
16 I felt that I deserved, as a customer, some
17 sort of an explanation when my historical data
18 shows differently than what that one particular
19 month came up.

20 I'm not familiar with the mechanics
21 of delivering electricity, but I do know that,
22 when I have one month that stands out like a
23 sore thumb in a period of seven years, that
24 something is wrong. Either something is wrong
25 or there has to be an explanation, and I wasn't

1 getting it, and it seemed like I wasn't going
2 to get it.

3 Q. Who was the first person to broach
4 the possibility of applying a credit to your
5 account during that initial phone call?

6 A. I was.

7 Q. You asked for a credit of some
8 amount?

9 A. Yes, I did. We talked back and
10 forth and -- we were on the line for quite some
11 time, and I finally just said that, "Look, the
12 usage appears to be three times what's normal.
13 Is it fair to say that we could cut the bill by
14 two-thirds and everything is in line then? I
15 am happy. You can't explain to me why it's
16 that high. You indicate that it could be a
17 problem here, it could be a problem there, it
18 might be a problem there. Some of the problems
19 seemed to indicate me; some of the problems may
20 indicate you; is that fair?" And I got an
21 affirmative on that.

22 Q. You said you were on the line for
23 quite some time. How long was that phone call?

24 A. It was probably a half hour.

25 Q. Now, you believe it's -- you can't

1 say for sure what caused the high bill, right?

2 A. No. I know that our lifestyle
3 hasn't changed in any way, shape or form since
4 we moved into this house and that our
5 historical data in seven or eight years is very
6 comparable. I mean, it's scary, after I
7 researched the historical data, how consistent
8 everything is, and that is the only month that
9 really sticks out like a sore thumb. So I
10 can't tell you from my end what would have
11 caused it.

12 Q. Now, one possibility that you
13 mentioned before was a potential meter reading
14 error, correct?

15 A. That's what was discussed with the
16 customer service manager.

17 Q. Now, if it was a meter reading
18 error, do you have any idea how that would
19 work? I mean, for example, if it was a meter
20 reading error, do you think that means that
21 someone read the meter in a way that
22 attributed -- basically read a higher reading
23 so that it attributed more usage during the
24 time period in question than you actually used?
25 Is that your general understanding of what a

1 meter reading error would be and how that would
2 work?

3 A. I don't know what my interpretation
4 of a meter reading error would be. It could be
5 as you stated or it could be other things. I
6 also researched subsequent months after August
7 2006 and -- because one of the things that was
8 discussed, well, if this was a high reading, or
9 maybe it was an estimated reading, which I
10 found out it was an actual reading, which
11 alarmed me even more, that the September of
12 2009 billing usage would be much lower than
13 normal. But based on my historical data, that
14 month also is consistent with seven or eight
15 years' worth of historical data.

16 Q. Do you think that suggests there
17 was not a meter reading error in August of
18 2006?

19 A. I don't know. I really don't know.
20 I don't understand the mechanics of electrical
21 distribution. All I know is that this is a
22 problem that I posed to CEI, and it's a problem
23 that I expected an answer to, and I never got
24 that.

25 Q. Were you ever on PIPP?

1 A. Yes.
 2 Q. Were you on PIPP in August or --
 3 July, August 2006?
 4 A. I'm not sure. I'm not sure.
 5 Q. Do you recall whether you asked to
 6 be taken off PIPP in 2005?
 7 A. I don't recall.
 8 MR. GARBER: Let's mark Deposition
 9 Exhibit, we'll just call it, A.
 10 -----
 11 (Thereupon, Deposition Exhibit A,
 12 Testimony of Deborah Reinhart, was
 13 marked for purposes of
 14 identification.)
 15 -----
 16 Q. Mr. Wielicki, I'm handing you a
 17 copy of what's been marked as Deposition
 18 Exhibit A. This is the testimony of Deborah
 19 Reinhart and supporting exhibits. That's
 20 correct, isn't it?
 21 A. Yes.
 22 Q. Have you reviewed these documents
 23 yet?
 24 A. Some of them; not all of them.
 25 Q. If you could turn to the attachment

1 that's marked CEI Exhibit D. It's toward the
 2 back, and it's page 6 of that exhibit. Do you
 3 see near the bottom, July 27, 2005 -- I'm
 4 sorry, December 23rd, 2005, do you see where it
 5 says, "Peter Wielicki request rmvl from PIPP,
 6 explain his PIPP amount of \$97 have been more
 7 than his actual charges"? Do you see that?
 8 A. Yes.
 9 Q. Does that refresh your memory at
 10 all as to whether or not you asked to be
 11 removed from PIPP?
 12 A. It really doesn't. I don't know.
 13 Q. So you don't remember that
 14 conversation?
 15 A. No. No.
 16 Q. Have you ever sent restrictively
 17 endorsed checks to any other entity?
 18 A. Oh, yes.
 19 Q. What entities have you sent them
 20 to?
 21 A. Well, entities in which I've had
 22 disputes with and settled the disputes, or
 23 entities in which I've had disputes and I've
 24 offered to settle those disputes with a lesser
 25 amount.

1 Q. Approximately how many different
 2 companies, individuals, entities, have you sent
 3 restrictively endorsed checks to?
 4 A. In what, my lifetime?
 5 Q. In the last ten years.
 6 A. Probably --
 7 Q. We'll call it since 2000, to make
 8 it even.
 9 A. Could be a hundred. I don't know.
 10 Q. Have you ever sent a restrictively
 11 endorsed check to a gas utility?
 12 A. No. No.
 13 Q. Is there a gas utility, Dominion
 14 East Ohio, here?
 15 A. I think it's Dominion. I'm not
 16 sure who the supplier is.
 17 Q. Have you ever sent a restrictively
 18 endorsed check to a phone company?
 19 A. No.
 20 Q. To a cable company?
 21 A. No.
 22 Q. Was the last check you sent to CEI
 23 restrictively endorsed, the most recent check
 24 you sent?
 25 A. No.

1 Q. We sort of have covered this
 2 before, but just to close the loop on it, you
 3 mentioned that you made a follow-up phone call
 4 to CEI about this matter in October, November
 5 of 2007. Do you remember saying that?
 6 A. Yes.
 7 Q. I believe we covered this. Do you
 8 recall whether you made any further phone calls
 9 to CEI about this matter after that?
 10 A. Oh, yes. Yes, I have.
 11 Q. Do you know how many?
 12 A. I can't tell you. All I can say is
 13 there were several.
 14 Q. Do you remember when the next one
 15 was after October, November of 2007?
 16 A. No. No, I don't.
 17 Q. It's possible the next one after
 18 that didn't occur until 2010?
 19 A. No. I'm sure it occurred prior to
 20 that.
 21 Q. You're not sure when it occurred
 22 prior to that?
 23 A. No.
 24 Q. During the initial phone call you
 25 had with CEI in late August, early September of

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1 '06, did you tell either of the CEI folks that
 2 you spoke with that you were sending a check
 3 that was going to be restrictively endorsed?
 4 A. Yes, I did.
 5 Q. Did you in fact tell CEI personnel
 6 that the check was going to be restrictively
 7 endorsed?
 8 A. Absolutely.
 9 Q. Do you recall if there was a
 10 response to that?
 11 A. No, there really wasn't. I told
 12 them that I was going to send the restrictively
 13 endorsed check. I needed the address in which
 14 to send such a check because I didn't see one
 15 posted on the statement, so they gave me that.
 16 And I asked who in particular I should send
 17 that to. They didn't seem to have a problem
 18 with it.
 19 Q. Do you recall whether the address
 20 that he gave you during that call was the same
 21 address that you always sent your bills to?
 22 A. No. No. The address I always sent
 23 my bills to was a payment center.
 24 Q. So the address that you were
 25 instructed to send the payment for the August

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1 '06 bill was a new address?
 2 A. I believe so, yeah.
 3 Q. Did you send any subsequent
 4 payments or correspondence to CEI at that
 5 address?
 6 A. Yeah. Every restrictively endorsed
 7 check that I sent to them was sent to that
 8 address.
 9 Q. What about the checks that were not
 10 restrictively endorsed; where did you send
 11 those?
 12 A. To the payment center.
 13 Q. Can you give me a ballpark of how
 14 many times you've spoken over the phone with a
 15 CEI personnel since day one about this issue?
 16 A. Maybe a dozen times. Dozen or
 17 less.
 18 Q. Could it have been less than five
 19 times?
 20 A. It could be six to a dozen.
 21 Q. No less than six?
 22 A. Couldn't tell you. I don't keep a
 23 phone log.
 24 Q. Was it possible it was less than
 25 six?

