

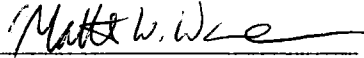
**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison)	
Company, The Cleveland Electric Illuminating)	
Company and The Toledo Edison Company For)	
Authority to Provide a Standard Service Offer)	Case No. 12-1230-EL-SSO
Pursuant to R.C. § 4928.143 in the Form of an)	
Electric Security Plan)	

**JOINT CONSUMER ADVOCATES' INTERLOCUTORY APPEAL FROM THE
JUNE 6, 2012 ATTORNEY EXAMINER'S RULING
REGARDING ADMINISTRATIVE NOTICE**

The Northeast Ohio Public Energy Council ("NOPEC"), Northwest Ohio Aggregation Coalition ("NOAC"), and Office of the Ohio Consumers' Counsel ("OCC") (collectively, the "Consumer Advocates"), pursuant to Ohio Administrative Code ("OAC") Rules 4901-1-14 and 4901-1-15(B), hereby request that the Legal Director, Deputy Legal Director or Attorney Examiner certify an appeal to the Public Utilities Commission of Ohio (the "Commission") for an interlocutory order. This order is sought to reverse the oral ruling by Attorney Examiner Price at the evidentiary hearing on June 6, 2012 in the above-captioned proceeding, which granted the request of Ohio Edison Company, The Cleveland Electric Illuminating Company and Toledo Edison Company (collectively, "FirstEnergy") that the bench take administrative notice of specific portions of the record in two prior Commission proceedings: (i) Case No. 09-906-EL-SSO (the "MRO Case"); and (ii) Case No. 10-388-EL-SSO (the "ESP 2 Case"). A copy of the transcript setting forth the ruling that is the subject of this filing is attached hereto as Exhibit 1. The reasons supporting this interlocutory appeal are set forth in the attached Memorandum in Support.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

FirstEnergy filed an application for approval of its third electric security plan (“ESP”) in the form of a Stipulation and Recommendation (the “ESP 3 Stipulation,” and the entire filing hereinafter referred to as the “ESP 3 Proposal”) on April 13, 2012. Not only did the ESP 3 Proposal arise from limited and compartmentalized negotiations with certain signatory parties to FirstEnergy’s prior stipulation in the ESP 2 Case, but it was filed more than two (2) years before FirstEnergy’s current ESP expires, and in the middle of an unusually busy time at the Commission (e.g., the current AEP ESP case, the AEP capacity case, the DP&L ESP case, and numerous other proceedings).

Perhaps most importantly, FirstEnergy chose to file only the supporting testimony of FirstEnergy witness William Ridmann in support of the ESP 3 Proposal. None of the signatory parties to the ESP 3 Stipulation filed (or requested to file) testimony in this proceeding in support of the ESP 3 Proposal. Instead, FirstEnergy simply added a brief statement at the end of its application in this proceeding asking that the “Commission take administrative notice of the evidentiary record established in the current ESP, Case No. 10-388-EL-SSO, and thereby incorporate by reference that record for the purposes of

and use in this proceeding.”¹ Only after FirstEnergy’s wholesale request was denied by the Attorney Examiner on June 4, 2012,² did FirstEnergy provide a “List of Documents for Administrative Notice” on June 6, 2012 (the third day of the evidentiary hearing and the final day of the direct case). The “List of Documents for Administrative Notice,” which is attached hereto as Exhibit 2, included: (i) seven specific pages from four separate volumes of transcript testimony from the evidentiary hearing in the “ESP 2 Case out of approximately 941 total pages; and (ii) prefiled testimony of three witnesses who did not testify or otherwise participate in the ESP 3 case (Hisham Choueiki, Tamara Turkenton, and John D’Angelo).³

Making matters worse, FirstEnergy also, for the first time, requested that administrative notice be taken of FirstEnergy’s application for a market rate offer (not an ESP) in the MRO Case. Despite numerous objections from the non-signatory parties to the ESP 3 Stipulation, including those of NOPEC, NOAC and OCC⁴, the Attorney Examiner took administrative notice of all of the documents identified in FirstEnergy’s “List of Documents for Administrative Notice.” This ruling took place on the very same day FirstEnergy provided the “List of Documents for Administrative Notice,”⁵ and requested such administrative notice.

For the reasons set forth below, the Consumer Advocates respectfully request that the Legal Director, Deputy Legal Director or the Attorney Examiner certify an appeal to

¹ Application (April 13, 2012) at 5.

