

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.; and 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

ENTRY

The attorney examiner finds:

- (1) The complainants in these consolidated proceedings filed their complaints on January 12, 2004, June 21, 2005, and August 15, 2005. In each case, the complainants allege, *inter alia*, that the Cleveland Electric Illuminating Company, Ohio Edison Company, Toledo Edison Company, and/or American Transmission Systems, Inc., (collectively, the respondents) failed to furnish necessary and adequate service and facilities to the complainants and that the service and/or facilities provided by one or more of those respondents were at least partially responsible for causing a widespread blackout on August 14, 2003, thereby causing financial harm to the complainants.
- (2) By entry issued September 28, 2007, the attorney examiners established a revised procedural schedule in these dockets.
- (3) On October 5, 2007, the attorney examiners held a telephonic conference with the parties. During the conference, the parties agreed that, in addition to the procedural deadlines established in the September 28, 2007, entry, by noon on December 19,

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2007, each party will file a list of any hostile witnesses it will be calling as on cross at the hearing, along with a summary of the issues to be addressed to each of the witnesses.

- (4) With regard to requests from the parties for confidential treatment of testimony and documents to be filed and/or presented at the hearing, the attorney examiners find that the following procedures should be adhered to by the parties:
 - (a) **Sharing between the parties:** The parties may enter into protective agreements with each other regarding the handling of information that they deem confidential and anticipate filing or presenting at the hearing. The attorney examiners would note that, while confidentiality agreements between parties help to facilitate the sharing of information between the parties, such agreements are not binding on the Commission as far as the ultimate ruling on whether such information does, in fact, qualify for confidential treatment.
 - (b) **Testimony, Exhibits, Depositions, and Documents Filed Prior to the Hearing:** As ordered by the examiners, certain testimony, exhibits, and documents must be filed prior to the hearing in these cases. If a party alleges that specific information contained these filings is confidential, the party shall accompany the filing with a motion for a protective order in accordance with Rule 4901-1-24, Ohio Administrative Code.
 - (c) **Exhibits, Depositions, and Documents Submitted at the Hearing:** At the hearing, if a party alleges that specific information contained in exhibits, depositions, or other documents presented at the hearing is confidential, the party must make an oral motion to that effect, supporting the motion with appropriate bases for such protection. The examiners will establish a process at the hearing to enable them to review the alleged confidential information *in camera* and rule on the motion for the protective order.

- (5) The hearing in these cases is scheduled to commence on January 8, 2008. It is anticipated that the parties will be presenting numerous witnesses and that the hearing will continue for a number of days. The examiners would encourage the parties to work together and develop a proposed order of witnesses for the hearing.
- (6) On September 24, 2007, a motion for admission *pro hac vice* was filed by the respondents to admit Gail Watkins to practice before the Commission in these proceedings, on behalf of the respondents. There was no opposition to the motion. The attorney examiner finds that the motion for admission *pro hac vice* should be granted.

It is, therefore,

ORDERED, That the parties comply with the addition to the schedule set forth in finding (3). It is, further,

ORDERED, That the parties adhere to the processes set forth in finding (4) concerning requests for protective orders. It is, further,

ORDERED, That the motion for admission *pro hac vice* to admit Gail Watkins be granted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




By: Christine M.T. Pirik
Attorney Examiner

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Entered in the Journal

OCT 16 2007



Renee J. Jenkins
Secretary