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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
DPNY, Inc., et al.,)	
)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
	)	05-1014-EL-CSS
)	
v.)	
)	
The Cleveland Electric Illuminating)	
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.,)	
)	
Respondents.)	

RESPONDENTS' MOTION TO COMPEL DISCOVERY (EXPEDITED RULING REQUESTED)

Respondents, pursuant to Rule 4901-1-23, Ohio Administrative Code ("O.A.C."), respectfully request an Entry ordering each of the Complainants in this matter to respond to written discovery propounded by Respondents. Respondents served discovery to each group of Complainants in this consolidated proceeding on September 29, 2006. One Complainant has provided limited information responsive to some of Respondents' discovery requests. The remaining Complainants have provided nothing. Given the fact discovery deadline of May 1, 2007, it is imperative that Complainants immediately respond to Respondents' discovery. Accordingly, pursuant to Rule 4901-1-12(C), O.A.C., Respondents respectfully request an

expedited ruling on this motion. Counsel's efforts to resolve this discovery dispute are summarized in the attached Affidavit of Counsel.

January 16, 2007

Respectfully submitted,



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Attorneys for Respondents

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Respondents.)	

MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DISCOVERY

On September 29, 2006, Respondents served interrogatories and document requests upon each group of Complainants in these consolidated cases. This discovery seeks basic information such as the identity of various Complainants and their insureds, the bases for their claims and the identification of relevant documents. Copies of the discovery served to each Complainant are attached to the Affidavit of Counsel accompanying this Memorandum as Exhibits A through E.

The S.G. Foods Complainants (Case No. 04-28), Miles Management Complainants (Case No. 05-803) and BMW Pizza Complainants (Case No. 05-1014) have not responded – at all – to Respondents' discovery. This is despite letters of October 30, 2006 and January 3, 2007 requesting such responses. (See Affidavit of Counsel, Exhibits F and G.) Respondents' most

recent correspondence put Complainants on notice that if responses were not received by January 15, 2007, Respondents would have no alternative but to seek Commission intervention.

Counsel representing the Allianz Complainants (Case No. 05-1011) and Lexington Complainants (Case No. 05-1012) have at least provided something to Respondents, but the information provided is incomplete. The Lexington Complainants are comprised of various insurance companies. Respondents have received a CD-ROM of insureds' claims files from Travelers Insurance Company, but have received no other information from any other Complainant in the Lexington group. None of the Lexington Complainants – including Travelers – provided answers to written interrogatories or document requests. None of the Allianz Complainants have provided anything.

Three and a half months is plenty of time to respond to discovery. Having failed to do so, Complainants should be ordered to immediately produce complete responses to Respondents' discovery. Respondents respectfully request an expedited ruling on this motion. Respondents have not contacted Complainants' counsel to request their consent to an expedited ruling.

January 16, 2007

Respectfully submitted,



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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Discovery and Memorandum in Support of Motion to Compel Discovery was served by facsimile (without exhibits) and U.S. Mail (with exhibits) to the following persons this 16th day of January, 2007.

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Mark A. Whitt
An Attorney for Respondents

THE PUBLIC UTILITIES COMMISSION OF OHIO

Respondents.

AFFIDAVIT OF COUNSEL

3. Respondents sent letters, dated October 30, 2006, to counsel for each group of Complainants requesting responses to Respondents' discovery by November 22, 2006. The attached Exhibit F is a collection of true and correct copies of these letters. Counsel for Lexington Insurance Company (Case No. 05-1012) provided a CD-ROM of claims files for Travelers' Insurance Company. None of the other Complainants provided anything.

4. Respondents sent another letter, dated January 3, 2007, to the counsel for each group of Complainants, except Allianz and Lexington. The attached Exhibit G is a collection of true and correct copies of these letters. These letters requested responses to Respondents' discovery by January 15, 2007. Respondents have not received discovery responses from any of the Complainants to whom the January 15 letter was sent.

5. I spoke to Daniel G. Gallivan, counsel for the Allianz and Lexington Complainants, on or about January 4, 2007, regarding Respondents' outstanding discovery. I informed Mr. Gallivan that Respondents expected to receive all outstanding discovery from all Complainants by January 15, 2007. Mr. Gallivan informed me that he expected to serve the remaining discovery responses due from his clients "shortly." As of this date, Respondents have not received these responses.



Mark A. Whitt

Sworn to before me
this 16th day of January, 2007.



Notary Public



DEBORAH A. ELLIS
Notary Public, State of Ohio
My Commission Expires 8/28/09

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September 29, 2006

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Re: *Allianz Global Risks U.S. Insurance Company, et al.*
Case No. 05-1011-EL-CSS

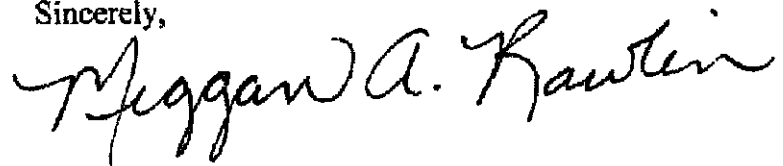
Dear Counsel:

I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to Complainants Allianz Global Risks U.S. Insurance Company, et al. Thank you for your attention to this matter.

COI-1334375v1

September 29, 2006
Page 2

Sincerely,

A handwritten signature in cursive script, reading "Meggan A. Rawlin". The signature is written in dark ink and is positioned above the printed name.

Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

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In the Matter of the Complaints of S.G.)	
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The Cleveland Electric Illuminating)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO COMPLAINANTS
ALLIANZ GLOBAL RISKS U.S. INSURANCE COMPANY, ET AL.**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Complainants Allianz Global Risks U.S. Insurance Company, Lexington Insurance Company, and Royal Indemnity 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. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to Complainant.
2. 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.
3. 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.
4. If any Complainant claims 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.
5. For any document that any Complainant declines to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.
6. If any document responsive to a request for production of documents is no longer in a Complainant's possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document,

identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

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

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Amended Complaint.

2. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means of 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.

3. "Complainants" means each insurance company identified in the Amended Complaint in Case No. 05-1011-EL-CSS.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "Insured" means any individual or entity that was a party to an insurance contract with any Complainant and has been identified in the Amended Complaint in Case No. 05-1011-EL-CSS.

8. "You" and "Your" refer to each of the Complainants individually.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each Insured to whom any Complainant paid a claim arising from the August 14, 2003 Outage. For each such claim to any Insured identify:

- a. The amount of the claim submitted by the Insured;
- b. The amount actually paid to the Insured by the Complainant;
- c. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files;
- d. The Insured's premises that lost service, by street address and zip code;
- e. The account number for electric service received by the Insured at the address where the Insured lost service;
- f. The Insured's billing address, if different from the service address where the Insured lost service; and
- g. For each address at which the Insured lost electric service, the time of day the Insured lost service and the time of day service was restored to the Insured.

