

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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Daniel B. Adkins,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 16-1543-EL-CSS
	:	
Ohio Edison Company,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Mr. Kerry K. Sheets, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10:00
a.m. on Tuesday, January 10, 2017.

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

- - -

APPEARANCES:

Daniel B. Adkins
1263 Country Club Drive
Salem, Ohio 44460

Pro Se.

Jones Day
By Sergio A. Tostado
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215

and
FirstEnergy Corp.
By Erika Ostrowski
Joshua R. Eckert
76 South Main Street
Akron, Ohio 44308

On behalf of the Ohio Edison Company.

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Company Exhibit	Identified	Admitted
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1 Tuesday Morning Session,
2 January 10, 2017.

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4 THE EXAMINER: The Public Utilities
5 Commission of Ohio is set for hearing at this time
6 and place, Case No. 16-1543-EL-CSS, In the Matter of
7 Daniel Adkins versus Ohio Edison Company. My name is
8 Kerry Sheets. I'm an Attorney-Examiner for the
9 Commission, and I've been assigned to hear this case.

10 May I now have the appearances of the
11 parties, please.

12 MR. TOSTADO: Good morning, your Honor,
13 Sergio Tostado with Jones Day for Ohio Edison
14 Company.

15 THE EXAMINER: Very good.

16 MR. ECKERT: Josh Eckert with
17 FirstEnergery Service Company on behalf of Ohio Edison
18 Company.

19 MS. OSTROWSKI: Erika Ostrowski on behalf
20 of the Company.

21 THE EXAMINER: Very good. Let the record
22 show that the Plaintiff is not yet present in the
23 Hearing Room, and so we'll go off the record at this
24 point and wait.

25 (Recess taken.)

1 THE EXAMINER: We'll go back on the
2 record. Could you state your name for the court
3 reporter.

4 MR. ADKINS: With the hearing aids, I'm a
5 little bit below. My address is 1263 Country Club
6 Drive, Salem, Ohio, 44460.

7 THE EXAMINER: Very good. The Company
8 has already made an appearance. Now, we'll go off
9 the record just a little bit and I'll explain the
10 procedure we're following today in the hearing.

11 (Off the record.)

12 THE EXAMINER: Let's go back on the
13 record now. Do we have any preliminary matters to
14 take care of this morning?

15 MR. TOSTADO: No, your Honor, not from
16 the Company.

17 MR. ADKINS: I have a couple questions,
18 sir.

19 THE EXAMINER: Excuse me, you're going to
20 have to speak up.

21 MR. ADKINS: I have a couple questions.
22 I found out Sunday from a Time Warner tech -- I kept
23 blowing boxes, and they kept coming back, so Sunday
24 evening they told me I could get copies of that
25 technician's report. It would probably prove there

1 was some surges, but when I got to the Alliance
2 office, they refused to give it to me. They said I
3 need a subpoena to get that. I don't know whether it
4 would have anything to do....

5 I'm just bringing it up because they
6 asked me before when my mother and my girlfriend said
7 about surges, I got the feedback that were they
8 experts. All we could say was that the lights were
9 getting bright and then they would go dim. The only
10 true proof that the surges were there was the fact
11 that we blew them boxes on the Time Warner, at least
12 that's what the technician had told me when he left.

13 THE EXAMINER: Let's hold off. Your
14 complaint is about a billing complaint; is that
15 correct?

16 MR. ADKINS: Yes, sir.

17 THE EXAMINER: And it's based on a faulty
18 meter, is that correct, as what you say?

19 MR. ADKINS: I'm sorry?

20 THE EXAMINER: What is your complaint
21 based on?

22 MR. ADKINS: I don't know. I mean, my
23 complaint is that my bills were extremely high.

24 THE EXAMINER: Okay. You'll have to get
25 on the stand to testify here, okay?

1 MR. ADKINS: Okay. Go up here now?

2 THE EXAMINER: Come up.

3 MR. TOSTADO: Your Honor, before we get
4 Mr. Adkins on the stand, can we respond to his
5 preliminary matters?

6 THE EXAMINER: Excuse me?

7 MR. TOSTADO: Can we respond to the
8 preliminary matters about the Time Warner cable boxes
9 before he testifies?

10 THE EXAMINER: Yes.

11 MR. TOSTADO: The Company's position as
12 your Honor pointed out is that this complaint is
13 about high bills, and Mr. Adkins believes that his
14 meter was changed some time in 2014. We assert the
15 position that any surges or issues with cable boxes
16 has nothing to do with the high bill complaint and
17 thus would be irrelevant to this proceeding.

18 THE EXAMINER: Okay. Come on up,
19 Mr. Adkins. I'll swear you in.

20 (Witness placed under oath.)

21 THE EXAMINER: Now, we were on the
22 subject of preliminary matters to take care of before
23 we begin the testimony, okay, and you spoke up and
24 said something about Time Warner.

25 THE WITNESS: Yes, their technician -- I

1 kept blowing the cable boxes. And when they came
2 there like the third time to replace the second box,
3 I asked them what do you think's blowing these boxes?
4 They said there's something wrong on the outside.

5 And at that point, I didn't know all this
6 was going to get to this point, so I don't have a
7 copy of what he written down on his report before he
8 left, but when I called in Sunday night, there was no
9 problem --

10 THE EXAMINER: What is the preliminary
11 matter that you want to take care of before you
12 start?

13 MR. ADKINS: I was wondering if this
14 would be information that I could turn in later
15 because I don't even know how to get a subpoena to
16 get this paperwork.

17 THE EXAMINER: It's too late to apply for
18 a subpoena now. You have to turn it in in the
19 discovery phase in discovery and it's a ten-day
20 process, maybe a bit short if it's expedited, but it
21 has to be written, you have to pay a witness fee and
22 things like that. You have to look at the rule. I
23 could give you the rule number. It's an Ohio
24 Administrative Code. But no, we can't issue a
25 subpoena now.

1 MR. ADKINS: Okay.

2 THE EXAMINER: So you just have to
3 present your testimony. Now, go ahead and testify as
4 to what your complaint is and try and make it short
5 and concise.

6 - - -

7 DANIEL ADKINS
8 being first duly sworn, as prescribed by law, was
9 examined and testified as follows:

10 DIRECT TESTIMONY

11 THE WITNESS: I bought the place in 2013,
12 and the first couple of bills were kind of normal.
13 Then I think it was in September of 2013, my bills
14 are there, through the summer, the bill was averaging
15 486 through that summer.

16 And then we put the underground service,
17 200 amp service in, and that's when the idea the
18 meter changing came up. I still have a FirstEnergy
19 tag. It's not an Ohio Edison tag. It's a
20 FirstEnergy tag. We don't have anything to match
21 that up with, you know.

22 I watched the man change the meter. Upon
23 that meter changing, the bill prior to that was
24 decent. After that, they just started jumping. And
25 they continued to jump to where I think 9,680 is what

1 I paid between 2013 and 2016, and they're still
2 saying I owe them 4,000 more dollars. I don't see
3 how when I've done everything and their reps, when I
4 call in, say no, this doesn't sound right. I've been
5 calling in monthly for that entire time.

6 MR. TOSTADO: Objection. Hearsay, your
7 Honor. Anything that anyone not here in this
8 courtroom may have said is an out-of-court statement
9 that is not admissible.

10 THE EXAMINER: You're saying objection?

11 MR. TOSTADO: Correct.

12 THE EXAMINER: Try to base your testimony
13 on what you personally know, not what somebody else
14 says.

15 THE WITNESS: That's what I'm saying.
16 This is me personally talking to your representatives
17 on the phone. Every one of them says no, that
18 doesn't sound right, that bill doesn't sound right.
19 And I got put on the merry-go-round of let me get to
20 your supervisor.

21 When I would be on the phone for 35, 40
22 minutes, I would get disconnected. This went on
23 monthly that I called in about these bills. And that
24 was one of my questions, if Miss Reinhart was in
25 charge of testing and everything, I was under the

1 understanding when this first started that they
2 should have sent somebody out there to test my meter
3 with the meter on the outside.

4 Nothing was ever done until after the
5 meter changed and the bills had leveled back out in
6 2015. So there's a period there I would pay the bill
7 off, and I'm talking 2,000, 700, it would be a
8 balance of zero and within a month, they're back up
9 to a thousand, \$1,500.

10 I just don't understand how an average
11 place even with lax insulation which I don't --
12 that's not for sure, possible, that the average bill
13 for a house my size was way below the \$5,000 a year
14 that I was getting charged, plus you're still saying
15 I owe you 4,000, so what's that equal out to in a
16 couple years?

