

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

AMERICAN WIRE AND CABLE
COMPANY,

Complainant,

vs.

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,

Respondent.

Case No.: 13-1613-EL-CSS

**RESPONDENT, THE CLEVELAND
ELECTRIC ILLUMINATING
COMPANY'S FIRST SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO COMPLAINANT**

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*Attorneys for Respondent,
The Cleveland Electric Illuminating
Company*



TO AMERICAN WIRE AND CABLE COMPANY:

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, The Illuminating Company (the “Respondent”) requests Complainant, American Wire and Cable Company, to respond in writing and under oath to the following Interrogatories; to produce or make available for inspection and copying documents responsive to the following Requests for Production; and to serve written responses to the Interrogatories and Requests for Production within twenty (20) days hereof. These Interrogatories and Requests for Production of Documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. Where an Interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.
2. You are under a continuing duty to supplement your responses pursuant to Rule 4901-1-16(D) of the Commission’s Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.
3. If you claim any form of privilege as a ground for not completely answering any Interrogatory, state the nature of the privilege and the general subject of the information withheld.
4. For any document that you decline to produce because of a claim or privilege or any other reason, provide the date, author, and type of document, the name or each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the

document. If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.

5. Where an Interrogatory requests that a date be given, but you cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

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

7. 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.

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

9. You are under a continuing duty to seasonably supplement your response with respect to any question directly addressed to the identity and locations of persons having knowledge of discoverable matters, the identity of any person expected to be called as an expert witness at the trial, and the subject matter on which he/she is expected to testify, and to correct any response which you know or later learn to be incorrect.

DEFINITIONS

1. “Communication” is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

2. “Company” refers to The Illuminating Company, its related affiliates and anyone acting on its behalf.

3. “Document” is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

4. “Identify” means:

- a. When used in reference to a natural person, to state the full name, the present or last known address, and the present or last known employer or business affiliation of the person; and
- b. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

5. “Incident” refers to the incident, which is the basis for this lawsuit, which allegedly occurred from November 2012 through January 2013 at 7951 Bronsen Road, Olmsted Township, Ohio 44138 giving rise to the Formal Complaint.

6. “Property” or “AWACC facility” refers to 7951 Bronsen Road, Olmsted Township, Ohio 44138.

7. “You” or “Your” refers to American Wire and Cable Company and anyone acting on your behalf, including your agents and representatives.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify the name, name of employer, title and last known address of each and every person who has knowledge of your claims (including damages) in the Incident at issue in this case. Briefly explain the type of knowledge each listed person possesses.

ANSWER:

INTERROGATORY NO. 2:

Identify the name and address of each person whom you intend to call as an expert witness at the hearing in this matter.

ANSWER:

INTERROGATORY NO. 3:

For each person whom you intend to call as an expert witness at the hearing in this matter:

- a. State the substance of each opinion on which the witness will testify;
- b. State all facts which provide the basis for each opinion on which the witness will testify;
- c. Provide a summary of the witness' background and qualifications;
- d. Identify each document supplied to, reviewed by, relied on, or prepared by the witness in connection with his or her testimony in this matter; and

- e. Identify by caption, agency or court, case name, and case number all other proceedings in which the witness has testified on the same or a similar topic in the past ten years.

ANSWER:

INTERROGATORY NO. 4:

Identify the name, title and last known address of each person with knowledge of the facts underlying any claim contained in the Complaint (including damages). Identify the fact that each person is believed to know.

ANSWER:

INTERROGATORY NO. 5:

Identify each and every document, exhibit or item that supports your claims or that you intend to introduce into evidence or otherwise display at the hearing in this matter.

ANSWER:

INTERROGATORY NO. 6:

List the total amount of damages that you are claiming in this case and describe in detail each item that was damaged and how you calculated that total damage amount.

- (a) For each item listed, state the time, date and type of damage occurred;
- (b) Please state the make, model, serial number, date of purchase and purchase price for each item listed;
- (c) Please provide the name of the manufacturer, date and place of purchase for each item listed; and
- (d) Please state whether you are in possession of any manufacturer warranties, handbooks or manufacturer's specifications for each item listed.

