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September 15, 2008

VIA HAND DELIVERY

Public Utilities Commission of Ohio
Docketing Division, 10th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

RE: Case No. 08-935-EL-SSO
Case No. 08-936-EL-SSO

Dear Sir/Madam:

The attached City of Cleveland Responses to the First Energy Companies' First Set of Interrogatories and Requests for Production of Documents in the above captioned cases, is hereby served on the Commission.

Pursuant to Rule 4901-1-02 of the Ohio Administrative Code, attached to this correspondence are one (1) original and twenty (20) copies.

Please provide one (1) time-stamped copy of each the attached documents to the representative hand-delivering this information.

Sincerely,



Andre Porter

ATP:rac

Enclosures

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 08-935-EL-SSO
Edison Company, for Authority to)	
Establish a Standard Service Offer)	
Pursuant to R.C. § 4928.143 in the Form)	
of an Electric Security Plan.)	

**THE CITY OF CLEVELAND'S RESPONSES TO FIRSTENERGY COMPANIES'
FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Pursuant to Rules 4901-1-16, 4901-1-17, 4901-1-18, 4901-1-19, and 4901-1-20, of the Ohio Administrative Code, the City of Cleveland ("Cleveland" or "City") hereby submits its responses to the FirstEnergy Companies' First Set of Interrogatories and Request For Production of Documents.

GENERAL OBJECTIONS

Cleveland has attempted to be responsive to each and every one of FirstEnergy Companies' requests and provides the following responses to the best of its current information and belief. However, each of FirstEnergy Companies' Interrogatories and Document Requests, including the definitions relative thereto, are responded to subject to the general objections set forth below. These objections form a part of each of Cleveland's responses to FirstEnergy Companies' requests even though they may not be specifically referred to in each and every response. Failure to incorporate any of these general objections to any specific response should not be construed as a waiver of same. Discovery is continuing and the responses are given with

the caveat that, as discovery continues, Cleveland may modify and amend certain of the responses to reflect newly discovered and acquired information.

1. Cleveland objects to each document request to the extent it calls for the production of materials protected by the attorney/client privilege or the work product doctrine.

2. Cleveland objects to each document request to the extent it seeks information or documents already within FirstEnergy Companies' knowledge, possession, custody or control or is equally or more easily available to FirstEnergy Companies, on the grounds that such request is unduly burdensome and oppressive.

3. Cleveland objects to each document request to the extent it requests information that is irrelevant and immaterial and/or is not reasonably calculated to lead to the discovery of admissible evidence in the present action.

4. Cleveland objects to each document request to the extent that it is overly broad and/or unreasonably burdensome so as to render it impossible to respond to in any reasonable time or manner.

5. Cleveland objects to each document request to the extent that it purports to require Cleveland to locate or produce documents not within Cleveland's possession, custody or control.

6. In responding to these Requests, Cleveland is not waiving any objection or failing to claim any privilege available to it, including, but not limited to, the attorney-client privilege, work product privilege, or any other privilege available by statute, rule or common law.

7. Cleveland objects to FirstEnergy Companies' interrogatories insofar as they seek discovery of any material that constitutes impressions, conclusions, opinions, or legal theories of Cleveland's attorneys.

INTERROGATORIES

Interrogatory No. 1: Identify each person whom You intend to call as a witness at the hearing in this Case.

Response: John T. Courtney, Principal, Courtney & Associates, 1016 North Blanchard Street, P.O. Box 676, Findlay, Ohio 45839. Based upon circumstances related to this Case, Cleveland may determine that additional witnesses are necessary, and the City reserves the right to name additional witnesses in that event.

Interrogatory No. 2: For each person whom You intend to call as a witness at the hearing in this Case:

- 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 witnesses 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 Case; and
- e. Identify by caption, agency or court, case name, and case number all other Cases in which the witness has testified on the same or similar topic in the past ten years.

Response:

- a. The witness has not yet determined the substance of his opinions to be provided in this Case.
- b. The witness has not yet determined the facts which will provide the basis for each opinion on which he will testify.
- c. See *Attachment A*.

- d. Although the witness has not yet determined the substance or the facts to be relied upon in formulating the substance of his opinion, he has reviewed documents filed with the Public Utilities Commission of Ohio as part of this Case and will have access to and may review documents subsequently filed in this Case.
- e. See *Attachment B*.

