

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Ohio Edison	)	
Company, the Cleveland Electric	)	
Illuminating Company, and the Toledo	)	Case No. 17-974-EL-UNC
Edison Company's Compliance with	)	
R.C. 4928.17 and the Ohio Adm. Code	)	
Chapter 4901:1-37.	)	

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**MOTION FOR A SUBPOENA DUCES TECUM FOR FIRSTENERGY CORP. TO  
ATTEND AND GIVE TESTIMONY AT A DEPOSITION  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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Bruce Weston (0016973)  
Ohio Consumers' Counsel

Maureen R. Willis (0020847)  
Counsel of Record  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Willis]: (614) 466-9567  
Telephone [Finnigan]: (614) 466-9585  
[maureen.willis@occ.ohio.gov](mailto:maureen.willis@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)

March 10, 2022

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OCC moves<sup>1</sup> for a subpoena. The subpoena would require FirstEnergy Corp. to choose one or more of its officers, agents, employees, or other persons duly authorized to testify on its behalf and produce that person(s) to attend and give testimony at an OCC deposition in this government investigation relating to the FirstEnergy Ohio Utilities. The subpoena also would require FirstEnergy Corp. to produce books, papers, documents, or other tangible things as requested, a week in advance of the deposition.

The person(s) designated by FirstEnergy Corp. will be subject to oral cross-examination concerning matters known or reasonably available within FirstEnergy Corp. on the corporate separation policies, practices, and procedures of the FirstEnergy Ohio Utilities. OCC is scheduling the deposition for April 13, 2022, at 10:00 a.m. at OCC's offices in Columbus, Ohio. The subpoena also would require FirstEnergy Corp. to produce various documents (detailed below), one week in advance of the deposition, all

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<sup>1</sup> O.A.C. 4901-1-21(A) and (F); 4901-1-25.

related to the FirstEnergy Ohio Utilities' corporate separation policies, practices, and procedures.

Under Ohio law, the FirstEnergy Ohio Utilities must implement and operate under a corporate separation plan that "satisfies the public interest" and is "sufficient" to protect Ohioans from undue preference or advantage being given to the utilities' affiliate(s).<sup>2</sup>

Under provisions of the Ohio Administrative Code, O.A.C. 4901:1-37-07, the FirstEnergy Ohio Utilities are obligated to "maintain records sufficient to demonstrate compliance with this chapter" and must produce, upon the request of staff, "all books, accounts and/or other pertinent records kept by an electric utility or its affiliates" related to businesses which require corporate separation. A key to investigating a utility's compliance with these corporate separation provisions is the utility's corporate separation policies, practices, and procedures.

Daymark, one of the PUCO-hired Auditors in this proceeding, wrote it was advised that FirstEnergy's "Chief Ethics Officer" has "ultimate responsibility for corporate separation compliance."<sup>3</sup> Daymark noted that the Chief Ethics Officer position and other positions responsible for compliance monitoring and tracking were vacant while Daymark was conducting its audit.<sup>4</sup> Incredibly, Daymark noted that it "could not get access to records of the compliance officer in place during the audit period [2016 through 2020] since that person had been separated from the company prior to the start of

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<sup>2</sup> R.C. 4928.17.

<sup>3</sup> Daymark Compliance Audit of FirstEnergy Operating Companies at 32 (Sept. 13, 2021).

<sup>4</sup> *Id.*

the audit.”<sup>5</sup> The unavailability of the records thwarts the consumer protection intended by corporate separation.

Also incredibly, Daymark wrote that it was advised by FirstEnergy staff that systems and processes in place for compliance monitoring and tracking during the four-year period now under PUCO investigation could not be located.<sup>6</sup> Again, this thwarts consumer protection.

