

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of:	:	
	:	
Bruce Snyder,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 13-2031-EL-CSS
	:	
FirstEnergy Solutions	:	
Corp.,	:	
	:	
Respondent.	:	

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PROCEEDINGS

before Jim M. Lynn, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 9:00 a.m. on Monday, August 18, 2014.

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5 Pro se.

6 Ulmer & Berne, LLP
7 By Ms. Laura McBride
8 1660 West 2nd Street, Suite 1100
9 Cleveland, Ohio 44113-1448

10 and

11 FirstEnergy Service Company
12 By Mr. Scott J. Casto
13 76 South Main Street
14 Akron, Ohio 44308

15 On behalf of the Respondent.

16 Also Present:

17 Mr. Matthew Green, FirstEnergy Solutions.

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Monday Morning Session,
August 18, 2014.

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EXAMINER LYNN: On the record. At this time the Public Utilities Commission of Ohio has assigned for hearing at this time and place Case No. 13-2031-EL-CSS, In the Matter of Bruce Snyder versus FirstEnergy Solutions Corporation.

I am Jim Lynn. At this time we will take the appearances of the parties, beginning with Mr. Snyder.

Mr. Snyder, if you will just state your name and address, please.

MR. SNYDER: Bruce Snyder, 4461 Powder Horn Drive, Beavercreek, Ohio, 45432.

EXAMINER LYNN: All right. And for FirstEnergy Solutions.

MS. McBRIDE: Thank you, your Honor. Laura McBride, Ulmer, Berne, 1660 West Second Street, Cleveland, Ohio, 44113.

Also appearing with me is Scott Casto, FirstEnergy Service Company, 76 South Main Street, Akron, Ohio 44308.

EXAMINER LYNN: Thank you.

Mr. Snyder, being that it is your

1 complaint, we will have you take the witness stand
2 first. If you would like to come up front, please,
3 and we will swear you in.

4 - - -

5 BRUCE SNYDER

6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 DIRECT TESTIMONY

9 EXAMINER LYNN: Take a seat and let me
10 know what brought you here today, or however you want
11 to proceed.

12 MR. SNYDER: That was my first question,
13 what brings us here today.

14 EXAMINER LYNN: Okay. Give us some
15 history.

16 MR. SNYDER: Well, again, it's what
17 brings us, something that has happened to everyone
18 that uses that FirstEnergy Ohio Choice Program, so
19 when your contract with your current supplier
20 expires, you have to find a new supplier or it
21 defaults back to your utility providing your service.

22 So everything started with Internet
23 enrollment for an application for service with
24 FirstEnergy Solutions, and shortly thereafter, I
25 received a letter in the mail saying there were

1 problems with my enrollment and requesting me to call
2 FirstEnergy Solutions.

3 So I called them, and the person on the
4 phone confirmed my information including my electric
5 utility, DP&L, my address, account number, and other
6 details, expected service start date, and all pretty
7 much without prompting from me, or at least no more
8 additional information than what I put in the
9 Internet enrollment application.

10 EXAMINER LYNN: Mr. Snyder, you said the
11 person you spoke to confirmed you were with DP&L?

12 MR. SNYDER: Correct. We will hear that
13 recording very shortly.

14 EXAMINER LYNN: Okay.

15 MR. SNYDER: So far this is a typical
16 experience to me, anyhow, for signing up for electric
17 service for a provider. What followed that is not
18 typical of any experience I had had or hope to have
19 with any electric supplier.

20 I heard nothing from FirstEnergy
21 Solutions saying there were no problems, and I didn't
22 expect any problems until I received my first bill
23 when service with FirstEnergy Solutions was supposed
24 to have started.

25 EXAMINER LYNN: Mr. Snyder, can you give

1 me some dates as far as when some of this happened?

2 MR. SNYDER: I have that as an exhibit,
3 actually. If you want, I can pass that out now.

4 EXAMINER LYNN: Thank you.

5 MR. SNYDER: That's the whole time line
6 of everything we have talked about.

7 EXAMINER LYNN: Again, if you can help
8 me, Mr. Snyder, you made the application on May 22.

9 MR. SNYDER: Right.

10 EXAMINER LYNN: Then, let's see, you
11 received a letter from FES on May 30. This is all
12 last year, 2013. You called FES on the 31st.

13 Okay, please go on.

14 MR. SNYDER: All right. So I received
15 the electric bill, and it showed my previous supplier
16 was still there, hadn't been changed, which I was
17 told to expect.

18 EXAMINER LYNN: And that's the one you
19 are referring to for July 28, 2013?

20 MR. SNYDER: Yes.

21 EXAMINER LYNN: Okay.

22 MR. SNYDER: So I called, as they
23 requested, FirstEnergy Solutions to find out why the
24 service hadn't started as I expected it to and was
25 told someone would look into the problem and get back

1 with me.

2 No one called, contacted me back. So I
3 waited about a week and called back again, and after
4 a lengthy hold, I was told the offer I applied for
5 two months earlier had expired. That's what the
6 recording is, and I have a recording of that.

7 EXAMINER LYNN: Again, could you indicate
8 on the chart what date that would have been?

9 MR. SNYDER: That was the second call,
10 and they said it was expired, so that was August 5.

11 EXAMINER LYNN: August 5, 2013, okay.

12 MR. SNYDER: Right. So I referred their
13 representative to my first phone conversation with
14 the FirstEnergy Solutions where I was identified as a
15 DP&L customer and quoted the rate I had signed up for
16 and when service would start. And I was, once again,
17 told someone would get back with me and look into the
18 problem, and this pattern repeated itself several
19 times. I would call. Somebody would say they would
20 look into it and get back with me. They didn't do
21 that, and I had to call again. Throughout the
22 testimony, I will go into all those.

23 EXAMINER LYNN: Sure. And your calls
24 were all because you had received word from FES that
25 there was some problem with your enrollment?

1 MR. SNYDER: Correct. And then almost
2 every time they said they would get me the rate that
3 I applied for.

4 EXAMINER LYNN: And that rate was?

5 MR. SNYDER: 5.36 cents per kilowatt-hour
6 for three years.

7 EXAMINER LYNN: All right.

8 MR. SNYDER: So up to that point, I think
9 at the end of that point, is when I filed the
10 informal complaint on August 12 with the Public
11 Utilities Commission.

12 EXAMINER LYNN: All right.

13 MR. SNYDER: At that point then Frederick
14 Maurer from FirstEnergy did call me. That is almost
15 three months after my enrollment, and things got
16 worse.

17 EXAMINER LYNN: For the record, that is
18 M-A-U-R-E-R.

19 MR. SNYDER: To make a long story short,
20 Fred signed me up for service at a rate I didn't
21 agree to. That was the 5.94 cents for three years.

22 EXAMINER LYNN: And you say he signed you
23 up, and you received some sort of notice he had
24 signed you up at that 5.94 cents?

25 MR. SNYDER: Eventually I did. That's on

1 August 19. The chart --

2 EXAMINER LYNN: U.S. mail or e-mail?

3 MR. SNYDER: That was through the U.S.
4 mail, I believe.

5 EXAMINER LYNN: Okay.

6 MR. SNYDER: So at this point after
7 receiving that, I e-mailed Fred and the Public
8 Utilities Commission to say I didn't agree to that
9 term and that should have started -- I mean, that is
10 slamming allegations.

11 EXAMINER LYNN: And based on your chart,
12 this would be August 20, 2013?

13 MR. SNYDER: The 19th is when I received
14 the letter he e-mailed that day.

15 EXAMINER LYNN: Okay.

16 MR. SNYDER: So the 19th is when I sent
17 that e-mail out to FirstEnergy Solutions and also a
18 copy to the Public Utilities Commission --

19 EXAMINER LYNN: All right.

20 MR. SNYDER: -- saying I didn't agree to
21 this term -- these terms, and you will get a copy of
22 that later.

23 EXAMINER LYNN: All right.

24 MR. SNYDER: So according to the Ohio
25 Revised Code, that should have driven actions on

1 FirstEnergy Solutions providing the proof they had my
2 consent to change my service, and that still hasn't
3 been done to this day.

4 EXAMINER LYNN: Sir, are you saying that
5 after FES received the complaint, there should have
6 been some sort of evidence provided or proof provided
7 that you had agreed to that higher rate? Am I
8 understanding you, right?

9 MR. SNYDER: That's what the Ohio Revised
10 Code says, yes.

11 EXAMINER LYNN: All right.

12 MR. SNYDER: So to this point still no
13 one had listened to that original conversation that
14 confirmed me as a DP&L customer and confirmed the
15 rate, even though I brought it up in every single
16 telephone conversation prior to that, and we will
17 listen to all of those.

18 So finally after that, Rebecca Pastier
19 contacted me and offered to reimburse me for lost
20 savings for that time frame in between.

21 EXAMINER LYNN: So that person was with
22 FES?

23 MS. McBRIDE: I'll object. That would
24 suggest settlement discussions being put into
25 evidence.

1 EXAMINER LYNN: I didn't realize that was
2 part of it.

3 MS. McBRIDE: We ask to strike that and
4 those discussions not be referenced.

5 EXAMINER LYNN: We will strike that.

6 MR. SNYDER: Okay. I basically told them
7 I wouldn't even consider accepting anything until
8 someone from FirstEnergy listened to that original
9 recording and that agreement way back on May 31.

10 EXAMINER LYNN: Keep going, please.

11 MR. SNYDER: So Rebecca said she could
12 listen to the recording and send both to the Public
13 Utilities Commission and myself a copy of the
14 recording. So a few days later after listening to
15 the recording, she reneged on the offer to send me a
16 copy of the recording but did send it to the Public
17 Utilities Commission.

18 So after several e-mails then, an e-mail
19 exchange as I, quite frankly, wouldn't believe
20 anything I heard over the phone so I resorted to
21 writing e-mail documentation, she finally did admit
22 exactly what the recording said.

23 EXAMINER LYNN: So you said "e-mail
24 exchanges." You mean between you and Rebecca
25 Pastier?

1 MR. SNYDER: Correct.

2 EXAMINER LYNN: For the record,
3 P-A-S-T-I-E-R.

4 So you had some e-mail exchanges, and
5 then can you repeat the part again she stated to you?

6 MR. SNYDER: Finally, after -- I mean,
7 she tried to talk around it, but eventually admitted
8 that during that first recording it was discussed I
9 was a DP&L customer and knowing that I was still
10 quoted the Internet offer rate of 5.36 cents per
11 kilowatt-hour for three years.

12 EXAMINER LYNN: Okay. To clarify
13 something for myself, you're stating you had told FES
14 all along you were a DP&L customer. Was there any
15 point where you were sent confirmation you actually
16 were enrolled at that rate, the lower rate you were
17 seeking?

18 MR. SNYDER: No.

19 EXAMINER LYNN: All right. Keep going,
20 please.

21 MR. SNYDER: So, again, the Public
22 Utilities Commission informal complaint was ongoing
23 at this time. At that point I received an e-mail
24 from the Public Utilities Commission saying that my
25 only way forward was to file a formal complaint or

1 drop it.

2 So that's what I did, through this. To
3 bring a couple things up, you may ask why didn't I
4 just find another supplier early on and avoid this
5 whole mess? First, it took, like I said and this
6 time line shows, over two months for them to tell
7 what they alleged the problem to be.

8 EXAMINER LYNN: They were alleging the
9 problem to be what?

10 MR. SNYDER: That the offer I applied for
11 was for Duke Energy only.

12 EXAMINER LYNN: I see.

13 MR. SNYDER: Duke Energy of Ohio
14 customers only.

15 EXAMINER LYNN: At what point did FES
16 mention that to you? Was it early on?

17 MR. SNYDER: The first time they
18 mentioned it to me was August 9.

19 EXAMINER LYNN: August 9, okay.

20 MR. SNYDER: You will be able to hear
21 that in the recording.

22 EXAMINER LYNN: Okay. Now, was there --
23 you mentioned recordings. You also have some
24 documents as well with you. Did you want to play the
25 recordings? Did you want to submit your documents

1 into evidence?

2 MR. SNYDER: I'm going to walk down
3 through this time line, and each of these events
4 present evidence and recordings as they occurred.

5 EXAMINER LYNN: All right. So, for
6 example, you indicate that May 22 online Internet
7 application. Do you have a copy of that you e-mailed
8 to them or something, to FES?

9 MR. SNYDER: I have the discovery request
10 that I sent to them and they sent back to me of that
11 Internet application.

12 EXAMINER LYNN: Well, why don't we do
13 this. Why don't we -- whatever order you want to
14 proceed in as far as your paper documents and what
15 was recorded, and I don't know if you are intending
16 to coordinate the two of them, say, here's the paper
17 documents to reflect something we are hearing on the
18 recording. How would you like to proceed next?

19 MR. SNYDER: I've got that laid out so it
20 makes sense to everyone. Could I finish the part of
21 the opening statement as well?

22 EXAMINER LYNN: Fine. Please keep going
23 then.

24 MR. SNYDER: Okay. So, again, it took
25 over two months for them to tell me what they alleged

1 the problem to be. Second, the Internet contract I
2 applied for had a termination fee, so I couldn't just
3 walk away without them saying that that contract
4 either didn't apply for me or they waive the
5 termination fee.

6 I did eventually sign up for service with
7 another supplier once I received confirmation they
8 wouldn't honor that rate, but at the same time, that
9 slamming incident occurred, and that basically is
10 unacceptable to me in any way, shape, or form and
11 committed me to this formal complaint process which
12 brings us here today.

13 EXAMINER LYNN: All right.

14 MR. SNYDER: The first -- you've already
15 got the time line.

16 EXAMINER LYNN: Excuse me. For the
17 record, we will call that line that Mr. Snyder
18 prepared Snyder Exhibit 1.

19 MR. SNYDER: The next one we discussed,
20 which I will call Exhibit 2, which we provided
21 initially, is the enrollment application, and then
22 sent a subsequent response to that as well.