RESPONSE:

INTERROGATORY NO. 2: With respect to any property damage, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated;
- c. Documentation of the Insured's ownership of the property; and
- d. Each document which relates to or constitutes a Communication concerning a claim regarding the property.

RESPONSE:

INTERROGATORY NO. 3: With respect to any personal injury, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The Insured who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 4: For each Insured identified in response to Interrogatory No. 1, identify:

- a. Any surge protection, voltage regulation or other protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise not usable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any other damages not otherwise identified in response to Interrogatories that any Insured identified in Interrogatory No. 1 sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 6: For each Insured identified in response to Interrogatory No. 1, identify all electric service interruptions experienced by such Insured from January 1, 2000 to the present, including, for each service interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. All damages sustained as a result of the interruption;
- e. All insurance claims submitted by the Insured for the interruption, including without limitation claims submitted to Complainant; and
- f. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 7: Identify each tariff provision that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 8: Identify each Ohio statute that Complainants allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainants contend supports a finding of such a violation.

RESPONSE:

INTERROGATORY NO. 9: Identify each rule, regulation or section of the Ohio Administrative Code that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify any other local, state and federal statutes, regulations, and administrative agency orders or rules that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any industry standards that Complainant alleges any FirstEnergy Respondent did not comply with and, for each such alleged instance of non-compliance, identify each fact that Complainant contends supports a finding that such non-compliance occurred.

RESPONSE:

INTERROGATORY NO. 13: To the extent that any of the Complainants allege that the FirstEnergy Respondents failed to provide adequate facilities, identify:

- a. The specific facilities that Complainant alleges are or were inadequate;
- b. The specific date(s) and time(s) when the facilities were inadequate;
- c. Each fact that Complainant contends supports a finding that such facilities are or were inadequate; and
- d. Each document which supports a contention that the facilities were inadequate.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of the facts underlying any claim contained in the Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all reinsurance payments or other reimbursements received by Complainant for losses allegedly sustained by paying claims arising from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: For each person whom Complainants 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document Complainant intends to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all claims paid by Complainant during the past ten (10) years where an insured's loss arose from a utility service outage, including without limitation claims paid to any Insured in this case.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18, identify:

- a. The amount of the claim and the amount paid by Complainant;
- b. The type of service from which the claim arose;
- c. The name and address of the party making the claim; and
- d. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 20: For each claim identified in response to Interrogatory No. 18, identify each claim made during the past ten (10) years by Complainant as a subrogee against a utility for a service outage.

RESPONSE:

INTERROGATORY NO. 21: For each claim identified in response to Interrogatory No. 20, identify:

- a. The entity against whom such claim was made;
- b. The name and address of the insured;
- c. The date of the claim;
- d. The amount of the claim;
- e. The type of service involved;
- f. The final disposition of the claim;
- g. The court, agency or other tribunal where the claim was made, including the caption, case number or other designation sufficient to identify the claim; and
- h. Each document which relates to or constitutes a communication concerning the claim, including any claim files, correspondence or pleadings.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to

FirstEnergy Respondents' First Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages

allegedly sustained by each Insured arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which

Complainant paid claims to any Insured for losses allegedly sustained from the August 14, 2003

Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All underwriting files for each policy pursuant to

which any Complainant paid claims arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents relating to any claims by Complainant as a subrogee for a utility service outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents substantiating any claims submitted to Complainant for losses allegedly occurring from the August 14, 2003 Outage, including without limitation bills, receipts, invoices, estimates, photographs and videos.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: A copy of each Insured's electric bill for service to the parties affected by the August 14, 2003 outage for any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All documents and things that allegedly support any allegation made in the Amended Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: A curriculum vitae for each expert witness.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All exhibits Complainant intends to introduce at hearing.

RESPONSE:

Respectfully submitted,



David A. Kutik (Trial Counsel)

Meggan A. Rawlin

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories And Requests For Production Of Documents To Complainants Allianz Global Risks U.S. Insurance Company, et al. was mailed by ordinary U.S. mail to the following persons this 29th day of September, 2006.

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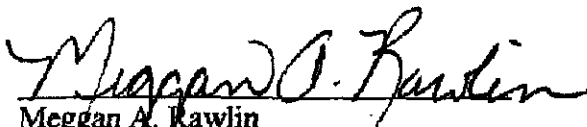
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Cleveland, OH 44114

Francis E. Sweeney, Jr. Esq.
323 Lakeside Avenue, Suite 450
Cleveland, OH 44113

Re: *BMW Pizza, Inc. and DPNY, Inc., et al.*
Case No. 05-1014-EL-CSS

Dear Counsel:

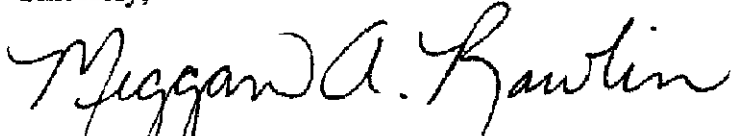
I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to BMW Pizza, Inc. and DPNY, Inc., et al. Insurer Complainants. Thank you for your attention to this matter.

COI-1354571v1

JONES DAY

September 29, 2006
Page 2

Sincerely,


Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
DPNY, Inc., et al.,)	
)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
The Cleveland Electric Illuminating	)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO BMW PIZZA, INC. AND DPNY, INC., ET AL.
INSURER COMPLAINANTS**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Insurer Complainants The Cincinnati Insurance Company, The Cincinnati Indemnity Company, The Cincinnati Casualty Companies, Selective Way Insurance Company, Selective Insurance Company of America, Selective Insurance Company of New York, Selective Insurance Company of South Carolina, Selective Insurance Company of the Southeast, United States Fire Insurance Company, Continental Casualty Insurance Company, Transportation Insurance Company, National Fire Insurance Company of Hartford, Valley Forge Insurance Company, Transcontinental Insurance Company, American

Casualty Insurance Company of Reading, Pa., and Columbia Casualty Insurance Company (collectively, "Insurer Complainants") 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. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to Complainant.
2. 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.
3. 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.
4. If any Complainant claims 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.
5. For any document that any Complainant declines to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.

6. If any document responsive to a request for production of documents is no longer in a Complainant's possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

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

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Second Amended Complaint.

2. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means of 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.

3. "Complainants" means each Insurer Complainant company identified in the Second Amended Complaint in Case No. 05-1014-EL-CSS.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "Insured" means any individual or entity that was a party to an insurance contract with any Complainant and has been identified in the Second Amended Complaint in Case No. 05-1014-EL-CSS.

8. "You" and "Your" refers to each Complainant individually.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each Insured to whom any Complainant paid a claim arising from the August 14, 2003 Outage. For each such claim to any Insured identify:

- a. The amount of the claim submitted by the Insured;
- b. The amount actually paid to the Insured by the Complainant;
- c. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files;
- d. The Insured's premises that lost service, by street address and zip code;
- e. The account number for electric service received by the Insured at the address where the Insured lost service;
- f. The Insured's billing address, if different from the service address where the Insured lost service; and
- g. For each address at which the Insured lost electric service, the time of day the Insured lost service and the time of day service was restored to the Insured.

