

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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Campbell, et al.,	:	
Complainant,	:	
	:	Case No. 17-520-EL-CSS
Ohio Edison Company,	:	
Respondent,	:	

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PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:00 a.m. on Wednesday, November 29th, 2017.

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7 On behalf of Ohio Edison Company.

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11 On behalf of the Complainant, Pro se.

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1                               Wednesday Morning Session,  
2                               November 29th, 2017.

3                               - - -

4                               ATTORNEY EXAMINER: Go ahead and call  
5 the hearing. Public Utilities Commission of Ohio has  
6 set for hearing at this time and place Case No.  
7 17-520-EL-C SS, in the matter of Jack, Jeff. And  
8 Jeff, Jr., Campbell versus Ohio Edison.

9                               My name is Kerry Sheets. I'm an  
10 Attorney-Examiner for the Commission, and I've been  
11 assigned to hear this case.

12                              May I now have the appearances of the  
13 parties, please? We'll start with Campbell. You  
14 want to give your name and address?

15                              MR. CAMPBELL: Could you speak more into  
16 the mic?

17                              ATTORNEY EXAMINER: Stand up and give  
18 your name and address.

19                              MR. CAMPBELL: My name is Jack Allen  
20 Campbell, 100 Rear South Mt. Vernon Avenue,  
21 Loudonville, Ohio 44842.

22                              ATTORNEY EXAMINER: Very good. Now the  
23 company.

24                              MR. ECKERT: Good morning, your Honor.  
25 Joshua Eckert, First Energy Service Company, 77 South

1 Main Street, Akron, Ohio 44308, on behalf of Ohio  
2 Edison Company.

3 ATTORNEY EXAMINER: Very good. Are  
4 there any preliminary matters to take care of this  
5 morning?

6 MR. ECKERT: None from the company, your  
7 Honor.

8 ATTORNEY EXAMINER: All right. We'll  
9 proceed with complaint. Mr. Campbell, you wish to  
10 give testimony?

11 MR. CAMPBELL: Okay. You want me to  
12 tell you --

13 ATTORNEY EXAMINER: I'm going to ask  
14 both parties to move up closer to the front of the  
15 room.

16 MR. CAMPBELL: Yeah, it's not --

17 ATTORNEY EXAMINER: Take a seat on the  
18 edge, if you would.

19 MR. CAMPBELL: Your voice doesn't carry.

20 ATTORNEY EXAMINER: Come on up so we can  
21 hear you.

22 (Discussion off the record.)

23 ATTORNEY EXAMINER: Take a seat here on  
24 the edge, will you please?

25 MR. CAMPBELL: Sure.

1 MR. CAMPBELL: Okay. Basically --

2 ATTORNEY EXAMINER: Everybody needs to  
3 speak up so the reporter can hear.

4 MR. CAMPBELL: Basically what's  
5 transpired here --

6 ATTORNEY EXAMINER: I'm asking now if  
7 you have any testimony you want to present?

8 MR. CAMPBELL: Other than mine? Mine.

9 ATTORNEY EXAMINER: Yes. Come forward,  
10 please.

11 MR. CAMPBELL: You want me to give the  
12 testimony?

13 ATTORNEY EXAMINER: Right here to the  
14 witness stand.

15 MR. CAMPBELL: We contacted Ohio  
16 Edison --

17 ATTORNEY EXAMINER: No, come up here and  
18 sit down at the witness stand. Sit here. I have to  
19 swear you in.

20 Now, before we start, let me get this  
21 straight. You handed the reporter this, did you not?

22 MR. CAMPBELL: I just presented it. I  
23 presented it. It says in the thing --

24 ATTORNEY EXAMINER: You gave it to the  
25 reporter and she gave it to me.

1 MR. CAMPBELL: Yes.

2 ATTORNEY EXAMINER: Do you want to have  
3 this marked as an exhibit?

4 MR. CAMPBELL: Yeah. It supports  
5 things.

6 ATTORNEY EXAMINER: This collective  
7 batch of papers?

8 MR. CAMPBELL: The main thing --  
9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 ATTORNEY EXAMINER: We'll get into that  
11 in a minute. Now, I need you to raise your right  
12 hand. Do you swear the testimony you're about to  
13 give will be the truth?

14 MR. CAMPBELL: I swear it will be.

15 ATTORNEY EXAMINER: Okay. Now, I want  
16 you to present your testimony in a clear and  
17 narrative style, and try to be short and concise when  
18 you do it, okay?

19 MR. CAMPBELL: Thank you.

20 ATTORNEY EXAMINER: Go ahead now.

21 - - -

22 Jack Allen Campbell,  
23 being first duly sworn, as prescribed by law, was  
24 examined and testified as follows:

25 DIRECT TESTIMONY

1 MR. CAMPBELL: We first contacted Ohio  
2 Edison years ago and didn't have any results.

3 ATTORNEY EXAMINER: Speak up.

4 MR. CAMPBELL: But in the interim, we  
5 finally -- after we transferred the account to my  
6 name, we were then allowed to talk to Ohio Edison,  
7 because when it was in Jim Ramey's name, any inquires  
8 were rebuffed primarily because we weren't on record  
9 as being the users, even though the business was  
10 listed on the billing.

11 And after my son had his accident and  
12 became disabled, we had Jeffrey take over and run the  
13 business. And I went in to help, and I looked at  
14 the -- where we were making money, where we were  
15 losing money.

16 And it came up where we were losing  
17 money on the tanning, and it was primarily because of  
18 Ohio Edison; they were overcharging us.

19 So we called Ohio Edison. Ohio Edison  
20 then told us, well, hey, it was because of faulty  
21 equipment, faulty wiring, things like that, and that  
22 we should have it checked out.

23 We hired an electrician to come in.

24 ATTORNEY EXAMINER: Now, your complaint  
25 has to do with the high bills?



1 MR. CAMPBELL: Right.

2 ATTORNEY EXAMINER: And your contention  
3 is that you have -- it was a wrong transformer there  
4 somewhere on the premises that you weren't getting  
5 the right kind of supply of electricity?

6 MR. CAMPBELL: Yes, and I'll explain  
7 that.

8 ATTORNEY EXAMINER: Okay.

9 MR. CAMPBELL: So we were saying --  
10 after the electrician came in and said well, this is  
11 all wrong, then we called Ohio Edison back. And at  
12 that time it was like okay, you're on three-phase,  
13 and that's why it's so high. So I talked to my  
14 electrician; you're on single-phase. So then we had  
15 to go back to Ohio Edison and say, hey, we're on  
16 single-phase, not three-phase.

17 Now, this is transpiring over several  
18 months. So I said, "Well, why don't you send  
19 somebody out here and take a look, because this is a  
20 single-phase operation here, and you're charging me  
21 for three-phase?"

22 So they sent a man out. And I'd asked  
23 them whenever they were going to send him, I said,  
24 "I'd like to be there to verify this." And they  
25 said, "Well, we can't do that because we don't know

1 when he'll get there."

2 So Jeffrey, my grandson there, who is  
3 running the business, sees somebody out there and he  
4 goes out and he asked him what's going on, and he  
5 says, "Hey, this is a business," and abruptly runs  
6 off, takes off.

7 MR. ECKERT: Objection, that's hearsay.

8 MR. CAMPBELL: Well, we can have him up  
9 here.

10 ATTORNEY EXAMINER: What?

11 MR. ECKERT: Objection on hearsay  
12 grounds. Mr. Campbell was not present for this  
13 alleged conversation.

14 ATTORNEY EXAMINER: You have to limit  
15 your testimony to your personal knowledge, not what  
16 somebody else said.

