

**FILE**

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RECEIVED-DOCKETING DIV  
2007 JUL -3 PM 2:58  
PUCO

July 2, 2007

Via DHL Express

Paul Duffy, Attorney Examiner  
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 Mr. Duffy:

Enclosed please find an original and ten (10) copies of a Motion for Subpoena for Records and a proposed Subpoena by Allianz Global Risks US Insurance Company, et al and Lexington Insurance Company, et al. Please file with the Commission relative to the above matter.

If the subpoena meets with your approval, please sign it and return it to us in the enclosed DHL return envelope.

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.

This is to certify that the images appearing are an  
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Technician AJE Date Processed 7/3/07

**DENENBERG TUFFLEY, PLLC**

July 2, 2007

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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

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.	)	

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**SUBPOENA FOR RECORDS**

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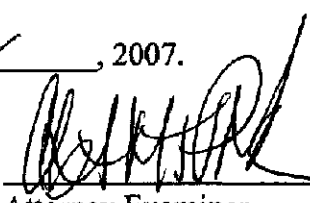
To: North American Electric Reliability Corporation (NERC)  
Princeton Forrestal Village  
116-390 Village Boulevard  
Princeton, New Jersey 08540-5731  
Attention: Custodian of the Records

Upon application of Complainants you are hereby required to produce records in the following proceeding by July 13, 2007:

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 shall produce the following: Any and all documents in your possession relating to the August 14, 2003 Blackout, including but not limited to the investigation and analysis conducted by NERC.

Dated at Columbus, Ohio, this 3 day of July, 2007.

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

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.	)	

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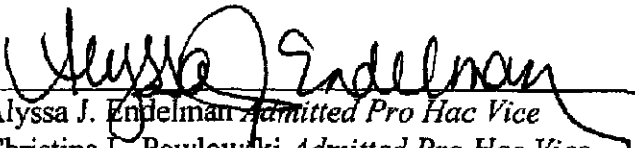
**MOTION FOR SUBPOENA FOR RECORDS  
FROM NORTH AMERICAN ELECTRIC RELIABILITY  
CORPORATION (NERC) BY ALLIANZ GLOBAL  
RISK US INSURANCE COMPANY, ET AL  
AND LEXINGTON INSURANCE COMPANY, ET AL**

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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 compelling North American Electric Reliability Corporation (NERC) to produce records at the offices of Denenberg Tuffley, PLLC,

21 E. Long Lake Road, Suite 200, Bloomfield Hills, MI 48304 on or before July 13, 2007.

**DENENBERG TUFFLEY, PLLC**

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: July 2, 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.	)	

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**MEMORANDUM IN SUPPORT**

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Allianz Global Risk US Insurance Company, et al and Lexington Insurance Company, et al request a subpoena for records, pursuant to Ohio Adm. Code 4901-1-25, to command North American Electric Reliability Corporation (NERC) to produce records on or before **July 13, 2007** in the above-captioned proceedings.

The above captioned case involves the adequacy of service provided by Respondents relative to the August 14, 2003 Blackout. Evidence regarding the cause of the August 14, 2003 Blackout is the central issue in the case. NERC conducted an investigation into the cause of the August 14, 2003 Blackout.

NERC'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.

**DENENBERG TUFFLEY, PLLC**

By:



*Alyssa J. Edelman 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: July 2, 2007

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Subpoena for Records was mailed by ordinary U.S. mail to the following persons this 2<sup>nd</sup> day of July, 2007.

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North Point  
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Cleveland, OH 44114

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Cleveland, OH 44122

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Alyssa J. Endelman