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PUBLIC UTILITIES COMMISSION CO

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IN THE MATTER OF THE APPLICATION TO ESTABLISH AN ELECTRIC SECURITY PLAN

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CASE NO. 10-0388-EL-SSO

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HEARING HELD BEFORE PUCO

ATTORNEY EXAMINER DICK BULGRIN, AT THE

OLIVER OCASEK GOVERNMENT OFFICE

BUILDING, 161 SOUTH HIGH STREET,

AKRON, OHIO, ON MONDAY, APRIL 19, 2010,

COMMENCING AT 6:00 P.M.

MEHLER & HAGESTROM Court Reporters

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1	APPEARANCES:
2	Ebony L. Miller, Esq. FirstEnergy
3	76 South Main Street
4	Akron, Ohio 44308 (330) 384-5969,
5	On behalf of FirstEnergy Corporation;
6	ALSO PRESENT:
7	Commissioner Cheryl Roberto, PUCO Ann Hotz, Ohio Consumers' Counsel
8	Anthony Rodriguez Chris Verich
9	Brian Vogt
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PROCEEDINGS

MR. BULGRIN: I guess we can get started then. Good evening. This is the Public Utilities Commission of Ohio, Case Number 10-388-EL-SSO, being captioned in the matter of the application of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company for authority to establish a standard service offer pursuant to Section 4928.143 Revised Code in the form of an Electric Security Plan.

My name is Dick Bulgrin. I'm the attorney examiner assigned to conduct the hearing this evening, and with me is Commissioner Cheryl Roberto.

I guess, let's take appearances. For the company, Miss Miller?

MS. MILLER: Good evening. My
name is Ebony Miller on behalf of the
Cleveland Electric Illuminating Company,
the Toledo Edison Company and Ohio Edison
Company.

MR. BULGRIN: And for the OCC, Ms. Hotz?

MS. HOTZ: Hello. My name is

Ann Hotz and I work for the Ohio Consumers'

Counsel, Janine Migden-Ostrander, and we
represent residential customers in the Ohio

Edison service territory. With me I have

Chris Verich and Anthony Rodriguez and

outside is Brian Vogt.

If anyone has any questions about anything, please feel free to ask us about it after the hearing. Thank you.

MR. BULGRIN: Thank you. Do we have any other interveners? I didn't see any.

Okay. At the hearing tonight there are representatives from the commission's service monitoring and enforcement department and from FirstEnergy. If you have a question concerning a utility matter other than the Electric Security Plan proceeding which is the focus of tonight's hearing, please see a company representative or a commission person.

On March 23rd, 2010 FirstEnergy filed with the PUCO an application along

with a signed agreement among several parties to establish its next Electric Security Plan, commonly referred to as ESP for the supply and pricing of electric service from June 1st, 2011 through May 31st, 2014.

Electric generation rates under
the new plan would again be determined
through a competitive bid process conducted
by an independent bid manager as they were
in the company's first ESP.

Under the proposed ESP,

FirstEnergy's distribution rates would

remain frozen through May 31st, 2014. The

company would also establish a mechanism in

2012 to recover improvements to the

company's distribution system. This cost

recovery would be subject to quarterly

filings and annual audits by the PUCO.

FirstEnergy would also continue to promote

economic development, job retention, energy

efficiency, conservation and low-income

programs.

There are eight local public hearings scheduled in this case, but that's

only one aspect of the rate case process.

The evidentiary hearing in this case is scheduled to begin tomorrow on April 20th,

2010 at the commission offices in Columbus.

The purpose of that hearing is to allow the companies, the staff and the interveners to present witnesses and evidence in support of their positions in the case.

The purpose of tonight's public hearing is to receive comments from the public regarding FirstEnergy's proposed application for an ESP. We will not be hearing from the companies, other than some remarks, the staff or the interveners tonight. This is your opportunity to let the commission know what you think about the company's request to establish a new ESP.

When you arrived, you were offered the opportunity to sign up to testify. If you missed that opportunity, it's still available in the back outside the room there. And I'm going to take witnesses in the order that they signed up.

Before we begin with your

statement, I'll ask for your name and address, and your testimony will be considered part of the official record of the case to be reviewed by the commissioners before they make their final decision. All testimony under oath is subject to cross-examination by the attorneys for the company and the OCC.

And tonight's hearing is being transcribed by a court reporter, so please speak clearly so that the court reporter can accurately take your statement.

