

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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David N. Randall,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 18-1851-EL-CSS
	:	
The Cleveland Electric	:	
Illuminating Company,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Mr. Daniel Fullin, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:10 a.m. on Monday, August 19, 2019.

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1 APPEARANCES:

2 Mr. David N. Randall

3 On his own behalf.

4 FirstEnergy Service Company  
5 By Ms. Emily V. Danford  
6 76 South Main Street  
Akron, Ohio 44308

7 On behalf of the Respondent.

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1 Monday Morning Session,  
2 August 19, 2019.

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4 EXAMINER FULLIN: The Commission has  
5 called for hearing at this time and place Case No.  
6 18-1851-EL-CSS. It's the complaint by David N.  
7 Randall versus Cleveland Illuminating Company.

8 My name is Daniel E. Fullin. I am the  
9 Attorney Examiner from the Commission assigned to  
10 this case. Let me begin by having both parties  
11 identify themselves and their addresses for the  
12 record and make an appearance on the case beginning  
13 with the Complainant.

14 MR. RANDALL: My name is Dave Randall.  
15 My address, sir?

16 EXAMINER FULLIN: Yeah, just --

17 MR. RANDALL: Address 1600 East 27th  
18 Street Rear, Cleveland, Ohio 44114.

19 EXAMINER FULLIN: All right. Thank you.  
20 And for the Company.

21 MS. DANFORD: Good morning, your Honor.  
22 Emily Danford, FirstEnergy Service Company, 76 South  
23 Main Street, Akron, Ohio 44308 on behalf of the  
24 Cleveland Electric Illuminating Company.

25 EXAMINER FULLIN: Thank you. Okay. So

1 let me begin by saying how I intend to proceed today.  
 2 Mr. Randall, since you are the Complainant, you have  
 3 the burden of proof in this case which means that in  
 4 order to prevail in the case you will have to  
 5 substantiate or prove the allegations of your  
 6 complaint.

7 You will get to go first in each -- each  
 8 process of the hearing today. So you will begin by  
 9 giving your testimony and/or presenting your case in  
 10 whichever way you choose. I am sort of assuming you  
 11 are going to provide your own testimony in the case.

12 MR. RANDALL: Yes.

13 EXAMINER FULLIN: Do you have any  
 14 witnesses that are going to be testifying?

15 MR. RANDALL: Yes.

16 EXAMINER FULLIN: So when you go to --  
 17 when you go first, you can do that by presenting  
 18 your -- your side of the case, and you can present  
 19 your testimony or the witness's testimony. Your  
 20 witnesses will be sworn in, or they can affirm their  
 21 testimony rather than being sworn in if that's their  
 22 preference. And then each of you -- anybody that  
 23 provides testimony as a witness in the case will be  
 24 subject to cross-examination which would mean that  
 25 either I or the Company could ask questions that

1 relate directly to what it is that the witness has  
2 already testified about.

3 And then you will have the chance to  
4 answer those cross -- answer questions or present  
5 redirect testimony which is designed to further  
6 address issues that came out during the  
7 cross-examination.

8 And this is also important for you to  
9 understand that the Commission's record in this case,  
10 the Commission is going to make its decision in this  
11 case based on the record that's established here at  
12 the hearing today. So whether you have already filed  
13 something in the case or the other side has filed  
14 something in the case, we are not really going to use  
15 that as the basis for deciding the case. We are  
16 going to base it on your testimony, your side's  
17 testimony, and any witness -- any documentation or  
18 exhibits that you present today.

19 So if you wanted to bring in  
20 documentation, that's fine but you should mark it as  
21 an exhibit, let the other side have a copy of it, and  
22 see it ahead of time so they can have it in front of  
23 them as the document is being addressed. And you  
24 should leave a copy of it for the Bench here today so  
25 that the exhibit, if there is such an exhibit, will

1 then be -- at the close of your testimony you will  
2 want to ask that your exhibit be admitted into  
3 evidence. And if it's admitted into evidence, then  
4 the Commission will use it as part of the evidence on  
5 which it bases the decision in the case.

6 So it's a procedural step you should know  
7 about ahead of time, and we will try to help you  
8 through it if it becomes something of an issue. But  
9 I wanted you to know that ahead of time. If you have  
10 documents that you are planning on presenting and  
11 leaving with the Commission for them to consider, it  
12 might be good now to get those exhibits ready rather  
13 than interrupt things once we get started. So if you  
14 have some that you are expecting to present, let's  
15 take the time to make the necessary copies maybe and  
16 take the time to mark them as exhibits, and then we  
17 won't have to go through that step each time you  
18 think of a new document that you might want to  
19 present.

20 We will go off the record and if that's  
21 the case, then I will give you a chance to make some  
22 copies. If you need a copier, I will even let you  
23 use the copier upstairs on my -- downstairs on my  
24 floor -- upstairs on my floor, if you would like,  
25 because, again, I didn't talk to you ahead of time

1 but that's what we are expecting here. If you are  
 2 going to have some exhibits and even if you bring in  
 3 and we mark it, it will be up to you later on if you  
 4 decide, well, I do want -- I do want to present this  
 5 as a formal exhibit, want it to be considered, they  
 6 will have their chance to object to it, and I will  
 7 make a ruling whether it comes in or not. But, for  
 8 now, I am not about deciding whether it comes in or  
 9 out. I am just getting you ready when you present,  
 10 it's already marked. We already know what it is.  
 11 They already have their copy. They have had a chance  
 12 to look at it. So that's why we are off the record  
 13 doing that now if you would like to do that.

14 (Discussion off the record.)

15 EXAMINER FULLIN: We were out allowing  
 16 Mr. Randall to make some copies of things he is  
 17 expecting to present as evidence today, so I have my  
 18 copy that -- copies he made and he presented one to  
 19 the Respondent and kept one for himself. I think  
 20 what might be good is to take the time now to have  
 21 you identify what it is that you just handed to the  
 22 other side just in brief terms so we know what it is.

23 MR. RANDALL: The first page 1 through 5  
 24 is copies of first formal complaint dated October of  
 25 last year. The second set is --



1 EXAMINER FULLIN: Stapled into that  
2 original complaint --

3 MR. RANDALL: Those are just loose.  
4 Those -- the last ones I made.

5 EXAMINER FULLIN: Yeah, but I am talking  
6 about --

7 MR. RANDALL: Yes.

8 EXAMINER FULLIN: -- stapled onto it was  
9 also two more pages.

10 MR. RANDALL: Stapled behind the formal  
11 complaint last year is a listing of all the items  
12 that were damaged during the power surge --

13 EXAMINER FULLIN: Okay.

14 MR. RANDALL: -- with prices and  
15 identification of what they were. And then the third  
16 is just two copies of my most recent electric bills  
17 showing the power that I've been using since last  
18 year since the repairs were done because there was  
19 issue of the wiring possibly being old in the house,  
20 and it's been rewired. 23 years no problem until  
21 last year. And that's it.

22 EXAMINER FULLIN: Okay. So maybe just to  
23 save time later on, I thought I might use this chance  
24 to mark the exhibits. They are not going to be  
25 admitted until later, and they are not going to be

1 admitted at all unless you ask to have them admitted,  
2 but I thought we would include the five-page  
3 previously filed complaint, the last page saying page  
4 5 of 5 in handwriting at the bottom of the page.

5 MR. RANDALL: Yes.

6 EXAMINER FULLIN: And the list of it says  
7 at the top of the first page "Gifts from Christmas  
8 2017," but you've already said -- identifies the  
9 items that were damaged. They are stapled together  
10 so let's -- let's -- maybe we should unstaple them  
11 and have them as two different exhibits.

12 MR. RANDALL: Okay.

13 EXAMINER FULLIN: So I am going to  
14 unstaple mine and restaple it later, so I am going to  
15 suggest that the first one, the complaint filed in  
16 October, should be marked as Complainant's Exhibit  
17 No. 1. And then later on when you are testifying or  
18 otherwise presenting your case, if you want to move  
19 to have that admitted into evidence, it will already  
20 be marked and identified as Complainant's Exhibit No.  
21 1.