23 EXAMINER LYNN: Mr. Snyder, can you
24 explain some of this, especially the first page?

25 MR. SNYDER: I asked for a copy of my

1 database, which the Public Utilities Commission
2 requires them to keep of all enrollments.

3 EXAMINER LYNN: So the database, you're
4 saying this was provided to you, this is Snyder
5 Exhibit 2, the first page, you are saying this was
6 provided to you. You asked FES for a copy of what
7 they received when you submitted your online
8 application?

9 MR. SNYDER: Correct.

10 EXAMINER LYNN: Okay. All right.

11 MR. SNYDER: All right. And this is the
12 first case where I pointed out previously in one of
13 my notes back that this doesn't -- what is shown
14 here that was initially submitted doesn't meet
15 the requirement as required under the Ohio Revised
16 Code, and I list out the section 4901:1-21-06
17 (D) (3) (b) (vii).

18 EXAMINER LYNN: And you're saying it
19 doesn't meet the requirement. How do you mean?

20 MR. SNYDER: It requires an address to be
21 included in their database. If you look, there's no
22 address.

23 EXAMINER LYNN: Okay.

24 MR. SNYDER: I did provide the
25 supplemental data, which you see on the next two

1 pages, and you also note in the note on the second
2 page there that they admit that they should have
3 provided this with my Discovery Request No. 1 and
4 they didn't.

5 EXAMINER LYNN: What page are you
6 pointing to?

7 MR. SNYDER: Their letter, their cover
8 letter. This was not provided until just three
9 weeks ago. I requested this data back in
10 October/November 2013.

11 EXAMINER LYNN: All right. So these --
12 this Snyder Exhibit 2, the first page and the last
13 page is, from what you are indicating records that
14 were created by FES when you submitted your online
15 application?

16 MR. SNYDER: That's what they say it is,
17 yes.

18 EXAMINER LYNN: Okay.

19 MR. SNYDER: Comparing -- and, again, the
20 last page is what they submitted after I brought up
21 there was no address. They had some fields that show
22 an address. I worked with databases all the time and
23 I see some issues right off the bat. The first is
24 the printout from a spreadsheet.

25 MS. McBRIDE: Your Honor, I object to

1 this sort of --

2 EXAMINER LYNN: On what grounds?

3 MS. McBRIDE: He's not testifying as an
4 expert if we are going to talk about database
5 analysis.

6 EXAMINER LYNN: I'll agree to that
7 objection. Thank you.

8 MR. SNYDER: Well, then there are some
9 differences. Look at the last field on the first
10 page. It starts with "Enroll 945228 succeeded: The
11 Main." Look at the same field in the last page, that
12 is missing. A database doesn't delete data.

13 EXAMINER LYNN: Enroll succeeded, that's
14 on the first page of Exhibit 2. Then you're saying
15 on the last page of Exhibit 2, what was your comment
16 again?

17 MR. SNYDER: That first part is not
18 there.

19 EXAMINER LYNN: About you being enrolled?

20 MR. SNYDER: Correct.

21 EXAMINER LYNN: I see. All right.

22 MR. SNYDER: There are other differences,
23 which again, the order is switched, and in a normal
24 database you wouldn't switch the order. The formats,
25 the dates have changed. Why would you do that?

1 EXAMINER LYNN: You say the dates have
2 changed. How do you mean?

3 MR. SNYDER: No, the format, 22 May '13.

4 EXAMINER LYNN: You mean by the format,
5 the way the information is laid out?

6 MR. SNYDER: Correct.

7 EXAMINER LYNN: I see.

8 MR. SNYDER: The other issue, which you
9 will hear through the recordings, DP&L customers have
10 a ten-digit account number. Duke Energy supposedly
11 has a -- which I don't know for sure, but I'm told an
12 11-digit account number. If you look at the account
13 number here at the top, the very first entry has ten
14 digits.

15 EXAMINER LYNN: And you're referring to
16 the number on the top of the column -- on the first
17 page of Exhibit 2, you are referring to that number
18 3154719158?

19 MR. SNYDER: Correct.

20 EXAMINER LYNN: And is that your DP&L
21 account number?

22 MR. SNYDER: Correct.

23 EXAMINER LYNN: And then you made some
24 other comments, such that was not present on the last
25 page or something?

1 MR. SNYDER: No.

2 EXAMINER LYNN: Maybe I misunderstood it.

3 MR. SNYDER: No. That's a DP&L account
4 number, but if you look down, they imply it's a Duke
5 offer code, the fourth entry from the bottom. Why
6 would their database accept a ten-digit code for an
7 offer that requires an 11-digit account number?

8 In fact, it's worse than that, I recall,
9 because I was inputting the data on the screen I just
10 had written down my DP&L account number. I didn't
11 have the DP&L bill with me to read it, and it
12 wouldn't accept the ten-digit number. It kept asking
13 me for one more. So I called my son, who pulled
14 out --

15 EXAMINER LYNN: Who pulled out the bill?

16 MR. SNYDER: Who pulled out a bill, and
17 this is a little out of order but it will help
18 explain this here now.

19 EXAMINER LYNN: You are indicating your
20 DP&L number is ten digits as reflected on the top of
21 the line on Exhibit 2?

22 MR. SNYDER: Correct. Here's a copy of
23 the DP&L bill. We will refer to it several more
24 times.

25 EXAMINER LYNN: You have a 6 on this, and

1 we will refer to it as Snyder Exhibit 6.

2 MR. SNYDER: If you look at the account
3 number -- and this is, I guess, a DP&L issue, does
4 that account number include that 3 or not? If I am
5 typing data into the field and it says I need 11, I
6 look here and put in 11. If it says it needs ten I
7 put in the first ten.

8 EXAMINER LYNN: What do you recall doing?

9 MR. SNYDER: I put in 11 because their
10 system would not take ten.

11 EXAMINER LYNN: You are saying on Snyder
12 Exhibit 2 was number 3154719158 3, you are saying you
13 submitted that entire number --

14 MR. SNYDER: Correct.

15 EXAMINER LYNN: -- when you did your
16 online application?

17 MR. SNYDER: Correct; which was not
18 reflected in their database.

19 EXAMINER LYNN: You are indicating you
20 submitted all that entire 11-digit account number
21 because when you tried submitting it to FES with
22 10 numbers, it did --

23 MR. SNYDER: Implied an error.

24 EXAMINER LYNN: Okay, you would get an
25 error message.

1 MR. SNYDER: So either way either they
2 changed my entries or something else is going on.

3 EXAMINER LYNN: All right.

4 MR. SNYDER: So to me it brings to
5 question this whole database altogether. If they can
6 change that, they can change anything, and I
7 personally don't believe any of this.

8 All right. If we go down that e-mail
9 more, the next is Exhibit 3, which is a printout of
10 the FirstEnergy Solutions lead-in part of this web
11 page.

12 EXAMINER LYNN: We will call that Snyder
13 Exhibit 3. It has the number 3 on it.

14 MR. SNYDER: If you look on the left
15 side, "Residential Energy Solutions," you see that
16 "Find Offers & Enroll" requires you to input a zip
17 code.

18 EXAMINER LYNN: All right.

19 MR. SNYDER: Based on that, it brings up
20 the offers required.

21 EXAMINER LYNN: Okay.

22 MR. SNYDER: I tried to get around that
23 and go straight to an enrollment page and could not
24 find a way to do it. There's no way to do it. You
25 have to put a zip code in, and based on that, they

1 show you the offers that are available to you, which
2 to me would not be a Duke Energy offer.

3 EXAMINER LYNN: And you're saying that's
4 so because you put in the zip code for the area you
5 live in?

6 MR. SNYDER: Correct. That's shown in
7 their database here and also shown in their letter
8 back to me.

9 EXAMINER LYNN: When you are saying "the
10 database here," you are referring to Snyder
11 Exhibit 2?

12 MR. SNYDER: Correct.

13 EXAMINER LYNN: Where is your zip code on
14 that?

15 MR. SNYDER: On the supplemental page on
16 the back page.

17 EXAMINER LYNN: On the back page, and
18 that's that third page of Exhibit 2.

19 MR. SNYDER: Which they --

20 EXAMINER LYNN: Contains a street
21 address, and you're indicating this 45432 is your zip
22 code.

23 MR. SNYDER: Correct. Looks like they
24 removed some data as well because it required to be
25 put into their --

1 MS. McBRIDE: Objection, your Honor.

2 EXAMINER LYNN: We will agree to that
3 objection.

4 But what you're saying, if I'm
5 understanding you correctly, that you submitted --
6 when you began this online enrollment, you submitted
7 your zip code.

8 MR. SNYDER: Correct. And I am going to
9 prove that I did that.

10 EXAMINER LYNN: You are submitting zip
11 code and you're saying you could not begin the
12 enrollment without submitting the zip code.

13 MR. SNYDER: Correct.

14 EXAMINER LYNN: You are indicating that
15 the correct zip code is indicated on the last page of
16 Exhibit 2?

17 MR. SNYDER: Well, I just looked and it
18 doesn't look like it's there, either.

19 EXAMINER LYNN: Well, it indicates your
20 address, street address.

21 MR. SNYDER: Correct.

22 EXAMINER LYNN: And the 45432 is your zip
23 code?

24 MR. SNYDER: Oh, there it is. Yes, I see
25 that. It is there. That's great.

1 EXAMINER LYNN: All right.

2 MR. SNYDER: So if they can do a check
3 like this on their web page, they can also do a check
4 like that on their enrollment page to compare that
5 zip code to the offers that I should be applying for.
6 I just makes common sense. So to me I see no way to
7 use this system and get to the Duke Energy offer,
8 which they claim I did.

9 EXAMINER LYNN: Okay.

10 MR. SNYDER: Next is the letter I got
11 back. This is the second block, May 30. All the
12 writing on there is my writing, my notes based on all
13 the phone conversations and everything that I had
14 made.

15 EXAMINER LYNN: You are saying this is a
16 letter you received -- you say you got it back.

17 MR. SNYDER: I received this from
18 FirstEnergy Solutions with the correct info shown
19 here, the mailing address, account number, DP&L
20 account number.

21 EXAMINER LYNN: So that says on -- this
22 is Snyder Exhibit 4. So that 3154719158, that's your
23 DP&L account number?

24 MR. SNYDER: Correct. That's the letter
25 I received on May 30, mailed on May 28, asking me to

1 call them.

2 EXAMINER LYNN: The letter is indicating,
3 "We are having difficulty enrolling your account."

4 MR. SNYDER: Right. Doesn't say anything
5 more than that, just "We are having difficulty."
6 Call them to try to resolve it.

7 EXAMINER LYNN: Okay.

8 MR. SNYDER: Next we are going to listen
9 to that first recording with Steve Hogan. You will
10 see he identifies me as a DP&L customer with only the
11 information that I already provided that they had at
12 the time, which is Exhibit 2 and Exhibit 4, which is
13 the online application and the letter they sent back
14 to me.

15 And then knowing I'm a DP&L customer,
16 Steve says the terms of the service I signed up for,
17 the 5.36 cents per kilowatt-hour for three years.
18 Even then after that I bring up that I am a Duke
19 Energy retail CRES provider, they're currently
20 providing my service. I bring that up.

21 Steve still acknowledges after that that
22 I am a DP&L customer and the terms of service and
23 expected start of service, which is the next meter
24 reading date, which if you look at the bill on
25 Exhibit 6 shows June 20 as the date. It starts the

1 service on June 20 to July 23.

2 This is Steve Hogan of FirstEnergy. I
3 called the FirstEnergy Solutions number on there and
4 then he answered.

5 EXAMINER LYNN: The voices we will hear
6 are you and Mr. Hogan?

7 MR. SNYDER: Correct.

8 (Disk 1, track 4, p. 161)

9 MR. SNYDER: Basically almost anyone who
10 listens to that recording that after the call, I
11 should be signed up for service with FirstEnergy
12 Solutions for the terms and rates discussed at the
13 next meter reading, which was June 20 on the bill,
14 unless someone notifies me otherwise, and Steve
15 correctly confirmed all the application data that I
16 submitted.

17 So we already discussed that FirstEnergy
18 Solutions did not contact me by any means, initiated
19 contact, anyhow, until August 9. I did get from the
20 discovery process --

21 EXAMINER LYNN: Mr. Snyder, the phone
22 call we just listened to, you say the letter was
23 dated May 28 of last year. Okay, you have written on
24 the letter you contacted Mr. Hogan, Steve Hogan, on
25 the 31st.

1 MR. SNYDER: Correct.

2 EXAMINER LYNN: You're saying after that,
3 this conversation, you didn't hear from FirstEnergy
4 Solutions until -- what was the date again?

5 MS. McBRIDE: I called them, but they did
6 not call me until August 9.

7 EXAMINER LYNN: So after the phone
8 conversation on May 31, you contacted them on
9 August 9?

10 MR. SNYDER: I contacted them several
11 times.

12 EXAMINER LYNN: I see.

13 MR. SNYDER: If you look on the thing,
14 July 29 -- I will go through all of these.

15 EXAMINER LYNN: You're looking back an
16 Exhibit 1?

17 MR. SNYDER: Right. All right.

18 EXAMINER LYNN: We will take a note on
19 Exhibit 1, May 31 phone call is indicated. That is
20 my oversight. Okay. Sorry to interrupt. Please
21 keep going.

22 MR. SNYDER: Next is some of the evidence
23 from the discovery process that I requested and was
24 submitted which is -- the best I can describe it, it
25 is kind of a call log or notes log that they made

1 when -- again, this is all -- I had no input into
2 this whatsoever. This was all there.

3 EXAMINER LYNN: We will call this Snyder
4 Exhibit 7. It is apparently records made on FES's
5 end about when a call from Mr. Snyder took place and
6 who he spoke to and some of what was discussed.

7 There was something on that particular
8 exhibit you wanted to point out?

9 MR. SNYDER: It doesn't really say on
10 there, but you will see that most of them are inbound
11 calls, which means I made most of those.