RESPONSE:

INTERROGATORY NO. 2: With respect to any property damage, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated;
- c. Documentation of the Insured's ownership of the property; and
- d. Each document which relates to or constitutes a Communication concerning a claim regarding the property.

RESPONSE:

INTERROGATORY NO. 3: With respect to any personal injury, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The Insured who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 4: For each Insured identified in response to Interrogatory No. 1, identify:

- a. Any surge protection, voltage regulation or other protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise not usable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any other damages not otherwise identified in response to Interrogatories that any Insured identified in Interrogatory No. 1 sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 6: For each Insured identified in response to Interrogatory No. 1, identify all electric service interruptions experienced by such Insured from January 1, 2000 to the present, including, for each service interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. All damages sustained as a result of the interruption;
- e. All insurance claims submitted by the Insured for the interruption, including without limitation claims submitted to Complainant; and
- f. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 7: Identify each tariff provision that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 8: Identify each Ohio statute that Complainants allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainants contend supports a finding of such a violation.

RESPONSE:

INTERROGATORY NO. 9: Identify each rule, regulation or section of the Ohio Administrative Code that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify any other local, state and federal statutes, regulations, and administrative agency orders or rules that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any industry standards that Complainant alleges any FirstEnergy Respondent did not comply with and, for each such alleged instance of non-compliance, identify each fact that Complainant contends supports a finding that such non-compliance occurred.

RESPONSE:

INTERROGATORY NO. 13: To the extent that any Complainant alleges that the FirstEnergy Respondents failed to provide adequate facilities, identify:

- a. The specific facilities that Complainant alleges are or were inadequate;
- b. The specific date(s) and time(s) when the facilities were inadequate;
- c. Each fact that Complainant contends supports a finding that such facilities are or were inadequate; and
- d. Each document which supports a contention that the facilities were inadequate.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of the facts underlying any claim contained in the Second Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all reinsurance payments or other reimbursements received by Complainant for losses allegedly sustained by paying claims arising from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: For each person whom Complainants 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document Complainant intends to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all claims paid by Complainant during the past ten (10) years where an insured's loss arose from a utility service outage, including without limitation claims paid to any Insured in this case.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18, identify:

- a. The amount of the claim and the amount paid by Complainant;
- b. The type of service from which the claim arose;
- c. The name and address of the party making the claim; and
- d. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 20: For each claim identified in response to Interrogatory No. 18, identify each claim made during the past ten (10) years by Complainant as a subrogee against a utility for a service outage.

RESPONSE:

INTERROGATORY NO. 21: For each claim identified in response to Interrogatory No. 20, identify:

- a. The entity against whom such claim was made;
- b. The name and address of the insured;
- c. The date of the claim;
- d. The amount of the claim;
- e. The type of service involved;
- f. The final disposition of the claim;
- g. The court, agency or other tribunal where the claim was made, including the caption, case number or other designation sufficient to identify the claim; and
- h. Each document which relates to or constitutes a communication concerning the claim, including any claim files, correspondence or pleadings.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages allegedly sustained by each Insured arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which Complainant paid claims to any Insured for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All underwriting files for each policy pursuant to which any Complainant paid claims arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents relating to any claims by

Complainant as a subrogee for a utility service outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents substantiating any claims submitted

to Complainant for losses allegedly occurring from the August 14, 2003 Outage, including

without limitation bills, receipts, invoices, estimates, photographs and videos.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: A copy of each Insured's electric bill for service to

the parties affected by the August 14, 2003 outage for any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All documents and things that allegedly support any

allegation made in the Second Amended Complaint.

RESPONSE:

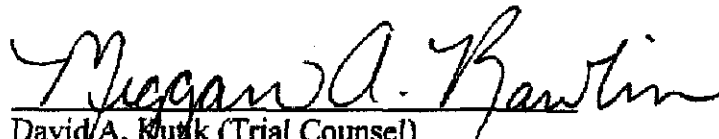
REQUEST FOR PRODUCTION NO. 9: A curriculum vitae for each expert witness.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All exhibits Complainant intends to introduce at hearing.

RESPONSE:

Respectfully submitted,



David A. Kunk (Trial Counsel)

Meggan A. Rawlin

JONES DAY

North Point

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories
And Requests For Production Of Documents To BMW Pizza, Inc. and DPNY, Inc., et al. Insurer
Complainants was mailed by ordinary U.S. mail to the following persons this 29th Day of
September, 2006.

Edward F. Siegel, Esq.
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Meggan A. Rawlin
An Attorney for Respondents

JONES DAY

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Direct Number: 216-586-7204
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September 29, 2006

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Francis E. Sweeney, Jr. Esq.
323 Lakeside Avenue, Suite 450
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Re: *BMW Pizza, Inc. and DPNY, Inc., et al.*
Case No. 05-1014-EL-CSS

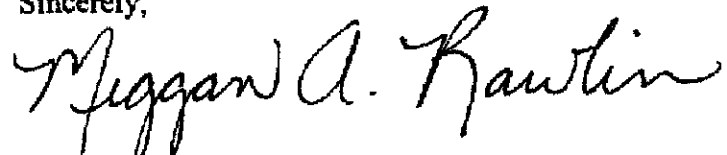
Dear Counsel:

I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to BMW Pizza, Inc. and DPNY, Inc., et al. Non-Insurer Complainants. Thank you for your attention to this matter.

COI-1354569v1

September 29, 2006
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Meggan A. Rawlin". The signature is written in dark ink and is positioned above the printed name.

Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
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Complainants,)	Case Nos. 04-28-EL-CSS
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The Cleveland Electric Illuminating)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO BMW PIZZA, INC. AND DPNY, INC., ET. AL.
NON-INSURER COMPLAINANTS**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Non-Insurer Complainants Moordough, Inc., Stephen Clement, Republic Engineered Products, LLC, Cooker Restaurant Corp., Lamrite West, Inc., LJ Manufacturing, Inc., Oral Maxillofacial Surgeons, Quiznos Subs, Mustard Seed Health Food Market, The Mad Crab, Inc., AVCA Corporation and Sigmatech, Barney's Chicken Grill, and Hyde Park Restaurant Systems (collectively, "Non-Insurer Complainants") to respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying document responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty (20) days.

These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to You.
2. 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.
3. 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.
4. 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.
5. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.
6. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the

individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

9. 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.

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Second Amended Complaint.

2. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means of 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.

3. "Complainant" means Moordough, Inc., Stephen Clement, Republic Engineered Products, LLC, Cooker Restaurant Corp., Lamrite West, Inc., LJ Manufacturing, Inc., Oral Maxillofacial Surgeons, Quiznos Subs, Mustard Seed Health Food Market, The Mad Crab, Inc., AVCA Corporation and Sigmatech, Barney's Chicken Grill, and Hyde Park Restaurant Systems.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "You" and "Your" refer to each of the Complainants, individually.

