

OCC/NOPEC EXHIBIT NO. _____

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Application Of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company For Authority To Provide) Case No. 14-1297-EL-SSO
For A Standard Service Offer Pursuant To)
R.C. 4928.143, In The Form Of An Electric)
Security Plan)

**SUPPLEMENTAL DIRECT TESTIMONY
OF
MATTHEW I. KAHAL**

**On Behalf of the
The Office of the Ohio Consumers' Counsel**
*10 West Broad Street, Suite 1800
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and

The Northeast Ohio Public Energy Council
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MARCH 2, 2015

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*Supplemental Direct Testimony of Matthew I. Kahal
On Behalf of the Office of the Ohio Consumers' Counsel
and The Northeast Ohio Public Energy Council
PUCO Case No. 14-1297-EL-SSO*

1 **I. OVERVIEW**

2

3 ***Q1. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.***

4 **A1.** My name is Matthew I. Kahal. I am employed as an independent consultant
5 retained by the Office of the Ohio Consumers' Counsel ("OCC") and the
6 Northeast Ohio Public Energy Council ("NOPEC") to address certain issues in
7 this docket. My business address is 1108 Pheasant Crossing, Charlottesville, VA
8 22901.

9

10 ***Q2. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY IN THIS CASE?***

11 **A2.** Yes. On December 22, 2014, the OCC and NOPEC submitted direct testimony
12 that I prepared that addresses the statutory test for the Electric Security Plan
13 ("ESP") versus the Market Rate Offer ("MRO") alternative. That testimony
14 includes a statement of my qualifications and listing of past testimony.

15

16 ***Q3. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL DIRECT***
17 ***TESTIMONY?***

18 **A3.** On December 22, 2014, the FE Utilities (Ohio Edison Company, Cleveland
19 Electric Illuminating Company, and the Toledo Edison Company) filed a
20 proposed Stipulation and Recommendation ("Stipulation"), supported by certain
21 parties, intended to resolve all issues in this case. The FE Utilities state that this
22 Stipulation reflects "improvements" to its application for an Electric Security Plan

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1 in this case (ESP IV).¹ The Stipulation is supported by the Supplemental
2 Testimony of FE Utilities' witness Eileen M. Mikkelsen. In addition, Dr. Dennis
3 Goins has submitted direct testimony on behalf of Nucor Steel Marion, Inc.
4 ("Nucor") supporting certain provisions of the Stipulation.

5
6 I have been asked by the OCC and NOPEC to evaluate the merits of the proposed
7 Stipulation and whether it should be approved as filed.

8
9 ***Q4. BEFORE TURNING TO THE STIPULATION, PLEASE SUMMARIZE***
10 ***YOUR FINDINGS AND RECOMMENDATIONS IN YOUR DIRECT***
11 ***TESTIMONY.***

12 ***A4.*** My direct testimony evaluated the FE Utilities' assertion that the proposed ESP
13 IV, in the aggregate, is superior to an MRO on both quantitative and qualitative
14 grounds. FE Utilities' witness Fanelli finds that over 15 years, ESP IV would
15 provide customers about \$800 million (net present value) in rate savings, with
16 nearly all savings associated with the FE Utilities' proposed Retail Rate Stability
17 Rider ("Rider RRS"). However, he does not conduct the test for the ESP IV time
18 period of June 1, 2016 to May 31, 2019.

19
20 Drawing in part on the analyses of other OCC and NOPEC witnesses, I find that
21 the proposed ESP IV will harm customers as compared to an MRO. The

¹ Stipulation Transmittal letter, December 22, 2014, p. 1.

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1 quantified harm, in the form of higher customer rates, would be on the order of
2 \$500 million to \$600 million during the June 1, 2016 to May 31, 2019 ESP IV
3 time period. And that quantified harm to customers will possibly be as much as
4 \$4 billion if the full 15-year time period associated with the term of Retail Rate
5 Stability Rider ("Rider RRS") is considered.² The principal sources of the higher
6 customer rates caused by the proposed ESP IV would be Rider RRS, the
7 extension and concomitant rate increases associated with the Delivery Capital
8 Recovery Rider ("Rider DCR") and the Government Directives Recovery Rider
9 ("Rider GDR").

10

11 An assertion of the FE Utilities is that Rider RRS, through some unexplained
12 process, would help preserve employment at certain FirstEnergy Solutions
13 ("FES")-owned merchant power plants, thereby benefitting the Ohio economy.
14 My direct testimony presents a number of reasons for questioning this alleged
15 benefit.

² My quantified net harm estimate is about \$3.1 billion using OCC/NOPEC witness Wilson's midpoint gas/electric price escalation scenario. (Kahal direct testimony, p. 25).

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1 ***Q5. YOU STATE IN YOUR DIRECT TESTIMONY THAT THE OCC AND***
2 ***NOPEC OPPOSE VARIOUS KEY ASPECTS OF THE AS-FILED ESP IV.***
3 ***DOES THE STIPULATION SUCCEED IN IMPROVING ESP IV, THEREBY***
4 ***ADDRESSING THE OCC/NOPEC CONCERNS?***

5 ***A5.*** No. The OCC and NOPEC presented a detailed critique of the most important
6 elements of ESP IV—Riders RRS, DCR, and GDR.³ The Stipulation fails to
7 address any of these criticisms and makes no changes to these three riders that the
8 FE Utilities want customers to pay. While the Stipulation sets forth certain new
9 provisions, in the aggregate they are not demonstrably beneficial to customers,
10 nor do they provide even modest benefits as compared to the potential for very
11 substantial customer harm from imposing Riders RRS, DCR, and GDR.

12
13 ***Q6. HAS THE PUBLIC UTILITIES COMMISSION OF OHIO (“PUCO” OR***
14 ***“COMMISSION”) ESTABLISHED STANDARDS OF REVIEW FOR***
15 ***EVALUATING PROPOSED SETTLEMENTS?***

16 ***A6.*** Yes, it has. The PUCO approved a settlement in the FE Utilities ESP III in which
17 the Commission acknowledged the criteria for evaluating the reasonableness of a
18 proposed settlement. The PUCO stated:

19 In considering the reasonableness of a stipulation, the

20 Commission has used the following criteria:

³ Without question, another key component of ESP IV is the proposed competitive bidding process (“CBP”) for SSO supply acquisition. The OCC and NOPEC have not contested the CBP proposal, and the FE Utilities concede that the CBP would be essentially identical to their proposal under an MRO.

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- 1 1. Is the settlement a product of serious bargaining
- 2 among capable, knowledgeable parties?
- 3 2. Does the settlement package violate any important
- 4 regulatory principle or practice?
- 5 3. Does the settlement, as a package, benefit
- 6 ratepayers and the public interest?⁴
- 7

8 My supplemental testimony addresses all three of the PUCO's criteria. I am
9 referencing the settlement standard because the PUCO uses it. In doing so, I am
10 not necessarily asserting that the use of this settlement standard is the most
11 appropriate way to determine the outcome of this case that presents important
12 issues affecting approximately two million Ohio electric customers. For one
13 thing, the PUCO's consideration of the Rider RRS (and the underlying power
14 purchase agreements ("PPAs")) and its impact on customers should not be limited
15 to considering that set of major policy issues only as part of a "package" with
16 other issues in the case.

⁴ Case No. 12-1230-EL-SSO, *In the Matter of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide a Standard Service Offer Pursuant to Section 4928.143, Revised Code in the Form of an Electric Security Plan*, July 18, 2012, Opinion and Order, at p. 24.

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1 ***Q7. PLEASE PROVIDE AN OVERVIEW OF THE PROPOSED STIPULATION.***

2 ***A7.*** The non-utility stipulating parties are supporting the FE Utilities' ESP IV
3 Application—including the FE Utilities' proposals for Riders RRS, DCR, and
4 GDR that will be charged to customers. And, there are certain additional
5 settlement provisions that the FE Utilities characterize as “improvements.” The
6 new provisions target benefits to those that signed the Stipulation. These
7 provisions are classified as rate design changes, additional energy efficiency
8 programs, and low-income customer assistance. Several of the rate design
9 provisions involve a continuation of economic development credits or discounts
10 for industrial customers. The rate design changes include a continuation of the
11 Economic Load Response Program Rider (“Rider ELR”), with certain
12 modifications, including a potential expansion of 75 MW over the current
13 program size. The FE Utilities' application had proposed to allow the current
14 Rider ELR to terminate at the end of the current ESP III, i.e., in May 2016.

15
16 The Stipulation provisions devoted to energy efficiency involve relatively modest
17 levels of funding, and those expenditures are to be collected from customers
18 through Rider DSE.⁵ FE Utilities witness Mikkelsen states that the low-income
19 programs involve shareholder contributions totaling \$7.17 million (i.e., about \$2.4
20 million per year) during ESP IV.⁶

⁵ Demand Side Management and Energy Efficiency Rider.

⁶ FE Utilities witness Mikkelsen supplemental testimony, p. 10.

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1 ***Q8. DO YOU AGREE WITH THE FE UTILITIES THAT THE STIPULATION***
2 ***PROVIDES ANY ADDITIONAL BENEFITS OVER THE AS-FILED ESP IV***
3 ***APPLICATION?***

4 ***A8.*** First of all, whether the Stipulation is a benefit over the as-filed application is not
5 part of the PUCO's settlement test. But to answer the question, no. The \$7.17
6 million low-income contribution funded by shareholders would benefit some low-
7 income customers. But the PUCO could modify the proposed ESP IV by
8 eliminating Rider RRS and the underlying PPAs. Those changes would provide
9 savings to customers, including low-income customers. Also, the PUCO could
10 modify the proposed ESP IV to provide for additional low-income assistance
11 programs.

12
13 Further, it is not clear that the other new provisions collectively provide an
14 improvement. In particular, the rate design provisions include costly economic
15 development credits or discounts that benefit certain customers but must be paid
16 for by other customers. For example, rate credits from expanding Rider ELR by
17 75 MW for certain industrial or commercial customers could total \$27 million

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1 during ESP IV that must be paid by other customers (including residential
2 customers).⁷

3
4 The important point for the Commission is that any benefits to customers
5 associated with the additional Stipulation provisions pale in comparison to the
6 harms to customers from Riders RRS, DCR, and GDR documented in the
7 OCC/NOPEC direct testimony. For example, Rider RRS will impose a \$420
8 million net cost on customers during the term of ESP IV⁸, based on the Utilities'
9 own projections. The Stipulation's \$7.17 million low-income contribution
10 provides less than a 2 percent offset to that \$420 million cost to customers.

11
12 The FE Utilities certainly had the opportunity during the negotiations to make
13 improvements to Riders RRS, DCR, and GDR. But they did not improve the
14 outcome for the general body of customers. Consequently, I cannot find that the
15 Stipulation provides a material benefits over the as-filed ESP IV. But comparing
16 the FE Utilities' original proposal to the Stipulation misses the point. The
17 Stipulation does not benefit customers and is not in the public interest, and
18 therefore should be rejected by the PUCO.

⁷ This is based on the monthly credit of \$10 per kW-month multiplied by 75,000 kW and 36 months. And this is in addition to the tens of millions of dollars per year of credits associated with the existing Rider ELR loads that could continue.

⁸ OCC/NOPEC witness Wilson direct testimony, p. 18

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1 ***Q9. DOES THE STIPULATION PASS THE STATUTORY ESP VERSUS MRO***
2 ***TEST?***

3 ***A9.*** No, it does not. As noted above, I concluded in my direct testimony that the FE
4 Utilities' proposal would impose on customers a net cost of about \$500 to \$600
5 million during the three-year term of ESP IV. And, the FE Utilities' proposal
6 would impose on customers a net cost on the order of about \$3.1 billion over the
7 proposed 15-year term of Rider RRS. FE Utilities' witness Mikkelsen suggests
8 that the \$7.17 million low-income contribution now be included in the ESP versus
9 MRO test.⁹ While I accept this quantified benefit at face value, it does not
10 significantly change my ESP versus MRO results. The Stipulation fails to pass
11 the ESP versus MRO statutory test.

12
13 ***Q10. BASED ON YOUR REVIEW OF THE STIPULATION, WHAT IS YOUR***
14 ***RECOMMENDATION?***

15 ***A10.*** I find that the Stipulation will harm customers and is not in the public interest,
16 primarily because it retains Riders RRS, DCR, and GDR essentially as filed. I
17 recommend that the Commission reject both the Stipulation and the as-filed ESP
18 IV. Instead, SSO customers should be served generation through an MRO.

⁹ FE Utilities witness Mikkelsen supplemental testimony, pp. 10-11. Witness Mikkelsen now claims a net present value, 15-year benefit of \$779 million.

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1 ***Q11. HOW IS THE REMAINDER OF YOUR TESTIMONY ORGANIZED?***

2 ***A11.*** The next section evaluates the Stipulation using the Commission's three criteria
3 listed above, emphasizing the ratepayer impacts. In addition to my own analysis,
4 I summarize the pertinent direct testimony criticisms of other OCC and NOPEC
5 witnesses. Witnesses James Wilson, Kenneth Rose, and Ramteen Sioshansi
6 critique Rider RRS based on adverse customer rate impacts and policy (and legal)
7 grounds. Witnesses James Williams and David Efron criticize Riders DCR and
8 GDR as constituting improper single-issue ratemaking and for other reasons.
9 Witness Beth Hixon objects to the FE Utilities' proposal concerning the treatment
10 of certain Midcontinent Independent System Operator ("MISO") legacy
11 transmission costs.

12
13 **II. APPLYING THE STIPULATION EVALUATION CRITERIA**

14
15 **A. Criterion (1): Is the settlement a product of serious bargaining among**
16 **capable, knowledgeable parties? Do the signatory parties represent a**
17 **diversity of interests?**

18
19 ***Q12. DOES WITNESS MIKKELSEN ADDRESS THIS FIRST CRITERION IN***
20 ***HER SUPPORTING SUPPLEMENTAL TESTIMONY?***

21 ***A12.*** Yes, she does, at page 7. She states that the Stipulation was reached by a diverse
22 group of parties (representing a range of customer classes) and that these parties

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1 are both knowledgeable and experienced with past ESP cases. Consequently, she
2 concludes that the Commission's first criterion is satisfied.

3 ***Q13. DO YOU ACCEPT WITNESS MIKKELSEN'S CONCLUSION?***

4 ***A13.*** I offer no opinion on the capabilities and expertise of the supporting (non-utility)
5 parties, however, the settlement is not representative of a diversity of interests and
6 does not constitute "serious bargaining" as required under the PUCO's first
7 criterion.

8
9 First, although there are a number of non-utility settling parties, there are also
10 numerous active parties not supporting the Stipulation, representing a range of
11 public interest perspectives. Importantly, two of the parties that have traditionally
12 been (and, indeed, have responsibility for) representing the vast majority (or all)
13 of FE Utilities' customers—the OCC (residential customers) and PUCO Staff (all
14 interests including shareholders)—are not signatories to the Stipulation. This fact
15 alone should demonstrate that the Stipulation is not broadly supported by parties
16 representing a wide range of interests or customer classes.

17
18 Second, the Stipulation only modestly changes the filed ESP IV. Witness
19 Mikkelsen concedes that it provides a quantified change to the ESP versus MRO
20 test of only \$7 million in the aggregate. That is a mere \$7 million in a case where
21 billions of dollars of potential harm are at stake for customers. The Stipulation

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1 provides some narrowly focused benefits for parties that are willing to support the
2 FE Utilities' proposals in this case. Those narrow benefits are in rate design (e.g.,
3 Rider ELR) to a small number of customers and modest increases in energy
4 efficiency funding (apparently targeted to certain parties) at the expense of other
5 customers. But the fact that there are no substantial changes to the as-filed ESP
6 IV that would benefit the vast majority of FE Utilities' customers demonstrates
7 that the Stipulation does not benefit customers and is not in the public interest.

8
9 Third, I have not yet seen supporting testimony from signatory parties that
10 broadly supports and justifies the Stipulation in its entirety as in the public
11 interest. Earlier, I mentioned Dr. Goins' supporting testimony on behalf of
12 Nucor. His testimony is highly supportive of the Rider ELR extension and
13 modification provision, a provision that presumably will financially benefit
14 Nucor. He also briefly states support for the SSO time-of-day rate provision.
15 However, his testimony does not express support for the Stipulation in total or
16 argue that it is in the public interest. His testimony does not argue that the
17 claimed benefits from Rider ELR and time-of-day rate provisions can offset the
18 risks and harms to the broad body of utility customers from the unchanged Riders
19 RRS, DCR, and GDR that this Stipulation supports.

20
21 The OCC conducted extensive discover of non-utility signatory parties to the
22 Stipulation requesting that they supply their analysis of the impact of the

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1 Stipulation on customer rates. The responses received either refused to answer or
2 indicated that the responding party relied on nothing more than the FE Utilities'
3 filed case and data responses. There is no indication that any non-utility
4 supporting party performed any independent analysis of the overall effect of the
5 Stipulation on customers. Hence, this undermines the contention that the
6 Stipulation resulted from serious bargaining among knowledgeable
7 parties. Please see copies of these data responses which are appended to my
8 testimony in Attachment MIK-1.

9
10 ***Q14. WHAT DO YOU CONCLUDE REGARDING THE APPLICATION OF THIS***
11 ***FIRST CRITERION?***

12 ***A14.*** The parties that signed the Stipulation do not represent the broad body of FE
13 Utilities' customers. The Stipulation makes only modest and narrow changes to
14 the as-filed ESP IV. Therefore, the settlement is not representative of a diversity
15 of interests and does not constitute "serious bargaining" as required under the
16 PUCO's first criteria. The Stipulation should be rejected by the PUCO.

