

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the	:	
Complaint of:	:	
	:	
Gregory McKinney,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 18-496-EL-CSS
	:	
Ohio Edison Company,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Mr. Kerry K. Sheets, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 10:30 a.m. on Thursday, September 6, 2018.

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1 APPEARANCES:

2 Mr. Gregory McKinney

3 On his own behalf.

4 FirstEnergy Corp.

5 By Mr. Robert M. Endris

6 76 South Main Street

7 Akron, Ohio 44308

8 On behalf of the Respondent.

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Complainant Exhibit	Identified	Admitted
1A Letter from Mr. James P. Manges, Jr.	15	33
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Thursday Morning Session,
September 6, 2018.

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EXAMINER SHEETS: Okay. I'll go ahead
and call the hearing.

The Public Utilities Commission of Ohio
has set for hearing at this time and place Case No.
18-496-EL-CSS in the Matter of Gregory McKinney
versus Ohio Edison Company.

And I'll have the appearances of the
parties, please, starting with Mr. McKinney. Would
you give your name and address.

MR. McKINNEY: Gregory McKinney, 264
Ashland Avenue, Elyria, Ohio 44035.

EXAMINER SHEETS: Thank you. And now the
company.

MR. ENDRIS: Thank you, your Honor. On
behalf of the Ohio Edison Company, Robert M. Endris,
76 South Main Street, Akron, Ohio 44308.

EXAMINER SHEETS: Very good. Are there
any preliminary matters to take care of this morning?

MR. ENDRIS: None that I'm aware of.

EXAMINER SHEETS: Mr. McKinney?

MR. McKINNEY: Yes, sir.

EXAMINER SHEETS: Do you wish to present

1 testimony in the case?

2 MR. McKINNEY: Yes.

3 EXAMINER SHEETS: Please come up and take
4 the stand. Raise your right hand and I'll swear you
5 in.

6 (Witness sworn.)

7 - - -

8 GREGORY McKINNEY

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

11 DIRECT EXAMINATION

12 EXAMINER SHEETS: Okay. Why don't you go
13 ahead and present your complaint and --

14 THE WITNESS: From the very beginning?

15 EXAMINER SHEETS: Try and summarize it.

16 THE WITNESS: Okay.

17 EXAMINER SHEETS: Be concise.

18 THE WITNESS: Long story short my wife
19 and I moved into our new home in August. We lived in
20 the basement for the first four months while some
21 mild renovation work was being done. We basically
22 lived in the basement with a bed, a T.V., two
23 nightstands, a microwave, and refrigerator.
24 Basically 90 percent of our stuff was either in the
25 garage or in storage.

1 During this time they actually didn't
2 even start the renovation work until November. So
3 August, September, October, four months basically
4 living with the bare necessities. So we didn't know
5 it because I guess we weren't paying attention at the
6 time, but they were estimating our electric bill.
7 They -- and it's the truth. They couldn't get to the
8 meter because it was on the backside of the house in
9 a locked gate. So, you know, we were paying
10 somewhere between 35 and 40 dollars a month which we
11 thought was about right because we was basically
12 running nothing for the first four months that we
13 were there before the contractors had even showed up.

14 And then was it January or February, I
15 think, honey? We got hit with that humongous bill
16 saying that we had used 14,000 kilowatt-hours in a
17 matter of like six months.

18 So that's when I -- first thing I
19 immediately called Ohio Edison. And I got on a
20 payment plan because I definitely didn't want the
21 power to be turned off. And during this time that
22 gave me a minute to catch my thoughts and regroup
23 and, you know, let's see what they do.

24 So after contacting them, I immediately
25 found a licensed electrician. He came out and looked

1 at the house, looked at my breaker box, and looked at
2 all the circuits within the house and couldn't find
3 any reason why the disk on the meter was still going
4 haywire, you know, spinning crazy. So he even shut
5 off the breakers and the power to the house and, you
6 know, this is down in the basement. We walked
7 outside and the power is shut off and the disk is
8 still running.

9 So at that point I can't remember if I
10 called Ohio Edison back and told them, you know,
11 because I even have a letter here stating from the
12 electrician what he did, that the next thing that I
13 knew they gave us, my wife and I, about an hour's
14 notice, and they came out and switched out my meter.
15 They gave us one of the new digital ones that can be
16 read from the street, so it wouldn't be an issue
17 again of them not being able to get to the meter to
18 read it.