17 I don't -- There's no way with me using
18 propane in the bottom to heat the floors and I've
19 spent a lot of money on a propane canister because it
20 was a bad winter, and I started disconnecting
21 electrical equipment after the first \$700 bill. They
22 didn't go down, they just kept going up.

23 Everything I used was rated, and I did
24 exactly what they asked me to do several times. I
25 went and added up what I should be using and compared

1 it to what my bill is. The only time it matched up
2 was after you changed the meter, me and the gentleman
3 talked on the phone and we added up everything again,
4 and we actually came over what we used that time.

5 So it's not that I didn't do everything
6 you asked me to do throughout this whole time. And
7 every time that I did it, I proved that the bill was
8 too high, but I got dismissed. That's about pretty
9 much it.

10 THE EXAMINER: Does that conclude your
11 testimony?

12 THE WITNESS: I believe so, sir.

13 THE EXAMINER: Okay, we'll have a period
14 of cross-examination. The Company can ask you
15 questions. Go ahead.

16 MR. TOSTADO: Thank you, your Honor.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Tostado:

20 Q. Good morning, Mr. Adkins. I have a few
21 questions for you.

22 MR. TOSTADO: First, at this time, the
23 Company would like to mark three exhibits for
24 identification.

25 THE EXAMINER: Okay.

1 (EXHIBITS MARKED FOR IDENTIFICATION.)

2 MR. TOSTADO: The first exhibit, your
3 Honor, is marked Company Exhibit 1. It is an e-mail
4 dated January 3rd, 2017 from Mr. Adkins to Josh
5 Eckert, an attorney for the Company. The e-mail has
6 a subject line that reads, "These are the relevant
7 pictures for 10-14 through 3-15," and the e-mail
8 contains 11 pictures as attachments.

9 The second exhibit, your Honor, is marked
10 as Company Exhibit 2. It is also an e-mail dated
11 January 3rd, 2017 from Mr. Adkins to Mr. Josh Eckert
12 with the Company. The e-mail has a subject line that
13 reads, "This was prior to first edition," and it
14 contains one picture as an attachment.

15 And the third exhibit we would like to
16 mark for identification at this time, your Honor, is
17 marked as Company Exhibit 3. It is also an e-mail
18 from Mr. Adkins to Mr. Josh Eckert at the Company
19 dated January 3rd, 2017. This e-mail has a subject
20 line that reads, "This is from the meter change that
21 didn't happen," and it contains one attachment. May
22 we approach the witness, your Honor?

23 THE EXAMINER: You may.

24 MR. ECKERT: Here's a copy of Company 1,
25 your Honor; Company 2, your Honor; Company 3.

1 Q. (By Mr. Tostado) And Mr. Adkins, we'll be
2 looking first at Company Exhibit 1 which is the
3 binder.

4 A. I'm sorry?

5 Q. We'll be looking at the first exhibit
6 that was handed to you, sir.

7 A. Yes.

8 Q. You have before you what has been marked
9 for identification as Company Exhibit 1. It's the
10 black binder with your e-mail and 11 pictures.

11 THE EXAMINER: I don't see these marked
12 here. Which one is Exhibit 1?

13 MR. TOSTADO: Exhibit 1, your Honor, is
14 the binder that has the e-mail dated January 3rd, the
15 11 pictures. We can put an exhibit sticker on it.

16 THE EXAMINER: Are they in chronological
17 order? You have like 3-29, 3-38, the order they were
18 sent?

19 MR. TOSTADO: They're not, your Honor.
20 They're in the order in which we will probably use
21 them during the cross.

22 THE EXAMINER: Go ahead and mark these.

23 MR. ECKERT: Sergio, which was Company 2?

24 MR. TOSTADO: Company 2 has the subject
25 line, "This was prior to first edition."

1 THE EXAMINER: Thank you.

2 Q. (By Mr. Tostado) So Mr. Adkins, you have
3 before you what has been marked for identification as
4 Company Exhibit 1; is that correct, sir?

5 A. Yes, sir.

6 Q. And that exhibit is a copy of an e-mail
7 and 11 picture attachments that you sent to Mr. Josh
8 Eckert on January 3rd, right?

9 A. As you requested.

10 Q. The subject line of that e-mail reads,
11 "These are the relevant pictures for 10/14-3/15,"
12 isn't that right?

13 A. I sent them with that idea in mind.

14 Q. Okay. My question is that's the subject
15 line of your e-mail, correct?

16 A. The pictures are relevant to what was
17 happening.

18 Q. So my question is there's a subject line,
19 and on that subject line, you wrote, "These are the
20 relevant pictures for 10-14 through 3-15," right,
21 sir?

22 A. Yeah, because I didn't start that
23 construction until 2014.

24 Q. We'll get to that. My question is simply
25 whether the subject line reads what it reads, but

1 we'll talk about some time periods.

2 A. Yes.

3 Q. Some of the pictures that are attached in
4 Company Exhibit 1 are pictures of your home at 1263
5 Country Club Drive, correct?

6 A. Yes.

7 Q. And those pictures were taken during the
8 time period that you reference in your e-mail, right,
9 that's on October 2014 through March 2015?

10 A. Actually, this first picture, do you want
11 to know? You want an answer?

12 Q. Yeah, please.

13 A. This picture here was probably the first
14 one where I'm starting construction, the first
15 picture.

16 Q. Which picture are you referring to, sir,
17 if you could hold it up?

18 A. (Indicating).

19 Q. This picture?

20 THE EXAMINER: You have to identify it
21 for the record.

22 THE WITNESS: That picture there was
23 probably taken.

24 THE EXAMINER: What picture are we
25 talking about? This is the home construction.

1 THE WITNESS: Yes, sir.

2 MR. TOSTADO: For the record, it's the
3 third picture included in the e-mail.

4 THE EXAMINER: Okay, go ahead.

5 THE WITNESS: I believe this was started
6 probably in maybe June, but it took me a while
7 because I was doing other things too.

8 THE EXAMINER: What we want to do in
9 cross-examination is answer yes or no to his
10 questions. Try and keep it short, you know, and we
11 can proceed.

12 THE WITNESS: Yes, sir.

13 THE EXAMINER: Go ahead.

14 Q. (By Mr. Tostado) In the e-mail you sent
15 to us with these pictures, you gave us a time period
16 in the subject line, correct?

17 A. I did.

18 Q. And that time period was October of 2014
19 through March 2015, correct?

20 A. Yes.

21 Q. And if you would take a look at the first
22 and second pictures, those are pictures of an
23 electric meter that you took during that time period,
24 correct, sir?

25 A. I can't guarantee you on the times. If I

1 could look at the phone, it's on top of my phone, and
2 the pictures are when these were taken of the meters,
3 but I'm thinking I didn't take any pictures of meters
4 until 2015.

5 Q. Okay. So, sir, but in your e-mail, it
6 says that there's a relevant time period, and that
7 time period was October 2014 through March 2015,
8 correct?

9 A. Yes.

10 Q. And you included this picture with that
11 e-mail, correct?

12 A. Yes.

13 Q. And this is the meter that you believe
14 was not functioning properly at your home during the
15 time period referenced in your e-mail, correct?

16 A. I can't answer that one. I'm not sure.
17 I'm not sure right now.

18 Q. Is it your allegation in this case, sir,
19 that your meter was not functioning properly during
20 the time period referenced in your e-mail
21 October 2014 during March 2015?

22 A. I believe -- yes.

23 Q. And this is the picture that you included
24 that -- of a meter during that time period, correct?

25 A. Yes.

1 Q. And you took these pictures with your
2 phone; is that right, sir?

3 A. Pardon?

4 Q. Did you take these pictures with your
5 phone?

6 A. Yes.

7 Q. And these pictures haven't been altered
8 or modified in any way, have they, sir?

9 A. No, except your dates are not on the top
10 of here, no.

11 Q. I'm sorry, there weren't dates on the
12 pictures that you sent us, correct?

13 A. I can't answer.

14 Q. Sir, this Exhibit 1, is this the e-mail
15 you sent the Company?

16 A. I did send the pictures to the Company,
17 yes.

18 Q. Now, you can put that aside for the
19 moment, sir. I'll ask you to take a look at Company
20 Exhibit 2. It's marked with a blue sticker.

21 A. Okay.

22 Q. Do you have before you what has been
23 marked as Company Exhibit 2?

24 A. Yes.

25 Q. And this exhibit is a copy of an e-mail

1 and one picture you sent to Josh Eckert with the
2 Company last week on January 3rd, correct?

