

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Application of Ohio Edison:
Company, The Cleveland :
Electric Illuminating :
Company and the Toledo : Case Nos. 07-1003-EL-ATA
Edison Company for : 07-1004-EL-AAM
Authority to Modify :
Certain Accounting :
Practices and for Tariff :
Approvals. :

- - -

PROCEEDINGS

before Ms. Rebecca Hussey and Ms. Kimberly Bojko,
Hearing Examiners, at the Public Utilities Commission
of Ohio, 180 East Broad Street, Room 11-F, Columbus,
Ohio, called at 10:00 a.m. on Tuesday, September 29,
2009.

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- - -

1 APPEARANCES:

2 Mr. James W. Burk
3 FirstEnergy
4 76 South Main Street
5 Akron, Ohio 44308

6 On behalf of Ohio Edison, The Cleveland
7 Electric Illuminating Company and Toledo
8 Edison.

9 Janine L. Migden-Ostrander
10 Ohio Consumers' Counsel
11 By Mr. Greg Poulos
12 Ms. Ann Hotz
13 Assistant Consumers' Counsel
14 Ten West Broad Street, Suite 1800
15 Columbus, Ohio 43215-3485

16 On behalf of the Residential
17 Ratepayers of Ohio Edison, The Cleveland
18 Electric Illuminating Company and Toledo
19 Edison.

20 Richard Cordray, Ohio Attorney General
21 Duane W. Luckey
22 Senior Deputy Attorney General
23 Public Utilities Section
24 By Mr. William Wright
25 Mr. John H. Jones
Assistant Attorneys General
180 East Broad Street, 9th Floor
Columbus, Ohio 43215-3793

On behalf of the staff of the Public
Utilities Commission of Ohio.

McNees, Wallace & Nurick
By Ms. Lisa McAlister
Fifth Third Center, Suite 1700
21 East State Street
Columbus, Ohio 43215

On behalf of the Industrial Energy
Users of Ohio.

1 APPEARANCES (continued):

2 Boehm, Kurtz & Lowry
3 By Mr. Kurt Boehm
36 East Seventh Street, Suite 1510
4 Cincinnati, Ohio 45202-4454

5 On behalf of the Kroger Company and
Ohio Energy Group.

6 Ms. Colleen Mooney
7 Mr. David C. Rinebolt
231 East Lima Street
8 P.O. Box 1793
Findlay, Ohio 45839-1793

9 On behalf of Ohio Partners for
10 Affordable Energy.

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INDEX

- - -

JOINT EXHIBIT

MK'D

REC'D

1 - Stipulation and Recommendation

8

8

COMPANY EXHIBITS

MK'D

REC'D

1 - Direct Testimony of K. Warvell

8

8

2 - Direct Testimony of M. Fraley

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3 - Direct Testimony of R. Borland

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4 - Application
(Late-filed exhibit)

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8

STAFF EXHIBITS

MK'D

REC'D

1 - Staff Report
(PUBLIC)

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1A - Staff Report
(CONFIDENTIAL)

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1 Tuesday Morning Session,
2 September 29, 2009.

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4 EXAMINER HUSSEY: Let's go on the record.
5 The Public Utilities Commission of Ohio has called
6 for hearing at this time and place case numbers
7 07-1003-EL-ATA and 07-1004-EL-AAM captioned In the
8 Matter of the Application of Ohio Edison Company, The
9 Cleveland Electric Illuminating Company and the
10 Toledo Edison Company for Authority to Modify Certain
11 Accounting Practices and Tariff Approvals.

12 My name is Rebecca Hussey, this is
13 Kimberly Bojko, and we're the attorney examiners
14 assigned by the Commission to hear this case. We'll
15 begin by taking appearances of the parties beginning
16 with the company.

17 MR. BURK: On behalf of Ohio Edison, CEI,
18 and Toledo Edison, James W. Burk, 76 South Main
19 Street, Akron, Ohio 44308.

20 EXAMINER HUSSEY: Thank you.

21 MR. WRIGHT: Thank you, your Honor. On
22 behalf of the staff of the Public Utilities
23 Commission, Ohio Attorney General Richard Cordray, my
24 name is Bill Wright, I would also like to enter the
25 appearance of John Jones, 180 East Broad Street,

1 Columbus, Ohio 43215.

2 EXAMINER HUSSEY: Thank you.

3 Mr. Poulos.

4 MR. POULOS: Good morning, your Honors.

5 On behalf of the residential customers my name is
6 Greg Poulos from the Ohio Consumers' Counsel, Janine
7 Migden-Ostrander lead Consumers' Counsel, and also
8 Ann Hotz. Thank you.

9 EXAMINER HUSSEY: Thank you.

10 MR. BOEHM: Good morning, your Honors.

11 On behalf of the Kroger Company and Ohio Energy Group
12 my name is Kurt Boehm, I'm at 36 East Seventh Street,
13 Cincinnati, Ohio, Suite 1510. Thank you.

