

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE COMPLAINT)
OF MATERIAL SCIENCES)
CORPORATION,)

Complainant,)

v.)

THE TOLEDO EDISON COMPANY)

Respondent.)

Case No. 13-2145-EL-CSS

**RESPONDENT THE TOLEDO EDISON COMPANY'S
NOTICE OF FILING DEPOSITION TRANSCRIPT OF JOHN SIFFER**

Respondent The Toledo Edison Company hereby gives notice that, pursuant to Section 4901-1-21(N) of the Ohio Administrative Code, the deposition transcript of Complainant's witness, John Siffer, received by Respondent on May 19, 2014, is being filed this date.

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On behalf of The Toledo Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Filing Deposition Transcript of John Siffer* was served this 19th day of May, 2014, via electronic mail upon:

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On behalf of The Toledo Edison Company

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF OHIO

IN THE MATTER OF THE)
COMPLAINT OF)
MATERIAL SCIENCES CORPORATION,)
Complainant,)
vs.) 13-2145-EL-CSS
THE TOLEDO EDISON CO.,)
Respondent.)

- - -

DEPOSITION OF JOHN SIFFER

DATE: May 14, 2014 at 9:31 a.m.
PLACE: Material Sciences Corporation Walbridge
30610 East Broadway
Walbridge, Ohio 43465
REPORTER: Angela Ellis
Notary Public

- - -

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INDEX

EXAMINATION

Witness Name	Page
John Siffer	
Direct By Ms. McBride	4

1 JOHN SIFFER,
2 a Witness herein, called by the Respondent as if upon
3 Examination, was by me first duly sworn, as hereinafter
4 certified, deposed and said as follows:

5 EXAMINATION

6 BY MS. McBRIDE:

7 Q. Good morning, Mr. Siffer. Can you please state your
8 name for the record?

9 A. John Siffer.

10 Q. And it is it S-i-f-f-e-r?

11 A. Correct.

12 Q. Okay. And have you ever been deposed before?

13 A. No.

14 Q. Okay. So as you -- there she is.

15 MS. McBRIDE: Carrie, is that you?

16 MS. DUNN: It is me.

17 MS. McBRIDE: Good morning.

18 MS. DUNN: Morning.

19 MS. McBRIDE: We are here with John Siffer and
20 Craig Smith, and then Peter and Christine are here
21 as well, so.

22 MS. DUNN: Okay. I will go ahead and thank
23 everyone for letting me call in and for being here
24 today.

1 Q. Okay. Okay. So you understand that the court
2 reporter is here taking down everything we say, and that we
3 should make an effort not to speak at the same time, so she
4 can get down everything as it is said. And if you don't
5 understand a question that I ask or any word that I use,
6 please let me know. I will rephrase it or try to explain
7 what it is that I am looking for. Is there any reason that
8 you can't give truthful testimony today?

9 A. No.

10 Q. And are you currently employed?

11 A. Yes.

12 Q. And what is your title?

13 A. Plant manager.

14 Q. And how long have you served as the plant manager?

15 A. March of 2008.

16 Q. And you are the plant manager for MSC Walbridge?

17 A. Correct.

18 Q. What is the full name of your employer?

19 A. Material Sciences Corporation.

20 Q. Okay. And what's the relationship between Material
21 Science Corporation and MSC Walbridge Coating, Inc.?

22 A. We're one division of Material Sciences
23 Corporation.

24 Q. Okay. So is it your understanding that Material

1 Sciences Corporation is the parent company of MSC Walbridge
2 Coating?

3 A. We are all Material Sciences Corporation. There's a
4 facility in Elk Grove and there's a facility in Walbridge and
5 a facility elsewhere. So we refer to ourselves as Material
6 Sciences Corporation Walbridge.

7 Q. Okay. And in your role as plant manager, do you
8 typically work 8:00 to 5:00 or do you have a set schedule per
9 day?

10 A. Typically, I am in at around 7:15 a.m. and then out
11 anywhere between 4:00 and 6:00 p.m. depending on what's going
12 on.

13 Q. Okay. And as a plant manager, do you spend the
14 majority of the day in the office or are you out on the
15 floor? What does your normal day typically look like?

16 A. It's a mix of office stuff and operational stuff.

17 Q. And what does -- let me stop. Is it all right if I
18 refer to Material Sciences Corporation as MSC?

19 A. Yes.

20 Q. You understand what I mean when I say MSC?

21 A. Yes.

22 Q. What does MSC do here at the Walbridge facility?

23 A. Page 5 of my testimony, we operate a state-of-the
24 art manufacturing plant. The facility primarily engages in

1 electro galvanizing or zinc-nickel plating of steel coils,
2 laminating of steel coils and various coatings of steel
3 coils. We operate a 72-inch-wide processing line. We
4 produce steel, zinc-nickel, electro galvanized steel for fuel
5 tanks. The electroplating process requires a high electric
6 demand to produce EG zinc-nickel steel and produced with EG
7 and zinc-nickel steel.

8 Q. And are you producing at this facility specific
9 products every day or are you producing a certain type of
10 steel in a certain volume every day? Or are you -- do you
11 prepare products that are tailored for specific customer
12 orders? Does that make sense?

13 A. No.

14 Q. Are you producing commodity type steel or are they
15 more specifically designed for a customer, such that the
16 process might vary more often? Does that make sense?

17 A. We produce both.

18 Q. Okay.

19 A. A commodity type and specific products.

20 MS. McBRIDE: Okay. Carrie, are you there?

21 MS. DUNN: Yes. I just dropped.

22 MS. McBRIDE: Okay. Just making sure.

23 Q. Okay. And how -- are the -- how many employees do
24 you have here at this facility?

1 A. 94.

2 Q. And do they work in set shifts or how -- are they
3 coming into work and working just during the day? How do you
4 have the operation set up?

5 A. Operationally, we run continuously and there's two
6 12-hour production shifts, maintenance runs three eight-hour
7 shifts, and then the salary team works more traditional hours
8 for salary.

9 Q. So do you have employees here working through the
10 night?

11 A. Correct.

12 Q. And have you run those two 12-hour shifts, meaning
13 that there is a shift here at any one time, for a number of
14 years? Has that process always been in place or has that
15 changed?

16 A. It has been two 12-hour shifts since I have been
17 here.

18 Q. And you have been here at the facility for five
19 years?

20 A. A little over five, yes.

21 Q. Okay. And who is your direct supervisor? Who do
22 you report to?

23 A. I report to the vice president for operations.

24 Q. And who is that currently?

1 A. Mike Wilson is the person who is the vice president
2 for operations.

3 Q. He is or was?

4 A. Was.

5 Q. Was. And who -- is there currently a vice president
6 for operations?

7 A. No.

8 Q. And when Mike Wilson served as the vice president of
9 operations, was he located here in Walbridge?

10 A. No.

11 Q. Where was he located?

12 A. Elk Grove Village.

13 Q. And that is in Illinois; is that right?

14 A. Correct, yes.

15 Q. And when did Mike Wilson stop serving as the vice
16 president of operations?

17 A. I don't have that date. I don't.

18 Q. Do you know what month?

19 A. March of this year.

20 Q. March of this year?

21 A. Yep.

22 Q. And when Mr. Wilson was serving as the vice
23 president of operations, how often was he here at the
24 facility? Was he here on a monthly basis, on a weekly

1 basis?

2 A. Probably monthly.

3 Q. As the plant manager, do you have any role in
4 managing the facility's electrical usage?

5 A. Can you be more specific?

6 Q. Do you review the electric bills on a monthly basis
7 for the facility?

8 A. Only from a cost standpoint.

9 Q. Is there anybody that is reviewing the bills besides
10 you?

11 A. Jim Augsburger has much more knowledge of the
12 billing process than I do.

13 Q. Do you know whether MSC could shop for retail
14 electric service at the facility?

15 A. Can you maybe change that question a little bit?

16 Q. Sure. Do you know -- do you know whether MSC has
17 any alternatives to receiving electric service, other than
18 Toledo Edison Company?

19 A. It's my understanding that the situation that we're
20 in, no, based on the Riders that we have.

21 Q. And how do you have that -- from whom do you have
22 that understanding or how?

23 A. I guess it's just talking with Edison and Kathy
24 Garcia at some of the seminars we have been to. I thought if

1 we are on these Riders we agreed not to shop.

2 Q. Who is Kathy Garcia?

3 A. She's our Toledo Edison representative.

4 Q. And have you met her personally?

5 A. Yes.

6 Q. And were you involved at all in the decision to sign
7 MSC up for the Rider that you just referenced?

8 A. No.

9 Q. Do you know who was?

10 A. Are you referring to the contract for electric
11 service?

12 Q. Yes.

13 A. Steve Hamilton signed off on those contracts.

14 Q. And let me just state for the record, your're
15 looking at Exhibit JS2 to your testimony; is that right?

16 A. Yes.

17 Q. And who is Steve Hamilton?

18 A. He was the procurement director for Material
19 Sciences Corporation based in Elk Grove.

20 Q. Is he still with the company?

21 A. No.

22 Q. And when did he sign that contract?

23 A. It looks like March 31, 2009. I'm sorry. This is
24 the addendum.

1 MR. SMITH: Look at the top line.

2 THE WITNESS: Yes.

3 Q. In March of 2009, it looks like?

4 A. March 24, 2009.

5 Q. And when did he leave the company, do you know?

6 A. I do not know.

7 Q. Okay. Has he been with the company at all since you
8 have been here? He would have overlapped with you at least
9 slightly.

10 A. Correct.

11 Q. All right. Turning to the, in your same Exhibit
12 JS2, the -- let's see. The last two pages are two different
13 addendums; is that right?

14 A. It looks like there's -- the last two pages?

15 Q. Yes.

16 A. Correct.

17 Q. Okay. And is it your understanding that -- well,
18 let me go back. These were signed by who on behalf of MSC?

19 A. Mike Wilson.

20 Q. Okay. And were you plant manager on April 15,
21 2010?

22 A. Yes.

23 Q. And so were you involved at all in the decision to
24 have MSC sign this addendum that Mike Wilson signed?

1 A. Not really.

2 Q. Did Mr. Wilson tell you that MSC was going to sign
3 up for this addendum?

4 A. Correct.

5 Q. What did he tell you about why MSC was going to sign
6 up for the addendum?

7 A. I don't believe he told me why, other than he was
8 extending the Rider.

9 Q. And did you express any opinion to him about whether
10 MSC should sign the addendum?

11 A. No.

12 Q. Okay. And then on that last page of Exhibit JS2,
13 you were the plant manager in August of 2012, correct?

14 A. Correct.

15 Q. And, again, did Mr. Wilson discuss with you the
16 decision to have MSC sign this other addendum?

17 A. Just the same thing, just we're continuing the
18 Rider.

19 Q. And did you provide any opinion as to whether MSC
20 should sign the addendum?

21 A. No.

22 Q. Do you know if Mr. Wilson spoke to anybody at the
23 facility about the decision to sign the addendum?

24 A. I do not, no.

1 Q. And if he did speak with somebody, would you think
2 it would probably be about Jim Augsburger?

3 A. Yes, I would guess so.

4 Q. Is there anybody else that it would make sense to be
5 involved in this decision here at the plant?

6 A. Perhaps Jeff Ramsay.

7 Q. And do Mr. Augsburger and Mr. Ramsay report to you?

8 A. Yes.

9 Q. And are you the highest level supervisor here at the
10 plant?

11 A. Yes.

12 Q. Do you know whether MSC has ever applied for a
13 special contract with Toledo Edison for electric service?
14 Are you familiar with that term, special contract?

15 A. No.

16 Q. Or reasonable arrangement?

17 A. No.

18 Q. Have you ever been involved in any discussion with
19 Toledo Edison about a different service arrangement for
20 electric service?

21 A. Can you say that again?

22 Q. Have you ever been involved in any discussion with
23 Toledo Edison that would relate to alternative arrangements
24 for electric service with Toledo Edison?

1 A. I would say, yes, we have inquired about how we can
2 get a better rate for the electricity.

3 Q. Okay. And when did those discussions take place?

4 A. I don't recall. It would have been over the course
5 of my stay here. This is a continuing issue that we struggle
6 with for electricity usage.

7 Q. Okay. And do you know whether this issue also
8 existed before you became plant manager?

9 A. I don't know for sure, but I would assume so.

10 Q. Has MSC instituted any energy efficiency initiatives
11 at the plant?

12 A. Can you be more specific?

13 Q. No. I mean, has MSC done anything to reduce its
14 energy usage?

15 A. Yes.

16 Q. Okay. What has it done?

17 A. We've looked at ensuring our capacity banks are
18 functional. We have looked at the efficiency of motors. Jim
19 Augsburger can you give much more details on the items that
20 we have addressed, but we have addressed efficiency items.

21 Q. And have those items had any impact on your electric
22 usage?

23 A. I would say, yes.

24 Q. What kind of an impact has it had? Do you know?

1 A. You would have to talk with Jim to get the specific
2 dollar amounts.

3 Q. Has MSC explored any options designed specifically
4 to reduce its demand on the system? Are you familiar with
5 the term demand as it relates to electric usage?

6 A. Vaguely.

7 Q. What is your understanding of what demand is?

8 A. Essentially our max capacity that we could use, that
9 would be available to us and that the grid is protected
10 for.

11 Q. Has MSC done anything to shift its demand, meaning
12 that it would use, you know, have a higher demand in off-peak
13 times versus off peak overnight, for example?

14 A. We have investigated that, yes.

15 Q. What was the result of the investigation?

16 A. Our customer base doesn't really afford us the
17 opportunity to consistently do that.

18 Q. What do you mean by that?

19 A. Essentially, they will give us the products because
20 we can turn it around very quickly. So we can't necessarily
21 tell them to wait a day or two until we can level that demand
22 or run it the next day. We need to essentially produce it
23 when it's given to us, which drives our inability to run at
24 off-peak hours.

1 Q. Has MSC been able to shift any of its demand to off
2 peak?

3 A. If possible, we will attempt to do that, but again
4 we're not very successful based on our customer base.

5 Q. So MSC will shift its demand when it can, but it is
6 not able to do that on any systematic, you know, large
7 scale -- in a large scale way?

8 A. There's no consistency to it, correct.

9 Q. You mentioned that you had been involved in
10 discussions between MSC and Toledo Edison about MSC's rates;
11 is that correct?

12 MR. SMITH: Objection. It's very vague. If
13 you understand it, you can answer. You provided no
14 time zone or anything.

15 Q. Well, you just mentioned you had been involved in
16 discussions since you have been plant manager.

17 A. Yes. We are always looking for ways to improve our
18 rate or to use electricity more efficiently.

19 Q. You were involved in the discussions; is that right?

20 A. Yes. At some point I was involved with discussions,
21 whether it be informal or formal, yes.

22 Q. Have you been involved in any formal discussions?

23 A. I believe Mr. Wilson set up a formal meeting trying
24 to understand what our options were for improving or usage to

1 get our bill, a better rate on our bill as part of those
2 conversations.

3 Q. And do you recall when those discussions were?

4 A. I do not.

5 Q. Have you read the testimony of either of the Toledo
6 Edison witnesses in this case?

7 A. I have.

8 Q. Do you recall that, I believe, now I forgot which of
9 our witnesses talked about meetings in 2011 and 2012 with
10 MSC, in which certain information was provided?

11 A. Yes.

12 Q. Do you recall that testimony?

13 A. I recall that it was in there about a meeting with
14 us talking about options, yes.

15 Q. Does that -- does that -- do you believe that was
16 the same meeting that you're thinking about with Mr.
17 Wilson?

18 A. I do.

19 Q. Does the, I think it was late 2011, 2012 time frame
20 sound about right to you?

21 A. Seems reasonable. 2011 or 2012.

22 Q. And did -- what were the results of those
23 discussions or that discussion, I will say?

24 A. I believe Mr. Wilson put a note together kind of

1 summarizing those results. I don't recall all the details
2 off the top of my head.

3 Q. Did anything change at the facility as a result?

4 A. A little.

5 Q. What changed?

6 A. We are getting more around trying to push all that
7 demand to off peak hours. If I remember correctly, there was
8 capacitor bank discussion with substantial investment and
9 capital investment.

10 Q. And was that completed?

11 A. No. It was a very expensive investment.

12 Q. That would have been an investment required of MSC?

13 A. That is my understanding.

14 Q. And I'm sorry. Go ahead.

15 A. No. Go ahead.

16 Q. So that was not done because of the price associated
17 with it or the cost associated with it.

18 A. That is my understanding.

19 Q. And whose decision would that have been of whether
20 to make that investment?

21 A. Mr. Wilson.

22 Q. Okay. So you mentioned shifting some demand off
23 peak and reviewing a, you know, the option for a capacitor
24 bank, or an investment upgrade. Anything else change?