3 A. Yes.

4 Q. And the subject line to this e-mail
5 reads, "This was prior to first edition," isn't that
6 right?

7 A. Yes.

8 Q. Is this a picture, sir, of the
9 underground service that was installed in your home
10 in the summer of 2014?

11 A. Here?

12 Q. Yes, Company Exhibit 2.

13 A. Yes, that's where -- yes.

14 Q. You also took this picture with your
15 phone, right, sir?

16 A. Yes.

17 Q. And this picture hasn't been altered or
18 modified in any way?

19 A. No.

20 Q. And thank you, you can set that one aside
21 for a moment, Mr. Adkins. I'll ask you to take a
22 look at what has been marked as Company Exhibit 3?

23 A. Yes.

24 Q. Do you have before you Company Exhibit 3,
25 sir?

1 A. Yes.

2 Q. Mr. Adkins, this is a copy of an e-mail
3 and one picture you sent to Josh Eckert last week on
4 January 3rd, correct?

5 A. Yes.

6 Q. The subject line for this e-mail reads,
7 "This is from the meter change that didn't happen,"
8 isn't that right?

9 A. Yes.

10 Q. The picture included in the exhibit, is
11 that of a meter ring seal tag that you found on your
12 property?

13 A. No, I watched the man put it on top --
14 yes.

15 Q. So just to clarify, this is the tag that
16 you obtained on top of the meter on your property,
17 correct?

18 A. Yes.

19 Q. And you took this picture with your
20 phone, sir?

21 A. Yes.

22 Q. And it hasn't been altered in any way?

23 A. No, sir.

24 Q. And we'll turn to some of these exhibits
25 momentarily, but you can put them off to the side for

1 now. Mr. Adkins, you have lived in your home at 1263
2 Country Club Drive ever since you purchased the place
3 sometime in 2013, correct?

4 A. Pretty much, yeah, yes.

5 Q. And an individual by the name of Alice
6 McCleskey also lived with you since around
7 January 2014 to September 2015, sir?

8 A. Yes.

9 Q. And Alice McCleskey is your girlfriend,
10 right?

11 A. Yes.

12 Q. An individual by the name of Martha
13 Adkins, is that your mother?

14 A. Yes.

15 Q. And isn't it true that your mother,
16 Martha Adkins, moved into the house with you at 1263
17 Country Club Drive shortly after you purchased the
18 home in 2013?

19 A. No.

20 Q. So do you remember giving a deposition in
21 this case, Mr. Adkins?

22 A. Yes, I do.

23 Q. It was last week, January 3rd, correct,
24 sir?

25 A. Yes.

1 Q. And there was a court reporter there?

2 A. Yes.

3 Q. And she took down the questions asked and
4 the responses that you gave?

5 A. Yep.

6 Q. And before you testified, you took an
7 oath, correct, sir?

8 A. Yes.

9 Q. To tell the truth?

10 A. Yes.

11 Q. You told the truth that day, sir? Right,
12 sir?

13 A. Yes.

14 MR. TOSTADO: Your Honor, may we approach
15 the witness?

16 THE EXAMINER: Yes.

17 THE WITNESS: I also said through this
18 thing you were confusing me, so I'm not a liar.

19 Q. (By Mr. Tostado) Mr. Adkins, there's no
20 question pending at this time.

21 A. Oh, okay.

22 Q. Sir, looking at Page 11.

23 THE EXAMINER: This is the deposition,
24 Mr. Adkins.

25 Q. Of your deposition in this case, I'll

1 wait until we get to the right page, sir. Page 11,
2 Line 14, my question to you was, "So turning now to
3 your mother, Miss Martha Adkins, what time period did
4 she live with you at your house at 1263 Country Club
5 Drive?

6 Answer: Up until June of this year.

7 Question: June of 2016?

8 Answer: Yes.

9 Question: And from the day you moved
10 into the house in 2013, is that --

11 Answer: Yes."

12 Do you see that, sir?

13 A. Yeah, I see that, yes.

14 Q. That was your testimony under oath at
15 your deposition, correct?

16 A. Can I answer besides yes or no, sir?

17 THE EXAMINER: Yes, answer yes or no.

18 THE WITNESS: Can I see that, sir?

19 Q. I mean, you can look at the pages.

20 A. What you asked me was -- I didn't answer.
21 What are you getting at, is what I'm asking you. I
22 didn't say there my mother moved in there right away.
23 It says here that I had an apartment.

24 Q. Okay.

25 THE EXAMINER: Excuse me, what page are

1 we on?

2 MR. TOSTADO: We're on Page 11, your
3 Honor.

4 THE EXAMINER: What line?

5 MR. TOSTADO: We were reading from lines
6 14 through 23.

7 Q. (By Mr. Tostado) And I'll repeat, line
8 21, the question was, "And from the day you moved
9 into the house in 2013, is that --" Your response
10 was: "Yes. Excuse me, I had an apartment for my mom
11 prior to when I purchased it, so yeah, she was like
12 right at that timeframe when she came."

13 A. I said about when my mother came in
14 there, I do but I still have to think about it
15 because she didn't come right at the beginning. We
16 had an apartment. She might not have come there, and
17 again, I'm kind of overloaded, but my mother did not
18 come to the cabin at the beginning. She probably
19 didn't get there -- I wasn't able to move her in
20 there until I'm thinking December, but I'd have to
21 think about it.

22 Q. But sir, you would agree it was 2013 when
23 she moved into your house, correct?

24 A. I would say late 2013.

25 Q. Okay, 2013. And your mother lived in

1 your house until she permanently moved out June 2016,
2 correct?

3 A. Yes, because the electric was getting
4 shut off.

5 MR. TOSTADO: Your Honor, move to strike
6 his response.

7 THE WITNESS: Excuse me, your Honor.

8 MR. TOSTADO: Your Honor, I'm sorry, the
9 Company has moved to strike Mr. Adkins' remark.

10 THE EXAMINER: What about it now?

11 MR. TOSTADO: My question was simply
12 whether his mother lived in his home with him until
13 she moved out in June 2016. I believe he made an
14 extra statement such as "Yes, because you turned off
15 the power at that time."

16 THE EXAMINER: Okay. I'll let that
17 testimony stand, and I want you to be careful now to
18 answer yes or no to his questions, okay?

19 THE WITNESS: Yes, sir.

20 THE EXAMINER: All right. Proceed,
21 please.

22 MR. TOSTADO: Thank you, your Honor.

23 Q. (By Mr. Tostado) Mr. Adkins, there was
24 some periods between when your mother moved into your
25 house in 2013 and when she moved out in June of 2016

1 that she was in the hospital and rehab, correct?

2 A. Yes.

3 Q. But other than those time periods, she
4 lived with you at your home at 1263 Country Club
5 Drive?

6 A. Yes.

7 Q. Mr. Adkins, your mother used an
8 oxygenator during the time she lived with you; isn't
9 that right?

10 A. Yes.

11 Q. And the oxygenator is an electrical
12 medical device that stays plugged into use?

13 A. Yes.

14 Q. Isn't it true that your mother used that
15 oxygenator 24 hours a day 7 days a week the entire
16 time she lived with you?

17 A. Yes.

18 Q. You yourself estimated that cost in
19 electricity for running your mother's oxygenator to
20 be between 125 and 140 per month, right?

21 A. Yes, when she was there, yes, sir.

22 Q. And in addition to the oxygenator, your
23 mother also used an electric lift chair and an
24 electric hospital bed, correct, sir?

25 A. Occasionally, yes.

1 Q. But you would agree that she always had
2 the hospital bed, correct?

3 A. Pardon?

4 Q. She had a hospital bed with her, correct?

5 A. Yes.

6 Q. It was always plugged into electricity?

7 A. Yes.

8 Q. Let's briefly talk about the winter of
9 2014. So the end of October 2014 through spring of
10 2015, isn't it true, sir, during that winter you used
11 four electric space heaters to heat your home at 1263
12 Country Club Drive?

13 A. Yes.

14 Q. And the same is true for the winter of
15 2015, correct, sir, you also used space heaters to
16 heat your home that winter?

17 A. Yes.

18 Q. And going back to winter of 2014 for a
19 moment, in addition to the four space heaters, sir,
20 you also used four separate baseboard heaters that
21 were electrical to heat your home at 1263 Country
22 Club Drive, correct, sir?

23 A. Yes.

24 Q. And you had those baseboard heaters
25 installed in your home by a certified electrician;

1 isn't that right, sir?

2 A. Yes.

3 Q. Isn't it true, sir, in addition to those
4 space heaters and the four baseboard heaters, you
5 also use an additional electrical heater you referred
6 to as a barn heater?