17 MR. CAMPBELL: Okay. So basically we  
18 were told that we had to pay the three-phase fees and  
19 so forth, plus approximately \$250 a month extra  
20 because of the rulings from the PUCO, basically, on  
21 how they rate the business.

22 So I said, you know, there's something  
23 wrong here, because this shouldn't be happening. So  
24 I called Ohio Edison again, and that's when we got  
25 Matthew Zapp, over there, to look at it and so forth;

1 Matthew Zapp, plus another man. I don't know -- do  
2 you remember his name?

3 Anyway, they met me there and we  
4 discussed the thing. And he told me that, you know,  
5 because where I'm coming from is I'm receiving  
6 single-phase and I'm being charged for primary plus  
7 three-phase, okay? Which is 250 or more every month.

8 As a matter of fact, on one of our bills  
9 there was no service, and it cost us \$409 or \$406 for  
10 that month.

11 So I'm finding I'm getting charged four  
12 to five times more than what I should be charged,  
13 which is equating to, you know, over \$5,000 a year.

14 Mr. Zapp was very informative, because  
15 you mentioned that it was a single-phase, and yeah,  
16 it's a single-phase, but you got three-phase wiring  
17 going down to the meter.

18 And over the years I noticed the meters  
19 keep changing. They went from a regular meter to  
20 where they have demand sweep on it, where we're now  
21 with a three-phase meter in itself.

22 And anyway, I said, "Well, normally from  
23 my experience, you know, as an engineer and so forth,  
24 that you're charged for what comes in that weather  
25 head, and it's a single-phase."

1           And then he proceeded to tell me that  
2       there was two weather heads, one on the pole before  
3       it went down to the meter, and that's where they were  
4       getting -- running it.

5           Well, I wasn't going to sit there and  
6       argue with him, because I could see it wasn't. It  
7       was a weather head to the single-phase to the rest of  
8       the building. There is no weather head anywhere on  
9       that pole before it goes into that business. Okay?

10          Now, I've known about this contract  
11       where Irving Mumper had electric -- three-phase  
12       electric to the business. He had what we call a  
13       frozen meat locker processing plant, and he had to  
14       have three-phase.

15          And Ohio Power and him put together a  
16       contract. Now, Irving is pretty sharp. And I think  
17       this is probably the only contract that you can --  
18       probably ever you can find in the United States.

19          But what we have is that pole was a part  
20       of the primary loop that goes around Loudonville,  
21       okay? And Irving said, "Well, I'll pay for the pole  
22       and I'll pay for all the stuff on there, but I  
23       want --"

24          MR. ECKERT: Objection, your Honor;  
25       hearsay.

1 ATTORNEY EXAMINER: Okay.

2 MR. CAMPBELL: We'll get to that.

3 ATTORNEY EXAMINER: You have to limit  
4 your testimony to --

5 MR. CAMPBELL: I know, but what I'm  
6 going to do is come back with something --

7 ATTORNEY EXAMINER: -- not what somebody  
8 else told you, okay? You can't -- okay. So proceed  
9 from there.

10 MR. CAMPBELL: So anyhow -- can I even  
11 talk about it at all, this contract with Ohio Power?

12 ATTORNEY EXAMINER: Excuse me. What do  
13 you want?

14 MR. CAMPBELL: Well, I've asked for a  
15 copy of that contract from Ohio Edison, and it's  
16 there but they won't give it to me.

17 ATTORNEY EXAMINER: You're asking for  
18 what now? I'm sorry.

19 MR. CAMPBELL: I've asked for a copy of  
20 the contract with Irving Mumper and Ohio Power, and  
21 they say well, it's not with them, so they won't give  
22 me a copy of it. Okay?

23 ATTORNEY EXAMINER: Okay. That's your  
24 testimony.

25 MR. CAMPBELL: Now, in the '90s, Randy

1 Burson owned the building, and he hired -- what is  
2 his name -- Scott Dessenberg, the electrician, to  
3 take all the compressors out for the freezers and  
4 switch it over to a single-phase operation, because  
5 it no longer had all the need for that electric.

6 Now, whenever he did that, there was a  
7 pole 15 feet away from that that had single-phase  
8 service. The change actually didn't go there. They  
9 left the feed coming off of that primary line.

10 They couldn't move it, because if they  
11 would have, that pole would have only been service  
12 for that loop, and then at that time Ohio Edison  
13 would have had to either buy the pole, rent the pole,  
14 change it around, something, you know, move it, move  
15 it over to one of the other poles.

16 They didn't do that. They left that  
17 service. They wanted that service. Any time you  
18 have anything done with Ohio Edison, especially where  
19 you change from a single-phase to three-phase, they  
20 are going to come out and make sure it's done right.

21 And I've submitted proof that up until  
22 '09, there was single-phase billing. But in '09,  
23 PUCO elected to put out some information on how to  
24 bill poles, and Ohio Edison elects to classify that  
25 as a primary service. So in '09, that service charge

1 was changed.

2 Now, the sad part about this is if you  
3 look at the PUCO rulings on this, Ohio Edison has to  
4 have a contract to do that. There's no contract.  
5 There's no written contract, not with Mr. Ramey, not  
6 with myself.

7 Now, I've been trying to work with these  
8 people for going on two years now almost. And they  
9 are not budging. They don't want to admit they made  
10 a mistake.

11 And then of all things, I see where they  
12 have changed that service on that pole. The pole,  
13 itself, is still a three-phase, but the three-phase  
14 primary line is no longer on there, they moved it  
15 off.

16 And if you look at the pictures I've  
17 taken, you'll see where they put new insulators on  
18 top and so forth, even though they don't own the  
19 pole. You can see where they put new bars for that  
20 primary line on the poles going either way. You can  
21 see where all these changes have taken place.

22 Now, whenever I was here for the hearing  
23 there in May of '18 (sic), I asked twice not to  
24 change that pole because it was evidence, and that's  
25 the reason I haven't done anything. That's why I

1 left the service the way it was. But they have  
2 changed the service.

3 Now, last winter, it was like I owned  
4 the pole, and then later in the spring -- and they  
5 asked me -- asked me to erect a pole.

6 Whenever I talked to Mr. Zapp, well, he  
7 thought I owned the pole, too. But then whenever he  
8 found out that I wasn't the landlord, and -- he says  
9 Mr. Ramey owned the pole, because the pole belongs to  
10 the landlord. Mr. Ramey didn't even know he owned  
11 the pole.

12 And then where I came down here for the  
13 hearing, first thing I hear out of everybody is it's  
14 a primary service, and that's why you're being  
15 charged more, where all along I've been led to  
16 believe that it's because of the three-phase service.

17 Now, we have been getting pushed around  
18 here and misinformed on a lot of things, and it seems  
19 like they are trying to hide things. They won't  
20 admit it.

21 You know, when I hire people, the first  
22 thing I tell them is if you screw up, you're fired,  
23 because you aren't doing anything.

24 Secondly, if you don't tell me as soon  
25 as you find out you screwed up, you're fired, because



1 I want to correct it. We're running a business, and  
2 when running a business properly you correct your  
3 mistakes, you take care of them, otherwise you don't  
4 stay in business.

5 Now, we have got a company here, Ohio  
6 Edison, that isn't willing to admit that they made a  
7 mistake, or correct it, they are just wanting to run  
8 over me.