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1 A. Maybe it was five. I don't know.
 2 Q. During those phone calls, did CEI
 3 personnel ever give you their first and/or last
 4 name?
 5 A. No. No, which didn't surprise me
 6 any, because when I talked to my Master Card
 7 company and that, they won't give personnel
 8 names either. So I did find out that they're
 9 all given an identity number. So it really
 10 didn't surprise me.
 11 Q. Do you have a copy of the complaint
 12 in front of you? Let's just mark it as
 13 Deposition Exhibit B.
 14 - - - - -
 15 (Thereupon, Deposition Exhibit B,
 16 Complaint, was marked for purposes
 17 of identification.)
 18 - - - - -
 19 Q. Mr. Wielicki, I've just handed you
 20 a copy of Deposition Exhibit B. This is your
 21 complaint and the attachments?
 22 A. Correct.
 23 Q. And all the attachments are there?
 24 A. Correct.
 25 Q. If you flip to the last page of

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1 this packet, this is the back of the check
 2 dated August 19th, 2007, correct?
 3 A. Yes.
 4 Q. Do you know whether this snapshot
 5 is of the check before or after it was
 6 deposited by CEI?
 7 A. This is before.
 8 Q. Do you have a snapshot or a copy of
 9 this check after the deposit?
 10 A. No, because it was done on a -- oh,
 11 what do they call that -- electronic basis.
 12 Q. Are you able to generate or to
 13 locate a copy of this check and the back of the
 14 check after it was cashed or deposited?
 15 A. I'm not sure. I'm not sure.
 16 Q. Why did you attach a check from
 17 August 2007 to your complaint?
 18 A. Because that's the one that I had.
 19 It was one of the checks that were
 20 restrictively endorsed. Some of them I did not
 21 have.
 22 Q. Are you able to obtain copies of
 23 any other restrictively endorsed checks to CEI?
 24 A. I might be.
 25 Q. Have you printed any out?

12 (Pages 42 to 45)

1 A. No. No, I haven't.
 2 Q. You agree that under the UCC, if
 3 there was no prior agreement or settlement,
 4 that the UCC restrictive endorsement provision
 5 does not apply?
 6 A. No, that's not my understanding.
 7 Q. Are you going to call any witnesses
 8 at the hearing in this case?
 9 A. No.
 10 Q. Are you going to serve as a
 11 witness?
 12 A. Yes.
 13 Q. So you're not going to call anybody
 14 else?
 15 A. No.
 16 Q. What exhibits do you intend to
 17 offer into evidence in this case?
 18 A. My historical data, the information
 19 that is contained in the complaint.
 20 MR. GARBER: Let's mark this as
 21 Deposition Exhibit C.
 22 - - - - -
 23 (Thereupon, Deposition Exhibit C,
 24 Usage and Billing Data, was marked
 25 for purposes of identification.)

1 - - - - -
 2 A. That's not the data that I will be
 3 offering.
 4 Q. I've handed you a copy of
 5 Deposition Exhibit C. This is a copy of a
 6 spreadsheet you sent to me a couple months ago,
 7 correct?
 8 A. Correct.
 9 Q. You said this is not what you
 10 intend to introduce as evidence at the hearing?
 11 A. No. I have an updated data sheet.
 12 Q. How is it updated?
 13 A. Well, I've done -- I've added some
 14 more dates on there. I've also included
 15 temperature dates based on the National Weather
 16 Service for this area as an additional column
 17 on there.
 18 MR. GARBER: Let's mark the
 19 document that you're holding right now as
 20 Deposition Exhibit D.
 21 - - - - -
 22 (Thereupon, Deposition Exhibit D,
 23 Usage and Billing Data, was marked
 24 for purposes of identification.)
 25 - - - - -

1 Q. Can I take a look at that?
 2 Deposition Exhibit D is a two-page document,
 3 for the record; isn't that right?
 4 A. Yes.
 5 Q. So is this the document that you
 6 intend to introduce into evidence at the
 7 hearing?
 8 A. With some modifications. It --
 9 minor modifications.
 10 Q. Such as?
 11 A. I don't know yet. I don't know
 12 yet. I may do some further calculations in
 13 regards to comparisons on historical usage.
 14 Q. What do you mean by "calculations"?
 15 A. Averages based on temperatures and
 16 whatnot.
 17 Q. What is --
 18 A. I haven't decided yet.
 19 Q. Where did you get the temperature
 20 data from?
 21 A. National Weather Service.
 22 Q. Do you have any record of the
 23 temperature, any written record, of supporting
 24 the figures you have on Exhibit D?
 25 A. Yes. Yes. For every one of those

1 entries, I have the data that was printed by
 2 the National Weather Service here.
 3 MR. GARBER: If we can mark the
 4 compilation of these documents as Exhibit E.
 5 - - - - -
 6 (Thereupon, Deposition Exhibit E,
 7 National Weather Service Data, was
 8 marked for purposes of
 9 identification.)
 10 - - - - -
 11 Q. Any other documents that you intend
 12 to introduce into evidence at the hearing?
 13 We've mentioned Exhibit D; you've talked about
 14 Exhibit E; you mentioned the complaint. Any
 15 other documents that you intend to introduce
 16 into evidence at the hearing?
 17 A. At this time, I don't believe so,
 18 but I'm not precluding.
 19 Q. What else would it be?
 20 A. I don't know.
 21 Q. When you sent restrictively
 22 endorsed checks to CEI, you were sending the
 23 check with a letter, correct?
 24 A. Correct.
 25 Q. It was in the same envelope or the

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1 same packet?
 2 A. Correct.
 3 Q. Can you talk about kind of the
 4 process that you went through to write and sign
 5 the letter and to sign the check? In other
 6 words, were you doing it at the same time, were
 7 you doing it at different times? Can you talk
 8 about that?
 9 A. Well, the check was written at the
 10 same time that the letter was typed, and it was
 11 mailed within the same amount of time. I don't
 12 predo them and mail them a week or two later.
 13 I mean, I usually -- usually when I get a bill
 14 I'll pay it within -- if not that day, within a
 15 week.
 16 Q. So is it fair to say then that you
 17 were signing the restrictive endorsement
 18 letters that you were sending in on the same
 19 day, and perhaps right before or right after
 20 you were signing the restrictively endorsed
 21 check each time? Is that fair to say?
 22 A. It's fair to say.
 23 Q. What do you do for a living?
 24 A. I'm a construction estimator.
 25 Q. Can you talk about what that

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1 entails?
 2 A. Well, it -- I estimate what
 3 construction costs on buildings; mainly
 4 buildings, renovations.
 5 Q. Do you work for a company?
 6 A. Not at the present time, no.
 7 Q. Do you work for yourself?
 8 A. I'm unemployed at this particular
 9 time.
 10 Q. When was the last time you were
 11 employed?
 12 A. November of 2008.
 13 Q. Who did you work for then?
 14 A. Forest City Enterprises.
 15 Q. What did you do for them?
 16 A. I was a senior construction
 17 estimator.
 18 Q. How long did you work for them?
 19 A. Three years.
 20 Q. So you started working for them
 21 sometime in late fall, early winter of 2005; is
 22 that right --
 23 A. Yes.
 24 Q. -- more or less?
 25 Who did you work for before that?