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1 **B. Criterion (2): Does the settlement package violate any important**
2 **regulatory principle or practice?**
3

4 ***Q15. DOES WITNESS MIKKELSEN'S SUPPLEMENTAL TESTIMONY ASSERT***
5 ***THAT THE STIPULATION MEETS THIS SECOND CRITERION?***

6 ***A15.*** Yes, it does, at page 8. However, this is a very brief discussion, noting that some
7 of the approved riders have previously been approved by the PUCO. She defends
8 Rider RRS based on the fact that it is non-bypassable, will (allegedly) contribute
9 to rate stability, and will enhance economic development.
10

11 ***Q16. DO YOU FIND HER CLAIM THAT THE STIPULATION CONFORMS TO***
12 ***THIS SECOND CRITERION TO BE PERSUASIVE?***

13 ***A16.*** No, I do not. My concern is not with the Stipulation's new provisions (although I
14 do not endorse them either), but rather with the retained and unchanged Riders
15 RRS, DCR, and GDR. In fact, these proposed riders are not consistent with
16 accepted regulatory principles, policies, and even Ohio law. This issue is
17 discussed at length primarily in the direct testimony of OCC and NOPEC
18 witnesses Kenneth Rose, David Efron, and James Williams. In this section of
19 my supplemental testimony, I provide a brief summarization of their points that
20 are relevant to this second evaluation criterion.

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**Q17. HOW DOES RIDER RRS VIOLATE ACCEPTED REGULATORY
PRINCIPLES AND OHIO POLICIES?**

A17. The FE Utilities advocate Rider RRS as a financial hedge that will reduce customer rate volatility and lower rates over time, even though they concede it will significantly increase rates during the term of ESP IV. The concept of a hedge by itself does not necessarily violate regulatory principles. After all, the use of multi-year, fixed-price wholesale contracts for SSO supply embodies hedge characteristics, as OCC/NOPEC witness Wilson points out.¹⁰

Unfortunately, the proposal for Rider RRS has a number of fatal flaws that violate regulatory principles and Ohio policy and law. Under this rider, the FE Utilities enter into sole-source, non-competitive PPAs with FirstEnergy Solutions (“FES”), their unregulated corporate affiliate. The PPAs will use cost of service-type pricing for FES (including a guaranteed profit by proposing a return on equity of 11.15 percent), with the output sold into the PJM-supervised energy, capacity, and ancillary services market. The difference between the PPA cost of service charges and the PJM market revenue earned is either a net charge or credit to ratepayers. The resources covered by the PPAs include the W.H. Sammis coal plant (2,220 MW), the Davis-Besse nuclear plant (908 MW), and the FES 4.85 percent entitlement to the Ohio Valley Electric Corporation (“OVEC”) contract.

¹⁰ OCC/NOPEC witness Wilson direct testimony, pp. 49-50.

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1 A serious problem is that Rider RRS appears very likely to result in payments to
2 FES that exceeds the market value of the output of Sammis, Davis-Besse, and the
3 OVEC entitlement. The FE Utilities concede this to be the case during the term
4 of ESP IV, while OCC/NOPEC witness Wilson demonstrates that substantial
5 above-market payments are likely over the entire 15 years. While the FE Utilities
6 sponsor a study showing savings relative to the wholesale market after 2018, even
7 they must acknowledge the substantial risk that Rider RRS will, in the aggregate,
8 be substantially above market. That concession is implicit in their witnesses'
9 discussion of potential Sammis or Davis-Besse retirement.
10

11 ***Q18. HOW WILL THE RIDER RRS ABOVE-MARKET COSTS IMPACT***
12 ***CUSTOMERS?***

13 ***A18.*** As shown by OCC/NOPEC witness Wilson, under certain scenarios, Rider RRS
14 pricing ranges from essentially break-even to being nearly \$4 billion above
15 market over the full 15-year term.¹¹ This will result in ratepayers (a) being made
16 to improperly subsidize an unregulated corporate affiliate of the FE Utilities (i.e.,
17 FES); and (b) effectively paying the FE Utilities for additional stranded cost
18 charges—charges to which the FE Utilities are not entitled. In addition,
19 regardless of the net cost impacts, Rider RRS is inconsistent with Ohio policy and
20 this Commission's past practice by, in essence, "re-regulating" generation assets
21 previously deregulated, and doing so in a manner with inadequate regulatory

¹¹ Id., pp. 11-12.

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1 protections. These violations are the subject of the testimony of OCC witness Dr.
2 Rose.

3

4 ***Q19. PLEASE SUMMARIZE DR. ROSE'S ARGUMENTS ON OHIO POLICY AND***
5 ***LAW.***

6 ***A19.*** Dr. Rose describes his first-hand experience with the development and
7 implementation of Ohio's electric generation restructuring framework 15 years
8 ago.¹² He confirms that the purpose of Ohio's legal framework (S.B. 3 and R.C.
9 4928.38 and R.C. 4928.39) is to provide for the deregulation of generation (with
10 stranded cost recovery), a policy determination that Rider RRS would partially
11 reverse.

12 Cost-based regulation was to be replaced by market
13 competition as a means to determine the wholesale and
14 retail generation price for all electricity customers.
15 Consequently, after the enactment of S.B.3, market forces
16 are to determine which power plants should be operated
17 and which power plants should be retired if they are
18 inefficient and uneconomic.¹³

¹² OCC witness Rose direct testimony, pp. 12-13.

¹³ Id., p. 12.

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1 Witness Rose points out that the Ohio statute provides for a well-defined market
2 development time period and deadline for stranded cost recovery; i.e., December
3 31, 2005.¹⁴ Rider RRS is implicitly a request for additional stranded cost
4 collection, even though the statutory deadline has long passed and the FE Utilities
5 have already been awarded nearly \$7 billion of such costs by the PUCO.
6 Consequently, he finds that Rider RRS violates Ohio statutes.¹⁵

7
8 Dr. Rose further finds that Rider RRS violates additional provisions of Ohio law,
9 including the availability of reasonably priced electric service (R.C. 4928.02(A));
10 diversity of supply (R.C. 4928.02 (C)); the imposition of anti-competitive
11 subsidies from a non-competitive to a competitive service (R.C. 4928.02(H)); and
12 the state's effectiveness in the global economy (R.C. 4928.02 (N)).¹⁶ This last
13 point follows from the concern that Rider RRS, by imposing higher electric costs
14 on customers, would impair the competitiveness of Ohio industry.

¹⁴ Id., p. 17.

¹⁵ Id., pp. 18-19.

¹⁶ Id., p. 20.

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1 ***Q20. DO ANY OTHER OCC OR NOPEC WITNESSES RAISE CONCERNS WITH***
2 ***RIDER RRS REGARDING A VIOLATION OF REGULATORY***
3 ***PRINCIPLES?***

4 ***A20.*** Yes. OCC witness Dr. Randall Woolridge notes that the PPA cost of service
5 formula will include a return on equity of 11.15 percent. This exceeds the actual
6 cost of equity for monopoly-regulated assets by a wide margin, i.e., 8.7 percent
7 versus 11.15 percent, a nearly 250 basis point premium.¹⁷ The 11.15 percent
8 return for such a low-risk rate mechanism violates regulatory principles by
9 providing a monopoly return and is therefore contrary to cost-based regulation.
10 Moreover, the FE Utilities have failed to submit the normal cost of equity studies
11 and evidence that would support the requested 11.15 percent equity return,
12 contrary to traditional regulatory practice. But more importantly, it is wrong to
13 make captive utility customers cover the costs and fund the profits for unregulated
14 power plants owned by a corporate affiliate (FES) of the FE Utilities.
15
16 The Stipulation would adopt this excessive 11.15 percent rate of return,
17 contributing to higher costs for customers and, as explained by witness Rose,
18 increasing the unlawful subsidy to support FES' generation units.

¹⁷ OCC witness Woolridge direct testimony, pp. 66-69.

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1 ***Q21. DOES DR. ROSE RAISE OTHER CONCERNS PERTAINING TO THE***
2 ***VIOLATION OF REGULATORY PRINCIPLES, PRACTICE, OR POLICY?***

3 ***A21.*** Yes. Dr. Rose notes that while Rider RRS reflects a form of regulation, it is an
4 ineffective one due to the structure of Rider RRS and the PUCO's lack of
5 jurisdiction.

6 Rider RRS is considerably inferior to the traditional cost-
7 based regulation because it is actually a revenue guarantee
8 masked as partial cost-based regulation. As discussed
9 above, the Utility's proposal lacks the important checks and
10 balances that usually accompany traditional or cost-based
11 regulation, such as prudence review of costs incurred.¹⁸

12
13 OCC and NOPEC witness Sioshansi also notes the limitation on effective
14 Commission oversight of Rider RRS-related costs.¹⁹

15
16 ***Q22. DOES THE PROPOSED EXTENSION OF RIDER DCR VIOLATE***
17 ***TRADITIONAL REGULATORY PRINCIPLES?***

18 ***A22.*** Yes, I believe it does, even though witness Mikkelsen in her supplemental
19 testimony notes that this rider has been previously approved by the PUCO. While
20 Rider DCR exists today, the FE Utilities' proposed extension and substantial rate

¹⁸ OCC witness Rose direct testimony, p. 15.

¹⁹ OCC/NOPEC witness Sioshansi direct testimony, p. 19.

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1 increase request (accepted in the Stipulation) should be reassessed in light of the
2 evidence and arguments set forth in this case by OCC witnesses Effron and
3 Williams.

4
5 ***Q23. HOW DOES WITNESS EFFRON DEMONSTRATE THAT THE RIDER DCR***
6 ***EXTENSION AND RATE INCREASES VIOLATE REGULATORY***
7 ***PRINCIPLES?***

8 **A23.** Mr. Effron observes that mechanisms such as Riders DCR and GDR are “cost
9 trackers” outside of traditional base rates cases. His testimony explains that as a
10 general matter such cost trackers distort or blunt cost control incentives and “are
11 contrary to sound ratemaking practice.”²⁰ Such trackers should only be
12 considered for utility costs “that are large, volatile, and outside of the utility’s
13 control.”²¹ The FE Utilities have failed to demonstrate that Riders DCR and GDR
14 meet these standards.

15
16 Part of Mr. Effron’s criticism is that trackers can improperly permit the Utility to
17 increase rates while circumventing rate cases, “where all costs and the revenues
18 under the rates in effect were taken into consideration.”²² If the rate case
19 investigation shows that utility earnings already are sufficient, then the tracker-

²⁰ OCC witness Effron direct testimony, p. 4.

²¹ Id.

²² Id., p. 6

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1 related rate increase is not needed. This is the regulatory principle of single-issue
2 ratemaking.

3

4 ***Q24. IS THE SINGLE-ISSUE RATEMAKING PROBLEM A PRACTICAL***
5 ***CONCERN IN THIS CASE?***

6 ***A24.*** Yes. Mr. Effron's testimony presents an analysis that suggests substantial excess
7 earnings for all three FE Utilities based on available data.²³ Of course, the
8 presence and magnitude of excess earnings is best determined in an actual rate
9 case. Nonetheless, this preliminary finding is an important warning that Riders
10 DCR and GDR could violate accepted regulatory principles by systematically
11 exacerbating excess earnings at the expense of customers. It is not an accepted
12 ratemaking practice to authorize rate increases when earnings already are
13 excessive. Yet this is what may happen under the Stipulation.

14

15 Mr. Effron's excess earnings analysis is important evidence for the Commission
16 to consider when evaluating the Rider DCR extension and the Stipulation.

²³ See Mr. Effron's Schedule DJE-1 which indicates possible excess earnings of about \$135 million for the three utilities collectively.

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1 ***Q25. DOES MR. EFFRON'S CRITIQUE OF COST TRACKERS AND SINGLE-***
2 ***ISSUE RATEMAKING VIOLATIONS APPLY EQUALLY TO RIDER GDR?***

3 ***A25.*** Generally, yes. This proposed rider is intended to address new utility costs
4 resulting from government mandates. Mr. Effron explains that while such costs
5 certainly can be incurred during ESP IV, these are best handled in a traditional
6 base rate case to insure proper review, avoid distorting incentives and prevent
7 over charging customers. Rider GDR violates the same regulatory principles as
8 Rider DCR.

9
10 Mr. Effron identifies an additional concern with this rider—it is asymmetric.
11 Under the as-filed ESP IV and accepted in the Stipulation, there is no obligation
12 by the affected utility to file for a rate reduction when government action
13 (including tax changes) lowers the cost of service.²⁴ Such an asymmetry is a
14 violation of regulatory principles as well as basic fairness. It thereby fails to
15 balance the interests of customers and shareholders in favor of shareholders.

16
17 ***Q26. HOW DOES OCC WITNESS WILLIAMS CONTEND THAT RIDER DCR***
18 ***VIOLATES REGULATORY PRINCIPLES AND PRACTICE?***

19 ***A26.*** His testimony notes that Rider DCR seeks authority to collect from customers up
20 to \$810 million during the term of ESP IV, thereby creating issues of customer

²⁴ OCC witness Effron direct testimony, pp. 17-18.

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1 affordability and possible increases in customer disconnections.²⁵ His testimony
2 points out that Ohio statute limits distribution expenses in an ESP to those related
3 to “infrastructure modernization,” which is different than what the FE Utilities
4 propose for Rider DCR.²⁶ Thus, as witness Williams explains, the Rider DCR
5 extension and expansion proposal and the Stipulation that adopts this Rider
6 violate the ESP statute, which restricts the collection of distribution expenses.

7

8 ***Q27. DOES MR. WILLIAMS SET FORTH ANY OTHER REASONS WHY RIDER***
9 ***DCR VIOLATES OHIO REGULATORY PRACTICE?***

10 ***A27.*** Yes. He points out that the rationale for Rider DCR is enhanced reliability for
11 customers and aligning the customers’ and the FE Utilities’ expectations with
12 respect to reliability.²⁷ He points out that the FE Utilities already have more than
13 met the reliability standards, and the filed case makes no further commitment to
14 improve reliability with the extension of Rider DCR.²⁸ Moreover, he finds that
15 “customers are unwilling to pay more to avoid non-major outages” and therefore
16 customer and utility expectations on this issue “are not aligned.”²⁹

²⁵ OCC witness Williams direct testimony, p. 15.

²⁶ Id., p. 16 (citing R.C. 4928.143(B)(2)(a)).

²⁷ Id., pp. 19-21 (citing R.C. 4928.143).

²⁸ Id., p. 17.

²⁹ Id., p. 21.

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1 ***Q28. THE STIPULATION RETAINS AND EXPANDS RIDER ELR WHICH IS***
2 ***SCHEDULED TO EXPIRE. DO YOU QUESTION THE***
3 ***APPROPRIATENESS OF THE RIDER ELR PROVISIONS OF THE***
4 ***STIPULATION?***

5 ***A28.*** Yes. There is simply no necessity for the FE Utilities to provide an interruptible
6 rate credit arrangement. Customers such as Nucor can participate in interruptible
7 arrangements in the competitive retail market and thereby receive a market-based
8 rate credit. I understand Dr. Goins' advocacy for the Rider ELR Stipulation
9 provision to be that it is more generous to Nucor than what Nucor could obtain for
10 interruptibility in the competitive market. However, the above-market credit for
11 Rider ELR comes at a cost to other utility customers who will be forced to fund
12 the subsidy.

13
14 ***C. Criterion (3): Does the settlement, as a package, benefit ratepayers***
15 ***and the public interest?***

16
17 ***Q29. DO THE FE UTILITIES CONTEND THAT THE STIPULATION MEETS***
18 ***THE COMMISSION'S CRITERION OF BENEFITTING CUSTOMERS AND***
19 ***SERVING THE PUBLIC INTEREST?***

20 ***A29.*** Yes. Witness Mikkelsen argues that both the as-filed aspects of ESP IV and the
21 new provisions agreed to in the Stipulation benefit customers and serve the public
22 interest. The additional low-income contributions from shareholders increase the

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1 quantified ESP IV benefit from \$773 million to \$779 million (net present value),
2 according to her supplemental testimony.³⁰

3

4 The centerpiece of ESP IV, essentially unchanged in the Stipulation, is Rider
5 RRS, i.e., the “reregulation” plan for Sammis, Davis-Besse, and the OVEC
6 entitlement. The FE Utilities’ filed case concedes a \$420 million net customer
7 cost during the term of ESP IV, but a \$2 billion net benefit over the full 15-year
8 term of Rider RRS extending to 2031. In addition, the FE Utilities’ filed case
9 claims the following public interest benefits:

- 10 • Job and income preservation for Ohio communities by avoiding
11 power plant retirements.
- 12 • Avoidance of potentially costly transmission investments that
13 might be needed if the Sammis and/or Davis-Besse power plants
14 were to retire.
- 15 • Enhanced reliability and fuel diversity from continued operation of
16 Sammis and Davis-Besse.
- 17 • Rider RRS will contribute to rate stability.

18 The FE Utilities’ witnesses mention other qualitative benefits for other aspects of
19 the as-filed ESP IV, which I summarize on pages 18-19 of my direct testimony.

³⁰ FE Utilities witness Mikkelsen supplemental testimony, pp. 8-11.

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1 ***Q30. DO YOU AGREE WITH WITNESS MIKKELSEN'S ASSESSMENT?***

2 ***A30.*** No, I do not. The Stipulation is not in the public interest.