9 And there's even in the aggregate,  
10 you'll see that we were supposed to be automatically  
11 put on. We weren't; neither was Mr. Ramey. But the  
12 aggregate really doesn't mean much because the  
13 aggregate is just for the electric that you receive.

14 Where we're really getting nailed and  
15 hammered is for the transmission. You know, that's  
16 where we're getting that 250 plus we're getting  
17 charged for a 30 demand, where our average demand is  
18 less than 7.

19 Right now our average usage of  
20 kilowatt-hours is under 700, which translates to, on  
21 a normal facility, less than a hundred dollars. But  
22 our minimum bill is over 400.

23 And then if you drive around town,  
24 you'll see all kinds of primary feeds to businesses  
25 that aren't paying like we are. I know of one that

1 just started about a year ago.

2 He's got a primary feed into a  
3 three-phase, and also into the single-phase in his  
4 business. He's got two feeds. His bill, which he  
5 uses twice the electric I do, is about 200, 240 a  
6 month, plus he's paying for a security light outside  
7 through Ohio Edison.

8 Now, it's very prejudicial here what's  
9 going on. And I know what it is, it's just they  
10 won't admit that they made a mistake.

11 Now, you take a business, any business,  
12 small business, it cannot survive, I don't care how  
13 good it is, on having to pay that extra. I mean,  
14 we're operating on about a 15 percent --

15 ATTORNEY EXAMINER: I'm going to have to  
16 ask you to limit your testimony to your complaint,  
17 not about other businesses.

18 MR. CAMPBELL: Well, yeah, because it's  
19 cost the business.

20 ATTORNEY EXAMINER: Just testify about  
21 your complaint.

22 MR. CAMPBELL: Okay, my complaint. And  
23 basically, you know, I wanted to talk to Zapp, and  
24 I've got his testimony from the Ohio Edison side, but  
25 here he is, so now I can talk to him.

1 I tried to call him up and, you know, I  
2 just wanted to ask a few questions. I get a call  
3 there, "Hey, you can't talk to him."

4 MR. ECKERT: Objection, your Honor.  
5 Relevance.

6 ATTORNEY EXAMINER: I'm sorry, what was  
7 that?

8 MR. ECKERT: Relevance objection.

9 MR. CAMPBELL: I can prove the  
10 relevance. All you have to do is look at what you  
11 sent me in the way of pictures. Look at the second  
12 picture.

13 ATTORNEY EXAMINER: I'll let him  
14 continue now. Let's be concise in our testimony,  
15 okay?

16 MR. CAMPBELL: Okay. The evidence that  
17 he presented from Zapp --

18 ATTORNEY EXAMINER: Who presented what?

19 MR. CAMPBELL: This guy right here.

20 ATTORNEY EXAMINER: He hasn't presented  
21 any evidence so far.

22 MR. CAMPBELL: Well, it's on file there.  
23 But basically we have tried to settle this with  
24 just -- originally all we wanted to do was get  
25 reimbursed for our losses, for our overcharges.

1           Now I'm seeing that it's hurt the  
2 business, tremendously. And all we get is delay  
3 tactics.

4           I mean, as an engineer, I look at that  
5 conglomeration that we currently have, and I'd have  
6 fired them for doing what they did. There's pictures  
7 of it. I mean, it should have been done right.

8           And Ohio Edison shouldn't have allowed  
9 it to happen. And like I said, the only reason they  
10 allowed it to happen was they didn't want us to --  
11 that business -- or electric to come off of that  
12 primary line. They didn't want it to go to  
13 single-phase.

14           Technically, you know, Ohio Edison  
15 probably owes the former owners before Ramey for the  
16 use of that pole. They probably owe Ramey for the  
17 use of the pole. But you aren't going to go back  
18 that far and get it.

19           Let's face it, we're only going to go  
20 back seven years probably once you file a complaint.  
21 That's all you can go. So the only one that can do  
22 anything legally is myself, my son, and my grandson.

23           Now, my son isn't here, and the reason  
24 being is he had to take somebody to chemo therapy  
25 this morning, and then he --

1 MR. ECKERT: Objection, your Honor.  
2 Relevance.

3 MR. CAMPBELL: I just wanted to let you  
4 know why he isn't here. Is that all right?

5 ATTORNEY EXAMINER: You need to testify  
6 about your complaint, limit your testimony.

7 MR. CAMPBELL: Okay.

8 ATTORNEY EXAMINER: Now, does that  
9 conclude what you want to say about your complaint?

10 MR. CAMPBELL: For right now. I might  
11 want rebuttal.

12 ATTORNEY EXAMINER: If you're done now  
13 we'll go to the cross-examination. Are you done?

14 MR. CAMPBELL: For right now.

15 ATTORNEY EXAMINER: Do you have any  
16 questions?

17 MR. ECKERT: Yes, your Honor.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Eckert:

21 Q. Mr. Campbell, you're not a licensed  
22 professional engineer in the State of Ohio, correct?

23 A. No. I do have the credentials that I  
24 could be licensed, grandfathered.

25 MR. ECKERT: Your Honor, I'd move to

1 strike everything after "No".

2 MR. CAMPBELL: Because over 13 years --

3 ATTORNEY EXAMINER: Let's go ahead  
4 with --

5 MR. ECKERT: I'll move on, your Honor.  
6 Thank you.

7 By Mr. Eckert:

8 Q. You've not taken any course work in  
9 electrical engineering, correct?

10 A. No.

11 Q. You've never received any training in  
12 electrical engineering, correct?

13 A. No.

14 Q. You have not previously worked for an  
15 electric distribution utility, correct?

16 A. No.

17 Q. That is correct?

18 A. That is correct.

19 Q. You do not have any experience related  
20 to the design or implementation of utility rates or  
21 tariffs, correct?

22 A. I'm trying to think whether we got into  
23 it when I was on city council or not. I don't think  
24 we did.

25 Q. So that's correct?

1 A. Correct.

2 Q. You have not previously worked for an  
3 agency, commission, or other governmental entity  
4 responsible for the regulation of public utilities,  
5 correct?

6 A. At the time -- wait. Public utilities,  
7 period?

8 Q. Correct, yes, for the regulation of  
9 public utilities.

10 A. Do you consider water a public utility,  
11 and sewer?

12 Q. I'll rephrase my question.

13 A. Because I was the president of the -- of  
14 that for the Village of Loudonville, four years.

15 Q. We'll move on. So you discuss this in  
16 your testimony. While the electric service is in  
17 your name at 435 East Haskell, it is a business that  
18 is located at that address, correct?

19 A. Right.

20 Q. And that business is Activewarz,  
21 A-c-t-i-v-e-w-a-r-z, correct?

22 A. Yeah.

23 Q. And Activewarz also occupies 431 East  
24 Haskell, correct?

25 A. Yes.

1 Q. And that is connected to 435 East  
2 Haskell, correct?

3 A. Yeah.

4 Q. Activewarz began occupying 435 East  
5 Haskell in approximately 2009, correct?

6 A. It might have been 2010. We know it was  
7 in that time frame. We just know that we paid the  
8 electric bill since the change.

9 Q. So it has -- Activewarz began occupying  
10 435 East Haskell sometime in 2009 or 2010, correct?

11 A. I'd say in 2009, in probably September,  
12 I think. I don't know. I can't positively identify  
13 that. I'd have to go back and look at the tanning  
14 licenses and things like that.