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1 A. The Darden Company.
 2 Q. When did you stop working for them?
 3 A. Darden?
 4 Q. Yes.
 5 A. 2005.
 6 Q. So right before you started working
 7 for Forest City?
 8 A. Right.
 9 Q. What did you do for them?
 10 A. Same thing.
 11 Q. How long did you work for them?
 12 A. About five years.
 13 Q. Are you a lawyer?
 14 A. No.
 15 Q. Did you ever go to law school?
 16 A. No.
 17 Q. Do you have any legal training?
 18 A. No.
 19 Q. Have you ever worked for an
 20 electric utility?
 21 A. No.
 22 Q. Before we were talking about the
 23 disconnection paragraphs that were included on
 24 the bills that you were receiving since really
 25 September 2006. Is it fair to say that you

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1 were getting a disconnection paragraph on every
 2 bill you got between September, October '06
 3 through 2010, up until the disconnection you
 4 received in August?
 5 A. Yeah. That's fair.
 6 Q. Did you notice those perhaps on
 7 your bills?
 8 A. Yes.
 9 Q. Did you ever call CEI to address
 10 that?
 11 A. Yes, I did. You know, in my
 12 conversations with them, it concerned me that
 13 for whatever reason we couldn't get this
 14 resolved, and I finally just gave up and said,
 15 "You've accepted my restrictively endorsed
 16 check; that's about as far as I can go.
 17 There's nothing else that I can do. I know I
 18 did the right thing, and..."
 19 Q. When was the first time you
 20 contacted the PUCO about this matter?
 21 A. Well, when I did the informal
 22 complaint, which was probably several months
 23 prior to the filing of the formal complaint.
 24 Q. Looks like the date is September
 25 2010; is that right?

14 (Pages 50 to 53)

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1 A. Yeah. Yeah. I probably have some
2 information on that in here, but I can't give
3 you the exact date.
4 Q. Is it fair to say the first time
5 you contacted PUCO is September 2010 about this
6 matter?
7 A. It may be. I don't know about the
8 date. But I know it was in regards to an
9 informal complaint.
10 Q. Do you recall receiving a
11 disconnection paragraph in your bill in January
12 of 2008?
13 A. 2008? Probably did.
14 Q. Do you recall whether you contacted
15 CEI in response to that?
16 A. I don't know.
17 Q. Do you recall receiving a
18 disconnection paragraph in your bill in
19 December 2007?
20 A. I don't recall it. Maybe. I don't
21 know.
22 Q. Do you recall whether you called or
23 e-mailed or wrote to CEI in response to that
24 disconnection paragraph?
25 A. I couldn't tell you. I don't know.

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1 Q. Before you mentioned that since --
2 that in total you're not sure how many phone
3 calls you made to CEI about this matter, right?
4 A. Right.
5 Q. But it could have been five, right?
6 Five times?
7 A. Could have been five; could have
8 been six; could have been eight; could have
9 been ten.
10 Q. Could it have been four?
11 A. I don't know. I don't keep a phone
12 log. It's my belief that it was more than
13 four, but probably less than 12.
14 Q. Other than the letters that we've
15 talked about that were sent with the
16 restrictively endorsed checks, did you send any
17 other letters to CEI about this matter?
18 A. No, I don't believe so.
19 Q. Do you have copies of the
20 restrictively -- or the restrictive endorsement
21 letters that you sent along with the checks to
22 CEI?
23 A. Some of them I do, yes.
24 Q. What are the dates of those letters
25 that you have copies of? If we need to take a

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1 break and go off the record, we can do that.
2 Let's go off the record.
3 (Recess had.)
4 MR. GARBER: Let's go back on the
5 record. Let's mark that packet of letters as
6 Deposition Exhibit F.
7 - - - - -
8 (Thereupon, Deposition Exhibit F,
9 Packet of Letters, was marked for
10 purposes of identification.)
11 - - - - -
12 Q. May I take a look at that?
13 A. Fine.
14 Q. So we've marked as Deposition
15 Exhibit F a series of unsigned letters dated
16 January 1, 2007; January 28, 2007; June 14,
17 2007; and August 19, 2007, and I am handing you
18 back a copy of that packet.
19 Are any of those letters signed?
20 A. No. No.
21 Q. Do you recall if you sent any of
22 those letters?
23 A. Oh, yeah. Oh, yeah.
24 Q. Did you send all of them?
25 A. I can't specifically address that

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1 at this point. I'm not sure, because in some
2 cases there were different versions.
3 Q. Okay.
4 A. And I'm not sure which one I sent
5 and which one I didn't send.
6 Q. Do you know for sure that you sent
7 any of those letters?
8 A. I'm sure I sent some of those
9 letters. I'm not sure if I sent all of those
10 letters.
11 Q. Can you say which ones you did send
12 in Deposition F?
13 A. Not at this time.
14 Q. Just so the record is clear, can
15 you say whether you sent any of the letters in
16 particular in Deposition Exhibit F?
17 A. Well, I know that this one
18 corresponds to the one that you've received in
19 the testimony.
20 Q. And you said "this one." What's
21 the date of that?
22 A. January. January. If I look at
23 your testimony packet here, you've -- you
24 included receipt of the January 28th of 2007
25 letter. So this one I definitely sent. And

15 (Pages 54 to 57)

1 the August 19 of 2007, that one I have in this
 2 packet. So I can definitely say that I sent
 3 and you received two of these letters.
 4 Q. Do you recall for sure the dates of
 5 any of the other letters that you actually sent
 6 to CEI other than the ones attached in Ms.
 7 Reinhart's testimony?
 8 A. Well, there was a letter dated in
 9 September or October of 2006 which accompanied
 10 the \$109 payment.
 11 Q. Do you have a copy of that letter?
 12 A. I don't know. I haven't -- I
 13 haven't gone through everything here yet to see
 14 if I have it. Or my computer. I don't know.
 15 Q. Well, do you have a copy of the
 16 signed letter from August, September 2006?
 17 A. No. I don't sign my copy letters.
 18 Q. Do you recall the dates or months
 19 of any other letters that you sent to CEI other
 20 than the ones attached to Ms. Reinhart's
 21 testimony and the one that you say you sent in
 22 August, September of '06?
 23 A. I don't recall at this time.
 24 Q. Were there any other letters?
 25 A. Probably were.

1 Q. You just can't say when those were
 2 sent and what month those were sent, right?
 3 A. No.
 4 Q. Looking at the two letters attached
 5 to Ms. Reinhart's testimony, which is
 6 Deposition Exhibit A, looking first at the --
 7 the first letter, January 28th, 2007, that
 8 letter does not reference your conversation
 9 with a CEI personnel in August 2006, does it?
 10 A. No.
 11 Q. That letter does not say that CEI
 12 agreed to allow you to pay \$109 as partial
 13 payment for the August 2006 bill, correct?
 14 A. No.
 15 Q. It's correct; it doesn't say that?
 16 A. That's correct.
 17 Q. Looking at the August 19, 2007
 18 letter, that doesn't reference your
 19 conversation with CEI personnel from August
 20 2006, right?
 21 A. No, it does not.
 22 Q. It doesn't say that CEI agreed to
 23 give you \$109 -- or allowed you to pay \$109 as
 24 partial payment for the August '06 bill, does
 25 it?

1 A. No, it doesn't.
 2 Q. Now, keep that letter in front of
 3 you and also pull out your complaint, which I
 4 believe we marked as Exhibit B. Is it Exhibit
 5 B?
 6 If you look at the letter that's
 7 attached to that complaint, it's dated August
 8 19, 2007, correct?
 9 A. That's correct.
 10 Q. So we have two letters here: One
 11 attached to your complaint; one attached to Ms.
 12 Reinhart's testimony, both dated August 19,
 13 2007, correct?
 14 A. Yes.
 15 Q. You already testified that the one
 16 that you sent is the one that's attached to Ms.
 17 Reinhart's testimony, correct?
 18 A. Correct.
 19 Q. Why did you attach this other
 20 letter to your complaint?
 21 A. I wasn't sure which version I had
 22 sent.
 23 Q. You said you don't keep copies of
 24 signed letters, correct? You just testified to
 25 that, right?