3

4 ***Q31. WHY DO YOU DISAGREE?***

5 ***A31.*** As noted earlier in my supplemental testimony, as well as in witness Mikkelsen's
6 supplemental testimony, the Stipulation preserves the central features of the as-
7 filed ESP IV with little change (i.e., the CBP, Riders RRS, DCR, and GDR, and
8 other provisions). These proposals have been extensively addressed or rebutted by
9 OCC and NOPEC witnesses. The new provisions in the Stipulation that modify
10 the FE Utilities' as-filed ESP IV are relatively minor with respect to the interests
11 of the *general body of FE Utilities' ratepayers as a whole*, although the discounts
12 or rate credits in the Stipulation may benefit a small, narrow group of ratepayers.

13

14 During the term of the ESP, the new provisions do provide an additional
15 \$7 million shareholder contribution for low-income assistance, which I concur
16 benefits some low-income customers. Also, there is a small amount of energy
17 efficiency spending. But other provisions, such as the retention and expansion of
18 Rider ELR, are narrowly focused and could be costly to other customers not
19 receiving the discounts. As I noted, the 75-MW expansion of Rider ELR has a
20 potential cost in terms of credits or discounts of up to \$27 million above and
21 beyond current levels. At best, the new provisions in the Stipulation provide only
22 a very modest improvement to the as-filed ESP IV for utility customers generally,

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1 and arguably would make it worse. It is certainly the case that those new
2 provisions cannot and do not “redeem” or mitigate the very harmful ESP IV filed
3 by the FE Utilities.
4

5 For this reason, my critique of the Stipulation under the Commission’s third
6 criterion focuses on the key aspects of the as-filed ESP IV that are retained in the
7 Stipulation. I first explain why the riders and provisions of the as-filed ESP IV
8 likely will lead to higher customer rates (as compared to no Stipulation and an
9 MRO in place of ESP IV). Next, I refute the FE Utilities’ claims for the non-
10 quantified and alleged public interest benefits. Please note that I intend this as
11 only a high-level summary of the testimony on these topics already presented in
12 the direct testimonies of OCC and NOPEC witnesses.
13

14 ***Q32. WHAT ARE THE CUSTOMER RATE HARMS FROM THE STIPULATION?***

15 ***A32.*** There appears to be no dispute that Rider RRS could raise customer rates by as
16 much as \$420 million during the term of ESP IV. Yet the FE Utilities suggest
17 that the Sammis, Davis-Besse, and OVEC will have fully embedded costs
18 (including an 11.15 percent return on equity) of about \$2 billion less than the PJM
19 wholesale market over the 15-year term of Rider RRS. OCC/NOPEC witness
20 Wilson presents an analysis using the energy market scenarios that show
21 otherwise. His study, which is far more realistic than that of the FE Utilities,

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1 shows a range of roughly break-even to a \$3.9 billion customer cost penalty.³¹

2 Witness Wilson points out that the rapid market price escalation assumed in the
3 FE Utilities' study is "unreliable," "speculative," and inconsistent with both
4 market expectations and other projections sources.³² In addition, witness Wilson
5 also challenges the FE Utilities' assertion of "stability" benefits from this rider.³³

6
7 Rider RRS, which is preserved by the Stipulation, would have an impact on
8 customers that is far greater than that of any other issue in the Stipulation, and that
9 impact is highly negative. However, there are other provisions in the Stipulation
10 that could also significantly harm ratepayers. These include Riders DCR and
11 GDR and the proposal concerning the treatment of MISO legacy costs.

12
13 ***Q33. HOW WILL RIDERS DCR AND GDR RESULT IN HIGHER CUSTOMER***
14 ***RATES?***

15 ***A33.*** As explained in OCC witness Williams' testimony, the FE Utilities seek authority
16 to charge up to \$810 million through Rider DCR during the term of ESP IV,
17 including three successive annual rate increases of \$30 million in each year.³⁴

³¹ OCC/NOPEC witness Wilson direct testimony, pp. 11-12.

³² Id., pp. 10-11.

³³ See, OCC/NOPEC witness Wilson direct testimony at 52, at which it is explained that Rider RRS would not provide "stability" benefits for customers who have entered into long-term supply arrangements. E.g., NOPEC entered into a long-term contract with FES for full-requirements retail electric supply to serve its approximately 500,000 customers at a fixed rate for seven years through December 31, 2019.

³⁴ OCC witness Williams direct testimony, p. 15.

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1 The rate increases over three years would total to as much as \$180 million in
2 additional revenue from customers. The FE Utilities do not at this time propose a
3 specific rate increase for Rider GDR, but have indicated that it could be used to
4 collect costs from customers for remediation of manufactured gas plant sites.³⁵

5 No dollar estimate has been provided at this point for those remediation costs, but
6 Rider GDR would provide expedited cost collection from customers.

7
8 Riders DCR and GDR circumvent traditional regulation, i.e., base rate cases,
9 through single-issue rate increases. The FE Utilities seem to argue that base rate
10 increases and these riders produce, over time, the same “end result” customer
11 rates (claiming the cost increases presumably would be the same), but the riders
12 do so with greater administrative efficiency. My testimony and that of OCC
13 witness Effron demonstrate that this is not the case based on circumstances at this
14 time for at least two key reasons. The first is Mr. Effron’s finding that all three
15 utilities are potentially over-earning for distribution utility service.³⁶

16 In a base rate case, any such excess earnings would serve as an offset for the new
17 distribution costs that the FE Utilities would collect through increases to Rider
18 DCR. In other words, if the base rate case mechanism is used instead of Rider
19 DCR, it seems likely that some or all of the requested \$180 million cost collection

³⁵ Id., p. 22; and FE Utilities witness Mikkelsen direct testimony, p. 24.

³⁶ See, OCC witness Effron’s Schedule DJE-1 for a quantification.

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1 would not take place, assuming Mr. Effron's evidence is valid. Moreover, a base
2 rate case is the best way to test Mr. Effron's overearnings finding.

3

4 A second problem is that Riders DCR and GDR would include a stale
5 10.5 percent return on equity and 8.48 percent overall return. This return level
6 was awarded in the base rate case of FE Utilities in 2007. The cost of capital has
7 declined substantially since then, as have state commission equity return awards.
8 The as-filed ESP IV and the Stipulation ignore this problem and the harm to
9 customers from using an out-of-date and overstated return on equity. This
10 problem is automatically corrected through the use of a base rate case where the
11 current cost of capital must be determined based on financial market conditions at
12 the time of the rate case.³⁷

13

14 I have concluded that as a result of those two readily quantifiable issues, Rider
15 DCR could increase customer rates during ESP IV (per the Stipulation) by
16 \$90 million to \$180 million, as compared to traditional base rate case treatment. I
17 do not have information that permits me to quantify the harm from Rider GDR.

³⁷ Kahal direct testimony, pp. 30-31.

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1 ***Q34. HAVE THE FE UTILITIES IDENTIFIED ANY SPECIFIC QUANTITATIVE***
2 ***OR QUALITATIVE BENEFITS FROM RIDERS DCR AND GDR?***

3 ***A34.*** No. They concede that these riders provide no quantitative benefits,³⁸ but
4 suggest, with no documented support, that Rider DCR will function more
5 efficiently and foster greater reliability than collecting costs through base rate
6 cases. There is no convincing basis for these assertions, and this rider is not in the
7 public interest.

8
9 ***Q35. WHAT PROPOSAL CONCERNING MISO LEGACY COSTS DOES THE***
10 ***STIPULATION RETAIN?***

11 ***A35.*** This issue is explained in some detail by OCC witness Hixon. The FE Utilities
12 had previously committed to refrain from collecting up to \$360 million of legacy
13 PJM Regional Transmission Expansion Plan (“RTEP”) costs that may be charged
14 to the service area grid operator, American Transmission System, Inc. (“ATSI”), a
15 wholly-owned FirstEnergy subsidiary.³⁹ Under ESP IV, the FE Utilities are
16 proposing to modify that earlier commitment. Specifically, the FERC has denied
17 ATSI the authority to pass through costs it has incurred from MISO for legacy
18 costs to the FE Utilities. As witness Hixon notes, this denial is only tentative
19 since this FERC decision is presently subject to rehearing.⁴⁰ The FE Utilities are

³⁸ FE Utilities witness Fanelli direct testimony, p. 7.

³⁹ Note that this issue arises as a result of the FirstEnergy and ATSI decision to move from MISO membership to PJM membership. See, OCC witness Hixon direct testimony, pp. 3-5.

⁴⁰ OCC witness Hixon direct testimony, pp. 6-7.

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1 requesting in the as-filed ESP IV that any such MISO legacy costs that ATSI is
2 not permitted to recover from the FE Utilities “count” as part of the \$360 million
3 (i.e., be used to offset) that the FE Utilities committed not to collect from its
4 customers. This request, affirmed in the Stipulation, has the potential to harm
5 customers by increasing the amount of PJM RTEP costs that the FE Utilities
6 ultimately could charge customers. Witness Hixon recommends that this proposal
7 not be approved at this time, as it is premature (i.e., there is no final FERC
8 decision). Or, in the alternative, the request should be denied.⁴¹

9

10 ***Q36. HAVE THE FE UTILITIES IDENTIFIED ANY CUSTOMER RATE***
11 ***BENEFITS OR PUBLIC INTEREST BENEFITS FROM THE MISO***
12 ***LEGACY COST PROVISION OF ESP IV AND THE STIPULATION?***

13 ***A36.*** In my opinion, they have not. While the outcome is uncertain, this provision at a
14 minimum has the potential to raise customer rates.⁴²

⁴¹ Id., pp. 9-10.

⁴² See Paragraph C (2) of the August 4, 2014 Application.

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1 ***Q37. CAN YOU PLEASE EXPLAIN WHAT THE FE UTILITIES CLAIM ARE***
2 ***THE PUBLIC INTEREST BENEFITS ASSOCIATED WITH THE POWER***
3 ***PLANT RETIREMENT ISSUE?***

4 ***A37.*** The FE Utilities claim that Rider RRS will provide a range of public interest
5 benefits (beyond alleged customer post-2019 cost savings) merely by avoiding the
6 potential retirement of the Sammis and/or Davis-Besse power plants. While the
7 testimony is neither clear nor coherent, it suggests that if these two power plants
8 are left to operate as unregulated merchants, without adequate revenue support,
9 they are vulnerable to economic retirement. They claim this could lead to the loss
10 of up to 3,000 jobs (severely impacting local communities), the possible need for
11 new transmission facilities that would be charged to ratepayers, a loss of
12 reliability benefits, and the loss of fuel diversity benefits.

13
14 ***Q38. IS THE RETIREMENT OF ONE OR BOTH POWER PLANTS DURING***
15 ***THE NEXT 15 YEARS A POSSIBILITY?***

16 ***A38.*** At the energy market prices in the FE Utilities' Rider RRS study (sponsored by
17 witness Ruberto), or even at significantly lower prices, the power plants would be
18 economically viable and would not be retired. However, it is also possible that
19 under highly adverse and prolonged market conditions (or for other reasons
20 omitted from the FE Utilities' study), at some future time one or both plants could
21 be deemed by FES management to no longer be economically viable. Obviously,
22 we cannot know if that would occur, only that FES and the FE Utilities do not

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1 presently expect it to occur. Hence, the retirement issue is highly speculative to
2 start with, and no evidence has been presented that this is likely to occur.

3
4 That said, if market conditions (and other circumstances) can no longer support
5 the plant, would Rider RRS serve to keep the plants in service, thereby preserving
6 jobs? The correct answer should be “no.” This is because Rider RRS utilizes
7 PJM market revenues to defray (as a customer credit) the PPA costs. Thus, if the
8 plants are not economical as merchant plants, then they also should not be deemed
9 to be economically viable under Rider RRS. That is, FES and the FE Utilities
10 would not be behaving reasonably if they continued to operate power plants
11 deemed uneconomical as compared with the PJM wholesale market.

12
13 As long as one assumes proper behavior (e.g., the contractual commitment to
14 Good Utility Practice and economical management), the retirement issue and all
15 public interest arguments connected to it are effectively moot. This is the issue
16 that I discussed in my direct testimony.⁴³

⁴³ Kahal direct testimony, pp. 40-41.

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1 ***Q39. YOUR ANALYSIS SUGGESTS THAT UNDER PROPER MANAGEMENT,***
2 ***THE PRESENCE OR ABSENCE OF RIDER RRS SHOULD NOT AFFECT***
3 ***THE RETIREMENT DECISION. SUPPOSE FES AND THE FE UTILITIES***
4 ***USE RIDER RRS AS A SUPPORT MECHANISM TO CONTINUE PLANT***
5 ***OPERATIONS WHEN UNDER DEREGULATION ONE OR BOTH SHOULD***
6 ***BE RETIRED. IS THAT POSSIBLE?***

7 ***A39.*** Yes, that is entirely possible, and it might be difficult to prevent such an outcome
8 since PUCO regulatory oversight of such critical decisions will be quite limited.

9 This is a case where utility customers would be forced to provide massive
10 subsidies to keep in operation one or both power plants that cannot cover
11 operating (i.e., “to go”) costs from the plants’ market revenues. Under that
12 scenario, the FE Utilities’ revenues collected from their captive customers would
13 not only be covering such operating losses, but also the “return of and on” legacy
14 capital investment. These are the multi-billion dollar ratepayer losses that
15 OCC/NOPEC witness Wilson identifies for utility customers under Rider RRS.

16
17 Thus, the Rider RRS and retirement issue indeed may be moot—either because
18 retirement absent this rider does not occur or because the rider makes no
19 difference. On the other hand, if Rider RRS is used to prevent a retirement
20 dictated by market forces, then utility customers will pay dearly. As my direct
21 testimony explains, this adverse and severe rate impact will seriously harm the FE
22 Utilities’ service area economies, including impairing job preservation and

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1 creation.⁴⁴ Consequently, there is no jobs or economic impact public interest
2 benefit from adopting Rider RRS. The opposite may be true (i.e. this could have
3 the effect of harming jobs and Ohio economic development).

4

5 ***Q40. PLEASE ASSUME THE ADVERSE CASE THAT RIDER RRS IS USED TO***
6 ***AVOID SAMMIS AND/OR DAVIS-BESSE RETIREMENTS THAT WOULD***
7 ***OCCUR IF THE PLANTS REMAIN AS MERCHANTS. HAVE OCC/NOPEC***
8 ***WITNESSES RESPONDED TO THOSE ALLEGED PUBLIC INTEREST***
9 ***BENEFITS?***

10 ***A40.*** Yes, although again I must stress that all evidence the FE Utilities have presented
11 suggests the hypothesized retirements will not occur. However, even if Rider
12 RRS is *required* to prevent the retirement, OCC/NOPEC witness Sioshansi
13 demonstrates that these asserted public interest benefits are not convincing.
14 Witness Sioshansi notes that in the event of future power plant retirement, PJM,
15 FERC, and the North American Electric Reliability Corporation (“NERC”) have
16 mechanisms and/or oversight responsibilities for ensuring that the wholesale
17 market provides adequate capacity.⁴⁵ As I noted in my direct testimony, even
18 under Rider RRS, the Sammis and Davis-Besse capacity would be sold into the
19 PJM markets and used to serve the entire (nearly 200,000 MW) PJM region.⁴⁶ It

⁴⁴ Id., pp. 41-43.

⁴⁵ OCC/NOPEC witness Sioshansi direct testimony, pp. 21-23.

⁴⁶ Kahal direct testimony, pp. 27-29.

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1 will not be set aside or earmarked to specifically serve the FE Utilities' retail
2 customers. The reliability assertion benefit is a misguided public interest claim.

3
4 Finally, witness Sioshansi explains that the FE Utilities' claims—that plant
5 retirements (if they occur due to the absence of Rider RRS) will harm resource or
6 fuel diversity—are unconvincing.⁴⁷ This is not a significant benefit for Ohio
7 customers.

8

9 ***Q41. YOUR DISCUSSION RESPONDS TO FE UTILITIES' CLAIMS OF PUBLIC***
10 ***INTEREST BENEFITS FROM RIDER RRS. HAVE OCC/NOPEC***
11 ***WITNESSES IDENTIFIED PUBLIC INTEREST HARMS?***

12 ***A41.*** Yes. Witness Sioshansi explains in great detail the reasons why Rider RRS,
13 which would artificially subsidize Sammis, Davis-Besse, and OVEC, has the
14 potential to distort and harm the efficient operation of the PJM-supervised energy
15 and capacity markets.⁴⁸ All FE Utilities' customers depend on these markets—
16 either directly or indirectly—for power supply. The harm to the markets that
17 would result from the Stipulation may translate into adverse impacts for
18 customers. This is further reason for finding that Rider RRS and the Stipulation
19 that preserves that rider are not in the public interest.

⁴⁷ OCC/NOPEC witness Sioshansi direct testimony, pp. 28-29.

⁴⁸ Id., pp. 8-20.

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On Behalf of the Office of the Ohio Consumers' Counsel
and The Northeast Ohio Public Energy Council
PUCO Case No. 14-1297-EL-SSO*

1 OCC/NOPEC witness Wilson notes that the Sammis and Davis-Besse plants
2 could be dispatched differently under Rider RRS as compared to the dispatch
3 under unsubsidized merchant operation. Specifically, it is possible that Rider
4 RRS might increase the incentive to engage in strategic withholding of supply
5 from the PJM market to increase clearing prices, i.e., monopolistic withholding.⁴⁹
6 This is bad for competitive markets and may cause customers to be denied the
7 benefits of true market pricing. It is not in the public interest.