15 Q. Activewarz does not own the property  
16 located at 435 East Haskell, correct?

17 A. No.

18 Q. And you do not own the property located  
19 at 435 East Haskell?

20 A. No.

21 Q. An individual named Jim Ramey owns the  
22 property located at 435 East Haskell?

23 A. Yes, he does.

24 Q. You requested that Ohio Edison initiate  
25 electric service in your name at 435 East Haskell,



1 correct?

2 A. Yes.

3 Q. You have received, and still continue to  
4 receive, electric service from Ohio Edison's primary  
5 service at 435 East Haskell, correct?

6 A. Yes.

7 Q. I'd like to talk to you about the  
8 facilities at the property. Ohio Edison does not own  
9 the transformers that feed the facility, correct?

10 A. Jim Ramey owns everything on the pole,  
11 except for the glass, I believe. I think that's what  
12 Matthew Zapp told me.

13 Q. Let's answer my specific question. I  
14 appreciate that information. Ohio Edison does not  
15 own the transformers located at the facility,  
16 correct?

17 A. To my knowledge, no.

18 Q. And Ohio Edison does not own the wires  
19 that come out of that transformer and feed the  
20 facility, correct?

21 A. To my knowledge, no.

22 Q. It's the owner of the property that owns  
23 those facilities, correct?

24 A. To my knowledge, yes.

25 Q. All right. During your direct testimony

1 you discussed a change from three-phase to  
2 single-phase at 435 East Haskell that you allege  
3 occurred sometime in 1990. Do you recall that?

4 A. Yes.

5 Q. You do not know for sure when this  
6 change occurred, correct?

7 A. No.

8 Q. That's correct that you do not know for  
9 sure?

10 A. No, I don't know for sure. You do.

11 Q. And this change was requested by an  
12 individual named Mr. Burson, correct?

13 A. Yes, Randy Burson.

14 Q. And you cannot truthfully say that you  
15 know what Mr. Burson's request was, correct?

16 A. I can't truthfully, no. I just know  
17 that he made it. He told me.

18 Q. You know that he made a request,  
19 correct?

20 A. Yeah.

21 Q. But you cannot truthfully say what that  
22 request was, correct?

23 A. No.

24 Q. You were also discussing the change in  
25 configuration of Ohio Edison's facilities near 435

1 East Haskell. Do you recall that?

2 A. Yes.

3 Q. I believe you said there was a change  
4 that removed the pole from the primary loop; is that  
5 correct?

6 A. Yeah. The three wires that are the  
7 primary loop on that pole were removed and moved to  
8 another pole.

9 Q. All right. Thank you.

10 And you do not know when this alleged  
11 change occurred, correct?

12 A. No, but I requested from you guys the  
13 work order, which I have not received.

14 Q. And you do not have any photographs that  
15 show this alleged change occurred, correct?

16 A. I have photos of it afterwards. I  
17 probably could go to the bank and get photos, if they  
18 would release them to me, of the building where it  
19 would show that it was --

20 MR. ECKERT: I move to strike, your  
21 Honor, as nonresponsive, or at least everything  
22 after, "I do not have any photos."

23 ATTORNEY EXAMINER: We'll let it ride.

24 MR. ECKERT: Thank you, your Honor.

25 By Mr. Eckert:

1           Q. You also discussed what you believe to  
2 be the alleged damages in this case. Do you recall  
3 that?

4           A. The what?

5           Q. You also discussed what you believe to  
6 be the alleged damages in this case. Do you recall  
7 that?

8           A. Yeah.

9           Q. And those damages are based on what you  
10 believe -- I apologize. Strike that.

11                   Those damages are based upon what you  
12 believe the company could have made absent this  
13 billing dispute with Ohio Edison, correct?

14           A. It's based on the amount of money that  
15 the business was shorted, which equates to your  
16 operating capital. In shorting a business on  
17 operating capital -- and I'm pretty sure I went  
18 through this with you, I explained how it got there,  
19 the estimate, okay?

20           Q. You're referring to the estimate that  
21 you provided in discovery responses, correct?

22           A. Correct.

23                   MR. ECKERT: Your Honor, I would like to  
24 have this exhibit marked as Company Exhibit 1 for  
25 identification.

1 ATTORNEY EXAMINER: Very good.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. ECKERT: May I approach?

4 ATTORNEY EXAMINER: You may. We'll mark  
5 this Ohio Edison Exhibit 1?

6 MR. ECKERT: Yes, your Honor.

7 By Mr. Eckert:

8 Q. Mr. Campbell, I just handed you what has  
9 been marked as Ohio Edison Exhibit 1 for  
10 identification. Can you please tell me what this  
11 document is?

12 A. This right here?

13 Q. You know, strike that. Let me rephrase.  
14 These are responses you provided to Ohio  
15 Edison in response to discovery requests, correct?

16 A. Right.

17 Q. Okay.

18 ATTORNEY EXAMINER: Could you explain a  
19 little bit more what this is, this Exhibit 1?

20 MR. ECKERT: Yes, your Honor. So these  
21 are responses that were provided by Mr. Ramey (sic)  
22 to discovery requests issued by Ohio Edison Company.

23 MR. CAMPBELL: Mr. Campbell.

24 MR. ECKERT: One of these specific  
25 responses addresses alleged -- or addresses alleged

1 damages claimed by Mr. Campbell.

2 ATTORNEY EXAMINER: Very good.

3 MR. ECKERT: Thank you, your Honor.

4 By Mr. Eckert:

5 Q. All right. Mr. Campbell, I'd like to  
6 direct your attention to the paragraph beginning  
7 with, "The undermining of Activewarz..." Do you see  
8 that paragraph?

9 A. Yes.

10 Q. In that paragraph you indicate that  
11 Activewarz sustained a minimum loss of well over  
12 \$300,000, correct?

13 A. Yes.

14 Q. And this number is based on your  
15 speculation about how the business would have done  
16 absent this billing dispute with Ohio Edison,  
17 correct?

18 A. It's based on the history of the  
19 business. Now, do you want me to explain that to  
20 you? I'll be glad to. I think we went through this  
21 once before --

22 MR. ECKERT: Your Honor, there's no  
23 question pending.

24 ATTORNEY EXAMINER: All right.

25 MR. ECKERT: May I approach, your Honor?

1 ATTORNEY EXAMINER: You may.

2 MR. ECKERT: For your reference as well,  
3 your Honor.

4 ATTORNEY EXAMINER: This will be  
5 Exhibit 2?

6 MR. ECKERT: No, your Honor, this is for  
7 impeachment. This is a deposition transcript for  
8 impeachment purposes.

9 ATTORNEY EXAMINER: Do you want this  
10 marked as an exhibit?

11 MR. ECKERT: No thank you, your Honor.  
12 By Mr. Eckert:

13 Q. Mr. Campbell, do you recall providing a  
14 deposition in this proceeding?

15 A. What now?

16 Q. Do you recall giving a deposition in  
17 this proceeding?

18 A. I remember a deposition.

19 Q. Okay. And do you recall being under  
20 oath at that deposition?

21 A. Yes.

22 Q. And you swore to tell the truth during  
23 that deposition, correct?

24 A. Yes, as best as I could, yeah. I would  
25 like to point out one thing. We can all sit here and

1 we all have a different opinion of what actually  
2 happened. It will never --

3 MR. ECKERT: Your Honor, there is no  
4 question pending currently.

5 ATTORNEY EXAMINER: Okay. Go ahead and  
6 proceed.

7 MR. ECKERT: Thank you, your Honor.

8 By Mr. Eckert:

9 Q. I'd like to direct your attention to  
10 page 81 of the deposition transcript in front of you.  
11 Are you there, Mr. Campbell?