1 A. Our discussions about power factors and, again, kind
2 of what we can do to improve our power factors. That's all I
3 remember.

4 Q. And has MSC done anything to improve its power
5 factors?

6 A. Yes.

7 Q. What has MSC done?

8 A. Mr. Augsburger will have a lot of those details. It
9 involves the capacitor banks and motor efficiencies and
10 things of that nature.

11 Q. Okay. When you say power factor, what do you mean?

12 A. I'm trying to refresh my memory. I believe it is
13 kilowatts versus KVA, leaving and lagging. It is my
14 understanding that your power factor is essentially a one.
15 There is no difference between your kilowatts and your KVA.
16 I believe our bill is driven by KVA. Therefore the higher
17 the power factor, the greater your bill will be.

18 Q. And is Mr. Augsburger the person you would turn to
19 to help in understanding what MSC could or could not do to
20 improve its load factor or power factor?

21 A. For power factor, yes.

22 Q. Okay. What about for demand?

23 A. The demand is really customer driven for our
24 business.

1 Q. And do you know how -- can you quantify how much
2 MSC's load factor improved after your discussions with Toledo
3 Edison?

4 A. The load factor, no.

5 Q. No, you can't quantify it?

6 A. Are you referring to power factor?

7 Q. Power factor, we are using power factor?

8 A. I can not quantify it. I can generalize it.

9 Q. Okay.

10 A. Mr. Augsburger may be able to give you a better
11 number. It's my recollection that over the course of time
12 that I have been here, our overall power factor was around
13 .88. As of late, we are consistently around .92 to .94.
14 Mr. Augsburger can give you more details.

15 Q. After MSC's discussion with Toledo Edison in late
16 2011 and 2012 that we have just been talking about, isn't it
17 true that MSC was provided a \$2 per KVA discount by Toledo
18 Edison?

19 MR. SMITH: I object. I object on several
20 grounds. First, its relevance. Second, I believe
21 you are in violation of ESP stipulation, and that
22 I'm going to move to strike that testimony at the
23 hearings. That I want as
24 confidential.

1 MS. McBRIDE: The existence of the \$2 KVA
2 discount.

3 MR. SMITH: First, there is no linkage.

4 MS. McBRIDE: That is fine. We can have that
5 discussion off record.

6 MR. SMITH: Fine. Let's go off the record.

7 MS. McBRIDE: No. We are in the middle of a
8 deposition. You and I can have that discussion
9 about its relevance or the stipulation, but as far
10 as the deposition goes, it has no impact.

11 MR. SMITH: Note my objection. You ask the
12 question.

13 MS. McBRIDE: Okay. Can you repeat the
14 question?

15 (Court Reporter read back previous question.)

16 MR. SMITH: Further, I ask my witness not to
17 speculate.

18 A. I don't know.

19 Q. Okay. All right. You are reviewing MSC's bills
20 every month; is that correct?

21 A. From a dollar standpoint, correct.

22 Q. From a total dollar standpoint?

23 A. Correct.

24 Q. So you have no knowledge as to whether MSC is

1 receiving a \$2 per KVA discount on its service with Toledo
2 Edison?

3 A. That is not correct.

4 Q. Why do you think that's not correct?

5 A. I have knowledge of the \$2 discount from Toledo
6 Edison from a different agreement that I don't have knowledge
7 of. So I know there's an existence of a \$2 credit. I can't
8 tell you why.

9 Q. Okay. Fair enough. Do you know if any other Toledo
10 Edison customer receives that discount?

11 A. I don't know.

12 Q. Are you familiar with Toledo Edison Rider GEN?

13 A. I would say, no, I'm not a rate expert or a Rider
14 expert.

15 Q. Have you ever heard of Rider GEN before?

16 A. It doesn't ring a bell. However, there's been a lot
17 from the Rider that I looked at and talked about, so
18 perhaps.

19 Q. Do you know whether the rates charged under Rider
20 GEN vary by the time of year?

21 A. I know rates vary by the time of year.

22 Q. Rates generally, but Rider GEN specifically?

23 A. I don't know what Rider drives what. I just know
24 there's different rates for different times of year that

1 drives a different cost to you.

2 Q. Do you know what costs are recovered under Rider
3 GEN?

4 A. I mean, are you referring to the EDR?

5 Q. No. The -- so its Rider GEN instead of EDR. It is
6 capital G, capital E, capital, N?

7 A. I don't believe I'm familiar with that.

8 Q. So you don't know what costs are recovered through
9 that Rider?

10 A. No.

11 Q. Do you know what costs are charged through Rider
12 NMB?

13 A. Can you be more specific?

14 Q. Do you know what type of costs are recovered through
15 Rider NMB?

16 A. What do you mean by type of costs?

17 Q. Like, do you know what the money is used for? Do
18 you know if the costs are associated with Toledo Edison costs
19 or somebody else's costs?

20 A. Not specifically.

21 Q. Do you know generally?

22 A. I would be speculating. I would have to go review
23 my notes to know what portion is what for each issue.

24 Q. And you believe you have notes about Rider NMB?

1 A. I would have to, yes, go back and look at what is in
2 that Rider and why. Whether it is things on the transmission
3 network that were upgraded, that you are recovering costs
4 through. I'm not sure which Rider that type of stuff falls
5 into.

6 Q. On page 15 of your testimony, you reference a
7 percentage, 33.8 percent of Rider NMB allocated to GT
8 customers. Do you see that?

9 A. Yes.

10 Q. And what do you mean by that?

11 A. The costs associated with that Rider are allocated
12 to GT customers driving that 33 percent allocation.

13 Q. And the --

14 A. Go ahead.

15 Q. I'm sorry. And who are the remaining costs then
16 allocated to?

17 A. That, I don't know.

18 Q. Do you know whether the commission approved that
19 33.8 percent allocation?

20 A. I don't know that.

21 Q. On line 7 of that same page, you testify that Toledo
22 Edison's practices affecting the facility's summer seasonal
23 rate increases in 2013 appeared to systematically eliminate
24 the benefits, dot, dot. What do you mean when you say Toledo

1 Edison's practice?

2 A. Again, from a high level of just looking at the
3 total bill and the total kilowatts, it seems that the rate,
4 any benefit we get is then kind of systematically eliminated
5 over the course of time. And if you refer to the Exhibit 5,
6 JS Exhibit 5.

7 Q. Uh-huh. Okay.

8 A. It kind of walks through the rates and then the
9 increases and then the decreases and that is kind of what is
10 meant by that.

11 Q. When you say Toledo Edison's practices, what are the
12 practices? What is it that you're referring to that Toledo
13 Edison is doing, Toledo Edison's practices?

14 A. I guess just the bill.

15 Q. So the rates charged?

16 A. Yes, just the overall bill. Again, there is, you
17 know, many things that go into that bill, but at the end of
18 the day, its one number and a kilowatt number. Whatever goes
19 on in that bill, I'm not an expert. It just seems to trend
20 overtime that the increases and decreases kind of offset each
21 other. It negates any benefit that we might receive.

22 Q. So you're, in that sentence, you're referring to
23 Toledo Edison's billing; is that right? I'm trying to
24 understand whether or not you think there is something Toledo

1 Edison is doing in its operations or is it --

2 A. It's just the net result.

3 Q. Meaning, the net result being the cost of the bill.

4 A. Costs associated with the kilowatts, correct.

5 Q. Do you have any reason to believe that Toledo Edison
6 is making a mistake in calculating MSC's bills?

7 A. Can you, I guess, elaborate on mistake?

8 Q. Well, you have expressed in your direct testimony in
9 here that obviously MSC is not happy with the overall dollars
10 associated with the bill, right? The bills are too high, is
11 that correct?

12 A. Well, the rate for the kilowatts seems to be higher
13 than what it -- we would like it to be.

14 Q. So you're specifically talking about the dollar per
15 kilowatt?

16 A. Right. The overall per kilowatt.

17 Q. Okay. Do you have any reason to believe that Toledo
18 Edison is charging you the incorrect dollars per kilowatt as
19 opposed to just charging a number that should be lower?

20 A. I don't believe I have knowledge on the intimacies
21 of the bills to know if they are incorrect or not.

22 Q. Okay. So you don't -- so you don't have any
23 knowledge that there is some mistake that is happening by
24 Toledo Edison, that they made a mistake?

1 A. I don't have enough knowledge to know if there was a
2 mistake or not a mistake. I don't know the Riders well
3 enough. I don't know anything. I just know that when you
4 look at the total dollar value and the total kilowatts, there
5 appears to be an issue. So whether or not there is a mistake
6 in how you're applying the Riders or that is just how it
7 works out, I can't really tell.

8 Q. Okay. Do you have any reason to believe that Toledo
9 Edison is treating MSC differently than any other similarly
10 sized customers?

11 A. I have no knowledge of how you treat other
12 customers.

13 Q. On pages 15 and 16 of your testimony, you talk about
14 MSC's historic rates. I believe that is Exhibit JS5 that we
15 just looked at, it comes into play. First, in this table
16 that kind of spans both page, the right-hand column says per
17 kilowatt hour. Is this an overall average cents for
18 kilowatts that you're including?

19 A. Yes.

20 Q. Then on page 16, line 9 you testified that Toledo
21 Edison rates paid by the facility between 2012 and 2013
22 collected \$6,265,748 more than if billed at the .5 cents per
23 KWH projected historic current projected base line. What do
24 you mean by the .5 cent per kilowatt hour projected historic

1 and projected base lines?

2 A. That's the number that we would like and would
3 expect the electricity to be. When you look at the historic,
4 you can see that it was there at a point in time.

5 Q. When you say when you look at the historic, are you
6 referring to JS5?

7 A. Yes.

8 Q. And this, I acknowledge mine is a little blurry.
9 The chart goes back to February 2004?

10 A. Correct.

11 Q. So on February 2004 -- June 2005, Exhibit JS5 shows
12 a -- shows what exactly? That MSC was page .57 -- well, 5.7
13 cents per kilowatt hour more than the base line. What is it?
14 I'm not sure I understand.

15 A. That is what we paid during that time frame.

16 Q. So you paid the .57 cents?

17 A. Correct.

18 Q. Per kilowatt hour. Okay. So as far back as 2004,
19 you were already paying higher than the .5 cents per kilowatt
20 hour that you would like?

21 A. I'm sorry. Say that again.

22 Q. So between February 2004 and April 2005, MSC was
23 paying more than .5 cents per kilowatt hour?

24 A. That's correct.

1 Q. So when in time was MSC paying .5 cents per kilowatt
2 hour?

3 A. If you refer to the table, 2002 to 2003, that was
4 your averages in 2003 to 2004.

5 Q. And according to this chart, you were paying less
6 than .5 cents per kilowatt hour, correct?

7 A. Correct.

8 Q. So where does the .5 cent value come from?

9 A. That's our MSC's number.

10 Q. So it's a target number?

11 A. Correct.

12 Q. For MSC?

13 A. Yes.

14 Q. And so is it MSC's belief that its electric prices
15 should never increase off of .5 cents per kilowatt hour?

16 A. I wouldn't say never.

17 Q. What would you say?

18 A. That the rate should be much more consistent than
19 they currently are.

20 Q. Consistent with the .5 cents value?

21 A. Yes. Consistent to the .5 cents and closer to the
22 .5 cents, whether that's five and a half or, you know, it
23 shouldn't jump from .5 cents to, you know, .10 cents in the
24 course of a month. That's what seems unreasonable.

1 Q. I just want to make sure I understand. So is it the
2 size of increase that's a concern or that an increase is
3 occurring? Meaning would MSC be happy if it jumped .1 cent
4 steadily every year? Would that be acceptable or does it
5 need to stay down at the .5 cents for the KWH area?

6 A. Yes. Obviously if it could stay at .5 cents, that
7 would be better. If it had to increase, if it increased
8 consistently, month to month or year to year, that would be a
9 much better situation.

10 Q. And so that on line 9 on page 16 were you talking
11 about the projected historic, currently projected base lines,
12 are those MSC's projections?

13 A. Yes.

14 Q. Okay. So Toledo Edison never provided any
15 projections that formed the basis for this .5 cents for KWH;
16 is that right?

17 A. Not that I'm aware of.

18 Q. Do you know whether -- are you familiar with the
19 term or the entity that's known as the Public Utilities
20 Commission of Ohio?

21 A. I'm familiar with the entity.

22 Q. And do you have an understanding of what the
23 commission's role is in Toledo Edison's rates?

24 A. Not in detail.

1 Q. Do you have a general understanding?

2 A. I think so.

3 Q. And what is your general understanding?

4 A. The PUCO reviews the rates and essentially agrees to
5 them or approves them.

6 Q. Do you know whether the commission has approved the
7 rates that Toledo Edison is charging MSC currently for
8 electric service?

9 A. I would assume, yes, but I don't know for sure. I
10 have not seen a document that says that these are approved by
11 the PUCO, to my knowledge.

12 Q. What about the rates in 2013? Do you know if the
13 commission approved the rates charged to MSC in 2013?

14 A. I am assuming they have been approved. That is why
15 you're charging those rates.

16 Q. And are you familiar with Rider ELR?

17 A. Yes.

18 Q. And what is your understanding of what Rider ELR
19 does or how it works?

20 A. Could you be more specific?

21 Q. Did -- do you know whether MSC participates in Rider
22 ELR?

23 A. Yes.

24 Q. Okay. And does MSC participate?

1 A. Yes.

2 Q. Okay. And what is MSC -- why did MSC choose to
3 participate in Rider ELR?

4 A. I would assume to get a better rate.

5 Q. Were you involved in the decision to sign up for
6 Rider ELR?

7 A. Can you be more specific?

8 Q. No. What is it that you don't understand about the
9 question?

10 A. Can you rephrase it or say it again?

11 Q. When -- who on behalf of MSC made the decision for
12 MSC to participate in Rider ELR?

13 A. It's my understanding it would have been Steve
14 Hamilton and Mike Wilson.

15 Q. Through those addendums we looked at earlier?

16 A. Correct.

17 Q. Okay. And you were not involved in their
18 decision-making process; is that correct?

19 A. I wouldn't say that. Ultimately the responsibility
20 is theirs to make, to make the call. I wouldn't necessarily
21 be able to control their decision. I was aware that it was
22 out there. I was aware that is where the company was
23 going.

24 Q. And did they ask you for your opinion?

1 A. On what?

2 Q. On whether to participate in Rider ELR?

3 A. Not explicitly.

4 Q. Did they implicitly ask for it?

5 A. At the time the addendums were signed, it was
6 discussed that we were going to continue the Riders.

7 Q. Was there any discussion about whether they
8 shouldn't do it or if it made sense or if there was a
9 benefit?

10 A. Not much really. The Rider seemed to be reasonable
11 and didn't really provide us a lot of issues.

12 Q. Does Rider ELR provide any value to MSC?

13 A. In the sense that we get a lower rate, yes.

14 Q. Okay. Are there any other benefits or value besides
15 a lower rate?

16 A. Not to my knowledge.

17 Q. And have the benefits -- has that benefit of a lower
18 rate to MSC been quantified?

19 A. I don't have that number.

20 Q. Do you know whether that analysis has been done?

21 A. I do not know if MSC has done that analysis.

22 Q. Are there any costs associated with participating in
23 Rider ELR, any cost to MSC for participating in Rider ELR?

24 A. Yes.

1 Q. What are those costs?

2 A. What you are calling an interruption, shutting the
3 facility down, Jeff Ramsay can give you the details, but
4 there's the cost of sending people home, not running as
5 efficiently, loss of material. So, yes, there are costs
6 associated with being on this Rider.

7 Q. And have those costs been quantified?

8 A. I would say, not fully, but they have been looked
9 at.

10 Q. Okay. And what was done to look at the costs?

11 A. Again, Jeff Ramsay can give you some details on
12 that.

13 Q. When MSC made the decision in August 2012 to sign
14 the most recent addendum, did MSC analyze or compare the
15 lower rates that it got to the potential costs of complying
16 with Rider?

17 A. I don't know that.

18 Q. You're not aware that -- you never saw any kind of
19 analysis like that; is that right?

20 A. From MSC?

21 Q. Correct.

22 A. Correct.

23 Q. And in the cost that you mentioned in association
24 with compliance, of sending employees home and stopping

1 production, et cetera, those costs could rise up to 10 times
2 per year under Rider ELR; is that right?

3 A. Correct.

4 Q. And so is it fair to say that the benefits to MSC
5 from participating in Rider ELR are greater than the
6 potential costs associated with complying 10 times per
7 year?