22 The two pages that we just unstapled from  
23 it that's the list of items that were damaged, I'm  
24 proposing that be marked as Complainant's Exhibit No.  
25 2.

1           And the last two pages are two pages of  
2 bills. One is from June 19, 2019, and it's just page  
3 1 of 2 of the bill; and the other one is July 22,  
4 2019.

5           MR. RANDALL: Yes.

6           EXAMINER FULLIN: I am going to propose  
7 those each be a separate exhibit. The first one, the  
8 June 19 bill be Complainant's Exhibit's No. 3 and the  
9 July 22, 2019, be Complainant's Exhibit No. 4 so that  
10 we have them identified so if and when they come up  
11 later on, we won't go through what I just did now in  
12 terms of identifying what you're talking about. We  
13 will all know -- we will have them in front of them,  
14 and we will all know what we are talking about.

15           So with that I would just go on with my  
16 own description of the proceedings today. You have  
17 the burden of proof. You can put on your testimony.  
18 You can put on your exhibits, your witnesses, and  
19 yourself to the extent your witness will be subject  
20 to cross-examination. You can -- you will need to  
21 answer the cross-examination, but you can provide  
22 further testimony that relates to what it is that you  
23 are cross-examined about and there could even be  
24 further cross-examination on that. But when you  
25 finally reach the point where there is no other

1 questions of you or your witnesses and you have  
2 nothing else to present, and then you would be in the  
3 position to rest. In other words, by resting you  
4 will be stating I have presented everything that I  
5 have that I want the Commission to consider in my  
6 case in my favor.

7 And when that happens, then the next step  
8 will be that the Company will get to go forward with  
9 their presentation of the case, and it will be a  
10 similar process. They could put on a witness, and  
11 the witness could testify. They could put on  
12 exhibits, and I will make a ruling on whether the  
13 exhibits come in. And when the Company is done  
14 presenting their side of the case and you've already  
15 rested, so you presented your side of the case, then  
16 we will bring the hearing to a close and the  
17 Commission's decision will be based on the record  
18 that was established here today in terms of witness  
19 testimony and documents. All right?

20 MR. RANDALL: All right.

21 EXAMINER FULLIN: I am giving you a clear  
22 understanding that is the way I am expecting to  
23 proceed today just so you know ahead of time. If  
24 procedural issues come up along the way, you can ask  
25 questions, or if I identify something I think you may

1 not see what's going on, I will try to make sure that  
2 there is no procedural things that get in the way of  
3 you getting your chance today to present your case  
4 and the Company getting a fair chance to present  
5 their case and establish the record today that the  
6 Commission will make its decision on based on what's  
7 on the record.

8 That's why we are back on the record now.  
9 Everything is being transcribed by a court reporter,  
10 and based on that transcript and whatever exhibits  
11 get admitted into the record, that's what the  
12 Commission will base its decision on.

13 So with that I think I am done with  
14 preliminary matters. So does anyone have any  
15 questions before we get started?

16 MR. RANDALL: No.

17 EXAMINER FULLIN: Okay. That being the  
18 case, then I am going go to ahead and let you get  
19 started. And, again, you are the Complainant. You  
20 get to go first. You can either testify yourself or  
21 call your first witness if you are going to have  
22 someone testify besides yourself, whatever you would  
23 like to do. It's your turn.

24 MR. RANDALL: Okay. Hi. My name is Dave  
25 Randall.

1 EXAMINER FULLIN: Now, if you are going  
2 to begin by providing things that you want me to --  
3 the Commission to consider, let's have you sworn in  
4 as a witness.

5 MR. RANDALL: Okay.

6 EXAMINER FULLIN: So if you will just  
7 stay at your place but I will swear you in.

8 (Witness sworn.)

9 EXAMINER FULLIN: Okay. Good. From now  
10 on what you say is part of your testimony and you are  
11 under oath as you give it.

12 - - -

13 DAVID N. RANDALL  
14 being first duly sworn, as prescribed by law, was  
15 examined and testified as follows:

16 DIRECT EXAMINATION

17 THE WITNESS: Okay. Once again, my name  
18 is Dave Randall. I am here to represent myself in a  
19 complaint against a power surge I had last year in my  
20 home on September 26. I filed a formal complaint in  
21 October after contacting CEI after I had the damages,  
22 and they was -- they rebuked it, so I contacted  
23 Public Utilities Commission, filed a formal  
24 complaint. We were down here earlier this year. The  
25 first time was not done and rescheduled for today.

1 Basically I didn't have -- I don't have any picture  
2 evidence. I asked them did I need to bring anything.  
3 No, just bring a listing of everything that's  
4 damaged. I still had one T.V. that had --

5 MS. DANFORD: I am going to go ahead and  
6 object on that hearsay. I am not sure who she is.

7 THE WITNESS: Oh, I believe I spoked to  
8 you, didn't I?

9 EXAMINER FULLIN: Let me say this, again,  
10 I am not trying to get you nervous about what you say  
11 or how you say it, but you got to present it as if --  
12 you know, I wasn't here for the earlier discussion.  
13 What was discussed at the earlier discussion is not  
14 important. It is not even going to be admissible.  
15 If you bring it up -- but if you bring it up today,  
16 describe what it is you said then in terms of how you  
17 want to say it today so that the Commission can  
18 consider it, that's what we are really looking for.

19 And so it's not important that you bring  
20 up what got discussed in the past. That's not but it  
21 is important if what got discussed there is what you  
22 want to bring up today, bring it up again. Bring it  
23 up and be your own witness about what it is that you  
24 are trying to say about it, okay? Maybe that will  
25 clarify things.

1 THE WITNESS: Okay. Well, like I said, I  
2 was -- I asked the Company did they need any physical  
3 evidence like pictures.

4 MS. DANFORD: I am going to object again.  
5 If you are testifying about things that were  
6 discussed during the settlement conference, that's  
7 not admissible in this proceeding. I would also  
8 object and say that the Company issued discovery  
9 requests to Mr. Randall and those speak for  
10 themselves.

11 EXAMINER FULLIN: Okay. So, again, you  
12 went back into describing this conversation you had  
13 with the Company. And but I've heard you earlier  
14 saying the reason why you are talking about that is  
15 because you didn't bring a picture with you.

16 THE WITNESS: Right.

17 EXAMINER FULLIN: So what we are going to  
18 look at is what you brought today. If you didn't  
19 bring it up today, we don't need the reason why you  
20 didn't bring it up. We just need to know what it is  
21 you have to present today. So it won't be because  
22 what the Company said to you because you didn't bring  
23 it with you so.

24 So, again, I am not going to allow you to  
25 continue on this discussion about what the Company



1 told you in the past. But I am giving you all the  
2 opportunity you want to bring out whatever you want.  
3 If you have a photo, if you don't have a photo, if  
4 you have your own reason why you didn't bring it,  
5 that's fine, but I don't want to hear about a  
6 discussion that happened during another phase of this  
7 case that I wasn't supposed to be a party to.

8 THE WITNESS: Sure.

9 EXAMINER FULLIN: Okay?

10 THE WITNESS: Okay. Basically what I got  
11 today I've got Exhibit 1 which everybody got a copy  
12 of. I have got Exhibit 2 which is a listing of the  
13 gifts I received Christmas 2017. Due to me being  
14 incarcerated, my house got broken into. I had  
15 everything was replaced. Exhibit 3 is the prices for  
16 the damaged items. Exhibit 4 is a copy of my most  
17 recent electric bills showing power I've been using  
18 since the repair has been made, since there is an  
19 issue of the housing being -- the house was built in  
20 1890 which is true. And the wiring had been updated  
21 from screw-in fuses to circuit breaker box. That's  
22 that.

23 EXAMINER FULLIN: Okay. But, again, I am  
24 looking for you to present something that describes  
25 how this whole situation came about. For you to just

1 hand me the earlier complaint isn't the same as you  
2 providing new testimony today that describes what it  
3 is that brought us here.

