

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Determination of the :
Existence of Significantly:
Excessive Earnings for :
2015 Under the Electric :
Security Plan of The : Case No. 16-925-EL-UNC
Ohio Edison Company, The :
Cleveland Electric :
Illuminating Company, and :
The Toledo Edison Company.:

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PROCEEDINGS

before Mr. Bryce McKenney, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 11:00
a.m. on Thursday, September 29, 2016.

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- - -

APPEARANCES:

FirstEnergy Service Company
By Mr. Robert M. Endris
76 South Main Street
Akron, Ohio 44308

On behalf of the FirstEnergy Company.

Mike DeWine, Ohio Attorney General
William L. Wright, Section Chief
Public Utilities Section
By Mr. Thomas W. McNamee
and Mr. Robert Eubanks
30 East Broad Street, 16th Floor
Columbus, Ohio 43215-3793

On behalf of the Staff of the Public
Utilities Commission.

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1 Thursday Morning Session,
2 September 29, 2016.

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4 THE ATTORNEY EXAMINER: Good morning.
5 The Public Utilities Commission of Ohio calls for
6 hearing at this time and place Case No.
7 16-925-EL-UNC, being In the Matter of the
8 Determination of the Existence of Significantly
9 Excessive Earnings for 2015 Under the Electric
10 Security Plan of The Ohio Edison Company, The
11 Cleveland Electric Illuminating Company, and The
12 Toledo Edison Company.

13 My name is Bryce McKenney. I am the
14 Attorney Examiner assigned by the Commission to hear
15 this case.

16 At this time I'd like to take the
17 appearances of the parties. For the Companies.

18 MR. ENDRIS: Robert M. Endris
19 representing The Ohio Edison Company, The Cleveland
20 Electric Illuminating Company, and The Toledo Edison
21 Company. The address is 76 South Main Street, Akron,
22 Ohio 44308.

23 THE ATTORNEY EXAMINER: And for the
24 staff.

25 MR. McNAMEE: On behalf of the staff of

1 the Public Utilities Commission of Ohio, Robert
2 Eubanks, E-U-B-A-N-K-S, and I am Thomas McNamee,
3 assistant attorneys general. Our address is 30 East
4 Broad Street, 16th Floor, Columbus, Ohio 43215.

5 THE ATTORNEY EXAMINER: Thank you. I see
6 a Stipulation has been filed in this case.

7 MR. McNAMEE: Yes, your Honor, a
8 Stipulation has been filed in the case. It resolves
9 all issues in the case and has the signature of both
10 the staff and the company.

11 And I would like to present Mr. Buckley
12 to support the Stipulation.

13 THE ATTORNEY EXAMINER: I will mark that
14 as Joint Exhibit 1.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MR. McNAMEE: If you would please,
17 Mr. Buckley.

18 - - -

19 JOSEPH BUCKLEY

20 being first duly sworn, as hereinafter certified,
21 deposes and says as follows:

22 DIRECT EXAMINATION

23 By Mr. McNamee:

24 Q. Mr. Buckley, state and spell your name
25 for the record, please.

1 A. My name is Joseph Buckley, B-U-C-K-L-E-Y.

2 Q. What is your business address?

3 A. It's 180 East Broad Street, Columbus,
4 Ohio 43215.

5 Q. By whom are you employed and in what
6 capacity?

7 A. The Public Utilities Commission of Ohio.
8 I'm a utility specialist 3.

9 Q. Okay. Do you have before you what has
10 been marked for identification as Joint Exhibit 1?

11 A. I do.

12 Q. What is that?

13 A. That is the Stipulation and
14 Recommendation entered into by the staff and the
15 companies listed, Ohio Edison, Cleveland Electric
16 Illuminating, and The Toledo Edison Companies.

17 Q. Would you agree with me the nature of
18 that Stipulation is the agreement between the
19 companies and the staff that significantly excessive
20 earnings within the meaning of statute do not exist
21 for the 2015 year for the companies?

22 A. I do.

23 Q. Good. Were you involved in the
24 development of that agreement?

25 A. I was.

1 Q. Good. Does it reflect, to your
2 knowledge, the agreement of knowledgeable and
3 informed parties?

4 A. It does.

5 Q. Good. Do you believe that that
6 stipulation benefits the public?

7 A. I do.

8 Q. Good. Does that stipulation, to your
9 knowledge, violate any significant public policy or
10 any statute?

11 A. It does not.

12 MR. McNAMEE: With that, I have no
13 further questions, and the witness will be available
14 for cross-examination, although I suspect there will
15 not be any.

16 THE ATTORNEY EXAMINER: Mr. Endris, I
17 assume you do not have any questions.

18 MR. ENDRIS: I don't.

19 THE ATTORNEY EXAMINER: Mr. Buckley, you
20 are excused.

21 MR. McNAMEE: With that, I move the
22 admission of Joint Exhibit 1.

23 THE ATTORNEY EXAMINER: Joint Exhibit 1
24 will be admitted.

25 (EXHIBIT ADMITTED INTO EVIDENCE.)

1 THE ATTORNEY EXAMINER: Mr. Endris.

2 MR. ENDRIS: Your Honor, the company
3 offers the application of the companies as Exhibit 1.

4 MR. McNAMEE: The staff has no objection.

5 THE ATTORNEY EXAMINER: The application
6 will be marked as Company Exhibit 1 and admitted.

7 (EXHIBIT MARKED FOR IDENTIFICATION AND
8 ADMITTED INTO EVIDENCE.)

9 THE ATTORNEY EXAMINER: There being
10 nothing further, we are adjourned.

11 (The hearing adjourned at 11:04 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, September 29, 2016, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires April 5, 2019.

(rfa-82040)

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in

Case No(s). 16-0925-EL-UNC

Summary: Transcript In the matter of the Determination of the Existence of Significantly Excessive Earnings for 2015 Under the Electric Security Plan of The Ohio Edison Company; The Cleveland Electric Illuminating Company, and The Toledo Edison Company, hearing held on September 29, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.