19 And then they ran their lab test on it
20 and claimed that it came back like 98 or 99 percent
21 accurate. So, again, I'm not disputing that within,
22 you know, the confines of their lab in a perfect
23 environment that the meter ran great, and it ran
24 accurately. I'm just disputing the fact that when it
25 was attached to my house, it malfunctioned because

1 even right now with our house fully functional and
2 running, the pool pump running 12 hours a day because
3 it's on a timer, and with it being a hot summer with
4 the central air conditioning and stuff running, the
5 most our bill is is like 200 bucks a month.

6 So to say that, you know, in that period
7 of time that we're talking about with basically us
8 living with the bare, bare necessities, to say that I
9 could have consumed 14,000 kilowatt-hours' worth of
10 electricity is just beyond comprehension.

11 So that's really what the dispute is
12 about. And I'm not even disputing the whole 14,000
13 kilowatt-hours because I know that we used some power
14 during this time. I'm just disputing, you know,
15 because the average -- average American household
16 don't even burn 14,000 kilowatt-hours in a year much
17 less to say that we could have consumed this during
18 a, you know, four- to six-month period is just -- I
19 can't even comprehend it. So that's really, you
20 know, what the dispute is about.

21 I have all the records and statements
22 from my contractor who did the work on the house
23 saying that he basically used just tile saws,
24 jigsaws, and rechargeable hand tools. I have a
25 statement from the electrician saying that he in his

1 expert opinion thinks that there definitely was
2 something wrong with the meter.

3 I have a statement from my pool guy
4 because they claimed that my pool could be running.
5 And my pool wasn't even hooked up during this time,
6 much less between October and February. I don't know
7 too many people that run an outdoor pool pump between
8 October and February. So I -- I actually have
9 documentation, letters backing up all the disputes
10 that they say that could have caused my electric to
11 be that high.

12 So basically that's why I'm here today is
13 to dispute it. And I don't know if it's true or not
14 because I read it multiple different places on the
15 internet, but I was never offered for the meter to be
16 tested when it was attached to my home. I don't even
17 know if that's even possible, but I read it on
18 multiple locations that it was an option, and I was
19 never given that option. The meter was immediately
20 taken off the house and taken off the premises so.
21 That was just something else that I wanted to add,
22 that I was never even given that option if that
23 option was available.

24 EXAMINER SHEETS: Okay. Does that
25 complete your testimony?

1 THE WITNESS: That's pretty much it in a
2 nutshell.

3 EXAMINER SHEETS: Okay. Do you want to
4 look at these letters here?

5 MR. ENDRIS: Yes.

6 THE WITNESS: I sent copies. I don't
7 know. You should have gotten copies, but I can show
8 you these things.

9 EXAMINER SHEETS: Well, if we submit them
10 as an exhibit --

11 THE WITNESS: Sure, sure.

12 EXAMINER SHEETS: -- we'll have to make
13 copies.

14 THE WITNESS: Sure, sure.

15 EXAMINER SHEETS: Let counsel come up and
16 look at the letters.

17 THE WITNESS: That one -- I actually have
18 a copy from the pool guy that I brought. I didn't
19 bring a copy of the electric contractor. Let me find
20 it here. There's from my electrician who looked at
21 the box and looked at all my circuits and everything
22 that was attached to the home. This is a copy of the
23 paper from my contractor stating what type of tools
24 that he used and that no out -- no outstanding power
25 consumption was needed to perform the renovation

1 work. And that's the original. Let me find a copy
2 from my pool guy. Here's the copy.

3 Honey, is there one sitting over there
4 underneath my phone? I know I made a copy for the --
5 if not, you know, we can make copies, I guess. Yeah,
6 I think we are going to have to make a copy of all
7 three of these. This is the original from my pool
8 guy.

9 MRS. McKINNEY: So you found it?

10 THE WITNESS: No. I have just got the
11 original. Yes, so we will have to make copies of
12 those.

13 EXAMINER SHEETS: Let's go off the record
14 here.

15 (Discussion off the record.)