8 A. Without having seen the analysis, I would assume
9 that is correct.

10 Q. And did -- are you aware that Rider ELR calls for
11 penalties for non-compliance?

12 A. Yes.

13 Q. And did MSC consider those penalties when it elected
14 to participate in Rider ELR?

15 A. I don't have an answer to that.

16 Q. Were you aware of the penalties associated with
17 non-compliance in August '12?

18 A. I knew there were penalties that existed. I guess I
19 didn't understand the magnitude that was potentially there.

20 Q. And have you read Rider ELR?

21 A. I have.

22 Q. And when did you first read Rider ELR?

23 A. I don't have a date.

24 Q. Had you read Rider ELR before August 2012?

1 A. Yes.

2 Q. And so you had read the penalty provision in Rider
3 ELR before August of 2012?

4 A. That is correct.

5 Q. And are you aware of how -- let me back up. What is
6 your understanding of what MSC needs to do after it elected
7 to participate in Rider ELR?

8 MR. SMITH: Objection on the basis of
9 vagueness. You can answer.

10 A. I mean, do you want me to read the whole Rider?

11 Q. No. Just give me your general understanding of what
12 Rider ELR means for MSC.

13 MR. SMITH: Same objection.

14 A. Essentially upon no less than two-hours advance
15 notification provided by the company, which is Toledo Edison,
16 a customer taking service under this Rider must curtail all
17 loads above its firm load during an emergency curtailment
18 event consistent with the company's instructions. So
19 essentially that what it means to me.

20 Q. So let me see if I can summarize. So MSC is
21 required to curtail its load upon certain events, and in
22 exchange MSC gets a credit on its electric service. Is that
23 a fair summary?

24 A. Can you say that again?

1 Q. MSC agrees to curtail its load upon certain
2 circumstances and in exchange it receives a credit, you know,
3 a discount, basically, on its electric service?

4 A. Yes.

5 Q. Okay. And do you know how much of a discount or
6 credit MSC receives for its electric service by participating
7 in Rider ELR?

8 A. Yes.

9 Q. How much does MSC receive for participating in the
10 Rider?

11 A. A \$5 per KVA credit applied to curtailable load.

12 Q. What page is that that you're looking at?

13 A. Page 7, row 4.

14 Q. Okay. So your understanding is that MSC receives a
15 \$5 per KVA credit in exchange for participating in Rider
16 ELR?

17 A. That is correct.

18 Q. Does MSC receive any other credits associated with
19 its participation in Rider ELR?

20 A. I don't believe we receive any other credit under
21 ELR.

22 Q. Do you receive any credits under any other Riders in
23 connection with MSC participation in Rider ELR?

24 A. Can you ask that again?

1 Q. Does MSC receive any credits under any other Rider
2 in connection with its participation in Rider ELR?

3 A. We receive credits under the economic development
4 rider.

5 Q. How much is that credit?

6 A. \$5 per KVA, again, applied to the curtailable
7 load.

8 Q. And so what is the total credits received by MSC in
9 connection with Rider ELR?

10 A. It five for the ELR and five for the EDR.

11 Q. And do you know what that translates into dollars
12 per year?

13 A. I would not know off the top of my head. Jim
14 Augsburger can give you some details on the credits.

15 Q. Do you recall reading in the testimony of one of
16 Toledo Edison's witnesses that MSC has received over \$10
17 million in credits under Rider ELR since 2009?

18 A. I do recall seeing that in Toledo Edison's
19 testimony.

20 Q. And do you have any reason to believe that is not an
21 accurate figure?

22 A. I don't have enough information to know how accurate
23 that figure is.

24 Q. And in August '12 when the decision to participate

1 in Rider ELR was made, you did not know the yearly total of
2 credits received by MSC for participating in Rider ELR; is
3 that correct?

4 A. Yes, not off the top of my head.

5 Q. Do you have that number written down anywhere?

6 A. Do I have it written down? I think MSC has some
7 knowledge of what that number is.

8 Q. And who at MSC would have that knowledge?

9 A. Jim Augsburger would have more intimate knowledge of
10 dollar values.

11 Q. And what about Michael Wilson?

12 A. I would assume he would have access to the same
13 information.

14 Q. And did MSC take the potential penalties into
15 account when it decided to take part in Rider ELR?

16 A. I don't know.

17 Q. Have you ever spoken with any other customers or
18 industrial companies about Rider ELR?

19 A. What do you mean?

20 Q. Have you spoken with any other customers of Toledo
21 Edison about Rider ELR?

22 A. Customer who were on the ELR?

23 Q. Or not on it. Any customers.

24 A. So have I ever spoken with any customer about ELR?

1 Q. Yes.

2 A. Is that what you're asking?

3 Q. Yes. Not MSC customers, but other businesses in the
4 area, for example. Any other Toledo Edison customers.

5 A. I don't recall having spoken with anyone about
6 ELR.

7 Q. Turn to page 4 of your testimony, the line starting
8 at the very end, line 2 going into line 4. You were
9 testifying about the penalties in Rider ELR. It says, it
10 also sends pricing and risk signals to other manufacturers
11 considering locating within Toledo Edison's service area or
12 enrolling in Toledo Edison's demands programs. What is the
13 basis for that testimony?

14 A. Assuming, you know, word would get out on what is
15 happening here, it would be a disincentive to other people to
16 want to locate to this area.

17 Q. Have you spoken to anybody that -- any other
18 manufacturers that are considering locating to the Toledo
19 Edison service area?

20 A. I have not.

21 Q. Have you spoken to any other manufacturers who are
22 considering enrolling in Toledo Edison's response program?

23 A. Not to my knowledge.

24 Q. Do you understand the term firm as used in Rider

1 ELR?

2 A. I believe so.

3 Q. What is your understanding of what firm load is as
4 used in Rider ELR?

5 A. Firm load shall be the portion of a customer's
6 electric load that is not subject to curtailment.

7 Q. Are you reading out of Rider ELR?

8 A. Correct.

9 Q. And what is MSC's firm load? Do you know?

10 A. According to the addendum, it's 2000.

11 Q. And do you know how that 2000 KW, slash, KVA firm
12 load was selected?

13 A. No.

14 Q. Do you know who made the decision to select 2000 as
15 the firm load?

16 A. I don't know who made a decision for 2000. Based on
17 the addendum having been signed off by Toledo Edison and MSC,
18 I am assume it was a joint decision.

19 Q. And do you know who at MSC would have made that
20 decision?

21 A. Ultimately, Mike Wilson and Steve Hamilton.

22 Q. Does the 2000 KW, slash, KVA load have any
23 significance in MSC's operations?

24 A. Can you be more specific?

1 Q. Can you still operate certain machines while
2 maintaining a 2000 KW load?

3 A. For production or just any machine?

4 Q. For any, in other words, to maintain production?

5 A. No, we can't run production at 2000.

6 Q. So do you know who PJM is or what PJM is?

7 A. In general.

8 Q. What is your understanding?

9 A. They are the regional transmission organization.

10 Q. Do you know what ATSI is?

11 A. In general.

12 Q. What is your general understanding?

13 A. That's like the area that we fall into, I believe
14 the zone that we're in.

15 Q. And are you familiar with the term emergency
16 curtailment event under Rider ELR?

17 A. Yes.

18 Q. What is your understanding of what an emergency
19 curtailment event is?

20 A. (Reading:) Upon no less than two-hour advance
21 notification provided by the company, the customer taking
22 service under this rider must curtail all loads above its
23 firm load during an emergency curtailment event consistent
24 with the company's instructions. For the purposes of this

1 rider, an emergency curtailment event shall be one in which
2 the company, a regional transmission organization and/or a
3 transmission operator determines in its respective sole
4 discretion that an emergency situation exists that may
5 jeopardize the integrity of either the distribution or
6 transmission system in the area. If the emergency
7 curtailment event is requested solely by the regional
8 transmission organization, the maximum duration that load
9 must be curtailed will be six hours and shall be limited to
10 10 events per planning year as defined by PJM. Any
11 interruptions requested by the regional transmission
12 organization will only occur between 12:00 p.m. noon to 8:00
13 p.m. eastern prevailing time for the months of May through
14 September, and 2:00 p.m. to 10:00 p.m. for the months of
15 October through April on weekdays other than PJM holidays.

16 Q. Is that Rider ELR that you are reading from?

17 A. Correct.

18 Q. Do you have any understanding of the type of
19 situations or, like, what is going on when an emergency
20 curtailment event occurs?

21 A. I have no knowledge of that. I'm sorry. I'm
22 assuming you meant from a Toledo Edison perspective.

23 Q. Right. Yes, or from PJM?

24 A. Yes. I done have enough knowledge of how your

1 system works.

2 Q. Do you know who pays for the credits received by MSC
3 under Rider ELR?

4 A. I can't find it specifically here, but I believe its
5 other customers who are not on the program.

6 Q. And do you receive notices of the emergency
7 curtailment events under Rider ELR, like you, yourself, do
8 you get the notices?

9 A. From Toledo Edison?

10 Q. Yes.

11 A. Yes.

12 Q. And has that always been true since you have been
13 plant manager?

14 A. Yes.

15 Q. And does anybody else at MSC receive those same
16 notices of the -- I call them ECE, emergency curtailment
17 events. Does anybody else at MSC get those notices?

18 A. Yes.

19 Q. Who else does?

20 A. I would have to get a list. It has changed over the
21 years, but essentially key people within the organization,
22 the operations manager, engineering manager, you know,
23 myself. Mr. Wilson gets some version of that notification as
24 well. I think we have added a few people and have taken a

1 few people off over the years. I would have to get the
2 latest list to get you everybody that is on it.

3 Q. So does it sound correct to you that in September of
4 2013, the representatives of MSC that received the notices
5 were you, Mike Wilson, Jim Augsburger, and Jeff Ramsay?

6 A. Myself, Jeff Ramsay, and Jim Augsburger, yes. Mr.
7 Wilson, I'm not sure about.

8 Q. Okay. And do you recall that after September 11,
9 2013 MSC increased the number of people that received
10 notices?

11 A. Yes.

12 Q. And why did MSC increase the number?

13 A. Just to make our reactionary process more robust.

14 Q. To -- by making it more robust, do you mean speeding
15 it up?

16 A. No.

17 Q. What do you mean by robust?

18 A. Ensuring that if somebody was on vacation or if
19 there was a potential issue with their phone or e-mail,
20 others in the facility would have the ability to contact the
21 right people to meet the intent of the rider.

22 Q. Had MSC experienced any problems in receiving the
23 notices on or before September 11, 2013?

24 A. Can you be more specific with the notice?

1 Q. The e-mail from Toledo Edison notifying MSC of the
2 ECE?

3 A. I don't think -- at the facility, I don't believe
4 there were any issues with receiving the notices.

5 Q. Okay. And what about outside of the facility?

6 A. I'm not sure what structure was set up, whether it
7 was e-mail or phone or fax.

8 Q. And do you know whether there were any problems in
9 receiving any of those type of communications in connection
10 with ECEs outside the facility?

11 A. I don't know for sure. I believe Mr. Wilson was
12 unsure if he got notification on the September 11 event. I
13 don't recall what actually came out of that. I believe
14 Toledo Edison investigated it and, I believe, he did get some
15 type of notice, but I don't remember what that notice was.

16 Q. But the individuals at the facility, meaning you,
17 Jeff Ramsay, and Jim Augsburger, did receive the notices on
18 and before September 11 --

19 A. Correct.

20 Q. -- 2013? And do you recall how many ECEs were
21 called in 2013?

22 A. Yes.

23 Q. How many?

24 A. Five.

1 Q. And I believe you testified that MSC instituted the
2 same process in response to each ECE; is that correct?

3 A. Can you be more specific?

4 Q. On page 5, lines 2 through 4, you testified that
5 MSC, upon receiving its five curtailment notices of the year,
6 put into effect the same curtailment plan as before.

7 A. That is correct.

8 Q. What is that plan, that curtailment plan that you
9 reference?

10 A. Jeff Ramsay can give you the details on that, but
11 essentially we have a process that we must follow to shut the
12 facility down. So when we get receipt of an ECE, the process
13 is initiated to shut the facility down.

14 Q. Who is responsible for initiating that process?

15 A. I initiate the process, and then the application of
16 the process is, you know, then relayed to Mr. Ramsay through
17 the maintenance and through the engineering department and
18 Mr. Augsburger. Production is involved. Maintenance is
19 involved. Engineering is involved.

20 Q. And so what would happen if you were not at the
21 facility at the time an ECE was called?

22 MR. SMITH: Objection. Speculation.

23 A. Can you be more specific?

24 Q. If you were on vacation?

1 A. Essentially, if I was on vacation, Mr. Ramsay would
2 be left in charge and then Mr. Ramsay would initiate the same
3 shutdown procedures.

4 Q. Okay. And were you at the facility on September 11,
5 2013?

6 A. Yes.

7 Q. And were you -- do you recall, were you here that
8 day during your normal 7:15 to 4:00 or 6:00 p.m. time
9 frame?

10 A. Yes, it was a normal day.

11 Q. And were you at the facility shortly in the
12 afternoon when the notice was issued?

13 A. Yes.

14 Q. And how did you receive the notice, if you recall?

15 A. E-mail.

16 Q. And do you recall what time you received the e-mail?

17 A. It would have been 12:05.

18 Q. Okay. So you believe you received the notice
19 basically as soon as it came in?

20 A. I don't know what that means.

21 Q. How do you know you received the notice at 12:05?

22 A. It would have been time stamped on the e-mail that I
23 received.

24 Q. And so do you know if it was sitting in your e-mail

1 inbox over a period of time or did you see it immediately?

2 A. The time stamp is on the e-mail when it enters the
3 server, so I believe that time stamp is when it was
4 received.

5 Q. And did you receive the notice through any other
6 mechanism besides e-mail?

7 A. Yes. I'm actually set up to receive a phone call
8 and I am set up to receive a fax.

9 Q. Did you receive both a phone call and a fax that
10 day?

11 A. The phone call, yes. The fax, I believe so. The
12 main driver for me is the e-mail. The other two mechanisms
13 are just backups.

14 Q. And did you read the e-mail?

15 A. Yes.

16 Q. And what did you understand that e-mail to mean?

17 A. PJM has initiated a load curtailment event beginning
18 September 11, 2013 at 2:00 p.m. eastern prevailing time for
19 First Energy ATSI control zone. The duration of the event
20 was for six hours. This is a mandatory load curtailment
21 event. You must reduce your load to your firm service load
22 prior to the start of this event. If you have any questions,
23 please contact your First Energy customer service
24 representative.

1 Q. So what did you believe MSC needed to do after you
2 got that e-mail?

3 A. The intent of the Rider wasn't met. We did not
4 receive the correct notice. Again, according to page 3 of 5
5 in the Rider section D, upon no less than two-hour advance
6 notification provided by the company, the customer taking
7 service by this rider must curtail all loads above its firm
8 load during an emergency curtailment event consistent with
9 the company's instructions.

10 Obviously there was an issue and we needed to do the
11 right thing which was to curtail. So that is what we did.

12 Q. And so you believed that MSC was required to curtail
13 at that time after receiving the notice?

14 A. I believed Toledo Edison wanted us to curtail. I
15 don't believe Toledo Edison properly administered the
16 notification.

17 Q. So when you received the e-mail notice on September
18 11, you determined that the notice was insufficient?

19 A. I determined the notice was defective, because we
20 did not receive, upon no less than two-hour notification.

21 Q. And you made that determination on September 11,
22 that the notice was defective?

23 A. We noted there wasn't a two-hour advance
24 notification, yes.

1 Q. And did you believe at that time on September 11
2 that MSC did not need to curtail its load?

3 A. I believe that the notice was not given adequate
4 time.

5 Q. Right. I'm trying to understand what you then
6 believed was MSC's responsibility at that point in time?

7 A. Our responsibility is to try to help Toledo Edison
8 and, based on your e-mail, our responsibility was to curtail,
9 which is what we did.

10 Q. Did you think on September 11 that MSC's curtailment
11 was voluntary?

12 A. I believe we weren't given proper notice per the
13 rider.

14 Q. That is not the question I asked.

15 A. Okay. Can you restate the question.

16 Q. Did MSC believe that its curtailment that it started
17 the process to curtail on September 11, was voluntary?

18 A. At the time it wasn't the proper notice but we knew
19 we needed to curtail. So essentially with a defective
20 notice, we voluntarily curtailed to meet the event which is
21 what you were asking us to do.

22 Q. So when you curtailed on September 11, you did not
23 believe MSC was required to curtail? You were doing --

24 A. Per the strict letter of the rider, that is

1 correct.

2 Q. I'm -- let me stop you. I'm trying to understand
3 what your mindset was on September 11.

4 MR. SMITH: Let the witness answer.

5 MS. McBRIDE: Yes, I'm trying to.

6 THE WITNESS: I'm sorry. Can you restate what
7 you're asking?

8 Q. I am trying to understand whether when you got the
9 notice on September 11 --

10 A. Okay.

11 Q. -- whether what you did first -- did you make the
12 calculation about the two hours upon receiving the notice?
13 Did you make that calculation about the difference between
14 the start time and the e-mail time?