4 THE WITNESS: Last year I woke up. I  
5 smelled the burning through the house, the odor. As  
6 I went through, the -- my three T.V.s and microwave  
7 were smoldering. I threw them out the front door  
8 instantly. I went back in.

9 I had no power, so I went down in the  
10 basement with a flashlight and checked to see if the  
11 main box was on. It was off. I tripped it back on  
12 and that's when I noticed the lightbulbs like glowing  
13 real dimly off and on.

14 I said, oh, something's wrong. I shut it  
15 back off. I went outside, you know, make sure it  
16 wasn't nothing -- the pole that was mentioned in my  
17 complaint about being antiquated, and it was right  
18 behind my house. I went and made sure nothing was on  
19 fire or sabotaged. I didn't see nothing. I went  
20 back in. I waited until after 8 o'clock and that's  
21 when I contacted the Company to let them know I had a  
22 problem.

23 From there we -- I waited -- waited for  
24 the repair guys to come. They came probably about an  
25 hour or two later, and I had to leave. I left -- I

1 had to leave. When I came back, they left a note on  
2 the door that everything was taken care of. I went  
3 back in. I turned the power back on. It was off  
4 while I was gone. Turned the power back on and I had  
5 the glowing of the lightbulbs was still going. They  
6 started popping.

7 Of course, where the surge went through  
8 my T.V.s and the stove and refrigerator, those  
9 sockets were melted. I had to get those repaired,  
10 oh, God, first of this year because I moved out  
11 after -- after that happened. I didn't stay there.  
12 I had no power until after October they came and  
13 repaired it fully.

14 Since then I have had one problem with  
15 outage again, and they traced it to a wire coming  
16 from the -- my house up to the front pole.  
17 There's --

18 MS. DANFORD: I am going to object. I  
19 don't know who they is.

20 THE WITNESS: They are electric company.  
21 They had to come out again this year.

22 MS. DANFORD: When you say --

23 THE WITNESS: Windstorm. There is a wire  
24 that runs from my house up to the front and it rubs  
25 against this building and it come out there, cut the

1 tree, put like a sock over it.

2 MS. DANFORD: I am going to object again  
3 on relevance grounds. Your complaint dealt with  
4 circumstances in 2018, and if you are testifying  
5 about things that happened this year, that's beyond  
6 the scope of your complaint.

7 THE WITNESS: Okay.

8 EXAMINER FULLIN: Well, I will allow  
9 what's already been stated for the record into the  
10 record but.

11 THE WITNESS: Okay.

12 EXAMINER FULLIN: But, again, we are  
13 basically here to find out, to have you testify about  
14 what it is that you stated in your complaint because  
15 she doesn't want to question your complaint. She  
16 wants to question you about your testimony today.  
17 That's why I am sort of having you -- even though you  
18 might be almost reading from or looking at the  
19 complaint stated in your testimony, that's  
20 appropriate because I don't -- I don't really want it  
21 to be about the complaint. I want it to be about  
22 your testimony today.

23 So feel free to repeat what may be  
24 already stated in there but today it's coming from  
25 your mouth under oath at the hearing. That's why I

1 am anxious to hear it from that perspective rather  
2 than from the complaint. So feel free to do that.  
3 You can reiterate what's already been stated in the  
4 complaint.

5 The reason why we are having you go  
6 through that process so that you state it here under  
7 oath and now you are subject to cross-examination.  
8 She can ask you about anything that you say today,  
9 not necessarily about anything you said in a written  
10 complaint that you filed months ago. So that's --  
11 just so you understand the process, that's what we  
12 are doing right now at this stage of the case so feel  
13 free to bring up whatever you want.

14 THE WITNESS: All right.

15 EXAMINER FULLIN: If you have your own  
16 belief that what you are bringing up happened since  
17 the complaint that relates to the things that  
18 happened because of things you are bringing up in the  
19 complaint, feel free to bring those up too. You are  
20 not just bound by whatever you said back then; but,  
21 yes, it has to be about the reason why you brought  
22 this complaint today. So if you did bring it a while  
23 back, so it probably should relate in some way to the  
24 initial reason why you brought it, but you are free  
25 to bring up the issues that you are having.

1           In fact, really in general I am going to  
2   allow some testimony that just has to do with the  
3   issues that you now have with the Company that maybe  
4   started at the time the complaint was filed. But  
5   because you are here, because you can testify in your  
6   own behalf, because you are subject to  
7   cross-examination, I am going to allow you to bring  
8   up what you want to bring up in terms of the issues  
9   that you are having as -- as things presently stand.  
10   Okay?

11           THE WITNESS: All right. Well, basically  
12   the issue why I am here now I want to be -- want my  
13   items replaced, I want to be recompensated for the  
14   loss I had. That's the main issue. That's the only  
15   issue. I wasn't taken care of. If I was allowed to  
16   have insurance they offered through the Company, I  
17   would have had it, that would have taken care of it,  
18   but I wasn't allowed to have it because I am on low  
19   income payment plan. And I applied for it a couple  
20   times, and they turned me down. I didn't have  
21   homeowner's insurance. I didn't have no problem with  
22   it until it happened. Basically I was seeking  
23   compensation for my damaged items. That's basically  
24   it.

25           MS. DANFORD: I do -- I would like to

1 make another objection for the record. The scope of  
2 the complaint didn't include a denial of an insurance  
3 application. I would just like to note that for the  
4 record.

5 EXAMINER FULLIN: Well, put on your side  
6 of the case but he's allowed to bring up what he has  
7 as his issues and if that's --

8 MR. RANDALL: That's page 5 of Exhibit 1.  
9 It's a copy of the little surge protection that they  
10 sent in the bill. I filled it out years ago and it  
11 came back I had no income, no credit, and I wasn't  
12 allowed to do it through the low income payment plan  
13 that I have through the HEAP. I am on HEAP. They  
14 wouldn't allow me to have that insurance.

15 EXAMINER FULLIN: So you are showing --  
16 you pointed me towards --

17 THE WITNESS: Page 5, page 5 of 5.

18 EXAMINER FULLIN: I am looking at that  
19 and what I see there is a, you know, copy of an offer  
20 I would -- I would call it to enroll in the surge  
21 assist program and then someone handwrote there not  
22 eligible, no income, no credit. So I would like for  
23 you to explain, you know, what this tells me about  
24 what efforts you made to be subscribed and what it is  
25 that the Company did in response and so forth.

1 THE WITNESS: I don't have -- I don't  
2 have the original, but they sent me back -- like I  
3 said, this is over 10 years ago, maybe longer, but  
4 when it originally come out with this program, I  
5 signed up for it.

6 EXAMINER FULLIN: Okay.

7 THE WITNESS: And I was denied the  
8 program due to me being on the low income, the HEAP  
9 program.

10 EXAMINER FULLIN: So you are testifying  
11 that -- I am allowing you to testify about that. She  
12 is allowed to ask you about that, but I am asking --  
13 what I am hearing is you don't really have any  
14 written documentation to back up what you are saying.

15 THE WITNESS: I don't have the original  
16 where they denied me.

17 EXAMINER FULLIN: But that doesn't mean  
18 you can't say that's what happened to you.

19 THE WITNESS: If I knew it would have  
20 been a problem on down the road, that's the only  
21 thing I don't have. But that's why I took a copy and  
22 made a copy and wrote -- handwrote in there they told  
23 me I am not eligible due to no income and no credit.

24 EXAMINER FULLIN: Okay.

25 THE WITNESS: But that was -- that would



1 have been insurance for replacement of my items that  
2 were damaged, if I was allowed to participate in that  
3 program.

4 EXAMINER FULLIN: Okay. Now, what else  
5 do you want to say about anything at all?

6 THE WITNESS: Then there is Exhibit 4 and  
7 5 I was -- I am showing power that I've been using  
8 since last year.

9 MS. DANFORD: I'm sorry. I would like --  
10 I would like to jump in for a minute. I have  
11 Complainant's Exhibits 1, 2, 3, and 4. I don't have  
12 an Exhibit 5.