16 EXAMINER SHEETS: Go back on the record.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Endris:

20 Q. Mr. McKinney, the letter from the
21 electrician is not signed. Would you agree there's
22 no signature?

23 A. No, because it was an e-mail so there was
24 no way for him to sign it electronically, correct. I
25 know that you guys were given the option to follow up

1 on these documents. That's what the guy from the
2 PUCO said so if you did it, that's not on me. But,
3 no, it's not got a written ink signature, no;
4 correct, it does not. But on an e-mail you can't do
5 that.

6 Q. And Mr. Manges is not here available to
7 be cross-examined?

8 A. No, he is not. I could not -- I could
9 not afford to pay my electrician \$175 an hour to be
10 here, no, I couldn't.

11 Q. And --

12 A. Neither is Mr. Brewster.

13 Q. And there is no date on this as to when
14 it was prepared?

15 A. Yes, I believe there is. On February 3,
16 2018, right there. As a matter of fact, that's
17 the --

18 Q. That doesn't say when this document was
19 prepared.

20 A. No, but obviously by reading it, you can
21 tell that it was prepared after he came to look at
22 the house on February 3, 2018, correct. Or no.

23 Q. I'm asking the questions.

24 A. Yeah. Would you like me to show you the
25 e-mail when it was sent to me?

1 Q. No.

2 A. No, okay. That would answer your
3 question.

4 Q. Was it prepared at the time that he
5 performed the inspection?

6 A. No, because I didn't know that I would
7 need it until afterwards.

8 MR. ENDRIS: Okay. And so I would
9 object. This is an unsigned statement. It's not
10 dated, and the preparer of this document is not
11 available for cross-examination. Mr. McKinney was
12 asked whether he was planning to present an expert
13 witness at the hearing, and he answered in the
14 negative. This is in the nature of expert testimony
15 that was not prefiled and is improper to be admitted
16 as evidence.

17 EXAMINER SHEETS: Do you have any
18 response?

19 THE WITNESS: My response is, you know,
20 again, I could not afford to pay any of my -- because
21 these are all paid professionals to be here today,
22 you know. So, no, I could not. It's dated on when
23 he performed the work. No, it's not dated when he
24 sent me the letter stating what his findings were,
25 no, correct. It's signed by him because it was an

1 e-mail. It's written this way, but it's not hand
2 signed, no.

3 So I'm answering all your questions the
4 best of my ability. But, again, I know that you was
5 given the opportunity to confirm these or not so, I
6 mean, that's all I have to say. You know, I don't
7 know what else I can say. But I don't see how you
8 could dismiss the evidence, you know, because it's
9 phone number is there, his name is there, the date
10 the work was performed so.

11 EXAMINER SHEETS: Okay. I'll make a
12 ruling at this point. I will overrule the objection
13 and let the Commission consider these documents and
14 give it the weight that they deserve.

15 THE WITNESS: I could provide more if
16 more is necessary. This guy was really nice. You
17 know, he understood my situation.

18 EXAMINER SHEETS: There's no question
19 pending. So that's -- we'll consider these for an
20 exhibit. We'll mark them as Complainant's Exhibit 1
21 and then we'll proceed.

22 MR. ENDRIS: I was remiss in also not
23 objecting on the basis that it's hearsay and would
24 ask that the -- that you note that it's not being
25 offered for the truth of the matter but for

1 Mr. McKinney's understanding of what was told.

2 EXAMINER SHEETS: So you're overruled at
3 this point.

4 MR. ENDRIS: Thank you, your Honor.

5 EXAMINER SHEETS: We'll mark these and
6 consider them one exhibit and Complainant's Exhibit
7 1. Are there any questions now for this witness?

8 MR. ENDRIS: Excuse me. Yes, your Honor.

9 Q. (By Mr. Endris) Referring to
10 Complainant's Exhibit 1 which is the electrician's
11 letter, does that document the kind of
12 troubleshooting that the electrician may have
13 performed?

14 A. Yes, it does. It says "Upon inspection
15 of both the panel, meter, and all the circuits in
16 this home, I could find no problem with the
17 electrical system in the house. I even turned off
18 all the breakers and the meter -- I even turned off
19 all the breakers, and the meter still ran.

20 "So after seeing this, I informed the
21 homeowner that there was a problem with the meter,
22 and he should have the electric company come and test
23 their meter." So short of him saying that he pulled
24 out a voltmeter or AMP meter, you know, it pretty
25 much specifies the troubleshooting he did to get to

1 the conclusion that he had.