1 A. No. What I said was I do not sign
 2 my copies that I keep.
 3 Q. So how is it that we have a copy of
 4 this signed letter attached to your complaint?
 5 A. There were different -- sometimes I
 6 do different versions of letters and --
 7 Q. Do you sign different versions of
 8 letters?
 9 A. Sometimes yes, sometimes no.
 10 Q. You did not send the August 19,
 11 2007 letter that's attached to your complaint,
 12 correct?
 13 A. Correct. That's correct.
 14 Q. CEI never received that letter,
 15 correct?
 16 A. They did not receive that.
 17 Q. When did you draft this letter, the
 18 letter attached to your complaint?
 19 A. It was drafted at the same time
 20 that was attached to the testimony.
 21 Q. Why didn't you send the one that's
 22 attached to your complaint?
 23 A. No reason.
 24 Q. They say different things, right?
 25 I mean, if you want to take a second and read

1 through both letters.
 2 A. Yes, they do. I would agree to
 3 that. I was not sure which letter I had sent
 4 with that restrictively endorsed check at that
 5 time.
 6 Q. So why --
 7 A. Like I say, sometimes I do --
 8 Q. Why in your complaint did you
 9 represent to the Commission that the letter
 10 attached to your complaint was the one that you
 11 sent?
 12 A. That's the one that I thought that
 13 I did send.
 14 Q. And you agree that you did not
 15 actually send that complaint, correct?
 16 A. That's correct.
 17 Q. So what you said to the Commission
 18 in your complaint is that the letter you sent
 19 was incorrect?
 20 A. That's correct, yes.
 21 Q. What's the amount in dispute in
 22 this case?
 23 A. I think it's \$302, which is the
 24 amount that's on the disconnection notice.
 25 Q. Explain to me how you calculate

1 that amount.
 2 A. Well, I didn't calculate that.
 3 This is what appeared on the disconnection
 4 notice as the amount that is due and owing. So
 5 I don't know what the calculations are.
 6 Q. So you don't believe you owe any of
 7 that amount?
 8 A. No. No, because based on the
 9 restrictively endorsed checks and the amounts
 10 on there, once those were negotiated by the
 11 company, that should have zeroed out the
 12 account and there should have been no -- no
 13 balance due.
 14 Q. Looking back at CEI Exhibit A,
 15 Deposition Exhibit A, which is Ms. Reinhart's
 16 testimony, have you had a chance to review
 17 Exhibit C to that testimony -- or, I'm sorry,
 18 Exhibit B to that testimony, which is a
 19 spreadsheet? Strike that.
 20 I'll point you to Exhibit C which
 21 is a spreadsheet.
 22 A. No, I have not had a chance to look
 23 at that.
 24 Q. What is the current balance on your
 25 account?

1 A. Zero. I'm on the PIPP plan right
 2 now.
 3 Q. When did you get on PIPP? Most
 4 recently? You're on PIPP now. When did you
 5 get on PIPP?
 6 A. Probably a month or two ago.
 7 Q. So you believe your balance should
 8 have been zero after you paid the \$109 check in
 9 August 2006, right?
 10 A. Yes.
 11 Q. So that any balance after that
 12 point is incorrect, right?
 13 A. Correct.
 14 Q. I want to go back to the two
 15 versions of the August 2007 letter, if you
 16 could get those in front of you again, attached
 17 to your complaint in Ms. Reinhart's testimony.
 18 Have you ever attempted to re-create
 19 correspondence that you sent to a company as
 20 part of a lawsuit before?
 21 A. No.
 22 Q. Have you ever drafted and/or signed
 23 a letter that you presented to a court as being
 24 sent on a particular day when you knew it
 25 hadn't actually been sent on that day?

1 A. No.
 2 Q. How many times have you filed a
 3 lawsuit in either state, municipal or federal
 4 court against another business or person?
 5 A. Maybe six or eight times.
 6 Q. Possibly it's more than eight?
 7 A. I don't know.
 8 Q. Let's walk through a couple of
 9 those.
 10 MR. GARBER: Let's mark this as
 11 Exhibit G.
 12 - - - - -
 13 (Thereupon, Deposition Exhibit G,
 14 Docket for Case No. CV-09-689847,
 15 was marked for purposes of
 16 identification.)
 17 - - - - -
 18 Q. I've just handed you a copy of
 19 Deposition Exhibit G. This is the docket sheet
 20 from Cuyahoga County Court of Common Pleas Case
 21 No. CV-09-689847. This is Peter J. Wielicki
 22 vs. Fifth Third Bank. Is this case involving
 23 you?
 24 A. Yes.
 25 Q. You were the plaintiff in this

1 case?
 2 A. Yes.
 3 Q. What was this case about?
 4 A. I don't recall. I don't recall.
 5 Q. So if you flip to page 4, case
 6 filed April 2009, do you see that?
 7 A. 2009. Yes, yes.
 8 Q. And you were the plaintiff in this
 9 case, right?
 10 A. Yes.
 11 Q. You would expect that you filed the
 12 complaint in this case in April 2009?
 13 A. Yeah. Yeah.
 14 Q. You can't tell me what this case
 15 was about?
 16 A. It was obviously a dispute that I
 17 had with Fifth Third Bank.
 18 Q. But you don't remember filing the
 19 complaint?
 20 A. Oh, I obviously filed the
 21 complaint.
 22 Q. Do you remember filing the
 23 complaint?
 24 A. Yes. Yes.
 25 Q. Do you remember what the resolution

1 of the case was?
 2 A. I think the case was dismissed.
 3 Q. And what was the dispute about?
 4 A. It was concerning a charge on a
 5 Master Card.
 6 Q. Can you tell me any more about
 7 that?
 8 A. I really can't. It's been too
 9 long.
 10 Q. You don't remember?
 11 A. No.
 12 Q. Do you recall whether you sent
 13 restrictively endorsed checks to Fifth Third or
 14 Wal-Mart as part of this case?
 15 A. I don't know.
 16 Q. Is it possible that you did?
 17 A. I don't know.
 18 MR. GARBER: Let's mark H.
 19 - - - - -
 20 (Thereupon, Deposition Exhibit H,
 21 Docket for Case No. 1:07-cv-02268,
 22 was marked for purposes of
 23 identification.)
 24 - - - - -
 25 Q. I've just handed to you a copy of

1 Deposition Exhibit H which is a printout of a
 2 docket sheet, U.S. District Court, Northern
 3 District of Ohio, Case No. 1:07-cv-02268,
 4 Wielicki vs. Trans Union. Were you the
 5 plaintiff in this case?
 6 A. Yes.
 7 Q. Or one of the plaintiffs?
 8 A. Yes.
 9 Q. Do you remember what this case was
 10 about?
 11 A. It was a credit report dispute for
 12 inaccurate information on my credit report.
 13 Q. What was the inaccurate
 14 information?
 15 A. There were items on the report that
 16 were inaccurate.
 17 Q. What was inaccurate?
 18 A. I'm not prepared to go through
 19 that.
 20 Q. I'm sorry. I don't think I
 21 understand your answer.
 22 A. I don't know.
 23 Q. Okay.
 24 A. I can't remember. It's been too
 25 long.

1 Q. Do you recall whether the issue of
 2 you sending restrictively endorsed checks was
 3 an issue in this case?
 4 A. No, it was not.
 5 MR. GARBER: Let's mark Deposition
 6 Exhibit I.
 7 - - - - -
 8 (Thereupon, Deposition Exhibit I,
 9 Docket for Case No. 1:08-cv-00609,
 10 was marked for purposes of
 11 identification.)
 12 - - - - -
 13 Q. This is a docket sheet, U.S.
 14 District Court, Northern District of Ohio, Case
 15 No. 1:08-cv-00609. This is Wielicki vs.
 16 Patient First; is that correct?
 17 A. Yes.
 18 Q. You're the plaintiff in this case?
 19 A. Yes.
 20 Q. What was this case about?
 21 A. This was a dispute that I had with
 22 a physician in regards to charges that I did
 23 not believe were incurred through his company.
 24 Q. What was the outcome of this case?
 25 A. I don't know.