13 THE WITNESS: You don't have a 5 of 5?

14 EXAMINER FULLIN: Here is what it is. I  
15 think we are all on the same page, but you are not  
16 saying it the way I understand it either. There is  
17 four exhibits. The first one is your complaint, the  
18 last page of which was the one that we just talked  
19 about that has the offer of the surge assistance  
20 program.

21 THE WITNESS: Yes.

22 EXAMINER FULLIN: The second exhibit is  
23 two pages. It's the list of items that you handwrote  
24 you are complaining are the damaged items. The third  
25 exhibit is the July 19 bill. The fourth exhibit --

1 THE WITNESS: I list that as 4th.

2 EXAMINER FULLIN: But my numbering is the  
3 one that counts. It's Complainant's Exhibit No. 3,  
4 and it's June 19 bill; and Complainant's No. 4 is the  
5 July 22, 2019, bill, and I don't know of any others.  
6 If any others come up, we will deal with them as they  
7 come up but those are the four that I recognized as  
8 marked exhibits. And that's how they are marked.

9 THE WITNESS: She was saying you didn't  
10 have a copy of this.

11 EXAMINER FULLIN: I think she has a copy  
12 of each of those things.

13 MS. DANFORD: I do.

14 EXAMINER FULLIN: We were a little  
15 confused on the numbering you were giving them.  
16 That's understandable. That's okay.

17 THE WITNESS: All right.

18 EXAMINER FULLIN: Now I think we are back  
19 on the same page.

20 THE WITNESS: Yeah. I am saying page --  
21 Exhibit 1 and page 5 of 5. That's what I was talking  
22 about.

23 EXAMINER FULLIN: Yeah.

24 THE WITNESS: Yes.

25 EXAMINER FULLIN: We were talking about

1 another earlier. I think we are clear on how things  
2 were marked. Okay. So, again, I just want you to  
3 feel free to -- you don't have to refer to these  
4 exhibits yet. You can if you want to. I just -- I  
5 really want you to be wide open about presenting your  
6 side of the case from your point of view about what  
7 brings you here today, what it is that you have to  
8 present in terms of the situation.

9 THE WITNESS: Well, what I got to present  
10 is Exhibit 2 and 3 are my damaged items.

11 EXAMINER FULLIN: Okay. But, again, it's  
12 just Exhibit 2. It's a two-page exhibit.

13 THE WITNESS: Exhibit 2.

14 EXAMINER FULLIN: And it's two pages in  
15 your own handwriting of various items that you've  
16 identified.

17 THE WITNESS: Yes.

18 EXAMINER FULLIN: Okay. That's fine. We  
19 all understand that's what you are talking about. Go  
20 ahead. Did you want to do more about describing that  
21 or?

22 THE WITNESS: No. Basically  
23 self-describable.

24 EXAMINER FULLIN: Okay.

25 THE WITNESS: Okay. Back to Exhibit 4

1 and Exhibit 5.

2 EXAMINER FULLIN: There is no Exhibit  
3 4 -- there is an Exhibit 4. There is no Exhibit 5.  
4 We are talking about the Exhibit 3 June bill and  
5 Exhibit 4 is the July bill. I am sorry for any  
6 confusion.

7 THE WITNESS: Got it numbered mine's 4  
8 and 5.

9 EXAMINER FULLIN: Well, change it so you  
10 don't keep referring to the wrong thing. It doesn't  
11 help if you refer to an exhibit that doesn't exist.

12 THE WITNESS: June bill of this year and  
13 the July bill of this year.

14 EXAMINER FULLIN: Okay.

15 THE WITNESS: Shows the power usage at my  
16 residence from last year after repairs up to date.  
17 It was a question in their discovery of the home  
18 possibly having old wiring which is not the case. I  
19 have had no problems since then. I heat my house by  
20 electricity, and I cool my house by electricity. I  
21 have two air conditioners going 24/7 as of the  
22 weather being hot. During winter I have three  
23 electric heaters going, kerosene. So as far as  
24 saying the discovery about house having old wiring,  
25 you know, that's not the case. They rewired and

1 updated. That's it.

2 - - -

3 EXAMINATION

4 By Examiner Fullin:

5 Q. Okay. Let me ask you a few questions.

6 A. Yes, sir.

7 Q. I think the Commission wants to know from  
8 your point of view what -- what you feel is the  
9 reason why CEI is responsible for the power surge.

10 A. The reason why I believe they are  
11 responsible for the power surge because of the damage  
12 to my items and told by one of their employees, I  
13 don't have a name or badge number, that the pole and  
14 the wiring to the house was antiquated. It should  
15 have been changed out over 70 years ago, and then  
16 they came back and found the missing ground, whatever  
17 it is, I don't know, missing. That was the reason  
18 why the power was allowed -- was allowed to come in  
19 without being checked by the meter. I guess that  
20 would stop the surge.

21 Q. So one of the things you brought up --  
22 one of maybe the main things you brought up there was  
23 someone that told you that there was a problem.

24 A. He was a CEI employee.

25 Q. He was a CEI employee.

1           A.    Repairman, yes.

2           Q.    So you are saying someone that told you  
3   that CEI was responsible for the power surge; is that  
4   what you are saying?

5           A.    From antiquated wiring, yes, sir.

6           Q.    The antiquated wiring in the pole.  Now,  
7   is that your wiring or is that their wiring?

8           A.    Their wiring coming to the house, coming  
9   from the pole to the house.

10          Q.    Okay.

11          A.    To the meter, I should say.

12          Q.    Do you know the name of this person?

13          A.    I never got his name or badge number, no.

14          Q.    So you don't really have anything to  
15   offer about what he has to say why the Commission  
16   should believe that he told you that.

17          A.    Copy of who came out that day.

18          Q.    Okay.

19          A.    You know, I called and asked for a copy  
20   of the repair record, and they said it wasn't  
21   available to the customer.  It's company -- company  
22   policy private only, whatever.  The customers are not  
23   allowed to have a copy of the repair and who did it.

24          Q.    Okay.  Anything else you wanted to  
25   explain about -- anything else you wanted to explain

1 about why you believe it's the Company that's  
2 responsible for the power surge?

3 A. No.

4 Q. Mainly I've heard so far the Company  
5 employee that you don't know, can't identify, weren't  
6 allowed to find out the name of told you that. When  
7 did he tell you that and how did that come about?

8 A. It come out in October, I believe October  
9 3, that's when I was there, and stayed there until  
10 9:30 that night, and then finally repaired it.

11 Q. He repaired the wiring?

12 A. The wiring, yeah.

13 Q. The old wiring?

14 A. Yeah. He punched the ground wire and  
15 replaced all that, yes.

16 Q. And as he was repairing it, he was having  
17 conversation with you.

18 A. No, no. That conversation about the  
19 wiring being antiquated was before October. That's  
20 when they came out the day when they put the  
21 temporary ground there before they came back, that's  
22 when I was told about the wiring being antiquated and  
23 need -- should have been swapped out years ago.

24 Q. You know, I don't really want to pull it  
25 all out of you, but I want you to know I need to

1 understand, you know, give me as much detail as you  
2 can about when things happened, who said what, when,  
3 and why, so forth.

4 A. Sir, I don't have the names of the  
5 employees who told me that. That's what I am trying  
6 to say.

7 Q. I want you to understand whatever you can  
8 provide would probably be the most helpful for you so  
9 if you don't tell me --

10 A. I don't have nothing to provide of names  
11 or badge numbers for the repairman.

12 Q. Any other description how the  
13 conversation ensued? Do you have any of that?

14 A. No, just a verbal conversation between us  
15 two.

16 Q. Okay. That's all you want to say about  
17 that?

18 A. That's it.

19 Q. Okay. Now, another thing I am curious  
20 about on behalf of the Commission is I know you  
21 presented a two-page list of items that were damaged,  
22 you know. Why is the Commission supposed to  
23 recognize that all of these things listed here were  
24 damaged by the power surge? I mean, I think that's  
25 why you presented it so maybe make some kind of a



1 blanket statement that these were the items that were  
2 damaged by the power surge, how is the Commission  
3 supposed to come to agree with you that that's --  
4 where is the facts to support that?