INTERROGATORIES

INTERROGATORY NO. 1: Did You sustain a loss of electrical service during the August 14, 2003 Outage?

RESPONSE:

INTERROGATORY NO. 2: If the answer to Interrogatory No. 1 is "yes," identify:

- a. The time of day You lost service;
- b. The time of day service was restored;
- c. Your service address where service was interrupted;
- d. Your billing address, if different from the service address;
- e. All damages allegedly sustained because of the interruption of service;
- f. All documents relating to the interruption of service, or to any damages sustained as a result of the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 3: Identify all other electric service interruptions not otherwise

identified in response to Interrogatory Nos. 1 and 2 experienced by You from January 1, 2000 to the present, including, for each interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. The service address where the interruption occurred;
- e. All damages sustained as a result of the interruption;
- f. Each document which relates to or constitutes a Communication concerning the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 4: Identify:

- a. Any surge protection, voltage regulation or other electrical protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise unusable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any property damage, if any, allegedly sustained by You as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated; and
- c. Documentation of Your ownership of the property.

RESPONSE:

INTERROGATORY NO. 6: With respect to any personal injury, if any, allegedly sustained by

You or for which You are responsible as a result of the August 14, 2003 Outage, identify:

- a. Who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 7: With respect to any other damages not otherwise identified in response to Interrogatory Nos. 5 and 6 that You allegedly sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 8: Identify each tariff provision that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 9: Identify each Ohio statute that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each rule or regulation of the Ohio Administrative Code that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any other local, state and federal statutes, regulations, and administrative agency orders that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 13: Identify any industry standards that You allege any FirstEnergy Respondent did not comply with and provide a summary of the facts that allegedly constitute such noncompliance.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of any fact underlying any claim contained in the Second Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all insurance payments or other reimbursements received by You for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document that You intend to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all insurance claims made by You during the past ten (10) years arising from a loss of utility service.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18,

Identify:

- a. The insurance company to whom the claim was made;
- b. The amount of the claim;
- c. The type of service from which the claim arose;
- d. The location and date of the service interruption; and
- e. Each document which relates to or constitutes a Communication concerning the claim, including without limitation all documents submitted to any insurance company.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories to Complainants Moordough, Inc., Stephen Clement, Republic Engineered Products, LLC, Cooker Restaurant Corp., Lamrite West, Inc., LJ Manufacturing, Inc., Oral Maxillofacial Surgeons, Quiznos Subs, Mustard Seed Health Food Market, The Mad Crab, Inc., AVCA Corporation and Sigmatech, Barney's Chicken Grill, and Hyde Park Restaurant Systems.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages allegedly sustained by You arising from the August 14, 2003 Outage.

RESPONSE::

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which You made claims for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents relating to claims submitted to any insurance company for any claim arising from a loss of utility service from 2000 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: A copy of Your electric bills for service to You provided during any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents and things that allegedly support any allegation made in the Second Amended Complaint in Case No. 05-1014-EL-CSS.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: A curriculum vitae for each expert witness identified in response to Interrogatory No. 16.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All exhibits You intend to introduce at hearing.

RESPONSE:

Respectfully submitted,



A handwritten signature in cursive script, reading "Megan A. Rawlin".

David A. Kutik (Trial Counsel)

Megan A. Rawlin

JONES DAY

North Point

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories And Requests For Production Of Documents To BMW Pizza, Inc. and DPNY, Inc., et. al. Non-Insurer Complainants was mailed by ordinary U.S. mail to the following persons this 29th day of September, 2006.

Edward F. Siegel, Esq.
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Meggan A. Rawlin
An Attorney for Respondents

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September 29, 2006

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Re: *Lexington Insurance Company, et al.*
Case No. 05-1012-EL-CSS

Dear Counsel:

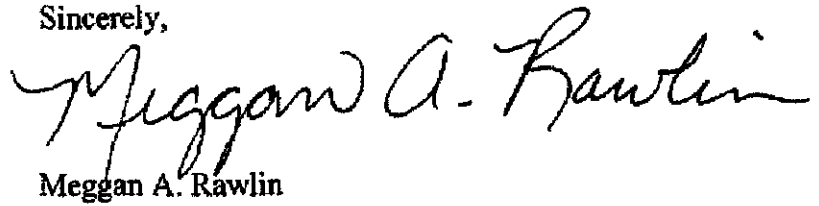
I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to Complainants Lexington Insurance Company, et al. Thank you for your attention to this matter.

COI-1354579v1

JONES DAY

September 29, 2006
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Meggan A. Rawlin". The signature is written in dark ink and is positioned above the printed name.

Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
DPNY, Inc., et al.,)	
)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
The Cleveland Electric Illuminating	)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO COMPLAINANTS
LEXINGTON INSURANCE COMPANY, ET AL.**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Complainants Lexington Insurance Company, Frankenmuth Mutual Insurance Company, Charter Oak Fire Insurance, The Automobile Insurance Company of Hartford, The Standard Fire Insurance Company, Travelers Indemnity Company of America, Travelers Indemnity Company of Connecticut, Travelers Indemnity Company, Travelers Property Casualty Company of America, Phoenix Insurance Company, St. Paul Mercury Insurance Company, St. Paul Surplus Lines Insurance Company, United States Fidelity & Guaranty, Allied Mutual Insurance Company, and

Nationwide Mutual Insurance 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. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to Complainant.
2. 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.
3. 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.
4. If any Complainant claims 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.
5. For any document that any Complainant declines to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.

6. If any document responsive to a request for production of documents is no longer in a Complainant's possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

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

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Amended Complaint.

2. "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.

3. "Complainants" means each insurance company identified in the Amended Complaint in Case No. 05-1012-EL-CSS.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "Insured" means any individual or entity that was a party to an insurance contract with any Complainant and has been identified in the Amended Complaint in Case No. 05-1012-EL-CSS.

8. "You" and "Your" refer to each of the Complainants individually.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each Insured to whom any Complainant paid a claim arising from the August 14, 2003 Outage. For each such claim to any *Insured* identify:

- a. The amount of the claim submitted by the Insured;
- b. The amount actually paid to the Insured by the Complainant;
- c. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files;
- d. The Insured's premises that lost service, by street address and zip code;
- e. The account number for electric service received by the Insured at the address where the Insured lost service;
- f. The Insured's billing address, if different from the service address where the Insured lost service; and
- g. For each address at which the Insured lost electric service, the time of day the Insured lost service and the time of day service was restored to the Insured.

RESPONSE:

INTERROGATORY NO. 2: With respect to any property damage, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;

- b. An itemization of the amount of damage and how that amount was calculated;
- c. Documentation of the Insured's ownership of the property; and
- d. Each document which relates to or constitutes a Communication concerning a claim regarding the property.