15 A. Yes. We knew we did not have two-hour advance
16 notice as soon as we got the e-mail, correct.

17 Q. And so did you believe that MSC was required to
18 curtail or were you doing it voluntarily at that time?

19 A. Again, the required curtailment, per the rider, is
20 upon no less than two-hour advance notification. We didn't
21 get two hours, but obviously there was an issue that Toledo
22 Edison felt that we needed to curtail. So we curtailed.

23 Q. But you believe you were doing this voluntarily?

24 A. If you wouldn't have sent the notice, any notice, we

1 would not have curtailed. The notice was defective. It
2 didn't meet the intent of the rider, but we understood that
3 there was an issue, so we curtailed.

4 Q. Did you believe that you would subject to penalties
5 if you failed to properly curtail on September 11?

6 A. Just failing to curtail was not the intent of what
7 we were doing. We implemented the same procedures that we
8 always did. We fully expected to curtail to the firm load.
9 So there was no thought of penalties at the time that we
10 initiated the curtailment because we had no reason to believe
11 that we would not comply to the firm load requirement.

12 Q. So what in your mind was the distinction between
13 voluntary and required?

14 A. Because there wasn't a two hours -- upon no less
15 than two advance notification, the Rider would not be in
16 effect. So, yes, we curtailed. We had no reason to believe
17 we would not meet the firm load, but we were not given
18 adequate notice to properly curtail based on the rider.

19 Q. And had this two hour notice issue occurred
20 before?

21 A. Can you be more specific?

22 Q. Had you previously determined that a Toledo Edison
23 notice of ECE was defective before September 11, 2013?

24 A. We had knowledge that the two-hour commitment was

1 not there, correct.

2 Q. For which events prior to September 11?

3 A. If look at the table, page 10 and page 11, the data
4 is essentially detailed out.

5 Q. That reflects in your mind that every single notice
6 in 2013 was defective, under your definition of defective, is
7 that right?

8 A. That is not correct. It is defective per the
9 rider.

10 Q. Okay. Fine. But what I'm saying is that of them
11 failed to meet that two-hour window that you were describing,
12 correct?

13 A. Correct. Those notices were not given no less than
14 a two-hour hour notification.

15 Q. Did you discuss with anybody at Toledo Edison at any
16 time your believe that those notices were defective?

17 A. No.

18 Q. Why not?

19 A. Why would we. It is -- the rider is written. You
20 guys agreed to the rider. You control the notices. You have
21 the full understanding of the rider and you have full control
22 of the notices. If you chose to send them not according to
23 the intent of the Rider, why would I question what you're
24 doing. It is your company.

1 Q. So your position is that MSC voluntarily shut down
2 it's process on five dates in 2013?

3 A. It's my opinion that there was not adequate notice,
4 per the rider, to strictly enforce the penalties associated
5 with the Rider based off the defective notices.

6 Q. And so what did MSC do?

7 A. Based on the intent of what you were trying to do,
8 we shut the facility down, if the facility was returning.

9 Q. And you did that based on your own choose?

10 A. We do that based on the understanding that there was
11 an issue and that you were asking us to do something and we
12 were doing what we believed was the right thing to do.

13 Q. But you were not required to do it?

14 A. Per the rider, we were not required to do it.

15 Q. Did you have any discussions internally or with Mr.
16 Wilson about the defective notices?

17 A. Can you be time specific?

18 Q. At any time prior to September 11, 2013?

19 A. No.

20 Q. And did you communicate to Mr. Ramsay or
21 Mr. Augsburger that MSC curtailments on the -- during the
22 ECEs prior September 11 were voluntary?

23 A. No.

24 Q. Did MSC consider not curtailing upon receipt any of

1 those ECE notices in 2013?

2 A. Not really, no.

3 Q. Did MSC do anything in response to the ECE that was
4 different because the notice had been defective or because
5 the notice was defective?

6 A. Can you say that different.

7 Q. Did you change your response to an event because you
8 believe the notice was defective? Did you do anything
9 different that you would have if the notice was were proper?

10 A. No. We initiated the same shut done procedures to
11 curtail our load.

12 Q. Did you delay that process at all because you
13 thought the notice was defective?

14 A. No.

15 Q. And so MSC's -- the result of MSC's curtailment
16 would have been the same whether the notice was defective or
17 not; is that correct?

18 A. Say that again.

19 Q. You didn't -- MSC didn't change anything about the
20 process because the notice was defective, correct?

21 A. That is correct.

22 Q. And MSC didn't delay the process because the notice
23 was defective?

24 A. That is correct.

1 Q. And so MSC's compliance or ability to reach it firm
2 load was the same as it would have been if the notice was
3 proper or defective?

4 A. I would say that's correct.

5 Q. How was MSC's manufacturing process different on
6 September 11 than during the previous four ECEs, four or
7 five?

8 A. Page 4, essentially, row 17, really into page 5
9 through row four.

10 Q. So you mentioned there in the first sentence of that
11 question at the top page 4 that MSC was conducting a
12 manufacturing process on September 11, which required the
13 ovens to heat the product in a manner that differed from the
14 normal event.

15 How often is that same process used? I mean, it's
16 not the normal process, but is it -- was it a one-time
17 manufacturing process or is it a process that you
18 implement every once in a while?

19 A. It was not a one-time manufacturing process. I
20 would have to look at our production schedule to see the time
21 frame, how many days a month we run that product. But it's
22 an off standard condition, so to speak.

23 Q. Is it run monthly?

24 A. Yes.

1 Q. And I believe you testified that that's MSC
2 determination that it did not -- it's load did not reach firm
3 load due to these fans that were kept on to cool the ovens.
4 Is that -- did I explain that generally correct?

5 A. Generally. After the fact we thought we were okay,
6 We initiated the same shut down procedures we always have.
7 We couldn't monitor the usage unfortunately because of the
8 internal system, the computer failed. We had no reason to
9 believe we had problem until receiving notification from
10 Edison that we had an issue. So after looking at it, that
11 was the conclusion that we made because it tied to when we
12 shut those fans off.

13 Q. The load decreased the load and additional amount
14 after the fans were turned off?

15 A. Correct.

16 Q. And who made the decision to leave the fans on?

17 A. We have procedures for shutting down the facility
18 and shutting down the ovens and in the procedure it states
19 when those fans can be turned off. There was no conscious
20 decision to violate the rider.

21 Q. And so was there a conscience decision to leave the
22 fans on or are you saying the fans were just turned on and
23 off in accordance with the procedure?

24 A. The ovens are turned off, but you have to let the

1 fans circulate so you don't damage the equipment. That is in
2 the procedure for shutting down the oven.

3 Q. So the procedure called for the fans to remain on?

4 A. Correct. You turn off the combustion, but you have
5 to allow air to circulate so you didn't damage the ovens.

6 (Court Reporter marked Respondent's Exhibit
7 1.)

8 (Brief recess was had.)

9 Q. The Court Reporter handed you what has been marked
10 as Exhibit 1 and do you recognize this document?

11 A. What do you mean by recognize it.

12 Q. Do you recall seeing it before?

13 A. Not exactly, but I mean there were conversation that
14 Mike was having with people at Edison, so.

15 Q. Okay. So I will represent to you that this was
16 produced by MSC's counsel among a -- with one set of a lot
17 different e-mails.

18 A. Okay.

19 Q. And at the bottom of this one-page exhibit, Exhibit
20 1, there's what looks to be an e-mail from Mike Wilson to
21 Kathy Garcia and ccing you dated October 2nd, 2013. Is that
22 right? Do you recall this e-mail?

23 A. I mean, yes. Obviously I got it. I don't remember,
24 you know, that it sparked any light bulb or anything. I'm

1 sure I have seen it before.

2 Q. And in this second paragraph of Mr. Wilson's e-mail
3 to Kathy Garcia, he says that from my understanding we were
4 over by a fairly small amount, due to a mistake in judgment,
5 parenthesis, we left the fans running in the event because
6 someone thought it was risky not to, close parenthesis. Do
7 you know when he meant by that?

8 A. Yes, I believe so. Again this is around the time we
9 were becoming aware that we had an issue. So we were trying
10 to understand what had happened and some of this you have to
11 know Mr. Wilson. He was kind of very structured or short in
12 his approach. So when we talked to him about procedures we
13 had in place and we were following the procedures, the
14 question was why don't you just go shut them off. The answer
15 was you can't shut them off. You will damage the ovens. So
16 what I think he is referring to is someone made a judgment
17 not to shut them off. The reality is that we were following
18 the procedure. We don't know we were over. So there was no
19 reason to believe we had an issue with shutting them off and
20 potentially damaging the equipment. So he thought he could
21 physically shut them down. We could have made a judgment
22 call to do that, but the facility didn't. We didn't because
23 we were following our procedures. We had not reason to
24 believe that we needed to. So I believe that is kind of what

1 he is referring to there.

2 Q. And did you have any discussions with Mike Wilson
3 about the fans or the process MSC used process to comply?

4 A. Yes.

5 Q. And was he angry that the facility had followed the
6 procedures?

7 A. Can you be more specific?

8 Q. Was he -- did he believe that the MSC, the facility
9 here, had done anything wrong?

10 A. I don't believe so. Obviously, you know, when you
11 found out that there was going to be a substantial financial
12 penalty, hind sign is 20/20. A lot gets second guessed.
13 Essentially we followed the procedures we're supposed to
14 follow in order to shut the facility down.

15 Q. And it looks like there was a meeting set up to
16 discuss the penalty so this was between MSC's representative
17 and Toledo Edison's representative; is that right?

18 A. Kind of yes. If I remember correctly, there was
19 already a meeting scheduled, I think, with higher ups at
20 Edison to come out and meet at the facility, since we are a
21 large customer. There was a new president or someone coming
22 into the area. Then this event happened and then it rolled
23 it, hey, well, let's met everybody and talk about the event
24 as well. I don't know if that is this meeting, but there was

1 a meeting look that.

2 Q. When that meeting did occur, did you attend?

3 A. Yes.

4 Q. Were the ELR penalties discussed?

5 A. Yes, they were discussed, but I don't remember if
6 the dollars values were discussed at the time. But there was
7 discussion of you will be penalized. I remember it being
8 significant. I don't remember the dollar numbers.

9 Q. At any point before that meeting or during that
10 meeting did MSC explain that the notices were defective?

11 A. I don't believe so. Just to add to that, prior to
12 the meeting, I don't think it was clear what was going to
13 happen with the issue that we had. So it was our
14 understanding that we didn't think we were going to be
15 penalized. Certainly not to the degree that we were. When
16 we had the meeting, I think it was more up front. Is this
17 going to be real, because it was so unbelievable. So I'm not
18 sure if that meeting was as productive as it could have been
19 around what happened and notices and that kind of turned into
20 an emotional event. Once it became apparent that Edison was
21 serious about charging roughly \$2.4 million for, you know, \$85
22 worth of electricity.

23 Q. You have said once it became emotional in the
24 meeting?

1 A. In the meeting, yes.

2 Q. And -- but during that meeting, again, nobody
3 mentioned the defective notices?

4 A. No. Again, that really wasn't laid out that way.
5 It was a meeting and great. Then it was, hey, here we kind
6 of might get a presentation about the intent of the Rider,
7 then development in Ohio. We are going to grew and I think
8 what the thought process is that this was going to be waived
9 essentially and that would be it. And toward the middle or
10 the end of the meeting is where things kind of deteriorated
11 that it was apparent that it was going to go -- it all kind
12 of fell apart.

13 Q. And at the time of this meeting had MSC received the
14 penalty letter from Toledo Edison?

15 A. I don't remember the time frame. I believe we
16 received at penalty letter on October 4. I don't remember
17 when we met. In fact, it may have been that day that we met
18 and they give us the letter. I don't recall. But it was
19 very close in time.

20 Q. Did you have any discussions with Mr. Wilson about
21 the defective notices before October 2nd, 2013?

22 A. I don't know for sure. Perhaps, but, again it was
23 unclear what the penalty was going to be or even if there was
24 going to be a penalty. I'm not sure how much conversation we

1 had around the whole process.

2 Q. So you don't recall any specific conversations with
3 Mike Wilson, prior to October 2nd about the defective
4 notices?

5 A. I believe it was talked about, but I don't recall.
6 I can't give you a specific date and time.

7 Q. Can you recall when it was discussed, about the
8 notices?

9 A. Not on a time line. I can't remember if it was
10 before or after we had the meeting and we realized that this
11 was going to be a real penalty.

12 Q. Was anybody on -- anybody meaning either you,
13 Mr. Augsburger or Mr. Ramsay on vacation on September 11?

14 A. No.

15 Q. So all three of you were at the facility on
16 September 11 when the notice came in?

17 A. Correct.

18 Q. And you had mentioned previously that you initiate
19 the shut down procedure after the notice is received; is that
20 right.

21 A. Correct.

22 Q. And does the process begin once you tell Mr. Ramsay
23 and Mr. Augsburger to start or would they start without
24 waiting, you know, for your instructions?

1 A. The process starts with me.

2 Q. Start with you. So they may receive the notice
3 themselves, but they still wait to get those instruction from
4 you before they start?

5 A. Essentially when the notice come in, we collectively
6 get together and then determine what must be done. But
7 ultimately the decision is mine to shut the facility down.

8 Q. And in September of 2013, no, in all of 2013 during
9 the five ECE that you identified in your testimony, were
10 there on any -- on any of those days was the plant already
11 shut down?

12 A. Yes.

13 Q. Do you recall which date that --

14 A. I would have to look at our shut down schedule, but
15 we're shut done for two weeks in July. I would have to
16 confirm those dates.

17 Q. And are you -- is the plant shut down for two weeks
18 every year in July?

19 A. Yes.

20 Q. And are there any other shut down times?

21 A. December.

22 Q. And is it -- how long in December is the shut
23 down?

24 A. Two weeks in July. Essentially two weeks in

1 December.

2 Q. Other than the two-week period in July and December
3 and perhaps in response to an ECE, does the plant shut down
4 in a normal course at any other time?

5 A. Can you be more specific on shut down.

6 Q. I mean, do you stop the production processes?

7 A. Yes.

8 Q. Why would you that occur?

9 A. Products change over. So depending on what's going
10 on and when, you essentially have to stop production and
11 change rolls or move equipment or set up. So essentially
12 production would not be happening during that time and at the
13 completion of our schedule for the week, the facility would
14 shut down.

15 Q. So --

16 A. Production.

17 Q. -- production over the weekend. Every weekend
18 then?

19 A. It could be. It just depends on how the schedule
20 runs and where you're at.

21 Q. And so on the occasion during 2013 when the ECE was
22 called but the plant was already shut down for that two-week
23 period in July, did MSC need to do anything in response to
24 the notice?

1 A. Yes.

2 Q. What did MSC need to be do?

3 A. Essentially just ensure that the right equipment is
4 not running, which line six being down is 99 percent of the
5 issue. So there's not a lot that needs to be done, but it's
6 just monitor and, you know, it should be fine.

7 Q. You mentioned in you testimony that there was, I
8 think, you called it a computer glitch on September 11 and so
9 the plant internal energy tracking system was down that day;
10 is that right?

11 A. That is correct.

12 Q. Did that have any impact on MSC's response to the
13 ECE notice?

14 A. Can you be more specific?

15 Q. Did it delay the process any, the shut down
16 process?

17 A. It did not delay the shut down.

18 Q. How is the internal energy system used? How was it
19 used during previous ECEs?

20 A. It is used to monitor to ensure that we're below
21 2000.

22 Q. So is somebody, I assume, it a computer terminal?

23 A. Uh-huh.

24 Q. Is somebody stationed there during the entire ECE to

1 watch it?

2 A. Essentially, not necessarily the entire duration,
3 but, you know, once you get the right equipment shut down.
4 You ensure that's you're there before the start of the even.
5 You do a systemic monitoring just to make sure nothing has
6 changed and it has worked very well up until the September 11
7 event.

8 Q. Who have that responsibility?

9 A. Jim Augsburger ensure the system is up and running
10 and then we'll have different people looks at the numbers and
11 kind of relay them out.

12 Q. And are those people in Mr. Augsburger's group or
13 his direct reports?

14 A. It's a combination. Sometime it's Jim himself.
15 Sometimes it is a production individual. So it varies.

16 Q. And how soon ever MSC start the shut down process on
17 September 11 did MSC became aware that that system was not
18 working?

19 A. Shortly after receiving the notice we started the
20 process. In that process you verify that the computers were
21 working. We couldn't get the computer to work.
22 Mr. Augsburger got involved to try to fix the computer. So
23 really it was shortly after the notice was sent when we
24 started our process.