7 A. Occasionally, yes.

8 Q. Isn't it true the barn heater, as you put
9 in your deposition, throws out a lot of heat?

10 A. Yes.

11 Q. You would agree the barn heater is bigger
12 than a space heater and uses more electricity?

13 A. Yes.

14 Q. You used a barn heater throughout the
15 winter of 2014, correct?

16 A. No.

17 Q. Mr. Adkins, if I could please refer
18 you --

19 A. I can answer that yes or no. Yes, I used
20 it.

21 Q. Did you --

22 A. Sparingly as I said before.

23 Q. Okay.

24 A. Sorry, sir.

25 MR. TOSTADO: May I approach the witness,

1 sir?

2 THE EXAMINER: You may.

3 MR. TOSTADO: Josh, it's Page 46.

4 Q. (By Mr. Tostado) Sir, looking at Page 46
5 and 47 of your deposition transcript, my question on
6 Line 23 was, "Question: What time periods did you
7 use a barn heater?

8 Answer: That is periodic, you know. I
9 plugged it -- I plugged that in to catch up the
10 temperature and then unplug it. So the most it would
11 be plugged in especially after I realized my electric
12 bills were outrageous, I would plug it in 15 and 20
13 minutes and unplug it. It might be three, four
14 hours. Sometimes during the night, I might get up
15 and plug it back in and unplug it.

16 Question: Did you do that throughout the
17 winter in 2014?

18 Answer: In that winter of 2014? Yes."

19 A. I'm answering yes now.

20 Q. So that was your answer under oath at the
21 deposition, correct?

22 A. That's my answer now. That's the way it
23 went.

24 Q. So, sir, isn't it true that for periods
25 of winter of 2014, you were using four space heaters,

1 four baseboard heaters and the barn heater to heat
2 your home at 1263 Country Club Drive?

3 A. No.

4 Q. If we could turn back to your deposition
5 transcript, sir, on Page 50. Page 50, starting on
6 line 5, my question to you, sir, was "Question: So
7 for the winter of 2014, there were points where you
8 were using the four baseboard heaters, the barn
9 heater that we just discussed and then the space
10 heaters that you told me about a while back?

11 Answer: Yes."

12 Was that your testimony at your
13 deposition last week, sir?

14 A. Yes, it is.

15 Q. And sir, you used these plug-in electric
16 heaters at your home because your home did not have a
17 functioning central heating system, correct?

18 A. Yes.

19 Q. And, in fact, in addition to these
20 electric heating devices that you used, you also used
21 propane heaters in an attempt to heat your home
22 during the winter, correct?

23 A. Yes.

24 Q. Again, we're talking about the winter of
25 2014, right?

1 A. Yes.

2 Q. And, sir, isn't it also true that your
3 mother when she lived at your home used an electric
4 air conditioning window unit during the summer months
5 in your home?

6 A. Yes.

7 Q. Sir, that's because your home did not
8 have a functional central air system, correct?

9 A. Yes.

10 Q. During the time that your mother lived
11 with you at your home, your property also had two
12 refrigerators in use, correct?

13 A. Yes.

14 Q. One for the house and then a smaller one
15 in your mother's room for her use, correct, sir?

16 A. Yes.

17 Q. And in addition to those refrigerators,
18 you also had a standalone freezer for some months in
19 2015, sir?

20 A. Yes.

21 Q. In addition to that, you have an electric
22 stove/oven combo on your property, right, sir?

23 A. Yes.

24 Q. And in 2014, you also had an electric
25 washer and an electric dryer on your property, sir?

1 A. Yes.

2 Q. And Mr. Adkins, isn't it true that you
3 also used two televisions on your property?

4 A. Yes.

5 Q. One for yourself and one for your mother,
6 sir?

7 A. Yes.

8 Q. In addition to the televisions, you used
9 a desktop computer at your home, correct?

10 A. Occasionally, yes.

11 Q. Isn't it true that you yourself based on
12 your usage expected your electric bills to be, quote,
13 extremely high, end quote?

14 A. Yes, I expected them to be high.

15 Q. Mr. Adkins, isn't it true that you have
16 never had a home energy audit on your home to see
17 what you can do in your home to lower your electric
18 bills?

19 A. Yes.

20 Q. So in other words, you've never had a
21 professional come out to your property to advise you
22 on the steps you can take to lower your electric
23 bills, correct, sir?

24 A. No, I haven't.

25 Q. Isn't it true, sir, that you began doing

1 construction at your home from when you purchased it
2 in 2013?

3 A. No, not on the interior.

4 Q. My question was just construction broadly
5 at your home, you started doing construction when you
6 purchased the place in 2013, correct?

7 A. Yes, I started stuff.

8 Q. And in fact, to this day, you're still
9 doing construction on your home at 1263 Country Club
10 Drive?

11 A. Yes.

12 Q. Isn't it a fact, sir, that for some of
13 the time you're complaining of high bills from Ohio
14 Edison, the winter of 2014, you had rooms in your
15 home that were not insulated?

16 A. During 2014?

17 Q. Correct, during the winter of 2014.

18 A. Not on the upstairs, no.

19 Q. But there were rooms on your property
20 that were not insulated, correct?

21 A. Yes.

22 Q. And in fact, the entire new addition you
23 made to your house, as well as the landing to your
24 home, were not insulated when winter began in 2014,
25 correct?

1 A. No.

2 Q. No, they were not insulated?

3 A. Not the bottom floor. You can see --
4 excuse me, go ahead.

5 Q. Sir, may I ask you to please refer back
6 to Company Exhibit 1.

7 MR. TOSTADO: Your Honor, I brought with
8 me today an enlarged version of these pictures in
9 Exhibit 1 as demonstratives. May I use them?

10 THE EXAMINER: What are you asking again?

11 MR. TOSTADO: I brought with me enlarged
12 pictures of Exhibit 1 to use for demonstratives. May
13 we present those?

14 THE EXAMINER: Sure, go ahead.

15 Q. (By Mr. Tostado) Mr. Adkins, you
16 testified earlier today that these were pictures of
17 your home at 1263 Country Club Drive from the time
18 period referenced in your e-mail, correct?

19 A. Yes.

20 Q. Okay. Isn't it true, sir, this is the
21 home you were attempting to heat in the winter of
22 2014/15?

23 A. Yes.

24 Q. And for parts of the winter, you were
25 using multiple space heaters, multiple baseboard

1 heaters, a barn heater and even a propane heater,
2 correct, sir?

3 A. Yes.

4 Q. Is it fair to say, sir, you had a hard
5 time keeping your home warm that winter?

6 A. That's fair to say, yes.

7 Q. If I could for a moment, your Honor, ask
8 him questions. Mr. Adkins, this is a picture of your
9 kitchen, correct, sir?

10 A. Yes.

11 Q. And is this the exterior wall?

12 A. Yes.

13 Q. Is there --

14 A. Yes.

15 Q. My question is, forgive me, but I don't
16 see that this exterior wall is insulated in any way.

17 THE EXAMINER: What picture are we
18 talking about? This is a kitchen picture. What
19 photo in the exhibit?

20 THE WITNESS: May I respond rather than
21 yes or no on this part?

22 THE EXAMINER: We're still on
23 cross-examination.

24 MR. TOSTADO: It's Picture No. 6 to
25 Exhibit Company Exhibit 1.

1 THE EXAMINER: If you could do that for
2 each picture.

3 MR. TOSTADO: I will, your Honor.

4 Q. (By Mr. Tostado) My question, Mr. Adkins,
5 is there's no insulation on this wall in the kitchen,
6 correct?

7 A. Not right there in that picture.

8 Q. Now, looking at the fifth picture of
9 Company Exhibit 1, sir, this is a picture of the
10 addition to your home, correct, sir?

11 A. Yes.

12 Q. So this part of your home was not
13 insulated during the winter of 2014?

14 A. The top floor was.

15 Q. The top floor was insulated?

16 A. Yes. I'll pinpoint that out in the
17 examination.

18 Q. If I can refer you to your deposition
19 transcript, sir. Sir, again, for the record, looking
20 back at the same picture, the part that is unpainted,
21 that's the new addition to your home?

22 A. Yes.

23 Q. If I could refer you, sir, to Page 90 of
24 your deposition transcript.

25 THE EXAMINER: Page again?

1 MR. ADKINS: Page 90, your Honor.

2 MR. TOSTADO: Page 90, line 10.

3 Q. My question to you at your deposition,
4 sir, was: "At the time you're complaining your bills
5 were too high, did your home at 1263 Country Club
6 Drive have any rooms that were not insulated or not
7 insulated well?

