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RECEIVED-DOCKETING DIV

2007 MAY 24 AM 11:02

PUCO

May 23, 2007

Via Fax and Federal Express

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

Re: S.G. Foods, Inc., et al. vs Cleveland Electric Illuminating, et al.
PUCO Case Nos: 04-28-EL-CSS, etc. (Consolidated)
Our File No: 65000.0

Dear Docketing Division:

Enclosed please find an original and ten (10) copies of Motion for Subpoena Duces Tecum of David Bienemann by Allianz Global Risks US Insurance Company, et al and Lexington Insurance Company, et al and Request for Expedited Hearing. Please file with the Commission relative to the above matter.

Thank you for your anticipated cooperation in this regard. If you have any questions, please do not hesitate to contact me.

Very truly yours,

GROTEFELD & DENENBERG, L.L.C.


Alyssa J. Endelman

AJE/sm
Enc.

cc: Mark A. Whitt
David A. Kutik/Meggan Rawlin
Joel Levin
Paul W. Flowers
Edward F. Siegel
W. Craig Bashein
Francis E. Sweeney
Gary D. Benz

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BEFORE

2007 MAY 24 AM 11:02

THE PUBLIC UTILITIES COMMISSION OF OHIO

PUCO

In the Matter of the Complaints of S.G. Foods, Inc.; Miles Management Corp., et al.; Allianz US Global Risk Insurance Company, et al.; Lexington Insurance Company, et al,)

Complainants,)

v.)

The Cleveland Electric Illuminating Company, Ohio Edison Company, Toledo Edison Company, and American Transmission Systems, Inc.)

Respondents.)

Case Nos. 04-28-EL-CSS
05-803-EL-CSS
05-1011-EL-CSS
05-1012-EL-CSS

MOTION FOR SUBPOENA DUCES TECUM OF DAVID BIENEMANN BY ALLIANZ GLOBAL RISK US INSURANCE COMPANY, ET AL AND LEXINGTON INSURANCE COMPANY, ET AL AND REQUEST FOR EXPEDITED RULING


NOW COME Complainants Allianz Global Risk US Insurance Company, et al and Lexington Insurance Company, et al and, pursuant to Ohio Adm. Code 4901-1-25 and Ohio Adm. Code 4901-1-21(F), hereby respectfully move the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or the attorney examiner assigned to this case to issue a subpoena *duces tecum* compelling David Bienemann to appear for oral examination at deposition on **June 1, 2007** at the offices of Jones Day, 901 Lakeside Avenue, Cleveland, OH 44114 at 9:00 a.m. to provide testimony on Respondents' vegetation management policies, procedures and practices and testimony regarding his previous

employment as regional forestry manager for Respondents.

Ohio Administrative Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. Complainants maintain that an expedited ruling is appropriate in that they have been advised that the witness is available for deposition on June 1, 2007. Complainants have contacted Respondents and Respondents do not object to the issuance of a subpoena.

GROTEFELD & DENENBERG, L.L.C.

By:


Alyssa J. Endelman *Admitted Pro Hac Vice*
Christina L. Pawlowski *Admitted Pro Hac Vice*
Attorneys for Claimants Allianz, et al/Lexington, et al
21 E. Long Lake Road, Suite 200
Bloomfield Hills, MI 48304
(248) 549-3900; (248) 593-5808 (fax)

-and-

Leslie E. Wargo (P0073112)
Co-Counsel for Attorneys for Claimants Allianz, et al/
Lexington, et al
1800 Midland Building
101 Prospect Avenue West
Cleveland, Ohio 44115
(216) 696-1422

Dated: May 23, 2007

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaints of S.G.)	
Foods, Inc.; Miles Management Corp.,)	
et al.; Allianz US Global Risk Insurance)	
Company, et al.; Lexington Insurance)	
Company, 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)	
Company, Ohio Edison Company,)	
Toledo Edison Company, and)	
American Transmission Systems, Inc.)	
)	
)	
Respondents.)	

MEMORANDUM IN SUPPORT

Allianz Global Risk US Insurance Company, et al and Lexington Insurance Company, et al request a subpoena, pursuant to Ohio Adm. Code 4901-1-25, to command David Bienemann appear for oral examination at deposition on June 1, 2007 at the offices of Jones Day, 901 Lakeside Avenue, Cleveland, OH 44114 at 9:00 a.m. as on cross-examination by Allianz Global Risk US Insurance Company, et al and Lexington Insurance Company, et al in the above-captioned proceedings and to attend from day to day until the deposition is completed.

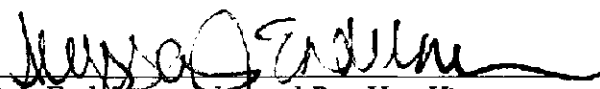
The above captioned case involves the adequacy of service provided by Respondents' relative to the August 2003 Blackout. Evidence regarding Respondents' vegetation management policies, procedures and practice are expected to be central issues in the case. Mr. Bienemann was responsible for the central region for distribution forestry services on August 14, 2003.

Mr. Bienemann is knowledgeable about matters that are subject of the issues in the cases before the Commission.

Mr. Bienemann's full participation will facilitate a full and complete development of the cases before the Commission, including the ultimate record upon which the Commission will base its decision. Complainants have contacted Respondents and Respondents do not object to the issuance of a subpoena.

GROTEFELD & DENENBERG, L.L.C.

By:


Alyssa J. Endelman *Admitted Pro Hac Vice*
Christina L. Pawlowski *Admitted Pro Hac Vice*
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-and-

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Lexington, et al
1800 Midland Building
101 Prospect Avenue West
Cleveland, Ohio 44115
(216) 696-1422

Dated: May 23, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Subpoena Duces Tecum, was mailed by ordinary U.S. mail to the following persons this 23rd day of May, 2007.

David A. Kutik
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, OH 44114

Mark A Whitt
JONES DAY
325 John H. McConnell Blvd., Suite 600
Columbus, OH 43215-5017

Edward Siegel
Attorney at Law
27600 Chagrin Boulevard
Suite 340
Cleveland, OH 44122

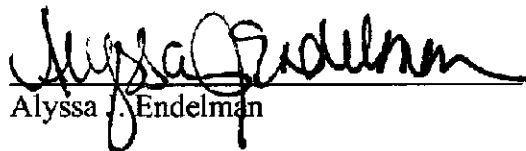
Craig Bashein
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Cleveland, OH 44114

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Cleveland, OH 44113

Gary D. Benz
First Energy Corp.
76 S. Main Street
Akron, OH 44308


Alyssa J. Endelman

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

SUBPOENA DUCES TECUM

To: David S. Bienemann
615 Deer Run
Perrysburg, OH 43551-1001

Upon application of Complainants you are hereby required to appear before the Public Utilities Commission of Ohio as a witness for deposition in the following proceeding:

Case Nos. 05-1011-EL-CSS; 05-1012-EL-CSS; 05-803-EL-CSS; 04-28-EL-CSS

Case Title S.G. Foods, Inc., et al v The Cleveland Electric Illuminating Company, et al

You are to appear at 815 E. Poe Road, Public Works Building, Bowling Green, OH 43402-2399 on the 1st day of June, 2007, at 9:00 a.m.

You shall bring with you the following: Any and all documents in your possession related to the August 14, 2003 Blackout and any documents pertaining to the vegetation management practices of Respondents.

Dated at Columbus, Ohio, this ___ day of _____, 20__.

Attorney Examiner

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