5 A. As far as items that were damaged?

6 Q. Your testimony, whatever.

7 A. Yes. I still have two of them, the T.V.s  
8 are all thrown. All I still have the damaged stove  
9 and I have under the one damaged T.V. that had VCR  
10 and DVD player, I still have those.

11 Q. I believe you may have had all these  
12 items. I am not asking about whether you had the  
13 items or whether they were damaged. What I am asking  
14 about, how is the Commission to understand the reason  
15 they were damaged was because of the company was at  
16 fault for the power outage? How can -- how can I  
17 know that? Maybe some of these items you have from a  
18 long time ago. Maybe --

19 A. No. They are brand new, sir.

20 Q. I am not accusing you of anything. I am  
21 telling you help the Commission to understand.

22 A. I got a list. They were brand new.

23 Q. Every one of these items was damaged by  
24 the power outage. Help me to understand your point  
25 of view on that.

1           A.    They were given to me as gifts for  
2 Christmas 2017 once I got released from being  
3 incarcerated.

4           Q.    Everything on the list?

5           A.    Yes, sir.

6           Q.    Okay.  Again, I am not really trying to  
7 cross-examine you too severely.  I am just trying to  
8 help you to understand what the Commission wants to  
9 know about what it is that you presented here, so I  
10 would like for you to spell out the best you can.

11          A.    They weren't damaged until I had the  
12 power surge.  They were working fine.  Everything  
13 until I had the power surge I had no problems.

14          Q.    Because you received them all around  
15 Christmastime of 2017?

16          A.    Yeah, yeah.  I got out December 27 of  
17 2017.

18          Q.    Okay.  Well, again, that's more than I  
19 knew before I asked the question.  Appreciate that.  
20 Anything else you wanted to bring out about what they  
21 are, how they came to be, and, again, most  
22 importantly for the Commission to understand why they  
23 should believe you since you are making the assertion  
24 that they all got damaged by the power surge that was  
25 caused by the company.  Anything you wanted --

1 anything more you wanted to add about that?

2 A. No, I don't.

3 EXAMINER FULLIN: Okay. I don't have any  
4 further questions at this point. You can  
5 cross-examine the witness.

6 MS. DANFORD: Great. Thank you,  
7 Mr. Randall. Thank you, your Honor.

8 - - -

9 CROSS-EXAMINATION

10 By Ms. Danford:

11 Q. Mr. Randall, I just have a few short  
12 questions for you.

13 A. Sure.

14 Q. First, have you provided receipts to the  
15 Cleveland Electric Illuminating Company for any of  
16 the items you have claimed were damaged on September  
17 26, 2018?

18 A. I have no receipts. They were all gifts.  
19 They were given to me.

20 Q. Okay. Thank you.

21 A. I have no receipts.

22 Q. Mr. Randall, have you provided  
23 photographs to The Cleveland Electric Illuminating  
24 Company of any of the items you claimed were damaged  
25 on September 26, 2018?

1           A.    No.  I asked one of the representatives  
2   did I need to provide what I got left that day.  He  
3   said no.  Just bring a listing of the prices, items  
4   that were damaged.

5           MS. DANFORD:  I would move to strike  
6   everything after no.

7           EXAMINER FULLIN:  No.  I am going to  
8   allow him to answer the question the way he wanted to  
9   answer.

10          MS. DANFORD:  Your Honor, may I approach  
11   the witness?

12          EXAMINER FULLIN:  Yes.

13          MS. DANFORD:  Your Honor, I would ask  
14   that this be marked as Company Exhibit 1 for  
15   identification.

16          EXAMINER FULLIN:  This is Respondent's or  
17   Complainant?

18          MS. DANFORD:  I'm sorry, Respondent  
19   Exhibit A would be fine, if you prefer.

20          EXAMINER FULLIN:  I go with numbers.  
21   Respondent's No. 1, Exhibit 1, is marked.

22                 (EXHIBIT MARKED FOR IDENTIFICATION.)

23          Q.    (By Ms. Danford) Mr. Randall, I have  
24   handed you what has been marked as Respondent's  
25   Exhibit 1 for identification.  These are your

1 responses that you provided to The Cleveland Electric  
2 Illuminating Company in response to the Illuminating  
3 Company's discovery response to you, correct?

4 A. Yes.

5 Q. Great. Can you please turn to page 14.  
6 Mr. Randall, do you see request No. 3 on page 4?

7 A. Yes.

8 Q. Request No. 3 says -- asks you to produce  
9 all documents that you intend to rely, refer to, or  
10 use as exhibits at any deposition or at any hearing  
11 in this matter. Could you please read your response  
12 into the record.

13 A. It says "I don't have anything left of  
14 said items. I disposed of them without taking any  
15 photos. They were all gifts to me Christmas 2017  
16 when I came home from county jail after 90 days."

17 Q. Do you agree with me, Mr. Randall, you  
18 disposed of the items you claimed were damaged  
19 without taking any photographs of them?

20 A. Yes.

21 Q. Okay. Thank you. Just a few more  
22 questions. Mr. Randall, are you an engineer?

23 A. No. I am an auto technician.

24 Q. Have you ever worked in the electric  
25 industry?

1 A. No.

2 Q. Have you ever worked in the energy  
3 industry?

4 A. No.

5 Q. After the power surge that you claim  
6 happened on September 26, 2018, did you ever have an  
7 electrician come out and inspect your home?

8 A. Yes. I did have someone come out.

9 Q. Okay. Mr. Randall, I would ask that you  
10 turn to page 9 of Respondent's Exhibit 1.

11 A. Which page did you say, ma'am?

12 Q. Page 9.

13 A. Oh, okay. Okay.

14 Q. Interrogatory No. 13 says "If anyone  
15 other than CEI," which for our purposes means The  
16 Cleveland Electric Illuminating Company, "anyone  
17 other than CEI personnel has inspected, examined,  
18 tested, measured, or otherwise made any assessment of  
19 the electric service and/or electrical equipment at  
20 the Residence from March 2018 to present, state the  
21 following for each person: A, his or her full name;  
22 B, the company he or she works for; C, his or her  
23 address; D, his or her phone number; E, the date of  
24 each inspection, examination, test, measurement, or  
25 other assessment; and, F, the results of the

1 inspection, examination, test, measurement, or other  
2 assessment." Do you see where it says that?

3 A. Yes.

4 Q. Could you please read your answer into  
5 the record.

6 A. "No one."

7 Q. So, Mr. Randall, this interrogatory asked  
8 if anyone came out to inspect your residence, and in  
9 response to the interrogatory you said "No one."

10 A. It wasn't a formal inspection or testing  
11 done. They came out after it happened, and he went  
12 through with me just to look and see what happened.  
13 It wasn't where I paid him, you know, to come out and  
14 inspect or test or make a listing. It was just a  
15 friend of mine. He does this type of work. He came  
16 out and told me. That's maybe where he did go from  
17 my box back outside to the repairs that you guys did.  
18 But I wasn't charged for it. It wasn't no written  
19 down formal inspection. That's why I put down no  
20 one.

21 Q. So, Mr. Randall, are you testifying that  
22 your friend inspected CEI's equipment?

23 A. No. He inspected from the box -- from my  
24 box out to the meter to see what kind of repairs had  
25 been made. And he showed me the new ground they ran

1 from the pole down to the house. You can see it up  
2 there, but we didn't get up on the pole. He just  
3 showed me where they ran the new ground wire from the  
4 transformer down to the meter, the one that was  
5 supposed to have been missing.