Interrogatory No. 3: Identify each and every document, exhibit or other thing You intend to introduce into evidence or otherwise display at the hearing in this Case.

Response: In addition to documents already filed as part of this Case, Cleveland has not yet decided if it will introduce documents, exhibits, or other things at the hearing in this Case. If Cleveland decides to introduce additional documents, exhibits, or other things at the hearing, the City will make those items available at that time.

Interrogatory No. 4: Identify each and every adjustment, modification, or change to any proposal included in the FirstEnergy Companies' Application in this Case that You propose or support or intend to support.

Response: To the extent that a discoverable response to this request exists, Cleveland has not yet determined which adjustments, modifications, or changes it will support. In the event that Cleveland decides to support modifications, adjustments, or changes, and to the extent that such information is discoverable, the City will make it available at that time.

Interrogatory No. 5: For any and all adjustments, modifications, or changes described in Your response to Interrogatory No. 4, Identify the following:

- a. All facts relied on by You that support the proposed adjustment, modification or change.

- b. All documents referring to, reflecting, or relating to the adjustment, modification, or change.

Response:

- a. To the extent that a discoverable response to this request exists, Cleveland has not yet determined the facts to be relied upon in support of any adjustment, modification, or change.
- b. To the extent that a discoverable response to this request exists, Cleveland has not yet determined the documents that refer to, reflect, or relate to any adjustment, modification, or change.

Interrogatory No. 6: Identify all communications concerning the FirstEnergy Companies' application, schedules, or proposal in this Case that You have had with any party or any representative of any party to this Case or any third party.

Response: Other than discussions conducted by Attorneys for Cleveland, there have been no additional communications.

Interrogatory No. 7: Identify all internal communications (including but not limited to communications involving Your consultants) concerning the FirstEnergy Companies' application, schedules, or proposals in this Case.

Response: To the extent that internal communications have been held, they have been limited to issues regarding legal issues between City staff and internal and/or external legal counsel. Consequently, the internal communications are subject to the attorney-client privilege and are not discoverable.

Interrogatory No. 8: Identify all documents You have generated, produced, or distributed (including but not limited to documents generated or produced by Your consultants) concerning the FirstEnergy Companies' application, schedules, or proposals in this Case.

Response: Cleveland has not generated, produced or distributed any discoverable documents.

REQUEST FOR PRODUCTION OF DOCUMENTS

Request for production No. 1: All documents and things identified in response to the FirstEnergy Companies' First Set of Interrogatories.

Response: To the extent that discoverable documents exist, they have yet to be determined. However, if and when discoverable documents are identified, they will be made available.

Request for production No. 2: All documents and things that reflect, refer to, or relate to any communication identified in response to the FirstEnergy Companies' First Set of Interrogatories.

Response: To the extent that discoverable documents exist, they have yet to be determined. However, if and when discoverable documents are identified, they will be made available at that time.

Request for production No. 3: A curriculum vitae for each witness.

Response: See *Attachment A*, providing a summary of the background and work history of John T. Courtney.

Request for production No. 4: All exhibits You intend to introduce at hearing.

Response: Cleveland has not yet determined the exhibits it will introduce at the hearing in this Case. However, if and when such exhibits are determined, the City will make them available at that time.

Respectfully Submitted,



Robert J. Triozzi (0016532)

Director of Law, City of Cleveland

Steven Beeler (0078076)

Assistant Director of Law, City of Cleveland

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Christopher L. Miller (0063259)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of The City of Cleveland's Responses to FirstEnergy Companies' First Set of Interrogatories and Requests for Production of Documents was served via electronic mail to the parties listed on the attached Exhibit A and by regular mail service to the parties listed on the attached Exhibit B on the 15th of September, 2008.

Additionally, a copy of The City of Cleveland's Responses to FirstEnergy Companies' First Set of Interrogatories and Requests for Production of Documents was hand delivered to Jones Day, Mark A. Whitt, Andrew J. Campbell, P.O. Box 165017, 325 John H. McConnell Blvd. Suite 600, Columbus, OH 43216-5017 and the Public Utilities Commission, 180 East Broad St., 3rd Floor, Columbus, OH 43215.



Andre T. Porter

EXHIBIT A

Case 08-936-EL-SSO Electronic Mail Service List

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Toledo Edison Company**
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