1 Q. And I think you mentioned in your testimony that
2 there was a mother board failure of some sort; is that
3 correct?

4 A. Correct.

5 Q. Was that system working on September 10, the
6 previous day during the ECE?

7 A. I believe so.

8 Q. And other than that system, does, MSC have any
9 ability to track its electric usage, real time?

10 A. Mr. Augsburgers can answer.

11 Q. Are you aware of any other system?

12 A. Not a system. No, I mean, that computer system is
13 what we have always used since I have been here.

14 Q. Did MSC contact any Edison at all during ECE because
15 it was unable to track it's usage?

16 A. Not that I'm aware of.

17 Q. And do you have any reason to believe that Toledo
18 Edison's meter at the plant are inaccurate?

19 A. I don't have enough information to know what is
20 accurate or not accurate. I have no reason to believe either
21 way. I don't know. I would assume they are accurate. They
22 are your meters. I believe we pay like a yearly or annual
23 fee to you guys to check them out and make sure they are
24 working properly.

1 Q. In 2013 or since 2013, have you has anybody at MSC
2 identified any issues associated with the meters?

3 A. Not that I'm aware.

4 Q. Has MSC requested a test of the meters in 2014?

5 A. Not that I'm aware of.

6 Q. Do you know -- in your testimony you have a table
7 identifying the time that Toledo Edison sent the notices of
8 the ECE to MSC. Do you know when Toledo Edison received
9 notice of the emergency events from PJM?

10 A. I don't believe so.

11 Q. On page 14 of your testimony, let's see, line 10 or
12 9 to 10, you talk about the amount of the penalty that Toledo
13 Edison is seeking for this September 11 ECE. Have you -- do
14 you have any reason to believe that, you know, roughly \$2.4
15 million figure is incorrect?

16 A. Can you be more specific about incorrect.

17 Q. Have you checked the calculation?

18 A. Mr. Augsburger can probably give you more details on
19 that.

20 Q. Do you know whether the calculation has been
21 checked?

22 A. I believe Jim -- I guess, I don't know that. I
23 think he took the data and applied it to our bills to see
24 what the percent increase would be in our rate. I am not

1 sure if anybody at MSC has double checked Toledo Edison's
2 figures, but Jim can answer that.

3 Q. Okay. On page 13 and then going into page 14, you
4 testify that the value of the penalty usage was \$85 dollar.
5 And I think you explained that \$85 dollar is MSC calculation
6 about the actual usage associated with the fans. And why did
7 you calculate that \$85 number? Why is that relevant from
8 your perspective?

9 A. Essentially the penalty is extremely high, compared
10 to the minimal amount of usage that occurred during that time
11 frame. So it doesn't seem to be reasonable that Edison would
12 ask for \$2.4 million for, you know, less than 1000 KVA. I
13 value that essentially as nothing.

14 Q. And do you know whether penalties, the formula for
15 the penalties is set forth in Rider ELR?

16 A. Can you state that question again?

17 Q. Do you know whether the formula for the penalties
18 under Rider ELR, are including in the terms of the Rider
19 itself?

20 A. So are you referring to the ECE charges.

21 Q. No, the penalties associated with not reaching the
22 firm load during the ECE?

23 A. Yes. Referring to page 4 of 5 about the four
24 events, is that what you're referring to?

1 Q. Correct. Are you looking at the third paragraph on
2 page 4 of 5?

3 A. Correct. If at any time during the event the
4 customer exceeds 110 of its firm load.

5 Q. Correct.

6 A. That paragraph.

7 Q. Is that your understand that that is how the
8 penalties are calculated?

9 A. I am assuming Toledo Edison followed the intent of
10 Rider for the penalties.

11 Q. And those penalties do not include any calculation
12 of the incremental usage during ECEs; is that right?

13 MR. SMITH: I object. You're calling for a
14 legal conclusion. He is a layman. He can respond
15 as a layman.

16 A. I mean, I can read the Rider like you can read it.
17 I don't see anything in there about incremental usage.

18 MS. McBRIDE: I will take a quick break to
19 make sure I didn't have any follow-up question.

20 (Brief recess was had.)

21 Q. We talked about instances or at least one instance
22 in July of 2013 were the plant was already in -- had already
23 shut down when an ECE occurred. Do you recall on how many
24 dates that was true, meaning were -- you mentioned one date

1 in July?

2 A. I didn't mention the date. I would have to pull the
3 records to know the dates.

4 Q. Do you have any recollection on an ECE being called
5 when the plant was already shut down?

6 A. Yes.

7 Q. And do you think that was on more than occasion or
8 just once?

9 A. I would have to look at a calendar to see when our
10 shut down fell. I believe your July -- I'm sorry. I'm
11 trying to get the dates of July shut down.

12 Q. I believe we have them on the on page 10 to 11 of
13 your testimony.

14 A. Yes. Because the July dates were so close together,
15 I would to pull records to understand what was going on at
16 the facility at the time.

17 Q. Does the facility should down -- is it like the same
18 two weeks in July every year, the last two weeks?

19 A. It's usually around the 4th. So it could be the
20 last week in June. We may start up. We don't necessarily
21 start up on that Monday. So that is why I would have to pull
22 the records to see when the facility started production on
23 the July dates.

24 Q. So based on what you can remember right now, you

1 believe there was at least one date on which the plant was
2 shut down during and ECE?

3 A. I would say that that is fair at this time, but I
4 still need to pull the data to confirm that.

5 Q. Okay. Okay. On September 11, 2013 I believe you
6 testified that MSC received the notice of ECE about 12:05
7 when the time stamp is on the e-mail; is that right?

8 A. I received the notice, yes, at 12:05, the time stamp
9 on the e-mail. That is correct.

10 Q. If MSC had received the notice at 12:00 noon would
11 it have been able to curtail to firm load by 2:00?

12 MR. SMITH: Objection. Hypothetical without
13 foundation. You can answer if you can.

14 A. I can't say for sure. Again, we followed our
15 procedures and we fully intended to met the firm load. We
16 thought we met out firm load. I can't speculate on what
17 would happen if the notice wasn't defective.

18 Q. So how are -- your shut down processes, when are
19 those developed? You said you had a set of procedures to
20 shut down production; is that correct?

21 A. Correct.

22 Q. When were those procedures developed?

23 A. Mr. Ramsay can talk to you more about procedures.
24 Over the course of years of different issues, those procedure

1 would be modified. So I wouldn't say there was snap shot in
2 time that they were developed and never looked at again. So
3 they're -- as things come up, we modify them to make the shut
4 down more effective and more productive. If something is
5 missed in the shut down procedure, we obviously correct it.

6 Q. Are the procedures used for shut down in connection
7 with an ECE the same procedures you would use in July and
8 December for the routine shut down?

9 A. Jeff Ramsay can you give you more detail. From a
10 high level, they get you to the same point.

11 Q. Okay. But you don't know if there are any
12 differences between a shut down in connection with an ECE as
13 for normal shut downs?

14 A. I don't know about equipment by equipment.
15 Mr. Ramsay can give you the detail on that.

16 Q. And do you recall that MSC's load did not reach its
17 firm load on September 11 until the 3:30 to 4:30 hour?

18 A. Based on your data, that is correct.

19 Q. And so on September 11, it took MSC over three hours
20 to reach its firm load?

21 A. Based on your data, that is roughly correct, yes.

22 MS. SMITH: Okay. That is it. Thank you very
23 much. I appreciate your time.

24 THE WITNESS: Okay.

1 (Deposition concluded and witness excused at
2 11:58 a.m.)

3 (Signature reserved.)

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From: kagarcia@firstenergycorp.com <kagarcia@firstenergycorp.com>
To: Wilson, Mike <Mike.Wilson@matsci.com>
Cc: Siffer, John <John.Siffer@matsci.com>
Subject: Re: FW: Meeting to discuss ELR penalty
Date: Wed, 2 Oct 2013 12:26:41 -0500

Hi Mike,

We are still on for Monday at 1pm to discuss the ELR penalty and other issues. Eileen Mikkelsen and Linda Moss will both be in attendance along with my manager Brad.

Thanks,

Kathy Garcia
Toledo Edison
Customer Support
(419) 249-6107 office
(419) 466-1226 cell
(419) 249-6188 fax
kagarcia@firstenergycorp.com

From: "Wilson, Mike" <Mike.Wilson@matsci.com>
To: "kagarcia@firstenergycorp.com" <kagarcia@firstenergycorp.com>
Cc: "Siffer, John" <John.Siffer@matsci.com>
Date: 10/02/2013 11:52 AM
Subject: FW: Meeting to discuss ELR penalty

Kathy,

Is the meeting off for Monday – I've got flight reservations already made. When did this happen?

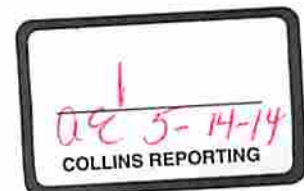
Also, I need to be involved in this penalty discussion. From my understanding we were over by a fairly small amount due to mistake in judgement (left the fans running in our ovens because someone thought it was risky not to). We've complied with every test, etc. etc. and we are going to be penalized for this. I'll need to see the economics of what financial hardship we caused by this mistake.

I need to be involved with this meeting and highly suggest we keep the Monday meeting since we've planned and prepared for it. We can discuss this before or after the meeting. I'd prefer before.

Pls let me know.

Mike

Michael R. Wilson



SIGNATURE PAGE

Date of Deposition: May 14, 2014

Correction page(s) enclosed? Yes____ No____

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C E R T I F I C A T E

I, Angela Ellis a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was by me reduced to stenotype in the presence of said witness and afterwards transcribed; that the foregoing is a true and correct transcription of the testimony so given as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any of the parties in this action; that I am not a relative or employee of an attorney of any of the parties in this action; that I am not financially interested in this action, nor am I or the court reporting firm with which I am affiliated under a contract as defined in the applicable civil rule.