14 EXAMINER HUSSEY: Thank you.

15 MS. McALISTER: Thank you, your Honors.

16 On behalf of Industrial Energy Users-Ohio, McNees,
17 Wallace & Nurick by Lisa McAlister, 21 East State
18 Street, Columbus, Ohio 43215.

19 EXAMINER HUSSEY: Thank you.

20 MS. MOONEY: Thank you, your Honor. On
21 behalf of Ohio Partners for Affordable Energy, David
22 C. Rinebolt and Colleen Mooney, 231 West Lima Street,
23 Findlay, Ohio.

24 EXAMINER HUSSEY: Thank you. I believe
25 that represents all the parties that are present

1 today, and I believe that we also have some
2 procedural matters that we need to address.

3 MR. BURK: Yes, your Honor. As part of
4 the proceeding all the parties to the case have
5 either signed onto a stipulation and recommendation
6 as signatory parties or as nonopposing parties, and
7 so at this time -- so there won't be any live
8 witnesses today or cross-examination. What we'd like
9 to do is the companies have previously marked three
10 exhibits which are their three prefiled testimonies,
11 we'd like to put those in the record today.

12 What we'll also plan to do is file on a
13 late-filed basis the application that was originally
14 filed in this docket, so that will be marked as
15 Company Exhibit 4. And then also we'll be putting in
16 today Joint Exhibit No. 1, which is the stipulation
17 and recommendation.

18 So at this time I'd move the admission of
19 Companies' Exhibits 1, 2, and 3. Company Exhibit 1
20 is the testimony of Kevin Warvell, Company Exhibit 2
21 is the testimony of Mark Fraley, and Company Exhibit
22 3 is the testimony of Robert Borland.

23 Then I would also move the admission of
24 Joint Exhibit No. 1 which is the stipulation and
25 recommendation that has been filed in this case.

1 EXAMINER HUSSEY: Those documents will be
2 so marked.

3 (EXHIBITS MARKED FOR IDENTIFICATION.)

4 EXAMINER HUSSEY: Do any parties have any
5 objections to the admission of these exhibits?

6 MS. MOONEY: No.

7 MR. POULOS: No, your Honor.

8 MR. WRIGHT: No, your Honor.

9 EXAMINER HUSSEY: Okay. They'll be
10 admitted.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 EXAMINER HUSSEY: Staff.

13 MR. WRIGHT: Yes, your Honor. On behalf
14 of the staff we have two exhibits that we would like
15 to mark at this point in time. As Staff Exhibit
16 No. 1, the Staff Report that was prepared for case
17 07-1003-EL-ATA that was docketed back on August
18 14th, 2009, and as Staff Exhibit 1A -- this was the
19 redacted version. As Staff Exhibit 1A I would also
20 like to tender the confidential or unredacted version
21 which was filed under seal also on August 14, 2009.

22 I would like to move for their admission
23 at this time.

24 EXAMINER HUSSEY: Okay. The unredacted
25 version will be marked Staff Exhibit 1, and the

1 confidential version will be marked as Staff Exhibit
2 1A.

3 (EXHIBITS MARKED FOR IDENTIFICATION.)

4 EXAMINER HUSSEY: Does anyone have any
5 objections to the admission of these documents?

6 MS. McALISTER: No.

7 MR. POULOS: No, your Honor.

8 EXAMINER HUSSEY: Okay. Hearing none,
9 they'll be admitted.

10 MR. WRIGHT: Thank you.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 EXAMINER HUSSEY: Are there any other
13 procedural matters we need to consider today?

14 MR. BURK: I don't believe so, your
15 Honor.

16 EXAMINER HUSSEY: Just for the record,
17 there will be no briefing on the stipulation and so
18 forth. Is there anything else to come before us
19 today?

20 MR. BURK: No, your Honor.

21 MR. WRIGHT: I don't believe.

22 MR. POULOS: Your Honor, did I hear you
23 say you wanted the application as part of the record?

24 EXAMINER HUSSEY: That's correct.

25 MR. POULOS: That will be a late-filed

1 exhibit?

2 MR. BURK: Yeah. We'll file the
3 application in this case as Company Exhibit No. 4
4 probably tomorrow.

5 EXAMINER HUSSEY: Okay. Any other
6 procedural or substantive matters to come before us
7 today?

8 MR. BURK: No.

9 MR. POULOS: Hearing none, this case is
10 submitted on the record and we'll be adjourned.

11 (The hearing adjourned at 10:11 a.m.)

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1 CERTIFICATE

2 I do hereby certify that the foregoing is a
3 true and correct transcript of the proceedings taken
4 by me in this matter on Tuesday, September 29, 2009,
5 and carefully compared with my original stenographic
6 notes.

7 _s/Maria DiPaolo Jones_____
8 Maria DiPaolo Jones, Registered
9 Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

10 My commission expires June 19, 2011.

11 (MDJ-3449)

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in

Case No(s). 07-1003-EL-ATA

Summary: Transcript Ohio Edison 9/29/09 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.