Did you want to make a brief statement, Miss Miller? If you could pick the mike up.

MS. MILLER: I think I'll be fine.
Can everyone hear me?

Hi. Again, my name is Ebony

Miller and this is an opportunity for me to kind of do an opening statement. Mr. Davis kind of gave a brief rundown of what the Electric Security Plan consists of and I'll kind of just provide little highlights and grounding. Not sure how familiar different parties are and so I'll start from sort of

like a ground level, but make it pretty quick.

One of the concepts of the electric distribution business or electric business is that it's divided into three categories. There's distribution, there's transmission and generation. Generation where the power is created; transmission over long distances; and distribution over to the -- right to your house. And one of the -- the business that the Ohio Edison focuses on is the distribution business.

Part of the Electric Security

Plan, there's an option that companies can

file a market rate option or Electric

Security Plan and we're here to talk about

the Electric Security Plan. A market rate

offer would be an opportunity for the

companies to come in and set just the

generation rate or the generation rate.

But the Electric Security Plan

provides a comprehensive approach where a

utility's able to -- and as we are

providing an auction for the generation

rate, but also kind of include other

customer benefits along with the -- and the plan, as Mr. Davis indicated, that the plan includes a rate freeze, and so we're trying to take care of the distribution as well within the context of a comprehensive Electric Security Plan.

I think Mr. Davis had already indicated that one of the things that brings us before the public again is the fact that our Electric Security Plan currently in place, and it's not unlike other utilities, all electric utilities here in Ohio are under some sort of Electric Security Plan as well as Ohio Edison, and our current Electric Security Plan is scheduled to expire on May 31st, 2011.

And this new plan is not going into place immediately or it's not going to overlap with the plan that we came before you a couple years ago to present or a year ago to present. This plan is going to pick up after that, that the current plan expires, and so there's no overlapping.

One plan is scheduled to expire and so

we're going to have to put a new plan in place and that's what we're here to talk to you about.

The new plan is, as Mr. Davis indicated, it's -- there's a number of parties to this case and there's a number of signatory parties or parties that are currently supporting this new plan, including Ohio Schools Council, who is kind of a coalition group in northeastern Ohio that groups together different school interests. When we were here last year, there was a number of school representatives that had different interests and we're happy to say that we're able to get those parties in support of our current plan.

There's Ohio Partners for

Affordable Energy. It's a group that their

primary clientele is low income. Ohio

Hospitals' Association, Ohio Manufacturers'

Association, Industrial Energy Users. The

City of Cleveland is in support of the

plan. Ohio Energy Group and PUCO staff.

And so we've already been able to

get out there, educate different parties on what this plan includes and get some meaningful support, and this is an exciting opportunity here to be with you all and kind of explain a little bit more about what the plan includes and to get the same sort of support.

One of the things we're really happy about and excited about is that the Electric Security Plan will provide over approximately \$280 million of customer benefits that how these customer benefits are incurred is the company absorbing certain costs. For example, the company will provide \$3 million in economic development and job support, \$1.5 million to low-income assistance programs, a six percent discount to percentage, percentage of income payment plan.

And I'm not sure if everyone's familiar with that plan, it's also referred to as PIP. It's run by the Department of Development. And what it is is low-income customers who aren't able to pay their bill, they're put onto a payment plan that

allows them to pay their bill and provide some sort of discount on a better payment plan that's better for their budget. The company, on top of what Department of Development is doing, will add another six percent discount to help those people.

We've heard a lot of concerns with the economy today that customers, particularly low income, need a little additional assistance. So this provision here will provide that additional assistance.

And another thing we had mentioned is that another concern is that the Electric Security Plan is going to raise rates even further, but as we indicated, our last Electric Security Plan is due to expire. It had a rate freeze in it. We're proposing to continue that rate freeze, which means we would not come in through the course of this new ESP for a distribution rate increase.

And it also includes a provision which it's been a little misunderstood. We have a rider for our electric distribution

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infrastructure. And what that rider does is help us to make needed investments in the distribution infrastructure and it replaces a current rider.

Our current ESP has this delivery service improvement rider which allowed the company to make a variety of improvements in the delivery service improvement which some customers wanted to see more devoted to the infrastructure and less in the delivery service in total, and so what we did is we're going to eliminate the delivery service rider and replace it with an infrastructure improvement rider to really kind of get to what customers wanted, more of a focus on a distribution infrastructure. And those dollars will go right to the distribution infrastructure and be subject to a PUCO audit.