6 Q. Okay. Thank you, Mr. Randall. During  
7 your testimony -- I'm sorry. Strike that.

8 Mr. Randall, would you agree with me that  
9 the Cleveland Electric illuminating came out to your  
10 residence on September 26, 2018?

11 A. Yes.

12 Q. So, Mr. Randall, you testified that you  
13 applied for insurance, possibly surge assist, about  
14 10 years ago; is that correct?

15 A. When they very first come out with. It's  
16 been a little while ago. I wish I had the original.  
17 Original form they sent back to me was a letter  
18 saying I didn't qualify for it because I was on the  
19 PIPP program, the PIPP program.

20 Q. Have you applied for surge assist since  
21 that time?

22 A. No.

23 Q. Did you apply for surge assist any time  
24 in 2016?

25 A. No.



1 Q. 2017?

2 A. No.

3 Q. 2018?

4 A. No.

5 MS. DANFORD: Your Honor, I have no  
6 further questions at this point.

7 - - -

8 FURTHER EXAMINATION

9 By Examiner Fullin:

10 Q. Okay. And let me ask just related to the  
11 last question, would you say that the thing that you  
12 are referring to that you did look into, asked about  
13 was specifically the -- you could name it the same  
14 way as named here on page 5 of your Exhibit 1.

15 A. Yes.

16 Q. That's the program you are talking about.  
17 It's not some other program or something separate.

18 A. No.

19 Q. That's what you are talking about.

20 A. Yes.

21 Q. You asked for that.

22 A. I applied for it.

23 Q. When it was new?

24 A. Yeah.

25 Q. And were denied for the reason you said.

1 That's what -- that that's what you are saying.

2 A. Yes, sir.

3 Q. It's not some other program.

4 A. No. CEI, yeah.

5 EXAMINER FULLIN: That's all. I just  
6 wanted that clarified for the record.

7 All right. Did you want to add anything  
8 that relates to the questions that either you or she  
9 asked?

10 MR. RANDALL: No, sir.

11 EXAMINER FULLIN: Okay. Did you have  
12 anything further that you were personally going to  
13 testify about?

14 MR. RANDALL: No, sir.

15 EXAMINER FULLIN: Okay. And did you have  
16 another witness that you wanted to present?

17 MR. RANDALL: Yes.

18 EXAMINER FULLIN: I think we will go off  
19 the record.

20 (Discussion off the record.)

21 EXAMINER FULLIN: So we will go back on  
22 the record, and you can call your next witness. And  
23 before they start testifying, I will have them stand  
24 and be sworn or affirmed in.

25 (Witness sworn.)

1                   EXAMINER FULLIN: Thank you. You can  
2 testify from where you are sitting -- seated, if you  
3 would like.

4                   - - -

5                   FRIEDA TYSON  
6 being first duly sworn, as prescribed by law, was  
7 examined and testified as follows:

8                   DIRECT EXAMINATION

9                   THE WITNESS: My name is Frieda Tyson and  
10 I am here to basically say I was there when the  
11 incident happened and what he is really trying to say  
12 the reason he feels CEI is responsible because of the  
13 damage that was done due to the power surge. And  
14 everything that's on his list is black and smoldered  
15 and useless. And, of course, he threw it away real  
16 quick. You know, being mad he threw it out the door.  
17 We weren't thinking about taking no pictures at the  
18 time. That basically covers it.

19                  EXAMINER FULLIN: All right. Anything  
20 else you would like to add?

21                  THE WITNESS: No.

22                  EXAMINER FULLIN: Let me make sure we  
23 have your name for the record. I know I didn't  
24 really catch it.

25                  THE WITNESS: Frieda, F-R-I-E-D-A, Tyson.

1 EXAMINER FULLIN: T-Y-S-O-N?

2 THE WITNESS: Yes.

3 EXAMINER FULLIN: Okay. Thank you. Did  
4 you have any questions of your own witness that you  
5 wanted to have her answer to help bring out your  
6 case?

7 MR. RANDALL: No, sir.

8 EXAMINER FULLIN: Okay. I don't think I  
9 have any right now.

10 If you would like to cross-examine the  
11 witness.

12 MS. DANFORD: I have no questions for  
13 this witness, your Honor.

14 EXAMINER FULLIN: Okay. Thank you for  
15 your testimony today.

16 THE WITNESS: You're welcome.

17 EXAMINER FULLIN: Now -- now, do you have  
18 any other witnesses that you wanted to present?

19 MR. RANDALL: No, sir.

20 EXAMINER FULLIN: Okay. Do you want to  
21 move to have each of the four exhibits that you  
22 brought admitted into the evidence?

23 MR. RANDALL: Yes, sir.

24 EXAMINER FULLIN: Okay. Any objections  
25 you wanted to make or otherwise discuss?

1 MS. DANFORD: Yes, your Honor. Just a  
2 couple objections for the record. First, with  
3 respect to Complainant's Exhibit 1, it's not clear to  
4 me sitting here today whether this is an unmodified  
5 or modified version of the complaint filed in this  
6 matter. It is a handwritten document, and I have not  
7 had an opportunity to compare it against that  
8 document. So I -- against the original filed  
9 complaint so I would note that for the record.

10 EXAMINER FULLIN: Was your reason for  
11 bringing it to basically have -- make sure that -- I  
12 think the reason why you are bringing it as an  
13 exhibit today is because I told you the Commission  
14 wasn't going to consider as evidence your complaint  
15 that was filed, but they would if you wanted to  
16 present as evidence in the case, then, again, it  
17 might be admitted as evidence in the case. Was your  
18 purpose here today basically to bring a copy of what  
19 was filed earlier in the case?

20 MR. RANDALL: Yes, yes.

21 EXAMINER FULLIN: So noting any  
22 discrepancy that comes to light, we will keep that in  
23 mind, but I'll admit it -- well, I will let you  
24 continue, but I am expecting I will be able to admit  
25 it as a copy submitted as an exhibit of the complaint

1 filed in this case.

2 MS. DANFORD: Thank you, your Honor.

3 EXAMINER FULLIN: Okay.

4 MS. DANFORD: Regarding Complainant's  
5 Exhibit 2, I would object on hearsay grounds. I -- I  
6 can't tell from looking at this list, you know, where  
7 these prices came from. There's been no  
8 authentication of the source of this information so I  
9 would note that hearsay objection for the record.

10 EXAMINER FULLIN: Okay. Did you want to  
11 respond in any way?

12 MR. RANDALL: Yes. In their discovery  
13 page 10, I wrote down on interrogatory No. 13 -- no,  
14 it's not 13. The page in between 13 and 15 I wrote  
15 down that the prices were -- I went to Wal-mart and  
16 the Home Depot for my pricing, about the cheapest  
17 places that I know of and that's where I -- the  
18 majority of the items came from.

19 EXAMINER FULLIN: So are you trying to  
20 let me know that the items that you listed here in  
21 terms of what the prices --

22 MR. RANDALL: Yeah.

23 EXAMINER FULLIN: -- listed in your  
24 exhibit match the same kind of answers that you gave  
25 in -- to their interrogatory No. 14 in their

1 discovery question?

2 MR. RANDALL: Yes, sir.

3 EXAMINER FULLIN: Is that what you are  
4 trying --

5 MR. RANDALL: Yes. I wrote down the  
6 serial numbers, model numbers, everything. I  
7 acquired them from Wal-mart and the Home Depot.

8 EXAMINER FULLIN: Let me understand that  
9 better. I am not sure I caught that.

10 MR. RANDALL: I say I got serial numbers,  
11 model numbers of each item that was damaged. I  
12 acquired them from Wal-mart discount store and the  
13 Home Depot for the electrical items, the boxes, the  
14 wiring strips, all that came from Home Depot. The  
15 T.V.s and the -- were from Wal-mart. The  
16 refrigerator and the stove was from Home Depot.

17 EXAMINER FULLIN: So let me try to  
18 understand. You had already -- well, maybe T.V.s are  
19 different. Some of this stuff you already threw out,  
20 but you went elsewhere to find similar items at a  
21 store or catalog?