12 EXAMINER LYNN: And where does it
13 indicate those are typically inbound calls.

14 MR. SNYDER: Under "Category."

15 EXAMINER LYNN: Category, okay.
16 Category, call.

17 MR. SNYDER: Again, that's my guess
18 because it's not my spreadsheet.

19 This is a copy of all the discovery
20 1 responses and supplemental data that they
21 submitted, and I will be referring to those
22 throughout the process.

23 EXAMINER LYNN: This will be Snyder
24 Exhibit 8. And you're indicating this was sent to
25 you in response to your own discovery request?

1 MR. SNYDER: Correct.

2 EXAMINER LYNN: I think if you look at
3 Interrogatory 7, there was 7, this is item No. 4 on
4 the bottom of page, if that will help.

5 MS. McBRIDE: Your Honor, if I could have
6 just a moment to note that this appears, at least
7 looks like, Mr. Snyder is representing this is all
8 the discovery we provided to him. Obviously, some of
9 the admissions and interrogatories include objections
10 and I'm not -- unless we go through each piece, I'm
11 not willing at this point to waive any objection we
12 would have to the substance of all of this coming
13 into evidence so we reserve the right to deal with
14 that.

15 EXAMINER LYNN: Certainly you reserve the
16 right. We will go through this and see what your
17 take is on it.

18 MS. McBRIDE: Yes, thank you.

19 EXAMINER LYNN: Just for the record, this
20 is the tenth page in. I am trying to help for the
21 purpose of our court record.

22 MR. SNYDER: I understand. On this page
23 they list all the calls, the dates they occurred, and
24 who initiated them. If you look down at the bottom,
25 I received one, call No. 6, that's referencing a call

1 number on the CD on August 9. That's the first one
2 that says "initiated by."

3 EXAMINER LYNN: Initiated by FES?

4 MR. SNYDER: It says here VXI. I have no
5 idea what that means, but yes.

6 EXAMINER LYNN: All right.

7 MR. SNYDER: Again, that's more than two
8 months after the call with Steve Hogan we just
9 listened to.

10 EXAMINER LYNN: You made all these calls
11 during that interim period of time that you're
12 mentioning because the rate that you were seeking
13 still hadn't appeared on your bill?

14 MR. SNYDER: Right. Right.

15 EXAMINER LYNN: Okay.

16 MR. SNYDER: Just because we're there,
17 Interrogatory No. 6, back up one page, I mean, I do
18 ask when the first date after May 31, after the Steve
19 Hogan call, that FirstEnergy Solutions initiated
20 contact of any kind with me, phone call, e-mail,
21 whatever, and the answer to that is incorrectly noted
22 as July 29 at the bottom of their response.

23 EXAMINER LYNN: Excuse me, Mr. Snyder.
24 So you're indicating in Interrogatory No. 6 the
25 answer is stating -- it reads, "Mr. Snyder was made

1 aware of that fact that the service of \$.0536/kWh he
2 applied for was only available to customers of Duke
3 Energy Ohio." It goes on to say, "Mr. Snyder was
4 also notified of this fact on July 29, 2013 and in
5 subsequent interactions with FES."

6 And you are indicating you were not
7 notified of that fact on July 29.

8 MR. SNYDER: Correct. They did submit a
9 supplemental to that, which is included six or seven
10 pages back.

11 EXAMINER LYNN: What interrogatory would
12 this be?

13 MR. SNYDER: Supplemental data for
14 Interrogatory No. 6.

15 EXAMINER LYNN: Help me. How many
16 further pages?

17 MR. SNYDER: Keep going to No. 9, that's
18 numbered, and the next page after that is it.

19 EXAMINER LYNN: I'm still looking for
20 that page. I found Interrogatory No.8.

21 MS. McBRIDE: Your Honor, if you keep
22 going, it is a stand-alone, one-page letter from
23 Mr. Casto.

24 EXAMINER LYNN: Oh, I found it. Thank
25 you.

1 I'm sorry, Mr. Snyder, your comment is?

2 MR. SNYDER: That is Interrogatory No. 6,
3 the supplemental data.

4 EXAMINER LYNN: You were on Interrogatory
5 No. 6. You said there's a supplemental page.

6 MR. SNYDER: For Interrogatory 6.

7 EXAMINER LYNN: How many pages after
8 Interrogatory No. 6 is that?

9 MR. SNYDER: It's seven pages after.

10 EXAMINER LYNN: Thank you. You are
11 indicating that the supplement is indicating?

12 MR. SNYDER: August 5, which is also --

13 EXAMINER LYNN: As the date you were
14 first notified?

15 MR. SNYDER: Which is also incorrect.

16 EXAMINER LYNN: So you're saying even
17 when the supplemental response was sent to you and it
18 was indicating in that supplemental response that
19 August 5 you were notified that the offer you applied
20 for was good only for Duke customers, you're saying
21 that August 5 date is incorrect also?

22 MR. SNYDER: Right.

23 EXAMINER LYNN: Mr. Snyder, from your
24 perspective, what was the date that you were
25 notified?

1 MR. SNYDER: August 9.

2 EXAMINER LYNN: August 9, okay.

3 MR. SNYDER: We will listen to those
4 calls eventually and you will be able to make that
5 judgment yourself.

6 But the question asked, when was the
7 first time FirstEnergy Solutions initiated contact.
8 I initiated both of those calls on both those dates.
9 From that fact alone, that's incorrect. There's
10 other reasons it's incorrect.

11 EXAMINER LYNN: The main thing you wanted
12 to indicate on here was that via the initial response
13 to Interrogatory No. 6 and the supplemental response,
14 in both instances the date that is indicated for you
15 to find out, for FES to inform you that that offer is
16 not available to you, you're saying both those dates
17 are in error.

18 MR. SNYDER: Right. The trend here,
19 there is a lack of a good-faith effort by FirstEnergy
20 Solutions to provide the correct data the first time
21 during this discovery process.

22 On May 31 the call with Steve meets the
23 definition of a complaint under 4901-1-21-01(G),
24 which states, "'Complaint' means any
25 customer/consumer contact when such contact

1 necessitates follow-up by or with the supplier of
2 electric service or electric utility to resolve a
3 point of contention."

4 The point of contention was the account
5 number and how it got in their system.

6 MS. McBRIDE: Your Honor, I don't want to
7 belabor the point but just if we can note a standing
8 objection to Mr. Snyder's interpretation of the
9 rules, we would note that's a legal conclusion.

10 EXAMINER LYNN: I understand.

11 MR. SNYDER: In order to try to start
12 service after that May 31 call with Steve, he even
13 said himself he was going to resubmit it and that he
14 had to have done that in order to make an attempt
15 to -- when FirstEnergy Solutions didn't contact the
16 supplier of electric service, like Steve said he was,
17 then he wasn't telling me the truth and I should have
18 been notified that that wasn't happening.

19 In addition to that, Kelly Mabra, which
20 is PUCO staff here, sent an e-mail out on the 23rd of
21 September. Here's a copy of it.

22 EXAMINER LYNN: This will be Snyder
23 Exhibit 9, a copy of an e-mail to Kelly Mabra of
24 Commission staff to Mr. Snyder.

25 MR. SNYDER: Basically if you read the

1 first sentence there, she says my enrollment was
2 resubmitted.

3 MS. McBRIDE: Your Honor, I would object
4 to this as hearsay. We are not able to question
5 Ms. Mabra about her interaction with others, what
6 she's done. We are in a little bit of a jam in terms
7 of our ability to challenge whatever she is telling
8 Mr. Snyder.

9 EXAMINER LYNN: Do you have an objection
10 to the e-mail itself?

11 MS. McBRIDE: Well, to the extent he's
12 putting the substance of the e-mail in as affirmative
13 evidence as opposed to providing notice that he did
14 something as a result, yes, we would object.

15 MR. SNYDER: Ms. Mabra was the compliance
16 investigator. Her job is to investigate, and I
17 assume that was one of her findings.

18 MS. McBRIDE: Again, that in and of
19 itself explains my concerns.

20 MR. SNYDER: It's not hearsay. It is in
21 writing in the document.

22 EXAMINER LYNN: Okay. We will address
23 that toward the end of the day when we go through
24 exhibit by exhibit on what to admit and so forth.
25 All right.

1 MR. SNYDER: Also in Exhibit 7, which is
2 a call log, I show basically line 1 at the top there
3 on the first page shows a rejection in the note
4 section. It says, "A76-Account not found." Two
5 lines down, the exact same entry for another date
6 after --

7 EXAMINER LYNN: Help me out exactly where
8 you're reading from on Exhibit 7.

9 MR. SNYDER: Basically right here.

10 EXAMINER LYNN: You are talking about the
11 very first entry, so to speak, where it says,
12 "Customer called to advise that he received a letter
13 of rejection"?

14 MR. SNYDER: If you look at the date,
15 that date coincided with my initial Internet
16 enrollment application, 5/24. It was two days after
17 I submitted my Internet enrollment application.

18 EXAMINER LYNN: Let's back up a minute.
19 You're talking about the very first line, very first
20 line, where it says "Account not found."

21 MR. SNYDER: Right.

22 EXAMINER LYNN: That indicates a start
23 date of May 24, 2013, and end date of May 24, 2013.

24 MR. SNYDER: Right. You also notice in
25 line 3, which shows a later start and end date,

1 another entry where "Account not found," which
2 implies to me there were at least two submissions to
3 someone, Duke, DP&L, who knows, that the account was
4 rejected because it wasn't found.

5 EXAMINER LYNN: Okay. And your point in
6 bringing that up is?

7 MR. SNYDER: My enrollment was
8 resubmitted after that Steve Hogan conversation,
9 which means there was contact with the utility.

10 EXAMINER LYNN: You're indicating this is
11 proof that the account was resubmitted?

12 MR. SNYDER: Correct.

13 EXAMINER LYNN: Even though you explained
14 everything you explained to Mr. Hogan?

15 MR. SNYDER: Yes.

16 EXAMINER LYNN: All right.

17 MR. SNYDER: There's another piece of
18 data to go along with that, and the Internet
19 enrollments, which this is a continuation of,
20 clarification of, there's time lines in the Ohio
21 Revised Code for submitting those things, I guess
22 three days basically, and then response time from the
23 utility back is a fairly short time frame, basically,
24 in the code from the time you submit until you get a
25 response back.

1 Exhibit 10 here, this is the second set
2 of discovery questions and responses and supplemental
3 data.

4 EXAMINER LYNN: This will be Snyder
5 Exhibit 10, the additional responses to your
6 discovery.

7 MR. SNYDER: This is my second discovery
8 request and responses.

9 EXAMINER LYNN: All right.

10 MR. SNYDER: If you go to the Request for
11 Admission 2, which is the third page, page 3.

12 EXAMINER LYNN: Request for Production 2?

13 MR. SNYDER: Request for Admission.

14 EXAMINER LYNN: Okay, page 3 of Snyder
15 Exhibit 10.

16 MR. SNYDER: I asked whether or not they
17 had to follow up with the supplier of electric
18 service to try and resolve it and they said no.

19 EXAMINER LYNN: So your point in
20 mentioning that is after you called in response to
21 your letter -- let me know if I am understanding this
22 correctly. You called in response to FES's letter
23 they were having difficulty with your enrollment.

24 MR. SNYDER: Uh-huh.

25 EXAMINER LYNN: You're indicating that

1 from your perspective, FES had to, you're indicating,
2 follow up, which means to try to find out what the
3 cause of the difficulty was in the enrollment?

4 MR. SNYDER: Well, they told me they were
5 going to -- Steve, who was called there, said he was
6 going to resubmit the enrollment. To me that means
7 back to the utility.

8 EXAMINER LYNN: And you're saying that
9 from your perspective that never occurred?

10 MR. SNYDER: I don't know if it did or
11 not, but there's data to show, which I just went
12 through here, there's a second rejection. There's
13 the e-mail from Kelly Mabra. There's some other
14 references saying that it did happen.

15 EXAMINER LYNN: You say other data here,
16 you are referring to this Snyder Exhibit 7, those two
17 lines on the first page saying "Account not found"?

18 MR. SNYDER: Correct.

19 EXAMINER LYNN: So am I correct you're
20 trying to point out an inconsistency here or
21 something; is that it?

22 MR. SNYDER: Well, that and the fact this
23 was a complaint.

24 MR. CASTO: Your honor. Objection.
25 Obviously, there's some confusion on the part of

1 Mr. Snyder in the terminology, which is noted in the
2 objection, which is vague. What the supplier of
3 electric service might mean to Mr. Snyder is very
4 different than what it means in the context of a
5 complaint, which is why the objection was made.

6 EXAMINER LYNN: I see. Supplier from
7 your perspective is?

8 MR. CASTO: FES, meaning FES would have
9 to follow up with itself.

10 EXAMINER LYNN: All right.

11 MR. SNYDER: Those words are straight out
12 of the Ohio Revised Code, so if that's vague, that's
13 back on you.

14 EXAMINER LYNN: All right. Please
15 continue then.

16 MR. SNYDER: As a complaint, and we rule
17 it as a complaint, then it requires certain status
18 reports to be provided back to me as to -- basically
19 there was a two-month gap where I had no idea what
20 the status was. That's why I believe this applies as
21 a complaint because, otherwise, anyone could sit out
22 there for two months not knowing -- you know, I was
23 told it was going to be resubmitted. I was told I
24 was going to be enrolled, but I heard nothing back.

25 If it is not considered a complaint,

1 there's a much bigger problem with the Public
2 Utilities Commission rules because this could happen
3 to anyone and you would wait forever and never hear
4 back. I mean, it supports the problems, I guess,
5 that continue to happen.

6 EXAMINER LYNN: All right.

7 MR. SNYDER: And that, again, a two-month
8 gap is an issue because basically during that
9 two-month gap I didn't have the right to choose,
10 which supposedly I do, an electric service provider.
11 I was locked up to them until they told me were they
12 going to enroll me or were they not? The termination
13 here applied or did it not?