8 Answer: At the beginning of the winter,
9 yes.

10 Question: Which rooms were not
11 insulated?

12 Answer: The addition and the landing."
13 That was your sworn testimony at your
14 deposition last week, sir?

15 A. Yes, sir, but by the addition, I meant
16 the bottom floor. That's where I --

17 Q. Sorry, sir, there was no question
18 pending. If I could turn now to Picture 8 of Company
19 Exhibit 1. Mr. Adkins, this, again, is a picture of
20 the addition to your home, sir?

21 A. Yes.

22 Q. This is the new addition to your home,
23 sir?

24 A. That one phase, yes.

25 Q. If I can now point your attention to

1 Picture No. 7 in Company Exhibit 1. It's this
2 picture right here, sir. And sir, this is also a
3 picture of the construction in your home, correct?

4 A. Yes.

5 Q. And sir, right here below this, this
6 window where I'm pointing, that's the interior wall
7 of your home, correct?

8 A. Yes.

9 Q. There's no insulation there, right, sir?

10 A. No.

11 MR. TOSTADO: Your Honor, at this time,
12 the Company has two reports that we would like your
13 Honor to take judicial notice of. The first report
14 is a report from the National Weather Service which
15 is a branch of the U.S. federal government. It is an
16 agency that is a part of the U.S. Department of
17 Commerce, and the report states that in
18 February 2015, the average monthly temperature for
19 February was 13.7 degrees at Youngstown Warren
20 Regional Report.

21 THE EXAMINER: This is on
22 cross-examination. What are we doing with the
23 reports here?

24 MR. TOSTADO: Correct. We just want your
25 Honor to take judicial notice of them. Under Ohio --

1 THE EXAMINER: Are there any questions on
2 them on cross based on those?

3 MR. TOSTADO: We're not going to ask
4 questions of the witness, your Honor. These are
5 reports that just contain weather data that can be
6 easily --

7 THE EXAMINER: Do you want to save that
8 until your side of the case, until we get to the
9 Company's side of the case?

10 MR. TOSTADO: If your Honor permits
11 questions to Miss Reinhart that are not part of her
12 prefiled testimony, yes, we can do that, sir.

13 THE EXAMINER: What do you want,
14 Mr. Adkins?

15 THE WITNESS: This picture is in the
16 springtime, sir. This is going the wrong direction
17 because all winter, these pictures had insulation in
18 them. That was just my comment.

19 THE EXAMINER: You may have a period of
20 time, Mr. Adkins, after he finishes when you testify
21 on redirect.

22 MR. TOSTADO: So, your Honor, it's my
23 understanding that we will attempt to have you take
24 judicial notice of those reports during the Company's
25 part of the case.

1 THE EXAMINER: Yes, we'll save those
2 until the Company's part of the case.

3 MR. TOSTADO: Okay, we will. Thank you,
4 your Honor.

5 Q. (By Mr. Tostado) Mr. Adkins, isn't it
6 true that you in 2014 and 2015, you had not upgraded
7 your home insulation as an effort to improve your
8 electric bills?

9 A. No.

10 MR. TOSTADO: May we approach again, your
11 Honor?

12 THE EXAMINER: You may.

13 Q. (By Mr. Tostado) I'll refer you,
14 Mr. Adkins and your Honor, to Page 92 of the
15 deposition transcript.

16 THE EXAMINER: 92 you said?

17 MR. TOSTADO: Page 92, line 19.

18 Q. (By Mr. Tostado) My question was: "Have
19 you upgraded the insulation on your home as an effort
20 to improve your electric bill?"

21 The answer was: "I'm in the process of
22 that now."

23 Was that your testimony, sir, last week?

24 A. Yes.

25 Q. Mr. Adkins, you acknowledge and agree

1 that Ohio Edison changed the meter on your property
2 in September 2015, correct?

3 A. I was thinking -- yes.

4 Q. In fact, you were there when Ohio Edison
5 came to your property and took the meter for testing
6 in September 2015, correct?

7 A. Yes.

8 Q. You also contend, sir, that your meter
9 was changed at some point during the summer of 2014;
10 is that right?

11 A. Yes.

12 Q. Taking a couple steps back in the
13 timeline, you contacted Ohio Edison in May of 2014 to
14 request that your electric service at your home be
15 changed from overhead service to underground service,
16 correct, sir?

17 A. Yes.

18 Q. Before that change could be made, someone
19 had to actually come out and install new underground
20 wires at your property, right, sir?

21 A. Yes.

22 Q. And you hired an individual to do that to
23 install those new underground lines, correct?

24 A. Yes.

25 Q. Ohio Edison had nothing to do with the

1 installing of the underground lines, correct?

2 A. Yes.

3 Q. After the lines were installed, a
4 different individual came out and inspected those
5 lines, correct, sir?

6 A. Yes.

7 Q. Then after that work was completed and
8 inspected, Ohio Edison came out to your property,
9 unhooked the overhead service and then connected your
10 new underground service, correct?

11 A. Yes.

12 Q. And Ohio Edison came out and completed
13 that work around July 14th, 2014, correct?

14 A. Yes.

15 Q. And you agree, sir, that Ohio Edison
16 disconnected your overhead service and just connected
17 the new underground service?

18 A. Connected.

19 Q. Yeah, connected the new underground
20 service, yeah.

21 A. Yes.

22 Q. You agree that your meter was changed
23 approximately one month after that, correct, so
24 sometime in August 2014?

25 A. Yes.

1 Q. Sir, may I ask you to look at Exhibit 1
2 again, and it's going to be the very first picture.

3 MR. TOSTADO: Your Honor, I also have a
4 demonstrative for that. May I approach?

5 THE EXAMINER: You may. What exhibit are
6 you on?

7 MR. TOSTADO: Exhibit 1, Picture 1.

8 Q. (By Mr. Tostado) Sir, you testified
9 earlier that you took this picture during the
10 relevant timeframe listed in your e-mail in Company
11 Exhibit 1, correct?

12 A. Yes.

13 Q. And is it your belief this is the meter
14 that was not functioning properly at your home at
15 1263 Country Club Drive?

16 A. No, I don't know what to say there. I
17 took pictures of the meters. I'm sorry, I don't know
18 how to answer that. No.

19 Q. Mr. Adkins, you're contending the meter
20 that you allege was installed on your property
21 sometime in August of 2014 was not working properly,
22 correct?

23 A. Yes.

24 Q. This is a picture of that meter, correct,
25 sir?

1 A. I don't know.

2 Q. Did you take this picture, sir?

3 A. I probably did, but I don't know right
4 now what meter I'm looking at.

5 Q. Okay. And sir, I'd just remind you that
6 this is part of Exhibit 1 that you told us earlier
7 today --

8 A. Yes, sir. I don't know. I don't know.

9 Q. Remember I asked you if you took pictures
10 with your phone and you said yes?

11 A. I took pictures, but I don't know if
12 that -- I couldn't say that that meter....

13 Q. Okay. Mr. Adkins, my question to you
14 right now is do you see the number that is printed on
15 the electric meter right above the bar code?

16 A. Yes.

17 Q. And that meter number is S59042102,
18 correct?

19 A. Yes.

20 MR. TOSTADO: Your Honor, at this time
21 the Company would like to mark an additional exhibit
22 for identification.

23 THE EXAMINER: You can.

24 MR. TOSTADO: The exhibit will be marked
25 as Company Exhibit 4, and it is copies of Mr. Adkins'

1 Ohio Edison electric bills from September 2014
2 through July 2016.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 A. I have some....I guess I can't talk.

5 Q. Mr. Adkins, you have before you what has
6 been marked as Company Exhibit 4, correct, sir?

7 A. Yes, sir.

8 Q. And you and I looked at this exhibit last
9 week at your deposition; do you recall?

10 A. Yes, I do.

11 Q. And if I could please turn your attention
12 to the page that is numbered at the bottom Adkins
13 000015, so Page 15.

14 A. Adkins 0015?

15 Q. Right. This is your bill dated
16 September 26th, 2014, correct, sir?

17 A. Yes. February 10th.

18 Q. No, September 26th, 2015.

19 A. I'm on the wrong page.

20 Q. Sir, at the very bottom corner, it should
21 just -- the number should end with 15. It's the 15th
22 page of this exhibit.

23 THE EXAMINER: You're on Page 15 near the
24 bottom of the page?

25 MR. TOSTADO: Correct. We were just

1 pointing to the Bates number is Adkins 000015.