<p>A</p> <p>ability 46:20 58:1 70:9 able 17:1,6 21:10 33:21 75:11 acceptable 31:4 access 40:12 account 40:15 accurate 39:21,22 70:20,20,21 acknowledge 29:8 action 79:17,18,19 actual 72:6 add 63:11 added 45:24 addendum 11:24 12:24 13:3,6,10,16,20,23 35:14 42:10,17 addendums 12:13 33:15 34:5 additional 59:13 addressed 15:20,20 adequate 52:3 54:18 56:3 administered 51:15 advance 37:14 43:20 51:5,23 53:15,20 54:15 AE14-2887 78:23 affiliated 79:20 affixed 80:2 afford 16:16 aforsaid 79:8,12 afternoon 49:12 agreed 11:1 55:20 agreement 23:6 agrees 32:4 38:1 ahead 4:22 19:14,15 25:14 air 60:5 Aken 2:4 Akron 2:15 allocated 25:7,11,16 allocation 25:12,19 allow 60:5 alternative 14:23 alternatives 10:17 amount 59:13 61:4 71:12 72:10 amounts 16:2 analysis 34:20,21 35:19 36:8 analyze 35:14 and/or 44:2 Angela 1:17 79:4 80:5 angry 62:5 annual 70:22 answer 17:13 36:15</p>	<p>37:9 53:4 61:14 70:10 72:2 75:13 anybody 10:9 13:22 14:4 41:17 45:15,17 55:15 65:12,12 71:1 72:1 apart 64:12 apparent 63:20 64:11 APPEARANCES 2:1 appeared 25:23 appears 28:5 applicable 79:21 application 48:15 applied 14:12 38:11 39:6 71:23 applying 28:6 appreciate 76:23 approach 61:12 approved 25:18 32:6 32:10,13,14 approves 32:5 April 12:20 29:22 44:15 80:3 area 31:5 41:4,11,16,19 43:13 44:6 62:22 arrangement 14:16,19 arrangements 14:23 art 6:24 asked 52:14 asking 41:2 52:21 53:7 56:11 associated 19:16,17 24:18 25:11 27:4,10 34:22 35:6 36:6,16 38:18 56:4 71:2 72:6 72:21 association 35:23 assume 15:9 32:9 33:4 36:8 40:12 42:18 68:22 70:21 assuming 32:14 41:14 44:22 73:9 ATSI 43:10 50:19 attempt 17:3 attend 63:2 attorney 79:16,17 Augsburger 10:11 14:2 14:7 15:19 20:8,18 21:10,14 39:14 40:9 46:5,6 47:17 48:18 56:21 65:13,23 69:9 69:22 70:10 71:18 Augsburger's 69:12 August 13:13 35:13 36:17,24 37:3 39:24 available 16:9 average 28:17</p>	<p>averages 30:4 aware 31:17 33:21,22 35:18 36:10,16 37:5 61:9 69:17 70:11,16 71:3,5 a.m 1:14 6:10 77:2</p> <hr/> <p>B</p> <p>back 12:18 22:15 25:1 29:9,18 37:5 backups 50:13 bank 19:8,24 banks 15:17 20:9 base 16:16 17:4 28:23 29:1,13 31:11 based 10:20 11:19 17:4 42:16 52:8 54:18 56:5,7,9,10 74:24 76:18,21 basically 38:3 49:19 basis 9:24 10:1,6 31:15 37:8 41:13 becoming 61:9 beginning 50:17 behalf 2:2,6,13 12:18 33:11 belief 30:14 believe 13:7 17:23 18:8 18:15,24 20:12,16 21:20 24:7,24 27:5,17 27:20 28:8,14 38:20 39:20 42:2 43:13 45:4 47:3,13,14 48:1 49:18 50:3,11 51:1,15 52:1,3,12,16,23 53:17 53:23 54:4,10,16 55:16 57:8 59:1,9 61:8,19,24,24 62:8,10 63:11 64:15 65:5 70:7,17,20,22 71:10 71:14,22 74:10,12 75:1,5 believed 51:12,14 52:6 56:12 belive 47:11 bell 23:16 benefit 26:4,21 34:9,17 benefits 25:24 34:14,17 36:4 BERNE 2:7,10 better 15:2 18:1 21:10 31:7,9 33:4 bill 18:1,1 20:16,17 26:3,14,16,17,19 27:3 27:10 billed 28:22 billing 10:12 26:23</p>	<p>bills 10:6,9 22:19 27:6 27:10,21 71:23 bit 10:15 Blazunas 2:18 blurry 29:8 board 70:2 bottom 60:19 Boulevard 2:4 break 73:18 Brief 60:8 73:20 Broad 2:11 Broadway 1:15 bulb 60:24 business 20:24 businesses 41:3</p> <hr/> <p>C</p> <p>C 79:2,2 calculate 72:7 calculated 73:8 calculating 27:6 calculation 53:12,13 71:17,20 72:5 73:11 calendar 74:9 call 4:23 33:20 45:16 50:7,9,11 61:22 called 4:2 47:21 48:21 60:3 67:22 68:8 74:4 calling 35:2 73:13 calls 36:10 capacitor 19:8,23 20:9 capacity 15:17 16:8 capital 19:9 24:6,6,6 caption 79:14 Carrie 2:14 4:15 7:20 case 18:6 cause 79:8 ccing 60:21 cent 28:24 30:8 31:3 cents 28:17,22 29:13,16 29:19,23 30:1,6,15,20 30:21,22,23,23 31:5,6 31:15 certain 7:9,10 18:10 37:21 38:1 43:1 Certainly 63:15 certified 4:4 certify 79:6,13,15 cetera 36:1 change 10:15 19:3,24 57:7,19 67:9,11 changed 8:15 19:5 45:20 69:6 charge 49:2 charged 23:19 24:11 26:15 32:13 charges 72:20</p>	<p>charging 27:18,19 32:7 32:15 63:21 chart 29:9 30:5 check 70:23 checked 71:17,21 72:1 choose 33:2 56:9 chose 55:22 Christine 2:11 4:20 circulate 60:1,5 circumstances 38:2 civil 79:21 clear 63:12 Cleveland 2:9 close 61:6 64:19 74:14 closer 30:21 Coating 5:21 6:2 coatings 7:2 coils 7:1,2,3 collected 28:22 collectively 66:5 COLLINS 78:18 Columbus 2:12 column 28:16 combination 69:14 combustion 60:4 come 30:8 62:20 66:5 76:3 comes 28:15 coming 8:3 62:21 commission 1:1 25:18 31:20 32:6,13 80:8 commissioned 79:5 commission's 31:23 commitment 54:24 commodity 7:14,19 communicate 56:20 communications 47:9 companies 40:18 company 6:1 10:18 11:20 12:5,7 33:22 37:15 43:21 44:2 51:6 55:24 company's 37:18 43:24 51:9 compare 35:14 compared 72:9 Complainant 1:6 2:2 COMPLAINT 1:4 completed 19:10 completion 67:13 compliance 35:24 58:1 comply 54:11 62:3 complying 35:15 36:6 computer 59:8 68:8,22 69:21,22 70:12 computers 69:20 concern 31:2</p>
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concluded 77:1 conclusion 59:11 73:14 condition 58:22 conducting 58:11 confidential 21:24 confirm 66:16 75:4 connection 38:23 39:2 39:9 47:9 76:6,12 conscience 59:21 conscious 59:19 consider 36:13 56:24 considering 41:11,18 41:22 consistency 17:8 consistent 30:18,20,21 37:18 43:23 51:8 consistently 16:17 21:13 31:8 contact 46:20 50:23 70:14 continue 34:6 continuing 13:17 15:5 continuously 8:5 contract 11:10,22 14:13,14 79:20 contracts 11:13 control 33:21 50:19 55:20,21 conversation 60:13 64:24 conversations 18:2 65:2 cool 59:3 Corporation 1:5,15 5:19,21,23 6:1,3,6,18 11:19 correct 4:11 5:17 8:11 9:14 12:10,16 13:4,13 13:14 17:8,11 22:20 22:21,23 23:3,4 27:4 27:11 29:10,17,24 30:6,7,11 33:16,18 35:21,22 36:3,9 37:4 38:17 40:3 42:8 44:17 46:3 47:19 48:2,7 51:4 53:1,16 55:1,8,12,13 57:17,20 57:21,24 58:4 59:4,15 60:4 65:17,21 68:11 70:3,4 73:1,3,5 75:9 75:20,21 76:5,18,21 79:11 correction 78:3,4,17 correctly 19:7 62:18 cost 10:8 19:17 24:1 27:3 34:23 35:4,23 costs 24:2,8,11,14,16	24:18,18,19 25:3,11 25:15 27:4 34:22 35:1,5,7,10,15 36:1,6 counsel 60:16 course 15:4 21:11 26:5 30:24 67:4 75:24 court 5:1 22:15 60:6,9 79:19 Craig 2:3,3 4:20 credit 23:7 37:22 38:2 38:6,11,15,20 39:5 credits 38:18,22 39:1,3 39:8,14,17 40:2 45:2 current 28:23 currently 5:10 8:24 9:5 30:19 31:11 32:7 curtail 37:16,21 38:1 43:22 51:7,11,12,14 52:2,8,17,19,23 53:18 53:22 54:5,6,8,18 57:11 75:11 curtailable 38:11 39:6 curtailed 44:9 52:20,22 53:22 54:1,3,16 curtailing 56:24 curtailment 37:17 42:6 43:16,19,23 44:1,7,20 45:7,16 48:5,6,8 50:17,20 51:8 52:10 52:16 53:19 54:10 57:15 curtailments 56:21 customer 7:11,15 16:16 17:4 20:23 23:10 37:16 40:22,24 43:21 50:23 51:6 62:21 73:4 customers 25:8,12 28:10,12 40:17,20,23 41:3,4 45:5 customer's 42:5	68:9 70:6 80:3 days 58:21 66:10 December 66:21,22 67:1,2 76:8 decided 40:15 decision 11:6 12:23 13:16,23 14:5 19:19 33:5,11,21 35:13 39:24 42:14,16,18,20 59:16,20,21 66:7 decision-making 33:18 decreased 59:13 decreases 26:9,20 defective 51:19,22 52:19 54:1,23 55:6,6 55:8,16 56:5,16 57:4 57:5,8,13,16,20,23 58:3 63:10 64:3,21 65:3 75:17 defined 44:10 79:21 definition 55:6 degree 63:15 delay 57:12,22 68:15 68:17 demand 7:6 16:4,5,7,11 16:12,21 17:1,5 19:7 19:22 20:22,23 demands 41:12 department 48:17 depending 6:11 67:9 depends 67:19 deposed 4:4,12 deposition 1:12 22:8,10 77:1 78:2 79:13 describing 55:11 designed 7:15 16:3 detail 31:24 76:9,15 detailed 55:4 details 15:19 19:1 20:8 21:14 35:3,11 39:14 48:10 71:18 deteriorated 64:10 determination 51:21 59:2 determine 66:6 determined 51:18,19 54:22 determines 44:3 developed 75:19,22 76:2 development 39:3 64:7 differed 58:13 difference 20:15 53:13 differences 76:12 different 12:12 14:19 23:6,24,24 24:1 57:4 57:6,9 58:5 60:17	69:10 75:24 differently 28:9 direct 3:5 8:21 27:8 69:13 director 11:18 discount 21:17 22:2 23:1,5,10 38:3,5 discretion 44:4 discus 55:15 discuss 13:15 62:16 discussed 34:6 63:4,5,6 65:7 discussion 14:18,22 18:23 19:8 21:15 22:5,8 34:7 63:7 discussions 15:3 17:10 17:16,19,20,22 18:3 18:23 20:1 21:2 56:15 62:2 64:20 disincentive 41:15 distinction 54:12 distribution 44:5 division 5:22 document 32:10 60:10 doing 26:13 27:1 52:23 53:18,23 54:7 55:24 56:12 dollar 16:2 22:21,22 27:14 28:4 40:10 63:8 72:4,5 dollars 27:9,18 39:11 63:6 dot 25:24,24 double 72:1 downs 76:13 driven 20:16,23 driver 50:12 drives 16:23 23:23 24:1 driving 25:12 dropped 7:21 due 59:3 61:4 duly 4:3 79:5,6 Dunn 2:14 4:16,18,22 7:21 duration 44:8 50:19 69:2	75:2,6 76:7,12 ECEs 47:10,20 56:22 58:6 68:19 73:12 economic 39:3 Edison 1:8 10:18,23 11:3 14:13,19,23,24 17:10 18:6 21:3,15,18 23:2,6,10,12 24:18 26:13 27:1,5,18,24 28:9,21 31:14 32:7 37:15 40:21 41:4,19 42:17 44:22 45:9 47:1,14 51:14,15 52:7 53:22 54:22 55:15 59:10 60:14 62:20 63:20 64:14 70:14 71:7,8,13 72:11 73:9 Edison's 25:22 26:1,11 26:13,23 31:23 39:16 39:18 41:11,12,22 62:17 70:18 72:1 EDR 24:4,5 39:10 effect 48:6 54:16 effective 76:4 efficiencies 20:9 efficiency 15:10,18,20 efficiently 17:18 35:5 effort 5:3 eight-hour 8:6 either 18:5 44:5 65:12 70:20 elaborate 27:7 elected 36:13 37:6 electric 7:5 10:6,14,17 11:10 14:13,20,24 15:21 16:5 30:14 32:8 37:22 38:3,6 42:6 70:9 electrical 10:4 electricity 15:2,6 17:18 29:3 63:22 electro 7:1,4 electroplating 7:5 eliminate 25:23 eliminated 26:4 Elk 6:4 9:12 11:19 Ellis 1:17 79:4 80:5 ELR 32:16,18,22 33:3 33:6,12 34:2,12,23,23 36:2,5,10,14,20,22,24 37:3,7,12 38:7,16,19 38:21,23 39:2,9,10,17 40:1,2,15,18,21,22,24 41:6,9 42:1,4,7 43:16 44:16 45:3,7 63:4 72:15,18 else's 24:19
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------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emergency 37:17 43:15 43:18,23 44:1,4,6,19 45:6,16 51:8 71:9 emotional 63:20,23 employed 5:10 employee 79:16,17 employees 7:23 8:9 35:24 employer 5:18 enclosed 78:3 energy 2:13 15:10,14 50:19,23 68:9,18 enforce 56:4 engages 6:24 engineering 45:22 48:17,19 enrolling 41:12,22 ensure 68:3,20 69:4,9 ensuring 15:17 46:18 enters 50:2 entire 68:24 69:2 entity 31:19,21 equipment 60:1 61:20 67:11 68:3 69:3 76:14,14 ESP 21:21 essentially 16:8,19,22 20:14 32:4 37:14,19 45:21 48:11 49:1 52:19 55:4 58:8 62:13 64:9 66:5,24 67:10,11 68:3 69:2 72:9,13 et 36:1 event 37:18 43:16,19 43:23 44:1,7,20 47:12 50:17,19,21,22 51:8 52:20 57:7 58:14 61:5 62:22,23 63:20 69:7 73:3 events 37:21 44:10 45:7 45:17 55:2 71:9 72:24 everybody 46:2 62:23 exactly 29:12 60:13 Examination 3:2 4:3,5 example 16:13 41:4 exceeds 73:4 exchange 37:22 38:2,15 excused 77:1 exhibit 11:15 12:11 13:12 26:5,6 28:14 29:11 60:6,10,19,19 existed 15:8 36:18 existence 22:1 23:7 exists 44:4 expect 29:3	expected 54:8 expensive 19:11 experienced 46:22 expert 23:13,14 26:19 expires 80:8 explain 5:6 59:4 63:10 explained 72:5 explicitly 34:3 explored 16:3 express 13:9 expressed 27:8 extending 13:8 extremely 72:9 e-mail 46:19 47:1,7 49:15,16,22,24 50:2,6 50:12,14,16 51:2,17 52:8 53:14,16 60:20 60:22 61:2 75:7,9 e-mails 60:17	figure 39:21,23 71:15 figures 72:2 financial 62:11 financially 79:19 find 45:4 fine 22:4,6 55:10 68:6 firm 37:17 41:24 42:3,5 42:9,11,15 43:23 50:21 51:7 54:8,11,17 58:1 59:2 72:22 73:4 75:11,15,16 76:17,20 79:20 first 2:13 4:3 21:20 22:3 28:15 36:22 50:19,23 53:11 58:10 79:6 five 8:18,20 30:22 39:10,10 47:24 48:5 56:2 58:7 66:9 fix 69:22 floor 6:15 follow 48:11 62:14 followed 62:5,13 73:9 75:14 following 61:13,17,23 follows 4:4 follow-up 73:19 foregoing 79:10,14 forgot 18:8 formal 17:21,22,23 formed 31:15 formula 72:14,17 forth 72:15 found 62:11 foundation 75:13 four 58:6,6,9 72:23 frame 18:19 29:15 49:9 58:21 64:15 72:11 front 63:16 fuel 7:4 full 5:18 55:21,21 fully 35:8 54:8 75:15 functional 15:18 further 22:16 79:13,15	59:4,5 getting 19:6 give 5:8 15:19 16:19 21:10,14 35:3,11 37:11 39:14 48:10 64:18 65:6 71:18 76:9,15 given 16:23 52:3,12 54:17 55:13 79:8,11 glitch 68:8 go 4:22 12:18 19:14,15 22:6 24:22 25:1,14 26:17 61:14 64:11 goes 22:10 26:18 29:9 going 6:11 13:2,5 21:22 33:23 34:6 41:8 44:19 62:11 63:12,14 63:17 64:7,8,11,23,24 65:11 67:9 72:3 74:15 Good 4:7,17 great 64:5 greater 20:17 36:5 grew 64:7 grid 16:9 grounds 21:20 group 69:12 Grove 6:4 9:12 11:19 GT 25:7,12 guess 10:23 14:3 26:14 27:7 36:18 71:22 guessed 62:12 guys 55:20 70:23	72:9 76:10 higher 16:12 20:16 27:12 29:19 62:19 highest 14:9 hind 62:12 historic 28:14,23,24 29:3,5 31:11 holidays 44:15 home 35:4,24 hour 28:17,24 29:13,18 29:20,23 30:2,6,15 54:19 55:14 76:17 hours 8:7 16:24 19:7 44:9 50:20 53:12,21 54:14 76:19 Huron 78:19 Hypothetical 75:12	
I					
	F				
	F 79:2 facility 6:4,4,5,22,24 7:8,24 8:18 9:24 10:7 10:14 13:23 19:3 28:21 35:3 46:20 47:3,5,10,16 48:12,13 48:21 49:4,11 56:8,8 59:17 61:22 62:5,8,14 62:20 65:15 66:7 67:13 74:16,17,22 facility's 10:4 25:22 fact 59:5 64:17 factor 20:11,14,17,20 20:20,21 21:2,4,6,7,7 21:12 factors 20:1,2,5 failed 54:5 55:11 59:8 failing 54:6 failure 70:2 fair 23:9 36:4 37:23 75:3 fairly 61:4 fall 43:13 falls 25:4 familiar 14:14 16:4 23:12 24:7 31:18,21 32:16 43:15 fans 59:3,12,14,16,19 59:22,22 60:1,3 61:5 62:3 72:6 far 22:9 29:18 fax 47:7 50:8,9,11 February 29:9,11,22 fee 70:23 fell 64:12 74:10 felt 53:22				
	G				
	G 24:6 galvanized 7:4 galvanizing 7:1 Garcia 10:24 11:2 60:21 61:3 GEN 23:12,15,20,22 24:3,5 general 32:1,3 37:11 43:7,11,12 generalize 21:8 generally 23:22 24:21	H half 30:22 Hamilton 11:13,17 33:14 42:21 hand 80:2 handed 60:9 happen 48:20 63:13 75:17 happened 61:10 62:22 63:19 happening 27:23 41:15 67:12 happy 27:9 31:3 head 19:2 39:13 40:4 heard 23:15 hearings 21:23 heat 58:13 Heights 2:4 help 20:19 52:7 hereinafter 4:3 hereunto 80:1 hey 62:23 64:5 high 7:5 26:2 27:10			
				identified 66:9 71:2 identifying 71:7 Illinois 9:13 immediately 50:1 impact 15:21,24 22:10 68:12 implement 58:18 implemented 54:7 implicitly 34:4 improve 17:17 20:2,4 20:20 improved 21:2 improving 17:24 inability 16:23 inaccurate 70:18 inbox 50:1 include 73:11 including 28:18 72:18 incorrect 27:18,21 71:15,16 increase 30:15 31:2,2,7 46:12 71:24 increased 31:7 46:9 increases 25:23 26:9,20 incremental 73:12,17 INDEX 3:1 individual 69:15 individuals 47:16 industrial 40:18 informal 17:21 information 18:10 39:22 40:13 70:19 initiate 48:15 49:2 65:18 initiated 48:13 50:17 54:10 57:10 59:6 initiating 48:14 initiatives 15:10	

