

FILE

Before
THE SUPREME COURT OF OHIO

Elyria Foundry Company,)	
)	
)	
)	
)	
Appellant,)	
)	
VS)	Supreme Court No. 07-0860
)	
)	
The Public Utilities Commission)	
of Ohio)	
)	
)	
)	
Appellee.)	

Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

)	
In the matter of the complaint of)	
Elyria Foundry vs. Ohio Edison Company)	
for the alleged unlawful, unjust, and/or)	
unreasonable failure to provide clear and)	Case No. 05-796-EL-CSS
transparent definitions of, and calculations)	
For incremental expenses.)	
)	
)	

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Amr Date Processed 6/11/07

INDEX AND DOCKET ENTRIES

ICN

<u>6/20/2005</u>	In the matter of the complaint of Elyria Foundry (vs) Ohio Edison Company for alleged unlawful, unjust, and/or unreasonable failure to provide clear and transparent definitions of, and calculations for incremental revenues and incremental expenses.	1
<u>6/28/2005</u>	Entry ordered, that a prehearing conference be held in this matter on Tuesday, July 26, 2005, at 10:00 a.m., in Hearing Room 11-B, 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. (JLS)	2
<u>7/8/2005</u>	Motion for extension of time to file a responsive pleading, filed on behalf of Ohio Edison Company by K. Kolich. (FAX)	3
<u>7/8/2005</u>	Motion for extension of time to file a responsive pleading, filed on behalf of Ohio Edison Company by K. Kolich. (original)	4
<u>7/12/2005</u>	Entry granting Ohio Edison's motion for an extension of time, until July 18, 2005 to file its answer to the complaint. (JLS)	5
<u>7/14/2005</u>	Motion and memorandum to reschedule settlement conference filed by C. Smith on behalf of Elyria Foundry.	6
<u>7/15/2005</u>	Answer filed on behalf of The Ohio Edison Company by K. Kolich.	7
<u>7/15/2005</u>	Motion to dismiss and memorandum in support filed by K. Kolich on behalf of the Ohio Edison Company.	8
<u>7/20/2005</u>	Entry ordering that a prehearing conference be held September 13, 2005 at 10:00 a.m., hearing room 11-B, 180 East Broad Street, Columbus, Ohio 43215-3793. (JLS)	9
<u>7/28/2005</u>	Memorandum contra to motion to dismiss by Ohio Edison Company, filed on behalf of Elyria Foundry by C. Smith.	10
<u>7/29/2005</u>	Addendum memorandum contra filed on behalf of Elyria Foundry by C. Smith.	11

<u>9/14/2005</u>	Entry ordering that the procedural schedule in this matter is as set forth in finding (6) and the evidentiary hearing be held on Tuesday, January 10, 2006, at 10:00 A.M., at the offices of the Commission, in hearing room 11-F, 180 East Broad Street, Columbus, Ohio 43215.(JS)	12
<u>10/21/2005</u>	Notice to Ohio Edison Company to take depositions upon oral examination and request for production of documents filed by C. Smith on behalf of Elyria Foundry.	13
<u>10/21/2005</u>	Preliminary witness list of Ohio Edison filed by K. Kolich.	14
<u>10/21/2005</u>	Second notice to Ohio Edison Company to take depositions upon oral examination and request for production of documents filed by C. Smith on behalf of Elyria Foundry.	15
<u>10/21/2005</u>	Witness list filed on behalf of Elyria Foundry Company. filed by C. Smith	16
<u>11/8/2005</u>	Motion and memorandum in support by Elyria Foundry for an extension of time to the procedural schedule set forth in these proceedings filed by C. Smith.	17
<u>11/8/2005</u>	Motion and memorandum in support by Elyria Foundry to compel discovery for Ohio Edison Company for interrogatories and request for production of documents second set, dated October 19, 2005, filed by C. Smith.	18
<u>11/10/2005</u>	Supplemental affidavit filed on behalf of Elyria Foundry by C. Smith.	19
<u>11/14/2005</u>	Memorandum contra Elyria Foundry's motion to compel discovery filed by K. Kolich on behalf of Ohio Edison Company.	20
<u>11/17/2005</u>	Entry ordering that the procedural schedule in this matter is temporarily suspended; that a telephonic conference will be held at 2:00 p.m. on Thursday, January 5, 2006. (JLS)	21
<u>1/10/2006</u>	Entry ordering that the procedural schedule in this matter is set forth in finding (5) and that the evidentiary hearing in this matter shall be held on Tuesday, June 20, 2005, at 10:00 a.m., at the offices of the Commission, in Hearing Room 11-F, 180 East Broad Street, Columbus, Ohio 43215. (JLS)	22
<u>2/17/2006</u>	Motion for leave and memorandum in support by Elyria Foundry to amend the complaint by way of supplement filed by C. Smith.	23