22 MR. RANDALL: Right. Write them down.

23 EXAMINER FULLIN: Tried to catalog it.

24 MR. RANDALL: Because I didn't have the  
25 original receipts.

1 EXAMINER FULLIN: You made that effort.  
2 You did that both in trying to respond to their  
3 interrogatory No. 14 and also when you put together  
4 the list that's now marked as Complainant's Exhibit  
5 2? It was all the same process?

6 MR. RANDALL: Yes, sir.

7 EXAMINER FULLIN: And when did you go  
8 about doing this?

9 MR. RANDALL: March, April this year  
10 after I came down the first time.

11 EXAMINER FULLIN: Okay.

12 MR. RANDALL: Yes, when I got this in the  
13 mail.

14 EXAMINER FULLIN: Yeah. Maybe at this  
15 time you were trying to respond to the interrogatory?

16 MR. RANDALL: Yes, it would be, yes.

17 EXAMINER FULLIN: So you not only  
18 responded in the way that's shown on the -- so far  
19 submitted Respondent's Exhibit No. 1 but also at the  
20 same time in the same process created your own list  
21 that now is before me as Complainant's Exhibit No. 2?

22 MR. RANDALL: Yes, sir.

23 EXAMINER FULLIN: Okay. Are there  
24 differences between the answers that you gave to  
25 interrogatory No. 14 and the other list? Are there



1 some things that appear only one place and not in the  
2 other?

3 MR. RANDALL: No. It's the same stuff.

4 EXAMINER FULLIN: It's the same thing.

5 All right. Go ahead. Did you have other things you  
6 were going to bring up about Complainant's Exhibit  
7 No. 2?

8 MS. DANFORD: No, your Honor. Stay with  
9 my same objection.

10 EXAMINER FULLIN: Well, I am going to --  
11 I am going to admit both Exhibit No. 1 and did -- as  
12 we've described it, and I am also inclined to allow  
13 Complainant's Exhibit No. 2 into evidence but note  
14 that it does have some concerns as being hearsay, but  
15 the Commission can decide for itself whether it's --  
16 whether it's -- whether it's credible or not that  
17 what level of -- what level of credibility to give to  
18 it, what weight to give it. But I note that it's  
19 hearsay, but I will allow it into evidence at this  
20 time.

21 (EXHIBITS ADMITTED INTO EVIDENCE.)

22 EXAMINER FULLIN: Now, you have Exhibits  
23 No. 3 and 4. Are you asking to have them brought in?

24 MR. RANDALL: Yes, sir.

25 EXAMINER FULLIN: Okay. Did you want to

1 speak to either of those exhibits that have anything  
2 that hasn't been ruled on not including your own?

3 MS. DANFORD: Sure, your Honor. The only  
4 points I would make with both Complainant's Exhibit 3  
5 and 4 is that both of those have a page 1 of 2  
6 indicator in the top right corner but include only  
7 one page each, so I would just state for the record  
8 that they are incomplete records.

9 EXAMINER FULLIN: All right. I will note  
10 that for the record but allow them into evidence at  
11 this time.

12 (EXHIBITS ADMITTED INTO EVIDENCE.)

13 EXAMINER FULLIN: So now we've heard the  
14 testimony from you, from your witness, admitted all  
15 your exhibits into evidence. Do you have anything  
16 further to present to the Commission for them to  
17 consider as they are making their decision in your  
18 case before we allow -- before you rest and allow the  
19 Company to put on their case?

20 MR. RANDALL: No, sir.

21 EXAMINER FULLIN: Okay. Thank you.  
22 Thank you.

23 That being the case, does anyone need a  
24 break, or can we go ahead and proceed?

25 MS. DANFORD: Yes, your Honor. I would

1 like to request a brief 5-minute recess.

2 EXAMINER FULLIN: Yes. Let's take a  
3 short break and when we come back, the Company will  
4 put on their side of the case so feel free to move  
5 about. We will start again in 5 to 10 minutes.  
6 Nothing set in stone.

7 (Recess taken.)

8 EXAMINER FULLIN: Okay. We are ready to  
9 go back on record.

10 And, like I said, when we come back, it  
11 will be time for the Respondent's to put on their  
12 case. Are Respondent's intending to submit their  
13 Respondent's Exhibit 1 as an exhibit? Because I  
14 would like it to go in the record because we've  
15 already made reference to it in terms of describing  
16 some of the accuracy of the other exhibits. So if  
17 you are going to be doing that later, I won't be  
18 concerned. Otherwise, I would rather find out what's  
19 going to happen to it now because I want it to be  
20 part of the record because it's already been referred  
21 to.

22 MS. DANFORD: Certainly, your Honor.

23 EXAMINER FULLIN: So if you were going to  
24 be asking for it later, we will do it then.

25 MS. DANFORD: Certainly, your Honor. I

1 would make -- or I can move it. It's your Honor's  
2 preference.

3 EXAMINER FULLIN: I assume it might be  
4 different from the other exhibits you have so let's  
5 go ahead. Why don't you go ahead and move it now.

6 MS. DANFORD: Sure, yes, your Honor.  
7 Thank you. At this time the Cleveland Electric  
8 Illuminating Company would move for Respondent's  
9 Exhibit 1 to be admitted into the evidence.

10 EXAMINER FULLIN: Okay. Any objection to  
11 me admitting it into evidence?

12 MR. RANDALL: No, sir.

13 EXAMINER FULLIN: Okay. It will be  
14 admitted at this time.

15 (EXHIBIT ADMITTED INTO EVIDENCE.)

16 MS. DANFORD: Thank you, your Honor.

17 EXAMINER FULLIN: Now you can proceed  
18 with your case in chief.

19 MS. DANFORD: Thank you, your Honor. The  
20 Cleveland Electric Illuminating Company calls Robert  
21 Sandvick to the stand.

22 EXAMINER FULLIN: Again, if you want to  
23 come to the stand, you can, or if you want to stay  
24 where you are at.

25 (Witness sworn.)

1 EXAMINER FULLIN: Thank you. You will be  
2 able to hear him just as well if he came up here,  
3 right?

4 MR. RANDALL: Sure.

5 EXAMINER FULLIN: Okay. We will just  
6 leave it this way.

7 MS. DANFORD: Your Honor, may I approach  
8 the witness?

9 EXAMINER FULLIN: Yes. Thank you.

10 MS. DANFORD: Your Honor, I would ask  
11 that this exhibit be marked Respondent's Exhibit 2  
12 for identification purposes.

13 EXAMINER FULLIN: Yes. I have marked my  
14 copy that way so what she has handed you will be  
15 identified as Respondent's Exhibit 2.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 MS. DANFORD: Thank you, your Honor.

18 - - -

19 ROBERT SANDVICK

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

22 DIRECT EXAMINATION

23 By Ms. Danford:

24 Q. Mr. Sandvick, I have just handed you what  
25 has been marked as Respondent's Exhibit 2 for

1 identification purposes. Can you please tell me what  
2 this document is.

3 A. This is my responses to the questions  
4 pertaining to the case.

5 Q. Thank you. Mr. Sandvick, is this your  
6 direct testimony on behalf of the Cleveland Electric  
7 Illuminating Company?

8 A. Yes, it is.

9 Q. And that was direct testimony prepared by  
10 you or under your direction?

11 A. Yes, it was.

12 Q. Do you have any changes to make to your  
13 direct testimony today?

14 A. Not at this time.

15 Q. If I were to ask you the same questions  
16 in your direct testimony today, would your answers  
17 remain the same?

18 A. Yes.

19 MS. DANFORD: Thank you, Mr. Sandvick.

20 Your Honor, the witness is available for  
21 cross-examination.

22 EXAMINER FULLIN: This was prefiled  
23 testimony? I didn't -- again, I don't know that I  
24 saw it before.

25 MS. DANFORD: Yes. I apologize, your

1 Honor. This was actually filed back in July.

2 EXAMINER FULLIN: Maybe I did see it back  
3 then.

4 MS. DANFORD: This was filed back prior  
5 to -- the hearing has been continued a couple of  
6 times so.

7 EXAMINER FULLIN: Now I am remembering  
8 that. Okay. I did see it back then. Okay. Thank  
9 you.

10 So I don't have any questions at this  
11 moment. Do you want to ask him any questions about  
12 his testimony, cross-examine him about anything in  
13 his testimony?