14 EXAMINER LYNN: Uh-huh.

15 MR. SNYDER: This is to show there was a
16 termination fee. I have a copy at the bottom down
17 here. It shows where there is a \$100 termination
18 fee.

19 EXAMINER LYNN: This is Snyder Exhibit
20 11. It says FirstEnergy Solutions, Residential Terms
21 and Conditions.

22 Mr. Snyder, this is something that you
23 obtained from the FES website, the Commission
24 website?

25 MR. SNYDER: They sent it to me after the

1 first -- after the Internet enrollment.

2 EXAMINER LYNN: I see. That is after you
3 submitted your application this came back to you; is
4 that it?

5 MR. SNYDER: Correct.

6 EXAMINER LYNN: This came back to you, I
7 assume, before you were notified there was a problem
8 with the enrollment?

9 MR. SNYDER: Yes, I believe so.

10 EXAMINER LYNN: All right. You wanted to
11 point out that there is a termination fee. And what
12 paragraph is that?

13 MR. SNYDER: It's No. 6 at the very
14 bottom of that.

15 EXAMINER LYNN: Okay. What you are
16 indicating then is, if I follow you correctly, you
17 submitted the application, and from their
18 perspective, until you got some definite indication
19 from FES where you stood, you felt you really
20 couldn't move on to any other source of electricity
21 because of this termination fee?

22 MR. SNYDER: Correct.

23 EXAMINER LYNN: All right.

24 MR. SNYDER: Like I said, if something
25 that Steve Hogan said in his recording is in error,

1 then I should have been notified in a timely manner
2 so I could have picked another provider, gone on with
3 another offer somewhere. But without any
4 notification, there was a problem, and with the
5 recorded conversation, you know, that you heard, I
6 believe service would start with FirstEnergy
7 Solutions June 20. Instead, they didn't inform me
8 there were any problems, didn't start service, and
9 during that time did not give me a choice of signing
10 up for electricity service with another provider.

11 And I believed, per the conversation with
12 Steve, that the contract was in place based on what
13 he said, the rates of service he quoted, I took him
14 at his word, were what he was reenrolling me for.

15 Now, if Steve made an error in that 5.36
16 cents for three years for a DP&L customer, then where
17 is the FirstEnergy Solutions admission of that? I
18 haven't seen it. They've never said that was an
19 error.

20 And, again, I wasn't informed of the
21 enrollment status following the conversation with
22 Steve Hogan and the subsequent rejection of that
23 enrollment, which is shown on Exhibit 7. And even
24 then, why wasn't my enrollment submitted to DP&L like
25 Steve said it would be? One of those three should

1 have happened. That's my point. But none of that
2 happened.

3 Next, if you look back at Exhibit 6, the
4 electric bill, it shows on there that the electric
5 provider was still listed as Duke Energy Retail, so
6 it hadn't been switched, again, as Steve Hogan
7 implied it would be. I didn't receive calls or
8 letters or anything saying there was any problem.

9 EXAMINER LYNN: For the record, Exhibit 6
10 indicates the service period for this bill is June 20
11 to July 23 of that year, 2013.

12 MR. SNYDER: Again, if it was ruled it
13 was a complaint, then I should have gotten some kind
14 of status report during that two months. I did do a
15 discovery request, which is in the first Exhibit 8
16 request for production to provide all the
17 documentation that they sent to me and to the Public
18 Utilities Commission, and if you look through that,
19 none of that was sent in that intervening two-month
20 time frame. There's nothing there.

21 Now we are up to the two months after the
22 call to Steve, I get that bill, and because it
23 doesn't say FirstEnergy at that rate, I contacted
24 them on July 29 to find out what the problem was.

25 EXAMINER LYNN: You are indicating "that

1 bill." That's Snyder Exhibit 6?

2 MR. SNYDER: Correct.

3 EXAMINER LYNN: Okay.

4 MR. SNYDER: So now let's listen to that
5 recorded phone conversation.

6 EXAMINER LYNN: This call you made after
7 receiving the bill that is Snyder Exhibit 6, and you
8 were calling because it still indicates Duke Energy
9 Retail Sales as the source of your electricity?

10 MR. SNYDER: Correct. I also want to
11 point out this -- the Public Utilities Commission
12 through Kelly Mabra, requested all the recordings
13 between me and FirstEnergy Solutions. As a
14 discovery, I requested the same info. This morning
15 you gave me the copies of what you received, and
16 there were four fewer recordings on your CDs versus
17 mine.

18 EXAMINER LYNN: Okay.

19 MR. SNYDER: The request was the same,
20 provide all recordings. This is one of those
21 recordings that is not on your CDs.

22 EXAMINER LYNN: All right. Let's listen
23 to the part you want us to hear then.

24 (Disk 1, Track 1, p. 166.)

25 EXAMINER LYNN: Mr. Snyder, on your

1 Exhibit 1, where is that phone call? I was trying to
2 find it. What is the date of that call?

3 MR. SNYDER: This is July 29.

4 EXAMINER LYNN: I see, all right. Thank
5 you.

6 MR. SNYDER: I initiated the call. This
7 is the first kind of report from FirstEnergy
8 Solutions on what they felt the issue was, and I
9 disputed that report because we discussed I thought
10 account numbers before and got that resolved.

11 She said she will monitor the account and
12 get back with me if there were any problems, but that
13 didn't happen.

14 In the rules there's a thing about
15 disputing reports, especially since I was given a
16 confirmation number, which I thought logged this as a
17 complaint officially. Even if the other one wasn't,
18 that one should have. So they should have informed
19 me that Public Utilities Commission staff were there
20 to help me out to resolve informal complaints.

21 That's 4901:1-21-08(B)(5). So that shows again that
22 FirstEnergy Solutions has an obligation to make a
23 good-faith effort to resolve issues, and, obviously,
24 a two-month gap isn't a good-faith effort.

25 I don't know if she referred back to the

1 phone call, but I definitely brought it up on
2 May 31 about what was discussed then. I would have
3 thought someone would go back and look at notes, but
4 I don't see any notes. Again, I don't control that,
5 but there's nothing in there on that call.

6 MS. McBRIDE: I'm sorry, Mr. Snyder, but
7 when you said there's nothing there about that call,
8 what are you referring to? You looked like you were
9 holding a document.

10 MR. SNYDER: Exhibit 7.

11 EXAMINER LYNN: You were talking about
12 Snyder Exhibit 7?

13 MR. SNYDER: There is a note for 5/31,
14 but really there's not much there. We discussed the
15 account number, but we also discussed utilities, and,
16 that's not in there.

17 EXAMINER LYNN: You say "utilities" as
18 in?

19 MR. SNYDER: Well, DP&L we discussed
20 extensively on that call.

21 EXAMINER LYNN: And you are referring to
22 "that call" as May 31?

23 MR. SNYDER: Correct.

24 EXAMINER LYNN: Okay.

25 MR. SNYDER: The two-month gap, there

1 should have been -- I believe should have been some
2 contact if there was an issue, or if my re-enrollment
3 wasn't submitted or if the enrollment was denied, I
4 should have been notified of something.

5 We also noticed -- this will come up
6 later -- but I pronounced my wife's name and spelled
7 it for her, but at this time, apparently in the
8 records, it will pop up later, she misspelled it into
9 the FirstEnergy Solutions database. That's later
10 used as a reason why it was rejected again.

11 EXAMINER LYNN: When you say "she
12 misspelled it," you mean?

13 MR. SNYDER: Ms. Deborah Ison, who was on
14 that call. So this is basically 59 days since I was
15 talking to Steve, and this is the first instance I
16 had or knowledge I had there was any issue at all.
17 We discussed that I believe there is five-day-report
18 time lines required in the Ohio Revised Code and they
19 are to prevent stuff like this from happening, things
20 going on for two months without any response, any
21 issues. And, again, it denied me the choice of
22 picking someone else while it was hanging out there
23 and I was told it was going to be reenrolled, and it
24 didn't happen.

25 So I hadn't received any status report

1 for seven days. That's when I made this next phone
2 call. Even though I said, after disagreeing or a
3 complaint, five days is what is required. So I
4 called them again on August 5 and spoke to Tuniqua
5 Jennings, which is next one we will listen to. It
6 was initially like I hadn't spoken to anyone else.
7 Again, you will see that theme here. You got to
8 repeat everything. Eventually she did go back and
9 read the notes, I believe, but she did not listen to
10 the Steve Hogan recording, or no one, apparently, had
11 listened to it, and this call log doesn't imply
12 anyone had listened to that recording, even though I
13 brought it up several times now.

14 This is one that again where FirstEnergy
15 Solutions had submitted several documents saying that
16 during this call I was informed that the 5.36 per
17 kilowatt for three years was only available to Duke
18 Energy customers. If you listen to that, it just
19 says that that offer expired, not that it wasn't
20 available to DP&L customers. We will listen to that
21 now.

22 MS. McBRIDE: Can we go off the record
23 briefly?

24 EXAMINER LYNN: Off the record for a
25 moment.

1 (Discussion off record.)

2 EXAMINER LYNN: Mr. Snyder is going to
3 play a recording that was made on August 9,
4 apparently.

5 MR. SNYDER: August 5.

6 EXAMINER LYNN: Okay, 5. Okay. You are
7 calling FES?

8 MR. SNYDER: Correct.

9 EXAMINER LYNN: All right.

10 (Disk 2, Track 1. p. 174.)

11 MR. SNYDER: I think you heard that. The
12 first instance where they inform me the rate I
13 applied for was allegedly expired, not that it wasn't
14 available to a DP&L. We can go back and point out
15 the two -- I made reference to them before. They
16 have offered testimony saying that that was -- I was
17 told during that call that Duke Energy -- it was a
18 Duke Energy-only offer, and that didn't come up at
19 all.

20 MS. McBRIDE: Objection, your Honor. We
21 say the call speaks for itself.

22 EXAMINER LYNN: We will let the call
23 stand and speak for itself.

24 MR. SNYDER: I don't know what that
25 means.

1 EXAMINER LYNN: Well, basically, whatever
2 your interpretation may be, we will take the words of
3 the call as they are.

4 Now, was there anything else you wanted
5 to add to that particular call?

6 MR. SNYDER: They did offer me the offer
7 of the 5.94 rate for three years, and I declined
8 that.

9 EXAMINER LYNN: During that call, you
10 say?

11 MR. SNYDER: Yes. And that will be
12 important later on. I referenced this recording.
13 They said they would try tracking it down. It is
14 important to note they said they would call back in
15 48 hours before August 8. That didn't happen.

16 EXAMINER LYNN: All right. Anything else
17 you wanted to add to that particular call,
18 Mr. Snyder?

19 MR. SNYDER: No.

20 EXAMINER LYNN: Off the record for a
21 minute, please.

22 (Discussion off record.)

23 EXAMINER LYNN: Mr. Snyder, you indicated
24 you are moving on to another recording; am I right?

25 MR. SNYDER: Correct. The previous one

1 ended with them saying they would call me back within
2 48 hours.

3 EXAMINER LYNN: Okay. And this is, you
4 are indicating, the August 9 I assume.

5 MR. SNYDER: The August 9, correct.

6 EXAMINER LYNN: This would be CD-1, Track
7 5 you are going to first. We will take our break
8 then.

9 MR. SNYDER: Again, he said 48 hours
10 before August 8. I waited until after August 8,
11 August 9, to make this phone call because they hadn't
12 met either of those deadlines to get back with me.

13 When I called, it was like I hadn't
14 spoken to anyone else before, which again questions
15 the good-faith effort that they're putting forth to
16 resolve this because the process is repeating itself
17 over and over.

18 Initially the call was taken by Lisa
19 Manes and then I was transferred during the same call
20 to Kim Dolly. She initially says my enrollment was
21 rejected because of the misspelling of my wife's
22 name. Again, that was mistyped by Deborah Ison, a
23 FirstEnergy Solutions person, and also confirms my
24 enrollment was resubmitted because how could it be
25 rejected with my misspelled wife's name unless it was

1 resubmitted.

2 EXAMINER LYNN: All right.

3 MR. SNYDER: There were a series of
4 calls. You can tell my patience is wearing a little
5 thin, especially the last one being on hold for the
6 last half hour. I apologize for being a little
7 sarcastic and abrupt in these three calls.

8 EXAMINER LYNN: Let's play the first one,
9 and then we will take our break.

10 (Disk 1, Track 5, p. 188.)

11 MR. SNYDER: The only discrepancy noted
12 there, if you go back to -- she said she worked for
13 FirstEnergy, but the data provided through the
14 discovery process shows she doesn't work for
15 FirstEnergy. She works for some other subsidiary or
16 something.

17 EXAMINER LYNN: Anything else you want to
18 add to that call, Mr. Snyder? Any other comments?

19 MR. SNYDER: No, not at this time.

20 EXAMINER LYNN: All right. Off the
21 record.

22 (At 11:33 a.m. a lunch recess was taken
23 until 12:30 p.m.)

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Monday Afternoon Session,
August 18, 2014.

- - -

EXAMINER LYNN: Back on the record.

Mr. Snyder, if you would resume your
place on the witness stand. Thank you.

MR. SNYDER: Okay.

EXAMINER LYNN: Please go ahead.

MR. SNYDER: The one we listened to
before lunch and the next two were not provided to
the Public Utilities Commission, even though you
requested them. As far as I know, they were just
provided to me.

MS. McBRIDE: Objection, your Honor.

EXAMINER LYNN: Well, we will agree with
that objection. The main thing is you have them, and
was there any comments you wanted to make going into
this Track 6 on CD-1?

MR. SNYDER: This is just a brief call
to -- the last phone call I left my cell phone
number, and they called my house instead. My wife
answered. There was a question whether or not I had
authority to speak for the account. This answers
that.

EXAMINER LYNN: Okay. I see. The Track

1 is four minutes.

2 MR. SNYDER: Correct.

3 EXAMINER LYNN: Do you want to play that
4 one now?

5 MR. SNYDER: Sure.

6 (Disk 1, Track 6, p. 202.)