12 A. Yeah, 81.

13 Q. And I just want you to confirm whether I  
14 read this correctly, okay?

15 A. Okay.

16 Q. Page 81, line 23:

17 Question: "So you believe if you had  
18 been able to do all of the things that you lay out in  
19 this paragraph, you would have made approximately  
20 300,000, an additional \$300,000?"

21 Answer: "That's right. But hey, we  
22 haven't got a crystal ball here, you know. That's  
23 what I'm trying to put across to you. I'm trying to  
24 take it easy on this thing. I know it would probably  
25 be a lot more. I didn't bring up a lot of other



1 things, but then again, you know, sometimes you  
2 invest into something and it doesn't work. You lose  
3 your ass on it."

4 Question: "Understood. So these are  
5 speculative then, correct?"

6 Answer: "This is speculative."

7 Question: "Okay."

8 Answer: "I'm just speculating here,  
9 it's nothing more."

10 Did I read that correctly?

11 A. That is correct. It's speculation based  
12 on my knowledge.

13 Q. All right. Thank you, Mr. Campbell.

14 A. Do you want this?

15 Q. Yes.

16 A. I thought you wanted to shake my hand.  
17 Do you want this, too?

18 Q. No, you can hold on to that.

19 A. Okay.

20 Q. And those numbers for damages in Ohio  
21 Edison Exhibit 1 are not calculated by looking at  
22 what you believe you have paid to Ohio Edison verse  
23 what you did pay to Ohio Edison, correct?

24 A. Run that by me again.

25 Q. The numbers that you use for damages in

1 Ohio Edison Exhibit 1 in front of you, those were not  
2 calculated by looking at what you believe you have  
3 paid to Ohio Edison verse what you did pay to Ohio  
4 Edison, correct?

5 A. That's wrong.

6 Q. I'll rephrase the question.

7 A. Do you want me to explain it?

8 Q. Let me reask the question.

9 Ohio Edison Exhibit 1, the numbers you  
10 have there for damages are not calculated by looking  
11 at what you believe you have paid to Ohio Edison --  
12 you should have paid to Ohio Edison versus what you  
13 did pay to Ohio Edison, correct?

14 ATTORNEY EXAMINER: What page are you on  
15 now? Are you on the deposition?

16 MR. ECKERT: No, your Honor.

17 ATTORNEY EXAMINER: What are you on?

18 MR. ECKERT: Ohio Edison Exhibit 1.

19 ATTORNEY EXAMINER: What page?

20 MR. ECKERT: On the first page of Ohio  
21 Edison Exhibit 1. And the paragraph starting with,  
22 "The undermining of Activewarz..."

23 By Mr. Eckert:

24 Q. The numbers you calculate for damages in  
25 this paragraph were not calculated by looking at what

1     you believe you should have paid to Ohio Edison  
2     versus what you did pay to Ohio Edison, correct?

3             A.   Correct.   Do you want me to explain it  
4     or not?

5             MR. ECKERT:   Your Honor, may I approach?

6             ATTORNEY EXAMINER:   You may.

7             MR. ECKERT:   I'd like the record to  
8     reflect I'm handing Mr. Campbell a copy of his  
9     deposition transcript.

10            MR. CAMPBELL:   Okay.

11            ATTORNEY EXAMINER:   Now you're back on  
12   the deposition?

13            MR. ECKERT:   Yes, your Honor.

14   By Mr. Eckert:

15            Q.   Mr. Campbell, would you please turn to  
16   page 83 of your deposition transcript?

17            ATTORNEY EXAMINER:   What page?

18            MR. ECKERT:   Page 83.

19            ATTORNEY EXAMINER:   83?

20            MR. ECKERT:   Yes, sir.   Yes, your Honor.

21   By Mr. Eckert:

22            Q.   Okay.   Starting on the line 2:

23            Question:   "Okay.   And these numbers are  
24   not calculated by looking at what you believe you  
25   should have paid to Ohio Edison verse what you did

1 pay to Ohio Edison, correct?"

2 Answer: "No."

3 Did I read that correctly?

4 A. Let me see it. That is correct what I  
5 said there, at that time.

6 MR. ECKERT: Thank you, your Honor. I  
7 have no further questions for this witness.

8 ATTORNEY EXAMINER: Okay. Do you have  
9 any response based on what he said?

10 MR. CAMPBELL: Lots.

11 ATTORNEY EXAMINER: Okay. I'm -- I want  
12 to make this clear that Respondent's (sic) Exhibit 1,  
13 which is billing information that you gave me,  
14 correct, Jack A. Campbell?

15 MR. CAMPBELL: Yeah.

16 ATTORNEY EXAMINER: That's been marked  
17 as Respondent's Exhibit 1. Do you have any response  
18 to that?

19 MR. ECKERT: Yes, your Honor. One  
20 moment.

21 ATTORNEY EXAMINER: Well, it's the  
22 company's own information, right?

23 MR. ECKERT: Some of it is, your Honor.  
24 However, if you flip there, there appears to be an  
25 additional page labeled "Attachment 2" at the top

1 that appears to be Complainant's own writing  
2 discussing what he believes is the October bill being  
3 overestimated, and what he alleges is the average  
4 kilowatt-hour usage per month for December.

5 ATTORNEY EXAMINER: Okay. We're on  
6 Respondent's Exhibit 1 you just made a comment about,  
7 correct?

8 MR. ECKERT: No, your Honor. It appears  
9 you're holding Complainant's Exhibit 1.

10 ATTORNEY EXAMINER: I'm asking about  
11 Respondent's Exhibit 1, the billing information from  
12 Ohio Edison that he gave up here. You see this?

13 MR. ECKERT: Yes, your Honor. This was  
14 given to me. This would be Complainant Exhibit 1,  
15 not Respondent's Exhibit 1.

16 ATTORNEY EXAMINER: Yeah, correct.

17 MR. ECKERT: And, your Honor, while some  
18 of it is billing information from Ohio Edison, there  
19 appears to be a page in here that is actually  
20 Complainant's own statements, and not billing  
21 information from Ohio Edison.

22 ATTORNEY EXAMINER: What page are you on  
23 with that?

24 MR. CAMPBELL: That was for  
25 clarification.

1 MR. ECKERT: On the seventh page of the  
2 packet.

3 ATTORNEY EXAMINER: Which page?

4 MR. ECKERT: The seventh page of the  
5 packet, your Honor. It has Attachment No. 2 at the  
6 top.

7 ATTORNEY EXAMINER: So what is your  
8 objection about that?

9 MR. ECKERT: Well, your Honor, he has  
10 not offered any testimony on attachment No. 2, so  
11 it -- on this page, so it has not been subject to  
12 cross-examination. If he wishes to testify about  
13 this information and be made available for  
14 cross-examination --

15 ATTORNEY EXAMINER: Do you want to ask  
16 questions about that?

17 MR. ECKERT: No, your Honor, Ohio Edison  
18 would have no questions related to it.

19 ATTORNEY EXAMINER: No questions?

20 MR. ECKERT: Yes, your Honor.

21 ATTORNEY EXAMINER: Okay. If you're  
22 done, if you have no more questions, then I'll excuse  
23 you as a witness.

24 MR. CAMPBELL: Do I --

25 ATTORNEY EXAMINER: Excuse me?

1 MR. CAMPBELL: Should I rebuttal on any  
2 of this?

3 ATTORNEY EXAMINER: You're excused. You  
4 can get up now, if that's the end of your case. You  
5 don't have any more questions, any more testimony  
6 based on what he said?