14 MR. RANDALL: No. Yeah, I had July 17  
15 they sent me a copy. I already got a copy.

16 EXAMINER FULLIN: Do you have questions  
17 of him? Because I'm expecting the next thing that  
18 will happen --

19 MR. RANDALL: No, no. I don't have no  
20 questions.

21 EXAMINER FULLIN: Then she will ask to  
22 have his testimony adopted into evidence, and I will  
23 make a ruling on that, but before we do that, if you  
24 wanted to ask some questions about what he's  
25 testified to, this is your chance. But you said that

1     you don't.

2                   MR. RANDALL:  No.

3                   EXAMINER FULLIN:  So I will take your  
4     answer.  I don't have any questions at this time  
5     either.

6                   MS. DANFORD:  Your Honor, may I have an  
7     opportunity for a brief rebuttal?

8                   EXAMINER FULLIN:  Yes.  I didn't mean to  
9     cut off your chance to ask him questions about his  
10    direct testimony which I may have said that I was  
11    doing but that's not what I had in mind.  Go ahead.

12                   MS. DANFORD:  Thank you, your Honor.

13                   Q.     (By Ms. Danford) So, Mr. Sandvick, we've  
14    heard a lot of testimony today.  Are you aware of  
15    whether -- I'm sorry.  Strike that.

16                   Did the Cleveland Electric Illuminating  
17    Company to your knowledge violate any statute or  
18    regulation in providing service to Mr. Randall?

19                   A.     No.

20                   MS. DANFORD:  I have no further  
21    questions.

22                   EXAMINER FULLIN:  All right.  All right.  
23    I don't have any other questions either.  This is  
24    your last chance.  Do you have further questions for  
25    the witness?



1 MR. RANDALL: Yeah, I got well one -- a  
2 couple.

3 - - -

4 CROSS-EXAMINATION

5 By Mr. Randall:

6 Q. On page 5, question 3, 3 -- is 3 -- no,  
7 3, page 5, question 3.

8 EXAMINER FULLIN: Why don't -- I think  
9 you identified this by the line --

10 Q. Exhibit 2.

11 EXAMINER FULLIN: Yes, but, see, when you  
12 are -- I am on 5 with you. See how they have numbers  
13 1 through 22 numbering the lines so where is the  
14 question?

15 MR. RANDALL: 3Q.

16 EXAMINER FULLIN: Well, the Q is the  
17 question.

18 MR. RANDALL: 3.

19 Q. At line 3, okay. All right. 8, page 6,  
20 5, and 9.

21 EXAMINER FULLIN: So what is your  
22 question? I thought you were just referencing where  
23 to look --

24 MR. RANDALL: Yeah.

25 EXAMINER FULLIN: -- so we could hear

1 your question. So what is the question?

2 MR. RANDALL: That they -- they admitted  
3 there was a problem with the ground wire being  
4 removed -- missing and that it would cause voltage  
5 fluctuations and outages.

6 EXAMINER FULLIN: Well, again, the format  
7 here, and we will give you a little chance to adjust  
8 yourself and get used to it, but he has presented  
9 this as his testimony.

10 MR. RANDALL: Okay.

11 EXAMINER FULLIN: You've pointed to  
12 certain parts of his testimony, and then you began  
13 talking about your view of things.

14 MR. RANDALL: Right.

15 EXAMINER FULLIN: What has to happen here  
16 to point to something in his testimony and ask him a  
17 question that may or may not, you know, help the  
18 Commission to understand it better than he has  
19 already stated it. So you got to ask him a question  
20 about his testimony and if it's something you don't  
21 agree with, maybe it would be a question to him about  
22 a better understanding.

23 MR. RANDALL: Well, I agree with it.

24 EXAMINER FULLIN: Okay. Again, I am just  
25 trying to help you. The idea is I need you to

1 formulate questions for him to answer so.

2 MR. RANDALL: Yeah.

3 Q. (By Mr. Randall) I just wanted to ask  
4 about the -- about the missing ground possible.  
5 That's possible cause of the surge, sir?

6 MS. DANFORD: I am going to go ahead and  
7 object. There's been no admission that there was a  
8 surge in this case and so I would object to the form  
9 of the question.

10 EXAMINER FULLIN: Okay. Well, I want to  
11 give him some room to bring his question. But, yes,  
12 as I read his testimony, the Company hasn't admitted  
13 that the surge even happened. And so you have got to  
14 ask the question in terms of what he's described.  
15 You can't -- you can't ask him to admit something he  
16 has never admitted to.

17 MR. RANDALL: I have no further  
18 questions.

19 EXAMINER FULLIN: Okay. All right. I  
20 don't have further questions at this point either.

21 MS. DANFORD: Thank you, your Honor. At  
22 this time I would move that Respondent's Exhibit 2 be  
23 moved into evidence.

24 EXAMINER FULLIN: Any objection to me  
25 admitting his exhibit --

1 MR. RANDALL: No.

2 EXAMINER FULLIN: -- into evidence? His  
3 exhibit will also be admitted into evidence.

4 (EXHIBIT ADMITTED INTO EVIDENCE.)

5 EXAMINER FULLIN: Anything further from  
6 the Respondent?

7 MS. DANFORD: Not from the Cleveland  
8 Electric Illuminating Company, your Honor.

9 EXAMINER FULLIN: Okay. If I haven't  
10 already done so, I think I have, Respondent's Exhibit  
11 1 and 2 are admitted into evidence, and all four of  
12 the Complainant's exhibits are admitted into  
13 evidence. And the -- both -- as I understand it,  
14 both parties have rested in terms of presenting  
15 evidence in this case.

16 Let's go off the record for a moment.

17 (Discussion off the record.)

18 EXAMINER FULLIN: I have asked whether  
19 the parties were interested in filing briefs in this  
20 case. I found out that CEI is interested in filing  
21 at least an initial brief. So my -- what I expect to  
22 do is to rule there will be a deadline for either  
23 party on its own to decide to file an initial brief,  
24 and we could have talked about it off the record but  
25 let's talk on the record about when the deadline for

1 that will be. I think -- I think it's usually about  
2 three weeks out that we expect the transcript to come  
3 in and a month from there when we expect the initial  
4 brief to come in as general terms.

5 So does anybody have a calendar in front  
6 of them? I don't. If there is no objection, I am  
7 going to make a ruling that initial briefs will be  
8 due on October 7 and that any party that wants to  
9 respond to an initial brief by filing the reply brief  
10 may do so by say -- let's say the reply brief would  
11 only be allowed from someone that is replying to an  
12 additional brief, and the reply brief, if anybody,  
13 will be due on October 31. So that's my ruling as  
14 far as the briefing schedule.

15 If along the time frame either party  
16 finds some special reason why they are having  
17 difficulty meeting that, contact me and we will work  
18 out an arrangement that works, but barring any  
19 unforeseen circumstances, this is what I would  
20 expect, initial briefs, if any, and they are  
21 optional, will be due on October 7, October 7, and  
22 reply briefs which are only allowed in responding to  
23 an initial brief will be due October 31. That's my  
24 ruling on the timing of briefs.

25 Other than that I consider the record

submitted of record, and the Commission will make its  
decision based on the record that was established  
today. And we will consider briefs as they -- as  
they come in. Thank you.

We are adjourned.

(Thereupon, at 11:48 a.m., the hearing  
was adjourned.)

- - -

CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Monday, August 19,  
2019, and carefully compared with my original  
stenographic notes.

*Karen Sue Gibson*  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-6796)

- - -



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Summary: Transcript David N. Randall vs. The Cleveland Electric Illuminating Company, hearing held on August 19, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.