inquired 15:1 instance 73:21 instances 73:21 instituted 15:10 48:1 instruction 66:3 instructions 37:18 43:24 51:9 65:24 insufficient 51:18 integrity 44:5 intended 75:15 intent 46:21 51:3 54:2 54:6 55:23 56:7 64:6 73:9 interested 79:19 internal 59:8 68:9,18 internally 56:15 interruption 35:2 interruptions 44:11 intimacies 27:20 intimate 40:9 investigated 16:14 47:14 investigation 16:15 investment 19:8,9,11 19:12,20,24 involved 11:6 12:23 14:5,18,22 17:9,15,19 17:20,22 33:5,17 48:18,19,19 69:22 involves 20:9 issue 15:5,7 24:23 28:5 46:19 51:10 53:21 54:3,19 56:11 59:10 61:9,19 63:13 68:5 issued 49:12 issues 34:11 47:4 71:2 75:24 items 15:19,20,21	74:11,14,18,23 76:7 jump 30:23 jumped 31:3 June 29:11 74:20	<hr/> L <hr/> lagging 20:13 laid 64:4 laminating 7:2 large 17:6,7 62:21 late 18:19 21:13,15 latest 46:2 Laura 2:8 LAW 2:3 layman 73:14,15 leave 12:5 59:16,21 leaving 20:13 left 49:2 61:5 legal 73:14 letter 52:24 64:14,16 64:18 letting 4:23 let's 12:12 22:6 62:23 71:11 level 14:9 16:21 26:2 76:10 light 60:24 limited 44:9 line 7:3 12:1 25:21 28:20,23 29:13 31:10 41:7,8,8 65:9 68:4 71:11 lines 29:1 31:11 48:4 linkage 22:3 list 45:20 46:2 little 8:20 10:15 19:4 29:8 LLP 2:7,10 load 20:20 21:2,4 37:17 37:21 38:1,11 39:7 42:3,5,6,9,12,15,22 43:2,23 44:8 50:17,20 50:21,21 51:8 52:2 54:8,11,17 57:11 58:2 59:2,3,13,13 72:22 73:4 75:11,15,16 76:16,17,20 loads 37:17 43:22 51:7 locate 41:16 located 9:9,11 locating 41:11,18 long 5:14 66:22 look 6:15 12:1 25:1 28:4 29:3,5 35:10 55:3 58:20 63:1 66:14 74:9 looked 15:17,18 23:17 28:15 33:15 35:8 76:2 looking 5:7 11:15 17:17 26:2 38:12 59:10 73:1	looks 11:23 12:3,14 60:20 62:15 69:10 loss 35:5 lot 20:8 23:16 34:11 60:16 62:12 68:5 lower 27:19 34:13,15 34:17 35:15	<hr/> M <hr/> M 2:14 machine 43:3 machines 43:1 magnitude 36:19 main 2:15 50:12 maintain 43:4 maintaining 43:2 maintenance 8:6 48:17 48:18 majority 6:14 making 7:22 27:6 46:14 manager 5:13,14,16 6:7,13 10:3 12:20 13:13 15:8 17:16 45:13,22,22 managing 10:4 mandatory 50:20 manner 58:13 manufacturers 41:10 41:18,21 manufacturing 6:24 58:5,12,17,19 March 5:15 9:19,20 11:23 12:3,4 marked 60:6,9 material 1:5,15 5:19,20 5:22,24 6:3,5,18 11:18 35:5 MATTER 1:3 max 16:8 maximum 44:8 McBride 2:8 3:5 4:6,15 4:17,19 7:20,22 22:1 22:4,7,13 53:5 73:18 mean 6:20 15:13 16:18 20:11 24:4,16 25:10 25:24 28:24 37:10 40:19 46:14,17 50:16 58:15 60:11,13,23 67:6 70:12 73:16 meaning 8:12 16:11 27:3 31:3 47:16 65:12 73:24 means 37:12,19 49:20 meant 26:10 44:22 61:7 mechanism 50:6 mechanisms 50:12	meet 46:21 52:20 54:2 54:17 55:11 62:20 meeting 17:23 18:13,16 62:15,19,24 63:1,2,9 63:10,12,16,18,24 64:1,2,5,10,13 65:10 meetings 18:9 memory 20:12 mention 74:2 mentioned 17:9,15 19:22 35:23 58:10 64:3 65:18 68:7 70:1 73:24 met 11:4 51:3 62:23 64:17,17 75:15,16 meter 70:18 meters 70:22 71:2,4 Michael 40:11 middle 22:7 64:9 Mike 9:1,8,15 12:19,24 33:14 42:21 46:5 60:14,20 62:2 65:3 million 39:17 63:21 71:15 72:12 mind 54:12 55:5 mindset 53:3 mine 29:8 66:7 minimal 72:10 missed 76:5 mistake 27:6,7,23,24 28:2,2,5 61:4 mix 6:16 modified 76:1 modify 76:3 Monday 74:21 money 24:17 monitor 59:7 68:6,20 monitoring 69:5 month 9:18 22:20 30:24 31:8,8 58:21 monthly 9:24 10:2,6 58:23 months 44:13,14 morning 4:7,17,18 mother 70:2 motor 20:9 motors 15:18 move 21:22 67:11 MSC 5:16,21 6:1,18,20 6:22 10:13,16 11:7 12:18,24 13:2,5,10,16 13:19 14:12 15:10,13 16:3,11 17:1,5,10 18:10 19:12 20:4,7,19 21:17 22:24 27:9 28:9 29:12,22 30:1,12 31:3 32:7,13,21,24
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33:2,2,11,12 34:12,18 34:21,23 35:13,14,20 36:4,13 37:6,12,20,22 38:1,6,9,14,18,23 39:1,8,16 40:2,6,8,14 41:3 42:17,19 45:2,15 45:17 46:4,9,12,22 47:1 48:1,5 51:1,12 52:2,16,23 53:17 56:1 56:6,21,24 57:3,19,22 58:11 59:1 62:3,8 63:10 64:13 67:23 68:2 69:16,17 70:8,14 71:1,4,8 72:1,5 75:6 75:10 76:19 MSC's 17:10 21:2,15 22:19 27:6 28:14 30:9,14 31:12 42:9,23 52:6,10 57:15,15 58:1 58:5 60:16 62:16 68:12 76:16	57:4,5,8,9,13,16,20 57:22 58:2 65:16,19 66:2,5 67:24 68:13 69:19,23 71:9 75:6,8 75:10,17 notices 45:6,8,16,17 46:4,10,23 47:4,17 48:5 55:13,16,20,22 56:5,16 57:1 63:10,19 64:3,21 65:4,8 71:7 notification 37:15 43:21 45:23 47:12 51:6,16,20,24 53:20 54:15 55:14 59:9 notifying 47:1 number 8:13 21:11 26:18,18 27:19 29:2 30:9,10 34:19 40:5,7 46:9,12 72:7 numbers 63:8 69:10	once 58:18 63:20,23 65:22 69:3 74:8 one-page 60:19 one-time 58:16,19 operate 6:23 7:3 43:1 operation 8:4 operational 6:16 Operationally 8:5 operations 8:23 9:2,6,9 9:16,23 27:1 42:23 45:22 operator 44:3 opinion 13:9,19 33:24 56:3 opportunity 16:17 opposed 27:19 option 19:23 options 16:3 17:24 18:14 order 62:14 orders 7:12 organization 43:9 44:2 44:8,12 45:21 outside 47:5,10 oven 60:2 ovens 58:13 59:3,18,24 60:5 61:15 overall 21:12 26:16 27:9,16 28:17 overlapped 12:8 overnight 16:13 overtime 26:20	parties 79:16,18 pay 70:22 paying 29:19,23 30:1,5 pays 45:2 peak 16:13 17:2 19:7 19:23 penalized 63:7,15 penalties 36:11,13,16 36:18 40:14 41:9 54:4,9 56:4 63:4 72:14,15,17,21 73:8 73:10,11 penalty 37:2 62:12,16 64:14,16,23,24 65:11 71:12 72:4,9 people 35:4 41:15 45:21,24 46:1,9,21 60:14 69:10,12 percent 25:7,12,19 68:4 71:24 percentage 25:7 period 50:1 67:2,23 person 9:1 20:18 personally 11:4 perspective 44:22 72:8 Peter 2:18 4:20 phone 46:19 47:7 50:7 50:9,11 physically 61:21 PJM 43:6,6 44:10,15 44:23 50:17 71:9 place 1:15 8:14 15:3 61:13 79:14 plan 48:6,8,8 planning 44:10 plant 5:13,14,16 6:7,13 6:24 10:3 12:20 13:13 14:5,10 15:8,11 17:16 45:13 66:10,17 67:3,22 68:9 70:18 73:22 74:5 75:1 plating 7:1 play 28:15 please 4:7 5:6 50:23 78:17 point 17:20 29:4 52:6 63:9 76:10 portion 24:23 42:5 positions 56:1 possible 17:3 potential 35:15 36:6 40:14 46:19 potentially 36:19 61:20 power 20:1,2,4,11,14 20:17,20,21 21:6,7,7 21:12 practice 26:1	practices 25:22 26:11 26:12,13 prepare 7:11 presence 79:9 Present 2:17 presentation 64:6 president 8:23 9:1,5,8 9:16,23 62:21 prevailing 44:13 50:18 previous 22:15 58:6 68:19 70:6 previously 54:22 65:18 price 19:16 prices 30:14 pricing 41:10 primarily 6:24 prior 50:22 55:2 56:18 56:22 63:11 65:3 probably 10:2 14:2 71:18 problem 59:9 problems 46:22 47:8 procedure 59:18,23 60:2,3 61:18 65:19 75:24 76:5 procedures 49:3 54:7 57:10 59:6,17 61:12 61:13,23 62:6,13 75:15,19,22,23 76:6,7 process 7:5,16 8:14 10:12 33:18 46:13 48:2,11,12,14,15,16 52:17 56:2 57:12,20 57:22 58:5,12,15,16 58:17,17,19 62:3,3 64:8 65:1,22 66:1 68:15,16 69:16,20,20 69:24 processes 67:6 75:18 processing 7:3 procurement 11:18 produce 7:4,6,17 16:22 produced 7:6 60:16 producing 7:8,9,14 product 58:13,21 production 8:6 36:1 43:3,4,5 48:18 58:20 67:6,10,12,16,17 69:15 74:22 75:20 productive 63:18 76:4 products 7:9,11,19 16:19 67:9 program 41:22 45:5 programs 41:12 projected 28:23,23,24 29:1 31:11,11 projections 31:12,15
N	O	P		
N 24:6 name 3:3 4:8 5:18 nature 20:10 necessarily 16:20 33:20 69:2 74:20 need 16:22 31:5 52:2 67:23 68:2 75:4 needed 51:1,10 52:19 53:22 61:24 needs 37:6 68:5 negates 26:21 net 27:2,3 network 25:3 never 30:15,16 31:14 35:18 76:2 new 62:21 night 8:10 NMB 24:12,15,24 25:7 non-compliance 36:11 36:17 noon 44:12 75:10 normal 6:15 49:8,10 58:14,16 67:4 76:13 North 78:19 Notary 1:17 79:4 80:5 note 18:24 22:11 noted 51:23 notes 24:23,24 notice 46:24 47:15,15 49:12,14,18,21 50:5 51:4,13,17,18,19,22 52:3,12,18,20 53:9,12 53:16,24,24 54:1,18 54:19,23 55:5 56:3	object 21:19,19 73:13 objection 17:12 22:11 37:8,13 48:22 75:12 obviously 27:9 31:6 51:10 53:21 60:23 62:10 76:5 occasion 67:21 74:7 occur 44:12 63:2 67:8 occurred 54:19 72:10 73:23 occurring 31:3 occurs 44:20 October 44:15 60:21 64:16,21 65:3 office 6:14,16 80:2 OFFICES 2:3 offset 26:20 off-peak 16:12,24 Ohio 1:2,16 2:4,9,12,15 31:20 64:7 78:19 79:5 80:2,6 okay 4:12,14,22 5:1,1 5:20,24 6:7,13 7:18 7:20,22,23 8:21 12:7 12:17,20 13:12 15:3,7 15:16 19:22 20:11,22 21:9 22:13,19 23:9 26:7 27:17,22 28:8 29:18 31:14 32:24 33:2,17 34:14 35:10 38:5,14 46:8 47:5 49:4,18 52:15 53:10 55:10 59:5 60:15,18 72:3 75:5,5 76:11,22 76:24	page 3:3 6:23 13:12 25:6,21 28:16,20 29:12 31:10 38:12,13 41:7 48:4 51:4 55:3,3 58:8,8,11 71:11 72:3 72:3,23 73:2 74:12 78:1,17 pages 12:12,14 28:13 78:4 page(s) 78:3,17 paid 28:21 29:15,16 paragraph 61:2 73:1,6 parent 6:1 parenthesis 61:5,6 part 18:1 40:15 participate 32:24 33:3 33:12 34:2 36:14 37:7 39:24 participates 32:21 participating 34:22,23 36:5 38:6,9,15 40:2 participation 38:19,23 39:2		