7 MR. CAMPBELL: Yeah, I've got more.  
8 I've got more.

9 ATTORNEY EXAMINER: Okay. Now, he  
10 has -- he just -- what you just -- what we just went  
11 through was cross-examination, okay? Now, you get an  
12 opportunity on redirect to address what he said on  
13 cross-examination. Do you want to do that?

14 MR. CAMPBELL: Okay.

15 ATTORNEY EXAMINER: Okay. Now, be  
16 concise and only -- only include in your testimony  
17 based what he said in cross-examination.

18 MR. CAMPBELL: Right.

19 ATTORNEY EXAMINER: Go ahead. This is  
20 called redirect.

21 - - -

22 FURTHER DIRECT TESTIMONY

23 MR. CAMPBELL: I think he questioned my  
24 abilities as an engineer. I'd like to clarify that.

25 I had over 70 engineers working for me,

1 I had four or five electricians. One of them even  
2 had a Master's Degree.

3 His job was to design the test equipment  
4 that we sent out to the properties that bought buses,  
5 to test their buses to make sure -- you know, like  
6 you've got test equipment for your car, you plug it  
7 in, okay?

8 Whenever he got in trouble he came to  
9 me, and I diagnosed those problems so that those test  
10 boxes would work.

11 I understand electric. I'm not an  
12 electrical engineer, but you come to me with an  
13 electrical problem and we sit down with a schematic  
14 and we go through it, I'll tell you what's wrong with  
15 it.

16 It's a gift that I've always had. Don't  
17 ask me where it came from, but it's there. And I  
18 look -- electric, it flows like water. It costs the  
19 same to use that electric whether it comes through a  
20 primary line or a secondary line.

21 It's all coming from one power plant.  
22 If you're on a secondary line, it still has to come  
23 through.

24 MR. ECKERT: Objection, your Honor. I  
25 think we're beyond the scope of my cross-examination



1 here.

2 ATTORNEY EXAMINER: Yeah.

3 MR. CAMPBELL: We are beyond that?

4 Okay. I was just trying to explain to people here  
5 what we're -- what we have got here.

6 ATTORNEY EXAMINER: Okay. Does that  
7 conclude your redirect?

8 MR. CAMPBELL: That concludes that.  
9 Could I add anything from my original testimony?

10 ATTORNEY EXAMINER: Okay. Now, based on  
11 what he said in cross-examination, do you have  
12 anything more?

13 MR. CAMPBELL: Not at this moment.

14 ATTORNEY EXAMINER: Nothing more? Okay.

15 MR. CAMPBELL: I mean, can I come back  
16 later?

17 ATTORNEY EXAMINER: Now, we're going to  
18 proceed to recross. Do you have any?

19 MR. ECKERT: No, your Honor.

20 ATTORNEY EXAMINER: You're excused.

21 (Witness excused.)

22 MR. CAMPBELL: I don't get another  
23 chance at all?

24 ATTORNEY EXAMINER: You can get up and  
25 go back to your seat. We'll proceed to the company's

1 side of the case.

2 MR. CAMPBELL: Okay.

3 ATTORNEY EXAMINER: Do you have any  
4 witnesses to call?

5 MR. ECKERT: We do, your Honor, but  
6 first may I have a brief recess?

7 ATTORNEY EXAMINER: Okay.

8 MR. ECKERT: Thank you, your Honor.

9 (Recess taken.)

10 ATTORNEY EXAMINER: Let's go back on the  
11 record. Do you have witnesses?

12 MR. ECKERT: Yes, your Honor. Ohio  
13 Edison Company calls Matthew Zapp to the stand.

14 ATTORNEY EXAMINER: Raise your right  
15 hand. Do you swear the testimony you're about to  
16 give will be the truth?

17 MR. ZAPP: Yes.

18 ATTORNEY EXAMINER: Be seated.

19 MR. ECKERT: May I approach, your Honor?

20 ATTORNEY EXAMINER: You may.

21 MR. ECKERT: Your Honor, I'd ask this be  
22 marked as Ohio Edison Exhibit 2 for identification  
23 purposes.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 - - -

1                   Matthew Zapp,  
2     being first duly sworn, as prescribed by law, was  
3     examined and testified as follows:

4                   DIRECT EXAMINATION

5     By Mr. Eckert:

6                 Q.   Mr. Zapp, I just handed you what's been  
7     marked as Ohio Edison Exhibit 2 for identification  
8     purposes. Can you please tell me what that document  
9     is?

10                A.   That is the direct -- my direct  
11     testimony on behalf of Ohio Edison Company.

12                Q.   And was that direct testimony prepared  
13     by you or at your direction?

14                A.   Yes.

15                Q.   Do you have any changes to make to your  
16     direct testimony today?

17                A.   No.

18                Q.   If I were to ask you the questions in  
19     your direct testimony today, would your answers  
20     remain the same?

21                A.   Yes.

22                MR. ECKERT: The witness is available  
23     for cross-examination, your Honor.

24                ATTORNEY EXAMINER: Very good.  
25     Mr. Campbell, do you have any questions for this

1 witness based on the direct testimony?

2 MR. CAMPBELL: Yes.

3 ATTORNEY EXAMINER: No?

4 MR. CAMPBELL: No, I have questions.

5 ATTORNEY EXAMINER: Now is the time for  
6 cross-examination.

7 MR. CAMPBELL: Should I go ahead?

8 ATTORNEY EXAMINER: If you have  
9 questions, come on up.

10 - - -

11 CROSS-EXAMINATION

12 By Mr. Campbell:

13 Q. Mr. Zapp, are you sure that these  
14 pictures are correct?

15 A. Yes.

16 Q. The dates on them are correct?

17 ATTORNEY EXAMINER: What page are you on  
18 now?

19 MR. CAMPBELL: Let me go to --

20 ATTORNEY EXAMINER: Exhibit 2, you're  
21 looking at the picture?

22 MR. CAMPBELL: This would be attachment  
23 MAZ-1.

24 ATTORNEY EXAMINER: You're at attachment  
25 MAZ-1?

1 MR. CAMPBELL: Yeah.

2 ATTORNEY EXAMINER: Is that correct?

3 MR. CAMPBELL: And then I'll cross  
4 reference it to MAZ-2.

5 By Mr. Campbell:

6 Q. On MAZ-2, we got a nice picture, it  
7 shows everything.

8 ATTORNEY EXAMINER: This is Attachment  
9 2; is that correct?

10 MR. CAMPBELL: Yeah.

11 By Mr. Campbell:

12 Q. Would you go to that?

13 A. The question again?

14 Q. Would you agree to that, that it's a  
15 nice picture, shows the building, shows the house  
16 across the street, shows a lot of things, right?

17 A. Yes.

18 Q. Attachment 1, though, is kind of  
19 shooting up in the air. You don't see the -- just a  
20 little bit of the house?