Daymark noted that “[t]his limited Daymark’s ability to assess the Company’s compliance tracking and monitoring activities within the audit period.”<sup>7</sup> Apparently Daymark is given to understatement. Again, incredibly, for the five-year period when FirstEnergy was part of “the largest bribery money laundering scheme in Ohio history” there were no compliance records to review. This makes no sense. Where are the efforts by Daymark and the PUCO to overcome the FirstEnergy Ohio Utilities incredible impediments to auditing? *How convenient for the FirstEnergy Ohio Utilities to not be auditable (which is a violation of O.A.C. 4901:1-37-07).*

Note that FERC spoke of having to overcome FirstEnergy Corp.’s creative use of bookkeeping:

Even more concerning, several factual assertions agreed to by FirstEnergy in DPA and the remedies FirstEnergy agreed to undertake, *point towards internal controls having been possibly obfuscated or circumvented to conceal or mislead as to the actual amounts, nature, and purpose of the lobbying expenditures made, and as a result, the improper inclusion of lobbying and other nonutility costs in wholesale transmission billing rates.*<sup>8</sup>

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<sup>5</sup> *Id.* at 1.

<sup>6</sup> *Id.* at 32.

<sup>7</sup> *Id.*

<sup>8</sup> *In re FirstEnergy Audit*, Docket No. FA19-1-000 at 48 (Feb. 4, 2022) (emphasis added).

Per O.A.C. 4901-1-25, the FirstEnergy Corp. is to produce designated books, papers, and documents<sup>9</sup> for OCC to review, one week prior to the scheduled deposition.

The documents FirstEnergy Corp. is requested to produce should include:

1. All documents that were in the possession of, or under the control of, Ebony Yeboah-Amankwah related to corporate separation for the FirstEnergy Ohio Utilities during 2016 through 2020.
2. All documents containing processes and procedures that the FirstEnergy Ohio Utilities used pertaining to Ohio corporate separation requirements during 2016 through 2020.
3. All documents pertaining to training undertaken with respect to the FirstEnergy Ohio Utilities' corporate separation compliance from 2016 through 2020.
4. All documents pertaining to the FirstEnergy Ohio Utilities' day-to-day compliance with Ohio's corporate separation rules and law.
5. All documents containing internal audits conducted during 2016 to 2020, pertaining to the FirstEnergy Ohio Utilities' compliance with Ohio corporate separation requirements.
6. All documents relating to changes to the FirstEnergy Ohio Utilities' corporate separation plan since the former Chief Ethics Officer was "separated," including any changes currently under consideration.
7. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s current Vice President and Chief Ethics and Compliance Officer (Mr. Fernandez) and his supervisor and his supervisees, respectively, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
8. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s chosen deponent and his supervisor and his supervisees, respectively, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
9. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s chosen deponent and Ms. Yeboah-Amankwah, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
10. All documents containing inquiries by FirstEnergy entities into the whereabouts of information that PUCO auditor Daymark stated (in its audit report) was missing and not available for Daymark's auditing.
11. All documents containing communications (emails, texts, etc.) between Mr. Fernandez and Ms. Yeboah-Amankwah relating to the FirstEnergy Utilities' corporate separation plan for Ohio, on and after May 1, 2020.
12. All documents explaining, documenting and/or referencing the statement in an email from Ms. Yeboah-Amankwah about paying Lincoln Electric,

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<sup>9</sup> To include that material broadly described in Civil Rule 34(A).

including any opinion that she held with regard to making the payment.  
(Attached).

13. All documents in any and all forms that Ms. Yeboah-Amankwah took with her from her job that ended at FirstEnergy.
14. All documents that any and all FirstEnergy entities provided to FERC both two weeks before and two weeks after FERC's audit of FirstEnergy in FERC Case FA 19-1-000.
15. All documents containing the FirstEnergy position (job) descriptions for Mr. Fernandez and formerly for Ms. Yeboah-Amankwah.
16. All documents containing any and all correspondence between FERC and any and all FirstEnergy entities that was sent or received during the period beginning one month prior to the February 4, 2022 issuance of FERC's audit in FERC Case FA19-1-000 and ending as of the date of this subpoena.
17. All documents containing any and all correspondence sent or received by FirstEnergy entities during the period beginning one month prior to the February 4, 2022 issuance of FERC's audit in FERC Case FA19-1-000 and ending as of the date of this subpoena.
18. All documents containing the current and preceding position descriptions of the chosen deponent.
19. All documents containing the current and preceding FirstEnergy organizational chart showing the chosen deponent's position in the FirstEnergy organization structure.