7 MR. SNYDER: The next one is her then
8 calling me on my cell phone, and this is the first
9 time -- that last one was the first time anyone from
10 FirstEnergy Solutions called and contacted me. And
11 the next one is the first time I get informed it was
12 a Duke-only offer, supposedly, allegedly, versus
13 DP&L.

14 EXAMINER LYNN: All right. The next
15 call, is that one an FES call?

16 MR. SNYDER: Correct, FES called me on my
17 cell phone, right.

18 (Disk 1, Track 7, p. 206.)

19 MR. SNYDER: So, again, that was the
20 first time I was informed it was supposedly Duke
21 Energy only.

22 MR. CASTO: Objection, your Honor.

23 EXAMINER LYNN: First, could you repeat
24 that?

25 MR. SNYDER: That was the first time I

1 was informed, supposedly, it was allegedly a Duke
2 Energy-only offer.

3 MR. CASTO: Again, objection, your Honor,
4 again, mischaracterization of the phone call. Object
5 to the irrelevant testimony from Mr. Snyder.

6 EXAMINER LYNN: Well, I'll review the
7 record, the transcript, when it comes in and weigh
8 that objection accordingly.

9 Thank you.

10 Mr. Snyder, we have gone through CD-1,
11 all the tracks you wanted to play from that?

12 MR. SNYDER: No, there's still tracks on
13 CD-1.

14 EXAMINER LYNN: Just a minute, please.
15 You indicated on your time line here CD-1, Tracks 5,
16 6 and 7.

17 MR. SNYDER: For the 9 August date.

18 EXAMINER LYNN: Okay, fine. You are
19 indicating you have some other tracks to play.

20 MR. SNYDER: Correct.

21 EXAMINER LYNN: And from your time line,
22 this is Mr. Maurer?

23 MR. SNYDER: Correct.

24 EXAMINER LYNN: What do these tracks
25 indicate then?

1 MR. SNYDER: This is the slamming
2 complaint issues.

3 EXAMINER LYNN: I see.

4 MR. SNYDER: Supposedly -- I can go
5 through it all.

6 EXAMINER LYNN: Okay. So do all three of
7 the tracks address that issue?

8 MR. SNYDER: Yes.

9 EXAMINER LYNN: Okay, let's go.

10 MR. SNYDER: The next I have filed an
11 informal complaint at that point and got a note from
12 Kelly Mabra saying I filed it.

13 EXAMINER LYNN: That's Exhibit 15 here,
14 Exhibit 15 indicating he contacted our investigation
15 office.

16 MR. SNYDER: I wanted to print of a copy
17 of Ohio Revised Code 4901:1-21-08(B) (5), but through
18 the process I was informed that the Public Utilities
19 Commission staff was available to help with the
20 informal complaint at least four other times prior to
21 me actually filing it. Instead I had to go dig in
22 the rules, find the number, and do that by this date,
23 so...

24 EXAMINER LYNN: All right. Please
25 continue.

1 MR. SNYDER: After this, Fred Maurer
2 called me on August 16. It had been seven days since
3 my last conversation, which we just listened to.
4 Again, it didn't meet the five-day reporting
5 requirement.

6 Fred and I had a brief conversation, and
7 it will be obvious, once you hear it, that he hadn't
8 looked at any notes or hadn't talked to any of the
9 other folks I previously talked to. It was starting
10 from scratch. Fred said he would give me the rate I
11 applied for, the 5.36 cent per kilowatt-hour for
12 three years. It shows that they weren't putting
13 forth a good-faith effort to resolve this, because if
14 they were, they would have looked back at the
15 history, read it, at least given me the same status
16 report that I had gotten before.

17 Let's see. It's easier for me to list
18 afterwards because there were some requests for
19 admission where -- about proof of consent to change
20 service, and there was a request for admission
21 specifically for the -- the answers for the proof of
22 that point to these three recordings because my
23 service was changed on this date, if you look at that
24 call log on --

25 EXAMINER LYNN: You are referring to

1 Exhibit 7?

2 MR. SNYDER: Exhibit 7, correct, for
3 August 16, would be the second page, third one down
4 on the left-hand side, that's when Frederick Maurer
5 enrolled me.

6 EXAMINER LYNN: Mr. Snyder is referring
7 to Exhibit 7, second page, third entry on the left
8 side, it says "Enrollment."

9 MR. SNYDER: Afterwards I'll go back to
10 the discovery where they say this, but for now, we
11 will listen to the first recording.

12 EXAMINER LYNN: Mr. Snyder, from the one
13 recording you can lead immediately into the next one
14 and so forth.

15 MR. SNYDER: I probably can for these.
16 This is CD-1, Track 3.

17 (Disk 1, track 3, p. 216)

18 The next one is on CD-2, Track 2. This
19 is when he calls me back after that break.

20 (Disk 2, Track 2, p. 217)

21 MR. SNYDER: That's the second call. He
22 called me back later again that same day, the next
23 one we listen to, but at the end of that one, the
24 agreement was 5.36 for three years, at least through
25 June 2016.

1 The next one is CD-1, Track 2.

2 EXAMINER LYNN: What does this call
3 indicate?

4 MR. SNYDER: Again, one of these three
5 they've quoted as evidence they had my consent to
6 change. They all happened on the 16th, but they
7 pointed to all of these. Since the enrollment
8 happened on the 16th, it had to be one of the three
9 calls.

10 EXAMINER LYNN: All right.

11 (Disk 1, Track 2, p. 225.)

12 MR. SNYDER: So, again, there was no
13 agreement to anything there. I think that's very
14 clear. To point out a couple things here,
15 regardless, like I said, on the 16th sometime I
16 wasn't agreeing to that rate.

17 EXAMINER LYNN: When you say "that rate,"
18 which rate, Mr. Snyder?

19 MR. SNYDER: If I can go down through
20 here, if we can just follow the time line, it's 5.94,
21 is what they enrolled me in, and I have the
22 documentation to prove that.

23 So, I mean, for an enrollment like this
24 there's some pretty strict requirements, and rightly
25 so. You don't want one of these consumer competitive

1 residential electric providers changing service
2 without the customer's consent, so the rules were
3 written fairly strictly as far as what requirements
4 have to be met for telephone enrollment, Internet
5 enrollment, or in-person representative.

6 So the recordings you listened to were
7 the only things recorded that day on the 16th, but in
8 the -- we will get eventually to the exhibits for the
9 discovery process when I asked for that, and they
10 point to those recordings.

11 So they didn't make the recordings
12 because those conversations never took place where I
13 gave consent, especially being notified the
14 conversation was being recorded, on and on. I can go
15 through all the rules. I didn't think you guys
16 wanted me to do that. It's the whole 4901, the whole
17 slamming complaint section, 4901:1-21-06, and it's
18 basically D, section D for telephone enrollment.
19 None of those -- I would read them all, but none of
20 those requirements were met, starting with telling me
21 the conversation is being recorded.

22 EXAMINER LYNN: All right.

23 MR. SNYDER: So in addition to that, Fred
24 also submitted a letter, Frederick Maurer, to the
25 Public Utilities Commission, and a copy is here, and

1 that's Exhibit 17.

2 EXAMINER LYNN: What is marked Exhibit 17
3 is a letter to Kelly Mabra from Frederick Maurer from
4 FirstEnergy Solutions. It starts towards the bottom,
5 "I spoke with Mr. Snyder on August 16, 2013, and
6 advised him that the enrollment will now be sent to
7 DPL" at that rate, not that he had consent, not that
8 he advised me. And two lines down it says I was
9 satisfied, and that's a complete fabrication on the
10 part of FirstEnergy.

11 Again, I haven't seen any evidence to
12 support this is factual. I wasn't even advised that
13 they were going to enroll me, and you heard the
14 conversation. I wasn't advised that was going to
15 happen. All that is, obviously, a violation of
16 4901:1-21-08(B)(7), which requires a good-faith
17 effort to resolve disputes, and putting me in a rate
18 I didn't agree to isn't a good-faith effort to
19 resolve disputes.

20 Now, getting into what you were asking
21 about, on August 19 I received the next exhibit, 18.

22 EXAMINER LYNN: Snyder Exhibit 18 is a
23 letter from Stephen Reifsnnyder concerning the
24 enrollment of a rate of 5.94 per kilowatt-hour, a
25 letter from FirstEnergy Solutions.

1 MR. SNYDER: Again, I did not agree to
2 that rate or the term, and on that same day I sent
3 this e-mail off to Frederick Maurer and to the Public
4 Utilities Commission saying that I didn't agree to
5 this.

6 I will just note one of my discovery
7 requests, Exhibit 8, Request for Production 9, I
8 asked FirstEnergy to send me all the e-mails and
9 correspondence I sent to them, and that was not
10 included in the discovery response, again, showing a
11 lack of good-faith effort during the discovery
12 process.

13 So according to 4901:1-21-08(C) (2) (a),
14 the start of slamming allegations required action on
15 the part of FirstEnergy Solutions, and part of that
16 is to provide the Public Utilities Commission staff
17 and me with a copy of the enrollment information
18 within five calendar days.

19 That's under what we just discussed, the
20 4901:1-21-04(C) and 4901:1-21-08(C) (2) (a). That
21 still has not been done to this date. So
22 4901:1-21-08(C) (4) (e) requires FirstEnergy Solutions
23 after a slamming complaint to provide the audio
24 recording that meet the requirements of 4901:1-21-06,
25 and since no recording has ever been provided meeting

1 these requirements, the rule hasn't been met.

2 In addition it says, FirstEnergy
3 Solutions is required to cooperate with the Public
4 Utilities Commission staff in a slamming
5 investigation according to 4901:1-21-08 (C) (2) (c).
6 In not providing these records within the five days
7 required by the rules isn't cooperating with the
8 Public Utilities Commission staff.

9 And then the noncooperation continued
10 when the staff, Kelly Mabra, officially requested
11 these records again on October 2, and they still
12 weren't provided within five days.

13 And, again, the 4901:1-21-08 (C) (2) (b)
14 requires that FirstEnergy Solutions after a slamming
15 complaint refer me to the Public Utilities Commission
16 staff, and that wasn't done either.

17 MS. McBRIDE: Your Honor, I apologize.
18 We are getting into the area where he is testifying
19 as to what communications FES had with staff, and I
20 think that's not only hearsay, but he has absolutely
21 no foundation to testify what information was
22 exchanged between FES and staff.

23 EXAMINER LYNN: Mr. Snyder, I assume you
24 don't have anyone from staff or submitted testimony
25 from them concerning that communication between FES

1 and staff, so I think Ms. McBride has a legitimate
2 objection there. Nonetheless, please continue.

3 MR. SNYDER: They should have called them
4 as a witness. I don't know. But as one of the
5 discovery requests, I asked for all correspondence
6 between not only me, between the staff, and I
7 received nothing. It's based on that.

8 MR. CASTO: Again, objection. Mr. Snyder
9 conveniently overlooks the objections located in the
10 discovery responses.

11 EXAMINER LYNN: Well, not having the time
12 to go through all the discovery responses right now,
13 I will take that into account, but I will not
14 necessarily agree with it.

15 Go ahead.

16 MR. SNYDER: I think you know slamming is
17 one of the more serious issues contained in the code
18 and why it has its own. It is also significant to
19 note that's one of the few places where, after only
20 an allegation, it requires an action on the part of
21 the provider, and the burden of proof is placed on
22 them, unlike most of the rest of the code, to provide
23 the proof that consent was given and specific consent
24 at that.

25 Again, Exhibit 8, which is a discovery

1 response, section Admission 5, page 2, right in the
2 front at the bottom.

3 EXAMINER LYNN: Direct me again which
4 page?

5 MR. SNYDER: The first page in. It's
6 Request for Admission No. 5, I asked to admit that
7 Mr. Maurer did not have permission to -- I'll read
8 it. Request for Admission No. 5, "Admit that Bruce
9 Snyder did not give Frederick S. Maurer permission to
10 enroll him for service with FirstEnergy Solutions in
11 August 2013."

12 The response is, "Denied." And there was
13 no additional explanation initially when it was
14 required per the instructions, so I e-mailed back
15 that required a more detailed response than just
16 "denied." If you look back, that's the e-mail right
17 after that, so five pages back.

18 EXAMINER LYNN: Five pages beyond where
19 we were just reading?

20 MR. SNYDER: Correct. This is the
21 supplemental response that I received, and it still
22 says "Denied," but now it says, "Mr. Snyder gave
23 Frederick S. Maurer permission to enroll him" in
24 August.

25 EXAMINER LYNN: Mr. Snyder, you lost me

1 on where you are.

2 MR. SNYDER: There's no page number. I'm
3 at the e-mail attachment.

4 EXAMINER LYNN: Mr. Snyder is referring
5 to Exhibit 8, the letter dated December 2 to him from
6 FES.

7 MR. SNYDER: Supplemental response to
8 Admission 5.

9 EXAMINER LYNN: Supplemental response
10 indicating you gave Fred Maurer permission to enroll
11 you with FES in August 2013. All right.

12 MR. SNYDER: Again, that's a fabrication.
13 It didn't happen. And also Exhibit 8, production
14 6 --

15 MS. McBRIDE: Your Honor, to the extent
16 we are going down the path of reestablishing
17 something that Mr. Snyder has already testified to, I
18 would object as duplicative and not proper to read
19 responses to Request for Production.

20 EXAMINER LYNN: Mr. Snyder, so basically
21 you are pointing to another page that indicates you
22 wanted to be enrolled at the higher rate, and you're
23 saying you never gave the authorization to do so.

24 MR. SNYDER: Correct. I never gave
25 permission when they did enroll me.

1 EXAMINER LYNN: Well, then, we will let
2 that stand, through the recordings as well as this
3 document here.

4 MR. SNYDER: But this piece is important.

5 EXAMINER LYNN: Which page?

6 MR. SNYDER: Request for Production
7 No. 6, they specifically point out where we can find
8 that data where they have my permission.