² Tr. Vol. I at 29.

³ See Tr. Vol. III at 10-12.

⁴ Other non-signatory parties which objected to the Companies’ request for administrative notice at the hearing included AEP Retail, the Environmental Law and Policy Center (“ELPC”), Sierra Club, and the Retail Energy Supply Association.

⁵ Tr. Vol. III at 170-173.

the Commission to reverse the Attorney Examiner's ruling taking administrative notice of piecemeal portions from two separate proceedings in violation of the Ohio Constitution, Ohio law, and general principles of due process and fairness.

II. THE INTERLOCUTORY APPEAL SHOULD BE CERTIFIED TO THE COMMISSION

Pursuant to OAC Rule 4901-1-15(B), this issue presents a "novel" question of interpretation and policy, as it involves, for the first time, taking administrative notice, at the evidentiary hearing, of portions of two separate Commission proceedings without providing the parties in the ESP 3 case with notice, or the opportunity to explain and rebut, the information subject to administrative notice. Although the Consumer Advocates acknowledge that there is precedent regarding the taking of administrative notice by the Commission, the breadth of the use of administrative notice in this case presents a "departure from past precedent" under OAC Rule 4901-1-15(B), because it runs contrary to Ohio Supreme Court case law. The Consumer Advocates (and other non-signatory parties to the Stipulation in this proceeding who were not participants in the MRO Case or the ESP 2 Case) will be severely prejudiced because such a ruling drastically reduces FirstEnergy's burden of proof in this case, raises fundamental constitutional questions, and prevents non-signatory parties from having the opportunity to review, explain and rebut the information subject to administrative notice, and presumably to be relied upon by FirstEnergy and/or the Commission.

In addition, an "immediate determination" by the Commission under OAC Rule 4901-1-15(B) is needed to prevent the likelihood of undue prejudice or expense to one or more of the parties. The Commission has established an expedited briefing schedule; Initial Post-Hearing Briefs are due on June 22, 2012 (only 11 days from today), and

Reply Briefs are due July 29, 2012.⁶ If the Commission were to reverse the Attorney Examiner's ruling after briefs are filed, there would be considerable confusion regarding which portions of the briefs would need to be ignored because they relied on documents of which administrative notice was improperly taken. An immediate Commission determination would avoid this undue prejudice. Therefore, the Consumer Advocates hereby request that the Legal Director, Deputy Legal Director or Attorney Examiner certify this appeal to the Commission in order to preclude FirstEnergy from unreasonably relying upon the record of prior FirstEnergy cases to satisfy its burden of proof in this case.

III. APPLICATION FOR REVIEW

A. The ESP 3 Proposal in this proceeding is not simply an extension of the ESP 2 Case.

FirstEnergy repeatedly claims that the ESP 3 Proposal is simply an extension of the ESP 2 Case.⁷ While FirstEnergy seeks to have a similar outcome in the ESP 3 case that is based on the outcome in the ESP 2 Case (using evidence from the ESP 2 case), FirstEnergy's aspirations do not, and cannot, change the law. That law, which is set forth in Ohio Revised Code Section ("R.C.") 4928.143, requires the Commission to consider each electric security plan in light of a statutory test that is designed to protect Ohio customers. Under that statutory test, FirstEnergy must prove that its proposal for the ESP 3 "is more favorable in the aggregate"⁸ than the expected results under a market-rate offer.

⁶ Tr. Vol IV at 156.

⁷ See FirstEnergy Ex. 3 (Ridmann Direct Testimony) at 9, 11-13; First Energy Ex. 14 (Stoddard Rebuttal Testimony) at 2-3.

⁸ Ohio Revised Code ("R.C.") 4928.143(C)(1).

The ESP 3 Proposal filed by FirstEnergy, however, seeks the approval of a new ESP for the new two-year time period from June 1, 2014 through May 31, 2016, which requires the meeting of the statutory test during this period, and not the period of the ESP 2 (June 1, 2011 through May 31, 2014). As a separate ESP application, it is subject to a separate and independent analysis regarding whether it satisfies the Commission's three-prong test for considering stipulations, and the ESP vs. MRO test set forth in R.C. 4928.143(C)(1). Incorporating portions of the record from the MRO Case and ESP 2 Case, which dealt with establishing the form of SSO for an entirely different three-year time period, is entirely improper.