8

9 **III. CONCLUSION**

10

11 ***Q42. PLEASE SUMMARIZE YOUR FINDING CONCERNING THE***
12 ***COMMISSION'S FIRST EVALUATION CRITERION FOR THE***
13 ***STIPULATION.***

14 ***A42.*** The parties that settled obtained some benefits they apparently are seeking. Those
15 benefits appear to be in exchange for their support for the FE Utilities' proposal
16 for ESP-IV. Whatever bargaining there was essentially left the FE Utilities'
17 proposal intact. As such, the settlement does not constitute "serious bargaining"
18 as required under the PUCO's first criteria. I also observe a lack of diversity of
19 interests among those that signed, given that numerous active parties are not
20 signatories to the Stipulation, including the parties charged with representing all
21 residential customers (i.e., the OCC) and all interests (i.e., the PUCO Staff).

⁴⁹ OCC/NOPEC witness Wilson direct testimony, p. 15.

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Moreover, I note that the modifications to the as-filed ESP IV and new provisions are generally either minor (in total dollar terms) or very narrow (benefitting only specific customers). Therefore, the FE Utilities' December 22, 2014 Stipulation does not pass the PUCO's test for approval under this first criterion.

***Q43. DOES THE STIPULATION MEET THE SECOND CRITERION
CONCERNING REGULATORY PRINCIPLES, PRACTICES, AND POLICY?***

A43. No, it does not. As my supplemental testimony explains, Riders RRS, DCR, and GDR violate numerous accepted regulatory principles, long-standing and accepted policies pertaining to the deregulation of generation assets, and even Ohio statutes. In particular, OCC witness Rose explains why Rider RRS is inconsistent with accepted principles, long-standing policy, and Ohio's restructuring statute. It is clear that the Stipulation cannot meet this criterion for approval.

***Q44. PLEASE ADDRESS THE THIRD CRITERION PERTAINING TO
CUSTOMER RATE IMPACTS AND THE PUBLIC INTEREST.***

A44. Although the Stipulation adds a shareholder contribution of \$7 million over three years for low-income assistance, the Stipulation as a whole remains overwhelmingly adverse for utility customers. It will likely result in an adverse rate impact on customers that can be quantified at this time as being \$500 to \$600 million during the term of ESP IV and over \$3 billion during the 15-year

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1 term of Rider RRS. While the FE Utilities claim large (unquantified) public
2 interest benefits (such as job retention) from the Stipulation, such claims are
3 unconvincing. In fact, the Stipulation is likely to harm the public interest.
4

5 ***Q45. WHAT DO YOU RECOMMEND?***

6 ***A45.*** I recommend that the proposed Stipulation filed on December 22, 2014, be
7 rejected as failing to meet any of the Commission's three evaluation criteria, as
8 being harmful to customers, and contrary to the public interest. I similarly
9 recommend rejection of the as-filed ESP IV in favor of an MRO.
10

11 Further, I recommend that the PUCO not consider the Stipulation "as a package"
12 under Stipulation criteria two and three, considering that several issues (such as
13 the Rider RRS and the underlying PPAs) are matters of such extraordinary
14 significance for customers that they should rise or fall based on their individual
15 merits or demerits.
16

17 And in any event, the stipulated ESP IV cannot be approved unless it complies
18 with the ESP versus MRO statutory test.
19

20 ***Q46. HAVE YOU REVIEWED THE PUCO'S ORDER IN THE RECENT AEP ESP***
21 ***3 CASE (CASE NO. 13-2385-EL-SSO)?***

22 ***A46.*** Yes I have.

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1 ***Q47. IN YOUR OPINION DOES THE FIRSTENERGY PROPOSAL FOR THEIR***
2 ***PPA SATISFY THE PUCO'S GUIDANCE FROM THAT AEP ORDER?***

3 ***A47.*** No. It fails to satisfy that guidance and the PUCO's concerns.
4

5 ***Q48. DOES THIS CONCLUDE YOUR SUPPLEMENTAL TESTIMONY?***

6 ***A48.*** Yes, it does.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Supplemental Testimony of Matthew I. Kahal on Behalf of The Ohio Consumers' Counsel and The Northeast Ohio Public Energy Council* was served via electronic transmission this 2nd day of March, 2015.

/s/ Larry S. Sauer
Larry S. Sauer
Deputy Consumers' Counsel

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of an Electric)
Security Plan.)

**OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP'S
FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE CITIZENS COALITION**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) filed the initial application in this proceeding on August 4, 2014. The Ohio Manufacturers' Association Energy Group (OMAEG) intervened in this case on August 29, 2014 and, as such, is deemed a party to the above-captioned proceeding.

On December 22, 2014, FirstEnergy, the Cleveland Housing Network (CHN), the Consumer Protection Association (CPA), the Council for Economic Opportunities in Greater Cleveland (CEOGC), the Citizens Coalition, the City of Akron, Ohio Energy Group (OEG), AEP Ohio, the Council of Smaller Enterprises (COSE), Nucor Steel Marion (Nucor), Material Sciences Corporation (MSC), the Association of Independent Colleges and Universities of Ohio (AICUO), and the International Brotherhood of Electrical Workers Local 245 (IBEW) filed a stipulation (Stipulation) with the Commission purporting to resolve all of the issues in the ESP case.

Pursuant to Rules 4901-1-16, 4901-1-19, and 4901-1-20, Ohio Administrative Code (O.A.C.), OMAEG hereby requests that the Citizens Coalition respond in writing and under oath

INTERROGATORIES

INT No. 1: Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating, for each person, the discovery request to which he or she assisted in responding.

RESPONSE:

**Attorney Joseph Patrick Meissner, Meissner and Associates,
5400 Detroit Avenue, Cleveland, Ohio 44102 Tele: 1-216-273-7323**

Legal Counsel for Citizens Coalition

As already stated in the OBJECTIONS above, this attorney will only respond to discovery which does not violate the attorney-client privilege and the work-product protections. Furthermore, this attorney is bound by requirements to protect the confidentiality of various negotiations and by the moral as well as professional duty to protect pledges and undertakings of confidentiality.

INT No. 2: Identify all experts, consultants and/or outside counsel retained or employed by the Citizens Coalition that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE:

See No. 1 Above

INT No. 3: Identify all experts, consultants and/or outside counsel retained or employed by the Citizens Coalition that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE:

See No. 1 Above

INT No. 4: Please identify any individuals who participated on behalf of the Citizens Coalition in discussions with FirstEnergy which resulted in the Stipulation.

RESPONSE:

See No. 1 Above

INT No. 5: Please identify any individuals who represented the Citizens Coalition in discussions with FirstEnergy which resulted in the Stipulation.

RESPONSE:

See No. 1 Above

INT No. 6: Please identify each person whom the Citizens Coalition may call as a witness at a hearing in this proceeding and identify the following:

- (a) The substance of each opinion on which the witness may testify;
- (b) Any and all facts serving as the basis for each opinion on which the witness may testify;
- (c) The witness's background (including education and employment history) and qualifications;
- (d) Each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony;
- (e) All other proceedings (identified by case-caption, agency or court, case name, and case number) in which the witness has testified on the same or a similar topic or in any proceeding involving a public utility, in the past ten years; and,
- (f) The name and title of all persons who assisted in the preparation of testimony, separately identifying each person's contribution.

RESPONSE:

No decision has been made by Citizens Coalition on this. As soon as a decision is reached, we will inform you.

INT No. 7: Please identify all members of the Citizens Coalition.

RESPONSE:

Consumer Protection Agency

Council of Economic Opportunity Greater Cleveland

Cleveland Housing Network

All three can be contacted through our offices. See Response no. 1 above for address and telephone numbers.

Also the various offices, addresses, and contact information for each organization is available on the internet by googling their names.

INT No. 16. Please identify who authorized attorney Joseph P. Meissner to sign the Stipulation on behalf of the Citizens Coalition.

RESPONSE:

The Citizens Coalition. See responses above about the Coalition.

INT No. 17. Please identify how many times the Citizens Coalition, or a representative on behalf of the Citizens Coalition, had discussions, communications and/or meetings with FirstEnergy regarding terms of the Stipulation.

RESPONSE:

See Objections, especially those related to confidentiality, including OBJECTIONS E, J, and M. See also Response 1 above.

INT No. 18. Please identify the dates of each discussion, communication and/or meeting identified in Your response to INT No. 17.

RESPONSE

See response to 17 above.

INT No. 19. Please identify all persons in attendance at each discussion, communication and/or meeting identified in Your response to INT No. 17.

RESPONSE:

See response to 17 above.

INT No. 20. Please identify the length of time of each discussion, communication and/or meeting identified in Your response to INT No. 17.

RESPONSE:

See response to 17 above.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, the Cleveland Electric)	
Illuminating Company, and The Toledo)	
Edison Company for Authority to Provide)	CASE No 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)	
R.C. 4928.143 in the Form of an Electric)	
Security Plan.)	

**OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP'S
FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS
TO THE CONSUMER PROTECTION ASSOCIATION**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) filed the initial application in this proceeding on August 4, 2014. The Ohio Manufacturers' Association Energy Group (OMAEG) intervened in this case on August 29, 2014 and, as such, is deemed a party to the above-captioned proceeding.

On December 22, 2014, FirstEnergy, the Cleveland Housing Network (CHN), the Consumer Protection Association (CPA), CEOGC, the Citizens Coalition, the City of Akron, Ohio Energy Group (OEG), AEP Ohio, the Council of Smaller Enterprises (COSE), Nucor Steel Marion (Nucor), Material Sciences Corporation (MSC), the Association of Independent Colleges and Universities of Ohio (AICUO), and the International Brotherhood of Electrical Workers Local 245 (IBEW) filed a stipulation (Stipulation) with the Commission purporting to resolve all of the issues in the ESP case.

Pursuant to Rules 4901-1-16, 4901-1-19, and 4901-1-20, Ohio Administrative Code

GENERAL

All of the Objections raised in the Responses from the Citizens Coalition are equally applicable and relevant here. Rather than repeating each and every one to each and every response below, CPA simply refers generally to them here and incorporates all of them with each response as if fully written out and typed into each response.

INTERROGATORIES

INT No. 1: Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating for each person, the discovery request to which he or she assisted in responding.

Solomon Harge
Executive Director
Consumer Protection Association
3030 Euclid Avenue
Cleveland, Ohio 44115

TELE 216-881-3440 (ext 135)

RESPONSE:

INT No. 2: Identify all experts, consultants, and/or outside counsel retained or employed by CPA that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE:

Joseph P. Meissner, Attorney
5400 Detroit Avenue
Cleveland, Ohio 44102
(216) 273-7373

INT No. 3: Identify all experts, consultants and/or outside counsel retained or employed by CPA that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE:

Joseph P. Meissner, Attorney
5400 Detroit Avenue
Cleveland, Ohio 44102
(216) 273-7373

INT No. 17: Please identify who authorized attorney Joseph P. Meissner to sign the Stipulation on behalf of CPA.

RESPONSE:
Executive Director

INT No. 18: Please identify how many times CPA, or a representative on behalf of CPA, had discussions, communications and/or meetings with First Energy regarding terms of the Stipulation.

RESPONSE:
Not applicable. See objections.

INT No. 19: Please identify the dates of each discussion, communication and/or meeting identified in your response to INT no. 18.

RESPONSE:

See Response 18 above and Objections

INT No. 20: Please identify all persons in attendance at each discussion, communication and/or meeting identified in Your response to INT No. 18.

RESPONSE:

See Objections

INT No. 21: Please identify the length of time of each discussion, communication and/or meeting identified in Your response to INT No. 18.

RESPONSE:
See objections. Please refer to the interrogatory response of the Citizens Coalition.

INT No. 22: Has any person(s) acting on behalf of CPA had a discussion, with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

12

RESPONSE:

As far as we know, no

INT No. 23: Has any person(s) acting on behalf of CPA had a discussion, communication and/or meeting with any person(s) employed by or acting on behalf of any other FirstEnergy affiliated companies (excluding First Energy Solutions) related to this matter since January 1, 2014? If so, please provide:

RESPONSE:

Not applicable. See response to Int. No. 22.

INT No. 24: Did CPA conduct or direct anyone to conduct any analyses of the ESP proceeding Application?

RESPONSE:

See response from Attorney Joseph Meissner on behalf of the Citizens Coalition.

INT No. 25: If the answer to INT No. 24 is affirmative, please provide the following:

RESPONSE:

See response for Citizens Coalition. CPA supports the ESP IV Stipulation. We want funding for bill payment benefits for the poor and low-income customers, We also support the pilot advisory services in three First Energy territories in Northeast Ohio which can help all FE customers regardless of income.

INT No 26: Did CPA conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE:

CPA retained the services of Attorney Joseph P. Meissner and participated with the Citizens Coalition in analyzing the Stipulation.

INT No. 27: If the answer to INT No. 26 is affirmative, please provide the following:

RESPONSE:

- (a) The name of the individual(s) that conducted the analysis;
- (b) The date of the analysis;
- (c) A description of the analysis; and
- (d) The results of the analysis.

Please see the interrogatory responses of Attorney Joseph P. Meissner on behalf of the Citizens Coalition.

INT No. 28: Did CPA conduct or direct anyone to conduct a bill impact analysis regarding how the Application will affect the following:

RESPONSE:

(a) Residential utility customers?

CPA, as a member of the Citizens Coalition, is represented by Attorney Joseph P. Meissner. Please refer to the interrogatory responses of the Citizens Coalition.

(b) Non-residential utility customers?

CPA does not advocate for non-residential utility customers and did not research any reports of the impact on these customers.

INT No. 29: If the answer to INT No. 28 is affirmative, please provide the following for each such analysis:

- (a) The name of the individual(s) that conducted the analysis;
- (b) The date of the analysis;
- (c) The description of the analysis;
- (d) The results of the analysis.

RESPONSE:

CPA is a member of the Citizens Coalition. CPA is represented by Attorney Joseph P. Meissner. Please see the Coalition's interrogatory responses.

INT No. 30: Did CPA conduct or direct anyone to conduct a bill impact analysis regarding how the Stipulation will affect the following:

(a) Residential utility customers?

RESPONSE:

CPA, as a member of the Citizens Coalition, is represented by Attorney Joseph P. Meissner. Please look to interrogatory responses from Coalition.

(b) Non-residential utility customers?

RESPONSE:

CPA does not assist, represent, or advocate for non-residential utility customers.

INT No 31: If the answer to INT No. 30 is affirmative, please provide the following for each such analysis:

- (a) The name of the individual(s) that conducted the analysis;
- (b) The date of the analysis;
- (c) The description of the analysis; and
- (d) The results of the analysis.

RESPONSE:

CPA is represented by our Attorney Joseph P. Meissner. Please see interrogatory responses from the Citizens Coalition.

INT No. 32: Is it CPA's understanding that FirstEnergy Solutions is an unnamed party to the Stipulation?

RESPONSE: CPA does not understand question. Please clarify terms. We think answer is no.

INT No. 33: Did FirstEnergy Solutions participate or was FirstEnergy Solutions in any way represented or involved in the discussions or correspondence with CPA which lead to or was regarding the Stipulation?

RESPONSE:

We think this is No.

INT No 34: If the response to INT No. 33 is affirmative, please identify dates, whether individual or ongoing, during which FirstEnergy Solutions participated, was represented, or was involved in any discussions or correspondence with CPA regarding the Stipulation.

RESPONSE:

Not applicable.

INT No 35: If the response to INT. No. 33 is affirmative, please provide a list containing the names of each individual acting on behalf of FirstEnergy Solutions that has participated, or was involved, or represented FirstEnergy Solutions in any discussions or communications with CPA leading to or regarding the Stipulation, as well as his or her title.

RESPONSE:

Not Applicable.

INT No. 36: As encountered by CPA in the course of CPA's involvement in the proceeding, please provide, in response to each subpart, respectively:

(a) The names of any individual acting on behalf of FirstEnergy Solutions that negotiated any provisions of the Stipulation.

RESPONSE: None/Not applicable.

(b) The names of any individuals acting on behalf of FirstEnergy Solutions that reviewed the Stipulation prior to its finalization and the dates pertaining to any such review.

RESPONSE: Unknown. Not applicable.

(c) The names of any individuals acting on behalf of First Energy Solutions that contributed language to the Stipulation and the dates on which such individual communicated such language.

RESPONSE: See (b) above.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric) Case No. 14-1297-EL-SSO
Illuminating Company and The Toledo)
Edison Company for Authority to Provide)
a Standard Service Offer Pursuant to R.C.)
§ 4928.143 in the Form of an Electric)
Security Plan.)

**RESPONSES OF THE CITY OF AKRON TO THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL'S INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS**

INTERROGATORIES


In accordance with Ohio Adm. Code 4901-1-16(D)(5), OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

INT-1. Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating, for each person, the discovery request to which he or she assisted in responding.

RESPONSE:

Cheri B. Cunningham, Director of Law, with respect to all requests.

As to all objections:


Cheri B. Cunningham

INT-2. Identify all experts retained or employed by the City of Akron that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015, and seeks information that is protected by the attorney client privilege and work product doctrine. Without waiving such objection: N/A.

INT-3. Identify all experts retained or employed by the City of Akron that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015, and seeks information that is protected work

product. The City of Akron does not expect to present expert testimony at the hearing in this matter. Without waiving such objection: N/A.

INT-4. Identify each person whom the City of Akron may call as a witness at a hearing in this proceeding and identify the following:

- a. The substance of each opinion on which the witness may testify;
- b. All the facts which provide the basis for each opinion on which the witness may testify;
- c. The witness's background (including education and employment history) and qualifications;
- d. Each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony;
- e. All other proceedings (identified by case-caption, agency or court, case name, and case number) in which the witness has testified on the same or a similar topic or in any proceeding involving a public utility, in the past ten years; and,
- f. The name and title of all persons who assisted in the preparation of testimony and identify each person's contribution?