RESPONSE:

INTERROGATORY NO. 3: With respect to any personal injury, if any, allegedly sustained by any Insured identified in Interrogatory No. 1 as a result of the August 14, 2003 Outage, identify:

- a. The Insured who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 4: For each Insured identified in response to Interrogatory No. 1, identify:

- a. Any surge protection, voltage regulation or other protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise not usable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any other damages not otherwise identified in response to Interrogatories that any Insured identified in Interrogatory No. 1 sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 6: For each Insured identified in response to Interrogatory No. 1, identify all electric service interruptions experienced by such Insured from January 1, 2000 to the present, including, for each service interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. All damages sustained as a result of the interruption;
- e. All insurance claims submitted by the Insured for the interruption, including without limitation claims submitted to Complainant; and
- f. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 7: Identify each tariff provision that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 8: Identify each Ohio statute that Complainants allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainants contend supports a finding of such a violation.

RESPONSE:

INTERROGATORY NO. 9: Identify each rule, regulation or section of the Ohio Administrative Code that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify any other local, state and federal statutes, regulations, and administrative agency orders or rules that Complainant alleges any FirstEnergy Respondent violated and, for each such violation, identify each fact that Complainant contends supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any industry standards that Complainant alleges any FirstEnergy Respondent did not comply with and, for each such alleged instance of non-compliance, identify each fact that Complainant contends supports a finding that such non-compliance occurred.

RESPONSE:

INTERROGATORY NO. 13: With regard to the claim in Count One of the Amended Complaint that the FirstEnergy Respondents failed to provide adequate facilities, identify:

- a. The specific facilities that Complainant alleges are or were inadequate;
- b. The specific date(s) and time(s) when the facilities were inadequate;
- c. Each fact that Complainant contends supports a finding that such facilities are or were inadequate; and
- d. Each document which supports a contention that the facilities were inadequate.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of the facts underlying any claim contained in the Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all reinsurance payments or other reimbursements received by Complainant for losses allegedly sustained by paying claims arising from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: For each person whom Complainants 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document Complainant intends to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all claims paid by Complainant during the past ten (10) years where an insured's loss arose from a utility service outage, including without limitation claims paid to any Insured in this case.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18, identify:

- a. The amount of the claim and the amount paid by Complainant;
- b. The type of service from which the claim arose;
- c. The name and address of the party making the claim; and
- d. Each document which relates to or constitutes a Communication concerning the claim, including without limitation any claim files.

RESPONSE:

INTERROGATORY NO. 20: For each claim identified in response to Interrogatory No. 18, identify each claim made during the past ten (10) years by Complainant as a subrogee against a utility for a service outage.

RESPONSE:

INTERROGATORY NO. 21: For each claim identified in response to Interrogatory No. 20, identify:

- a. The entity against whom such claim was made;
- b. The name and address of the insured;
- c. The date of the claim;
- d. The amount of the claim;
- e. The type of service involved;
- f. The final disposition of the claim;
- g. The court, agency or other tribunal where the claim was made, including the caption, case number or other designation sufficient to identify the claim; and
- h. Each document which relates to or constitutes a communication concerning the claim, including any claim files, correspondence or pleadings.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages allegedly sustained by each Insured arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which Complainant paid claims to any Insured for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All underwriting files for each policy pursuant to which any Complainant paid claims arising from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents relating to any claims by Complainant as a subrogee for a utility service outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents substantiating any claims submitted to Complainant for losses allegedly occurring from the August 14, 2003 Outage, including without limitation bills, receipts, invoices, estimates, photographs and videos.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: A copy of each Insured's electric bill for service to the parties affected by the August 14, 2003 outage for any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All documents and things that allegedly support any allegation made in the Amended Complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: A curriculum vitae for each expert witness.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All exhibits Complainant intends to introduce at hearing.

RESPONSE:

Respectfully submitted,



David A. Kupik (Trial Counsel)

Meggan A. Rawlin

JONES DAY

North Point

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Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories
And Requests For Production Of Documents To Complainants Lexington Insurance Company, et
al. was mailed by ordinary U.S. mail to the following persons this 29th day of September, 2006.

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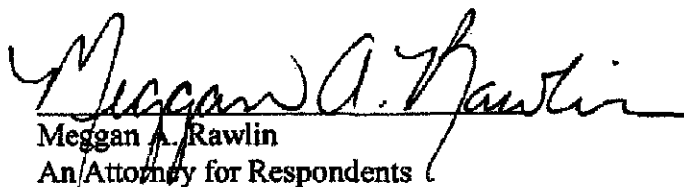
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An Attorney for Respondents

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September 29, 2006

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Cleveland, OH 44114

Francis E. Sweeney, Jr. Esq.
323 Lakeside Avenue, Suite 450
Cleveland, OH 44113

Re: *Miles Mgmt. Corp., et al.*
Case No. 05-803-EL-CSS

Dear Counsel:

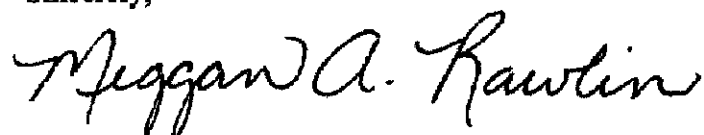
I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to Complainants Miles Management Corp., et al. Thank you for your attention to this matter.

COI-1354569v1

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON
IRVINE • LONDON • LOS ANGELES • MADRID • MENLO PARK • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK • PARIS
PITTSBURGH • SAN DIEGO • SAN FRANCISCO • SHANGHAI • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

September 29, 2006
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Meggan A. Rawlin". The signature is written in dark ink and is positioned above the printed name.

Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
DPNY, Inc., et al.,)	
)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
The Cleveland Electric Illuminating	)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO COMPLAINANTS MILES MANAGEMENT
CORP., ET AL.**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Complainants Alok Bhajji, M.D., Inc., Union House Bar & Restaurant, and Regional Therapy, Inc. to respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying document responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty (20) days. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to You.
2. 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.
3. 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.
4. 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.
5. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.
6. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

9. 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.

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Third Amended Complaint.

2. "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.

3. "Complainant" means Alok Bhaiji, M.D., Inc., Union House Bar & Restaurant, and Regional Therapy, Inc.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "You" and "Your" refer to each of the Complainants, individually.

INTERROGATORIES

INTERROGATORY NO. 1: Did You sustain a loss of electrical service during the August 14, 2003 Outage?

RESPONSE:

INTERROGATORY NO. 2: If the answer to Interrogatory No. 1 is "yes," identify:

- a. The time of day You lost service;
- b. The time of day service was restored;
- c. Your service address where service was interrupted;
- d. Your billing address, if different from the service address;
- e. All damages allegedly sustained because of the interruption of service;
- f. All documents relating to the interruption of service, or to any damages sustained as a result of the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 3: Identify all other electric service interruptions not otherwise

identified in response to Interrogatory Nos. 1 and 2 experienced by You from January 1, 2000 to the present, including, for each interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. The service address where the interruption occurred;
- e. All damages sustained as a result of the interruption;
- f. Each document which relates to or constitutes a Communication concerning the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 4: Identify:

- a. Any surge protection, voltage regulation or other electrical protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise unusable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any property damage, if any, allegedly sustained by You as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated; and
- c. Documentation of Your ownership of the property.