OCC's motions are more fully explained in the attached memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Maureen R. Willis  
Maureen R. Willis (0020847)  
Counsel of Record  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Willis]: (614) 466-9567  
Telephone [Finnigan]: (614) 466-9585  
[maureen.willis@occ.ohio.gov](mailto:maureen.willis@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

OCC files this motion, per O.A. C. 4901-1-21(F) and 4901-1-25, to subpoena FirstEnergy Corp. to choose one or more of its officers, agents, employees or other persons to testify on its behalf on matters known or reasonably available to FirstEnergy Corp. The subpoena requires the person or person(s) so designated by FirstEnergy Corp. to attend and give testimony at a deposition conducted by OCC on April 13, 2022. FirstEnergy Corp. is to produce one week prior to the deposition the books, papers, and documents, as specifically identified in the subpoena.

The deposition and records requested are intended to produce information that is reasonably calculated to lead to the discovery of admissible evidence in in this case. The issues relate to how (and whether) the FirstEnergy Ohio Utilities complied with Ohio's corporate separation law and rules during 2016 through 2020. Incredibly, due to a lack of records, state-appointed auditor Daymark was unable to assess the FirstEnergy Ohio Utilities' corporate separation compliance tracking and monitoring activities undertaken within that time frame.<sup>10</sup>

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<sup>10</sup> Daymark Compliance Audit at 32 (Sept. 13, 2021).



Daymark reported that the FirstEnergy staff was unable to locate systems and processes in place for compliance monitoring and tracking during that period. The FirstEnergy Corp. designee should have knowledge regarding the corporate separation policies, practices, and procedures of the FirstEnergy Ohio Utilities and should be familiar with the documents and able to authenticate documents produced as part of this subpoena.

The PUCO has stated that it is “determined to act in a deliberate manner, based upon facts rather than speculation.”<sup>11</sup> But to take appropriate action for public protection based on facts, the PUCO *must first obtain the facts*, including by signing this subpoena for OCC.

Accordingly, the PUCO should grant this motion. The motion should be granted to require FirstEnergy Corp. to designate a person(s) to testify on its behalf on corporate separation matters known or reasonably available to FirstEnergy Corp. Additionally, FirstEnergy Corp. should be ordered to produce, one week ahead of the deposition, documents pertaining to the FirstEnergy Ohio Utilities’ corporate separation policies, practices, and procedures, as detailed below. FirstEnergy’s designated person(s) should be familiar with and able to authenticate the documents produced as part of this subpoena.

## **II. LAW AND ARGUMENT**

We are subpoenaing the FirstEnergy Corp. to designate a person(s) to attend and give deposition testimony. We are also subpoenaing FirstEnergy Corp. to produce

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<sup>11</sup> *In the Matter of the Review of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company’s Compliance with R.C. 4928.17 and Ohio Adm. Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC, Entry at ¶17 (Nov. 4, 2020).

documents. We are asking that the person(s) so designated by FirstEnergy Corp. be familiar with the documents requested and be able to authenticate such documents.

We previously subpoenaed Mr. Antonio Fernandez, FirstEnergy Corp.'s current Vice President and Chief Ethics and Compliance Officer (effective April 12, 2021).<sup>12</sup> That subpoena was signed by Attorney Examiner Price and properly served on Mr. Fernandez. But we were advised by FirstEnergy Corp.'s counsel that Mr. Fernandez is not the designated compliance officer for Ohio corporate separation matters, even though he holds the same title as the former FirstEnergy Utilities' compliance officer (Ebony Yeboah Amankwah). FirstEnergy Corp. indicated, in a filing that followed OCC's Fernandez subpoena, that Mr. Pannell is the current (as of Feb. 6, 2022) designated FirstEnergy Utilities' compliance officer that is replacing a different compliance officer, Mr. Mattiuz, who is retiring.<sup>13</sup>

And we were also advised by FirstEnergy Corp.'s counsel, on Feb. 24, 2022, that the subpoenaed documents we sought from Mr. Fernandez were not in his possession and belonged to FirstEnergy Corp. FirstEnergy Corp.'s counsel advised OCC that if it wants such documents, it needs to subpoena FirstEnergy Corp. Otherwise, FirstEnergy Corp. advised that it would file a motion to quash. (In fact, FirstEnergy Corp. did file a motion to quash OCC's subpoena, which OCC will be responding to by a separate pleading.)

When OCC sought the same documents from the FirstEnergy Utilities in conjunction with OCC's agreement to depose Mr. Mattiuz and Mr. Pannell, we were advised that no, those documents would not be provided because the discovery cut off

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<sup>12</sup> FirstEnergy Corp. News Release, *FirstEnergy Names Antonio Fernandez Chief Ethics and Compliance Officer* (Mar. 22, 2021).

<sup>13</sup> See correspondence in Case No. 09-462-EL-UNC (Feb. 11, 2022).

had already occurred. Mr. Doringo, one of the FirstEnergy Utility lawyers, advised that he and Mr. Gladman, on behalf of the FirstEnergy Utilities, would be handling those depositions.

Subject to revisiting, OCC is not calling on the PUCO to intervene here, involving the ongoing discovery disputes between OCC and FirstEnergy Corp. and FirstEnergy Utilities. OCC has chosen to seek an additional corporate subpoena, consistent with what FirstEnergy Corp.'s counsel suggested.

This OCC subpoena would require the FirstEnergy Corp. to designate a person(s) with knowledge and expertise on the corporate separation policies, practices, and procedures of the FirstEnergy Ohio Utilities. That person(s) would be required to attend a deposition and testify on FirstEnergy Corp.'s behalf, as to matters known or reasonably available to FirstEnergy Corp. The subpoena also commands FirstEnergy Corp. to produce, one week prior to the scheduled deposition, materials designated in this subpoena, related to the corporate separation policies, practices, and procedures of the FirstEnergy Ohio Utilities. The person(s) designated by FirstEnergy Corp. are to be familiar with the documents being produced and must be able to authenticate those documents.

This case concerns whether FirstEnergy complied with Ohio's corporate separation law and provisions of the Ohio Administrative Code pertaining to corporate separation.<sup>14</sup> The case should especially include investigation of any corporate separation improprieties involving FirstEnergy scandals. Those scandals should include FirstEnergy's activities of concern involving House Bill 6 and FirstEnergy's activities of

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<sup>14</sup> O.A.C. 4901:1-37.

concern involving the former PUCO Chair (and anyone else at the PUCO). Originally, an audit was performed by Sage and filed on May 14, 2018.

Consistent with an OCC motion, a second audit was ordered after FirstEnergy Corp. reported the firing of its CEO and two other executives for violating “certain Company policies and its code of conduct.”<sup>15</sup> The PUCO recognized the need to “take additional action to ensure compliance by the Companies and its affiliates with the corporate separation provisions of R.C. 4928.17 and with the Companies’ Commission-approved corporate separation plans.”<sup>16</sup>

The PUCO expanded the audit period to include “the period between November 1, 2016, and October 31, 2020, which includes examination of the time period leading up to the passage of Am. Sub. H.B.6 and the subsequent referendum.”<sup>17</sup> But unfortunately, the PUCO’s second auditor, Daymark, did not evaluate information covered by the PUCO’s Entry.<sup>18</sup>

To our dismay, we learned from the PUCO’s response to an OCC public records request that the PUCO Staff informed bidders for the audit contract that that (in response to their questioning) “no” the audit does not include examining whether Ohio ratepayers were the source of funds used to support H.B. 6. OCC and NOPEC then filed a motion for a supplemental audit. Attorney Examiner Gregory Price – who withdrew on March

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<sup>15</sup> FirstEnergy Corp. Form 8-K (Oct. 30, 2020).

<sup>16</sup> *In the Matter of the Review of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company’s Compliance with R.C. 4928.17 and Ohio Adm. Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC, Entry at ¶17 (Nov. 4, 2020).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*, Daymark Audit Report at 1.

