

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Thaah and Aaron Young, Complainants,

v.

Ohio Power Company, Respondent.

Case No. 18-1832-EL-CSS

THAAH AND AARON YOUNG OBJECTIONS AND RESPONSES TO “MOTION IN LIMINE AND REQUEST FOR EXPEDITED RULING OF OHIO POWER COMPANY” FILED AUGUST 29, 2019

1. Complainants object in general to this motion in its entirety. The scope of the complaint proceeding is not limited to the Company’s AMI optout tariff and the language in the Company’s Acknowledgment as there are other issues of service raised within the complaint. However the Company’s AMI optout tariff and the language in the Company’s Acknowledgment itself makes Exhibit A (I-210+C) relevant in this case. Within the complaint, the Company’s Acknowledgment ties this product to the service requested by the Complainants. The Company and the Company’s Acknowledgment will only provide the service if Complainants agree to accept all losses, liabilities, costs, expenses, suits, actions, and claims, including claims arising out of injuries to persons or damage to property, caused by or in any way attributable to or related to Customer's request for non-standard metering service and/or the subsequent installation of non-standard metering equipment (I-210+C). Therefore Complainants aver it is reasonable to seek out any information and evidence available for this product as it is well within the scope of this proceeding, and there are no other Companies providing this service and no other meter options available within his/her area. In addition, The Company and the Company’s Acknowledgment stated the meter for the service requested does not have communicating abilities, and Complainants now understand Exhibit A in the motion to show otherwise.
2. Complainants further object, without waiving any other objections in this response, to MEMORANDUM IN SUPPORT where “The technical specifications of the Company’s meters are not relevant to Complainants’ claims that the Company refused to provide them with opt-out service, given the fact that the Company has agreed to allow Complainants to keep the analog meter currently serving their residence.” on the grounds that the Respondent is attempting to support this motion using privileged mediation communications involved in settlement discussions. Complainants have not agreed to disclose mediation communications and as such prevent Respondent from disclosing mediation communications. Further, the company agreeing to allow Complainants to keep the analog meter currently serving their residence without further stipulation is not appropriate as the purpose of this motion is not to negotiate a settlement for this case.

3. Complainants further respond to the Company's objections for discovery. In addition to liability for the meter and service, the complaint also raises issue with the commencement of the fee terms of the Company's Acknowledgment as to when it would be billed. Under the tariff application, a "meter-reading route" and "percentage of AMI and/or AMR meters in which the company has installed on this meter-reading route" and "when" must be established for the commencement of the fee. Complainants therefore, in addition to the relevancy of meter information and evidence sought as stated above, aver that other information within the discovery request is relevant to the subject matter of the proceeding.

CONCLUSION

For reasons set forth above, the commission or attorney examiner should not preclude the testimony and evidence at issue with the Respondent nor, alternatively, strike the documents at issue with the Respondent.

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Summary: Objection THAAH AND AARON YOUNG OBJECTIONS AND RESPONSES TO MOTION FILED AUGUST 29, 2019 electronically filed by Mr. Aaron Young on behalf of YOUNG, THAAH AND AARON