RESPONSE:

Objection. This interrogatory seeks information that is protected work product and confidential settlement information. Without waiving such objection: N/A.

INT-5. Please describe:

- a. The clients and/or constituents served by the City of Akron;
- b. The services that the City of Akron provides to the clients and/or constituents listed in sub-section (a);

RESPONSE:

Objection, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to communications that are protected by the attorney-client privilege and confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-10. Please identify all persons that have been authorized to negotiate and/or act on behalf of the City of Akron.

RESPONSE:

Objection. This interrogatory is overly broad, is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and communications that are protected by the attorney-client privilege, and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-11. Please identify all persons that participated in negotiations and/or conversations related to the Stipulation on behalf of the City of Akron.

RESPONSE:

Objection, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine and attorney-client privilege, and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-12. Please identify how many times the City of Akron, or a representative on behalf of the City of Akron, had discussions and/or meetings with the FirstEnergy EDUs regarding terms of the Stipulation.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-13. Please identify the dates of each discussion and/or meeting identified in your response to OCC INT-12.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-14. Please identify all persons in attendance at each discussion and/or meeting identified in your response to OCC INT-13.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-15. Please identify the length of time of each discussion and/or meeting identified in your response to OCC INT-13.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-16. Is each person identified in response to OCC INT-10 still authorized to negotiate or act on behalf of the City of Akron?

RESPONSE:

See response to INT – 10. Without waiving the objection: Yes.

INT-17. If the response to OCC INT-16 is negative, please:

- a. Identify the individual(s) no longer authorized to negotiate and/or act on behalf of the City of Akron;

- b. When the individual(s) were no longer authorized to negotiate and/or act on behalf of the City of Akron; and
- c. The reason(s) why each individual is no longer authorized to negotiate and/or act on behalf of the City of Akron.

RESPONSE:

N/A.

INT-18. Did any person employed by or acting on behalf of the City of Akron have a discussion with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of the City of Akron;
- b. The name and position of the individual(s) from or acting on behalf of FirstEnergy Solutions;
- c. The date of the conversation; and
- d. The topic of discussion.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-19. Did any person employed by or acting on behalf of the City of Akron have a discussion with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of the City of Akron;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date of the conversation; and
- d. The topic of discussion.

RESPONSE:

Objection. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, seeks information with respect to confidential settlement information and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-20. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will residential electric utility customers' bills increase under the terms of the Stipulation for each of the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

RESPONSE:

Objection. This interrogatory is vague and seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine.

INT-21. Did the City of Akron conduct or direct anyone to conduct any analyses of the ESP proceeding Application?

RESPONSE:

Objection, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine

and attorney-client privilege, and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-22. If the answer to OCC INT-21 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

See response to INT-21.

INT-23. Did the City of Akron conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE:

Objection, this interrogatory seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine and attorney-client privilege.

INT-24. If the answer to OCC INT-23 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

See response to INT-23.

INT-25. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did the City of Akron conduct or direct anyone to conduct a bill impact analysis regarding how the Application will affect residential utility customers?

RESPONSE:

Objection, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence and seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine and attorney-client privilege, and exceeds the scope of discovery permitted by the Attorney Examiner's Entry of January 14, 2015.

INT-26. If the answer to OCC INT-25 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

See response to INT-25.

INT-27. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did the City of Akron conduct or direct anyone to conduct a bill impact analysis regarding how the Stipulation will affect utility customers?

RESPONSE:

Objection, this interrogatory seeks information with respect to confidential settlement information and communications that are protected by the work product doctrine and attorney-client privilege.

INT-28. If the answer to OCC INT-27 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

RESPONSE:

Objection. This interrogatory seeks information with respect to confidential settlement information and communications protected by the attorney-client privilege.

INT-40. What energy efficiency programs does the City of Akron intend to make available to Akron residents in the Ohio Edison service territory with the the \$100,000 per year contributed to the City of Akron, as set forth in paragraph V.B.1 of the Stipulation?

RESPONSE:

This has not yet been determined.

INT-41. What energy efficiency programs does the City of Akron intend to make available to Akron residents in the Ohio Edison service territory with the \$100,000 per year contributed to the City of Akron, as set forth in paragraph V.B.1 of the Stipulation?

RESPONSE:

This has not yet been determined.

INT-42. Please describe what You would consider a "material part" of the Stipulation as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE:

Objection. This interrogatory seeks information that is protected by the work product doctrine and attorney-client privilege and seeks a legal opinion.

INT-43. Please describe what You would consider a "material modification" of the Stipulation as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE:

Objection. This interrogatory seeks information that is protected by the work product doctrine and attorney-client privilege and seeks a legal opinion.

INT-44. When did the City of Akron first enter into negotiation with the FirstEnergy EDUs in this ESP proceeding?

RESPONSE:

Objection. This interrogatory seeks information with respect to confidential settlement information.

INT 45. Does the City of Akron believe that all portions of the Application that are not addressed by the Stipulation should be approved by the PUCO as originally proposed by the FirstEnergy EDUs?

RESPONSE:

See Stipulation at Section V, paragraph 1.

RPD-5. Please provide a copy of any and all documentation upon which you relied to answer OCC INT-1 through OCC INT-45.

Objection. This request overly broad and is not reasonably calculated to lead to the discovery of admissible evidence and seeks information that is protected by the work product doctrine and attorney-client privilege.

RPD-6. If the answer to OCC INT-21 is affirmative, please provide a copy of any and all analyses.

See response to INT-21.

RPD-7. If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

See response to INT-23.

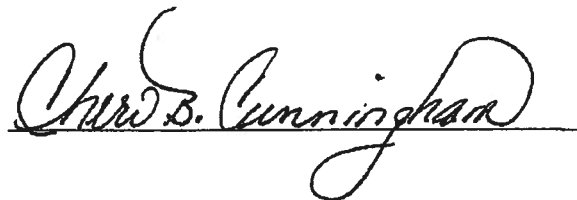
RPD-8. If the answer to OCC INT-25 is affirmative, please provide a copy of any and all analyses.

See response to INT-25.

RPD-9. If the answer to OCC INT-27 is affirmative, please provide a copy of any and all analyses.

See response to INT-27.

I, Cheri B. Cunningham, having been duly sworn, have read the answers to the foregoing Interrogatories and acknowledge that the same are true, to the best of my knowledge and belief.

A handwritten signature in cursive script, reading "Cheri B. Cunningham", is written over a horizontal line.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 14-1297-EL-SSO
Illuminating Company and The Toledo)	
Edison Company for Authority to Provide)	
a Standard Service Offer Pursuant to R.C.)	
§ 4928.143 in the Form of an Electric)	
Security Plan.)	

**RESPONSES OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
LOCAL 245 TO
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S FIRST SET
OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

The International Brotherhood of Electrical Workers, Local Union No. 245 (hereinafter "Local 245"), by its counsel, hereby responds to the Office of the Ohio Consumers' Counsel's Interrogatories and Request for Production of Documents, in the above-captioned proceedings before the Public Utilities Commission of Ohio.

GENERAL OBJECTIONS

Local 245 makes the following General Objections (hereinafter referred to collectively as "General Objections") to Office of the Ohio Consumers' Counsel's First Set of Interrogatories and Requests for Production of Documents. These General Objections apply to so many of the interrogatories and document requests that, for convenience, they are set forth immediately below and are not necessarily repeated after each specific request to which an objection is asserted. The assertion of the same, similar, or additional objections in the individual objections to an interrogatory or document request, or the failure to assert any

8. Local 245 reserves its right to challenge the competency, relevancy, materiality, and admissibility at trial, or any subsequent proceeding, of this or any other action, of any information it produces in response to the Ohio Consumers' Counsel's First Set of Interrogatories and Requests for Production of Documents.

INTERROGATORIES

INT-1. Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating, for each person, the discovery request to which he or she assisted in responding.

RESPONSE:

Larry Tscherne, Business Manager, Local 245

Marilyn Widman and Eli Baccus, Legal Counsel

INT-2. Identify all experts and/or consultants retained or employed by IBEW Local 245 that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE:

Objection. In particular see General Objections 2-4. Without waiving such Objections, none.

INT-3. Identify all experts and or consultants retained or employed by IBEW Local 245 that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE:

Objection. In particular see General Objections 2-4. Without waiving such objections, none.

INT-4. Identify each person whom IBEW Local 245 may call as a witness at a hearing in this proceeding and identify the following:

- a. The substance of each opinion on which the witness may testify;
- b. All the facts which provide the basis for each opinion on which the witness may testify;
- c. The witness's background (including education and employment history) and qualifications;
- d. Each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony;
- e. All other proceedings (identified by case-caption, agency or court, case name, and case number) in which the witness has testified on the same or a similar topic or in any proceeding involving a public utility, in the past ten years; and,
- f. The name and title of all persons who assisted in the preparation of testimony and identify each person's contribution?

INT-13. Please identify all persons that participated in negotiations and/or conversations related to the Stipulation on behalf of IBEW Local 245.

RESPONSE:

Objection. In particular see General Objections 2-4. Further, Local 245 objects to this Interrogatory on the grounds that it seeks confidential settlement information. Without waiving such Objections, Larry Tscherne, Business Manager Local 245.

INT-14. Please identify how many times IBEW Local 245, or a representative on behalf of IBEW Local 245, had discussions, communications, and/or meetings with the FirstEnergy EDUs regarding terms of the Stipulation.

RESPONSE:

Objection. In particular see General Objections 2-4. The number of times IBEW Local 245 had discussions with, communicated with or had meetings with is not relevant to this proceeding. Further, Local 245 objects to this Interrogatory on the grounds that it seeks confidential settlement information.

INT-15. Please identify the dates of each discussion, communication, and/or meeting identified in your response to OCC INT-14.

RESPONSE:

Objection. In particular see General Objections 2-4. The dates of discussion, communications and/or meetings occurred are not relevant to this proceeding.

INT-16. Please identify all persons in attendance at each discussion, communication, and/or meeting identified in your response to OCC INT-15.

RESPONSE:

Objection. In particular see General Objections 2-4. The identification of who was in attendance at each discussion, communication or meeting is not relevant. Further, Local 245 objects to this Interrogatory on the grounds that it seeks confidential settlement information. Finally, and without waiving these Objections, Local 245 has already identified Larry Tscherne, Business Manager of Local 245, as the only person with authority to make decisions regarding the stipulation, negotiate the stipulation and participated in discussions regarding the stipulation.

INT-17. Please identify the length of time of each discussion, communication, and/or meeting identified in your response to OCC INT-15.

RESPONSE:

Objection. In particular see General Objections 2-4. The length of time of each discussion, communication, and/or meeting is not relevant to this proceeding. Further, Local 245 objects to this Interrogatory on the grounds that it seeks confidential settlement information.

INT-18. Did any person(s) employed by or acting on behalf of IBEW Local 245 have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of IBEW Local 245;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Objection. In particular see General Objections 2-4. Additionally, this Interrogatory seeks information outside of the scope of discovery as set forth in the Attorney Examiner's January 14, 2015, entry.

- INT-19. Did any person(s) employed by or acting on behalf of IBEW Local 245 have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:
- a. The name and position of the individual(s) employed by or acting on behalf of IBEW Local 245;
 - b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
 - c. The date(s) of the discussion, communication, and/or meeting; and
 - d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Objection. This Interrogatory seeks confidential settlement information as well as information that is outside of the scope of discovery as set forth in the Attorney Examiner's January 14, 2015, entry.

- INT-20. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will electric utility customers' bills increase under the terms of the Stipulation for each of the following years:
- a. 2016;
 - b. 2017; and
 - c. 2018?

RESPONSE:

Objection. In particular see General Objections 2-4. Further, this question is not a proper Interrogatory question since it seeks information that is not within Local 245's personal knowledge. Local 245 is not able to predict the future and cannot properly respond to this Interrogatory. Local 245 is willing to supplement its response to this Interrogatory at the conclusion of 2016, 2017 and 2018 respectively, or at such time that it learns to reliably predict the future.

INT-21. Did IBEW Local 245 conduct or direct anyone to conduct any analyses of the ESP Proceeding Application?

RESPONSE:

Objection. In particular see General Objections 2-4. Local 245 further objects on the grounds that this Interrogatory seeks information which is protected by the Work Product Doctrine and Attorney-Client Privilege. Finally, Local 245 objects on the grounds that this Interrogatory seeks information which is outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015, entry.

INT-22. If the answer to OCC INT-21 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

See Response to OCC INT-21.

INT-23. Did IBEW Local 245 conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE:

Objection. In particular see General Objections 2-4. Local 245 further objects on the grounds that this Interrogatory seeks information which is protected by the Work Product Doctrine and Attorney-Client Privilege.

INT-24. If the answer to OCC-INT 23 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

See response to OCC INT-23.

INT-25. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did IBEW Local 245 conduct or direct anyone to conduct a utility bill impact analysis regarding how the Application will affect the Companies' utility customers, including but not limited to the residential (RS) class?

RESPONSE:

Objection. In particular see General Objections 2-4. Local 245 further objects on the grounds that this Interrogatory seeks information which is protected by the Work Product Doctrine and Attorney-Client Privilege. Finally, Local 245 objects on the grounds that this Interrogatory seeks information which is outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015, entry.

INT-26. If the answer to OCC INT-25 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

See response to OCC INT-25.

INT-27. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), IBEW Local 245 conduct or direct anyone to conduct a utility bill impact analysis regarding how the Stipulation will affect the Companies' utility customers, including but not limited to the residential (RS) class?

RESPONSE:

Objection. In particular see General Objections 2-4. Local 245 further objects on the grounds that this Interrogatory seeks information which is protected by the Work Product Doctrine and Attorney-Client Privilege. Finally, Local 245 objects on the grounds that this Interrogatory seeks information which is outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015, entry.

INT-28. If the answer to OCC-INT 27 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

See response to OCC INT-27.

INT-29. Please identify any side deals and/or agreements between IBEW Local 245 and the FirstEnergy EDUs and/or between IBEW Local 245 and any of the FirstEnergy-Affiliated Companies that are not described or identified in the Stipulation.

RESPONSE:

Objection. In particular see General Objections 2-4. Additionally, Local 245 objects to this Interrogatory on the grounds that it seeks confidential settlement information.

INT-30. Please identify the portions of the Stipulation that IBEW Local 245 deems to be beneficial to the customers of the FirstEnergy EDUs.

RESPONSE:

Objection. In particular see General Objections 2-4.

INT-31. For each portion of the Stipulation you identified in response to OCC INT-30, please explain why you find it to be beneficial.

RESPONSE:

Objection. In particular see General Objections 2-4. Additionally, Local 245 objects on the grounds that this Interrogatory is improper as it seeks a narrative response.

INT-32. Please identify the portions of the Stipulation that IBEW Local 245 deems to be beneficial to IBEW Local 245.

RESPONSE:

Objection. In particular see General Objections 2-4.

INT-33. For each portion of the Stipulation you identified in response to OCC INT-32 please explain why you find it to be beneficial.

RESPONSE:

Objection. In particular see General Objections 2-4. Additionally, Local 245 objects on the grounds that this Interrogatory is improper as it seeks a narrative response.

RESPONSE:

Local 245 objects to this Request as it should be posed to Material Science, and it seeks information already provided to OCC. Without waiving such objections, Local 245 responds OCC's discovery requests are the only discovery responses it has provided to anyone in this Proceeding.

RPD-4. Please provide a copy of any and all organizational charts and/or documentation describing the hierarchy at IBEW Local 245.

Objection. In particular see General Objections 2-4. Local 245 further objects on the grounds that this Interrogatory seeks information which is outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015 entry in this Proceeding.

RPD-5. Please provide a copy of any and all documentation upon which you relied to answer OCC INT-1 through OCC INT-38.

Objection. In particular see General Objections 2-4. Local 245 further reiterates its objections made in response to the above identified Interrogatory requests.

RPD-6. If the answer to OCC INT-21 is affirmative, please provide a copy of any and all analyses.

Local 245 did not respond to INT-21 in the affirmative.

RPD-7. If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

Local 245 did not respond to INT-23 in the affirmative.

RPD-8. If the answer to OCC INT-25 is affirmative, please provide a copy of any and all analyses.

Local 245 did not respond to INT-25 in the affirmative.

RPD-9. If the answer to OCC INT-27 is affirmative, please provide a copy of any and all analyses.

Local 245 did not respond to INT-21 in the affirmative.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 14-1297-EL-SSO
Illuminating Company and The Toledo)	
Edison Company for Authority to Provide)	
a Standard Service Offer Pursuant to R.C.)	
§ 4928.143 in the Form of an Electric)	
Security Plan.)	

**COUNCIL OF SMALLER ENTERPRISES'
RESPONSES TO
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS, FIRST SET**

Now comes COSE, by and through its undersigned counsel, and hereby provides its Responses to the Ohio Consumers' Counsel's Interrogatories and Requests for Production of Documents, First Set.

DEFINITIONS

As used herein the following definitions apply:

1. "Document" or "Documentation" when used herein, is used in its customary broad sense, and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin.

The term specifically includes, without limiting the generality of the following:

INT-20. Did any person(s) employed by or acting on behalf of COSE have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of COSE;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

No.

INT-21. Did any person(s) employed by or acting on behalf of COSE have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of COSE;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

No.

INT-22. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will electric utility customers' bills increase under the terms of the Stipulation for each of the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

RESPONSE:

COSE has not run any rate analysis for the Stipulation.

INT-23. Did COSE conduct or direct anyone to conduct any analyses of the ESP proceeding Application?