<u>2/17/2006</u>	Supplement to complaint filed by C Smith on behalf of Elyria Foundry.	24
<u>2/23/2006</u>	Notice to Elyria Foundry to take depositions upon oral examination and request for production of documents filed on behalf of Ohio Edison Company by K. Kolich.	25
<u>2/23/2006</u>	Supplemental answer of Ohio Edison Company filed by K. Kolich.	26
<u>3/10/2006</u>	Notice of deposition of Elyria Foundry filed by C. Smith.	27
<u>3/13/2006</u>	Entry ordering that an informal conference in this matter shall be held on Thursday, April 6, 2006, at 10:00 A.M., at the office of the Commission, in the 12th floor Legal Department Conference Room, 180 East Broad Street, Columbus, Ohio 43215. (JS)	28
<u>3/15/2006</u>	Confidential document: Direct testimony of Anthony T. Yankel filed by Elyria Foundry. (70 pgs)	Conf.
<u>3/27/2006</u>	Entry ordered; that the procedural schedule in this matter is revised as set forth in finding 5, that the evidentiary hearing in this matter remains scheduled for Tuesday, June 20, 2006, at 10:00 a.m., at the offices of the Commission, in Hearing Room 11-F, 180 East Broad Street, Columbus, Ohio 43215. (JLS)	29
<u>5/15/2006</u>	Direct testimony of Anthony J. Yankel filed on behalf of Elyria Foundry, (confidential information redacted)	30
<u>5/15/2006</u>	Direct testimony of Samuel R. Knezevic filed on behalf of Elyria Foundry.	31
<u>5/15/2006</u>	Motion for protective order, memorandum in support, filed by C. Smith on behalf of Elyria Foundry Company.	32
<u>5/18/2006</u>	Entry ordering that the hearing be rescheduled to June 28, 2006, at 10:00 A.M., at the offices of the Commission, hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio. (JK)	33
<u>6/9/2006</u>	Confidential document: Exhibit CJI5 to testimony of Charles J. Idle, P.E. filed on behalf of Ohio Edison Company.	Conf.
<u>6/9/2006</u>	Direct testimony of Charles J. Idle, P.E. filed on behalf of the Ohio Edison Company by K. Kolich.	34
<u>6/9/2006</u>	Direct testimony of Steven E. Ouellette filed on behalf of the Ohio Edison Company by K. Kolich.	35

<u>6/9/2006</u>	Motion for protective order filed on behalf of Ohio Edison Company by K. Kolich. (FAX)	36
<u>6/12/2006</u>	Motion for protective order filed by K. Kotlich on behalf of Ohio Edison Company.	37
<u>6/28/2006</u>	Confidential document: Deposition of Charles Idle, filed by Elyria Foundry Company.	Conf.
<u>6/28/2006</u>	Deposition of Charles Idle, dated June 21, 2006 filed by C. Smith on behalf of Elyria Foundry.	38
<u>6/28/2006</u>	Depositions of Charles Idle dated November 2, 2005 filed by C. Smith on behalf of Elyria Foundry.	39
<u>6/28/2006</u>	Depositions of Charles Idle, dated April 11, 2006, filed by C. Smith on behalf of Elyria Foundry.	40
<u>6/28/2006</u>	Depositions of S. Knezevic and A. Yankel, filed on behalf of the Ohio Edison Company by H. Liebman.	41
<u>6/28/2006</u>	Depositions of Steven Ouellette dated, November 2, 2005 filed by C. Smith on behalf of Elyria Foundry.	42
<u>6/28/2006</u>	Depositions of Steven Ouellette dated June 21, 2006 filed by C. Smith on behalf of Elyria Foundry.	43
<u>6/28/2006</u>	Motion for protective order and memorandum in support, filed on behalf of Elyria Foundry Company by C. Smith.	44
<u>7/13/2006</u>	Transcript and exhibits continued. (Part 2 of 2)	Trans.
<u>7/13/2006</u>	Transcript w/exhibits before Hearing Examiner J. Kingery on June 28, 2006.(Vol.1) (Part 1 of 2)	Trans.
<u>7/13/2006</u>	Transcript w/exhibits of proceedings held before Attorney Examiner Jeanne Kingery on June 29, 2006. (Vol. II) (Part 1 of 2)	Trans.
<u>7/13/2006</u>	Transcript w/exhibits of proceedings held before Attorney Examiner Jeanne Kingery on June 29, 2006. (Vol. II) (Part 2 of 2)	Trans.
<u>7/18/2006</u>	Entry ordered; that testimony shall be filed in accordance with the schedule set forth in finding (3); that the hearing in this case be scheduled to resume on Wednesday, August 16, 2006, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-G, 11th floor, 180 East Broad Street, Columbus, Ohio. (JWK)	45
<u>7/26/2006</u>	Confidential document: Rebuttal testimony of Anthony J. Yankel filed on behalf of Elyria Foundry.	Conf.