9 EXAMINER LYNN: What page is this again?

10 MR. SNYDER: This is page 7 at the
11 bottom, Request for Production.

12 EXAMINER LYNN: How about start with the
13 first page and tell me how pages you're flipping
14 back.

15 MR. SNYDER: The 14th page back.

16 EXAMINER LYNN: Which question is this?

17 MR. SNYDER: Request for production
18 No. 6.

19 EXAMINER LYNN: I see. I understand.

20 MR. SNYDER: So I asked where can I find
21 the evidence of the proof of consent, and they say
22 it's in the recordings -- which we've listened to all
23 of them now -- and the enclosures, of which you all
24 have everything that I received in Discovery 1 and 2.

25 EXAMINER LYNN: All right.

1 MR. SNYDER: I asked the question another
2 way in discovery, too, and got the same answer but
3 just know there's a similar -- I specifically refer
4 to the Ohio Revised Code Sections that involve
5 slamming. Again, based upon that response and the
6 fact that it doesn't contain the proof that's
7 required by the Ohio Revised Code, I think these
8 admissions are completely false or wrong and that's a
9 violation of 4901:1-22(E).

10 In addition to that, the Ohio Revised
11 Code for someone who has a slamming complaint, it
12 provides some protection to the folks that have been
13 slammed, but to this date I've received none of those
14 protections, and none of those things have been
15 extended to me. Just wanted to make that point.

16 Now we are up to August 20. I received
17 the notification from FirstEnergy Solutions that I
18 had been signed up for 5.94 cents per kilowatt-hour
19 for three years. I e-mailed them back, and then I
20 followed up on the next day, August 20, with a phone
21 call to both the Public Utilities Commission, Kelly
22 Mabra, and to Mr. Maurer. That call is documented in
23 that call log in Exhibit 7. That's the second page,
24 two-thirds of the way down. It says "Cancel
25 Enrollment."

1 EXAMINER LYNN: Snyder Exhibit 7, second
2 page.

3 MR. SNYDER: Now, all the previous calls
4 I had with FirstEnergy Solutions were recorded. From
5 that point forward, nothing was recorded. That's
6 what they told me, and I haven't received anything
7 beyond that.

8 The next, which is Exhibit 20, is a
9 letter I received dated August 20 from DP&L saying my
10 service was being switched to FirstEnergy Solutions
11 at that rate, that I was being switched.

12 So I called DP&L. You see my writing on
13 there. I talked to a Trace to cancel the service. I
14 did ask at the time did anyone from FirstEnergy
15 Solutions call to cancel. They said "No, you're the
16 first one that called to do that."

17 EXAMINER LYNN: You're indicating when
18 you received word that you had been switched to that
19 5.94, you contacted FES about it?

20 MR. SNYDER: Correct.

21 EXAMINER LYNN: I see.

22 MR. SNYDER: Even after that I received
23 this letter from DP&L saying it was still going
24 through.

25 EXAMINER LYNN: I see.

1 MR. SNYDER: Now I had to call them as
2 well.

3 Next I got a call from Rebecca Pastier,
4 FirstEnergy Solutions, and in addition to that call,
5 then at that point I wasn't going to do much of
6 anything else over the phone so I wanted to deal via
7 e-mail, so they e-mailed me on September 9, and this
8 is a series of e-mails that I will refer to starting
9 on September 9 going to September 18. Just the way
10 it prints, the oldest ones are in the back. The
11 newest ones in the front.

12 EXAMINER LYNN: Exhibit 21, these are
13 e-mails to Mr. Snyder from Rebecca Pastier.

14 MR. SNYDER: From September 9 when she
15 called me, that was 17 days from the last time I
16 talked to Fred. This doesn't meet the five-day
17 reporting requirements. She offered in here to pay
18 for the lost savings, again, if I provided copies of
19 the past electric bills.

20 MS. McBRIDE: Your Honor, again, getting
21 into settlement discussions. I'm not sure there is
22 any point to these e-mails other than to reflect
23 settlement discussion as it relates to his claims, so
24 I would move to strike or deny the admission of
25 Exhibit 21.

1 EXAMINER LYNN: Mr. Snyder.

2 MR. SNYDER: I disagree. Again, it
3 points out they were being evasive in answering the
4 question on what these recordings with Steve Hogan
5 contained.

6 EXAMINER LYNN: We will take into account
7 what both parties have had to say upon review of the
8 records, but we will let this stand for the time
9 being. Certainly anything that concerns strictly
10 settlement discussions will not be admissible here.

11 MR. SNYDER: That's fine.

12 Again, we discussed the recordings. She
13 finally did listen to them. That's the first time
14 anyone I was aware of that actually listened to them
15 and admitted listening to the recordings from Steve
16 Hogan. And, again, she was evasive in answering the
17 questions I asked three times. Did it say I was a
18 DP&L customer, knowing that they offered that rate,
19 and finally she said yes.

20 Again, I asked her to send copies of that
21 recording to myself and to the Public Utilities
22 Commission. She said yes and then again backed out,
23 sending it to me, but didn't send it to Kelly Mabra.
24 The evasiveness is, again, a lack of a good-faith
25 effort to try to resolve this.

1 In addition, the next one is
2 September 17. Again, through the discovery process I
3 received an e-mail from the Public Utilities
4 Commission to FirstEnergy Solutions. It's from -- I
5 believe Kelly Mabra sent this to them. If you look
6 at the second page, the start of that first paragraph
7 it requests FirstEnergy Solutions send the recordings
8 to me in addition to the Public Utilities Commission,
9 and I never received anything so I'm assuming that
10 was ignored.

11 There is also September 17 letter from
12 Rebecca Pastier to Kelly Mabra of the Public
13 Utilities Commission, Exhibit 23. On paragraph 6
14 down there, where it starts, "FES offered Mr. Snyder
15 a rate of \$0.0594 which he declined," on
16 September 17 they admit I declined that offer, which,
17 again, goes to prove I wouldn't accept that offer a
18 couple days later when Fred offered me the same
19 thing.

20 There also is that same error that I've
21 been discussing in the previous paragraph,
22 "Mr. Snyder called the FES contact center on
23 August 5, 2013," and that I was advised that was a
24 Duke Energy-only offer, and we listened to the
25 recording on that, but there is no indication I was

1 informed on August 5 and I do not that believe I was.

2 Next is the -- this is a copy of an
3 e-mail from Kelly Mabra to me, Exhibit 24. So,
4 again, after the slamming allegation that I made in
5 the e-mail an August 19, I expected the Public
6 Utilities Commission to respond as required under the
7 Ohio Revised Code and help me obtain the consent in
8 the recordings or some proof that they had my
9 permission.

10 Instead I received the e-mail here you're
11 looking at. At the bottom it says there's nothing
12 more we can do. There's several things I disagree
13 with in this e-mail. One, it says that Steve didn't
14 catch a mistake. That's the first that I had heard
15 that there was any kind of mistake. I never heard
16 anyone else admit there was a mistake. The recording
17 I don't think supports that statement. That's the
18 only evidence I've got to make any claim on that. I
19 also believe there were things in the Ohio Revised
20 Code that could have been done versus what this says,
21 that there is nothing else they can do.

22 We have already got the e-mail from
23 Rebecca Pastier saying it was against their policy to
24 send me copies of recordings. That basically left me
25 no other way to get the recordings other than through

1 the Public Utilities Commission, which I was trying
2 to work through her to get them, and that's why my
3 request here, the next e-mail is to her to request
4 the recordings. Again, in my mind, I had no way to
5 get them, which made it even more critical the
6 five-day time line be met, which it wasn't.

7 Exhibit 25, the very first paragraph says
8 there's more recordings and I asked Kelly to request
9 them for me. So, again, that was on October 1 to
10 Kelly.

11 Here on October 2, the next e-mail from
12 her, saying she submitted all requests for the
13 recorded phone conversations.

14 EXAMINER LYNN: Snyder Exhibit 26.

15 MS. McBRIDE: Your Honor, I would note
16 Mr. Snyder mischaracterized this e-mail. It's from
17 the PUCO to him stating what she has done. This is
18 not the request to FES, is all I'm trying to note on
19 the record. This e-mail is not to FES, is my point.

20 EXAMINER LYNN: Well, it's --

21 MR. SNYDER: I take people at their word.
22 In an e-mail if they say they did something, I
23 believe it.

24 So I didn't receive any news from Kelly
25 Mabra on the request, and the next one is October 27,

1 so I submitted another e-mail to her saying, Did you
2 receive them? What's the status?

3 EXAMINER LYNN: Snyder Exhibit 27.

4 MR. SNYDER: Again, the rules say that
5 should be -- data should be provided within five
6 days, and I shouldn't have had to go and do that, but
7 I did. But, again, it violates the Revised Code.

8 MS. McBRIDE: Again, your Honor, I
9 object. These are e-mails between Mr. Snyder and the
10 Commission. This is not evidence of communications
11 between staff, the Commission staff, and FES. It
12 does not reflect attempts, for example, for counsel
13 for FES to communicate with staff and any responses
14 thereto. I would object as, you know, hearsay, as
15 not evidence as Mr. Snyder is representing it.

16 EXAMINER LYNN: I'll agree to that
17 objection.

18 MR. SNYDER: That's fine. You understand
19 this is the only way to obtain this. I'm only
20 responding to what I am told by your folks. If they
21 need to tell me more, they need to tell me more.

22 Next is the October 30 response from
23 Kelly Mabra saying she sent another request for the
24 data, which implies that she didn't receive it.

25 MS. McBRIDE: Same objection, your Honor.

1 EXAMINER LYNN: I understand.

2 MR. SNYDER: The last one here is the
3 letter I got from Kelly Mabra saying she did get the
4 recordings and she would forward them on to Doug
5 Jennings.

6 EXAMINER LYNN: Snyder Exhibit 29.

7 MS. McBRIDE: Same objection, your Honor.

8 EXAMINER LYNN: I understand.

9 MR. SNYDER: Again, I was just trying to
10 get the records. It took quite a long time to get
11 these records. And even then by that time -- well, I
12 guess those are the ones we listened to this morning.
13 There were missing recordings anyhow.

14 MS. McBRIDE: I am going to object to
15 that. I'm not sure what Mr. Snyder is suggesting
16 that were not provided that existed.

17 MR. SNYDER: The ones that were mailed to
18 the Public Utilities Commission.

19 MS. McBRIDE: So you are suggesting that
20 there are calls and e-mails to the Public Utilities
21 Commission that were not provided to you.

22 MR. SNYDER: No. There were calls that I
23 received that were not recorded, that the Public
24 Utilities Commission received.

25 MS. McBRIDE: So you received all the

1 calls, you received all the recordings?

2 MR. SNYDER: I believe I received
3 everything. I received more than they did. That's
4 all I know. I don't know if there are other ones out
5 there I didn't receive. I don't know. All I know is
6 that I received four more than they received.

7 EXAMINER LYNN: You are referring to four
8 more CDs.

9 MR. SNYDER: No, four tracks, four call
10 recordings.

11 MS. McBRIDE: I object to Mr. Snyder as
12 lack of foundation on what staff received and what
13 they did not.

14 EXAMINER LYNN: Please continue,
15 Mr. Snyder.

16 MR. SNYDER: When you brought them to me
17 this morning, they were sealed in an envelope and
18 hadn't been touched, so...

19 I had them sent to Doug Jennings for your
20 records. I didn't receive recordings until the
21 discovery request that was fulfilled on December 9.
22 Again, I find out they say those recordings show they
23 had my consent for the change of electric service,
24 and I don't believe they contain that.

25 So the time line, that was 107 days from

1 when I tried to get them until I finally got -- from
2 the allegation of the slamming complaint until I got
3 the records, and we already discussed the five-day
4 response time. It's there to keep the process moving
5 because every day you don't have that, I can't sign
6 up for service with someone else. I mean, the time
7 line is already tight. You already have a 30-day
8 window max to change service. I think that is why
9 the code was written the way it is written, to allow
10 people to have time to pick a provider.

11 That completes everything I have right
12 here. I have a closing statement. I don't know if
13 it is now or down the road.

14 EXAMINER LYNN: Let's go off the record
15 for just a minute.

16 (Discussion off record.)

17 EXAMINER LYNN: Let's go back on record.

18 Mr. Snyder is indicating he doesn't have
19 a paper exhibit numbered 5. It's actually one of the
20 CDs.

21 MR. SNYDER: One of the tracks on the CD,
22 so for 5 I have CD-1, Track 4.

23 EXAMINER LYNN: I see. I will keep
24 flipping pages here. I also don't have a 12, 13, and
25 14.

1 MR. SNYDER: Right. 12 is CD-1, track 1.
2 13 is CD-2, Track 1, and 14 is tracks 5, 6 and 7.

3 EXAMINER LYNN: I also don't have an
4 exhibit for 16. Is that another one of the
5 recordings?

6 MR. SNYDER: Yes. That's a little
7 complicated because it is two CDs. 16 is CD-1, track
8 3, CD-2 track 2, and CD-1, Track 2. That should be
9 everything.

10 MS. McBRIDE: If I might suggest, it may
11 be easy to label CD-1 and CD-2 Exhibit 12. I'm not
12 sure how you have it.

13 EXAMINER LYNN: Let's leave it that way.
14 I believe we have accounted for all the exhibits as
15 far as the numbers go.

16 Let's see. Before we get to closing
17 statement, FES, when you're ready if you had
18 questions for Mr. Snyder.

19 MS. McBRIDE: We do, your Honor. First,
20 are we going to deal with the admissibility of
21 exhibits now?

22 EXAMINER LYNN: We can do that now.
23 Typically we do it towards the end of the hearing,
24 but we have so many.

25 I recall that you had an objection to

1 only a few of these.

2 MS. McBRIDE: That's correct. I would
3 note in particular the first one is Exhibit 8, which
4 are all of the discovery -- which is all of the
5 discovery provided by FES. As we went through the
6 testimony, Mr. Snyder referred to maybe a handful of
7 the discovery responses, and so, you know, all of
8 those I would argue are irrelevant, but at best, are
9 those responses that would be admissible, but there
10 is a lot of other information in here that was not
11 discussed at all so we would object.