21 MR. ECKERT: Objection.

22 By Mr. Campbell:

23 Q. You see a little bit of the trees, but  
24 clear over on the right what do you see in the bottom  
25 corner?

1 ATTORNEY EXAMINER: Now, excuse me.

2 By Mr. Campbell:

3 Q. What do you see in the bottom corner on  
4 the right.

5 ATTORNEY EXAMINER: Mr. Campbell, you  
6 have to ask questions.

7 MR. CAMPBELL: I said does he see.

8 ATTORNEY EXAMINER: You can't testify  
9 yourself.

10 MR. CAMPBELL: I'm asking what he sees  
11 right here.

12 By Mr. Campbell:

13 Q. What do you see?

14 A. A tree.

15 Q. What does it have on it?

16 A. I guess I don't understand your  
17 question.

18 Q. Well, I see leaves.

19 MR. ECKERT: Objection, your Honor.  
20 He's testifying.

21 MR. CAMPBELL: No, I mean, I'm asking  
22 him. He's saying what am I asking about.

23 ATTORNEY EXAMINER: You have to be  
24 specific in your question.

25 By Mr. Campbell:

1 Q. Are there leaves on that tree?

2 A. On the bottom right-hand corner?

3 Q. Yes.

4 A. I can't tell if there are or are not  
5 leaves. The tree to the left of the pole, there are  
6 no leaves.

7 Q. Right. But I'm just asking about that  
8 one tree over to the right.

9 A. I cannot tell.

10 Q. Do we need to get a magnifying glass?

11 MR. ECKERT: Objection, your Honor;  
12 argumentative.

13 ATTORNEY EXAMINER: On cross-examination  
14 we ask questions of the witness, and they have to be  
15 specific questions. You cannot testify yourself at  
16 this point. If he says something you don't like, you  
17 can't supply the answer.

18 MR. CAMPBELL: But you can see it,  
19 right?

20 ATTORNEY EXAMINER: You have to testify  
21 on that -- I mean, cross-examination on that,  
22 correct? Okay.

23 MR. CAMPBELL: Okay. My  
24 cross-examination then is --

25 ATTORNEY EXAMINER: What is your

1 question to the witness?

2 By Mr. Campbell:

3 Q. My question is are there leaves on the  
4 trees to the right bottom corner?

5 A. I cannot tell if there are or are not  
6 leaves to that tree on the far --

7 Q. This was taken, this picture, in  
8 March of 2017, correct?

9 A. Yes.

10 Q. Thank you. Wait. I've got some other  
11 questions.

12 MR. CAMPBELL: Now, to this, or can I  
13 ask him other questions?

14 ATTORNEY EXAMINER: Yes, you can ask  
15 another question, but you can't -- it has to be a  
16 question based on that. Go ahead.

17 MR. CAMPBELL: Because see, I wasn't  
18 allowed to -- at the deposition to ask questions.  
19 Can I ask him questions?

20 ATTORNEY EXAMINER: You can ask  
21 questions. You cannot testify at this point.

22 MR. CAMPBELL: Okay.

23 By Mr. Campbell:

24 Q. This is pertaining to when you and I  
25 met.



1           ATTORNEY EXAMINER: No, we're on the  
2 direct testimony now, okay?

3           MR. CAMPBELL: Right.

4           ATTORNEY EXAMINER: This is what you  
5 have to ask questions about.

6           MR. CAMPBELL: Or do I have to call him  
7 up later?

8           ATTORNEY EXAMINER: Cross-examination on  
9 this.

10          MR. CAMPBELL: Then I'll call him up  
11 later then on -- or me --

12          ATTORNEY EXAMINER: Does it have to do  
13 with this, the direct testimony?

14          MR. CAMPBELL: What?

15          ATTORNEY EXAMINER: This is his direct  
16 testimony.

17          MR. CAMPBELL: Right.

18          ATTORNEY EXAMINER: You have to ask your  
19 cross-examination on this.

20          MR. CAMPBELL: Okay. But then I can ask  
21 him questions later about other things besides this,  
22 right?

23          ATTORNEY EXAMINER: No,  
24 cross-examination on this. This is what you're  
25 limited to right now.

1 MR. CAMPBELL: But I'm not limited  
2 later?

3 ATTORNEY EXAMINER: No, there won't  
4 be -- Let's go off the record here.

5 (Discussion off the record.)

6 ATTORNEY EXAMINER: We're on the record  
7 now. Do you have any other questions?

8 MR. CAMPBELL: Not for this. Got a lot  
9 of other ones.

10 ATTORNEY EXAMINER: Okay. Do you have  
11 any on redirect?

12 MR. ECKERT: No redirect, your Honor.

13 ATTORNEY EXAMINER: You're excused.

14 (Witness was excused.)

15 ATTORNEY EXAMINER: Do you have any  
16 other witnesses?

17 MR. ECKERT: Yes, Ohio Edison Company  
18 would now like to call Deborah Reinhart.

19 ATTORNEY EXAMINER: Do you swear the  
20 testimony you're about to give will be the truth?

21 MS. REINHART: Yes, your Honor.

22 ATTORNEY EXAMINER: Be seated.

23 MR. ECKERT: May I approach, your Honor?

24 ATTORNEY EXAMINER: You may.

25 MR. ECKERT: Thank you. Your Honor, I'd

1 ask that the court mark this as Exhibit 3 for Ohio  
2 Edison.

3 ATTORNEY EXAMINER: Very good.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 - - -

6 Deborah Reinhart,  
7 being first duly sworn, as prescribed by law, was  
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 By Mr. Eckert:

11 Q. Ms. Reinhart, I just handed you what's  
12 been marked as Ohio Edison Exhibit 3 for  
13 identification. Can you please tell me what this  
14 document is?

15 A. Yes, this is my testimony on behalf of  
16 Ohio Edison.

17 Q. And was this testimony prepared by you  
18 or at your direction?

19 A. Yes, it was.

20 Q. Do you have any changes to it today?

21 A. No.

22 Q. If I were to ask you the same questions  
23 in Ohio Edison Exhibit 3 today, would your answers be  
24 the same?

25 A. Yes.

1 MR. ECKERT: Your Honor, this witness is  
2 available for cross-examination.

3 ATTORNEY EXAMINER: Very good.

4 Mr. Campbell, do you have questions of  
5 this witness based on her direct testimony?

6 MR. CAMPBELL: No, I don't.

7 ATTORNEY EXAMINER: None? You're  
8 excused.

9 (Witness excused.)

10 MR. ECKERT: Your Honor, at this time  
11 Ohio Edison would move for admission of Ohio Edison  
12 Exhibits 1, 2, and 3.

13 ATTORNEY EXAMINER: I will admit those  
14 into evidence at this time, and Complainant's  
15 Exhibit 1 also into evidence.

16 (EXHIBITS ADMITTED INTO EVIDENCE.)

17 MR. ECKERT: Ohio Edison has no further  
18 witnesses, your Honor.

19 ATTORNEY EXAMINER: You have no more  
20 witnesses?

21 MR. ECKERT: No more witnesses, your  
22 Honor.

23 ATTORNEY EXAMINER: All right. Is there  
24 anything more to add today? Anything more? Do you  
25 want a closing statement?

1 MR. ECKERT: No, your Honor. I'd  
2 request that briefing schedule be established.

3 ATTORNEY EXAMINER: Are you done?

4 MR. ECKERT: Yes, your Honor.

5 ATTORNEY EXAMINER: We'll go off the  
6 record and discuss a briefing schedule.

7 (Discussion off the record.)

8 ATTORNEY EXAMINER: We're back on the  
9 record.

10 MR. CAMPBELL: According to PUCO rules,  
11 any time a customer is assigned primary, they have a  
12 written contract. No written contract.