ANSWER:

INTERROGATORY NO. 7:

Identify if any damages in Interrogatory No. 6 above were reimbursed by an insurance company or entity. As to each, state the date of reimbursement, amount and name and address of the entity making the reimbursement.

ANSWER:

INTERROGATORY NO. 8:

State the date(s) on which the conversation with CEI took place referred to in the second paragraph of page 2 of the Complaint. For the communication(s), state:

- (a) the person making the communication;
- (b) the date of the communication;
- (c) the substance of the communication;
- (d) the type of communication;
- (e) the name(s) of representatives of the Company involved in the communication;
and
- (f) the names and addresses of all persons who were present or who heard the communication when made.

ANSWER:

INTERROGATORY NO. 9:

State the name, address and title of the person(s) most knowledgeable about voltage readings taken from November, 2012 through January 2013 at the Property.

ANSWER:

INTERROGATORY NO. 10:

Describe the conditions that led to the allegation in the first paragraph of the Complaint that in November, 2012 equipment at the AWACC facility began experiencing high voltage circuit protection interruptions.

- (a) State the date upon which the High Voltage circuit protection interruptions were first noted;

- (b) List the specific equipment that was affected by the high voltage circuit protection interruption;
- (c) List the equipment that is referred to in paragraph one of the first paragraph of the Complaint;
- (d) What is the date and period of “down time” that the equipment could not be restarted as alleged in paragraph one of the Complaint; and
- (e) Please state whether the conditions described in Interrogatory No. 10 occurred previously and if so, the date(s), time(s) and duration of the prior occurrences.

ANSWER:

INTERROGATORY NO. 11:

State the date, the amount of money that was paid to purchase all items listed in Interrogatory No. 6 and whether you have receipts for each purchase.

ANSWER:

INTERROGATORY NO. 12:

State the name, address and title of each person who has knowledge or information about the allegations in the second paragraph of the Complaint.

ANSWER:

INTERROGATORY NO. 13:

Please state whether or not you have any photographs, drawings or other similar depictions of damage to the Property you reference in your Complaint.

ANSWER:

INTERROGATORY NO. 14:

If the Answer to the Interrogatory No. 13 is in the affirmative, please identify, by name and address, the person who has the originals and/or copies of said drawings, depictions and/or photographs, the person who took or prepared said drawings, depictions and/or photographs, the dates upon which said drawings, depictions and/or photographs were made, and the subject matter of said drawings, depictions and/or photographs.

ANSWER:

INTERROGATORY NO. 15:

Identify the person(s) and/or name of the Company who repaired or replaced any damage to your Property as a result of the Incident.

- (a) State the date(s) upon which each activity took place;
- (b) Identify the person(s) who has custody of replaced or repaired items;
- (c) Identify all documents relating, referring to or generated in connection with repair or replacement of the items, including but not limited to emails and other correspondence; and
- (d) State the name and address of the employer or affiliated company of the person(s) identified in Interrogatory No. 16.

ANSWER:

INTERROGATORY NO. 16:

Identify:

- (a) Any rule, regulation, or section of the Ohio Administrative Code that you allege was violated by the Company and for each such violation, identify each fact that you contend supports a finding of such violation;
- (b) Any order of the Public Utilities Commission of Ohio (including case number and date of the order) that you allege was violated by the Company and, for each such violation, identify each fact that you contend supports a finding of such violation;
- (c) Any industry standards you allege the Company did not comply with and, for each such alleged instance of noncompliance, identify each fact that you contend supports a finding of noncompliance; and
- (d) Any tariff provision you allege was violated by the Company and, for each such violation, identify each fact that you contend supports a finding of such violation.