Further, FirstEnergy and the other signatory parties to the ESP 3 Stipulation should not be allowed to benefit from their conscious decision to file limited evidence in support of the ESP 3 proposal. Prior to the hearing, the only documents filed in support of the ESP 3 proposal were: (i) the ESP 3 Application (a five-page document); (ii) the pre-filed testimony of William R. Ridmann; (iii) the supplemental pre-filed testimony of William R. Ridmann; (iv) redlined tariffs and several other attachments to the ESP 3 Application; and (v) a supplemental information filing. No other testimony was filed by FirstEnergy, and no signatory party to the ESP 3 Stipulation filed testimony as provided under OAC Rule 4901-1-29(A).

Instead, and only after the parties had concluded their direct testimony, FirstEnergy sought to introduce backdoor "evidence" from two prior cases to bolster its case in this entirely separate ESP 3 proceeding. The effect of FirstEnergy's tactics—and the Attorney Examiner's ruling—is to prevent the non-signatory parties in this case from having an adequate opportunity to review and rebut such "evidence." In essence, the

Attorney Examiner's ruling allows FirstEnergy to attempt to meet its burden of proof and to satisfy the ESP vs. MRO test in R.C. 4928.143(C)(1), and the three-prong test for analyzing a stipulation, with information from other proceedings, despite the parties not having knowledge of this ruling until the end of the evidentiary hearing. The law and the Commission's rules provide for a more orderly and fair process.

Further, the Attorney Examiner issued an entry on April 19, 2012 establishing a deadline of April 23, 2012 for filing supplemental testimony. If FirstEnergy had desired to offer evidence from the ESP 2 Case in this proceeding, it should have done so through its direct and supplemental testimony. FirstEnergy cannot circumvent the legal process due to interested parties by satisfying its burden of proof through administrative notice. That ruling should be reversed under OAC Rule 4901-1-15(E).

B. The Attorney Examiner's ruling regarding administrative notice runs contrary to Ohio Supreme Court precedent.

In issuing the ruling on administrative notice, the Attorney Examiner relied upon a May 10, 2010 Entry on Rehearing from the ESP 2 Case, as well as the Ohio Supreme Court's decision in *Canton Storage and Transfer Co. v. PUCO* (1995), 72 Ohio St.3d 1 (citing *Allen v. PUCO* (1988), 40 Ohio St.3d 184)⁹. Together, those cases established that certain factors should be reviewed in determining whether administrative notice is proper, including: "whether the complaining party had prior knowledge of, and had an opportunity to explain and rebut, the facts administratively noticed." *Canton Storage and Transfer*, 72 Ohio St.3d at 8. The Consumer Advocates acknowledge that there is precedent for taking administrative notice in Commission proceedings. Here, however, the Consumer Advocates had no prior knowledge of the facts administratively noticed,

⁹ Tr Vol. III at 13-14.

and were not (and have not) been provided with the opportunity to explain and rebut those facts.

1. The Consumer Advocates had no prior knowledge of the facts administratively noticed until the third day of the evidentiary hearing.

The Consumer Advocates did not have knowledge of the documents to be administratively noticed until the close of the evidentiary hearing on June 6, 2012,¹⁰ and the Attorney Examiner did not take administrative notice of the documents until the end of the hearing that day.¹¹ FirstEnergy did seek to incorporate the record through a brief statement at the end of the ESP 3 Application asking that the “Commission take administrative notice of the evidentiary record established in the current ESP, Case No. 10-388-EL-SSO, and thereby incorporate by reference that record for the purposes of and use in this proceeding.”¹² But, such a far-reaching request was not ruled upon by the Commission before the hearing. Notably, Attorney Examiner Price rejected the incorporation of the entire record in the ESP 2 Case on the first day of the hearing; instead, asking FirstEnergy to submit a specific list of documents¹³. Thus, it was only at the close of the third day of the evidentiary hearing –and after the direct cases had concluded – that the Attorney Examiner finally ruled on the request, and provided the Consumer Advocates with knowledge of the facts administratively noticed.

2. The Consumer Advocates had no opportunity to explain and rebut, the facts administratively noticed.

¹⁰ Tr. Vol. III at 10-12.

¹¹ Id. at 170-173.

¹² Application at 5.

¹³ Tr. Vol. I at 29 pp.