13 Mr. Ramey would have never agreed to  
14 that if he had been sat down and told that it's going  
15 to cost him \$150 a month just for --

16 MR. ECKERT: Your Honor, I object. He's  
17 speculating about what a third party would or would  
18 not have done.

19 ATTORNEY EXAMINER: He can make his --  
20 go ahead. Proceed.

21 MR. CAMPBELL: Am I allowed to say that?  
22 I mean, any idiot wouldn't do what -- wouldn't have  
23 signed that.

24 I mean, we're looking at saying here,  
25 pay another extra \$400 a month, \$300 a month for your

1 electric. I'm saying that he was never presented the  
2 contract to sign. There is no contract here.

3 There is no signed contract. I asked  
4 for it. No signed contract. I don't have a signed  
5 contract for this. That's what I'm saying, is for  
6 them to charge that, they have to have a signed  
7 contract, and it's not there, plain and simple. Even  
8 with the aggregate, they have to get a signed  
9 contract not to put you on the aggregate.

10 I had nine pictures we sent here proving  
11 that they moved those lines, proving that they are  
12 charging other people on the primary that have a  
13 three-phase as well as a single-phase coming off of  
14 it. They pay \$240 a month on average, and that  
15 includes a security light.

16 Now, I don't know why -- I guess I do  
17 understand -- the inability to actually admit you  
18 made a mistake and, you know, they don't want people  
19 coming in here all the time and asking for  
20 restitution. I don't blame them.

21 They are in business, but whenever you  
22 look at some of the things they do -- I mean, I've  
23 got people telling me that don't go here because  
24 you're not going to win, they are going to do  
25 whatever they can.

1 I couldn't get Randy Burson here, I  
2 couldn't get Kevin Likens here, I couldn't get Scott  
3 Dessenberg here -- I mean, these are electricians and  
4 people that own the building and so forth -- because  
5 they were afraid of repercussions. I mean, this is a  
6 big business. They do hundreds of millions of  
7 dollars a year.

8 You know, I never even approached the  
9 fact that they are making all this money off  
10 estimated bills, but yet if you look in there you'll  
11 see where they corrected it, and took some of that  
12 off.

13 It's right there in that thing I gave  
14 you, even says it in there. They overcharged me just  
15 on the estimate alone. You take a million customers,  
16 and every time you overestimate, you charge them 20  
17 bucks extra or 40, what is that? I mean, it doesn't  
18 belong in here, that belongs in a class action suit.  
19 It doesn't belong here.

20 And then some of these things that are  
21 going on, you know, I look at this whole thing and  
22 I -- you know, I've been asked not to come here and  
23 do this, I've been asked to just go with federal  
24 charges, that it doesn't belong here, and go after  
25 people for aiding and abetting, using the mail

1 service to coerce money. I mean, it goes on and on.

2 I mean, I've been trying to be a nice  
3 guy here. I've been trying to settle this thing  
4 congenially, and all I've got it stalled, stalled,  
5 stalled.

6 I mean, I always thought Ohio Edison was  
7 a great company, and it is. But some things they  
8 just haven't rectified. I mean, they aren't customer  
9 friendly.

10 I try and call them about anything, I'm  
11 two, three, four hours on the phone. And then  
12 sometimes -- a lot of times I get dropped. Go home  
13 and look at your bills and see what they are doing to  
14 you. Thank you.

15 ATTORNEY EXAMINER: All right. Does the  
16 company have a closing statement?

17 MR. ECKERT: Yes, your Honor. Thank  
18 you.

19 This complaint is about two issues. The  
20 first issue is the rate that should be charged at 435  
21 East Haskell, the account at issue in this case.

22 Now, as Mr. Zapp testified in his  
23 testimony, there is a specific configuration of the  
24 service that Ohio Edison provides to the facility,  
25 and that service comes from a 12.47 kilovolt line.



1           As Complainants admitted, the  
2           transformers and the wires that feed the facility are  
3           actually owned by the property owner and not the  
4           company.

5           Accordingly, and based on Ohio Edison's  
6           tariff, as Ms. Reinhart testified, Ohio Edison is  
7           required to charge Jack Campbell, Mr. Campbell, at  
8           rate GP.

9           Ohio Edison does not have a choice other  
10          than to follow its tariff and charge the customer  
11          what they are supposed to be charged under the rates  
12          based on the configuration of their service.

13          Mr. Campbell even admits that the  
14          service they received is from the primary lines for  
15          Ohio Edison. That is the first issue.

16          And as a corollary to that, should  
17          Mr. Campbell want to change to a different service,  
18          say Rate GS or general secondary, it's unfortunate,  
19          but Mr. Campbell is a tenant at the facility, as  
20          Ms. Reinhart testified, so he doesn't have the  
21          authority to make those required changes to  
22          electrical configuration.

23          However, Ohio Edison would be happy to  
24          work with Mr. Campbell, if he could get the agreement  
25          of the property owner, to have that change made.

1           The second issue in this case is whether  
2       Mr. Campbell should have been included in the  
3       Loudonville Government Aggregation Agreement. Now,  
4       as Ms. Reinhart testified, the agreement is not  
5       between Ohio Edison and the City of Loudonville, the  
6       agreement is between FirstEnergy Solutions, a  
7       competitive retail electric service provider and the  
8       City of Loudonville. Ohio Edison is not a party to  
9       that contract whatsoever. However, in implementing  
10      these government aggregations, Ohio Edison does play  
11      some small role.

12           That role is laid out in Ms. Reinhart's  
13      testimony, and is very limited. And as shown in the  
14      attachments to Ms. Reinhart's testimony, Ohio Edison  
15      performed its role in this case, and accordingly,  
16      there is no issue with Ohio Edison having failed to  
17      affirmatively, on its own, enroll Mr. Campbell into  
18      the Loudonville government aggregation.

19           Like I said, your Honor, this -- there's  
20      been a lot of accusations, and unsupported  
21      allegations, thrown out here today, but it really  
22      comes down to two issues; was Jack Campbell charged  
23      the appropriate rate.

24           Based on the configuration of the  
25      service, and based on Ohio Edison's tariff, the

1 answer to that is yes.

2 The second issue, is Ohio Edison liable  
3 for ensuring that Mr. Campbell is included in the  
4 Village of Loudonville government aggregation?

5 The answer to that is no. As described  
6 in Ms. Reinhart's testimony, Ohio Edison fulfilled  
7 its roles in the implementation of that government  
8 aggregation. Thank you, your Honor.

9 ATTORNEY EXAMINER: Thank you. Let's go  
10 off the record again, and we'll discuss a briefing  
11 schedule.

12 (Discussion off the record.)

13 ATTORNEY EXAMINER: Let's go back on the  
14 record.

15 We're looking at February 9th as a date  
16 to submit simultaneous briefs in the case. And with  
17 that said, I thank you all for coming, and I'll  
18 consider this submitted on the record.

19 MR. ECKERT: Thank you, your Honor.

20 (Thereupon, the hearing was  
21 adjourned at 11:30 a.m.)

22 - - -

23

24

25

CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the proceedings  
taken by me in this matter on Wednesday, November  
29th, 2017, and carefully compared with my original  
stenographic notes.

*Valerie J. Grubaugh*  
Valerie J. Grubaugh,  
Registered Merit  
Reporter and Notary Public  
in and for the State of  
Ohio.

My commission expires August 11, 2021.



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