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1 Q. Look at page 4 of this packet, the
 2 bottom, February 12, 2009. Do you see where it
 3 says, "Judgment entry in favor of Patient First
 4 against Peter J. Wielicki. Plaintiff shall
 5 bear the costs of this action"? Do you see
 6 that?
 7 A. Yes.
 8 Q. Does that refresh your memory as to
 9 the outcome of this case?
 10 A. Yes.
 11 Q. What was the outcome?
 12 A. Judgment entry in their favor.
 13 Q. Do you recall whether you were
 14 sending restrictively endorsed checks to the
 15 defendants in this case?
 16 A. No.
 17 Q. You don't recall one way or the
 18 other?
 19 A. No, I was not. I don't believe it
 20 had anything to do with restrictively endorsed
 21 checks.
 22 MR. GARBBER: Let's mark Deposition
 23 Exhibit J.
 24 - - - - -
 25 (Thereupon, Deposition Exhibit J,

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1 Docket for Case No. 05CVI02654, was
 2 marked for purposes of
 3 identification.)
 4 - - - - -
 5 Q. This is Parma Municipal Court Case
 6 No. 05CVI02654, Peter J. Wielicki against
 7 Fidelity Info Corporation; is that right?
 8 A. Yes.
 9 Q. You were the plaintiff in this
 10 case, right?
 11 A. Correct.
 12 Q. What was this case about?
 13 A. It was a -- Fidelity had an entry
 14 on my credit report that was inaccurate and
 15 refused to remove it.
 16 Q. What is Fidelity?
 17 A. I don't know. I can't remember. I
 18 have no idea.
 19 Q. Do you remember what the outcome of
 20 this case was?
 21 A. No.
 22 Q. You see September 29th, 2005,
 23 "Judgment for Defendant for Fidelity Info
 24 Corp." Do you see that?
 25 A. Yes.

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1 Q. Do you remember anything about
 2 that?
 3 A. Very little.
 4 Q. What do you remember?
 5 A. Almost nothing.
 6 Q. What do you remember?
 7 A. I remember there's a case. I don't
 8 remember the background behind it.
 9 Q. Do you remember if you were sending
 10 restrictively endorsed checks to this
 11 defendant?
 12 A. No. I can definitely say that I
 13 wasn't here.
 14 Q. Why can you definitely say that?
 15 A. Because this involved a credit
 16 reporting entry, not a dispute involving
 17 services or merchandise.
 18 MR. GARBBER: Let's mark Deposition
 19 Exhibit K.
 20 - - - - -
 21 (Thereupon, Deposition Exhibit K,
 22 Docket for Case No. 1:09-cv-00015,
 23 was marked for purposes of
 24 identification.)
 25 - - - - -

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1 Q. This is U.S. District Court,
 2 Northern District of Ohio, 1:09-cv-00015,
 3 Wielicki against HMC Group. Do you remember
 4 this case?
 5 A. Yes.
 6 Q. What was this case about?
 7 A. This was also a case where the HMC
 8 Group was reporting inaccurate information on
 9 my credit report.
 10 Q. What's HMC Group?
 11 A. I believe they're a collection
 12 agency.
 13 Q. They were attempting to collect
 14 something and they reported it to the credit
 15 reporting agencies?
 16 A. Correct.
 17 Q. What were they attempting to
 18 collect?
 19 A. They were bills for their client,
 20 Medina General Hospital.
 21 Q. Do you recall whether you had ever
 22 sent restrictively endorsed checks to Medina
 23 General Hospital?
 24 A. No, I never did.
 25 Q. Do you recall the outcome of this

19 (Pages 70 to 73)

1 case?

2 A. It was found in their favor, I
3 believe.

4 MR. GARBER: I want to mark
5 Deposition Exhibit L.

6 - - - - -

7 (Thereupon, Deposition Exhibit L,
8 Memorandum Opinion and Order, was
9 marked for purposes of
10 identification.)

11 - - - - -

12 Q. This is the same case, Wielicki
13 against HMC Group, Memorandum Opinion and Order
14 filed November 3, 2009. If you look over the
15 cover page it might refresh your memory. Do
16 you recall what this was addressing?

17 A. This was addressing their request
18 for costs, I believe.

19 Q. Is it fair to say this was
20 addressing the defendant in that case, request
21 for costs of attorney's fees?

22 A. Yeah, probably.

23 Q. If you look at page 4, the middle
24 of the page, you were ordered to pay \$16,706.42
25 in attorney's fees and costs to the defendant

1 in that case, right?

2 A. This says \$16,000.

3 Q. Underneath "Conclusion."

4 A. Oh, I'm sorry, yeah.

5 Q. Did you pay that?

6 A. No.

7 Q. Why not?

8 A. Didn't have the money.

9 Q. Look on page 2 of this document.

10 There are three footnotes there. The second
11 line from the bottom -- actually, let's go up
12 to the fourth line. It's the last full
13 sentence on page 2. See where it says the
14 words: "Further, throughout the litigation?"
15 Do you see that?

16 A. Yeah.

17 Q. It says, "Further, throughout the
18 litigation, plaintiff -- " that's you, right?

19 A. Yes.

20 Q. "Further, throughout the
21 litigation, plaintiff made repeated implausible
22 claims as to why no record of any such letters
23 was available in discovery, misrepresented,
24 quote, unquote, reconstructed versions of the
25 alleged letters as copies of the original, and

1 attempted to offer these fabrications as
2 evidence in support of his claims."

3 Did I read that correctly?

4 A. Yes.

5 Q. Here the judge is saying that you
6 used reconstructed versions of letters and said
7 that they were copies of the original, right?

8 A. That's what his claim was, yes.

9 Q. He called these fabrications; isn't
10 that right?

11 A. Mm-hmm.

12 MR. GARBER: Let's mark Deposition
13 Exhibit M.

14 - - - - -

15 (Thereupon, Deposition Exhibit M,
16 Docket for Case No. 1:97-cv-02281,
17 was marked for purposes of
18 identification.)

19 - - - - -

20 Q. This is U.S. District Court,
21 Northern District of Ohio, 1:97-cv-02281,
22 Wielicki against 620 Corporation; is that
23 right?

24 A. Yes.

25 Q. You're the plaintiff in this case,

1 right?

2 A. Correct.

3 Q. Do you recall what this case was
4 about?

5 A. Yes.

6 Q. What was it about?

7 A. This was concerning a dismissal --
8 employment termination based on my receiving an
9 IRS levy on my wages.

10 Q. Do you recall the outcome of this
11 case?

12 A. It was settled.

13 Q. Why did you have an IRS levy on
14 your wages?

15 A. I don't recall at this point.

16 MR. GARBER: Let's mark Exhibit N.

17 - - - - -

18 (Thereupon, Deposition Exhibit N,
19 Docket for Case No. CV-08-678915,
20 was marked for purposes of
21 identification.)

22 - - - - -

23 Q. This is a Cuyahoga County Court of
24 Common Pleas Case No. CV-08-678915, Wielicki
25 against Best Buy Company. Do you remember this

1 case?
 2 A. Yes.
 3 Q. What was this case about?
 4 A. This was a case concerning disputed
 5 amounts on a credit card.
 6 Q. To amounts charged by Best Buy, I'm
 7 guessing?
 8 A. Yes.
 9 Q. What was the outcome of this case?
 10 A. I believe it was settled.
 11 Q. Did you ever try to send a
 12 restrictively endorsed check to Best Buy?
 13 A. Yes. Yes.
 14 Q. How many?
 15 A. One.
 16 MR. GARBER: Let's mark Deposition
 17 Exhibit O.
 18 - - - - -
 19 (Thereupon, Deposition Exhibit O,
 20 Docket for Case No. CV-07-633981,
 21 was marked for purposes of
 22 identification.)
 23 - - - - -
 24 Q. This is Cuyahoga County Court of
 25 Common Pleas Case No. CV-07-633981, Wielicki

1 against The Bank of New York. Do you remember
 2 this case?
 3 A. Yes.
 4 Q. What's this case about?
 5 A. This case was about a settlement in
 6 regards to stock that my mother-in-law had when
 7 she passed away. We had applied for the
 8 proceeds of the stock and they weren't
 9 releasing it.
 10 Q. What was the outcome of this case?
 11 A. Settled.
 12 Q. Did you get any money?
 13 A. I'm not permitted to disclose that.
 14 MR. GARBER: Let's mark Exhibit P.
 15 - - - - -
 16 (Thereupon, Deposition Exhibit P,
 17 Docket for Case No. CV-08-678370,
 18 was marked for purposes of
 19 identification.)
 20 - - - - -
 21 Q. This is Cuyahoga County Court of
 22 Common Pleas Case No. CV-08-678370, Wielicki
 23 against GE Money Americas. You were the
 24 plaintiff in this case, right?
 25 A. Yes.