RESPONSE:

INTERROGATORY NO. 6: With respect to any personal injury, if any, allegedly sustained by

You or for which You are responsible as a result of the August 14, 2003 Outage, identify:

- a. Who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 7: With respect to any other damages not otherwise identified in response to Interrogatory Nos. 5 and 6 that You allegedly sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 8: Identify each tariff provision that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 9: Identify each Ohio statute that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each rule or regulation of the Ohio Administrative Code that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any other local, state and federal statutes, regulations, and administrative agency orders that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 13: Identify any industry standards that You allege any FirstEnergy Respondent did not comply with and provide a summary of the facts that allegedly constitute such noncompliance.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of any fact underlying any claim contained in the Third Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all insurance payments or other reimbursements received by You for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document that You intend to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all insurance claims made by You during the past ten (10) years arising from a loss of utility service.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18,

Identify:

- a. The insurance company to whom the claim was made;
- b. The amount of the claim;
- c. The type of service from which the claim arose;
- d. The location and date of the service interruption; and
- e. Each document which relates to or constitutes a Communication concerning the claim, including without limitation all documents submitted to any insurance company.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories to Complainants Alok Bhajji, M.D., Inc., Union House Bar & Restaurant, and Regional Therapy, Inc.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages allegedly sustained by You arising from the August 14, 2003 Outage.

RESPONSE::

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which You made claims for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents relating to claims submitted to any insurance company for any claim arising from a loss of utility service from 2000 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: A copy of Your electric bills for service to You provided during any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents and things that allegedly support any allegation made in the Third Amended Complaint in Case No. 05-803-EL-CSS.

RESPONSE:

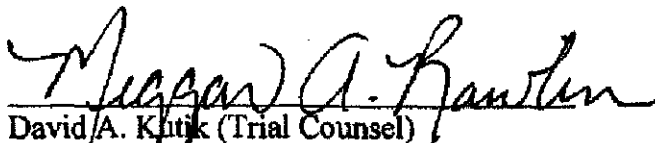
REQUEST FOR PRODUCTION NO. 7: A curriculum vitae for each expert witness identified in response to Interrogatory No. 16.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All exhibits You intend to introduce at hearing.

RESPONSE:

Respectfully submitted,



David A. Kutik (Trial Counsel)

Meggan A. Rawlin

JONES DAY

North Point

901 Lakeside Avenue

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Mark A. Whitt

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Columbus, Ohio 43215-2673

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Facsimile: 614-461-4198

E-mail: mawhitt@jonesday.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories
And Requests For Production Of Documents To Complainants Miles Management Corp., et al.
was mailed by ordinary U.S. mail to the following persons this 29th day of September, 2006.

Edward F. Siegel, Esq.
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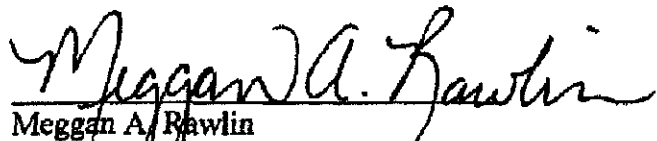
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Meggan A. Rawlin
An Attorney for Respondents

JONES DAY

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September 29, 2006

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Cleveland, OH 44114

Francis E. Sweeney, Jr. Esq.
323 Lakeside Avenue, Suite 450
Cleveland, OH 44113

Re: *S.G. Foods, Inc., et al.*
Case No. 04-28-EL-CSS

Dear Counsel:

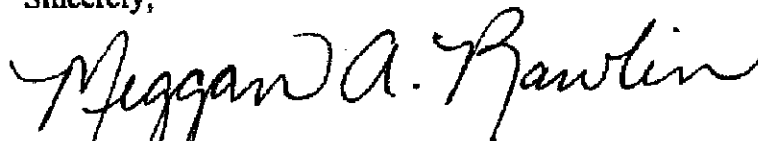
I am enclosing Respondents' First Set of Interrogatories and Requests for Production of Documents to Complainants S.G. Foods, Inc., et al. Thank you for your attention to this matter.

COI-1354572v1

September 29, 2006

Page 2

Sincerely,

A handwritten signature in cursive script that reads "Meggan A. Rawlin". The signature is written in black ink and is positioned above the printed name.

Meggan A. Rawlin

Enclosure

cc: David A. Kutik, Esq. (w/enclosure)
Mark A. Whitt, Esq. (w/enclosure)

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc., et al.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, et al.; and BMW Pizza, Inc. and)	
DPNY, Inc., et al.,)	
)	
Complainants,	)	Case Nos. 04-28-EL-CSS
	)	05-803-EL-CSS
v.	)	05-1011-EL-CSS
	)	05-1012-EL-CSS
The Cleveland Electric Illuminating	)	05-1014-EL-CSS
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
Respondents.)	

**RESPONDENTS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO
COMPLAINANTS S.G. FOODS, INC., ET AL.**

Pursuant to Rules 4901-1-16, 4901-1-19 and 4901-20 of the Ohio Administrative Code, Respondents Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc., request Complainants S.G. Foods, Inc., Pak Yan Lui, and John Summers to respond in writing and under oath to the following interrogatories; to produce or make available for inspection and copying document responsive to the following requests for production; and to serve written responses to the interrogatories and requests for production within twenty (20) days. These interrogatories and requests for production of documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. You are required to choose one or more of Your employees, officers or agents to answer the foregoing interrogatories and to respond to the following requests for production, who shall furnish all such information which is known or available to You.
2. 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.
3. 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.
4. 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.
5. For any document that You decline to produce because of a claim of privilege or any other reason, provide the date, author, and type of document, the name of 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.
6. If any document responsive to a request for production of documents is no longer in Your possession or control, please state why the document is no longer in Your possession or control, explain the circumstances surrounding the disposition of the document, identify the individual responsible for the disposition of the document, and state whether the document or copies thereof still exist.

7. Please identify all responses to requests for production of documents by the number of the request.

8. Terms used herein shall be construed to include their plural, and vice versa, so as to make the interrogatory or request for production inclusive rather than exclusive.

9. 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.

DEFINITIONS

1. "August 14, 2003 Outage" means the electrical outage complained of in the Complaint.

2. "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.

3. "Complainant" means S.G. Foods, Inc., Pan Yan Lui, and John Summers.

4. "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, memoranda, notes, writings, meeting minutes, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs.

5. "FirstEnergy Respondents" means Ohio Edison Company, Toledo Edison Company, The Cleveland Electric Illuminating Company and American Transmission Systems, Inc.

6. "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;

b. When used in reference to an entity, department, or division, to state the full name of the entity, department, or division, the present or last-known address of the entity, department, or division, and to identify the natural person or persons who represent such entity, department, and division, in connection with the subject matter of this complaint;

c. 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.

7. "You" and "Your" refer to the Complainant, individually.