12 MR. SNYDER: I disagree.

13 EXAMINER LYNN: Let's back up. You're
14 saying on Exhibit 8 -- repeat that again. You're
15 saying you felt some of the comments -- some of what
16 Mr. Snyder brought up on Exhibit 8 was what? Not
17 particularly relevant?

18 MS. McBRIDE: Relevant, right. So, for
19 example, I tried to keep Track of the responses to
20 discovery requests and responses he discussed. We
21 talked about Request for Admission as to whether
22 Mr. Snyder gave permission to enroll in August 2013.
23 FES's position is obviously different than
24 Mr. Snyder's. We don't need a discovery response to
25 put that into the record. We have our own testimony

1 to that effect. It certainly doesn't justify putting
2 the entire set of discovery responses in the record.
3 He also read those questions into the record so
4 they're now in the record. The exhibit doesn't need
5 to be submitted.

6 MR. SNYDER: May I?

7 EXAMINER LYNN: Basically you're
8 indicating some of it is duplicative if it were to be
9 admitted into the record.

10 MS. McBRIDE: Well, those questions would
11 be duplicative. He talked about five out of, I don't
12 know, 40 discovery responses that were exchanged
13 between the parties, in addition to a lot of other
14 exhibits in hard copy that were not discussed and not
15 appropriate as evidence in the record because there
16 was no context for them. We haven't been allowed to
17 object to them. We have no objections to the written
18 discovery requests, but this is not a proper way to
19 dump information into the record that has not been
20 provided in your case-in-chief.

21 EXAMINER LYNN: I think what we can do --

22 MR. SNYDER: I'd like to make an
23 objection. The problem with that, on their discovery
24 responses I asked where is your proof of consent to
25 change service? They say it is in everything

1 submitted in discovery 1. That was their response.
2 In my mind that means I have to show you everything
3 in discovery 1 so you can determine that it is not in
4 there.

5 MS. McBRIDE: The proper way to do that
6 would be to ask an FES witness or, you know, he can
7 make the argument that there is no evidence and the
8 burden is on us. You can't dump all the discovery
9 into the record and then cite in a brief afterwards
10 without having properly laid the foundation and
11 context.

12 EXAMINER LYNN: We will move on from that
13 exhibit for a moment. Was there any other one? I
14 believe there was an e-mail you had an objection to
15 or something.

16 MS. McBRIDE: There is the issue which
17 comes up in a couple of exhibits relating to hearsay
18 evidence from Kelly Mabra, and so, like, for example,
19 that's in Exhibit 9 and, again, in these later
20 Exhibits 24 --

21 EXAMINER LYNN: What was the next?

22 MS. McBRIDE: 24, 25, 26, also 27, 28,
23 and 29.

24 EXAMINER LYNN: And you're referring to
25 the hearsay evidence as far as what?

1 MS. McBRIDE: Well, Mr. Snyder is using
2 these exhibits to establish what he believes staff
3 did or did not receive from FES, when they received
4 it, when they didn't receive it, and we are not in a
5 position to cross-examine Ms. Mabra about what
6 information was actually provided and when.

7 EXAMINER LYNN: I think those exhibits we
8 can admit just on the basis of what they indicate on
9 their face value, which is communication from, say,
10 Mr. Snyder to Ms. Mabra or the other way around.

11 MS. McBRIDE: Except to the extent that
12 she may be making statements that are not accurate,
13 and we are not in the position to elicit that
14 clarification from Ms. Mabra because she's not here
15 to testify.

16 EXAMINER LYNN: True. I think we will
17 admit those and give them the appropriate weight when
18 the record is evaluated, but we will take your
19 objection into account.

20 As far as Exhibit 8, we go back to that
21 at a later time depending on how things go between,
22 say, your witness and any questions from Mr. Snyder.

23 MS. McBRIDE: Okay. We also have the
24 issue that came up in oral testimony, but it is also
25 evident in Exhibit 21, which are settlement

1 discussions.

2 EXAMINER LYNN: Well, let's see. Are
3 there any particular parts of Exhibit 21 that in
4 particular concern settlement discussions, one of the
5 three pages?

6 MS. McBRIDE: Let's see. On page 26,
7 Exhibit 21, there is an e-mail in the middle of the
8 page from Ms. Pastier to Mr. Snyder that contains
9 evidence about settlement offers.

10 EXAMINER LYNN: Would that be the only
11 part of that exhibit?

12 MS. McBRIDE: Yes.

13 EXAMINER LYNN: I think that exhibit we
14 can admit but take into account that any reference to
15 a settlement offer not be admissible.

16 MS. McBRIDE: Similarly on Exhibit 23,
17 paragraphs 8 and 9 reflect Ms. Pastier's summary of a
18 settlement offer.

19 EXAMINER LYNN: Right. Again, I would
20 agree on that. We can admit the exhibit, but, in
21 particular, as you mentioned, paragraphs 8 and 9 we
22 would not consider, given that it deals with
23 settlement discussions.

24 MS. McBRIDE: I think it may be relevant
25 that settlement offers were repeatedly made to

1 Mr. Snyder, but the substance of them we would
2 maintain should be confidential.

3 EXAMINER LYNN: Sure. And that's
4 something your witness could mention if that's part
5 of his testimony, too.

6 MS. McBRIDE: And I believe that is it.

7 EXAMINER LYNN: All right. Okay. Thank
8 you.

9 Well, we admit into evidence all
10 Mr. Snyder's exhibits -- Mr. Casto, do you have
11 comments?

12 MR. CASTO: No.

13 EXAMINER LYNN: We will admit into
14 evidence all Mr. Snyder's exhibits, with the
15 exceptions I mentioned as far as settlement
16 discussions. Actually, we will leave on the table
17 the matter of Exhibit 8. I have to evaluate that
18 later in the proceedings.

19 (EXHIBITS ADMITTED INTO EVIDENCE.)

20 MS. McBRIDE: I'm sorry, I was looking
21 down. We do have questions for Mr. Snyder.

22 EXAMINER LYNN: Sure.

23 MS. McBRIDE: I ask for a brief five- or
24 ten-minute break to compile all that.

25 EXAMINER LYNN: Fine, not a problem. We

1 will go off the record and take a break for about ten
2 minutes.

3 (Recess taken.)

4 EXAMINER LYNN: Back on the record.

5 I just clarified with counsel for FES
6 that we will admit then all of Mr. Snyder's exhibits,
7 including the e-mails that came to him from the PUCO
8 staff, Kelly Mabra. We will disregard the part of
9 those e-mails that concerns settlement discussions.

10 We will also admit all of Exhibit 8,
11 which is the discovery, but in doing so, we will
12 primarily focus on the parts of Exhibit 8 he chose to
13 emphasize during his testimony.

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 EXAMINER LYNN: Now, Ms. McBride, I
16 believe you said you had some questions for
17 Mr. Snyder. When you're ready, we will have him
18 retake the witness stand.

19 MS. McBRIDE: Thank you, your Honor. We
20 are ready.

21 EXAMINER LYNN: Okay. Mr. Snyder, can
22 you come up again, please.

23 Thank you.

24 - - -

25 CROSS-EXAMINATION

1 By Ms. McBride:

2 Q. Mr. Snyder, you testified briefly at the
3 beginning of your testimony here today regarding your
4 Exhibit 3. Do you have a copy of your exhibits in
5 front of you?

6 A. Yes, I do.

7 EXAMINER LYNN: You said Exhibit 3?

8 MS. McBRIDE: Exhibit 3.

9 Q. (By Ms. McBride) And I believe you
10 testified or suggested that by putting in your zip
11 code on this website, you should not be -- FES should
12 not allow customers to access offers for which
13 they're not available; is that right?

14 A. That's what I've been told, yes.

15 Q. But that is not how you accessed the
16 offer for 5.36 cents per kilowatt-hour, is it?

17 A. I don't recall. I believe I accessed it
18 through the Public Utilities Commission website. I
19 believe you're talking about something that happened
20 well over a year ago.

21 Q. So you have been to the PUCO's website
22 that provides information about available offers?

23 A. Sure.

24 Q. And you also visited that website before
25 you enrolled on the Internet with FES; is that

1 correct?

2 A. Correct.

3 Q. And at the time you submitted the
4 enrollment application through the Internet, you
5 consented to have your supplier switched to FES so
6 you could receive the available offer; is that right?

7 A. At the rate and term that was presented,
8 yeah.

9 Q. And so you contacted FES. You weren't
10 responding to information sent to you by FES or phone
11 call from FES, but it was more your affirmative act
12 to apply with FES?

13 A. Correct, because the supplier -- the term
14 was expiring, and I went out looking for another
15 supplier.

16 Q. I believe you testified you knew on
17 May 31 when you spoke with Mr. Hogan that your
18 utility was DP&L; is that right?

19 A. That I knew that?

20 Q. Yes.

21 A. Well, yes.

22 Q. And you knew on May 22 that DP&L was your
23 utility; is that right?

24 A. Correct.

25 Q. And when you enrolled online with FES,

1 did you read the information provided on the website
2 as you enrolled?

3 A. I can't say I read every single word, no.

4 Q. I believe you testified that you received
5 the Terms and Conditions submitted as Exhibit 11; is
6 that right?

7 A. Correct. That was a couple days later.

8 Q. Did you read those terms and conditions
9 when you received them?

10 A. At that point, not really, no.

11 Q. Have you ever read the Terms and
12 Conditions submitted to you in connection with your
13 Internet enrollment on May 22?

14 A. Yes.

15 Q. When did you first read them?

16 A. I believe, I would be guessing, but
17 probably four or five months into the complaint
18 process.

19 Q. So would that have been four or five
20 months after the formal complaint was processed?

21 A. No, before that.

22 Q. So four or five months after the May --
23 when you first enrolled in May?

24 A. That would be my best guess.

25 Q. That would be September or October of

1 2013; is that right?

2 A. I believe so.

3 EXAMINER LYNN: Ms. McBride, you
4 mentioned his utility was DP&L. Could you express
5 what you meant by "his utility"? Is that the company
6 that bills, prepares the bill?

7 MS. McBRIDE: Correct, that he receives
8 his bills from DP&L.

9 EXAMINER LYNN: Okay.

10 Q. (By Ms. McBride) I believe you testified
11 either you or your son reviewed the actual bill when
12 you were submitting information online; is that
13 right?

14 A. Correct.

15 EXAMINER LYNN: I just wanted to make
16 that clear.

17 Q. (By Ms. McBride) And so because you did
18 not receive the Terms and Conditions, you did not see
19 the Terms and Conditions specifically identified Duke
20 Energy Ohio as your utility; is that right?

21 A. Again, the way it is worded in the Terms
22 and Conditions, it's confusing what you're actually
23 talking about.

24 Q. The word "utility" is confusing?

25 A. No. Read that whole --

1 EXAMINER LYNN: That's exhibit what,
2 Ms. McBride, the Terms and Conditions?

3 MS. McBRIDE: Exhibit 11.

4 A. First there is only one reference to DP&L
5 or Duke Energy in this whole thing. Correct, once?

6 Q. My question was simply that you did not
7 know that it referenced Duke Energy Ohio as your
8 utility because you had not read these Terms and
9 Conditions in May; is that correct?

10 A. Yeah. Typically, yeah, if you look at
11 your website, it puts it in a little box and makes it
12 impossible to read, to scroll through all this
13 anyhow.

14 Q. Mr. Snyder, didn't you receive this via
15 mail a couple days after you had enrolled online?

16 A. I did. But normally because it takes.
17 Again, typically. I had problems enrolling so I
18 don't read through every one of those until I'm
19 actually enrolled.

20 Q. Did you also receive an e-mail almost
21 instantaneously after your Internet enrollment was
22 submitted?

23 A. The one with the confirmation number?

24 Q. Yes.

25 A. Correct.

1 Q. Did you click the link to access the
2 Terms and Conditions provided in that e-mail?

3 A. No, I didn't.

4 Q. And you never -- in your discussions with
5 any representative of FES, you never inquired as to
6 whether the termination fee should be applied to you
7 during that time period, did you?

8 A. No; because I kept hearing from folks
9 they would give me the rate I was applying for.

10 Q. But nobody from FES told you you would be
11 subject to a termination fee?

12 A. No. But they also never told me I
13 wouldn't be subject to a termination fee.

14 Q. Because you didn't ask, right?

15 A. I didn't ask, but the terms and
16 conditions are the terms and conditions.

17 Q. And you never asked anyone from FES
18 whether you were locked into receiving service from
19 FES or whether you could access another supplier at
20 that time?

21 A. Again, we are talking several months had
22 elapsed already, so several months from the initial
23 application before I knew there was any problem
24 whatsoever.

25 Q. So you did not ask anyone from FES after

1 you submitted the application in May 2013 whether you
2 had the ability to choose another supplier at that
3 time?

4 A. I knew I could, but as I said, the
5 termination fee would apply.

6 Q. And when you spoke with Mr. Maurer, that
7 was on August 16; is that correct?

8 A. Correct.

9 Q. You spoke to him for the first time?

10 A. Correct.

11 Q. At that point in time you had already
12 filed an informal complaint with PUCO?

13 A. Correct.

14 Q. And, in fact, Mr. Maurer was talking in
15 response to your formal complaints to try to resolve
16 it; is that right?

17 A. I'm not sure why he was calling me. You
18 have to ask him.

19 Q. But he reached out to you after the
20 informal complaint was filed?

21 A. He called me after I filed an informal
22 complaint, correct.

23 Q. And that informal complaint was filed on
24 August 12. You actually knew back in early August
25 when you were speaking with representatives for FES

1 that you had a right to file an informal complaint
2 before then; is that right?