ANSWER:

INTERROGATORY NO. 17:

Describe how the interruptions in the first paragraph of the Complaint will “degrade equipment without causing immediate failure” as alleged in ¶ 1 of the Complaint:

- (a) Provide the name, address and title of the persons who have knowledge of this allegation; and
- (b) List the specific equipment referred to in this allegation.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

All documents identified in response to the Company's First Set of Interrogatories.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

REQUEST FOR PRODUCTION NO. 2:

A curriculum vitae and all reports for each expert witness(es) identified in Interrogatory Nos. 2 and 3.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

REQUEST FOR PRODUCTION NO. 3:

All exhibits you intend to introduce at the hearing.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

REQUEST FOR PRODUCTION NO. 4:

All documents and communications supplied to, relied upon, reviewed by, or prepared by any expert witness identified in response to Interrogatory No. 2 in connection with his or her testimony in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

REQUEST FOR PRODUCTION NO. 5:

All documents reflecting, relating or referring to any communication between you and the Company concerning issues relative to the Incident or damage to your Property.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

REQUEST FOR PRODUCTION NO. 6:

All documents of whatever kind or nature reflecting, relating or referring to the value of damaged property or fixtures referred to in the Complaint described in Interrogatory No. 6, including any receipts for purchase, bills or invoices for repair concerning damages sustained by Complainant, including but not limited to any water damage that you claim.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

REQUEST FOR PRODUCTION NO. 7:

All documents of whatever kind or nature, including but not limited to warranties, purchase orders, repair records, maintenance logs, manufacturer's handbooks or manuals for each item listed in Interrogatory No. 6(a).

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

REQUEST FOR PRODUCTION NO. 8:

All documents, policies or handbooks of whatever kind or nature referencing manufacturer's recommended voltage ranges for each item listed in Interrogatory No. 6(a) and 10(b).

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

REQUEST FOR PRODUCTION NO. 9:

Please produce all receipts for purchase of the items pursuant to Interrogatory No. 11.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

REQUEST FOR PRODUCTION NO. 10:

Produce each policy of insurance that provided coverage to reimburse you for your damages listed in Interrogatory No. 6.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

REQUEST FOR PRODUCTION NO. 11:

Produce the proof of loss form and complete claims file of any insurance company or company responsible to reimburse your damages relating to this Incident.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

REQUEST FOR PRODUCTION NO. 12:

Produce all documents demonstrating, analyzing or referring to data or readings on AWACC's voltage meters for November, 2013 through January, 2013.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

REQUEST FOR PRODUCTION NO. 13:

Please provide electrical drawings, schematics or as-built photographs showing the electrical services, grounding and circuit protection interruption devices for the Property in 2012 and 2013.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

REQUEST FOR PRODUCTION NO. 14:

Please provide the documents, policy or other standards describing maintenance, repair and installation of the equipment referred to in the schematics or diagram produced in response to Request No. 12.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

REQUEST FOR PRODUCTION NO. 15:

Produce the documents identified in Interrogatory No. 5.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

REQUEST FOR PRODUCTION NO. 16:

All documents reflecting, relating or referring to any communications between you and any third party or the Company relating to the claims made in the Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

REQUEST FOR PRODUCTION NO. 17:

Produce all photographs, drawings, diagrams or other depictions identified in Interrogatories Nos. 13 and 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

REQUEST FOR PRODUCTION NO. 18:

All documents reflecting, supporting, or referring to your alleged damages.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

REQUEST FOR PRODUCTION NO. 19:

All documents and files pertaining to investigations, root cause analysis, re-enactments or otherwise pertaining to the Incident alleged in the Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

REQUEST FOR PRODUCTION NO. 20:

All documents supporting any allegations that the Company violated any provision or rule of the Ohio Revised Code or the Ohio Administrative Code, any order of the Public Utilities Commission of Ohio, any industry standard, or any tariff provision.

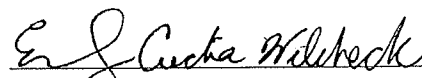
RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

REQUEST FOR PRODUCTION NO. 21:

Any documents that allegedly support any allegation made in the Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Respectfully submitted,



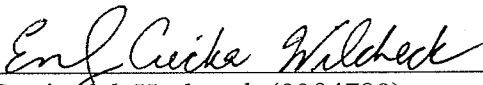
Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (0076952)
*Counsel for The Cleveland Electric
Illuminating Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Respondent, The Cleveland Electric Illuminating Company's First Set of Interrogatories and Requests for Production of Documents to Complainant* was sent by ordinary U.S. Mail, this 9th day of August, 2013, to the following:

Walter McClain
American Wire and Cable Company
7951 Bronson Road
Olmsted Falls, OH 44138

Respectfully submitted,



Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (00769)