INTERROGATORIES

INTERROGATORY NO. 1: Did You sustain a loss of electrical service during the August 14, 2003 Outage?

RESPONSE:

INTERROGATORY NO. 2: If the answer to Interrogatory No. 1 is "yes," identify:

- a. The time of day You lost service;
- b. The time of day service was restored;
- c. Your service address where service was interrupted;
- d. Your billing address, if different from the service address;
- e. All damages allegedly sustained because of the interruption of service;
- f. All documents relating to the interruption of service, or to any damages sustained as a result of the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 3: Identify all other electric service interruptions not otherwise

identified in response to Interrogatory Nos. 1 and 2 experienced by You from January 1, 2000 to the present, including, for each interruption, the following:

- a. The date of interruption;
- b. The length of interruption;
- c. The cause of the interruption;
- d. The service address where the interruption occurred;
- e. All damages sustained as a result of the interruption;
- f. Each document which relates to or constitutes a Communication concerning the interruption; and
- g. Whether You made a claim to any insurance company or anyone else to compensate You for Your alleged damages and, if so:
 - i. The person or entity to whom or when the claim was made;
 - ii. Whether the claim was paid and, if so, the amount paid; and
 - iii. All documents relating to the claim.

RESPONSE:

INTERROGATORY NO. 4: Identify:

- a. Any surge protection, voltage regulation or other electrical protective equipment installed between 2000 and the present;
- b. Any stand-by generation, back-up power supply or other alternate source of electrical supply installed between 2000 and the present;
- c. The date any such equipment described in subparts (a) and (b) above was installed and first functioning; and
- d. The dates after the date identified in subparagraph (a) when the equipment described in subparagraphs (a) and (b) above was out of service, under repair or otherwise unusable.

RESPONSE:

INTERROGATORY NO. 5: With respect to any property damage, if any, allegedly sustained by You as a result of the August 14, 2003 Outage, identify:

- a. The specific property that sustained damage;
- b. An itemization of the amount of damage and how that amount was calculated; and
- c. Documentation of Your ownership of the property.

RESPONSE:

INTERROGATORY NO. 6: With respect to any personal injury, if any, allegedly sustained by

You or for which You are responsible as a result of the August 14, 2003 Outage, identify:

- a. Who sustained the injury;
- b. The nature and extent of the injury;
- c. Each document relating to treatment for the injury;
- d. Each document relating to payment for treatment for the injury;
- e. An itemization of the amount of damages claimed as a result of such injury and how that amount was calculated; and
- f. Each document which relates to or constitutes a Communication concerning a claim for the injury.

RESPONSE:

INTERROGATORY NO. 7: With respect to any other damages not otherwise identified in response to Interrogatory Nos. 5 and 6 that You allegedly sustained as a result of the August 14, 2003 Outage, identify:

- a. The nature of the damage;
- b. An itemization of the amount of damage and how such amount was calculated; and
- c. Each document which relates to or constitutes a Communication concerning a claim for the damage.

RESPONSE:

INTERROGATORY NO. 8: Identify each tariff provision that You allege any FirstEnergy

Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 9: Identify each Ohio statute that You allege any FirstEnergy

Respondent violated and, for each such violation, identify each fact You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 10: Identify each rule or regulation of the Ohio Administrative Code

that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 11: Identify each order of the Public Utilities Commission of Ohio (including the case number and date of the order) that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 12: Identify any other local, state and federal statutes, regulations, and administrative agency orders that You allege any FirstEnergy Respondent violated and, for each such violation, identify each fact that You contend supports a finding that such violation occurred.

RESPONSE:

INTERROGATORY NO. 13: Identify any industry standards that You allege any FirstEnergy Respondent did not comply with and provide a summary of the facts that allegedly constitute such noncompliance.

RESPONSE:

INTERROGATORY NO. 14: Identify each individual with knowledge of any fact underlying any claim contained in the Amended Complaint, and identify each fact that such person is believed to know.

RESPONSE:

INTERROGATORY NO. 15: Identify all insurance payments or other reimbursements received by You for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

INTERROGATORY NO. 16: 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's 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.

RESPONSE:

INTERROGATORY NO. 17: Identify each document that You intend to offer as evidence at the hearing in this matter.

RESPONSE:

INTERROGATORY NO. 18: Identify all insurance claims made by You during the past ten (10) years arising from a loss of utility service.

RESPONSE:

INTERROGATORY NO. 19: For each claim identified in response to Interrogatory No. 18,

Identify:

- a. The insurance company to whom the claim was made;
- b. The amount of the claim;
- c. The type of service from which the claim arose;
- d. The location and date of the service interruption; and
- e. Each document which relates to or constitutes a Communication concerning the claim, including without limitation all documents submitted to any insurance company.

RESPONSE:

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All documents and things identified in response to FirstEnergy Respondents' First Set of Interrogatories to Complainants S.G. Foods, Inc., Pak Yan Lui, and John Summers

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: All documents and things reflecting any damages allegedly sustained by You arising from the August 14, 2003 Outage.

RESPONSE::

REQUEST FOR PRODUCTION NO. 3: All insurance policies pursuant to which You made claims for losses allegedly sustained from the August 14, 2003 Outage.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents relating to claims submitted to any insurance company for any claim arising from a loss of utility service from 2000 to the present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: A copy of Your electric bills for service to You provided during any time in August 2003.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents and things that allegedly support any allegation made in the Complaint in Case No. 04-28-EL-CSS.

RESPONSE:

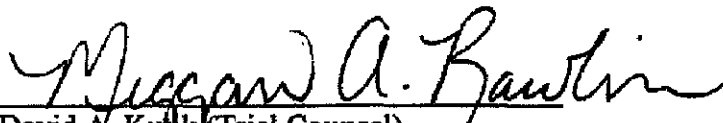
REQUEST FOR PRODUCTION NO. 7: A curriculum vitae for each expert witness identified in response to Interrogatory No. 16.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: All exhibits You intend to introduce at hearing.

RESPONSE:

Respectfully submitted,



David A. Kutik (Trial Counsel)

Megan A. Rawlin

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

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Mark A. Whitt

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Telephone: 614-469-3939

Facsimile: 614-461-4198

E-mail: mawhitt@jonesday.com

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondents' First Set Of Interrogatories And Requests For Production Of Documents To Complainants S.G. Foods, Inc., et al. was mailed by ordinary U.S. mail to the following persons this 29th day of September, 2006.

Edward F. Siegel, Esq.
5910 Landerbrook Drive, Suite 200
Cleveland, OH 44124

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Matthew L. Friedman, Esq.
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Meggan A. Rawlin
An Attorney for Respondents

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October 30, 2006

VIA FACSIMILE

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55 Public Square, Suite 1200
Cleveland, OH 44113

Re: *Miles Management Corp., et al*
v. FirstEnergy Corporation, et al.
Case No. 05-803-EL-CSS

Dear Counsel:

I am writing to follow-up on the written discovery sent to you on September 29, 2006. By this letter, Respondents request that you provide responses to this discovery, including the production of documents, by Wednesday, November 22, 2006.