RESPONSE:

No.

INT-24. If the answer to OCC INT-23 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

Not applicable.

INT-25. Did COSE conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE:

No.

INT-26. If the answer to OCC-INT 25 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

Not applicable.

INT-27. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did COSE conduct or direct anyone to conduct a utility bill impact analysis regarding how the Application will affect the Companies' customers?

RESPONSE:

No.

INT-28. If the answer to OCC INT-27 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

Not applicable.

INT-29. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did COSE conduct or direct anyone to conduct a utility bill impact analysis regarding how the Stipulation will affect the Companies' utility customers?

RESPONSE:

No.

INT-30. If the answer to OCC-INT 29 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

Not applicable.

INT-31. Please identify any side deals and/or agreements between COSE and the FirstEnergy EDUs and/or between COSE and any of the FirstEnergy-Affiliated Companies that are not described or identified in the Stipulation.

RESPONSE:

Objection. COSE objects to this interrogatory to the extent that the requested information is protected by the attorney/client privilege and/or work product doctrine. Without waiving said objection, there were no "side deals and/or agreements."

/s/ Matthew Cox
Matthew Cox- (0072097)

- a. the projected additional costs;
- b. how those additional costs will be paid; and
- c. by whom those additional costs will be paid.

RESPONSE:

Not applicable.

INT-39. Will any of the Level II Audits set forth in paragraph V.B. 4 of the Stipulation require additional costs not set forth in paragraphs V.B.2 or V.B.3 of the Stipulation?

RESPONSE:

COSE has not conducted such analysis.

INT-40. If the answer to OCC INT-39 is affirmative, please identify:

- a. the projected additional costs;
- b. how those additional costs will be paid; and
- c. by whom those additional costs will be paid.

RESPONSE:

Not applicable.

INT-41. Will any of the COSE members avail themselves of the provisions set forth in paragraph V.A.1 of the Stipulation?

RESPONSE:

Unknown at this time.

INT-42. If the answer to OCC INT-41 is affirmative, please provide:

- a. the name of each member that will avail themselves of the provisions set forth in paragraph V.A.1 of the Stipulation; and
- b. for each answer to sub-section (a) identify the provisions that they will avail themselves of.

RESPONSE:

Not applicable.

INT-43. Please identify the portions of the Stipulation that COSE deems to be beneficial to those member(s) identified in response to OCC INT-7.

RESPONSE:

V.B.2

V.B.3

INT-44. What is your understanding of “Rider DSE” as that term is used in paragraph V.B.2 in the Stipulation?

RESPONSE:

COSE has not conducted that analysis.

RESPONSE:

We do not have a hierarchy.

RPD-5. Please provide a copy of any and all documentation upon which you relied to answer OCC INT-1 through OCC INT-53.

RESPONSE:

COSE relied upon the Application and Stipulation as filed in 14-1297-EL-SSO.

RPD-6. If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

Not applicable.

RPD-7. If the answer to OCC INT-25 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

Not applicable.

RPD-8. If the answer to OCC INT-27 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

Not applicable.

RPD-9. If the answer to OCC INT-29 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

Not applicable.

Respectfully submitted,

/s/Matthew R. Cox
Matthew R. Cox (0072097)
Matthew Cox Law, Ltd.
4145 St. Theresa Blvd.
Avon, OH 44011
Telephone: (614) 607-4606
Email: matt@matthewcoxlaw.com
*Counsel for the Council of Smaller
Enterprises*

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing **Council of Smaller Enterprises' Responses to Ohio Consumers' Counsel's Interrogatories and Requests for Production of Documents Propounded, First Set**, was served upon the persons listed below via electronic transmission this 9th day of February, 2015.

/s/ Matthew Cox
Matthew Cox- (0072097)

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	
Edison Company for Authority to Provide)	Case No. 14-1297-EL-SSO
For a Standard Service Offer Pursuant to)	
R.C. 4928.143 in the Form of an Electric)	
Security Plan.)	

**RESPONSES BY MATERIAL SCIENCES CORPORATION
TO THE OFFICE OF OHIO CONSUMERS' COUNSEL'S
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
SECOND SET
(DATED FEBRUARY 13, 2016)**

**CRAIG I. SMITH (0019207)
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Attorney for Material Sciences
Corporation**

referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory requests information protected by attorney work product and attorney-client privilege. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

- INT-50. Did any person(s) employed by or acting on behalf of Material Sciences have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Service Corporation related to this matter since January 1, 2013? If so, please provide:
- a. The name and position of the individual(s) employed by or acting on behalf of Material Sciences;
 - b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Service Corporation;
 - c. The date(s) of the discussion, communication, and/or meeting; and
 - d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the

Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

- INT-51. Did any person(s) employed by or acting on behalf of Material Sciences have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Corporation related to this matter since January 1, 2013? If so, please provide:
- a. The name and position of the individual(s) employed by or acting on behalf of Material Sciences;
 - b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Corporation;
 - c. The date(s) of the discussion, communication, and/or meeting; and
 - d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

- INT-52. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will Material Sciences' electric bills increase/decrease under the terms of the Stipulation for each of the following years:
- a. 2016;
 - b. 2017; and
 - c. 2018?

RESPONSE:

Including general objections #4, #6, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

- INT-53. Please identify any commitment, agreement, and/or understanding that has been reached between Material Sciences and the FirstEnergy EDUs that is related to resolving the ESP Proceeding, irrespective of whether it has been reduced to writing.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery

of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

INT-54. Please identify any commitment, agreement, and/or understanding that has been reached between Material Sciences and the FirstEnergy-Affiliated Companies that is related to resolving the ESP Proceeding, irrespective of whether it has been reduced to writing.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

INT-55. Please describe the meaning of “material part of this Stipulation” as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objection on the basis the interrogatory incapable of succinct answer in context presented since dependent on future events.

INT-56. Please describe the meaning of “material modification” as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objection on the basis the interrogatory incapable of succinct answer in context presented since dependent on future events.

INT-57. At any time since January 1, 2014, did Material Sciences request anything from the FirstEnergy EDUs other than what is set forth in the Stipulation for purposes of reaching a settlement?

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Also, interrogatory requests information protected by attorney work product and attorney-client privilege. Further, interrogatory requests information considered confidential business and confidential settlement information. Finally, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

REQUESTS FOR PRODUCTION OF DOCUMENTS

In accordance with Ohio Adm. Code 4901-1-16(D) (5) the OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

RPD-10. Please provide a copy of any and all documentation upon which you relied to answer OCC Set 2, INT-48 through OCC Set 2, INT-57.

RESPONSE:

Not applicable

As to Objections

/s/ Craig I. Smith

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216-571-2717

Attorney for Material Sciences Corporation

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
For a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of an Electric)
Security Plan.)

**RESPONSES BY MATERIAL SCIENCES CORPORATION
TO THE OFFICE OF OHIO CONSUMERS' COUNSEL'S
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
FIRST SET
(JANUARY 26, 2015)**

**CRAIG I. SMITH (0019207)
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INTERROGATORIES

In accordance with Ohio Adm. Code 4901-1-16(D) (5), OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

INT-1. Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating, for each person, the discovery request to which he or she assisted in responding.

RESPONSE:

Including general objections #4, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further interrogatory requests information protected by attorney work product and attorney client privileges. Finally, interrogatory beyond scope of discovery limited to the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

INT-2. Identify all experts and/or consultants retained or employed by Material Sciences that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE:

Including general objections #4, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by

the Stipulation. Further interrogatory requests information protected by attorney work product and attorney client privileges. Finally, interrogatory beyond scope of discovery limited to the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding.

INT-3. Identify all experts and or consultants retained or employed by Material Sciences that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE:

Including general objections #4, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further interrogatory requests information protected by attorney work product and attorney client privileges.

INT-4. Identify each person whom Material Sciences may call as a witness at a hearing in this proceeding and identify the following:

- a. The substance of each opinion on which the witness may testify;
- b. All the facts which provide the basis for each opinion on which the witness may testify;
- c. The witness's background (including education and employment history) and qualifications;
- d. Each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony;
- e. All other proceedings (identified by case-caption, agency or court, case name, and case number) in which the witness has testified on the same or a similar topic or in any proceeding involving a public utility, in the past ten years; and,

- f. The name and title of all persons who assisted in the preparation of testimony and identify each person's contribution?

RESPONSE:

Including general objections #4, and #10, Material Sciences Corporation specifically objects as interrogatory requests information protected by attorney work product and attorney client privileges. Without waiving objections, no witness will testify at this time for Material Sciences Corporation.

- INT-5. Please describe the corporate structure of Material Sciences identifying each executive by name.

RESPONSE:

Including general objections #5, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Without waiving objections, Material Sciences Corporation, a division of New Star Metals, operates MSC Walbridge Coatings, Inc. located in Walbridge, Ohio, as a state of the art manufacturing facility, receiving service from Toledo Edison Company.

- INT-6. Please identify that nature of business conducted by Material Sciences.

RESPONSE:

Without waiving general objections #5, #9, and #10, the MSC Walbridge Facility operated by Material Sciences Corporation utilizes a multiple

INT-11. Please identify how many times Material Sciences, or a representative on behalf of Material Sciences, had discussions, communications, and/or meetings with the FirstEnergy EDUs regarding terms of the Stipulation.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further, interrogatory requests information protected by work product and attorney-client privilege. Finally, interrogatory requests information considered confidential business and confidential settlement information.

INT-12. Please identify the dates of each discussion, communication, and/or meeting identified in your response to OCC INT-11.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further, interrogatory requests information protected by work product and attorney-client privilege. Finally, interrogatory requests information considered confidential business and confidential settlement information.

INT-13. Please identify all persons in attendance at each discussion, communication, and/or meeting identified in your response to OCC INT-12.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory requests information protected by work product and attorney-client privilege. Finally, interrogatory requests information considered confidential business and confidential settlement information.

INT-14. Please identify the length of time of each discussion, communication, and/or meeting identified in your response to OCC INT-12.

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory requests information protected by work product and attorney-client privilege. Finally, interrogatory requests information considered confidential business and confidential settlement information.

- INT-15. Did any person(s) employed by or acting on behalf of Material Sciences have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:
- a. The name and position of the individual(s) employed by or acting on behalf of Material Sciences;
 - b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
 - c. The date(s) of the discussion, communication, and/or meeting; and
 - d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Including general objections #4, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Without waiving objections, no meetings, communications, or discussions occurred between Material Sciences Corporation and FirstEnergy Solutions within that time frame.

- INT-16. Did any person(s) employed by or acting on behalf of Material Sciences have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:
- a. The name and position of the individual(s) employed by or acting on behalf of Material Sciences;

- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE:

Including general objections #4, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Finally, objects to the definition of FirstEnergy-Affiliated Companies as unreasonably broad in context of interrogatory asked. Without waiving objections, no meetings, communications, or discussions occurred between Material Sciences Corporation and ATSI within that time frame.

- INT-17. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will electric utility customers’ bills increase under the terms of the Stipulation for each of the following years:
- a. 2016;
 - b. 2017; and
 - c. 2018?

RESPONSE:

Including general objections #4, #6, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”)

filed in this proceeding, as modified by the Stipulation. OCC should request such information from FirstEnergy Affiliated Companies.

INT-18. Did Material Sciences conduct or direct anyone to conduct any analyses of the ESP Proceeding Application?

RESPONSE:

Including general objections #4, #5, #6, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, Interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Also, information requested protected by attorney work product and attorney client privileges. Finally, interrogatory requests information considered confidential business and confidential settlement information for the ESP proceeding application.

INT-19. If the answer to OCC INT-18 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

Including general objections #4, #5, #6, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan

(herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Also information requested protected by attorney work product and attorney client privileges. Finally, interrogatory requests information considered confidential business and confidential settlement information for the ESP proceeding application.

INT-20. Did Material Sciences conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE:

Including general objections #4, #5, #6, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this Interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further interrogatory requests information protected by attorney work product and attorney client privileges. Finally, interrogatory requests information considered confidential business and confidential settlement information.

INT-21. If the answer to OCC-INT 20 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE:

Including general objections #4, #5, 36, #7, #8, #9, and #10, Material Sciences Corporation specifically objects to this Interrogatory on the basis overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further information requested protected by attorney work product and attorney client privileges. Finally, interrogatory requests information considered confidential business and confidential settlement information.

INT-22. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did Material Sciences conduct or direct anyone to conduct a utility bill impact analysis regarding how the Application will affect the Companies’ customers and/or the rate schedule under which Material Sciences takes service?

RESPONSE:

Including general objections #4, #5, #6, #8, #9, and #10, Material Sciences Corporation specifically objects to this Interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Finally information requested protected by attorney work product and attorney client privileges; constitutes proprietary and confidential business information; and confidential settlement information.

INT-23. If the answer to OCC INT-22 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and

d. The results of the analysis

RESPONSE:

Including general objections #4, #5, #6, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, interrogatory beyond scope of discovery about the Stipulation as provided for by the Entry dated January 14, 2015 in this proceeding. Finally information requested protected by attorney work product and attorney client privileges; constitutes proprietary and confidential business information; and confidential settlement information.

INT-24. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did Material Sciences conduct or direct anyone to conduct a utility bill impact analysis regarding how the Stipulation will affect the Companies’ utility customers and/or the rate schedule under which Material Sciences takes service?

RESPONSE:

Including general objections #4, #5, #6, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Finally information requested protected by attorney work product and attorney client privileges; constitutes proprietary and confidential business information; and confidential settlement information.

INT-25. If the answer to OCC-INT 24 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;

- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE:

Including general objections #4, #5, #6, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Finally information requested protected by attorney work product and attorney client privileges; constitutes proprietary and confidential business information; and confidential settlement information.

INT-26. Please identify any side deals and/or agreements between Material Sciences and the FirstEnergy EDUs and/or between Material Sciences and any of the FirstEnergy-Affiliated Companies that are not described or identified in the Stipulation.

RESPONSE:

Including general objections #9 and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objects to the definition of FirstEnergy-Affiliated Companies as unreasonably broad in context of interrogatory asked. Without waiving objections, Material Sciences Corporation entered into only the Stipulation signed by FirstEnergy EDUs (CEI, OE, and TE), along with other signatory parties shown.

INT-27. Under what rate schedule does Material Sciences receive electric service from the FirstEnergy EDUs?

RESPONSE:

Without waiver of general objections, Toledo Edison provides rate GT service to Material Sciences Corporation at the MSC Walbridge facility.

INT-28. Please identify the portions of the Stipulation that Material Sciences deems to be beneficial.

RESPONSE:

Including general objections #5, #8, #9 and #10, Material Sciences Corporation specifically objects to this Interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further, objection made on the basis interrogatory not capable of succinct answer.

INT-29. Will Material Sciences be eligible to avail itself of the provisions set forth in paragraph V.A (and its sub-parts) of the Stipulation?

RESPONSE:

Including general objections #5, #8, #9 and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further, objection made on the basis interrogatory not capable of succinct answer. Finally, interrogatory requests information protected by attorney client privilege, and considered confidential business information.

INT-30. If the answer to OCC INT-29 is affirmative, please identify the specific provisions of paragraph V.A (and its sub-parts) of the Stipulation that Material Sciences will be eligible to avail itself of.

RESPONSE:

Including general objections #5, #8, #9 and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Further, objection made on the basis interrogatory not capable of succinct answer. Finally, interrogatory requests information protected by attorney client privilege, and considered confidential business information.

INT-31. At any time since January 1, 2014, have the FirstEnergy EDUs offered Material Sciences anything other than what is set forth in the Stipulation for purposes of reaching a settlement?

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as "ESP IV") filed in this proceeding, as modified by the Stipulation. Finally, information requested constitutes confidential and proprietary business, and settlement information, as further protected by attorney work product and attorney client privileges.

INT-32. At any time since January 1, 2014, was Material Sciences offered anything other than what is set forth in the Stipulation for purposes of settlement?

RESPONSE:

Including general objections #4, #5, #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Finally information requested confidential and proprietary business and settlement information, as further protected by attorney work product and attorney client privileges.

INT-33. What is your understanding of “Rider ELR” as that term is used in paragraph V.A.1.i of the Stipulation?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objection made on the basis the interrogatory incapable of succinct answer.

INT-34. Is Material Sciences eligible to participate in Rider ELR as it is defined in paragraph V.A.1.i (1) of the Stipulation?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable

of succinct answer. Without waiving the objections, Material Sciences Corporation eligible to participate since receiving Rider ELR service under ESP III.

INT-35. If the answer to OCC-INT-34 is affirmative, does Material Sciences plan to voluntarily participate in Rider ELR as it is defined in paragraph V.A.1.i.(1) of the Stipulation?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Without waiving the objections, Material Sciences Corporation expects to participate in Rider ELR under ESP IV.

INT-36. Will the changes to Rider ELR that are contained in paragraph V.A.1.i. (1) of the Stipulation make more customers eligible to participate in Rider ELR than are currently eligible?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Finally, request such information from FirstEnergy-Affiliated Companies.

INT-37. Will the changes to Rider ELR that are contained in paragraph V.A.1.i. (1) of the Stipulation result in greater savings for those customers that participate in Rider ELR than under the current structure of Rider ELR?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Finally, request such information from FirstEnergy-Affiliated Companies.

INT-38. If the answer to OCC-INT-37 is affirmative, please describe the amount of incremental savings.

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Finally, request such information from FirstEnergy-Affiliated Companies.

INT-39. If the answer to OCC-INT-37 is affirmative, will savings from Rider ELR be passed on to other customers? If so, to which customers?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Finally, request such information from FirstEnergy-Affiliated Companies.