1 Q. What was this case about?
 2 A. I don't know.
 3 Q. Do you remember what the outcome of
 4 this case was?
 5 A. No, I don't.
 6 Q. I believe I've just showed you --
 7 and subject to check; feel free to count
 8 them -- nine different docket sheets associated
 9 with different cases in which you were the
 10 plaintiff; is that right?
 11 A. Yes.
 12 Q. Are these all the cases you've been
 13 a plaintiff in?
 14 A. In what?
 15 Q. Are the nine cases that we just
 16 reviewed the only cases, or the only instances,
 17 in which you filed a lawsuit against somebody
 18 or some company?
 19 A. These represent suits that I am or
 20 was a plaintiff in.
 21 Q. Okay.
 22 A. So I'm not understanding your
 23 question.
 24 Q. I'm asking you if these are the
 25 only times in which you sued somebody or some

1 corporation or company.
 2 A. I don't know. I don't know.
 3 Q. You don't know if there are other
 4 lawsuits that you filed?
 5 A. There may be more.
 6 Q. Do you know how many more?
 7 A. I don't know.
 8 Q. Could it be 20 more?
 9 A. I don't know.
 10 MR. GARBER: Let's go off the
 11 record.
 12 (Recess had.)
 13 MR. GARBER: Let's go back on the
 14 record.
 15 Let's mark Deposition Exhibit Q.
 16 - - - - -
 17 (Thereupon, Deposition Exhibit Q,
 18 Docket for Case No. JL-06-262169,
 19 was marked for purposes of
 20 identification.)
 21 - - - - -
 22 Q. Exhibit Q is Cuyahoga County Common
 23 Pleas Case No. JL-06-262169, State of Ohio
 24 Department of Taxation against Peter J.
 25 Wielicki. You're the defendant in this case,

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1 right, or were the defendant in this case?
 2 A. Correct.
 3 Q. What happened in this case?
 4 A. This was a state tax lien.
 5 Q. Okay. Did you pay this amount?
 6 A. Yes.
 7 Q. What was the amount that you owed?
 8 A. The judgment amount here.
 9 Q. That's \$10,371.18; is that right?
 10 A. No. That's incorrect. This is --
 11 I believe that amount is incorrect.
 12 Q. How much did you pay to satisfy the
 13 judgment?
 14 A. I believe that this was an issue of
 15 about a thousand dollars, rather than 10,000,
 16 as stated here.
 17 MR. GARBER: Let's mark Exhibit R.
 18 -----
 19 (Thereupon, Deposition Exhibit R,
 20 Docket for Case No. CV-09-711354,
 21 was marked for purposes of
 22 identification.)
 23 -----
 24 Q. This is a Cuyahoga Court of Common
 25 Pleas Case No. CV-09-711354, HSBC Bank Nevada

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1 against Peter J. Wielicki. You're the
 2 defendant in this case, right?
 3 A. Correct.
 4 Q. What was this case about?
 5 A. This was a dispute concerning HSBC
 6 Bank in regards to, I believe, incorrect
 7 entries on my credit report.
 8 Q. All right. And what party was
 9 reporting the debt?
 10 A. HSBC Bank.
 11 Q. Were they reporting it on behalf of
 12 anyone, or was it a debt to them that they
 13 alleged?
 14 A. I don't know.
 15 Q. Did this case involve in any way
 16 any checks sent by you with restrictive
 17 endorsements?
 18 A. I don't believe so.
 19 MR. GARBER: Let's mark Exhibit S.
 20 -----
 21 (Thereupon, Deposition Exhibit S,
 22 Docket for Case No. JL-09-360291,
 23 was marked for purposes of
 24 identification.)
 25 -----

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1 Q. This is Cuyahoga County Court of
 2 Common Pleas, JL-09-360291, State of Ohio
 3 Department of Taxation against Peter J.
 4 Wielicki. You're the defendant in this case,
 5 right?
 6 A. Yes.
 7 Q. What is this case about?
 8 A. State tax lien.
 9 Q. What was the amount that was at
 10 issue that was unpaid here?
 11 A. It appears to be \$1,300.94.
 12 Q. Did you pay that amount?
 13 A. I believe I did, yes.
 14 MR. GARBER: Let's mark Exhibit T.
 15 -----
 16 (Thereupon, Deposition Exhibit T,
 17 Docket for Case No. JL-06-262169,
 18 was marked for purposes of
 19 identification.)
 20 -----
 21 Q. This is case JL-06-262169, Cuyahoga
 22 County Court of Common Pleas, State of Ohio
 23 Department of Taxation against Peter J.
 24 Wielicki. What's this case about?
 25 A. Well, this is a duplicate of --

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1 Q. What's the exhibit number on that,
 2 of the original?
 3 A. Q.
 4 Q. Okay. Q.
 5 A. It appears to be a duplicate.
 6 MR. GARBER: Let's mark as U
 7 then -- we'll disregard T. Mark Exhibit U.
 8 -----
 9 (Thereupon, Deposition Exhibit U,
 10 Docket for Case No. JL-96-045393,
 11 was marked for purposes of
 12 identification.)
 13 -----
 14 Q. Cuyahoga County Common Pleas
 15 JL-96-045393, State of Ohio against Peter J.
 16 Wielicki. You were the defendant in this case?
 17 A. Yes.
 18 Q. And is this case another tax lien
 19 case?
 20 A. I believe so.
 21 Q. Is it income tax?
 22 A. I don't know.
 23 Q. Were the other lien cases we looked
 24 at income tax cases? Do you recall?
 25 A. I don't recall.

22 (Pages 82 to 85)

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1 Q. Let's look at Case No. 09-360291.
 2 I believe this was Exhibit S. It's the
 3 09-360291 case.
 4 A. Yes.
 5 Q. Was this an income tax case?
 6 A. I don't know. It doesn't say.
 7 Q. Do you remember just kind of -- it
 8 says you satisfied the judgment in February of
 9 this year; is that right?
 10 A. Yes. I don't know whether we paid
 11 the amount or whether we corrected records with
 12 the state in regards to this and settled it.
 13 Q. Do you recall if this was income
 14 tax?
 15 A. I don't know. I don't know.
 16 Q. You created multiple versions of a
 17 letter dated August 19, 2007 to CEI, right?
 18 A. Yes.
 19 Q. Have you created multiple letters
 20 with the same date to CEI on other dates?
 21 A. I on occasion do multiple letters,
 22 different versions, and then I decide which one
 23 I'm going to send.
 24 Q. How many times have you drafted
 25 different versions of letters with the same

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1 dates to CEI?
 2 A. I can't tell you. I don't know.
 3 Q. Is it possible --
 4 A. I know of that one that -- in
 5 August.
 6 Q. Other than the two letters attached
 7 to Ms. Reinhart's testimony, can you point me
 8 to any other -- to a copy of any other letter
 9 that you have in your possession that you know
 10 that you sent to CEI?
 11 A. At this time, I can't. But I'm not
 12 precluding that there isn't.
 13 Q. What would you have to do to figure
 14 out if you are able to identify such a letter?
 15 A. I have to review my file.
 16 Q. What's in your file? What file are
 17 you talking about?
 18 A. My computer file. My
 19 correspondence file.
 20 Q. Is the correspondence file part of
 21 the pile you have in front of you here today?
 22 A. Yes.
 23 Q. Any other place other than there
 24 and on your computer that you would look to try
 25 to locate those letters?