<p>proper 52:12,18 57:9 58:3</p> <p>properly 51:15 54:5,18 70:24</p> <p>protected 16:9</p> <p>provide 13:19 34:11,12</p> <p>provided 17:13 18:10 21:17 31:14 37:15 43:21 51:6</p> <p>provision 37:2</p> <p>Public 1:1,17 31:19 79:4 80:5</p> <p>PUCO 32:4,11</p> <p>pull 74:2,15,21 75:4</p> <p>purposes 43:24</p> <p>push 19:6</p> <p>put 18:24 48:6</p> <p>p.m 6:11 44:12,13,14 44:14 49:8 50:18</p> <hr/> <p>Q</p> <p>qualified 79:5</p> <p>quantified 34:18 35:7</p> <p>quantify 21:1,5,8</p> <p>question 5:5 10:15 22:12,14,15 33:9 52:14,15 55:23 58:11 61:14 72:16 73:19</p> <p>questions 50:22</p> <p>quick 73:18</p> <p>quickly 16:20</p> <hr/> <p>R</p> <p>R 79:2</p> <p>Ramsay 14:6,7 35:3,11 46:5,6 47:17 48:10,16 49:1,2 56:20 65:13,22 75:23 76:9,15</p> <p>rate 15:2 17:18 18:1 23:13 25:23 26:3 27:12 30:18 33:4 34:13,15,18 71:24</p> <p>rates 17:10 23:19,21,22 23:24 26:8,15 28:14 28:21 31:23 32:4,7,12 32:13,15 35:15</p> <p>reach 58:1 59:2 76:16 76:20</p> <p>reaching 72:21</p> <p>reactionary 46:13</p> <p>read 18:5 22:15 36:20 36:22,24 37:2,10 50:14 73:16,16</p> <p>reading 39:15 42:7 43:20 44:16</p> <p>real 63:17 65:11 70:9</p> <p>reality 61:17</p>	<p>realized 65:10</p> <p>really 13:1 16:16 20:23 28:7 34:10,11 57:2 58:8 64:4 69:23</p> <p>reason 5:7 27:5,17 28:8 39:20 54:10,16 59:8 61:19,23 70:17,20 71:14</p> <p>reasonable 14:16 18:21 34:10 72:11</p> <p>recall 15:4 18:3,8,12,13 19:1 39:15,18 41:5 46:8 47:13,20 49:7,14 49:16 60:12,22 64:18 65:2,5,7 66:13 73:23 76:16</p> <p>receipt 48:12 56:24</p> <p>receive 26:21 38:9,18 38:20,22 39:1,3 45:6 45:15 47:17 49:14 50:5,7,8,9 51:4,20 66:2</p> <p>received 39:8,16 40:2 45:2 46:4,9 49:16,18 49:21,23 50:4 51:17 64:13,16 65:19 71:8 75:6,8,10</p> <p>receives 23:10 38:2,6 38:14</p> <p>receiving 10:17 23:1 46:22 47:4,9 48:5 51:13 53:12 59:9 69:19</p> <p>recess 60:8 73:20</p> <p>recognize 60:10,11</p> <p>recollection 21:11 74:4</p> <p>record 4:8 11:14 22:5,6 75:23 76:9,15</p> <p>records 74:3,15,22</p> <p>recovered 24:2,8,14</p> <p>recovering 25:3</p> <p>reduce 15:13 16:4 50:21</p> <p>reduced 79:9</p> <p>refer 6:5,18 26:5 30:3</p> <p>reference 25:6 48:9</p> <p>referenced 11:7</p> <p>referring 11:10 21:6 24:4 26:12,22 29:6 61:16 62:1 72:20,23 72:24</p> <p>reflects 55:5</p> <p>refresh 20:12</p> <p>regional 43:9 44:2,7,11</p> <p>relate 14:23</p> <p>relates 16:5</p> <p>relationship 5:20</p> <p>relative 79:15,17</p>	<p>relay 69:11</p> <p>relayed 48:16</p> <p>relevance 21:20 22:9</p> <p>relevant 72:7</p> <p>remain 60:3</p> <p>remaining 25:15</p> <p>remember 19:7 20:3 47:15 60:23 62:18 63:5,7,8 64:15,16 65:9 74:24</p> <p>repeat 22:13</p> <p>rephrase 5:6 33:10</p> <p>report 8:22,23 14:7</p> <p>reporter 1:17 5:2 22:15 60:6,9</p> <p>reporting 78:18 79:20</p> <p>reports 69:13</p> <p>represent 60:15</p> <p>representative 11:3 50:24 62:16,17</p> <p>representatives 46:4</p> <p>requested 44:7,11 71:4</p> <p>required 19:12 37:21 51:12 52:23 53:17,19 54:13 56:13,14 58:12</p> <p>requirement 54:11</p> <p>requires 7:5</p> <p>reserved 77:3</p> <p>respective 44:3</p> <p>respond 73:14</p> <p>Respondent 1:9 2:6 4:2</p> <p>Respondent's 60:6</p> <p>response 41:22 48:2 57:3,7 67:3,23 68:12</p> <p>responsibility 33:19 52:6,7,8 69:8</p> <p>responsible 48:14</p> <p>restate 52:15 53:6</p> <p>result 16:15 19:3 27:2,3 57:15</p> <p>results 18:22 19:1</p> <p>retail 10:13</p> <p>return 78:17</p> <p>returning 56:8</p> <p>review 10:6 24:22</p> <p>reviewing 10:9 19:23 22:19</p> <p>reviews 32:4</p> <p>rider 11:7 13:8,18 23:12,13,15,17,19,22 23:23 24:2,5,9,11,15 24:24 25:2,4,7,11 32:16,18,21 33:3,6,12 34:2,10,12,23,23 35:6 35:16 36:2,5,10,14,20 36:22,24 37:2,7,10,12 37:16 38:7,10,15,19</p>	<p>38:23 39:1,2,4,9,17 40:1,2,15,18,21 41:9 41:24 42:4,7 43:16,22 44:1,16 45:3,7 46:21 51:3,5,7 52:13,24 53:19 54:2,15,18 55:9 55:19,20,21,23 56:4,5 56:14 59:20 64:6 72:15,18,18 73:10,16</p> <p>Riders 10:20 11:1 28:2 28:6 34:6 38:22</p> <p>right 6:17 9:13 11:15 12:11,13 17:19 18:20 22:19 26:23 27:10,16 31:16 35:19 36:2 44:23 46:21 51:11 52:5 55:7 56:12 60:22 62:17 65:20 68:3,10 69:3 73:12 74:24 75:7</p> <p>right-hand 28:16</p> <p>ring 23:16</p> <p>rise 36:1</p> <p>risk 41:10</p> <p>risky 61:6</p> <p>robust 46:13,14,17</p> <p>role 6:7 10:3 31:23</p> <p>rolled 62:22</p> <p>rolls 67:11</p> <p>roughly 63:21 71:14 76:21</p> <p>routine 76:8</p> <p>row 38:13 58:8,9</p> <p>rule 79:21</p> <p>run 8:5,12 16:22,23 43:5 58:21,23</p> <p>running 35:4 61:5 68:4 69:9</p> <p>runs 8:6 67:20</p> <hr/> <p>S</p> <p>salary 8:7,8</p> <p>saw 35:18</p> <p>saying 55:10 59:22</p> <p>says 28:16 32:10 41:9 61:3</p> <p>scale 17:7,7</p> <p>schedule 6:8 58:20 66:14 67:13,19</p> <p>scheduled 62:19</p> <p>Science 5:21</p> <p>Sciences 1:5,15 5:19,22 6:1,3,6,18 11:19</p> <p>seal 80:2</p> <p>seasonal 25:22</p> <p>second 21:20 61:2 62:12</p>	<p>section 51:5</p> <p>see 12:12 25:8 29:4 37:20 50:1 58:20 71:11,23 73:17 74:9 74:22</p> <p>seeing 39:18 60:12</p> <p>seeking 71:13</p> <p>seen 32:10 36:8 61:1</p> <p>select 42:14</p> <p>selected 42:12</p> <p>seminars 10:24</p> <p>send 55:22</p> <p>sending 35:4,24</p> <p>sends 41:10</p> <p>sense 7:12,16 14:4 34:8 34:13</p> <p>sent 53:24 69:23 71:7</p> <p>sentence 26:22 58:10</p> <p>September 44:14 46:3 46:8,23 47:12,18 49:4 50:18 51:17,21 52:1 52:10,17,22 53:3,9 54:5,23 55:2 56:18,22 58:6,12 65:13,16 66:8 68:8 69:6,17 70:5 71:13 75:5 76:17,19</p> <p>serous 63:21</p> <p>served 5:14 9:8</p> <p>server 50:3</p> <p>service 10:14,17 11:11 14:13,19,20,24 23:1 32:8 37:16,22 38:3,6 41:11,19 43:22 50:21 50:23 51:7 78:18</p> <p>serving 9:15,22</p> <p>set 6:8 8:2,4 17:23 47:6 50:7,8 60:16 62:15 67:11 72:15 75:19 80:1</p> <p>Shaker 2:4</p> <p>shift 8:13 16:11 17:1,5</p> <p>shifting 19:22</p> <p>shifts 8:2,6,7,12,16</p> <p>shop 10:13 11:1</p> <p>short 61:11</p> <p>shortly 49:11 69:19,23</p> <p>shot 76:1</p> <p>shows 29:11,12</p> <p>shut 48:11,13 56:1,8 57:10 59:6,12 61:14 61:15,17,21 62:14 65:19 66:7,11,14,15 66:17,20,22 67:3,5,14 67:22 68:15,17 69:3 69:16 73:23 74:5,10 74:11 75:2,18,20 76:3 76:5,6,8,12,13</p>
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shutdown 49:3 shutting 35:2 59:17,18 60:2 61:19 Siffer 1:12 3:4 4:1,7,9 4:19 78:6 sign 11:6,22 12:24 13:2 13:5,10,16,20,23 33:5 35:13 62:12 signals 41:10 signature 77:3 78:1,17 signed 11:13 12:18,24 34:5 42:17 78:17 significance 42:23 significant 63:8 similarly 28:9 single 55:5 sitting 49:24 situation 10:19 31:9 44:4 situations 44:19 six 44:9 50:20 68:4 size 31:2 sized 28:10 slash 42:11,22 slightly 12:9 small 61:4 Smith 2:3,3 4:20 12:1 17:12 21:19 22:3,6,11 22:16 37:8,13 48:22 53:4 73:13 75:12 76:22 snap 76:1 sole 44:3 solely 44:7 somebody 14:1 24:19 46:18 68:22,24 soon 49:19 53:16 69:16 sorry 11:23 19:14 25:15 29:21 44:21 53:6 74:10 sort 70:2 sound 18:20 46:3 South 2:15 spans 28:16 sparked 60:24 speak 5:3 14:1 58:22 special 14:13,14 specific 7:8,11,19 10:5 15:12 16:1 24:13 32:20 33:7 42:24 46:24 48:3,23 54:21 56:17 62:7 65:2,6 67:5 68:14 71:16 specifically 7:15 16:3 23:22 24:20 27:14 45:4 specified 79:14	speculate 22:17 75:16 speculating 24:22 Speculation 48:22 speeding 46:14 spend 6:13 spoke 13:22 spoken 40:17,20,24 41:5,17,21 stamp 50:2,3 75:7,8 stamped 49:22 standard 58:22 standpoint 10:8 22:21 22:22 start 50:22 53:14 65:23 65:23 66:2,4 69:4,16 74:20,21 started 52:16 69:19,24 74:22 starting 41:7 starts 66:1 state 4:7 11:14 72:16 79:5 80:6 states 59:18 state-of-the 6:23 stationed 68:24 stay 15:5 31:5,6 steadily 31:4 steel 7:1,2,2,4,4,6,7,10 7:14 stereotype 79:9 Steve 11:13,17 33:13 42:21 stipulation 21:21 22:9 stop 6:17 9:15 53:2 67:6,10 stopping 35:24 Street 2:8,11,15 78:19 strict 52:24 strictly 56:4 strike 21:22 structure 47:6 structured 61:11 struggle 15:5 stuff 6:16,16 25:4 subject 42:6 54:4 substantial 19:8 62:11 successful 17:4 Suite 2:8,11 summarize 37:20 summarizing 19:1 summary 37:23 summer 25:22 supervisor 8:21 14:9 supposed 62:13 sure 7:22 10:16 15:9 25:4 29:14 31:1 32:9 46:7 47:6,11 61:1	63:18 64:22,24 69:5 70:23 72:1 73:19 75:14 sworn 4:3 79:7 system 16:4 44:6 45:1 59:8 68:9,18 69:9,17 70:5,8,11,12,12 systematic 17:6 systematically 25:23 26:4 systemic 69:5 S-i-f-f-e-r 4:10	61:16 62:19 63:12,14 63:16 64:7 68:8 70:1 71:23 72:5 74:7 thinking 18:16 third 73:1 thought 10:24 54:9 57:13 59:5 61:6,20 64:8 75:16 three 8:6 65:15 76:19 tied 59:11 time 5:3 8:13 17:14 18:19 21:11 23:20,21 26:5 29:4,15 30:1 34:5 44:13 48:21 49:8,16,22 50:1,2,3 50:18 51:13 52:1,4,6 52:18 53:14,14,18 54:9 55:16 56:17,18 58:20 61:8 63:6 64:13,15,19 65:6,9 67:4,12 70:9 71:7 72:10 73:3 74:16 75:3,7,8 76:2,23 79:14 times 16:13 23:24 36:1 36:6 66:20 title 5:12 today 4:24 5:8 told 13:7 Toledo 1:8 10:18 11:3 14:13,19,23,24 17:10 18:5 21:2,15,17 23:1 23:5,9,12 24:18 25:21 25:24 26:11,12,13,23 26:24 27:5,17,24 28:8 28:20 31:14,23 32:7 37:15 39:16,18 40:20 41:4,11,12,18,22 42:17 44:22 45:9 47:1,14 51:14,15 52:7 53:21 54:22 55:15 62:17 64:14 70:17 71:7,8,12 72:1 73:9 78:19 80:2 top 12:1 19:2 39:13 40:4 58:11 total 22:22 26:3,3 28:4 28:4 39:8 40:1 track 70:9,15 tracking 68:9 traditional 8:7 transcribed 79:10 transcription 79:11 translates 39:11 transmission 25:2 43:9 44:2,3,6,8,11 treat 28:11	treating 28:9 trend 26:19 true 21:17 45:12 73:24 79:11 truth 79:7,7,8 truthful 5:8 try 5:6 52:7 69:22 trying 17:23 19:6 20:12 26:23 52:5 53:2,5,8 56:7 61:9 74:11 turn 16:20 20:18 41:7 60:4 turned 59:14,19,22,24 63:19 Turning 12:11 two 8:5,12,16 12:12,12 12:14 16:21 50:12 53:12,21 54:14,15,19 66:15,17,24,24 74:18 two-hour 43:20 51:5,20 51:23 53:15,20 54:24 55:11,14 two-hours 37:14 two-week 67:2,22 type 7:9,14,19 24:14,16 25:4 44:18 47:9,15 typically 6:8,10,15
T				
T 79:2,2 table 28:15 30:3 55:3 71:6 tailored 7:11 take 15:3 40:14,15 73:18 taken 45:24 79:13 talk 16:1 28:13 62:23 71:12 75:23 talked 18:9 23:17 61:12 65:5 73:21 talking 10:23 18:14 21:16 27:14 31:10 tanks 7:5 target 30:10 team 8:7 telephone 2:13 tell 13:2,5 16:21 23:8 28:7 65:22 79:7 term 14:14 16:5 31:19 41:24 43:15 terminal 68:22 terms 72:18 test 71:4 testified 28:20 48:1,4 59:1 75:6 testify 25:21 72:4 testifying 41:9 testimony 5:8 6:23 11:15 18:5,12 21:22 25:6 27:8 28:13 39:15,19 41:7,13 66:9 68:7 70:1 71:6,11 74:13 79:8,11 thank 4:22 76:22 theirs 33:20 thing 13:17 51:11 56:12 things 20:10 25:2 26:17 64:10 76:3 think 14:1 18:19 23:4 26:24 32:2 40:6 45:24 47:3 52:10				
U				
Uh-huh 26:7 68:23 ULMER 2:7,10 ultimately 33:19 42:21 66:7 unable 70:15 unbelievable 63:17 unclear 64:23 understand 5:1,5 6:20 17:13,24 26:24 29:14 31:1 33:8 36:19 41:24 50:16 52:5 53:2,8 61:10 73:7 74:15 understanding 5:24 10:19,22 12:17 16:7 19:13,18 20:14,19 31:22 32:1,3,18 33:13 37:6,11 38:14 42:3 43:8,12,18 44:18 55:21 56:10 61:3 63:14 understood 54:2 unfortunately 59:7 unreasonable 30:24 unsure 47:12 upgrade 19:24 upgraded 25:3				

ups 62:19 usage 10:4 15:6,14,22 16:5 17:24 59:7 70:9 70:15 72:4,6,10 73:12 73:17 use 5:5 16:8,12 17:18 76:7 usually 74:19 Utilities 1:1 31:19 <hr/> V <hr/> vacation 46:18 48:24 49:1 65:13 vague 17:12 Vaguely 16:6 vagueness 37:9 value 28:4 30:8,20 34:12,14 72:4,13 values 40:10 63:6 Van 2:4 varies 69:15 various 7:2 vary 7:16 23:20,21 verify 69:20 version 45:23 versus 16:13 20:13 vice 8:23 9:1,5,8,15,22 Village 9:12 violate 59:20 violation 21:21 volume 7:10 voluntarily 52:20 53:18 53:23 56:1 voluntary 52:11,17 54:13 56:22 vs 1:7 <hr/> W <hr/> wait 16:21 66:3 waiting 65:24 waived 64:8 Walbridge 1:15,16 5:16,21 6:1,4,6,22 9:9 walks 26:8 want 21:23 31:1 37:10 41:16 wanted 51:14 wasn't 51:3,23 52:18 54:14 64:4 75:17 watch 69:1 Watchorn 2:11 way 17:7 64:4 70:21 ways 17:17 week 67:13 74:20 weekdays 44:15 weekend 67:17,17 weekly 9:24	weeks 66:15,17,24,24 74:18,18 weren't 52:12 West 2:8 we'll 69:10 we're 5:22 10:19 13:17 17:4 43:14 62:13 66:15 68:20 We've 15:17 WHEREOF 80:1 Wilson 9:1,8,15,22 12:19,24 13:2,15,22 17:23 18:17,24 19:21 33:14 40:11 42:21 45:23 46:5,7 47:11 56:16 60:20 61:11 62:2 64:20 65:3 Wilson's 61:2 window 55:11 within-named 79:6 witness 3:3 4:2 12:2 22:16 53:4,6 76:24 77:1 79:6,10 80:1 witnesses 18:6,9 39:16 word 5:5 41:14 words 43:4 work 6:8 8:2,3 69:21 worked 69:6 working 8:3,9 69:18,21 70:5,24 works 8:7 28:7 32:19 45:1 Worksheet 78:23 worth 63:22 wouldn't 30:16 33:19 33:20 53:24 76:1 written 40:5,6 55:19 wrong 62:9 <hr/> Y <hr/> year 9:19,20 23:20,21 23:24 31:4,8,8 36:2,7 39:12 44:10 48:5 66:18 74:18 yearly 40:1 70:22 years 8:14,19 45:21 46:1 75:24 Yep 9:21 your're 11:14 <hr/> Z <hr/> zinc-nickel 7:1,4,6,7 zone 17:14 43:14 50:19 <hr/> \$ <hr/> \$10 39:16 \$2 21:17 22:1 23:1,5,7	\$2.4 63:21 71:14 72:12 \$5 38:11,15 39:6 \$6,265,748 28:22 \$85 63:21 72:4,5,7 <hr/> # <hr/> #26 2:4 <hr/> 1 <hr/> 1 31:3 60:7,10,20 10 30:23 36:1,6 44:10 55:3 70:5 71:11,12 74:12 10:00 44:14 1000 72:12 11 46:8,23 47:12,18 49:4 50:18 51:18,21 52:1,10,17,22 53:3,9 54:5,23 55:2,3 56:18 56:22 58:6,12 65:13 65:16 68:8 69:6,17 71:13 74:12 75:5 76:17,19 11:58 77:2 110 73:4 1100 2:8 12 36:17 39:24 12-hour 8:6,12,16 12:00 44:12 75:10 12:05 49:17,21 75:6,8 13 72:3 13-2145-EL-CSS 1:7 14 1:14 71:11 72:3 78:2 15 12:20 25:6 28:13 15700 2:4 16 28:13,20 31:10 1600 2:11 1660 2:8 17 58:8 <hr/> 2 <hr/> 2 41:8 48:4 2nd 2:8 60:21 64:21 65:3 2:00 44:14 50:18 75:11 20/20 62:12 2000 42:10,11,14,16,22 43:2,5 68:21 2002 30:3 2003 30:3,4 2004 29:9,11,18,22 30:4 2005 29:11,22 2008 5:15 2009 11:23 12:3,4 39:17 2010 12:21	2011 18:9,19,21 21:16 80:3 2012 13:13 18:9,19,21 21:16 28:21 35:13 36:24 37:3 2013 25:23 28:21 32:12 32:13 46:4,9,23 47:20 47:21 49:5 50:18 54:23 55:6 56:2,18 57:1 60:21 64:21 66:8,8 67:21 71:1,1 73:22 75:5 2014 1:14 71:4 78:2 2016 80:8 216 2:5,9 229-0034 2:12 23 80:8 24 12:4 255-1010 78:20 <hr/> 3 <hr/> 3 51:4 3:30 76:17 30610 1:15 31 11:23 33 25:12 33.8 25:7,19 330 2:16 <hr/> 4 <hr/> 4 3:5 38:13 41:7,8 48:4 58:8,11 64:16 72:23 73:2 4th 74:19 4:00 6:11 49:8 4:30 76:17 405 78:19 419 78:20 43215 2:12 43465 1:16 43604 78:19 44113 2:9 44120 2:4 44308 2:15 <hr/> 5 <hr/> 5 6:23 26:5,6 28:22,24 29:19,23 30:1,6,8,15 30:20,21,22,23 31:5,6 31:15 48:4 51:4 58:8 72:23 73:2 5.7 29:12 5:00 6:8 57 29:12,16 571-2717 2:5 583-7034 2:9	<hr/> 6 <hr/> 6:00 6:11 49:8 614 2:12 <hr/> 7 <hr/> 7 25:21 38:13 7:15 6:10 49:8 72-inch-wide 7:3 76 2:15 761-2352 2:16 <hr/> 8 <hr/> 8:00 6:8 44:12 88 2:11 21:13 <hr/> 9 <hr/> 9 28:20 31:10 71:12 9:31 1:14 92 21:13 94 8:1 21:13 99 68:4
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Summary: Notice of Filing Deposition Transcript of Complainant's Witness John Siffer electronically filed by Ms. Laura C. McBride on behalf of The Toledo Edison Company