

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

LINDA KIRBY

Complainant,

v.

OHIO EDISON COMPANY.

Respondent.

Case No. 18-0691-HL-CSS

RESPONDENT, OHIO EDISON
COMPANY'S FIRST SET OF
INTERROGATORIES,
REQUESTS FOR PRODUCTION
OF DOCUMENTS AND
REQUESTS FOR ADMISSIONS

TO THE COMPLAINANT:

Respondent, Ohio Edison Company ("Ohio Edison"), by and through its counsel and pursuant to O.A.C. §§ 4901-1-16, 4901-1-19, 4901-1-20 and 4901-1-22, serves the following Interrogatories, Requests for Production of Documents and Requests for Admissions upon Complainant, Linda Kirby, to be answered and responded to separately and fully, in writing and under oath, within twenty (20) days after the date of service thereof upon Complainant. Please be advised that you are under a duty to reasonably supplement your responses with respect to any question addressed to you herein.



INSTRUCTIONS FOR ANSWERING

1. All information is to be divulged which is in your possession or control or within the possession and control of your family, your attorneys, investigators, agents, employees or other representatives.

2. Where an Interrogatory calls for an answer in more than one part, the parts should be separated in the answer so that they are clearly understandable.

3. You are reminded that all answers must be made separately and fully and that an incomplete or evasive answer is a failure to answer.

4. You are under a continuing duty to supplement your response with respect to any question directly addressed to the identity and locations of persons having knowledge of discoverable matters, and to correct any response which you know or later learn to be incorrect.

5. The word "document" or "documents" as used herein shall include without limitation the original and any non-identical copy of any written, recorded or graphic matter however produced or reproduced, including but not limited to any correspondence, memoranda, notes, minutes of meetings, reports, transcripts of telephone conversations or any other writings or documentary material of any nature whatsoever, together with any attachments thereto and enclosures therewith, and any other photographic and retrievable matter in your possession, custody or control.

6. The term "Complaint" as used herein shall mean the Complaint filed in Case No. 18-0691-EL-CSS before The Public Utilities Commission of Ohio.

7. Any request to "provide" (or words of similar import or meaning) a document shall be considered a request to produce documents.

INTERROGATORY NO. 1:

Please state the first date on which you became aware of possible neutral-to-earth voltage.

ANSWER: Approximately around April, but
unable to detect until October.

INTERROGATORY NO. 2:

Please state the first date on which you notified Ohio Edison about possible neutral-to-earth voltage.

ANSWER: 1st of October

INTERROGATORY NO. 3:

Please state the first date on which you noticed abnormal animal behavior as referenced in the Complaint.

ANSWER: April, but unable to know
why they were acting weird

INTERROGATORY NO. 4:

After witnessing abnormal cow behavior, what steps did you take to investigate the cause of the abnormal behavior?

... Hills Supply they
... called Daniel with
... Automation he knows how
... stray voltage. Daniel found
... up to 7 volts.

INTERROGATORY NO. 5:

Please identify the neutral-to-earth testing procedures performed, along with the name of the individual or individuals performing the testing and the dates of any tests.

ANSWER: Hills tested between April and 1st of October. They did not know how to test for it. Daniel came in and put a ground in the middle of our yard and started testing voltage in the barn and found we had several volts coming from Ohio Edison.

INTERROGATORY NO. 6:

Please describe how the cows "demonstrated elevated levels of stress in milking parlor," as stated in the Complaint.

ANSWER: They would not come into the Parlor like normal. We had to force them in. They were kicking us, kicking the milkers off and sumping the rails.

INTERROGATORY NO. 7:

Please describe what "failed to achieve complete milk letdown," means as stated in the complaint.

ANSWER: Cows need to be relaxed to let their milk down. If the cows do not let their milk down it will cause mastitis and reduction in milk. Stray voltage over a period of time will burn mammary tissue in udder and when this happens the cows cannot recover and are useless to the dairy industry.

INTERROGATORY NO. 8: Please describe what "elevated somatic cell testing" is as stated in the Complaint and identify the individual or individuals that performed the testing.

Dean's Dairy
milk marketing Administration. does all
Testing

INTERROGATORY NO. 9:

After finding "undesirable voltage levels," as stated in the Complaint, what steps did you take to protect the cows?

ANSWER:

We hooked up our Generator for milking because it broke the strain voltage from Ohio Edison. We continued arguing with Ohio Edison to put Isolator Box in. We even offered to pay for it.

INTERROGATORY NO. 10:

Please describe the milk production levels

(a) prior to the alleged neutral-to-earth voltage;

(b) during the alleged neutral-to-earth voltage; and

(c) after the neutral isolation device was installed.

ANSWER:

Herd Average 78 pounds per cow per day
steadily dropped down to 40 Herd Average
Somatic cell went up, and animal health declined
We had to get rid of a lot of cows and buy new cows to replace the cows we couldn't save. Milk production went back up to 75 pounds per day per cow.

INTERROGATORY NO. 11:

Please describe what testing or method was used to measure the "cow stress" as stated in the Complaint.