2 Q. So that's all the evidence that you have
3 as to the nature of the trouble --

4 A. From the electrician, correct.

5 Q. From the document itself.

6 A. Yes. Because, again, he couldn't -- he's
7 not allowed to touch your meter. He was just allowed
8 to troubleshoot the electrical system within our
9 home.

10 Q. And do you know, Mr. McKinney, what the
11 electric usage in the home that you purchased was
12 prior to your occupancy?

13 A. No, because I believe it's irrelevant
14 because you can't judge a residence's previous usage
15 by a previous owner. That's like -- you know, to me
16 that's like, you know, asking a person what type of
17 gas mileage that they got with a car prior to you
18 owning it because each person is going to drive a car
19 differently.

20 So, no, I did not know what the previous
21 homeowner's usage was because it's really irrelevant
22 to how me and my wife use our home. And, again, we
23 were, you know, living with basically a T.V., light,
24 a fridge, and microwave for the better part of four
25 months.

1 MR. ENDRIS: Your Honor, I am going to
2 strike the last part of that question. I asked him
3 what the usage -- if he knew what the usage was in
4 the home prior to his living and -- living there
5 and --

6 A. And I did not, no, plain and simple.

7 EXAMINER SHEETS: Motion to strike is
8 overruled.

9 A. And I apologize. I am just trying to
10 explain your questions to the best of my ability.

11 EXAMINER SHEETS: No questions.

12 Q. You stated earlier that the company only
13 gave you a one-hour notice about the meter being
14 tested. But there was a step that you omitted. You
15 called the Commission and made an informal complaint
16 with them; isn't that correct?

17 A. Yes, on what my next move was, yes.

18 Q. And you told the Commission staff that
19 you were -- wanted to have the meter tested; is that
20 correct?

21 A. That I do not remember. That could be
22 the case. I do not remember that. I know I did call
23 them to ask them what my next course of action should
24 be after setting up the payment plan, that's correct.
25 But I can say that they called me at work and said

1 they'll be there in less than -- less than an hour to
2 take the meter off the house. So there wasn't like a
3 24-hour notice, a 36-hour notice. It wasn't even a
4 four-hour notice.

5 Q. Is it your testimony that there's a
6 requirement for a notice for a meter test?

7 A. I would think so. If we're talking about
8 that the reason why you couldn't read my meter was
9 because the gate was locked, wouldn't a courtesy call
10 to the homeowner to let them know, hey, we are going
11 to be either testing your meter or removing it; could
12 you give us access to it?

13 Q. They obviously had no difficulty with
14 access to the meter that day.

15 A. No, they did not because once I found out
16 they weren't reading my meter I took the lock off the
17 gate.

18 Q. And you found out they weren't reading
19 your meter because they made a call to you to request
20 that you take a picture of your meter?

21 A. That was afterwards.

22 Q. After what?

23 A. After they installed the new meter, I
24 took a picture of it, correct.

25 Q. You weren't called prior to receiving the

1 actual bill with the 14,000 kilowatt-hours that there
2 was lack of access to your meter and requesting that
3 you take a picture of it?

4 A. I don't remember if this was while we
5 still had the old meter or I still had -- or I just
6 had gotten the new meter, but I do remember taking a
7 picture of it and sending it in, that's correct.

8 Q. And you stated that you moved into the
9 home in August?

10 A. Yes.

11 Q. And do you recall receiving an actual --
12 a bill with an actual meter reading during the month
13 of September?

14 A. They would have had to give us one when
15 it changed names, correct, yes.

16 Q. And you also had an actual meter read in
17 October?

18 A. I would have to look at our bills to
19 confirm that or not. I would have to look at our
20 bills there because we brought all of our bills.

21 Q. And then you had an estimated bill in --
22 for the November meter read -- I'm sorry, it was for
23 the October meter read, the November meter read --

24 A. Okay.

25 Q. -- and the December meter read.

1 A. Okay.

2 Q. Do you recall that?

3 A. Like I said, again, my wife had pulled up
4 the bills to confirm it.

5 MR. ENDRIS: I'll be happy to give the
6 witness a moment if that would...

7 A. Don't even give her that. She's got all
8 that right there. She has to look at it.

9 EXAMINER SHEETS: Let's go off the record
10 here.

11 (Discussion off the record.)