4th from this and other investigation cases involving FirstEnergy – unfortunately then deferred a ruling on the supplemental audit motion until *after the hearing*.

The PUCO has repeatedly stated that it is “determined to act in a deliberate manner, based upon facts rather than speculation.”<sup>19</sup> But to take appropriate action for public protection based on facts, the PUCO *must first obtain the facts*. Signing this subpoena for OCC is part of obtaining the facts (and justice). The subpoena also would help to achieve Chairperson French’s objective to provide “more transparency” “to lift the ‘black cloud’ of [the] HB 6 scandal” from over the PUCO.<sup>20</sup>

Accordingly, OCC files this motion for a subpoena duces tecum requiring FirstEnergy Corp. to designate a person(s) to attend and give testimony, on its behalf, at a deposition as to matters known or reasonably available to FirstEnergy Corp. and to produce materials to OCC one week before that deposition.

**A. The PUCO should grant OCC’s motion and sign OCC’s subpoena duces tecum to the FirstEnergy Corp.**

O.A.C. 4901-1-21(F) provides:

A party may in the notice and in a subpoena name a corporation, partnership, association, government agency, or municipal corporation and designate with reasonable particularity the matters on which examination is requested. The organization so named shall choose one or more of its officers, agents, employees, or other persons duly authorized to testify on its behalf, and shall set forth, for each person designated, the matters on which he or she will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

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<sup>19</sup> *In the Matter of the Review of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company’s Compliance with R.C. 4928.17 and Ohio Adm. Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC, Entry at ¶17 (Nov. 4, 2020).

<sup>20</sup> J. Pelzer, *New PUCO Chair Jenifer French: more transparency needed to lift the ‘black cloud’ of [the] HB 6 scandal*, Cleveland.com (May 18, 2021).

OCC satisfies O.A.C. 4901-1-21 and 4901-1-25 for the granting of its motion for a subpoena duces tecum. Essentially, the signing of the subpoena is a ministerial act for the PUCO. The Attorney Examiner should sign the subpoena when presented by OCC in person, per O.A.C. 4901-1-25(A)(2). If that signing does not occur for whatever reason, the PUCO Examiner should promptly return the signed subpoena to OCC via “United States mail,” per O.A.C. 4901-1-25(A)(1). The PUCO’s consideration of whether a subpoena is “unreasonable or oppressive” is only prompted if another party moves to quash, per O.A.C. 4901-1-25(C).

Under R.C. 4903.082, parties must be given ample rights of discovery. Further, the statute directs that “[t]he present rules of the public utilities commission should be reviewed regularly by the commission to aid full and reasonable discovery by all parties.” The Ohio Supreme Court recently affirmed OCC and NOPEC’s broad statutory rights to discovery (as intervenors), when it reversed the PUCO’s ruling in the FirstEnergy Advisors case. The PUCO’s ruling denied motions to compel discovery among other things.<sup>21</sup> The Court directed the PUCO to rule on the merits of the discovery motions before issuing a decision on the matters before it.<sup>22</sup>

The testimony of a person designated by FirstEnergy Corp. on the FirstEnergy Ohio Utilities’ corporate separation policies, practices and procedures is crucial to establish whether the corporate separation plan was “sufficient”<sup>23</sup> to protect Ohio consumers. Incredibly, the state-appointed (PUCO) Auditor (Daymark) acknowledged that it could not access FirstEnergy’s compliance monitoring and process during the audit

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<sup>21</sup> *In re Suvon LLC*. Slip Op. No. 2021-Ohio-3630.

<sup>22</sup> *Id.* at ¶41.

<sup>23</sup> R.C. 4928.17 (A)(3).

period. That's supposedly because FirstEnergy's Chief Ethics and Compliance Officer position, and other positions with responsibilities in this area, were unfilled.<sup>24</sup> Also incredibly, "FirstEnergy staff" was unable to locate systems and processes in place for compliance monitoring and tracking to ensure that the FirstEnergy Ohio Utilities complied with Ohio laws and rules on corporate separation.<sup>25</sup> Among other things, the deposition should provide answers to some key questions about corporate separation issues. And the subpoena should result in the production of records relevant to corporate separation issues and should allow OCC to ask questions of the person(s) on the documents produced.