Since the Consumer Advocates did not have knowledge of the documents to be administratively noticed until the close of the evidentiary hearing on June 6, 2012, they had no opportunity to explain and/or rebut such facts. Until the Attorney Examiner took administrative notice on June 6, 2012, there were not any facts administratively noticed, and therefore no opportunity to explain or rebut them existed. And, there has been no opportunity granted to the parties after June 6, 2012 to explain or rebut the facts administratively noticed.

It is anticipated that FirstEnergy will argue that the Consumer Advocates had prior knowledge of the facts administratively noticed through their participation in the MRO Case and/or ESP 2 Case. This is incorrect. The participation of the Consumer Advocates in those two cases is irrelevant to the ESP 3 Case—a stand-alone filing to be adjudicated on its own merits, through the record before the Commission, which included only the testimony of FirstEnergy witness Ridmann in support of the ESP 3 proposal. Contrary to the Attorney Examiner’s statement on the record, FirstEnergy’s request in the ESP 3 Application did not trigger the parties’ opportunity to explain and rebut the documents to be administratively noticed. As noted above, until the Attorney Examiner ruled on the request, there were no documents to be administratively noticed.

For the reasons stated above, the Attorney Examiner’s ruling should be reversed under OAC Rule 4901-1-15(E).

C. The Attorney Examiner erred by taking administrative notice of more than undisputed adjudicative facts.

The Attorney Examiner made reference to factors involving administrative notice,¹⁴ from the case *Canton Storage and Transfer* and/or *Allen*. But, the Attorney Examiner completely ignored the fundamental requirement of judicial or administrative notice—namely, that the notice relates to an adjudicative fact “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Ohio Evid. R. 201(B). Expanding on this rule, the Staff Notes to Ohio Evid. R. 201(B) explain:

Rule 201(B)(1) applies to adjudicative facts generally known within the territorial jurisdiction. This category relates to the type of fact that any person would reasonably know or ought to know without prompting within the jurisdiction of the court and includes an infinite variety of data from location of towns within a county to the fact that lawyers as a group enjoy a good reputation in the community. A second class of facts subject to judicial notice is provided by Rule 201(B)(2). These are facts capable of accurate and ready determination. . . . The type of fact contemplated by 201(B)(2) includes scientific, historical and statistical data which can be verified and is beyond reasonable dispute.

First, and foremost, the alleged “facts” for which administrative notice was granted by the Attorney Examiner in this proceeding are (and were) reasonably disputed in both the MRO Case and ESP 2 Case. Introduction of the administratively noticed documents also were subject to strong objections from numerous interested parties at the evidentiary hearing in this case.

Second, the information in a complex multi-billion dollar utility proceeding before the Commission assuredly is not the “type of fact that any person would

¹⁴ Tr. Vol. III at 172.

reasonably know or ought to know,” and therefore falls outside the scope of Rule 201(B)(1).

Finally, the information included in the administratively noticed documents is neither “capable of accurate and ready determination,” nor “scientific, historical and statistical data which can be verified and is beyond reasonable dispute,” as required by Ohio Evid. R. 201(B)(1). Instead, the vast majority of the documents include opinions and testimony disputed and debated in the MRO Case, the ESP 2 Case and this proceeding.¹⁵

For these reasons, the “facts” subject to administrative notice are entirely outside the scope of the type of facts appropriate for administrative notice. Indeed, the scope of what was noticed goes far beyond the mere undisputed facts that can be considered for administrative notice.

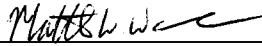
For the reasons stated above, the Attorney Examiner’s ruling should be reversed under OAC Rule 4901-1-15(E).

¹⁵ The Attorney Examiner stated: “All the documents that are listed we’ve taken administrative notice, whether it’s facts or opinion. I think we – the rationale that I explained applies equally to facts as – to opinion as it would to facts.” Tr. Vol. III at 172.

IV. CONCLUSION

WHEREFORE, because the grounds for the Attorney Examiner's June 6, 2012 ruling are not supported by law or fact, because the ruling would have an immediate and unduly prejudicial effect on the Consumer Advocates, and because the ruling is a departure from Ohio law, the Consumer Advocates request that the Legal Director, Deputy Legal Director or Attorney Examiner certify an appeal to the Commission. On appeal, the Commission should reverse the Attorney Examiner's ruling, and limit the record to the evidence actually presented during the evidentiary hearing in the above-captioned proceeding.