12 EXAMINER SHEETS: Still on
13 cross-examination. Any more questions?

14 MR. ENDRIS: Back on the record?

15 EXAMINER SHEETS: Back on the record.

16 Q. (By Mr. Endris) And you have a record
17 there of pool equipment that was replaced by you
18 after moving into the home?

19 A. By my contractor, yes.

20 Q. And that occurred in or after the month
21 of March 2018?

22 A. Yes.

23 Q. 2018?

24 A. Yes. The actual -- the initial
25 consultation was in April, and I believe he came out

1 and installed the new pool equipment in May of '18
2 because when we bought the home, the pool equipment
3 wasn't even hooked up.

4 Q. And the remodeling activity completed
5 in -- in or around late January, early February?

6 A. Yes.

7 Q. So that condition no longer exists?

8 A. Correct.

9 MR. ENDRIS: I have nothing further, your
10 Honor.

11 EXAMINER SHEETS: Okay. Now, that was
12 cross-examination. Do you have anything to say on
13 redirect, at this point on redirect?

14 - - -

15 REDIRECT EXAMINATION

16 THE WITNESS: Yeah. I -- my initial
17 thing was on the testing of the meter on the home, on
18 the premises. Again, I read that it was an option.
19 Was that an option that was available to me at that
20 time to test the meter on the home rather than take
21 it off the house and test it in your facilities at
22 your lab with your employee?

23 EXAMINER SHEETS: Do you have any more?

24 THE WITNESS: No.

25 EXAMINER SHEETS: Anything on recross?

1 MR. ENDRIS: No, your Honor.

2 EXAMINER SHEETS: You're excused. That
3 has to go to the reporter. Let's go off.

4 (Discussion off the record.)

5 EXAMINER SHEETS: Let the record show
6 Complainant's Exhibit 1 is 1A, 1B, and 1C, electric
7 company, the contractor, and the pool letters.

8 All right. Company's side of the case.
9 Do you have a witness?

10 MR. ENDRIS: Yes, your Honor. Company
11 would call Jason T. Horst.

12 (Witness sworn.)

13 EXAMINER SHEETS: Be seated.

14 - - -

15 JASON T. HORST

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

18 DIRECT EXAMINATION

19 By Mr. Endris:

20 Q. Mr. Horst, would you please state your
21 name and spell your last name for the record, please.

22 A. It's Jason T. Horst, H-O-R-S-T.

23 Q. And by whom are you employed and in what
24 capacity?

25 A. FirstEnergy Services Company, supervisor

1 meter test shop and rubber boots.

2 MR. ENDRIS: And I don't know if it was
3 placed before him. May I approach, your Honor?

4 EXAMINER SHEETS: You may.

5 Q. Mr. Horst, do you have a document before
6 you that's been marked as Company Exhibit 1?

7 A. Yes, I do.

8 Q. And that's titled "Direct Testimony of
9 Jason Horst on Behalf of Ohio Edison Company"; is
10 that correct?

11 A. Yes.

12 Q. Can you examine that briefly and tell us
13 what this is?

14 A. Yes. It's direct testimony involving the
15 case with Mr. McKinney and meter testing services.

16 Q. And was this testimony prepared by you or
17 under your direct supervision?

18 A. Yes.

19 Q. And if you were asked these questions
20 today, would your answers be the same?

21 A. Yes.

22 MR. ENDRIS: Your Honor, before tendering
23 for cross I would ask some additional direct
24 testimony in response to the testimony of
25 Mr. McKinney.

1 EXAMINER SHEETS: Proceed.

2 MR. ENDRIS: Thank you, your Honor.

3 Q. (By Mr. Endris) Mr. McKinney, are you
4 familiar with the Commission's rules regarding meter
5 testing in your capacity as supervisor of the meter
6 lab?

7 A. Yes, I am. Commission -- sorry.

8 Q. Sorry. Did I say Mr. McKinney?

9 MR. McKINNEY: Yes.

10 Q. Mr. Horst, my apologies.

11 A. Yes, I'm familiar with them.

12 Q. And what do the Commission's rules say
13 about testing meter accuracy in the meter lab as
14 opposed to at a customer's premise?