We could visually see how cows were acting different. Our Somatic cell and animal health has come back to normal since the Isolator Box was put in.

INTERROGATORY NO. 12:

Please state and describe, in detail, the "damages resulting therein to the dairy herd production and health to be repaid by electrical service provider responsible for poor power quality," as stated in the Complaint.

ANSWER:

The cows were being shocked milking, eating, and drinking. Therefore the cows did not want to eat, drink, or milk. The stray voltage was burning the tissue in the udder. This causing poor health and death in some of our cows.

INTERROGATORY NO. 13:

Please describe the "cow contact surfaces" as referenced in the Complaint.

ANSWER:

Concrete, water, and steel rails

INTERROGATORY NO. 14:

Please state the owner or owners of the property that is the subject of the Complaint.

Linda Kirby

ANSWER:

INTERROGATORY NO. 15:

Please state the owner or owners of the cows that are the subject of the Complaint.

ANSWER:

Linda Kirby

INTERROGATORY NO. 16:

Please identify each and every person you expect to call as a witness at hearing in this proceeding, their address and phone number, and the substance of the facts to which each such witness is expected to testify.

ANSWER:

Richard Wiley DmV
New Atteberg large Animal clinic
1436 West Old Lincoln Way
Wooster OH 44691
330-465-8670

Daniel D.
Precision Ag Automation
4739 Webb Dr
Andover OH 44003
440-228-7675

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please provide copies of any and all documentation that is related to your answers in any of the interrogatories.

RESPONSE:

REQUESTS FOR ADMISSION

Instruction:

If your answer to any Request for Admission is anything other than an unqualified admission, please state in detail the reason for the denial.

REQUEST FOR ADMISSION NO. 1:

Admit that Ohio Edison promptly installed a neutral isolator after finding elevated neutral-to-earth voltage.

RESPONSE:

Respectfully submitted,

/s/ Scott J. Casto

Scott J. Casto (0085756)

FIRSTENERGY SERVICE COMPANY

76 South Main Street

Akron, OH 44308

(330) 761-7835

scasto@firstenergycorp.com

Attorney for Ohio Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. mail to the following person on this 24th day of October 2018. Electronic Word copies of the foregoing will be provided upon the receipt of a valid e-mail address for Complaint.

Linda Kirby
2222 Cooks Lane
N. Bloomfield, OH 44450

/s/ Scott J. Casto
Attorney for Ohio Edison Company

Double K Kirby Farms

Linda Kirby

2222 Good Land

N. Bloomfield OH. 44430

PUCO

180 E. Brad Street

Columbus OH 43215

ATTN: I.A.D.

January 29, 2018

Michelle:

Re: Stray Voltage

Enclosed you will find a copy of our last year's Milk Production, and a copy of bill for pumps and boards in parlor. As you can see our production starts to drop in April and continues down thru December.

Do to Brown out and Stray voltage first part of November it burnt out our pumps and boards in Parlor, which created an extra expense of \$7,977.90

The stray voltage also created health problems in the cow's bag, problems resulting in mastitis. This created an extra expense from vets of \$17,713.00.

In addition extra medication had to be purchased to care for the cows totalling \$5,979.00

We also had 25+ cows die from the stray voltage, and another 32 cows we had to sell for slaughter because of medicines not curing the mastitis, and some cows were unable to breed back.

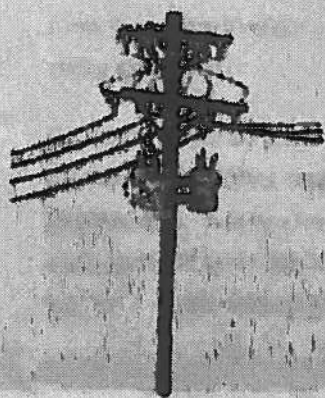
Thank you,

Linda Kirby

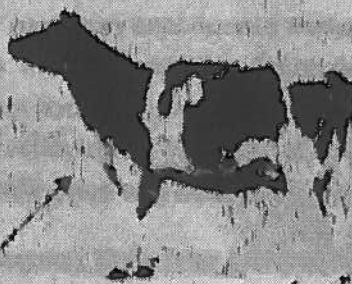
VOLT - A unit of electrical pressure (or electromotive force) which causes current to flow in a circuit. One volt is the amount of pressure required to cause one ampere of current to flow against one ohm of resistance.

AMPERE - A unit of measure for the flow of current in a circuit. One ampere is the amount of current flow provided when one volt of electrical pressure is applied against one ohm of resistance. The ampere is used to measure electricity much as "gallons per minute" is used to measure water flow.

Neutral-to-earth (NEV) - is a measure of the voltage potential between a neutral-to-ground bonding point and a remote earth point.

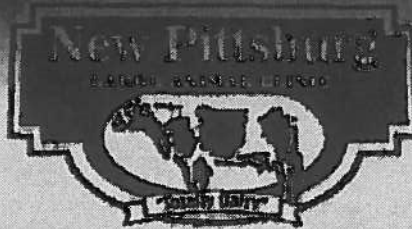


Voltage passes through cows causing discomfort when cow is positioned between neutral and earth.



