

**EXHIBIT A TO THE COMPANIES'
MEMORANDUM CONTRA THE MOTION TO
COMPEL OF THE ENVIRONMENTAL LAW &
POLICY CENTER'S MOTION TO COMPEL**

IN 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 : Case No. 14-1297-EL-SSO
 Authority to Provide for :
 a Standard Service Offer :
 Pursuant to R.C. 4928.143 :
 in the Form of an Electric :
 Security Plan. :

DEPOSITION

of Donald A. Moul, taken before me, Karen Sue Gibson,
 a Notary Public in and for the State of Ohio, at the
 offices of FirstEnergy Corporation, 76 South Main
 Street, Akron, Ohio, on Thursday, January 15, 2015,
 at 8 a.m.

ARMSTRONG & OKEY, INC.
 222 East Town Street, Second Floor
 Columbus, Ohio 43215-5201
 (614) 224-9481 - (800) 223-9481
 FAX - (614) 224-5724

1 APPEARANCES: (Continued)
 2 McNees, Wallace & Nurick LLC
 3 By Mr. Frank Darr (via speakerphone)
 4 21 East State Street, 17th Floor
 5 Columbus, Ohio 43215
 6
 7 On behalf of the Industrial Energy Users
 8 of Ohio.
 9 Vorys, Sater, Seymour & Pease, LLP
 10 By Mr. Michael Settineri (via speakerphone)
 11 52 East Gay Street
 12 Columbus, Ohio 43215
 13
 14 On behalf of PJM Power Providers Group,
 15 Electric Power Supply Association, and
 16 Retail Energy Supply Association.
 17
 18 Carpenter Lipps & Leland LLP
 19 By Ms. Rebecca Hussey (via speakerphone)
 20 and Ms. Kimberly Bojko (via speakerphone)
 21 280 North High Street, Suite 1300
 22 Columbus, Ohio 43215
 23
 24 On behalf of the Ohio Manufacturers'
 Association Energy Group.
 Environmental Law & Policy Center
 By Ms. Madeline Fleisher (via speakerphone)
 1207 Grandview Avenue, Suite 201
 Columbus, Ohio 43212
 On behalf of the Environmental Law &
 Policy Center.
 Brickfield, Burchette, Ritts & Stone, PC
 By Mr. Michael Lavanga (via speakerphone)
 1025 Thomas Jefferson Street, N.W.
 8th Floor West
 Washington, D.C. 20007
 On behalf of the Nucor Steel Marion, Inc.

1 APPEARANCES:
 2 FirstEnergy Corp.
 3 By Mr. James W. Burk
 4 76 South Main Street
 5 Akron, Ohio 44308
 6
 7 Calfee, Halter & Griswold LLP
 8 By Mr. James Lang
 9 The Calfee Building
 10 1405 East Sixth Street
 11 Cleveland, Ohio 44114
 12
 13 On behalf of the Applicants.
 14
 15 Bruce E. Weston, Ohio Consumers' Counsel
 16 By Ms. Maureen R. Grady (via speakerphone)
 17 and Mr. Kevin Moore (via speakerphone)
 18 Assistant Consumers' Counsel
 19 10 West Broad Street, Suite 1800
 20 Columbus, Ohio 43215-3485
 21 On behalf of the Residential Consumers of
 22 Ohio Edison Company, The Cleveland
 23 Electric Illuminating Company, and The
 24 Toledo Edison Company.
 Earthjustice
 By Mr. Shannon Fisk
 Northeast Office
 1617 John F. Kennedy Boulevard, Suite 1675
 Philadelphia, Pennsylvania 19103
 Earthjustice
 By Mr. Michael Soules
 1625 Massachusetts Avenue NW, Suite 702
 Washington, D.C. 20036
 On behalf of the Sierra Club.
 Ohio Partners for Affordable Energy
 By Ms. Colleen Mooney (via speakerphone)
 231 West Lima Street
 Findlay, Ohio 45846
 On behalf of the Ohio Partners for
 Affordable Energy.

1 APPEARANCES: (Continued)
 2 FirstEnergy Corp.
 3 By Mr. Brian Knipe
 4 76 South Main Street
 5 Akron, Ohio 44308
 6
 7 On behalf of FirstEnergy Services.
 8
 9 ALSO PRESENT:
 10
 11 Mr. Hisham Choueiki, PUCO Staff (via
 12 speakerphone)
 13 Mr. Kevin Murray (via speakerphone)
 14
 15 ---

Page 149

1 Q. And in your view how high a percentage
2 of -- yeah -- how high would the percentage of gas
3 have to go before there would not be sufficient
4 resource diversity?

5 A. I don't know.

6 Q. Do you know if 30 percent would be too
7 high?

8 A. It's a function of the ability of gas
9 infrastructure to supply gas plants, and based on
10 that I don't know.

11 Q. Okay. And do you have a view as to
12 whether it's important to preserve resource diversity
13 specifically in Ohio as opposed to across the PJM
14 grid?

15 A. My opinion it's equally important.

16 Q. Why is that?

17 A. Because of the value of resource
18 diversity. It's not specifically an Ohio thing. I
19 think it's a general important aspect associated with
20 a reliable grid.

21 Q. Okay. I guess I want to turn that around
22 for a second. If you could -- assuming you could
23 preserve what in your view would be sufficient
24 resource diversity across PJM, is there any reason

Page 150

1 why you need a specific amount of resource diversity
2 in Ohio in particular?