15 A. The Commission does allow us to test the
16 meter at a central testing facility.

17 Q. So in short that's a Commission-approved
18 procedure?

19 A. Yes.

20 Q. And I would ask you -- would ask --

21 MR. ENDRIS: I should have put the
22 additional documents in front of the witness. May I
23 approach?

24 EXAMINER SHEETS: You may.

25 Q. Mr. Horst, I handed you what has been

1 previously marked as Complainant's Exhibit 1A, 1B,
2 and 1C. Do you see those?

3 A. Yes, I do.

4 Q. And if you could turn to Complainant's
5 Exhibit 1A which is the letter from the electrician
6 to Mr. McKinney. Do you see that?

7 A. Yes, I do.

8 Q. Actually it's to "To Whom It May
9 Concern"; is that correct?

10 A. Correct.

11 Q. And do you see a detailed listing of any
12 troubleshooting actions in this document?

13 A. No, I do not.

14 Q. And would there be certain testing that
15 you would expect to see performed in a case of -- a
16 question about whether electricity running through
17 the meter is being -- occurring on the customer's
18 side of the meter?

19 A. Yes, I would expect to see some more.

20 Q. And could you describe at least one
21 example.

22 A. So actually Mr. McKinney brought it up in
23 his, a verified volt and AMP meter would be a very
24 effective tool in troubleshooting electrical service
25 to a house. If you suspect a meter is not accurate,

1 you would take some pretty simple measurements with
2 that equipment to verify power flow.

3 Q. Is there any indication in this document
4 that anything was inspected on the meter base or
5 meter socket?

6 A. No.

7 Q. And would there -- would there be some
8 indication to the company if such a test had been
9 performed?

10 A. Yes. We do allow licensed electricians
11 to contact us and can break the seal, pull the meter
12 to inspect the box, and we will come back afterwards
13 and reseal that meter so we know that no tampering
14 was involved.

15 Q. So breaking the seal of a meter would be
16 an act of tampering if not done under the permission
17 of the company?

18 A. Correct.

19 Q. And if you could turn to Complainant's
20 Exhibit 1B, and is that the construction contractor's
21 letter?

22 A. Yes, Brewster Construction.

23 Q. And does it tell you anything about all
24 of the activity that may have occurred during the
25 three-month period?

1 A. It only describes power tools that were
2 used, battery charging, so it describes the
3 instruments that they had used for the work.

4 Q. But it doesn't describe the day-to-day
5 activity, how much of the work may have required
6 doors being open, windows being open, in and out
7 traffic?

8 A. No, it does not.

9 Q. It doesn't describe whether or not space
10 heaters were used to keep the inside temperature warm
11 enough for the construction activity?

12 A. No.

13 Q. And if I could ask you to turn to Exhibit
14 1C, does that document indicate any troubleshooting
15 of the wiring for the pool equipment? Let me ask
16 first, is that document legible to you?

17 A. Not entirely, no.

18 Q. Parts of it can't be read?

19 A. Correct.

20 Q. For the parts you can see, does it
21 describe to you any -- any rewiring of the equipment?

22 A. No, I do not see anything that quotes
23 rewiring, no.

24 Q. Is there any comments on the condition of
25 the equipment that was removed?

1 A. No, I do not see that either.

2 MR. ENDRIS: Your Honor, those are all
3 the additional direct questions that I have for this
4 witness, and he is available for cross-examination.

5 EXAMINER SHEETS: Thank you. Now, we
6 will go to cross-examination by Mr. McKinney. You
7 have to base your questions largely on his prefiled
8 testimony.

9 MR. McKINNEY: Okay.

10 - - -

11 CROSS-EXAMINATION

12 By Mr. McKinney:

13 Q. First question I have for you is, very
14 first one was is a meter testing when the meter is
15 still attached to the home, was that an option? Was
16 that available to me?

17 A. No, that is not an option. Our -- no.

18 Q. Okay. So the things I read online then
19 were false.

20 A. I don't know what you read online. Our
21 company it's no.

22 Q. Because I had read there was companies
23 that specialize in that.

24 MR. ENDRIS: Your Honor, is that a
25 question or a statement?

1 EXAMINER SHEETS: You have to ask
2 questions at this point.

3 MR. McKINNEY: All right.

4 EXAMINER SHEETS: You can't testify.

5 MR. McKINNEY: Okay.

6 EXAMINER SHEETS: Don't get too close to
7 the microphone.

8 MR. McKINNEY: Sorry about that.

9 Q. Question No. 2 was --

10 MR. McKINNEY: Is that good?

11 EXAMINER SHEETS: Just about halfway.

12 A. I can hear you.

13 Q. Question No. 2 was in your opinion doing
14 a basic test by shutting off the breakers on the
15 house in the breaker box as he inspected the panel
16 which basically shuts off power coming into the
17 house, would you agree that that would be an initial
18 first good way to go would be to shut off the
19 breakers which shuts off the power coming into the
20 house and then go out and look at the meter and see
21 if the meter is still turning?