2 A. 15?

3 Q. Yes, it's your bill dated September 26th,
4 2014, sir.

5 A. Okay.

6 Q. Are you with me?

7 A. Yes.

8 Q. Do you see the section on your bill, it's
9 towards the top third of the page that is called
10 Usage Information For Meter Number?

11 A. Yes.

12 Q. And that section has a specific meter
13 number reference, correct?

14 A. Yes.

15 Q. And that number is S59042102, correct,
16 sir?

17 A. Yes.

18 Q. Now, isn't it true that the same meter
19 number appears on your bill for the prior month? So
20 if you could flip one page back now, we're looking at
21 August 27th, 2014, isn't it true that that same meter
22 number appears on this bill?

23 A. Appears to be, yes.

24 Q. And, in fact, from your very first Ohio
25 Edison electric bill until September of 2013, which

1 is on Page 1 of this exhibit, Company Exhibit 4, to
2 your bill dated August 26th, 2015 which is on the
3 page that is numbered Adkins 000026, the only meter
4 reflected on your bill is S59042102, correct, sir?

5 A. That's the way it appears, yes.

6 Q. And isn't it true, sir, that that meter
7 number S59042102 is the same number we see in the
8 picture that is included in Company Exhibit 1,
9 Picture 1?

10 A. Yes, I think so.

11 Q. Sitting here today, sir, you don't have
12 copies of any work orders or invoices from Ohio
13 Edison showing that your meter was actually changed
14 in August 2014, do you, sir?

15 A. No.

16 Q. You don't have any letters or e-mails or
17 communications from Ohio Edison showing that your
18 meter was changed in August 2014?

19 A. No.

20 Q. Sir, isn't it true that you don't have
21 any pictures of the meter you believe was removed
22 from your property in August 2014?

23 A. That's true.

24 Q. Isn't it true that you never compared
25 meter numbers on your property to confirm that your

1 meter was actually replaced in the summer of 2014?

2 A. Yes.

3 Q. Yes, that's true, correct?

4 A. Yes.

5 Q. Sir, all you have to support your belief
6 that your electric meter was changed in August 2014
7 is a picture of the meter ring seal that you found in
8 your property, correct?

9 A. No.

10 Q. Why do you say no, sir?

11 A. Because I watched him change it.

12 Q. Other than your testimony, the picture is
13 all you have to support your allegation that the
14 meter was changed in August 2014, correct?

15 A. Rephrase that for me.

16 Q. Other than your testimony here this
17 morning that we heard on your direct examination and
18 the picture of the meter tag that you showed us, the
19 ring seal, you don't have any other document or proof
20 that your meter was actually changed in August 2014,
21 correct?

22 A. Just the tag.

23 Q. Mr. Adkins, it's your belief that the
24 meter you contend was placed in your home sometime in
25 August 2014 was operating inaccurately, correct, sir?

1 A. Yes.

2 Q. And isn't it true, sir, that sitting here
3 today, you don't have copies of any test results or
4 analyses that show that the meter in your home at
5 that time was malfunctioning?

6 A. Yes.

7 Q. In fact, you don't have any documented
8 proof of or records showing that the meter failed any
9 inspection or test or anything like that, correct?

10 A. No.

11 Q. Correct, right?

12 A. Yes.

13 Q. You haven't submitted any test result or
14 analyses to the Commissioner to Ohio Edison showing
15 that the meter was faulty or malfunctioning, have
16 you, sir?

17 A. No.

18 Q. Mr. Adkins, you would agree that after
19 September 8th, 2015, your meter was running
20 accurately?

21 A. I believe so. After August, September --
22 excuse me, September changed, yes, sir, I believe so.

23 Q. Of 2015?

24 A. Yes.

25 Q. Mr. Adkins, you're not currently

1 employed, correct, sir?

2 A. No.

3 Q. And you've been on disability since 2010;
4 is that right?

5 A. Yes.

6 Q. And since that time, you have not been
7 employed?

8 A. No.

9 Q. And you're not a certified electrician,
10 are you, sir?

11 A. No.

12 Q. And isn't it true, Mr. Adkins, that Ohio
13 Edison has placed you in multiple installment plans
14 to help you pay your electric bills?

15 A. Yes.

16 Q. Isn't it true that you did not always
17 keep up with those installment payment plans?

18 A. I don't know about that one. I'd almost
19 say no.

20 Q. If I could direct you to Page 177 of your
21 deposition testimony. That's 177, your Honor, line
22 7. Your deposition on Page 177, line 7, I asked you
23 the question: "I understand you did that and I
24 understand that's how you feel, but my question today
25 is you went five bill cycles under that installment

1 payment plan and only made one payment, correct?

2 Answer: Yeah, I guess so, and I'm
3 explaining why."

4 That was your testimony last week at your
5 deposition, correct, sir?

6 A. Yeah, but it continued on for a couple
7 more statements. I'd like you to go further on
8 there.

9 Q. You're free to do that on your redirect,
10 sir.

11 A. Okay.

12 Q. Isn't it true that there was a period of
13 time, Mr. Adkins, where you just simply stopped
14 paying your electric bills because you disagreed with
15 them?

16 A. Yes.

17 MR. TOSTADO: Your Honor, at this time,
18 Ohio Edison would move to introduce Company Exhibits
19 1, 2 and 3 into evidence.

20 THE EXAMINER: I'll admit those exhibits
21 into evidence at this time.

22 (EXHIBITS ADMITTED INTO EVIDENCE.)

23 MR. TOSTADO: Your Honor, Company Exhibit
24 4 is Attachment DLR5 to Miss Reinhart's prefiled
25 testimony, so that exhibit will be authenticated by

Miss Reinhart's during her testimony and we'll move for admission at that point. Subject to recross, your Honor, I have no further questions at this time.

THE EXAMINER: Okay, Mr. Adkins, now we'll have a period of redirect examination. Based on what he said on cross, do you have any additional testimony? And you have to address it short and concise as can be based on his questions on cross. Speak up so the court reporter can hear you.

- - -

REDIRECT TESTIMONY

THE WITNESS: I just wanted the deposition questions continued on a couple paragraphs where the one -- he took it away, but both of those times when he said about installment payments, I paid 1,900 and some dollars, 1,300 and some dollars and it was always balanced out to zero at the top of the page. And that was the rest of my answer to his question. Does that make sense, sir?

THE EXAMINER: Do you have anything else?

THE WITNESS: No, sir, I don't believe so.

THE EXAMINER: Very good. Do you have anything on recross?

MR. TOSTADO: Nothing on recross. Your

1 Honor, I would just note that Miss Reinhart can
2 testify to questions about Mr. Adkins' payment plans
3 under the installment payment plans that he's
4 referring to.

5 THE EXAMINER: Very good. You'll have a
6 chance to ask questions of the witness. You're
7 excused as a witness. Very good. We'll proceed to
8 the Company's side of the case. Do you have any
9 witnesses to call?

10 MR. TOSTADO: Yes, your Honor, at this
11 time, Ohio Edison called Deborah Reinhart to the
12 stand.

13 THE EXAMINER: Raise your right hand.
14 (Witness placed under oath.)

15 THE EXAMINER: Be seated.

16 MR. TOSTADO: Your Honor, before
17 proceeding this morning, I do have two exhibits that
18 I would like to mark for identification that were
19 filed in this case. The first exhibit will be marked
20 as Company Exhibit 5. It is a document titled Direct
21 Testimony of Deborah Reinhart on behalf of Ohio
22 Edison Company. It is dated January 3rd, 2016 --
23 '17, excuse me, and it was filed in the docket in
24 this case on that same date.

25 The second exhibit is marked Company

Exhibit 6. It is a document titled Supplemental Direct Testimony of Deborah Reinhart on behalf of the Ohio Edison Company. It is dated January 6th, 2017 and filed in the docket in this case on that same date. May we approach the witness, your Honor?

THE EXAMINER: You may.

(EXHIBITS MARKED FOR IDENTIFICATION.)

- - -

DEBORAH REINHART

being first duly sworn, as prescribed by law, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Tostado:

Q. Miss Reinhart, you have before you what has been marked for identification purposes as Company Exhibit 5?

A. Yes, I do.

Q. Will you please tell us what Company Exhibit 5 is.

A. The Company Exhibit 5 contains my testimony along with exhibits.

Q. Do you have any changes to make to your testimony as it appears in Company Exhibit 5?

A. Yes. Actually, there are two that I would like to change.

1 Q. So let's start with the first one. What
2 is the first change you have?

3 A. Those changes are on Page 18 of my
4 testimony.

5 THE EXAMINER: Excuse me?

6 A. Page 18, line 13. There's a date marked
7 November 2nd and it should be November 26th, 2014.

8 Q. And I believe you said there was an
9 additional change?

10 A. The second one is on Page 19 and it is on
11 line 7. The year says 2024. It should be 2014,
12 February 3rd, 2014.

13 Q. Miss Reinhart, does that cover all the
14 changes you wish to make to your testimony as it
15 appears?

16 A. Yes, it does.

17 Q. And in light of those corrections that we
18 just discussed, is your testimony as it appears on
19 Company Exhibit 5 truthful and accurate to the best
20 of your knowledge?