Respectfully submitted,



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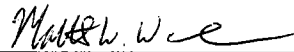
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following parties of record by electronic mail and regular U.S. mail this 11th day of June, 2012:



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1 EXAMINER PRICE: I'm sorry. I'll start
2 over again. On the company exhibits, Company Exhibit
3 10 we will take administrative notice of. Company
4 Exhibit 11 we'll take administrative notice of. And
5 Company Exhibit 13 will be admitted.

6 MR. KUTIK: And with respect to Company
7 Exhibit 12, that's also administratively noticed?

8 EXAMINER PRICE: Yes.

9 ****Okay. At this time we are going to
10 rule on the companies' pending request to take
11 administrative notice of a number of documents that
12 are -- I am not going to read into the record but are
13 enumerated on -- in the filing the company handed out
14 today.

15 Under existing case law, the Commission
16 may take administrative notice of facts that the
17 complaining parties have had an opportunity to
18 prepare, respond to the evidence, and they are not
19 prejudiced by its introduction.

20 In this case, FirstEnergy provided notice
21 to all parties in its application that it intended to
22 seek administrative notice of all documents in
23 10-388-EL-SSO, which also had previously taken
24 administrative notice of all the documents in
25 09-906-EL-SSO.

1 Therefore, all the parties have had the
2 opportunity to conduct discovery of any evidence
3 presented in those proceedings. They have had the
4 opportunity to request FirstEnergy to specifically
5 identify the evidence in the record of those
6 proceedings that they intend to seek -- intend to
7 rely upon in this proceeding. They had the ability
8 to request a subpoena to compel witnesses from those
9 proceedings to appear for further cross-examination
10 of this hearing. They had the opportunity to
11 cross-examine the witnesses at this hearing regarding
12 any issues raised in those proceedings, and they had
13 the opportunity to present testimony at this hearing
14 to explain or rebut any of the evidence in the record
15 of that proceeding.

16 Therefore, we find that the parties are
17 not prejudiced by the taking administrative notice of
18 the documents listed by FirstEnergy, and we will go
19 ahead and take administrative notice at this time.

20 MR. LAVANGA: Your Honor --

21 EXAMINER PRICE: And we'll also take
22 administrative notice of the document Mr. Lavanga
23 referenced in the discussion this morning.

24 MR. LAVANGA: Thank you, your Honor.

25 MS. YOST: Your Honor, in regards to some

1 of the documents that were listed on FE -- what they
2 provided this morning, you spoke of facts in regards
3 to Commission precedent. So that would exclude any
4 opinions that are listed in regards to these --

5 EXAMINER PRICE: All the documents that
6 are listed we've taken administrative notice, whether
7 it's facts or opinion. I think we -- the rationale
8 that I explained applies equally to facts as -- to
9 opinion as it would to facts.

10 MR. WARNOCK: Your Honor, NOPEC would
11 like to renew its objection to the ruling and would
12 also request -- you cited some Commission precedent.
13 Was that reflected under specific references that you
14 might be able to provide?

15 EXAMINER PRICE: Sure. You might want to
16 look at In the Matter of the Application of The Ohio
17 Edison Company, The Cleveland Electric Illuminating
18 Company, and The Toledo Edison Company for Authority
19 to Establish a Standard Service Offer Pursuant to
20 Section 4928.143, Revised Code, in the Form of an
21 Electric Security Plan, Case No. 10-388-EL-SSO,
22 Commission entry on rehearing dated May 13, 2010, at
23 6 and 7, which is citing to Canton Storage and
24 Transfer Company versus Public Utilities Commission,
25 (1995) 72 Ohio St. 3d 1 at 8, which was citing to

1 Allen versus Public Utilities Commission (1988) 40
2 Ohio St. 3d 184, 186.

3 MR. WARNOCK: Thank you, your Honor.

4 MR. SAUER: Your Honor, OCC would renew
5 our objections to this as well.

6 EXAMINER PRICE: Thank you. Noted.

7 MR. DORTCH: Renewed --

8 EXAMINER PRICE: Thank you. Noted.

9 MR. DORTCH: -- our objections as well,
10 your Honor.

11 MR. VICKERS: ELPC renews its objections.

12 EXAMINER PRICE: You all can raise them
13 in your brief without renewing your objections. You
14 are all free to raise this in your brief.

15 Okay. Let's go off the record

16 MR. SAUER: Before that, your Honor.

17 EXAMINER PRICE: Let's stay on the
18 record.

19 MR. SAUER: Please. We had asked earlier
20 that we have the opportunity to reserve the right to
21 file rebuttal testimony that we are preparing -- or
22 providing, would be willing to provide by the close
23 of business on Monday, June 11, and resume the
24 hearing on Tuesday at 1:00 o'clock, and we would
25 filing surrebuttal to the company's rebuttal

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Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 12-1230-EL-SSO
Edison Company For Authority to Provide)	
For a Standard Service Offer Pursuant to)	
R.C. §4928.143 in the Form of)	
An Electric Security Plan)	

**OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY'S
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CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY

List of Documents for Administrative Notice

Doc. No.	Case No.	Docket Description	Date
1	09-0906-EL-SSO	In the matter of the application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for approval of a market rate offer to conduct a competitive bidding process for standard service offer electric generation supply, accounting modifications associated with reconciliation mechanism, and tariffs for generation service. Volume 1 (Company Exhibit 7 in 09-906).	10/20/2009
2	09-0906-EL-SSO	In the matter of the application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for approval of a market rate offer to conduct a competitive bidding process for standard service offer electric generation supply, accounting modifications associated with reconciliation mechanism, and tariffs for generation service. (volume 2-testimony & schedules) (Company Exhibits 1-7 in 09-906).	10/20/2009
3	09-0906-EL-SSO	Transcript for Hearing Vol. IV, p. 493	12/2009
4	09-0906-EL-SSO	Transcript for Hearing Vol. IV, p. 586	12/2009
5	10-0388-EL-SSO	In the matter of the application and stipulation and recommendation of Ohio Edison Company, The Cleveland Electric Illuminating and The Toledo Edison Company for authority to establish a standard service offer pursuant to R.C. 4928.143 in the form of an electric security plan. (Joint Exhibit 1 and Company Exhibit 1 in 10-388).	3/23/2010
6	10-0388-EL-SSO	Errata, exhibits for the application, and revised Schedule 1 on behalf of FirstEnergy Corp. and Ridmann, William R. (Company Exhibit 2 in 10-388).	3/30/2010
7	10-0388-EL-SSO	Direct Testimony of William Ridmann on behalf of FirstEnergy Corp. and Ridmann, William R. (Company Exhibit 4 in 10-388).	3/31/2010
8	10-0388-EL-SSO	Correspondence errata and the exhibits thereto, as well as the attached financial projections on behalf of FirstEnergy Corp. and Ridmann, William R. (Company Exhibit 3 in 10-388).	4/13/2010
9	10-0388-EL-SSO	Testimony of Hisham Choueiki, PH.d, P.E. on behalf of the Public Utilities Commission of Ohio (Staff Exhibit 1 in 10-388).	4/15/2010
10	10-0388-EL-SSO	Prepared testimony of John D'Angelo on behalf of the Cleveland Clinic Foundation (IEU Exhibit 2 in 10-388).	4/15/2010
11	10-0388-EL-SSO	Testimony of Robert B. Fortney on behalf of the Public Utilities Commission of Ohio (Staff Exhibit 3 in 10-388).	4/16/2010
12	10-0388-EL-SSO	Testimony of Tamara S. Turkenton on behalf of the Public Utilities Commission of Ohio (Staff Exhibit 2 in 10-388).	4/17/2010
13	10-0388-EL-SSO	Testimony of Robert Fortney with additional information on behalf of Public Utilities Commission of Ohio (Staff Exhibit 4 in 10-388).	6/10/2010
14	10-0388-EL-SSO	Testimony for Second Supplemental Stipulation on behalf of FirstEnergy Corp. and Ridmann, William R. (Company Exhibit 12).	7/23/2010
15	10-0388-EL-SSO	Transcript for Hearing Vol. I, p 137	4/2010
16	10-0388-EL-SSO	Transcript for Hearing Vol. III, p 579	4/2010
17	10-0388-EL-SSO	Transcript for Hearing Vol. II, p 483-484	4/2010
18	10-0388-EL-SSO	Transcript for Hearing Vol. III, p 775	4/2010

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Case No(s). 12-1230-EL-SSO

Summary: Text Joint Consumer Advocates' Interlocutory Appeal from the June 6, 2012 Attorney Examiner's Ruling Regarding Administrative Notice electronically filed by Teresa Orahoad on behalf of Northeast Ohio Public Energy Council and Northwest Ohio Aggregation Coalition and Office of the Ohio Consumers' Counsel