22 A. So to clarify that, by shutting your
23 breaker off, it doesn't shut the power off coming
24 into your house. There's still power at the base of
25 the meter so but, yes, that's a -- I mean, that's a

1 good step to determine loading and what could be
2 drawing power.

3 Q. Okay. And, again, in your expert opinion
4 if you shut off the main breaker, then that would
5 mean that no power would be coming into your house,
6 therefore, no power being used, therefore, the meter
7 disk should still not be turning.

8 A. Again, so there's still voltage being
9 supplied to your house at that point through the
10 meter. Something could still be drawing amperage and
11 load that is not hooked to that box or if there is a
12 problem with the box, there's still potential at the
13 top of that box.

14 Q. My next question is on the Brewster
15 Construction, I forget which exhibit that is, 1A or
16 1B, does it not say at the very bottom, I believe the
17 last sentence, that no excessive power was needed to
18 do this job? I'm not quoting it word for word. Is
19 that what it says?

20 A. Do you want me to read it?

21 EXAMINER SHEETS: Answer the question.

22 A. Yes, it says "Two to three people worked
23 four to five days per week. No outstanding power
24 consumption needed."

25 Q. Okay. I guess my last one was on the

1 pool. Does it not say inspection in quotes,
2 "Assemble, install all new equipment parts and
3 labor," and then at the very -- and then at the
4 second line from the top it has "Down pump."

5 A. Yes, it does. It says that.

6 MR. McKINNEY: No other questions, your
7 Honor.

8 EXAMINER SHEETS: Any other redirect?

9 MR. ENDRIS: Yes, your Honor.

10 - - -

11 REDIRECT EXAMINATION

12 By Mr. Endris:

13 Q. Mr. Horst, Mr. McKinney asked you about
14 whether shutting off all of the breakers in the main
15 circuit box would shut off the power, and I recall
16 that you replied no. Are there -- and you mentioned
17 that there could be load still being drawn through
18 the meter at the top of the box. Do you recall that
19 response?

20 A. Yes.

21 Q. Are there other reasons why power could
22 actually still be flowing through the circuit box to
23 equipment behind the box?

24 A. Yes. As stated in my testimony, there is
25 various reasons that could cause that -- that to

1 happen, yes.

2 MR. ENDRIS: Thank you, your Honor.

3 That's all I have.

4 EXAMINER SHEETS: Any other recross?

5 - - -

6 RE CROSS-EXAMINATION

7 By Mr. McKinney:

8 Q. In your expert opinion since nothing has
9 been done to the home except the upgraded newer
10 digital meter replaced, wouldn't those conditions
11 still exist in my home today?

12 A. I can't speak what is -- the conditions
13 in your home.

14 MR. McKINNEY: That's all, your Honor.

15 EXAMINER SHEETS: You're excused.

16 Do you have anything else to present?

17 MR. ENDRIS: Can you return the exhibits
18 to the reporter, please, the marked exhibits.

19 EXAMINER SHEETS: Do you have anything
20 else?

21 MR. ENDRIS: Nothing further from the
22 company. The company would offer Company's Exhibit 1
23 into evidence.

24 EXAMINER SHEETS: I will admit all
25 exhibits into evidence at this time.

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(EXHIBITS ADMITTED INTO EVIDENCE.)

MR. ENDRIS: The company rests.

EXAMINER SHEETS: Let's go off the record
here.

(Discussion off the record.)

EXAMINER SHEETS: If there is nothing
more to add, I will consider this submitted on the
record.

(Thereupon, at 11:14 a.m., the hearing
was concluded.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Thursday, September 6,
2018, and carefully compared with my original
stenographic notes.

Karen Sue Gibson
Karen Sue Gibson, Registered
Merit Reporter.

(KSG-6611)

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Summary: Transcript In the Matter of Complaint of: Gregory McKinney vs. Ohio Edison Company, hearing held on September 6, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.