Nothing is going to go into effect immediately or no rider or amount would be charged to customers without the PUCO having an ample opportunity to review and make sure that those expenses are approved.

Just a few more points. One of

the things I'd also like to point out is that the purpose of the Electric Security Plan, and it's kind of in its title "Security," is to make sure that we maintain stable rates for customers so that customers aren't having high fluctuations in one period of time and then fluctuating rates here and there, and so we're trying to keep and maintain stable rates.

You may have heard news about the companies being on an expedited schedule. One of the purposes of that is to take advantage of right now having low fuel prices and having very good rates for generation service. If we're able to get into the market now with the auction starting as early as July, we're pretty confident and like we're optimistic that we'll be able to get lower generation prices as opposed to if we wait and the prices will be more unpredictable.

And so one of the components of
the Electric Security Plan is also to have
an auction process where we go out and do a
number of auctions. In the last ESP we

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didn't do as many auctions, but we're trying to have more than one auction so that the prices can be blended together and make sure that customers maintain a stable Electric Security Plan.

Another thing I want to point out is that our Electric Security Plan that we're proposing is much like our current plan. It provides -- it's also a three-year plan that will provide the same stable rates that we had in the past and so -- someone mentioned before that there are company people in the back, and so if you have any questions, if you want some additional information, feel free to talk to anyone from the company or anyone from any other party after the meeting, but wanted to kind of get up and educate you quys a little bit more about different provisions, different customer benefits. We're pretty excited about the plan and Thank you. hope you guys are, too.

MR. BULGRIN: Thank you. Ann?

MS. HOTZ: I would just like to

point out that the Ohio Consumers' Counsel

has not signed the stipulation because we 1 don't think it's a good deal for 2 residential customers. Thank you. 3 MR. BULGRIN: Thank you. Okay. 4 Mr. Schettler? 5 MR. SCHETTLER: Hi. My name is 6 7 Phillip Schettler. I'm a resident of Stow, Ohio. Been around this area all my life. 8 Been out of town over the years. I'm a 9 designer. I work in Fairlawn for a 10 11 national retail store designer. I bought a home in Stow back in 12 13 2004 and I guess I want to go on record 14 today to oppose all of the above. And all 15 this, all this forecasting here I'm sure is of great concern to the PUCO and all the 16 17 big entities that are looking to cut their overhead, but I would hope that 18 considerations will not be that they'd be 19 cutting the overhead on the backs of the 20 21 residents that are paying. This is my Ohio Edison bill from 22 23 February. My bill here was \$292.94. And that was a lower bill. The previous month, 24 25 you can see my rates here. I don't know if

you can see this way back in the back, but you can see a big climb here in December, January and February, with my December bill being the most.

Now, back in 2005, which was the February after I bought my home, my kilowatt usage per kilowatt hour was .0678805. My current kilowatt usage for this month, February 2010, broken down is .0855049. That represents 126 percent increase in my costs.

Now, I don't think I'm above or below the common man out there on the street who is trying to provide for his family and pay for his mortgage, pay his garbage bill, pay his electric bill, pay his gas bill, pay all the services that go into maintaining a home. But since I moved into my home in 2004, my costs have gone up 35 percent every year. And we're at the end of the purse. There is no more to give.

And what we need here going forward is to figure out some way you all can get rid of this 25 percent increase, 26

percent increase that I've had over the last five or six years and decrease the costs an additional 30 percent to put our budget back in line with our incomes.

There's no more money to squeeze out. There's no more increase we can afford at all, period.

Now, I think it's important that the big powers to look at, you know, what all they're looking at, but let's try to do it at a decrease. Let's try to get the same things accomplished without all these potential increases.

Now, it's obvious to me with OCC disagreeing to this rate increase or these structures that are getting ready to go into place that there's something significantly wrong with them in terms of the residential component with these cost increases going forward.

I'm just reminding you all across the board, speaking for the common man out there, that it's fine and good to sit here and talk in billions and billions and all this going forward. It's got to come from

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somewhere. And that somewhere you all are proposing it come from can't give it. I can't write any more bigger checks. Can't do it. I'm cutting services now. I've reduced my phone bill now.