The PUCO should grant OCC's motion for a subpoena duces tecum to FirstEnergy Corp. to choose and produce person(s), to testify on its behalf, on corporate separation matters known or reasonably available to FirstEnergy Corp. And the PUCO should allow OCC to obtain documents identified in the subpoena from FirstEnergy Corp. The person(s) designated by FirstEnergy Corp. should be familiar with the documents and able to authenticate them.

### **III. CONCLUSION**

The PUCO should sign OCC's subpoena toward giving Ohioans the benefit of Ohio law and a full investigation of FirstEnergy's corporate separation plan, including issues involving the FirstEnergy scandals. The PUCO must consider whether the plan satisfies the public interest and is sufficient to ensure the FirstEnergy Ohio Utilities do not extend undue preference or advantage to FirstEnergy affiliates, to the detriment of

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<sup>24</sup> Daymark Compliance Audit at 32.

<sup>25</sup> *Id.*

Ohio consumers. The deposition of person(s) chosen by FirstEnergy Corp. to testify on Ohio corporate separation policies, practices, and procedures is needed for resolving this proceeding. Also needed are documents of FirstEnergy Corp. related to this matter. The person(s) designated by FirstEnergy Corp. should be familiar with the documents produced and should be able to authenticate such documents. The subpoena should be signed.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Maureen R. Willis  
Maureen R. Willis (0020847)  
Counsel of Record  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Willis]: (614) 466-9567  
Telephone [Finnigan]: (614) 466-9585  
[maureen.willis@occ.ohio.gov](mailto:maureen.willis@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)



### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion was served on the persons stated below via electric transmission this 10<sup>th</sup> day of March 2022.

/s/ Maureen R. Willis  
Maureen R. Willis  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

### **SERVICE LIST**

[thomas.lindgren@ohioAGO.gov](mailto:thomas.lindgren@ohioAGO.gov)  
[werner.margard@ohioAGO.gov](mailto:werner.margard@ohioAGO.gov)  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[Mnugent@igsenergy.com](mailto:Mnugent@igsenergy.com)  
[bethany.allen@igs.com](mailto:bethany.allen@igs.com)  
[evan.betterton@igs.com](mailto:evan.betterton@igs.com)  
[gkrassen@bricker.com](mailto:gkrassen@bricker.com)  
[dstinson@bricker.com](mailto:dstinson@bricker.com)  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[fykes@whitt-sturtevant.com](mailto:fykes@whitt-sturtevant.com)  
[trent@hubaydougherty.com](mailto:trent@hubaydougherty.com)  
[mwise@mcdonaldhopkins.com](mailto:mwise@mcdonaldhopkins.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)  
[tallexander@beneschlaw.com](mailto:tallexander@beneschlaw.com)  
[khehmeyer@beneschlaw.com](mailto:khehmeyer@beneschlaw.com)

Attorney Examiners:

[megan.addison@puco.ohio.gov](mailto:megan.addison@puco.ohio.gov)  
[jacqueline.st.john@puco.ohio.gov](mailto:jacqueline.st.john@puco.ohio.gov)

[edanford@firstenergycorp.com](mailto:edanford@firstenergycorp.com)  
[cwatchorn@firstenergycorp.com](mailto:cwatchorn@firstenergycorp.com)  
[bknipe@firstenergycorp.com](mailto:bknipe@firstenergycorp.com)  
[mrgladman@jonesday.com](mailto:mrgladman@jonesday.com)  
[mdengler@jonesday.com](mailto:mdengler@jonesday.com)  
[radoringo@jonesday.com](mailto:radoringo@jonesday.com)  
[marcie.lape@skadden.com](mailto:marcie.lape@skadden.com)  
[iavalon@taftlaw.com](mailto:iavalon@taftlaw.com)  
[kverhalen@taftlaw.com](mailto:kverhalen@taftlaw.com)  
[mpritchard@mcneeslaw.com](mailto:mpritchard@mcneeslaw.com)  
[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[donadio@carpenterlipps.com](mailto:donadio@carpenterlipps.com)  
[tdougherty@theOEC.org](mailto:tdougherty@theOEC.org)  
[ctavenor@theOEC.org](mailto:ctavenor@theOEC.org)  
[jweber@elpc.org](mailto:jweber@elpc.org)  
[trhayslaw@gmail.com](mailto:trhayslaw@gmail.com)  
[leslie.kovacik@toledo.oh.gov](mailto:leslie.kovacik@toledo.oh.gov)  
[sgoyal@jonesday.com](mailto:sgoyal@jonesday.com)  
[calee@jonesday.com](mailto:calee@jonesday.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[dparram@bricker.com](mailto:dparram@bricker.com)  
[rmains@bricker.com](mailto:rmains@bricker.com)