21 A. Yes.

22 Q. And Miss Reinhart, if I asked you the
23 questions that appear in Company Exhibit 5, would
24 your answers be the same here today?

25 A. Yes.

1 Q. Miss Reinhart, do you have before you
2 what has been marked for identification as Company
3 Exhibit 6?

4 A. Yes.

5 Q. Can you please tell us what that exhibit
6 is.

7 A. This is just a Supplemental Direct
8 Testimony regarding the meter ring seal.

9 Q. Was Company 6 prepared by you or at your
10 direction?

11 A. It was prepared by me, yes.

12 Q. The same is true for Company Exhibit 5,
13 correct?

14 A. Correct, yes.

15 Q. Do you have any changes to make to your
16 Supplemental Testimony as it appears in Company
17 Exhibit 6?

18 A. No.

19 Q. Is your supplemental testimony as it
20 appears in Company Exhibit 6 truthful and accurate to
21 the best of your knowledge?

22 A. Yes.

23 Q. And if I asked you the same questions
24 that appear in Company Exhibit 6 this morning, would
25 your answers be the same?

1 A. Yes.

2 MR. TOSTADO: At this time, your Honor,
3 Ohio Edison moves to introduce Company Exhibits 5 and
4 6, including all attachments into evidence.

5 THE EXAMINER: Very good. I'll admit
6 those into evidence.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 MR. TOSTADO: Your Honor, at this time,
9 Company Exhibit 4 is an attachment to Company Exhibit
10 5, so we ask that Company Exhibit 4 also be
11 introduced into evidence as a separate exhibit.

12 THE EXAMINER: I will admit that as well.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 MR. TOSTADO: Subject to any redirect, I
15 have no further questions.

16 THE EXAMINER: We're now at a period of
17 cross-examination of this witness. You can ask her
18 questions. Go ahead. Speak up, please.

19 - - -

20 CROSS-EXAMINATION

21 By Mr. Adkins:

22 Q. I'm sorry, please --

23 THE EXAMINER: Speak up for the reporter.

24 Q. I believe I spoke to you on the phone
25 about the cost that it was for heating my home, and

1 we went over things, and that was early in this. And
2 I'm just wondering with all these tests and
3 everything that could have been done, why didn't I
4 get them done early in this when I first started
5 calling about the bill? I was told several times by
6 representatives there was tests that could be done by
7 you free of charge.

8 THE EXAMINER: Excuse me, you can't
9 testify now. You have to ask a question. It has to
10 be in the form of a question to this witness about
11 her direct testimony.

12 Q. Could you have sent somebody out and made
13 a test on my meter?

14 A. Well, first I wanted to direct you to my
15 testimony that will start on Page 9. When you
16 initially called, when you initially called about
17 your high bill complaint and the Company does take
18 certain steps to try to determine whether the usage
19 on the meter is justified, so when you initially
20 called, you were asked to provide a meter reading and
21 that, again, is in my testimony. That meter reading
22 verified that our reading was accurate and there was
23 additional usage on the meter, okay.

24 In addition to that, you were asked
25 questions as to what you had in the home. And as

1 stated, you indicated that you were running electric
2 heaters along with the barn heater and then at that
3 point, the representative did direct you to some
4 information that the Company will provide to give you
5 an understanding of what the appliances in the home
6 would use. So during that conversation, that's what
7 took place.

8 Q. My question was, could you have sent out
9 somebody to test my meter? I'm not doubting that
10 your numbers matched up. I'm asking you because I
11 was complaining -- could you have sent somebody out
12 to have that meter tested?

13 A. Yes, and in my testimony, I mean, it is
14 documented, and we'll go to Page 14, it indicates
15 that you had contacted the Company and at that point,
16 a representative did issue the meter test and it was
17 explained to you that we would be coming out and that
18 you would be getting notification of those meter test
19 results.

20 Q. This was after the meter was removed,
21 correct?

22 A. The meter was removed after we initiated
23 the meter test requests for you. It was -- you
24 called -- you contacted us on September 4th. We
25 removed the meter September 8th, and we tested it

1 September 11th. We're talking 2015.

2 Q. Nothing was done while the meter was
3 in -- working on the house? It wasn't tested by a
4 meter reader while it was in the meter box working?

5 A. As my testimony indicates, it was tested
6 on September 11th, 2015.

7 Q. After it was removed?

8 A. Right, we removed --

9 MR. TOSTADO: Objection. Asked and
10 answered, your Honor. Miss Reinhart has testified
11 that the meter was removed to test it pursuant to
12 Mr. Adkins' request.

13 THE EXAMINER: I'll let it stand. Go
14 ahead with the next question.

15 Q. (By Mr. Adkins) That was my question, was
16 the meter ever tested ever with the meter while it
17 was in position working?

18 A. The meter was not tested at the service
19 location.

20 Q. Okay. Thank you. Do you have
21 information about the repetitions of me calling
22 concerning the bills being high and the
23 inconsistency?

24 A. Well, my testimony starts with your
25 initial call. It starts on Page 9, and I kind of

1 just reviewed that. When your initial call came in,
2 basically, you know, like I said, the Company goes
3 through certain points -- through certain steps when
4 you initially call in to determine whether or not
5 your usage was justified.

6 That's where you were provided the meter
7 reading. You informed us at that point what you were
8 using in the home. And it was based on that
9 information, your usage would be expected to have
10 increased and it was justified at that point.

11 And then further in my testimony, it does
12 list other calls that you had placed to the Company.
13 You called later in December, and you really
14 didn't -- weren't disputing anymore your November
15 bill. You were asking about your summer bills which
16 the representative did review with you, and she
17 offered to go through what we call customer bill
18 analysis which basically we gather your appliance
19 information.

20 At that point you declined. You didn't
21 want to go through that. So, again, we suggested
22 that you perhaps use the Home Energy Analyzer which
23 is a tool on our website basically. It's
24 interactive. It's information you put in to
25 determine what the usage is, and we'll also give you

1 information about how you can conserve on your
2 electric.

3 So then you called in again, and the
4 third time was basically around that you were
5 insistent that we replaced your meter. The
6 representative attempted to explain to you that it
7 was not replaced and also reviewed the charges on
8 your bill because you had said that you had gotten a
9 \$600 bill.

10 And she did explain to you that you were
11 on a payment plan as I have in my testimony on Page
12 12. The amount on that bill was \$262, but the
13 remainder part was that you were paying in addition
14 to your monthly bill to get you -- in an attempt to
15 get you caught up.

16 Then you did call again on Page 13. I
17 have a note on there. Initially when you called in,
18 you did call in a couple times that day, but
19 initially when you called in, again, you refused to
20 do the customer bill analysis, but then I'm looking
21 at the first question there.

22 But you did call back later that day.
23 The customer representative was able to get the
24 information, and your usage was justified based on
25 what you had provided to the representative and that

1 usage information we have included as an exhibit.

2 And then when you did call on another
3 subsequent call, I mean, that's when -- that's when
4 at that point you were stating that you thought your
5 meter was not -- was not running accurately. The
6 representative did -- at that point, she initiated a
7 meter test order for you, explained that you would be
8 notified.

9 Shortly after you called on
10 September 4th, within a few days, we exchanged the
11 meter. It was tested and you received a letter in
12 the mail stating what those test results were.

13 Q. That was September 15th?

14 A. Correct.

15 Q. I've got one more question. We're
16 talking about October or November's bill. I don't
17 have a reason to be running anything but -- I don't
18 even believe my mom was there. I can't prove that.

19 MR. TOSTADO: Objection, your Honor.
20 Argumentative.

21 THE EXAMINER: You have to make it a
22 question here so that she can answer. Go ahead, try
23 to restate it.

24 Q. (By Mr. Adkins) Okay. For the October
25 bill with no heat, no air conditioner, October is

1 typical family functions running, \$741. That's just
2 one month that I have questions about. Does that
3 sound normal to you?

4 A. Well, I wasn't in your household, so I
5 don't know what you were using. And you're saying
6 October of what year?

7 Q. Would you find any -- Can you figure out
8 anything why one bill was lower and then the next
9 month, even in the summers, then summer bills in 2013
10 before I started anything, \$400, \$480?