COI-1357120v1

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Counsel
October 30, 2006
Page 2

If you do not believe that you can provide discovery responses by the requested deadline, please let me know at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Whitt", written in a cursive style.

Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

JONES DAY

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October 30, 2006

VIA FACSIMILE

Edward F. Siegel, Esq.
5910 Landerbrook Drive, Suite 200
Cleveland, OH 44124

Re: *S.G. Foods, Inc., et al. v. FirstEnergy Corp., et al.*
Case No. 04-28-EL-CSS

Dear Counsel:

I am writing to follow-up on the written discovery sent to you on September 29, 2006. By this letter, Respondents request that you provide responses to this discovery, including the production of documents, by Wednesday, November 22, 2006.

If you do not believe that you can provide discovery responses by the requested deadline, please let me know at your earliest convenience.

Sincerely,



Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

COI-1357123v1

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October 30, 2006

VIA FACSIMILE

Patrick J. O'Malley, Esq.
Keis George LLP
55 Public Square, Suite 800
Cleveland, OH 4413

Re: *BMW Pizza, Inc. and DPNY, Inc., et al.*
Case No. 05-1014-EL-CSS

Dear Counsel:

I am writing to follow-up on the written discovery sent to you on September 29, 2006. By this letter, Respondents request that you provide responses to this discovery, including the production of documents, by Wednesday, November 22, 2006.

If you do not believe that you can provide discovery responses by the requested deadline, please let me know at your earliest convenience.

Sincerely,



Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

COI-1357126v1

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October 30, 2006

VIA FACSIMILE

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Christina L. Weeks, Esq.
Matthew L. Friedman, Esq.
Grotefeld & Denenberg, LLC
21 E. Long Lake Road, Suite 200
Bloomfield Hills, MI 48304

Re: *Lexington Insurance Company, et al*
v. FirstEnergy Corporation, et al.
Case No. 05-1012-EL-CSS

Allianz US Global Risk Insurance Company, et al.
v. FirstEnergy Corporation, et al.
Case No. 05-1011-EL-CSS

Dear Counsel:

I am writing to follow-up on the written discovery sent to you on September 29, 2006. By this letter, Respondents request that you provide responses to this discovery, including the production of documents, by Wednesday, November 22, 2006.

COI-1357116v1

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JONES DAY

Mark S. Grotefeld, Esq.
Leslie E. Wargo, Esq.
Christina L. Weeks, Esq.
October 30, 2006
Page 2

If you do not believe that you can provide discovery responses by the requested deadline, please let me know at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Whitt", written in a cursive style.

Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

JONES DAY

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JP104785:rlr
034569-685036

January 3, 2007

VIA FACSIMILE

Francis E. Sweeney, Jr., Esq.
323 Lakeside Ave., N.W.
Suite 450, Lakeside Place
Cleveland, Ohio 44113

Re: S.G. Foods, Inc., et al. v. The Cleveland Elec. Illum. Co., et al.,
PUCO Case Nos. 04-28-EL-CSS, etc. (Consol.)

Dear Francis:

I am writing to follow up with you regarding the written discovery served to your clients (*i.e.*, the complainants listed in the Complaint in Case No. 05-803-EL-CSS) on September 29, 2006.

I wrote to you on October 30, 2006 to request responses to FirstEnergy's discovery by November 22. We spoke on the telephone at least twice in December. I also sent to you, at your request, an electronic copy of the requests for you to use for your answers. We were expecting answers from you before Christmas but to date still have not received anything.

As you know, the deadline for completion of fact discovery, including all fact witness depositions, is May 1, 2007. Given the number of complainants and insureds involved in this case, deposition practice is likely to be extensive and time consuming. We cannot take meaningful depositions without answers to our written discovery and the production of documents. Accordingly, we renew our request that your clients produce complete responses to all outstanding discovery. Please do so by January 15, 2007. If we do not receive complete responses to all interrogatories and a description of all responsive documents (or the actual documents) by that date, we will have little alternative but to seek Commission intervention. We would prefer not to have to do that.

COI-1361878v1

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Francis E. Sweeney, Jr., Esq.
January 3, 2007
Page 2

Please call me if you would like to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Whitt", written in a cursive style.

Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

JONES DAY

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JP104785:rlr
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January 3, 2007

Edward F. Siegel, Esq.
5910 Landerbrook Dr., Suite 200
Cleveland, Ohio 44124

Re: S.G. Foods, Inc., et al. v. The Cleveland Elec. Illum. Co., et al.,
PUCO Case Nos. 04-28-EL-CSS, etc. (Consol.)

Dear Ed:

I am writing to follow up with you regarding the written discovery served to your client, S.G. Foods, Inc., on September 29, 2006.

I wrote to you on October 30, 2006 to request responses to FirstEnergy's discovery by November 22. During a subsequent telephone conversation in early December, you said that you would provide answers by the end of that month. To date we have not received your responses.

As you know, the deadline for completion of fact discovery, including all fact witness depositions, is May 1, 2007. Given the number of complainants and insureds involved in this case, deposition practice is likely to be extensive and time consuming. We cannot take meaningful depositions without answers to our written discovery and the production of documents. Accordingly, we renew our request that your clients produce complete responses to all outstanding discovery. Please do so by January 15, 2007. If we do not receive complete responses to all interrogatories and a description of all responsive documents (or the actual documents) by that date, we will have little alternative but to seek Commission intervention. We would prefer not to have to do that.

Please call me if you would like to discuss this matter.

Sincerely,



Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

COI-1361877v1

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January 3, 2007

VIA FACSIMILE

Patrick J. O'Malley, Esq.
Keis George LLP
55 Public Square, Suite 800
Cleveland, Ohio 44113

Re: S.G. Foods, Inc., et al. v. The Cleveland Elec. Illum. Co., et al.,
PUCO Case Nos. 04-28-EL-CSS, etc. (Consol.)

Dear Pat:

I am writing to follow up with you regarding the written discovery served to your clients (i.e., the complainants listed in the Complaint in Case No. 05-1014-EL-CSS) on September 29, 2006.

I wrote to you on October 30, 2006 to request responses to FirstEnergy's discovery by November 22. To date we have not received anything from you.

As you know, the deadline for completion of fact discovery, including all fact witness depositions, is May 1, 2007. Given the number of complainants and insureds involved in this case, deposition practice is likely to be extensive and time consuming. We cannot take meaningful depositions without answers to our written discovery and the production of documents. Accordingly, we renew our request that your clients produce complete responses to all outstanding discovery. Please do so by January 15, 2007. If we do not receive complete responses to all interrogatories and a description of all responsive documents (or the actual documents) by that date, we will have little alternative but to seek Commission intervention. We would prefer not to have to do that.

Please call me if you would like to discuss this matter.

Sincerely,



Mark A. Whitt

cc: David A. Kutik, Esq.
Meggan A. Rawlin, Esq.

COI-1361879v1

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