INT-40. What is your understanding of “Rider EDR (b)” as that term is used in paragraph V.A.1.i. (3) of the Stipulation?

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Also, objection made on the basis the interrogatory incapable of succinct answer. Without waiving objections, the PUCO tariffs of FirstEnergy EDUs provides terms for Rider EDR (b).

INT-41. Please describe the economic impact that paragraph V.C.3 of the Stipulation will have on Material Sciences.

RESPONSE:

Including general objections #8, #9, and #10, Material Sciences Corporation specifically objects to this interrogatory as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objection made on the basis the interrogatory

Finally, production request seeks confidential and proprietary business information.

RPD-5. Please provide a copy of any and all documentation upon which you relied to answer OCC INT-1 through OCC INT-47.

RESPONSE:

Including general objections raised, Material Sciences Corporation objects on the basis this production request overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence pertaining to the Electric Security Plan (herein referred to as “ESP IV”) filed in this proceeding, as modified by the Stipulation. Further, objections based on requesting confidential proprietary business and settlement information, as also protected by attorney work product and attorney client privilege.

RPD-6. If the answer to OCC INT-18 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

See Response by Material Sciences Corporation to OCC INT-18

RPD-7. If the answer to OCC INT-20 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

See response by Material Sciences Corporation to OCC INT-20

RPD-8. If the answer to OCC INT-22 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

See response by Material Sciences Corporation to OCC INT-22

RPD-9. If the answer to OCC INT-24 is affirmative, please provide a copy of any and all analyses.

RESPONSE:

See response by Material Sciences Corporation to OCC INT-24

As to Objections and Responses without waiver of objections

Respectively Submitted

/s/ Craig I. Smith

Craig I. Smith
Attorney at Law (0019207)
15700 Van Aken Boulevard
Suite #26
Shaker Heights, Ohio 44120
wttpmlc@aol.com
216-571-2717

Attorney for Material Sciences Corporation

CERTIFICATE OF SERVICE

I hereby certified that a true copy of the foregoing responses to the
Interrogatories and Requests for Production of Documents by the Ohio Consumers'
Counsel Propounded Upon Material Sciences Corporation, First Set, was served upon
the persons listed below via electronic transmission this 9th day of February, 2015.

/s/ Craig I. Smith
Attorney for Material Sciences Corporation

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

Via E-mail and
Overnight Mail

February 23, 2015

Bruce J. Weston, Ohio Consumers' Counsel
Larry S. Sauer, Counsel of Record
Michael Schuler
Kevin F. Moore, Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street – Suite 1800
Columbus, Ohio 43215
Larry.sauer@occ.ohio.gov
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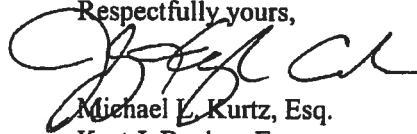
In re: Case No. 14-1297-EL-SSO

Dear Counsel:

Please find attached the RESPONSES OF THE OHIO ENERGY GROUP TO SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.
Cc: Certificate of Service

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-50: With respect to your response to OCC Set 1, INT-10, which OEG members authorized attorney Michael L. Kurtz to sign the Stipulation on behalf of OEG?

RESPONSE: OEG objects to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and seeks information that is protected by the attorney-client privilege, confidential settlement information, and confidential business information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-51: With respect to your response to OCC Set 1, INT-10, which OEG members authorized attorney Michael L. Kurtz to sign the Stipulation on behalf of OEG?

RESPONSE: Please refer to OEG's Response to OCC Interrogatory 1-50.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-52: How much will each of the OEG members' electric bills increase/decrease under the terms of the Stipulation for each of the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and is confidential business information. Without waiving such objection, OEG has not quantified the requested information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-55: At any time since January 1, 2014, did OEG request anything from the FirstEnergy EDUs other than what is set forth in paragraph V.A (and its sub-parts) of the Stipulation for purposes of reaching a settlement?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks confidential settlement information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
SECOND SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

REQUEST FOR PRODUCTION NO. 1-10: Please provide a copy of any and all documentation upon which you relied to answer OCC Set 2, INT-49 through OCC Set 2, INT-58.

RESPONSE: OEG objects to this Request for Production on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and seeks information that is protected by the work product and attorney-client privileges, confidential settlement information, and confidential business information.

Person Responsible: Counsel

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

**Via E-mail and
Overnight Mail**

February 4, 2015

Bruce J. Weston, Ohio Consumers' Counsel
Larry S. Sauer, Counsel of Record
Michael Schuler
Kevin F. Moore, Assistant Consumers' Counsel
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10 West Broad Street - Suite 1800
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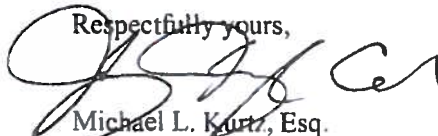
In re: Case No. 14-1297-EL-SSO

Dear Counsel:

Please find attached the RESPONSES OF THE OHIO ENERGY GROUP TO FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL filed in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service.

Respectfully yours,



Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.
Cc: Certificate of Service

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-12: Please identify how many times OEG, or a representative on behalf of OEG, had discussions, communications, and/or meetings with the FirstEnergy EDUs regarding terms of the Stipulation.

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks confidential settlement information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-13: Please identify the dates of each discussion, communication, and/or meeting identified in your response to OCC INT-12.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory 1-12.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-14: Please identify all persons in attendance at each discussion, communication, and/or meeting identified in your response to OCC INT-13.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory 1-13.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
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BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-15: Please identify the length of time of each discussion, communication, and/or meeting identified in your response to OCC INT-13.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory 1-13.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-16: Did any person(s) employed by or acting on behalf of OEG have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of OEG;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015 Entry in the above-captioned proceeding.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-17: Did any person(s) employed by or acting on behalf of OEG have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of OEG;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015 Entry in the above-captioned proceeding.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-18: For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will electric utility customers' bills increase under the terms of the Stipulation for each of the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

RESPONSE: OEG objects to this Interrogatory on the grounds that it is vague. Without waiving such objection, OEG has not quantified the requested information. This question is better posed to FirstEnergy.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
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BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-19: Did OEG conduct or direct anyone to conduct any analyses of the ESP Proceeding Application?

RESPONSE: OEG objects to this Interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence and seeks information that is protected by the work product and attorney-client privileges. In addition, this Interrogatory requests information outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015 Entry in the above-captioned proceeding.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-20: If the answer to OCC INT-19 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-19.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-23: For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did OEG conduct or direct anyone to conduct a utility bill impact analysis regarding how the Application will affect the Companies' customers and/or the rate schedules under which OEG members take service?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the work product and attorney-client privileges and is confidential business information. In addition, this Interrogatory requests information outside the scope of discovery as set forth in the Attorney Examiner's January 14, 2015 Entry in the above-captioned proceeding.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-24: If the answer to OCC INT-23 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-23.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-25: For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did OEG conduct or direct anyone to conduct a utility bill impact analysis regarding how the Stipulation will affect the Companies' utility customers and/or the rate schedules under which OEG members take service?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the work product and attorney-client privileges and is confidential business information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-26: If the answer to OCC-INT 25 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-25.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-31: At any time since January 1, 2014, have the FirstEnergy EDUs offered OEG anything other than what is set forth in paragraph V.A (and its sub-parts) of the Stipulation for purposes of reaching a settlement?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks confidential settlement information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-32: At any time since January 1, 2014, was OEG offered anything other than what is set forth in paragraphs V.A (and its sub-parts) of the Stipulation for purposes of settlement?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks confidential settlement information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-33: What is your understanding of "Rider ELR" as that term is used in paragraph V.A.1.i of the Stipulation?

RESPONSE: OEG's understanding is that "Rider ELR" as used in the Stipulation refers to FirstEnergy's Economic Load Response Program Rider.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-34: How many OEG members described in response to OCC-INT-7 are eligible to participate in Rider ELR as it is defined in paragraph V.A.1.i.(1) of the Stipulation?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and is confidential business information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-35: How many OEG members described in response to OCC-INT-7 are expected to voluntarily participate in Rider ELR as it is defined in paragraph V.A.1.i.(1) of the Stipulation?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and is confidential business information. Without waiving such objection, OEG does not have the requested information readily available.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-40: What is your understanding of "Rider EDR (b)" as that term is used in paragraph V.A.1.i.(3) of the Stipulation?

RESPONSE: OEG's understanding is that "Rider EDR(b)" as used in the Stipulation refers to the Interruptible Credit Provision in FirstEnergy's Economic Development Rider.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-44: When did OEG first enter into negotiations with the FirstEnergy EDUs in this proceeding?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks confidential settlement information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-47: If the answer to OCC INT-46 is affirmative, please provide the name of each OEG member that will be eligible to avail themselves of the provisions set forth in paragraph V.A.7 of the Stipulation.

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and is confidential business information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

INTERROGATORY NO. 1-48: What is the name of each OEG member that is served under the FirstEnergy EDUs' current Automaker Credit Provision (Rider EDR (h))?

RESPONSE: OEG objects to this Interrogatory on the grounds that it seeks information that is protected by the attorney-client privilege and is confidential business information.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

REQUEST FOR PRODUCTION NO. 1-6: If the answer to OCC INT-19 is affirmative, please provide a copy of any and all analyses.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-19.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

REQUEST FOR PRODUCTION NO. 1-7: If the answer to OCC INT-21 is affirmative, please provide a copy of any and all analyses.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-21 and 1-22.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

REQUEST FOR PRODUCTION NO. 1-8: If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-23.

Person Responsible: Counsel

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. §4928.143 in the Form of an Electric Security Plan.

Case No. 14-1297-EL-SSO

**RESPONSES OF OHIO ENERGY GROUP TO
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

REQUEST FOR PRODUCTION NO. 1-9: If the answer to OCC INT-25 is affirmative, please provide a copy of any and all analyses.

RESPONSE: Please refer to OEG's Response to OCC Interrogatory No. 1-25.

Person Responsible: Counsel

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
a Standard Service Offer Pursuant to R.C.)
§ 4928.143 in the Form of an Electric)
Security Plan.)

**THE ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF OHIO'S
RESPONSES TO THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S SECOND
SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS**

The Association of Independent Colleges and Universities of Ohio ("AICUO") responds to The Office of the Ohio Consumers' Counsel's ("OCC") Second Set of Interrogatories and First Request for Production of Documents as follows:

GENERAL OBJECTIONS

The following General Objections will not be repeated in response to specific discovery requests. Each is applicable as is appropriate from the context of the specific discovery request.

1. AICUO objects to each discovery request that seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
2. AICUO objects to each discovery request that is overly broad, unduly burdensome, and/or which seek documents or information protected by the attorney-client privilege, work-product privilege, and/or confidential settlement discussion privileges.
3. In answering the discovery requests, AICUO is not waiving or failing to claim any objection available to it, including, but not limited to, any privileges available by statute, rule or common law.

INT-59. At any time since January 1, 2014, did AICUO request anything from the FirstEnergy EDUs other than what is set forth in paragraphs V.B.5 and V.B.6 (and its sub-parts) of the Stipulation for purposes of reaching a settlement?

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client privilege and/or work-product privilege, and seeks confidential settlement information. Subject to the foregoing, no.

INT-60. Please describe the meaning of “material part of this Stipulation” as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE: See Response to INT-42.

INT-61. Please describe the meaning of “material modification” as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE: See Response to INT-43.

INT-62. Does AICUO or any of its members currently conduct any projects related to the advancement and education of energy efficiency?

RESPONSE: Objection as to the vague, undefined and ambiguous term “projects.” Subject to the foregoing, upon information and belief, AICUO members may very well have energy efficiency classes, programs, and/or initiatives, but AICUO is not a repository for that information.

INT-63. If the answer to OCC Set 2, INT-62 is affirmative, please identify all projects and explain the purpose of each project.

RESPONSE: See Response to INT-62.

INT-64. If the answer to OCC Set 2, INT-62 is affirmative, how were those projects paid for?

RESPONSE: See Response to INT-62.

INT-65. Since, July 21, 2008, has AICUO or any of its members previously conducted projects related to the advancement and education of energy efficiency that are no longer in operation?

RESPONSE: See Response to INT-62.

INT-66. If the answer to OCC Set 2, INT-65 is affirmative, please identify those projects and explain the purposes of each project.

RESPONSE: See Response to INT-62.

INT-67. If the answer to OCC Set 2, INT-65 is affirmative, how were those projects paid for?

RESPONSE: See Response to INT-62.

REQUESTS FOR PRODUCTION OF DOCUMENTS

RPD-10. Please provide a copy of any and all documentation upon which you relied to answer OCC Set 2, INT-56 through OCC Set 2, INT-67.

RESPONSE: See the subject Stipulation.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company and The Toledo)	
Edison Company for Authority to Provide)	Case No. 14-1297-EL-SSO
a Standard Service Offer Pursuant to R.C.)	
§ 4928.143 in the Form of an Electric)	
Security Plan.)	

**THE ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF OHIO'S
RESPONSES TO THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

The Association of Independent Colleges and Universities of Ohio ("AICUO") responds to The Office of the Ohio Consumers' Counsel's ("OCC") First Set of Interrogatories and First Request for Production of Documents as follows:

GENERAL OBJECTIONS

The following General Objections will not be repeated in response to specific discovery requests. Each is applicable as is appropriate from the context of the specific discovery request.

1. AICUO objects to each discovery request that seeks information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

2. AICUO objects to each discovery request that is overly broad, unduly burdensome, and/or which seek documents or information protected by the attorney-client privilege, work-product privilege, and/or confidential settlement discussion privileges.

3. In answering the discovery requests, AICUO is not waiving or failing to claim any objection available to it, including, but not limited to, any privileges available by statute, rule or common law.

4. AICUO reserves the right to further supplement and/or modify these Responses to the extent necessary based upon information AICUO may learn in the future.

INTERROGATORIES

INT-1. Identify the person(s) who prepared or assisted in the preparation of responses to these discovery requests, indicating, for each person, the discovery request to which he or she assisted in responding.

RESPONSE: C. Todd Jones, President and General Counsel for AICUO
Attorneys Jeremy Grayem and Christopher Miller, Counsel for AICUO
Everyone listed assisted in preparation of all Responses.

INT-2. Identify all experts and/or consultants retained or employed by AICUO that assisted in reviewing and/or analyzing the Application in this matter.

RESPONSE: Objection. Seeks information not reasonably calculated to lead the discoverability of admissible evidence and protected by the attorney-client/work-product privileges. Subject to the foregoing, none.

INT-3. Identify all experts and or consultants retained or employed by AICUO that assisted in reviewing, analyzing, and/or negotiating the Stipulation.

RESPONSE: Objection. Sec Response to Interrogatory No. 2.

INT-4. Identify each person whom AICUO may call as a witness at a hearing in this proceeding and identify the following:

- a. The substance of each opinion on which the witness may testify;
- b. All the facts which provide the basis for each opinion on which the witness may testify;
- c. The witness's background (including education and employment history) and qualifications;
- d. Each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony;

INT-13. Please identify all persons that have been authorized to negotiate and/or act on behalf of AICUO.

RESPONSE: See Response to Interrogatory No. 12. AICUO's counsel has also been authorized to negotiate on behalf of AICUO

INT-14. Please identify who authorized attorney Christopher L. Miller to sign the Stipulation on behalf of AICUO.

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client privilege and/or work-product privilege, and seeks confidential settlement information. Subject to the foregoing, C. Todd Jones.

INT-15. Please identify all persons that participated in negotiations and/or conversations related to the Stipulation on behalf of AICUO.

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client privilege and/or work-product privilege, and seeks confidential settlement information. Subject to the foregoing, Attorney Christopher Miller.

INT-16. Please identify how many times AICUO, or a representative on behalf of AICUO, had discussions, communications, and/or meetings with the FirstEnergy EDUs regarding terms of the Stipulation.

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, seeks information not likely to lead to the discovery of admissible evidence, seeks information that is protected by the attorney-client and/or work-product privileges, and seeks confidential settlement information. Specifically, the number of communications/discussions, dates of those communications/discussions, length of time of those communications/discussions, and participants to each communication/discussion is irrelevant.

INT-17. Please identify the dates of each discussion, communication, and/or meeting identified in your response to OCC INT-16.

RESPONSE: See Response to Interrogatory No. 16.

INT-18. Please identify all persons in attendance at each discussion, communication, and/or meeting identified in your response to OCC INT-17.

RESPONSE: See Response to Interrogatory No. 16.

INT-19. Please identify the length of time of each discussion, communication, and/or meeting identified in your response to OCC INT-17.

RESPONSE: See Response to Interrogatory No. 16.

INT-20. Did any person(s) employed by or acting on behalf of AICUO have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of AICUO;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client privilege and/or work-product privilege, and seeks confidential settlement information. Subject to the foregoing, other than Attorney Miller, no.

INT-21. Did any person(s) employed by or acting on behalf of AICUO have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014?

If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of AICUO;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

RESPONSE: Sec Response to Interrogatory No. 20.

INT-22. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will electric utility customers' bills increase under the terms of the Stipulation for each of the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

RESPONSE: AICUO directs the OCC to FirstEnergy's presentation of testimony and evidence to the Commission in support of the Stipulation. Subject to the foregoing, AICUO does not possess this knowledge or information.

INT-23. Did AICUO conduct or direct anyone to conduct any analyses of the ESP proceeding Application?

RESPONSE: Objection. This Interrogatory seeks information not likely to lead to the discovery of admissible evidence, and seeks information that is protected by the attorney-client and/or work-product privileges. Subject to the foregoing, no.