STATE OF OHIO  
PUBLIC UTILITIES COMMISSION  
180 E. EAST BROAD STREET  
COLUMBUS OHIO 43266-0573

Michael DeWine  
GOVERNOR



PUBLIC UTILITIES COMMISSION OF OHIO  
SUBPOENA DUCES TECUM

TO: FirstEnergy Corp.  
76 South Main Street  
Akron, Ohio 44308

Upon application of the Office of the Ohio Consumers' Counsel ("OCC"), FirstEnergy Corp. shall designate a person with knowledge about the corporate separation policies, practices, and procedures of the FirstEnergy Ohio Utilities (including the documents identified below). The FirstEnergy Corp. designate is hereby required to appear for deposition at 10:00 a.m. on April 13, 2022 at OCC's office at 65 East State Street, Suite 700, Columbus, Ohio 43215. The FirstEnergy Corp. designate is also required to produce the following documents to OCC at the same location, one week prior to the scheduled deposition:

1. All documents that were in the possession of, or under the control of, Ebony Yeboah-Amankwah related to corporate separation for the FirstEnergy Ohio Utilities during 2016 through 2020.
2. All documents containing processes and procedures that the FirstEnergy Ohio Utilities used pertaining to Ohio corporate separation requirements during 2016 through 2020.
3. All documents pertaining to training undertaken with respect to the FirstEnergy Ohio Utilities' corporate separation compliance from 2016 through 2020.
4. All documents pertaining to the FirstEnergy Ohio Utilities' day-to-day compliance with Ohio's corporate separation rules and law.

5. All documents containing internal audits conducted during 2016 to 2020, pertaining to the FirstEnergy Ohio Utilities' compliance with Ohio corporate separation requirements.
6. All documents relating to changes to the FirstEnergy Ohio Utilities' corporate separation plan since the former Chief Ethics Officer was "separated," including any changes currently under consideration.
7. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s current Vice President and Chief Ethics and Compliance Officer (Mr. Fernandez) and his supervisor and his supervisees, respectively, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
8. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s chosen deponent and his supervisor and his supervisees, respectively, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
9. All documents containing communications (emails, texts, etc.) between FirstEnergy Corp.'s chosen deponent and Ms. Yeboah-Amankwah, relating to the FirstEnergy Ohio Utilities' corporate separation plan for Ohio.
10. All documents containing inquiries by FirstEnergy entities into the whereabouts of information that PUCO auditor Daymark stated (in its audit report) was missing and not available for Daymark's auditing.
11. All documents containing communications (emails, texts, etc.) between Mr. Fernandez and Ms. Yeboah-Amankwah relating to the FirstEnergy Utilities' corporate separation plan for Ohio, on and after May 1, 2020.
12. All documents explaining, documenting and/or referencing the statement in an email from Ms. Yeboah-Amankwah about paying Lincoln Electric, including any opinion that she held with regard to making the payment. (Attached).
13. All documents in any and all forms that Ms. Yeboah-Amankwah took with her from her job that ended at FirstEnergy.
14. All documents that any and all FirstEnergy entities provided to FERC both two weeks before and two weeks after FERC's audit of FirstEnergy in FERC Case FA 19-1-000.
15. All documents containing the FirstEnergy position (job) descriptions for Mr. Fernandez and formerly for Ms. Yeboah-Amankwah.
16. All documents containing any and all correspondence between FERC and any and all FirstEnergy entities that was sent or received during the period beginning one month prior to the February 4, 2022 issuance of FERC's audit in FERC Case FA19-1-000 and ending as of the date of this subpoena.
17. All documents containing any and all correspondence sent or received by FirstEnergy entities during the period beginning one month prior to the February 4, 2022 issuance of FERC's audit in FERC Case FA19-1-000 and ending as of the date of this subpoena.