I sat in the dark this winter with my TV on, two heaters in my home, my temperature on my thermostat turned down to 62, had a jacket on and my two dogs. And my electric bill this winter was well over \$300 a month. That's over 12 percent of my take-home. It's ridiculous. Something's got to give. And we're not the ones that are going to be giving it, because we're going to be telling you we got to do something, we're going to cancel something. I hate to see, you know, this across the board.

I'm expressing this for everybody that's out there. You all need to have this consideration as you're moving forward. There's no more money to be given. We don't have it in our wallets. Everybody out there now with the economy strain, everybody's struggling, our costs

1	being up 35 percent a year since 2005. My
2	income has not gone up one penny in that
3	same amount of time. I didn't even get a
. 4	bonus this Christmas. And I'm typical of
5	the people that are out there.
6	I would ask these parties here
7	collectively to really think this out.
8	Because what's going to happen is you're
9	going to have defaults like there's no
10	tomorrow. Please give us all some
11	consideration and help us all lower our
12	overhead. We cannot afford one more
13	dollar, period. Please. Thank you for
14	your time.
15	MR. BULGRIN: Mr. Schettler?
16	MR. SCHETTLER: Yes, sir.
17	MR. BULGRIN: Just to clarify for
18	the record. Your electric is your heat as
19	well, right? You're an all electric house?
20	MR. SCHETTLER: I'm a gas home.
21	MR. BULGRIN: You're a gas home.
22	Okay. Thank you.
23	Ernie Tarle?
24	MR. TARLE: Yes, sir. I just
25	arrived. Did I miss some information?

1	MR. BULGRIN: Yeah, we gave a
2	little spiel as to what's happening. Did
3	you want to make a statement?
4	MR. TARLE: Yeah, if I may. I'd
5	like to ask questions. I don't need to be
6	here unless you want me here.
7	MR. BULGRIN: Raise your right
8	hand. Do you swear that the testimony you
9	are about to give in this proceeding is the
10	truth?
11	MR. TARLE: Yes, I do.
12	. MR. BULGRIN: If you'd state your
13	name and address for the record.
14	MR. TARLE: My name is Ernie
15	Tarle, T-a-r-l-e. My address is 2116
16	Daniels Avenue, Akron, Ohio 44312.
17	I came to listen more than to
18	speak, but I do have a couple questions,
19	some of which were answered by the young
20	lady outside. I understand that PUCO is
21	appointed by the governor or a commission
22	that the governor he appointments a
23	committee and they appoint you guys,
24	correct?
25	MR. BULGRIN: That's right.

1	MR. TARLE: Okay. So you're a
2	pseudo-political body?
3	MR. BULGRIN: (Indicating.)
4	MR. TARLE: Okay. I understand
5	that Senate Bill 221 was the enabling
6	legislation for what is now the
7	restructuring of the rate plans; is that
8	correct?
9	MR. BULGRIN: Right. That was
10	the yep.
11	MR. TARLE: Okay.
12	MR. BULGRIN: Did you have
13	testimony you wanted to give about the
14	rates in particular?
15	MR. TARLE: No, I really just have
16	questions, if I may.
17	My question, I guess, do you know
18	exactly how many hundreds of thousands of
19	dollars that the FirstEnergy Corp gave to
20	our legislature around the time of the
21	passage of this bill?
22	MR. BULGRIN: No.
23	MR. TARLE: I don't either.
24	MR. BULGRIN: Okay.
25	MR. TARLE: But would it surprise

you to know that our state representative,
Mr. John Otterman, took exactly \$50,500 in
campaign contributions just a couple months
after his vote on Senate Bill 221? Would
that surprise you?

MR. BULGRIN: No. But can you -if you're going to testify as to this rate
case, I'll need you to do that.

MR. TARLE: Am I not?

MR. BULGRIN: I don't think so.

MR. TARLE: Well, here's my concern. My concern is how can we trust our state government to look after the people and do what's right when they are taking hundreds and hundreds of thousands of dollars in campaign contributions? state representative alone took 50,000, exactly \$50,500 from FirstEnergy Corp through its PAC, through its CEO, through its employees, through the CEO's wife, exactly \$50,500. Now, that's a lot of money. How can we trust our state government to do what's right when all this money is floating around? That's my question.