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1 A. I have some other files that I
 2 maintain in regards to correspondence.
 3 Q. Why do you create multiple versions
 4 of a letter with the same date?
 5 A. I don't know which one I'm going to
 6 send.
 7 Q. Let's look at the two August 19,
 8 '07 letters. Why did you decide to send the
 9 one attached to Ms. Reinhart's testimony and
 10 not the other one?
 11 A. I would guess that it better
 12 represented what I felt was the issue at that
 13 time.
 14 Q. How so?
 15 A. Well, it was a lot more
 16 streamlined. It basically said that I disputed
 17 the amount.
 18 Q. Let me ask you this: The August
 19 19, '07 letter attached to your complaint,
 20 which is the one you didn't send, the first
 21 sentence says, "This correspondence is to
 22 confirm the agreement reached in regard to the
 23 above referenced account," right?
 24 A. Yes.
 25 Q. You didn't send that letter; is

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1 that right?
 2 A. That's correct. That's correct.
 3 Q. That statement does not actually
 4 appear in the letter you sent, correct?
 5 A. That is correct.
 6 Q. We talked about a packet of
 7 unsigned letters earlier in this deposition.
 8 Do you keep other letters on your computer
 9 other than those that are in that packet,
 10 letters that were addressed to CEI?
 11 A. I don't know at this time whether
 12 there are or not.
 13 Q. Have you ever looked for the letter
 14 you said that you sent to CEI in August or
 15 September of 2006?
 16 A. How do you mean did I ever look for
 17 it?
 18 Q. Have you ever tried to find it?
 19 A. No, I haven't. No, I haven't. I
 20 thought that the letter that I attached to the
 21 complaint was the one that I had sent to CEI.
 22 Obviously, that was a mistake.
 23 Q. It's possible that the meter that
 24 was serving your home in July and August 2006
 25 was functioning properly, correct?

23 (Pages 86 to 89)

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1 A. I have no idea.
 2 Q. It's possible that it was working
 3 properly, correct?
 4 A. I have no idea.
 5 Q. If you have no idea, it's possible
 6 it was working, right?
 7 A. I don't understand your question.
 8 Q. Well, you're not sure whether it
 9 was working or not, right?
 10 A. No, I'm not sure whether it was
 11 working or not.
 12 Q. It's possible that that meter was
 13 not working properly, correct?
 14 A. It's possible.
 15 Q. And it's possible that it was
 16 working correctly, correct?
 17 A. It's possible.
 18 Q. It's also possible that the meter
 19 was correctly read in August 2006, correct?
 20 A. The reading is incorrect. I don't
 21 know what the procedure was in reading it. The
 22 results of the usage are incorrect.
 23 Q. Who was living in the house in July
 24 and August 2006?
 25 A. I was.

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1 Q. Anybody else?
 2 A. My wife, my three kids.
 3 Q. Anybody else?
 4 A. No.
 5 Q. How old, more or less, were your
 6 kids in August 2006?
 7 A. They were teenagers.
 8 Q. Was everyone pretty much living
 9 full time in the house in July, August 2006?
 10 A. Yes.
 11 Q. More or less spending every night
 12 in the house?
 13 A. Yes.
 14 Q. Did you have air conditioning in
 15 the house in July, August of 2006?
 16 A. Yes.
 17 Q. What kind of air conditioning? In
 18 other words, central or window units?
 19 A. Central.
 20 Q. Did you go on any vacations in July
 21 or August 2006?
 22 A. No.
 23 Q. What did you have the thermostat
 24 set at in July and August 2006?
 25 A. I don't know. Normally I set it

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1 for 78 -- between 76 and 78.
 2 Q. Is it possible one of your kids
 3 lowered the thermostat in July or August 2006?
 4 A. No. I have a lock box on it.
 5 Q. Did you have a lock box on it then?
 6 A. Yes.
 7 Q. Who has the key?
 8 A. I do.
 9 Q. Where do you keep it?
 10 A. I keep it with me.
 11 Q. Can you elaborate on that?
 12 A. I keep it in a place that I only
 13 know it exists. That was the purpose of
 14 putting a lock box on it so that we had
 15 consistency on a programmable thermostat.
 16 Q. Look back at what's been marked as
 17 A, which is Ms. Reinhart's testimony. If you
 18 could turn to exhibits to her testimony, which
 19 is Exhibit D, let's flip back to page 6 of
 20 that. You said that you first called CEI about
 21 this matter in August or September 2006, right?
 22 A. Yes.
 23 Q. Do you see any entries for that
 24 communication on page 6 of Exhibit D?
 25 A. No.

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1 Q. If you look at the entry dated
 2 January 18th, 2007, it says, "Received letter
 3 through correspondence asking for documentation
 4 why late fees are being charged."
 5 That's consistent with you sending
 6 a letter in January of 2007, right?
 7 A. I would imagine, yes.
 8 Q. Do you have a copy of that letter?
 9 A. I don't know. I don't know if the
 10 entry is correct.
 11 Q. Let's look at page 4 of that
 12 exhibit. Do you see at the bottom, it starts
 13 at September 15th, 2007 and goes up to March
 14 16th, 2009? I'll represent to you -- and I'll
 15 ask you a question about it afterwards -- but
 16 I'll represent to you that this page doesn't
 17 reflect any communications, phone calls or
 18 letters from you during that time period.
 19 Now, do you have any reason to
 20 disagree with that?
 21 A. I've got a lot of reason to
 22 disagree with it.
 23 Q. Okay. What's that?
 24 A. That there were communications
 25 between myself and the company, whether they

24 (Pages 90 to 93)

1 were telephonic or in writing.
 2 Q. What were the dates of those
 3 communications?
 4 A. I don't know.
 5 Q. What month did those communications
 6 occur in?
 7 A. I don't know. I don't know.
 8 Q. Can you tell me one month that the
 9 communication occurred in?
 10 A. Well, I think we discussed that.
 11 The first communication happened in September
 12 or October of 2006 when I first inquired about
 13 the high usage.
 14 Q. Then we said there was a call in
 15 October or November of 2006, right --
 16 A. Yes.
 17 Q. -- following up?
 18 A. Yeah.
 19 Q. But you weren't able to provide me
 20 any dates after that. So going back to my
 21 question with respect to page 4, between
 22 September of 2007 and March 2009, can you give
 23 me one month in which there was a communication
 24 from you to CEI?
 25 A. Not at this time, no.

1 Q. Is there something you could do to
 2 try to figure out an answer to that?
 3 A. I don't keep a phone log.
 4 Q. I asked you before if it was your
 5 understanding under the UCC that if there was
 6 in fact no prior agreement to settle a monetary
 7 dispute, that the restrictive endorsement
 8 provision would not apply, and you said that
 9 was not your understanding. Do you remember
 10 that?
 11 A. That's correct.
 12 Q. What is your understanding then?
 13 A. My understanding is that a
 14 restrictively endorsed check can be sent to a
 15 payee in an amount less than they expect to
 16 get, and as long as it's sent to the address,
 17 person, who is to receive that type of check
 18 and it's negotiated and it's properly displayed
 19 with obvious writings in regards to the way I
 20 did with the restrictive endorsement on the
 21 back of the check and an accompanying cover
 22 letter, and they negotiate it, accord and
 23 satisfaction has been achieved.
 24 According to the Safe Harbor
 25 Provision that the State of Ohio has initiated

1 in regards to restrictively endorsed checks, if
 2 the vendor finds that they made a mistake and
 3 cashed the check, they can send me an amount
 4 equal to the check with an accompanying letter
 5 that states that they made the mistake and that
 6 they don't accept that amount as the total
 7 amount due within 90 days.
 8 Q. So it's your belief that the UCC
 9 does not require some sort of prior discussion
 10 between payor and the payee before the
 11 restrictively endorsed check is sent? That's
 12 your belief; it doesn't require some sort of
 13 prior agreement or discussion?
 14 A. That's correct.
 15 Q. There are two things I would like
 16 you to do, and we can wait as long as we need
 17 to, to allow you to do them.
 18 Earlier in the deposition I think
 19 you indicated you could get me a copy or try to
 20 get me a copy of the August 2006 check after it
 21 had been deposited or cashed.
 22 And the second thing is, I wanted
 23 to see if you could locate in your hard copy
 24 files or on your computer any sort of letter of
 25 any kind dated any day in August 2006 or