18. All documents containing the current and preceding position descriptions of the chosen deponent.
19. All documents containing the current and preceding FirstEnergy organizational chart showing the chosen deponent's position in the FirstEnergy organization structure.

The documents will be produced in connection with the proceeding entitled: "In the Matter of the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company's Compliance with R.C. 4928.17 and the Ohio Adm. Code Chapter 4901:1-37 (Case No. 17-0974-EL-UNC),"

Dated at Columbus, Ohio, this 10<sup>th</sup> day of March 2022.

  
\_\_\_\_\_  
Attorney Examiner

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

**From:** "Dowling, Michael J." <dowlingm@firstenergycorp.com>  
**To:** "Ridmann, William R." <wrridmann@firstenergycorp.com>  
**Cc:** "Yeboah, Ebony L." <eyeboah@firstenergycorp.com>, "Vespoli, Lella L." <vespolil@firstenergycorp.com>  
**Subject:** Re: Status of Open Items -Randazzo  
**Date:** Thu, 21 May 2015 12:19:00 +0000  
**Importance:** Normal

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agree - would like to hear what he thinks about aep's filing and other general matters.

Michael J. Dowling  
Senior Vice President, External Affairs  
330-384-5761

On May 21, 2015, at 8:13 AM, Ridmann, William R. <[wrridmann@firstenergycorp.com](mailto:wrridmann@firstenergycorp.com)> wrote:

Although I didn't think we needed the meeting, I don't think it would hurt to just get a better understanding of the process going forward so there are no surprises.

William R. Ridmann  
Vice President, Rates & Regulatory Affairs  
FirstEnergy Service Corp.  
330-761-4154

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**From:** Yeboah, Ebony L  
**Sent:** Wednesday, May 20, 2015 9:38 PM  
**To:** Vespoli, Lella L.; Ridmann, William R.; Dowling, Michael J.  
**Subject:** Status of Open Items -Randazzo

We are scheduled to have one of our regularly scheduled meetings with Sam tomorrow at 2pm. I believe we have completed (except payment) each of our open items (see below) with Sam and the meeting tomorrow can be cancelled. I suggested to Sam yesterday that we should cancel the meeting and he preferred to make it a game day decision. I asked whether he believed anything was open in which to discuss and he said he was not aware of anything in which to discuss. Should I follow up tomorrow morning to cancel the meeting?

Previously Open Items

1. ESP – We completed the language to be inserted in our next Stipulation to add additional ELR language and new transmission language. Sam has agreed to submit a letter indicating that he would not offer any witness and his testimony should be deemed withdrawn. He did not really want to withdraw his testimony and argued that not providing a witness to sponsor it should be sufficient. I agreed that in the real world it should be sufficient but that we really wanted him to officially withdraw it so no one tried anything "funny" later. He agreed to do it but noted his letter would somehow signal that the withdraw was based on a supplemental stipulation to come. I have to think about how to handle a discovery request for the language. I am thinking we will have to surrender it in advance of filing the actual supplemental stipulation. We should probably discuss.
2. Lincoln Electric – We have agreed to the language for the settlement agreement. We now just need to execute the agreement and make payment. I will ensure that this is completed.

0152

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**3/10/2022 3:12:17 PM**

**in**

**Case No(s). 17-0974-EL-UNC**

Summary: Motion Motion for a Subpoena Duces Tecum for FirstEnergy Corp. to  
Attend and Give Testimony at a Deposition by Office of the Ohio Consumers'  
Counsel electronically filed by Ms. Alana M. Noward on behalf of Willis, Maureen R.