<u>7/26/2006</u>	Motion filed on behalf of Elyria Foundry Company for protective order and memorandum in support filed by C. Smith.	46
<u>7/26/2006</u>	Rebuttal testimony of Anthony J. Yankel filed on behalf of Elyria Foundry by C Smith.	47
<u>8/9/2006</u>	Surrebuttal testimony of Charles J. Idle, P.E. filed by K. Kolich on behalf of Ohio Edison Company.	48
<u>8/16/2006</u>	Deposition of Anthony J. Yankel on August 4, 2006 filed on behalf of Elyria Foundry.	49
<u>8/16/2006</u>	Notice of filing of disposition of Charles J. Idle by Elyria Foundry filed by C. Smith.	50
<u>8/23/2006</u>	Late filed exhibit for the rebuttal testimony of Anthony J. Yankel, filed on behalf of Elyria Foundry by C. Smith.	51
<u>8/30/2006</u>	Transcript and exhibits of hearing held before Hearing Examiner Jeanne Kingery on August 16, 2006. (Volume III) (Concluded)	Trans.
<u>9/13/2006</u>	Initial brief of Elyria Foundry filed by C. Smith.	52
<u>9/13/2006</u>	Initial brief of Ohio Edison Company filed by H. Liebrman.	53
<u>9/26/2006</u>	Reply brief of Elyria Foundry filed by C. Smith.	54
<u>9/26/2006</u>	Reply brief of Ohio Edison Company filed by K. Kolich.	55
<u>1/17/2007</u>	Opinion and order stating that the complaint of Elyria Foundry be dismissed; that Ohio Edison notify its interruptible customers of their 90-day opportunity to return to firm service, as discussed in this opinion and order.	56
<u>2/15/2007</u>	Template letter, response form, and affidavit filed by K. Kolich on behalf of First Energy Corp.	57
<u>2/16/2007</u>	Application for rehearing and memorandum in support by Elyria Foundry Company filed by C. Smith.	58
<u>2/20/2007</u>	Motion to strike and memorandum in support on behalf of Ohio Edison filed by K. Kolich. (FAX)	59
<u>2/21/2007</u>	Motion to strike and memorandum in support on behalf of Ohio Edison Company filed by K. Kolich.	60
<u>2/26/2007</u>	Memorandum contra Elyria Foundry application for rehearing filed by K. Kolich on behalf of Ohio Edison Company.	61

<u>2/27/2007</u>	Memorandum contra by Elyria Foundry Company motion to strike grounds for rehearing #15 filed by G. Smith.	62
<u>3/1/2007</u>	Notice of withdrawal of motion on behalf of Ohio Edison Company filed by K. Kolich. (FAX)	63
<u>3/2/2007</u>	Notice of withdrawal of motion on behalf of Ohio Edison Company filed by K. Kolich.	64
<u>3/14/2007</u>	Entry on Rehearing: ordered that Elyria Foundry's application for rehearing be denied.	65
<u>4/4/2007</u>	Second application for rehearing, with its memorandum in support filed on behalf of Elyria Foundry by C. Smith.	66
<u>4/10/2007</u>	Motion to strike complainant's second application for rehearing and memorandum in support filed on behalf of Ohio Edison Company by K. Kolich. (FAX)	67
<u>4/11/2007</u>	Motion to strike complainant's second application for rehearing and memorandum in support filed on behalf of Ohio Edison Company by K. Kolich.	68
<u>4/17/2007</u>	Memorandum contra to the motion to strike on behalf of Elyria Foundry Company filed by C. Smith	69
<u>5/2/2007</u>	Entry ordering that rehearing on Elyria Foundry's first claimed ground be denied; that Elyria Foundry's second, third, fourth and fifth grounds for rehearing be stricken.	70
<u>5/10/2007</u>	Notice of appeal of the Elyria Foundry Company filed by C. Smith. (S. C. 07-0860)	71

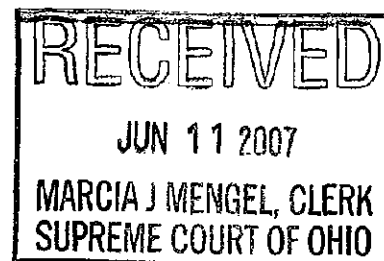
Appellee.

Supreme Court No. 07-0860

Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the matter of the complaint of Elyria Foundry vs. Ohio Edison Company for the alleged unlawful, unjust, and/or unreasonable failure to provide clear and transparent definitions of, and calculations for incremental expenses.

Case No. 05-796-EL-CSS



CERTIFICATION

I, Renee' J. Jenkins, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. 1-71, the **Entry on Rehearing dated 3/14/2007** and the **Second Entry on Rehearing dated 5/2/2007** inclusive; and the Certification of the record in Case No. **05-796-EL-CSS**

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 11th day of June, 2007.

Renee J. Jenkins

Renee' J. Jenkins, Secretary
Betty McCauley, Acting Secretary
Mariruth C. Wright, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO