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) Case No. 13-0293-EL-CSS

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available for inspection and copying documents responsive to the following Requests for Production; and to serve written responses to the Interrogatories and Requests for Production within twenty (20) days hereof. These Interrogatories and Requests for Production of Documents are governed by the following Instructions and Definitions:

INSTRUCTIONS

1. Where an Interrogatory calls for an answer in more than one part, the parts should be presented in the answer in a manner which is clearly understandable.
2. You are under a continuing duty to supplement your responses pursuant to Rule 4901-1-16(D) of the Commission's Rules of Practice as to expert witnesses and the subject matter of their testimony, responses discovered to be incorrect or materially deficient, and where the initial response indicated that the information sought was unknown or nonexistent but such information subsequently becomes known or existent.
3. If you claim any form of privilege as a ground for not completely answering any Interrogatory, state the nature of the privilege and the general subject of the information withheld.
4. For any document that you decline to produce because of a claim or privilege or any other reason, provide the date, author, and type of document, the name or each person to whom the document was sent or shown, a summary of the contents of the document, and a detailed description of the grounds for the claim of privilege or objection to producing the document. If a claim of privilege is made only to certain portions of a document, please provide that portion of the document for which no claim of privilege is made.
5. Where an Interrogatory requests that a date be given, but you cannot recall the specific date, please respond by giving an approximate date or time frame, indicating that the date or time frame is approximate.

6. All information is to be divulged which is in your possession or control or within the possession and control of your attorneys, investigators, agents, employees or other representatives of you or your insurance company.

7. Where an Interrogatory calls for an answer in more than one part, the parts should be separated in the answer so that they are clearly understandable.

8. You are reminded that all answers must be made separately and fully and that an incomplete or evasive answer is a failure to answer.

9. You are under a continuing duty to seasonably supplement your response with respect to any question directly addressed to the identity and locations of persons having knowledge of discoverable matters, the identity of any person expected to be called as an expert witness at the trial, and the subject matter on which he/she is expected to testify, and to correct any response which you know or later learn to be incorrect.

DEFINITIONS

1. "Communication" is used herein in its broadest possible sense and means any occurrence in which information is related between persons by means or an oral or written statement, including, without limitation, any, meeting, conversation, correspondence, memoranda, discussion, negotiation, telephone conversation, voicemail message, electronic mail message, proposal, or presentation, in whatever form.

2. "Company" refers to Ohio Edison Company, its related affiliates and anyone acting on its behalf.

3. "Document" is used herein in its broadest possible sense and means any information memorialized in any way, however stored, including, but not limited to, bills, correspondence, electronic mail, memoranda, notes, writings, meeting minutes, spreadsheets, graphs, charts, and drafts of any of the foregoing, and computer files, audio recordings, and photographs, in whatever form.

4. "Identify" means:

- a. When used in reference to a natural person, to state the full name, the present or last known address, and the present or last known employer or business affiliation of the person; and
- b. When used in reference to a document, to state the date, author, addressor, addressee, type of document, title, if any, or some other means of identifying the document, a general description of its subject matter, and its present or last known location and custodian.

5. "Incident" refers to the basis for this lawsuit, which allegedly occurred on or about October 8, 2012 continuing until service was restored at 244 North Thomas Road, Tallmadge, Ohio 44278 giving rise to your Formal Complaint.

6. "Property" refers to the residence at 244 North Thomas Road, Tallmadge, Ohio 44278.

7. "You" or "Your" refers to Michael and Janice Turnbull and anyone acting on your behalf, including your agents and representatives.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify the name and last known address of each and every person who has knowledge of the nature and extent of the damages sustained in the incident at issue in this case.

ANSWER: Jessica Turnbull & Michael R. Turnbull
244 N. Thomas Rd. Tallmadge, Oh 44278
Michael G. & Janice Turnbull
455 NW. Ave. Tallmadge, Oh 44278

The 2 service men from Ohio Edison who fixed the neutral and handed me their card for O.E. service dept.

INTERROGATORY NO. 2:

Please identify every person who has knowledge or information concerning the incident, including any and all witnesses thereto.

ANSWER:

Same as above ↑

INTERROGATORY NO. 3:

Identify each person whom you intend to call as an expert witness at the hearing in this matter.

ANSWER:

No one is going to be willing to take off on their work day. Ohio Edison can clearly afford to be at the hearing. I will need to take off on a work day, not be compensated, incur additional expense besides the repair of the new furnace and neglect the children that I teach for this ridiculous denial of responsibility on the part of Ohio Edison.

INTERROGATORY NO. 4:

For each person whom you intend to call as an expert witness at the hearing in this matter:

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

ANSWER:

My witnesses can be contacted by phone but are unable to attend the hearing
Michael R. Turnbull 330 475-4953
Jessica Turnbull 330 475-4954
Michael G. Turnbull 330 475-4955 *216-214-3652*

INTERROGATORY NO. 5:

Jan Turnbull 330 475-4955
Dave Ross 330-310-7283

Identify each person who you intend to call as a fact witness at the hearing in this matter and the facts to which that person will be testifying.

ANSWER:

See above.

INTERROGATORY NO. 6:

Identify each person with knowledge of the facts underlying any claim contained in the Complaint, and identify each fact that such person is believed to know.

ANSWER:

See Interrogatory #1.
The persons listed knew that the new furnace was working fine prior to the neutral mess-up at the street. (Ohio Edison's responsibility.)

INTERROGATORY NO. 7:

Identify each and every document, exhibit or item you intend to introduce into evidence or otherwise display at the hearing in this matter.

ANSWER:

The bill for repair of the furnace.

INTERROGATORY NO. 8:

State the items damaged and the amount of damages for each item that you are claiming in this case and describe in detail how you calculated that total amount.

ANSWER:

Please see attached invoice.
\$ 300, for repair of furnace.

INTERROGATORY NO. 9:

Identify which damages in Interrogatory No. 8 above were reimbursed by any entity.

ANSWER:

None.

INTERROGATORY NO. 10:

State the date(s) on which you communicated with any representative of the Company about the incident involving an outage to your property. For each communication, identify:

- a. the person making the communication;
- b. the person to whom you made the communication;
- c. the date of the communication;
- d. the substance of the communication or what you reported; and
- e. the type of communication.

ANSWER:

Certified letters Nov. 14, 2012 to
Mr. Timothy Gurnish
Letter from Mr. Timothy Gurnish
dated 10-15-12.

I also tried calling but Mr. Gurnish
did not return my call.

INTERROGATORY NO. 11:

State the date(s) upon which you sustained damage to each item listed in Interrogatory No. 8.

ANSWER:

10-8-12

INTERROGATORY NO. 12:

State the date of purchase, the amount of money you paid for each item listed in Interrogatory No. 8 and where it was purchased.

ANSWER:

See attached

Furnace cost \$1,700.00. on 10-12-2011
Furnace repair \$300.00 on 10-10-2011

INTERROGATORY NO. 13:

Please state whether or not you have any photographs, drawings or other similar depictions of damage to the Property described in the attachment to your Complaint or listed in Interrogatory No. 8.

ANSWER:

We didn't think it was necessary to take a picture. We should have taken a picture of Ohio Edison repairing the neutral.

INTERROGATORY NO. 14:

If the Answer to the Interrogatory No. 13 is in the affirmative, please identify, by name and address, the person who has the originals and/or copies of said drawings, depictions and/or photographs, the person who took or prepared said drawings, depictions and/or photographs, the dates upon which said drawings, depictions and/or photographs were made, and the subject matter of said drawings, depictions and/or photographs.

ANSWER:

see above.

INTERROGATORY NO. 15:

Identify the person(s) who repaired or replaced any damaged Property as a result of the Incident.

- a. State the date(s) upon which each activity took place;
- b. Identify the person(s) who has custody of the items;
- c. Identify all documents relating, referring to or generated in connection with repair or replacement of the items, including but not limited to emails and other correspondence; and
- d. State the name and address of the employer or affiliated company of the person(s) repairing such items.

ANSWER:

See invoice!

Dave Ross installed the new furnace on 10-12-11. He repaired the furnace on 10-10-12.

D. ROSS LLC
P.O. Box 2942
Akron, Oh 44309
330-310-7283

INTERROGATORY NO. 16:

Identify:

- a. Any rule, regulation, or section of the Ohio Administrative Code that you allege was violated by the Company and for each such violation, identify each fact that you contend supports a finding of such violation;
- b. Any order of the Public Utilities Commission of Ohio (including case number and date of the order) that you allege was violated by the Company and, for each such violation, identify each fact that you contend supports a finding of such violation;
- c. Any industry standards you allege the Company did not comply with and, for each such alleged instance of noncompliance, identify each fact that you contend supports a finding of noncompliance; and
- d. Any tariff provision you allege was violated by the Company and, for each such violations, identify each fact that you contend supports a finding of such violation.

ANSWER:

See Certified letter to Mr. Gurnish
on 11-14-12.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please provide all documents mentioned or identified in your responses to the Company's First Set of Interrogatories.

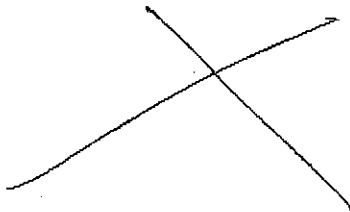
RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

see attached,

REQUEST FOR PRODUCTION NO. 2:

Please provide the curriculum vitae and all reports for each expert witness(es).

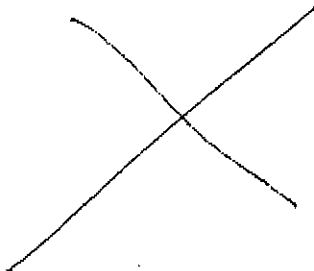
RESPONSE TO REQUEST FOR PRODUCTION NO. 2:



REQUEST FOR PRODUCTION NO. 3:

Please provide all exhibits you intend to introduce at the hearing.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:



REQUEST FOR PRODUCTION NO. 4:

Please provide all documents and communications supplied to, relied upon, reviewed by, or prepared by any expert witness identified in response to Interrogatory No. 3 in connection with his or her testimony in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

X

REQUEST FOR PRODUCTION NO. 5:

Please provide all documents reflecting, relating or referring to any communication between you and the Company concerning issues relative to your Property.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

none

REQUEST FOR PRODUCTION NO. 6:

Please provide all documents reflecting, relating or referring to the value of damaged property or fixtures referred to in the Complaint or identified in Interrogatory No. 8, including any receipts for purchase, bills or invoices for repair concerning damages sustained by Complainant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

see attached bill

REQUEST FOR PRODUCTION NO. 7:

Please produce the proof of loss form submitted to any insurance company for all damages relating to this incident.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

None.

REQUEST FOR PRODUCTION NO. 8:

Please produce the invoice or receipt for purchased items listed in Interrogatory No. 8.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

see attached.

REQUEST FOR PRODUCTION NO. 9:

Please produce any documents that allegedly support any allegation made in the Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

see attached.

REQUEST FOR PRODUCTION NO. 10:

Please produce the documents identified in Interrogatory No. 7.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

see attached

REQUEST FOR PRODUCTION NO. 11:

Please produce all documents reflecting, relating or referring to any communication between you and any third party relating to the claims made in the Complaint listed in Interrogatory No. 10.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

none

REQUEST FOR PRODUCTION NO. 12:

Please produce all photographs, drawings, diagrams or other depictions identified in Interrogatories Nos. 13 and 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

none

REQUEST FOR PRODUCTION NO. 13:

Please produce all documents reflecting, supporting, or referring to any alleged damages.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

See attached


REQUEST FOR PRODUCTION NO. 14:

Please produce all documents supporting any allegations that the Company violated any provision or rule of the Ohio Revised Code or the Ohio Administrative Code, any order of the Public Utilities Commission of Ohio, any industry standard, or any tariff provision.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

See attached

Respectfully submitted,



Denise M. Hasbrook (0004798)

Emily Ciecka Wilcheck (0077895)

Carrie M. Dunn (0076952)

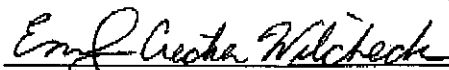
Counsel for Ohio Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Ohio Edison Company's First Set of Interrogatories and Request for Production of Documents to Michael and Janice Turnbull was sent by ordinary U.S. Mail, this 25th day of February, 2013, to the following:

Michael and Janice Turnbull
455 Northwest Avenue
Tallmadge, OH 44278

Respectfully submitted,



Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (0076952)
Counsel for Ohio Edison Company

D ROSS LLC

**P.O. Box 2942
Akron, OH 44309
(330) 310-7283**

Mike Turnbull
455 Northwest Ave.
Tallmadge, OH 44278

Invoice #002

Date: 10/12/11

Due: Due on receipt

(Rental) 244 North Thomas Rd., Tallmadge,
OH 44278

Remove old furnace; install new furnace; start
up and check out operation. OK.

Parts and Labor

\$1,700.00

TOTAL: \$1,700.00

Thank you,

Dave Ross

PAID in full

D ROSS LLC

**P.O. Box 2942
Akron, OH 44309
(330) 310-7283**

Mike Turnbull
455 Northwest Ave.
Tallmadge, OH 44278

Invoice #001
Date: 10/10/12
Due: Due on receipt

(Rental) 244 North Thomas Rd., Tallmadge,
OH 44278

Checkout furnace. Found solid state board bad.
Pickup new board and replace; check out
operation. OK.

Parts and Labor

\$300.00

Pd in full
TOTAL: \$300.00

Thank you,

Dave Ross

November 14, 2012

Mr. Timothy A. Gurnish
Claims Representative
Ohio Edison
1910 West Market Street
Akron OH 44313-6912

Certified Mail, Return Receipt Requested
#7008 0500 0002 1522 6420

Re: 244 N. Thomas Road
Tallmadge OH 44278

Dear Mr. Gurnish:

Pursuant to your letter dated October 15, 2012, I take exception to your inadequate response to reimburse me for damages to my property on October 8, 2012.

You reference P.U.C.O. No. 11 regulation, "Electric Service Regulations, Characteristics of Service, Part B; Continuity as the basis for not complying with my request.

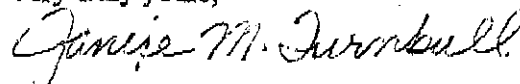
"The Company will endeavor but does not guarantee to furnish a continuous supply of electric energy and to maintain voltage and frequency within reasonable limits. The Company shall not be liable for damages which the customer may sustain due to variations in service characteristics or phase reversals".

I can appreciate your stance in not incurring expense for Ohio Edison, however, I believe the regulation referenced above, is not applicable in this case. When the Ohio Edison service men replaced the line on October 8, 2012, they provided me a card, and concurred on site that the damage to my furnace was directly attributable to Ohio Edison.

In your letter you state, "Ohio Edison's electrical distribution system is *normally* very reliable and stable". In this case, it was *neither* stable nor reliable. The Phase reversal did not happen. *It was not within reasonable limits, and should have had a neutral wire to prevent such an occurrence when there is 137 volts on one leg and 107 volts on the other.* With proper maintenance, this should *never* have occurred.

I refuse to submit a claim into my insurance company; possibly incurring a premium increase, when it is clearly the result of Ohio Edison's negligence and failure to properly maintain its equipment. It is my hope that Ohio Edison will be a good corporate citizen by exercising customer value, and reimburse me for the damages incurred to my furnace.

Very truly yours,



Jan Turnbull
455 Northwest Avenue
Tallmadge OH 44278

December 4, 2012

Mr. Tony Alexander
CEO of First Energy
76 South Main Street
Akron OH 44308

Re: 244 N. Thomas Road
Tallmadge OH 44278

Dear Mr. Alexander:

Pursuant to Mr. Timothy A. Gurnish's letter dated November 28, 2012, a copy of which is attached for reference, I take exception to his negative response to reimburse me for damages to my property on October 8, 2012.

Mr. Gurnish referenced P.U.C.O. No. 11 regulation, "Electric Service Regulations, Characteristics of Service, Part B; Continuity as the basis for not complying with my request.

"The Company will endeavor but does not guarantee to furnish a continuous supply of electric energy and to maintain voltage and frequency within reasonable limits. The Company shall not be liable for damages which the customer may sustain due to variations in service characteristics or phase reversals".

I can appreciate his stance in not incurring expense for Ohio Edison, however, I believe the regulation referenced above, is not applicable in this case. When the Ohio Edison service men replaced the line on October 8, 2012, they provided me ~~me~~ heard, and concurred on site that the damage to my furnace was directly attributable to Ohio Edison.

In Mr. Gurnish's letter he stated, "Ohio Edison's electrical distribution system is *normally* very reliable and stable". In this case, it was *neither* stable nor reliable. The Phase reversal did not happen. *It was not within reasonable limits, and should have had a neutral wire to prevent such an occurrence when there is 137 volts on one leg and 107 volts on the other.* With proper maintenance, this should *never* have occurred.

I refuse to submit a claim into my insurance company; possibly incurring a premium increase, when it is clearly the result of Ohio Edison's negligence and failure to properly maintain its equipment. It is my hope that Ohio Edison will be a good corporate citizen by exercising customer value, and reimburse me for the \$300.00 in damages incurred to my furnace. If Ohio Edison / First Energy fail to honor this request, I will have no other recourse than to refer this matter to the Public Service Commission of Ohio (P.U.C.O).

Very truly yours,

Jan Turnbull
455 Northwest Avenue
Tallmadge OH 44278