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I, with all respect and, you know, 1 I'm just learning how it works. I've been 2 digging into it and I've got a little bit 3 of a file I got here, but the more I dig, 4 the more I don't like. 5 And if your rates went up, as did 6 many other folks of these all electric 7 rates, it obviously was a heinous decision. 8 I'm not here to criticize you, but it sure 9 wasn't fair. If you made a deal with 10 FirstEnergy and then that deal was broken 11 by FirstEnergy and allowed by PUCO, I just 12 don't think that's right. And I think that 13 all that money floating around to our 14 15 legislators probably has something to do 16 with that. That's all I have to say about 17 that. 18 MR. BULGRIN: Thank you. 19 MS. MILLER: I have a question. 20 MR. TARLE: You wanted to question 21 me? 22 Yes, I just have a MS. MILLER: 23 couple questions. 24 MR. TARLE: Yes.

MS. MILLER:

You had mentioned --

you had asked the question of how many, I think you said hundreds of thousands that FirstEnergy gave?

MR. TARLE: Yes, ma'am.

MS. MILLER: Do you have a reason to believe that FirstEnergy gave hundreds of thousands or did you just throw that number out there?

MR. TARLE: Well, what I've done,
I've done some cursory research on exactly
who got what.

MS. MILLER: But do you have any reason to believe that FirstEnergy gave hundreds of thousands of dollars?

MR. TARLE: Yeah. I'm holding

John Otterman's campaign finance report

from 2008. And it shows that two months

after, two months after FirstEnergy -- this

bill passed, FirstEnergy started flowing

money. As a matter of fact, what they did

is they had a party at Bricco, right down

the street here, nice restaurant, 32

FirstEnergy employees showed up, and I have

their names, if you'd like them, it's all

public record on the Ohio Secretary of

1	State's website, that's where I found it.
2	MS. MILLER: I don't mean to
3	interrupt.
4	MR. TARLE: No, I'm sorry.
5	MS. MILLER: You said hundreds of
6	thousands. I mean, do you have any reason
7	to believe that FirstEnergy gave hundreds
8	of thousands? I understand that you have
9	that report and that will go to the 50,500
10	and I'll ask about that next, but you said
11	hundreds of thousands.
12	MR. TARLE: Well, I found that our
13	speaker of the house, Armond Budish, took
14	10,000, I believe; Mr. Sykes took 5. I
15	looked at a couple others. I can do all
16	the math, add it up and get it back to you
17	if you like.
18	MS. MILLER: Have you already?
19	MR. TARLE: No, ma'am, I have not.
20	MS. MILLER: So you don't have a
21	reason right now to believe that
22	FirstEnergy
23	MR. TARLE: No. With respect,
24	there are 133 members of legislature, I
25	just told you three of them that have

totaled about 70,000, so I'd be happy to get you the exact number. But one can easily deduce that if three people took 70, that 133 probably top that number. And I do -- I have seen in the past that they have given substantial numbers.

But my number one concern is with my state representative and so I got the exact numbers on his finance report and I can read you those names, but you can get them on the Secretary of State's website.

MS. MILLER: Were there other companies that provided funds to that state representative other than FirstEnergy on that report?

MR. TARLE: Yes.

MS. MILLER: Okay. I don't have any further questions.

MR. TARLE: He took about 50,500 from FirstEnergy. The other contributors totaled about 20,000. All of them together, all the unions, everybody, all the hundreds of other people that gave him totaled 20,000, but FirstEnergy alone with its employees was 50,500. Now that's a

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1	little disproportionate, in my opinion.
2	MR. BULGRIN: Thank you.
3	MR. TARLE: Thank you, sir. I
4	appreciate you allowing me to speak.
5	MR. BULGRIN: Is there anybody
6	else? Anything further? If not, thank
7	you. This hearing is concluded. Thank you
8	for coming.
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10	(Hearing concluded at 6:30 p.m.)
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CERTIFICATE

I, Holly C. Calcei, a Notary Public within and for the State of Ohio, do hereby certify that I attended the foregoing hearing in its entirety, that I wrote the same in stenotypy, and that this is a true and correct transcript of my stenotype notes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office, at Cleveland, Ohio, this day of April A.D. 2010.

Hally C. Calaer

Holly C. Calcei, Notary Public, State of Ohio 1750 Midland Building, Cleveland, Ohio 44115 My commission expires March 13, 2015

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S	4:24 25 (1)	12:5;26:16 additional (4)	April (1) 6:3	24;17:3,16,16,17;19:5, 10;22:5,21;23:4;25:19
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