All equipment and structured bonded to electric service providers grounding. Example: motors, pipeline, well connected to watering cups, parlors stall and supporting cement.

All structures bonded to farms natural "earth". Example: cow shed, free stalls and supporting cement, holding area.



December 13, 2017

Re: Kevin Kirby

I am the veterinarian of record for Kevin Kirby and can provide narrative of health and production for his dairy cow herd.

During the fall of 2017 the dairy cow farm experienced numerous repercussions of stray voltage. These problems included but were not limited to mastitis, decreased feed intake and decreased milk production. Many cows could not recover from mastitis and were culled at beef price. Other cows experienced subclinical mastitis reflected by increased somatic cell counts (SCC), raising the bulk tank SCC to a point where the Kirby milk price was discounted on quality.

By Kevin Kirby's discovery and request, the power company recently has provided relief by means of an isolation transformer which has corrected the stray voltage issue at the farm level. However many cows did not recover to prior production levels and were either culled for beef or dried out of production.

Losses include but are not limited to drug treatments, discarded milk following treatment, decreased milk production and future milk opportunities, discounted milk pricing due to lesser quality of high SCC milk, culled and dead cows.

Sincerely

Richard E Wiley DVM

Precision Ag Automation
4788 WEBB DR
ANDOVER, OH 44003
(440) 228-7876



INVOICE

INVOICE # 882
DATE 12/08/2017
DUE DATE 12/08/2017
TERMS Due on receipt

BILL TO
Kevin Kirby
2222 Cooks Lane
North Bloomfield, OH 44460
North Bloomfield, Ohio 44460

Please detach top portion and return with your payment.

ACTIVITY	QTY	RATE	AMOUNT
Service Investigated damage resulting from low voltage delivered to farm during "brown out" conditions. Found 7 failed well pump motors, 8 failed control PCB boards on prior auto detaching automation, and damaged pulsation control PCB.	8	65.00	520.00
49343 Replacement Master pulse board for Delatron, 12VDC	1	538.50	538.50
3440D10 Goulds 3/4 Hp submersible well pump	7	788.00	5,516.00
85380 Replacement Circuit Board for ACR-PI And ACR-SB	6	233.80	1,402.80

Note: North East Ohio power grid suffered major power brown outage resulting in low voltage entering farm electrical circuits Nov 22, 2017. These power outages were concurrent with above mentioned equipment failures.

BALANCE DUE

\$7,977.30

Milk Production Earnings Summary for 2017

Providing quality milk since Jan 2010

289118 Dutton & Puma
223 Oak Lane
Northbrook, OH 44130

Month	Production	Raw milk	Feed value	Quality incentives	Milkline incentives	Real premium	Gross value	Premiums	Marketing services	Adjustments	Marketing expenses	Net
January 2017	245,552	82,103.55	1,225.55	1,182.44	285.55	305.55	82,103.55	-305.55	-122.57	-8,025.53	-1,317.40	41
February 2017	237,557	48,792.27	1,182.44	1,001.41	285.55	305.55	48,792.27	-305.55	-118.34	-8,000.53	-1,315.30	41
March 2017	230,251	55,001.50	1,001.41	1,001.41	440.45	420.42	55,001.50	-420.42	-140.14	-8,951.32	-1,718.33	41
April 2017	232,109	48,000.53	1,001.41	1,001.41	410.57	420.42	48,000.53	-420.42	-131.03	-8,957.97	-1,500.55	41
May 2017	233,055	50,445.91	1,001.41	1,001.41	420.45	420.42	50,445.91	-420.42	-131.39	-8,971.03	-1,548.80	41
June 2017	243,212	47,331.52	1,001.41	1,001.41	121.51	420.42	47,331.52	-420.42	-121.74	-8,924.72	-1,482.53	41
July 2017	245,481	47,265.52	1,001.41	1,001.41	122.74	420.42	47,265.52	-420.42	-103.26	-8,925.70	-1,525.00	41
August 2017	216,219	42,002.47	1,001.41	1,001.41	101.55	420.42	42,002.47	-420.42	-101.55	-8,941.13	-1,570.03	41
September 2017	203,003	38,500.97	1,001.41	1,001.41	92.97	420.42	38,500.97	-420.42	-92.97	-8,900.84	-1,483.53	41
October 2017	185,940	35,555.00	1,001.41	1,001.41	81.44	420.42	35,555.00	-420.42	-81.44	-8,787.53	-1,428.23	41
November 2017	178,087	34,042.51	1,001.41	1,001.41	102.55	420.42	34,042.51	-420.42	-102.55	-8,750.23	-1,385.91	41
December 2017	212,759	38,500.97	1,001.41	1,001.41	102.55	420.42	38,500.97	-420.42	-102.55	-8,750.23	-1,385.91	41
Totals	2,770,940	843,752.17	91,317.78	91,317.78	2,770.94	420.42	843,752.17	-420.42	-420.42	-42,750.23	-47,381.70	41

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/19/2021 9:55:20 AM

in

Case No(s). 18-0691-EL-CSS

Summary: Exhibit Exhibit C-1 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.