11 THE EXAMINER: Has to be a question now.
12 You can't add in testimony.

13 Q. (By Mr. Adkins) Can you give me a reason
14 why that would be?

15 MR. TOSTADO: Objection. It's vague,
16 your Honor. What would be....

17 THE EXAMINER: I'll let her go ahead and
18 try and answer if she can.

19 A. You're saying October. You're not giving
20 me a year. So what bill are you referring to that
21 was \$700?

22 Q. In your testimony, it's the October 25th,
23 November 24th bill, it was \$741.67.

24 A. 2014? October 2014?

25 Q. Yes, ma'am.

1 THE EXAMINER: What page are you on?
2 What exhibit?

3 Q. That would be Page 9, No. 20, sir.

4 A. I have a bill in front of me dated
5 October 28th, 2014. Is that the bill you're talking
6 about?

7 Q. October 25th, I believe, yes, through
8 November 24th.

9 A. The date at the top of the bill is
10 November 26th, the issue date?

11 Q. I was reading out of your testimony.

12 A. Okay. The bill that was issued for the
13 \$741.44, if that's the one you're referring to, it
14 does have an invoice date of November 26th, and it is
15 for the service period of October to November of
16 2014.

17 Now, that is an actual reading. And,
18 again, based on your -- what you were using at the
19 time, I mean, I can't speak to whether or not that --
20 what you were using in order to register those number
21 of kilowatt hours.

22 Q. Have you reviewed these bills
23 month-to-month?

24 A. I have, yes.

25 Q. Do you see a lot of change from one month

1 to another?

2 A. I see some changes. I mean, seasonal,
3 summer, winter changes.

4 Q. If nothing changed inside the house,
5 would there be a reason for those fluctuations?

6 A. Well, when you stated that there was air
7 conditioning, I mean, that's used at some point
8 during the summer. Your heating would be used during
9 the winter. So there would be a change.

10 Q. I'm not -- I can't answer her, so I don't
11 know what to say. I'm saying that if you reviewed
12 these bills, you can see that in the summer, it was
13 \$486 a couple months in a row. Nothing has changed
14 and all of a sudden they drop back down to like 45 --

15 THE EXAMINER: Do you have a question
16 now, Mr. Adkins? What's the question?

17 MR. ADKINS: Can she give me a reason why
18 these bills would fluctuate? There's nothing -- Is
19 there a reason you might know of why these bills are
20 fluctuating when nothing's changed in the house?

21 MR. TOSTADO: Objection, your Honor.
22 It's asking Miss Reinhart to speculate.

23 THE EXAMINER: Do you have a specific
24 question for her?

25 MR. ADKINS: That was it, sir, as close

1 as I can get. No, I'm sorry.

2 THE EXAMINER: You don't have anything
3 more?

4 MR. ADKINS: No. I'm sorry.

5 THE EXAMINER: Okay. We can go back
6 here. Does the Company have any on redirect?

7 MR. TOSTADO: Yes, your Honor, briefly.

8 - - -

9 REDIRECT EXAMINATION

10 By Mr. Tostado:

11 Q. Miss Reinhart, if I could keep you on the
12 bill that you're looking at. So this is, I believe,
13 you're looking at Exhibit DLR5 to Company Exhibit.

14 THE EXAMINER: What page are you on?

15 MR. TOSTADO: Your Honor, this is Exhibit
16 DLR5, Page 17.

17 THE EXAMINER: 17.

18 MR. TOSTADO: Yes, Adkins 000017.

19 THE EXAMINER: Just a moment.

20 MR. TOSTADO: Sure.

21 THE EXAMINER: Okay.

22 Q. (By Mr. Tostado) Miss Reinhart, you
23 briefly testified that the amount due for that month
24 was \$741.44, correct?

25 A. That's correct.

1 Q. That amount doesn't represent the monthly
2 consumption charges for that time period, correct?

3 A. It would reflect from October 25th to
4 November 24th.

5 Q. Let me ask it this way, was Mr. Adkins on
6 a payment plan at that time?

7 A. This bill does not reflect a payment plan
8 at this point.

9 Q. If you flip to the next bill, the bill
10 for December 30, 2014, was Mr. Adkins put on a
11 payment plan at that point?

12 A. Yes.

13 Q. Can you briefly tell us what the payment
14 plan was?

15 A. Yes, he had an unpaid balance of \$341.44,
16 so that amount, and that was the remaining amount
17 after he had made a payment of \$400. So that
18 remaining amount of \$341.44 was set up on a monthly
19 installment plan for him to pay \$37.93 a month in
20 addition to his -- to what his charges were.

21 Q. And Miss Reinhart, Mr. Adkins asked you a
22 few questions about the meter that was tested at his
23 home. Do you recall that?

24 A. Yes, I do.

25 Q. Is it possible for Ohio Edison to test a

1 meter at a customer's property without removing it?

2 A. No.

3 Q. I believe you testified that pursuant to
4 Mr. Adkins' request on September 4th, Ohio Edison
5 removed the meter on October 8th to test it, correct?

6 A. Yes.

7 Q. September -- my apologies, September 8th,
8 2015.

9 A. Yes, right. Yes.

10 MR. TOSTADO: No further questions, your
11 Honor.

12 THE EXAMINER: Mr. Adkins, do you have
13 any on recross?

14 MR. ADKINS: No, sir.

15 THE EXAMINER: You're excused as a
16 witness.

17 THE WITNESS: Thank you, sir.

18 MR. TOSTADO: Your Honor, Ohio Edison
19 doesn't have any further witnesses for this time. We
20 would like to revisit the issue of you taking
21 judicial notice of two reports for the weather data.

22 THE EXAMINER: Okay, let's see the
23 reports.

24 MR. TOSTADO: May I approach, your Honor?

25 THE EXAMINER: You may.

1 MR. TOSTADO: The first one, your Honor,
2 is a report from the National Weather Service which
3 is an arm of the U.S. Department of Commerce. And
4 according to this report, February 2015 was the
5 second coldest month ever recorded for that area of
6 the state.

7 The second report, your Honor, is just
8 historical weather data from the winter at issue,
9 winter of 2014 going through the spring of 2015.

10 THE EXAMINER: Very good. I will take
11 judicial notice of both of those reports, the first
12 one and the second one.

13 MR. TOSTADO: Thank you, your Honor.
14 Nothing further for Ohio Edison.

15 THE EXAMINER: Do you have anything
16 further, Mr. Adkins?

17 MR. ADKINS: Only if I could let you have
18 these bills that I received that shows there's five
19 different bills here.

20 THE EXAMINER: I'm sorry, you're going to
21 have to --

22 MR. ADKINS: These are the bills I
23 received in December. I received like five of them.
24 There's two of them that have the same -- there's
25 like three different amounts, and this is a statement

1 of my bill since the meter was changed and the
2 balance that was previous. I'm kind of confused on
3 which bill I should pay if I don't get --

4 THE EXAMINER: I don't understand. What
5 do you want to do with those, Mr. Adkins?

6 MR. ADKINS: I don't know. There's --
7 I'm just trying to prove that I get --

8 THE EXAMINER: Are these your billing
9 statements? Do you want to come up here? Let's go
10 off the record here for a minute.

11 (Off the record.)

12 THE EXAMINER: Okay. We'll go back on
13 the record and the Company has a statement to make.

14 MR. TOSTADO: Yes, your Honor.
15 Mr. Adkins inquired about including a detailed
16 statement of account document he received from Ohio
17 Edison. The Company notes that the information on
18 this document is derived from Mr. Adkins' utility
19 bills that are already part of the record, both as an
20 attachment to Exhibit 5 and as Exhibit 4.

21 And those detailed statements of account
22 contain information from those bills from
23 September 26th, 2015 through July of 2016. And we
24 represent, your Honor, that this information is
25 already in the record in Exhibit 4 and also as

1 Attachment DLR 5 to Company Exhibit 5.

2 THE EXAMINER: Very good. Then we don't
3 need that information. We'll go off the record
4 briefly here.

5 (Off the record.)

6 THE EXAMINER: Back on the record. We've
7 agreed to file simultaneous briefs on February 24th.
8 With that said, I thank you all for coming and
9 consider the matter submitted on the record.

10 (The hearing was concluded at 11:42 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 Tuesday, January 10,
2017, and carefully compared with my original
stenographic notes.

Cynthia L. Cunningham

- - -

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Summary: Transcript in the matter of Daniel B. Adkins vs. Ohio Edison Company hearing held on 01/10/17. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cunningham, Cindy