1 September 2006 to CEI. Will you do that for
 2 me?
 3 A. I can't locate the check. I would
 4 have to call the bank.
 5 Q. What about the second thing, the
 6 letter?
 7 A. I might have to go through my
 8 files. It may take me an hour or so.
 9 Q. Can you do that for me?
 10 A. Sure.
 11 (Discussion off the record.)
 12 MR. GARBER: Let's go back on the
 13 record.
 14 Q. Specifically I want to see if you
 15 can locate any sort of purported letter
 16 addressed to CEI that's dated at any point in
 17 August or September 2006.
 18 A. Okay. All right.
 19 MR. GARBER: Let's go off the
 20 record.
 21 (Recess had.)
 22 MR. GARBER: When we were off the
 23 record, I asked Mr. Wielicki to see if he could
 24 locate a copy of a letter to CEI dated in
 25 either August or September 2006. He graciously

<p style="text-align: right;">Page 98</p> <p>1 agreed to check and see.</p> <p>2 Q. What did you find?</p> <p>3 A. There's nothing on my computer.</p> <p>4 Q. Where else would you look to try to</p> <p>5 locate such a letter?</p> <p>6 A. There may be something in some</p> <p>7 other files that I have.</p> <p>8 Q. Okay.</p> <p>9 A. There could be something here. I</p> <p>10 haven't -- I don't think it's in here because</p> <p>11 when I went through here cursively, I didn't</p> <p>12 find it.</p> <p>13 Q. One of the questions I asked you</p> <p>14 earlier was if you intended to introduce any</p> <p>15 documents at the hearing, and we kind of went</p> <p>16 through the spreadsheet and the complaint. Are</p> <p>17 you intending to introduce any correspondence</p> <p>18 at the hearing?</p> <p>19 A. Yes.</p> <p>20 Q. What correspondence?</p> <p>21 A. The correspondence that is attached</p> <p>22 to your testimony, your person's testimony, and</p> <p>23 anything else that I may find.</p> <p>24 Q. Are you going to look to try to</p> <p>25 find other correspondence other than what we've</p>	<p style="text-align: right;">Page 100</p> <p>1 point. I'm not an expert in fighting the</p> <p>2 utility companies in regards to disputes of</p> <p>3 this nature. I've tried to resolve it in the</p> <p>4 methods that I've used and it didn't seem to</p> <p>5 work. So when I did find out and researched</p> <p>6 how I would be able to go ahead and conclude</p> <p>7 this, hopefully conclude it, it was with the</p> <p>8 PUCO.</p> <p>9 Q. Why did you file the complaint when</p> <p>10 you did?</p> <p>11 A. There's no particular reason except</p> <p>12 that my research indicated that that was my</p> <p>13 next line of action. Could I have filed it</p> <p>14 sooner? I suppose so. Could I have filed it</p> <p>15 later? I suppose so.</p> <p>16 Q. Did you think about filing a formal</p> <p>17 complaint against CEI in 2007?</p> <p>18 A. No, I didn't.</p> <p>19 Q. Did you think about filing a</p> <p>20 complaint against CEI in 2008?</p> <p>21 A. No, I didn't.</p> <p>22 Q. What about 2009?</p> <p>23 A. I don't know. I may have; I may</p> <p>24 not have. I think what inspired me was some</p> <p>25 information that I got through the mail</p>
<p style="text-align: right;">Page 99</p> <p>1 marked as Exhibits in this deposition?</p> <p>2 A. I may, I may not. I feel that the</p> <p>3 documentation that I have already attached to</p> <p>4 your testimony is sufficient enough to show</p> <p>5 that a restrictively endorsed check of some</p> <p>6 sort in some amount was sent to the company --</p> <p>7 Q. I understand.</p> <p>8 A. -- and received by you.</p> <p>9 Q. I understand. My question is: If</p> <p>10 you do decide to look for additional</p> <p>11 correspondence and are able to locate anything</p> <p>12 other than what we've marked here today, will</p> <p>13 you agree to provide it to me in advance of the</p> <p>14 hearing on Thursday?</p> <p>15 A. I will certainly agree to provide</p> <p>16 it to you in advance of the hearing, but I'm</p> <p>17 not required to until the day of the hearing,</p> <p>18 in which I will submit my documentation at that</p> <p>19 time. But if I do come across it, I have no</p> <p>20 problem giving it to you in advance.</p> <p>21 Q. Mr. Wielicki, why did you wait so</p> <p>22 long to file a complaint in this case?</p> <p>23 A. Well, I felt that I went as far as</p> <p>24 I could in regards to settling the dispute. I</p> <p>25 really didn't know what my options were at that</p>	<p style="text-align: right;">Page 101</p> <p>1 concerning the PUCO and the fact that they</p> <p>2 regulate the utility companies.</p> <p>3 Q. What information are you referring</p> <p>4 to?</p> <p>5 A. They send out a monthly or</p> <p>6 tri-yearly correspondence, newsletter.</p> <p>7 Q. Do you recall when you received</p> <p>8 that?</p> <p>9 A. I receive it on a regular basis.</p> <p>10 Q. Okay.</p> <p>11 A. I don't always read it. But for</p> <p>12 whatever reason, I read that one, and it</p> <p>13 included information on filing complaints</p> <p>14 against utility companies. I was unsure</p> <p>15 whether I would file a suit in a regular court</p> <p>16 or whether there was another avenue I had to</p> <p>17 look at.</p> <p>18 Q. You actually filed this case first</p> <p>19 in municipal court in Parma, right?</p> <p>20 A. Yes, I did. Yes, I did. And that</p> <p>21 was apparently an error on my part.</p> <p>22 MR. GARBEN: I think that's all I</p> <p>23 have. Thank you.</p> <p>24</p> <p>25</p>

26 (Pages 98 to 101)

1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.
4

5 SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.
8

9 TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.

12 Original: Grant W. Garber, Esq.,
13 next day.
14
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17
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19
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21
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23
24
25

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this _____ day of
8 _____, 2010.
9
10
11
12
13

14 Karen M. Patterson, RMR, Notary
15 Public within and for the State of
16 Ohio
17

18 My commission expires October 16, 2011.
19
20
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2
3 The State of Ohio,)
4 SS:
5 County of Cuyahoga.)
6

7 I, Karen M. Patterson, RMR, a
8 Notary Public within and for the State of Ohio,
9 duly commissioned and qualified, do hereby
10 certify that the within named witness, PETER J.
11 WIELICKI, was by me first duly sworn to testify
12 the truth, the whole truth and nothing but the
13 truth in the cause aforesaid; that the
14 testimony then given by the above-referenced
15 witness was by me reduced to stenotypy in the
16 presence of said witness; afterwards
17 transcribed, and that the foregoing is a true
18 and correct transcription of the testimony so
19 given by the above-referenced witness.

20 I do further certify that this
21 deposition was taken at the time and place in
22 the foregoing caption specified and was
23 completed without adjournment.
24
25

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

RE: Peter J. Wielicki v. The Cleveland Electric
Illuminating Company
DEPONENT: PETER J. WIELICKI
COURT REPORTER: Karen M. Patterson, RMR,
Rennillo Deposition & Discovery

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Witness

Sworn to and subscribed before me, a
Notary Public in and for said State and County,
the referenced witness did personally appear
acknowledge that:

1. They have read the transcript;
 2. They signed the foregoing sworn
statement; and
 3. Their execution of this Statement is
of their free act and deed.
- I have affixed my name and official seal
this day of _____, 20____.

Notary Public

My Commission Expires:

DEPOSITION REVIEW
ERRATA & CERTIFICATION OF WITNESS

RE: Peter J. Wielicki v. The Cleveland Electric
Illuminating Company
DEPONENT: PETER J. WIELICKI
COURT REPORTER: Karen M. Patterson, RMR,
Rennillo Deposition & Discovery

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date _____ Witness _____
Sworn to and subscribed before me, a
Notary Public in and for said State and County,
the referenced witness did personally appear
and acknowledge that:

1. They have read the transcript;
2. They have listed all of their
corrections in the appended Errata Sheet;
3. They signed the foregoing sworn
statement; and
4. Their Errata and execution of this
Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____