INT-24. If the answer to OCC INT-23 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE: N/A.

INT-25. Did AICUO conduct or direct anyone to conduct any analyses of the Stipulation?

RESPONSE: Objection. This Interrogatory seeks information not likely to lead to the discovery of admissible evidence, and seeks information that is protected by the attorney-client and/or work-product privileges. Subject to the foregoing, no.

INT-26. If the answer to OCC-INT 25 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis.

RESPONSE: N/A.

INT-27. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did AICUO conduct or direct anyone to conduct a utility bill impact analysis regarding how the Application will affect the Companies' customers?

RESPONSE: Objection. This Interrogatory seeks information not likely to lead to the discovery of admissible evidence, and seeks information that is protected by the attorney-client and/or work-product privileges. Subject to the foregoing, no.

INT-28. If the answer to OCC INT-27 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE: N/A.

INT-29. For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), did AICUO conduct or direct anyone to conduct a utility bill impact analysis regarding how the Stipulation will affect the Companies' utility customers?

RESPONSE: Objection. This Interrogatory seeks information not likely to lead to the discovery of admissible evidence, and seeks information that is protected by the attorney-client and/or work-product privileges. Subject to the foregoing, no.

INT-30. If the answer to OCC-INT 29 is affirmative, please provide the following:

- a. The name of the individual(s) that conducted the analysis;
- b. The date of the analysis;
- c. A description of the analysis; and
- d. The results of the analysis

RESPONSE: N/A.

INT-31. Please identify any side deals and/or agreements between AICUO and the FirstEnergy EDUs and/or between AICUO and any of the FirstEnergy-Affiliated Companies that are not described or identified in the Stipulation.

RESPONSE: None.

INT-32. At any time since January 1, 2014, have the FirstEnergy EDUs offered AICUO anything other than what is set forth in paragraphs V.B.5 and V.B.6 of the Stipulation for purposes of reaching a settlement?

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client and/or work-product privileges, and seeks confidential settlement information.

INT-33. At any time since April 1, 2014, was AICUO offered anything other than what is set forth in paragraphs V.B.5 and V.B.6 of the Stipulation for purposes of settlement?

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client and/or work-product privileges, and seeks confidential settlement information.

- b. for each answer to sub-section (a) identify the provisions that they will avail themselves of.

RESPONSE: AICUO is unable to answer this Interrogatory at this time.

INT-38. Please identify the portions of the Stipulation that AICUO deems to be beneficial to those member(s) identified in response to OCC INT-7.

RESPONSE: Objection. The Stipulation is a document that speaks for itself and the AICUO has not made a determination as to portions it deems "beneficial."

INT-39. What is your understanding of "Rider DSE" as that term is used in paragraph V.B.5 and V.B.6 of the Stipulation?

RESPONSE: Objection. The Stipulation is a document that speaks for itself.

INT-40. What energy efficiency advancements does AICUO intend to make available to its members with the \$50,000 per year AICUO Unrestricted Restricted Payment, as set forth in paragraph V.B.5 of the Stipulation?

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, and seeks information not likely to lead to the discovery of admissible evidence. Subject to the foregoing, AICUO has not yet made any determinations in this respect.

INT-41. What projects does AICUO intend to pursue with the \$1,000,000 AICUO Restricted Payment, as set forth in paragraph V.B.5 of the Stipulation?

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, and seeks information not likely to lead to the discovery of admissible evidence. Subject to the foregoing, AICUO has not yet made any determinations in this respect.

INT-42. Please describe what you would consider a “material part” of the Stipulation as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE: Objection. The Stipulation is a document that speaks for itself. Subject to the foregoing, AICUO has not conducted this analysis to determine what it considers a “material part” of the Stipulation.

INT-43. Please describe what you would consider a “material modification” of the Stipulation as that phrase is used in paragraph VI.5 of the Stipulation.

RESPONSE: Same as Response to Interrogatory No. 42.

INT-44. If the PUCO modifies paragraph V.B.5 or V.B.6 of the Stipulation, would AIUCO exercise its rights under paragraph VI.5 of the Stipulation to file an application for rehearing or a motion for reconsideration?

RESPONSE: Objection. Calls for an answer to a hypothetical situation.

INT-45. When did AIUCO first enter into negotiations with the FirstEnergy EDUs in this proceeding?

RESPONSE: Objection. This Interrogatory seeks information that is protected by the attorney-client and/or work-product privileges, and seeks confidential settlement information. Subject to the foregoing, the summer of 2014.

INT-46. Does AIUCO believe that all portions of the Application that are not addressed by the Stipulation should be approved by the PUCO as originally proposed by the FirstEnergy EDUs?

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, seeks information not likely to lead to the discovery of admissible evidence, and seeks information that is protected by the attorney-client and/or work-product privileges. Subject to the foregoing, AICUO has not taken a position on the question posed in Interrogatory No. 46.

INT-47. With respect to the AICUO Unrestricted Payment (i.e. \$50,000 annually) that is to be provided under paragraph V.B.5 of the Stipulation:

- a. Will the FirstEnergy EDUs seek recovery of that money from customers or provide that money from shareholders?
- b. What is the source of your knowledge for answering sub-section (a)?

RESPONSE: AICUO directs the OCC to the Stipulation and FirstEnergy's presentation of testimony and evidence to the Commission in support of the Stipulation. Subject to the foregoing, AICUO does not possess this knowledge or information.

INT-48. With respect to the \$1,000,000 to be contributed to AIUCO for the Ohio Efficiency Resource Program under paragraph V.B.6 of the Stipulation:

- a. Will the FirstEnergy EDUs seek recovery of that money from customers or provide that money from shareholders?
- b. What is the source of your knowledge for answering sub-section (a)?

RESPONSE: AICUO directs the OCC to the Stipulation and FirstEnergy's presentation of testimony and evidence to the Commission in support of the Stipulation. Subject to the foregoing, AICUO does not possess this knowledge or information.

INT-49. Do You have any projects related to the advancement and education of energy efficiency, as that term is described in paragraphs V.B.5 and V.B.6 of the Stipulation, currently in progress?

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, and seeks information not likely to lead to the discovery of admissible evidence. Subject to the foregoing, AICUO has not done an analysis to determine if any such projects correlate to the descriptions contained in the Stipulation.

INT-50. If the answer to the previous interrogatory is affirmative, please identify all the projects and explain the purpose of all the projects.

RESPONSE: N/A.

INT-51. If the answer to OCC-INT 42 is affirmative, how were the projects paid for?

RESPONSE: N/A. Interrogatory 42 does not discuss "projects."

INT-52. Have You had any projects related to the advancement and education of energy efficiency, as that term is described in paragraphs V.B.5 and V.B.6 of the Stipulation, that are no longer in operation?

RESPONSE: See Response to Interrogatory No. 49.

INT-53. If the answer to the previous interrogatory is affirmative, please identify all the projects and explain the purpose of all the projects.

RESPONSE: N/A.

INT-54. If the answer to OCC-INT 45 is affirmative, how were the projects paid for?

RESPONSE: N/A.

INT-55. In reference to paragraph V.B.6 of the Stipulation, please describe all ways in which the Companies will support AICUO's educational efforts on the benefits of energy efficiency.

RESPONSE: Objection. This Interrogatory is overbroad, unduly burdensome, and seeks information not likely to lead to the discovery of admissible evidence. Subject to the foregoing, AICUO does not possess this knowledge or information.

REQUESTS FOR PRODUCTION OF DOCUMENTS

RPD-1. Please provide a copy of all formal and informal requests (e.g. interrogatories, data requests) made by the Commission, the PUCO Staff and the PUCO's Attorneys General in this Proceeding to the Company, and the responses to those requests provided by the Company.

RESPONSE: None.

RPD-2. Please provide a copy of all documents and workpapers provided to the Commission, the PUCO Staff, and/or the PUCO's Attorneys General in connection with this Proceeding.

RESPONSE: None.

RPD-3. Please provide a copy of all discovery requests received by AICUO from other parties in this Proceeding, and AICUO's responses to those requests.

RESPONSE: The OCC has previously been provided copies of all such discovery requests.

RPD-4. Please provide a copy of any and all organizational charts and/or documentation describing the hierarchy at AICUO.

RESPONSE: Objection. This Request is overbroad, unduly burdensome and seeks irrelevant information not likely to lead to the discoverability of admissible evidence. Subject to the foregoing, see the attached Organizational Chart.

RPD-5. Please provide a copy of any and all documentation upon which you relied to answer OCC INT-1 through OCC INT-55.

RESPONSE: See the subject Stipulation.

RPD-6. If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

RESPONSE: N/A.

RPD-7. If the answer to OCC INT-25 is affirmative, please provide a copy of any and all analyses.

RESPONSE: N/A.

RPD-8. If the answer to OCC INT-27 is affirmative, please provide a copy of any and all analyses.

RESPONSE: N/A.

RPD-9. If the answer to OCC INT-29 is affirmative, please provide a copy of any and all analyses.

RESPONSE: N/A.

Respectfully Submitted,

/s/ *Jeremy M. Grayem*

C. Todd Jones (0083418)

General Counsel, AICUO

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Attorneys for the AICUO

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company, and The Toledo Edison Company Case No.)	Case No. 14-1297-EL-SSO
14-1297-EL-SSO for Authority to Provide for a)	
Standard Service Offer Pursuant to R.C. § 4928.143)	
in the Form of an Electric Security Plan)	

**NUCOR STEEL MARION, INC.'S OBJECTIONS AND RESPONSES TO
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S SECOND SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Nucor Steel Marion, Inc. ("Nucor"), by its counsel, hereby responds to the Office of the Ohio Consumers' Counsel's ("OCC") Second Set of Interrogatories and Requests for Production of Documents to Nucor.

GENERAL OBJECTIONS

Nucor makes the following General Objections (hereinafter referred to collectively as "General Objections") to OCC's Second Set of Interrogatories and Requests for Production of Documents to Nucor. These General Objections apply to so many of the interrogatories and document requests that, for convenience, they are set forth immediately below and are not necessarily repeated after each specific request to which an objection is asserted. The assertion of the same, similar, or additional objections in the individual objections to an interrogatory or document request, or the failure to assert any additional objection to an interrogatory, does not waive any of Nucor's General Objections as set forth below:

INT-48: Did any person(s) employed by or acting on behalf of Nucor have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Service Corporation related to this matter since January 1, 2013? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of Nucor;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Service Corporation;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

Answer:

Objection. See General Objection Nos. 2 – 4 and 6. Nucor further objects that the information sought is not relevant to the issues in this proceeding and will not lead to the discovery of admissible evidence. Nucor further objects that this request is outside the scope of additional discovery allowed pursuant to the Attorney Examiner's January 14, 2015 Entry.

Subject to and without waiving its objections, Nucor responds that it is not necessarily aware who is "employed by or acting on behalf of FirstEnergy Service Corporation" as the term is used in this interrogatory, but to the best of its knowledge, Nucor's communications with representatives of FirstEnergy related to this matter have been with representatives on behalf of the FirstEnergy utilities (OE, TE and CEI).

INT-49: Did any person(s) employed by or acting on behalf of Nucor have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Corporation related to this matter since January 1, 2013? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of Nucor;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Corporation;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

Answer:

Objection. See General Objection Nos. 2 – 4 and 6. Nucor further objects that the information sought is not relevant to the issues in this proceeding and will not lead to the discovery of admissible evidence. Nucor further objects that this request is outside the scope of additional discovery allowed pursuant to the Attorney Examiner's January 14, 2015 Entry.

Subject to and without waiving its objections, Nucor responds that it does not entirely understand what is being asked and is not necessarily aware who is "employed by or acting on behalf of FirstEnergy Corporation" as the term is used in this interrogatory, but to the best of its knowledge, Nucor's communications with representatives of FirstEnergy related to this matter have been with representatives of the FirstEnergy utilities (OE, TE and CEI). See also Nucor's Objections and Response to INT-48.

INT-50: For each of the FirstEnergy EDUs (i.e. OE, CEI and TE), how much will Nucor's bills increase/decrease under the terms of the Stimulus package for the following years:

- a. 2016;
- b. 2017; and
- c. 2018?

Answer:

Objection. See General Objection Nos. 2 – 4 and 6. Nucor further objects because the request is vague and ambiguous. The request is not based on factors and circumstances that may be proven. Consequently, no meaningful response can be provided.

Subject to and without waiving its objections, Nucor responds that whether its bills increase or decrease will depend upon many variables, none of which can be known at this point. Some of those variables include: market prices for energy, market prices for capacity,

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company, and The Toledo Edison Company Case No.)	
14-1297-EL-SSO for Authority to Provide for a)	Case No. 14-1297-EL-SSO
Standard Service Offer Pursuant to R.C. § 4928.143)	
in the Form of an Electric Security Plan)	

**NUCOR STEEL MARION, INC.'S OBJECTIONS AND RESPONSES TO
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Nucor Steel Marion, Inc. ("Nucor"), by its counsel, hereby responds to the Office of the Ohio Consumers' Counsel's ("OCC") First Set of Interrogatories and Requests for Production of Documents to Nucor.

GENERAL OBJECTIONS

Nucor makes the following General Objections (hereinafter referred to collectively as "General Objections") to OCC's First Set of Interrogatories and Requests for Production of Documents to Nucor. These General Objections apply to so many of the interrogatories and document requests that, for convenience, they are set forth immediately below and are not necessarily repeated after each specific request to which an objection is asserted. The assertion of the same, similar, or additional objections in the individual objections to an interrogatory or document request, or the failure to assert any additional objection to an interrogatory, does not waive any of Nucor's General Objections as set forth below:

Objection. See General Objection Nos. 2, 4 and 6. The information sought is not relevant to the issues in this proceeding and will not lead to the discovery of admissible evidence.

Subject to and without waiving its objections, Nucor responds that to the extent such communications occurred (see Nucor's Response to Interrogatory No. 10 above), they have occurred prior to and subsequent to December 22, 2014, when the Stipulation was first filed with the Commission.

INT-12: Please identify all persons in attendance at each discussion, communication, and/or meeting identified in your response to OCC INT-11.

Answer:

Objection. See General Objection Nos. 2 - 6. Nucor further responds by incorporating its Objections and Responses to Interrogatory Nos. 9 - 11 above.

INT-13: Please identify the length of time of each discussion, communication, and/or meeting identified in your response to OCC INT-11.

Answer:

Objection. See General Objection Nos. 2 - 4 and 6. Nucor further responds by incorporating its Objections and Responses to Interrogatory Nos. 9 - 12 above.

INT-14: Did any person(s) employed by or acting on behalf of Nucor have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy Solutions related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of Nucor;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy Solutions;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

Answer:

Objection. See General Objection Nos. 2 - 4 and 6. Moreover, the information sought is not relevant to the issues in this proceeding and will not lead to admissible evidence. Nucor further objects that this request is outside the scope of additional discovery allowed pursuant to the Attorney Examiner's January 14, 2015 Entry. Nucor further responds by incorporating its Objections and Responses to Interrogatory Nos. 9 - 13 above.

Subject to and without waiving its objections, Nucor responds that it is not necessarily aware who is "employed by or acting on behalf of FirstEnergy Solutions" as the term is used in this interrogatory, but to the best of its knowledge, Nucor has not communicated with representatives of FirstEnergy Solutions related to this matter since January 1, 2014.

INT-15: Did any person(s) employed by or acting on behalf of Nucor have a discussion, communication, and/or meeting with any person employed by or acting on behalf of FirstEnergy-Affiliated Companies related to this matter since January 1, 2014? If so, please provide:

- a. The name and position of the individual(s) employed by or acting on behalf of Nucor;
- b. The name and position of the individual(s) employed by or acting on behalf of FirstEnergy-Affiliated Companies;
- c. The date(s) of the discussion, communication, and/or meeting; and
- d. The topic(s) of discussion, communication, and/or meeting.

Answer:

Objection. See General Objection Nos. 2 - 4 and 6. Moreover, the information sought is not relevant to the issues in this proceeding and will not lead to admissible evidence. Nucor further objects that this request is outside the scope of additional discovery allowed pursuant to the Attorney Examiner's January 14, 2015 Entry. Nucor further responds by incorporating its Objections and Responses to Interrogatory Nos. 10 - 14 above.

Objection. See General Objection Nos. 2 - 4 and 6 and the Objections and Responses to OCC INT-1 through OCC INT-44.

Subject to and without waiving its objections, Nucor responds that it referred to the Application, Stipulation, other information in the record in this docket, and the direct testimony of Dr. Goins in responding to some, but not all, of the interrogatories.

RPD-6: If the answer to OCC INT-17 is affirmative, please provide a copy of any and all analyses.

Response:

Objection. Nucor responds by incorporating its Objections and Response to Interrogatory No. 17.

RPD-7: If the answer to OCC INT-19 is affirmative, please provide a copy of any and all analyses.

Response:

Objection. Nucor responds by incorporating its Objections and Response to Interrogatory No. 19.

RPD-8: If the answer to OCC INT-21 is affirmative, please provide a copy of any and all analyses.

Response:

Objection. Nucor responds by incorporating its Objections and Response to Interrogatory No. 21.

RPD-9: If the answer to OCC INT-23 is affirmative, please provide a copy of any and all analyses.

Response:

Objection. Nucor responds by incorporating its Objections and Response to Interrogatory No. 23.

Respectfully submitted,

/s/ Michael K. Lavanga

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Case No(s). 14-1297-EL-SSO

Summary: Testimony Supplemental Direct Testimony of Matthew I. Kahal on Behalf of OCC and NOPEC electronically filed by Ms. Deb J. Bingham on behalf of Sauer, Larry S.