3 A. Yes.

4 Q. What's that?

5 A. Because where the plant is located
6 matters.

7 Q. So you think the resource diversity has
8 to be across -- within a particular hub; is that
9 correct?

10 A. Well, if you take a look at my testimony,
11 I talk about Gavin Cunningham's evaluation of the
12 level of transmission upgrades that would be required
13 should these plants retire. So it's resource
14 diversity is valuable across the footprint. It's
15 valuable locationally. So in my opinion it's
16 universally valuable.

17 Q. Okay. Sorry. Just one minute. I
18 believe -- again, I am not trying to exactly capture
19 your testimony here, but I believe before you said
20 that you view peak demand reduction and energy
21 efficiency measures as not an -- not being an aspect
22 of resource diversity; is that correct?

23 A. I stated I don't consider them to be
24 capacity.

Page 151

1 Q. Okay. Do you think they are an important
2 part of resource diversity?

3 A. I think they are important on the demand
4 side as a dispatch transmission operator tool.

5 Q. So do you think that there should be as
6 part of the portfolio of resources some amount of
7 peak demand reduction and energy efficiency?

8 A. Not as capacity.

9 Q. Okay. I got -- if we look at pages 7
10 through 8 of your testimony, you generally describe
11 some purposes that resource diversity serves; is that
12 correct?

13 A. Yes.

14 Q. Do you think that energy efficiency and
15 peak demand reduction measures can also address any
16 of these purposes?

17 A. No, because demand reduction and energy
18 efficiency don't produce a single megawatt.

19 Q. So I guess let's just go through these
20 one by one. You're saying that energy efficiency and
21 peak demand reduction play no role in mitigating
22 price volatility?

23 A. I'm saying they don't generate a
24 megawatt; so, therefore, they cannot be part of

Page 152

1 supply. They can help manage demand, but they don't
2 provide supply.

3 Q. Okay. Does managing -- can managing
4 demand help mitigate price volatility?

5 A. No.

6 Q. Okay. Can managing demand help avoid, I
7 am just going to quote, "potential catastrophic
8 issues within a single class of generation"?

9 A. No, because it doesn't generate.

10 Q. Okay. If you have -- I'll skip that.

11 During your testimony you said that you
12 noted that preserving nuclear generation may help
13 with proposed EPA carbon emission rules, help Ohio
14 comply with those rules; is that correct?

15 A. Yes.

16 Q. Do you know what the treatment of nuclear
17 generation in the final version of those rules will
18 be?

19 A. I don't know.

20 Q. Okay. Sometimes I ask questions to
21 assert the obvious. Do you know if keeping coal
22 plants open within Ohio could make it harder for the
23 states to comply with any final carbon emission rule?

24 A. I don't know.

38 (Pages 149 to 152)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on March 10, 2015.

/s/ David A. Kutik

David A. Kutik

cmooney@ohiopartners.org
drinebolt@ohiopartners.org
tdougherty@theoec.org
joseph.clark@directenergy.com
ghull@eckertseamans.com
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
mkurtz@BKLawfirm.com
kboehm@BLKLawfirm.com
jkylercohn@BKLawfirm.com
larry.sauer@occ.ohio.gov
Michael.schuler@occ.ohio.gov
joliker@igsenergy.com
mswhite@igsenergy.com
myurick@taftlaw.com
Schmidt@sppgrp.com
ricks@ohanet.org
tobrien@bricker.com
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com
callwein@wamenergylaw.com
jfinnigan@edf.org
wtppmlc@aol.com
mkl@bbrslaw.com
gas@bbrslaw.com
ojk@bbrslaw.com
lhawrot@spilmanlaw.com
dwilliamson@spilmanlaw.com
meissnerjoseph@yahoo.com
trhayslaw@gmail.com
lesliekovacic@toledo.oh.gov
Cynthia.bradley@exeloncorp.com
David.fein@exeloncorp.com

Christopher.miller@icemiller.com
Gregory.dunn@icemiller.com
Jeremy.grayem@icemiller.com
athompson@taftlaw.com
Marilyn@wflawfirm.com
Blanghenry@city.cleveland.oh.us
hmadorsky@city.cleveland.oh.us
kryan@city.cleveland.oh.us
glpetrucci@vorys.com
ccunningham@akronohio.gov
bojko@carpenterlipps.com
Allison@carpenterlipps.com
hussey@carpenterlipps.com
gkrassen@bricker.com
dborchers@bricker.com
asonderman@keglerbrown.com
mfleisher@elpc.org
jscheaf@mcdonaldhopkins.com
mitch.dutton@fpl.com
matt@matthewcoxlaw.com
todonnell@dickinson-wright.com
dwolff@crowell.com
rlehfeldt@crowell.com
Jeffrey.mayes@monitoringanalytics.com
toddm@wamenergylaw.com
sechler@carpenterlipps.com
gpoulos@enernoc.com
mhpetricoff@vorys.com
Thomas.mcnamee@puc.state.oh.us
Ryan.orourke@puc.state.oh.us
sfisk@earthjustice.org
msoules@earthjustice.org
tony.mendoza@sierraclub.org
Lael.campbell@exeloncorp.com
dstinson@bricker.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/10/2015 5:27:47 PM

in

Case No(s). 14-1297-EL-SSO

Summary: Exhibit A to Memorandum Contra the Environmental Law & Policy Center's Motion to Compel electronically filed by MR. DAVID A KUTIK on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company