

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Federal	)	
Insurance Company, as Subrogee of	)	
Genesis Healthcare System,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 12-1750-EL-CSS
	)	
American Electric Power Company, Inc.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On April 1, 2013, the parties filed a joint motion to provide a procedural schedule. The schedule provided for the filing of testimony, the taking of depositions, and a hearing to occur on June 21, 2013.
- (2) On April 8, 2013, the attorney examiner issued an entry granting the joint motion and adopting the proposed schedule.
- (3) On May 14, 2013, the parties jointly moved to revise the schedule. The parties explain that they had different expectations concerning the prefiled testimony and believe that additional modifications are needed to the procedural schedule. The parties request an expedited ruling. The parties propose the following schedule and agreements:

June 17	Complainant files testimony
June 28	Depositions of complainant's witnesses
July 12	Respondent files testimony
July 24	Depositions of respondent's witnesses
July 31	Filing of complainant's rebuttal testimony
August 1	Deadline for written discovery requests

- August 5      Filing of respondent's rebuttal testimony
- August 12     Depositions of complainant's and respondent's  
                         rebuttal witnesses
- August 20     Evidentiary Hearing

In the motion, the parties note that the filing of rebuttal testimony is optional; thus, depositions of rebuttal witnesses is only applicable where rebuttal testimony has been filed. The parties note that the filing of testimony applies to both expert and non-expert testimony. However, the parties agree to address, by mutual agreement, either party's desire to elicit involuntary factual testimony from certain employees of American Electric Power Company, Inc. or Genesis Healthcare System by three methods: a) reaching an agreed factual stipulation to preclude the need for live testimony, b) agreeing to designate some of all of the existing deposition transcripts as evidence, or c) arranging for the individuals to appear at hearing for purposes of cross examination. The default deadlines in Chapter 4901-1, including Rule 4901-1-29, Ohio Administrative Code, will not apply. Any additional testimony beyond the above-listed schedule may only be presented during the evidentiary hearing by affirmative permission, after the hearing begins, from the attorney examiner for good cause shown. Either party may introduce any non-testimony evidence as otherwise appropriate during the evidentiary hearing.

The above deposition deadlines are to be regarded as cutoff dates, but counsel may mutually agree to alternative dates based on mutual convenience.

The parties agree to address by mutual agreement, or by an attorney examiner ruling at the hearing, the use of written discovery responses as evidence.

- (4) The attorney examiner finds that the proposed schedule is reasonable and should be adopted, with one exception. Instead of a hearing, the attorney examiner shall conduct a prehearing conference on August 20. The parties should be prepared to discuss procedural issues, scheduling of the hearing, factual stipulations, and the potential for the settlement of any substantive issues.

It is, therefore,

ORDERED, That the parties' joint recommendation for modification of the procedural schedule be granted, that the parties' proposed procedural schedule, as set forth in Finding (3), be adopted, and that the procedural schedule be modified in accordance with Finding (4). It is, further,

ORDERED, That a copy of this entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/L. Douglas Jennings

By: L. Douglas Jennings  
Attorney Examiner

GAP/vrm

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**Commission of Ohio Docketing Information System on**

**5/17/2013 12:57:15 PM**

**in**

**Case No(s). 12-1750-EL-CSS**

Summary: Attorney Examiner Entry grants modification of the procedural schedule. -  
electronically filed by Sandra Coffey on behalf of L. Douglas Jennings, Attorney Examiner,  
Public Utilities Commission of Ohio