3 A. No, I did not.

4 Q. Do you recall telling the FES
5 representative you may file an informal complaint to
6 the PUCO?

7 A. I did. And that recorded in one of those
8 recordings, yes.

9 Q. Do you recall the date of the discussion?

10 A. Not offhand, no. I knew it took awhile
11 to research. I think I said I was going to do it on
12 the recording. It took a couple days to find the
13 phone number because, again, they didn't give me that
14 contact information, to find the phone information,
15 to call. I was transferred to two or three people to
16 get to the right folks to file an informal complaint.

17 Q. And you had not read the Terms and
18 Conditions on May 2 that provided you with the
19 contact information about the PUCO?

20 A. At that point, no.

21 Q. You also briefly testified regarding
22 Exhibit 20, which was a letter sent to you by DP&L,
23 which you suggested was a -- how shall I say it --
24 reflected the fact that FES had not taken action to
25 cancel your enrollment after your discussion with

1 Mr. Maurer. Do you recall that?

2 A. Correct.

3 Q. And this letter is dated August 20; is
4 that right?

5 A. Correct.

6 Q. And that's the same day that you
7 contacted Mr. Maurer to ensure that enrollment would
8 be canceled; is that right?

9 A. I e-mailed him on the 19th. I didn't
10 receive this on the 20. It was mailed on the 20th.
11 I received it after that.

12 Q. Correct. But it was mailed by DP&L on
13 the 20th?

14 A. Yes. But Fred and I were in contact on
15 the 19th, and I told him in an e-mail it was an
16 issue.

17 Q. On Exhibit 23 you pointed the Commission
18 to paragraph 6, when you suggested -- I believe you
19 suggested you had already showed that you had never
20 accepted the offer of 5.94 cents per kilowatt-hour.
21 Do you recall that?

22 A. I have never given consent to be signed
23 up for 5.94 cents to anyone from FES at all.

24 Q. And the letter is dated September 17; is
25 that right?

1 A. Correct.

2 Q. And so by this point in time, you had
3 already communicated with Mr. Maurer and the
4 Commission and DP&L that you, in fact, did not want
5 to be enrolled at the 5.94 per kWh; is that right?

6 A. Correct.

7 Q. Turning to Exhibit 24, it's true, is it
8 not, that Ms. Mabra confirmed for you that even if
9 Mr. Hogan at FES had caught the error during the
10 first call, you still would not have received the
11 rate you were seeking because that was for Duke
12 customers only; is that right?

13 EXAMINER LYNN: Could you repeat that
14 question?

15 MS. McBRIDE: Sure.

16 Q. (By Ms. McBride) In Exhibit 24, which is
17 an e-mail from Ms. Mabra to Mr. Snyder, it is
18 confirming that Ms. Mabra informed Mr. Snyder that
19 even if Mr. Hogan had identified the issue on the
20 first call from Mr. Snyder, he still would not have
21 received the rate because it was for Duke customers
22 only?

23 A. That's not what it says.

24 Q. I point you to the second paragraph. I
25 will read it, and let me know if I am reading it

1 correctly: "However, if Steve would have caught the
2 error on the first call, this would have been taken
3 care of a lot sooner. Still...resulting in you not
4 receiving the rate that was Duke customers only."

5 A. You did. But it doesn't specify the
6 rate.

7 Q. Turning to Exhibit 27, 28, and 29, all of
8 those exhibits reflect communications that occurred
9 after you filed your formal complaint; is that
10 correct?

11 A. From October 2, yes, I believe so.

12 MS. McBRIDE: That's all I have for
13 Mr. Snyder.

14 EXAMINER LYNN: All right.

15 Mr. Snyder, you can take your seat.
16 Thank you. I remind you, you are still under oath.
17 I may have questions for you later.

18 MR. SNYDER: All right.

19 EXAMINER LYNN: Is FES ready to call its
20 witness?

21 MS. McBRIDE: Yes, your Honor.
22 FirstEnergy Solutions calls Matthew Green.

23 EXAMINER LYNN: Mr. Green, if you could
24 come up front, please.

25 MS. McBRIDE: I would ask this document

1 be marked as Company Exhibit 1.

2 - - -

3 MATTHEW C. GREEN

4 being first duly sworn, as prescribed by law, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Ms. McBride:

8 Q. Mr. Green, can you spell your name for
9 the record?

10 A. Yes. It's Matthew, M-A-T-T-H-E-W, C as
11 in Christopher, last name is Green, G-R-E-E-N.

12 Q. Mr. Green, what is your business address?

13 A. 341 White Pond Drive in Akron, Ohio, and
14 it's 44320.

15 Q. And, Mr. Green, I put in front of you a
16 copy of Company Exhibit 1. Do you recognize the
17 document?

18 A. Yes, I do.

19 Q. And what is it?

20 A. This is the testimony, my direct
21 testimony, that was prepared on my behalf and at my
22 direction.

23 Q. And if I asked you the same questions
24 that appear in this testimony today, would all your
25 answers be the same?

1 A. Yes, they would.

2 Q. And, Mr. Green, do you know how
3 Mr. Snyder accessed the 5.36 cents per kWh offer?

4 A. Yes. He accessed the offer via the FES
5 website, first starting at the PUCO. I believe it's
6 the Apples for Apples website, which then took him to
7 the FES website.

8 Q. And when a customer -- when an applicant
9 accesses the offers on the PUCO's Apples to Apples,
10 what does the website look like when they arrive at
11 FES after clicking on that from the Commission?

12 A. I believe we actually have an exhibit
13 that shows that. But basically it's a web page that
14 is the FES web page. It does identify -- asks for
15 information regarding name, service address, utility
16 account number, electric distribution company, or
17 also known as the utility, pertinent information to
18 the enrollment request.

19 Q. And when Mr. Snyder accessed the 5.36
20 offer through the PUCO Apples to Apples comparison,
21 would he have been asked who his utility was?

22 A. Yes, he would have. I mean, the last
23 time I saw the website. It's actually a matrix. It
24 lists based on your -- based on your utility what
25 offers are available to you.

1 Q. And is that matrix on the PUCO's website?

2 A. Yes, it is.

3 Q. And so when Mr. Snyder checked on the
4 offer and was transferred to the FES website, once he
5 arrived at the FES website, would he be asked what
6 his utility was?

7 A. Yes. I mean, it would be auto-populated,
8 but there are several -- we confirm, and we ask for
9 confirmation multiple times throughout the online
10 enrollment process.

11 Q. Because he came through the Apples to
12 Apples chart by selecting that offer in particular,
13 the utility was auto-populated when he arrived at the
14 website?

15 A. That's correct.

16 Q. And I believe you saw a copy of
17 Mr. Snyder's Exhibit 3, which is a screenshot from
18 the FES website where there's the opportunity to put
19 in your zip code.

20 A. Yes, I did see that.

21 Q. And have you ever tried to access the
22 Duke offer by putting in Mr. Snyder's zip code on
23 that website?

24 A. No, I personally have not done that.

25 Q. Okay. If somebody put in a zip code

1 for -- let me rephrase that. If a customer who
2 receives service from DP&L, utility service from
3 DP&L, put in their zip code on that website, would
4 offers to Duke Energy Ohio customers be revealed?

5 A. Again, we are on the Apples to Apples
6 website?

7 Q. No, we are on the FES website.

8 A. Oh, FES.com?

9 Q. Yes.

10 MR. SNYDER: I believe she is asking for
11 speculation.

12 EXAMINER LYNN: Let him finish his
13 answer.

14 A. No. If you are at FES.com, the website
15 will ask what is your utility or what is your account
16 number. It did not provide information around -- I'm
17 sorry --

18 Q. Let me point you to Snyder Exhibit 3.

19 A. Please.

20 Q. I put in front of you Mr. Snyder's
21 Exhibit 3, and it shows there in the left-hand side
22 an input box where an applicant could put in their
23 zip code.

24 A. That's correct.

25 Q. Do you see that?

1 A. I do.

2 Q. If an applicant put in a zip code
3 associated with a DP&L account, would offers
4 available for Duke Energy Ohio customers be provided?

5 A. No, it would not. No. When you input
6 your zip code on that website, it only -- it only
7 provides offers that are tied to the utilities that
8 service -- provide service to that -- to that zip
9 code.

10 EXAMINER LYNN: Mr. Green, I want to ask
11 a few questions.

12 THE WITNESS: Sure.

13 EXAMINER LYNN: You are indicating that
14 Mr. Snyder began the process by going to the Apples
15 to Apples website, and I believe you said he saw a
16 rate that he was interested in, and he clicked on
17 that rate; am I correct?

18 THE WITNESS: From what we can tell from
19 our system, that is correct.

20 EXAMINER LYNN: And once he checked on
21 the rate, it transferred to the FES website?

22 THE WITNESS: Correct.

23 EXAMINER LYNN: At that point -- perhaps,
24 you already addressed this. What was his next step?
25 Maybe Ms. McBride's questions already did that. But

1 he found an offer that appealed to him and he clicked
2 on that offer on the Apples to Apples website. He's
3 switched to an FES website, and then what happens
4 next? What would he do next?

5 THE WITNESS: It will pull up a screen
6 basically on the FES.com website. It basically lays
7 out information pertaining to that offer. It says,
8 okay, here's what I saw on Apples to Apples and
9 confirming here's what it is with FES.

10 EXAMINER LYNN: It lays out
11 information --

12 MS. McBRIDE: Your Honor, if I can point
13 you to Exhibit 2 to Mr. Green's testimony.

14 EXAMINER LYNN: Okay. So that's the
15 information that pops up saying, yes, that offer is
16 out there?

17 THE WITNESS: Correct.

18 EXAMINER LYNN: I see. Please keep
19 going. I likely will have further questions.

20 Q. (By Ms. McBride) Mr. Green, while
21 looking at Exhibit MCG-2 --

22 EXAMINER LYNN: This, for the record, is
23 part of FirstEnergy Exhibit 1.

24 MS. McBRIDE: Correct.

25 EXAMINER LYNN: Actually, indicated as

1 MCG-2, an attachment to Exhibit 1.

2 MS. McBRIDE: Right.

3 Q. (By Ms. McBride) Looking at this first
4 page of MCG-2, is this the information that an
5 applicant would see once they arrive at the FES
6 website after clicking on the offer on the PUCO's
7 Apples to Apples?

8 A. Yes, it is.

9 Q. And it's true, is it not, that it
10 explains to the applicant they can enroll now if they
11 are a Duke residential electricity customer and they
12 have a copy of the Duke electric bill?

13 A. That is correct.

14 EXAMINER LYNN: What you're indicating to
15 me is essentially MCG-2 shows the rate Mr. Snyder was
16 interested in; am I correct?

17 THE WITNESS: Correct.

18 EXAMINER LYNN: You are saying once it
19 went to that screen on FES.com, it gave some of the
20 detail about what the rate is and how -- what the
21 cancellation fees and that kind of thing. And then
22 you're saying it also has as one of these screens,
23 something stating Duke Energy is the utility?

24 THE WITNESS: I'll draw your attention to
25 the "Point-by-point comparison." The offer details

1 Rate per Kilowatt-hour, Rate Change, Up to Savings,
2 Cancellation Fee.

3 EXAMINER LYNN: Okay.

4 THE WITNESS: And you'll see in the next
5 column over, everything is compared Duke versus
6 FirstEnergy Solutions.

7 EXAMINER LYNN: You are kind of losing me
8 there, if you can point me to that.

9 MS. McBRIDE: I think what he's looking
10 at, your Honor, is the table labeled "Point-by-point
11 comparison."

12 EXAMINER LYNN: Okay. I see it now.

13 THE WITNESS: That's one indication.

14 EXAMINER LYNN: All right.

15 THE WITNESS: Below the table then,
16 beginning with the asterisk, it says, "Duke's Price
17 to Compare and savings calculations are strictly
18 estimates," et cetera, et cetera, another indication
19 that the information is pertinent to Duke.

20 EXAMINER LYNN: All right.

21 THE WITNESS: You know, another inch down
22 it says, "You can enroll now if: 1, You are a Duke
23 residential electricity customer; 2, You have a copy
24 of your Duke electric bill."

25 EXAMINER LYNN: All right. I'm following

1 you so far.

2 Q. (By Ms. McBride) So then did Mr. Snyder
3 take the next step to enroll online?

4 A. Yes.

5 Q. And what would happen? What would he see
6 next on the website?

7 A. He would have clicked the "Enroll Now"
8 button on the screen we were just discussing. If you
9 turn to the next page on -- within the exhibit, it
10 says "Enroll with FirstEnergy Solutions."

11 EXAMINER LYNN: And that would happen
12 after he clicked on the "Enroll Now"?

13 THE WITNESS: Correct, yes. Thank you
14 for that clarification.

15 A. You will notice some information here.
16 You'll basically be asked for your account
17 information. So first name, last name, mailing
18 address, city, your account information again. It
19 does auto-populate what your utility is, in this
20 case, Duke Energy Ohio.

21 EXAMINER LYNN: It auto-populates that
22 based on what exactly?

23 THE WITNESS: Again, from the fact this
24 offer is specific to Duke Energy.

25 EXAMINER LYNN: It auto-populates it

1 based upon the rate that was clicked on in the Apples
2 to Apples?

3 THE WITNESS: You started there, and when
4 you view the rate information and then go to enroll
5 now, again, it's auto-populating that Duke Energy
6 Ohio is your utility.

7 I will also point out that below where it
8 says "Duke Energy Ohio," there is a hyperlink that
9 says "Wrong Utility?"

10 EXAMINER LYNN: I'm trying to look for
11 that. I see it, okay.

12 THE WITNESS: If I click on that
13 hyperlink, it will actually take you to a screen that
14 will provide some information around what happens if
15 you realize that Duke is not your utility.

16 Q. (By Ms. McBride) Mr. Green, is a copy of
17 that information provided on page 3 of Exhibit MCG-2?

18 A. Yes, it is.

19 Q. And so turning to page 3 of Exhibit
20 MCG-2, you see a small box that says "Wrong Utility?"
21 Is this a pop-up window that appears when you click
22 on the link on the "Your account information page"?

23 A. Yes, it is.

24 Q. And does that information confirm to whom
25 the offer has been made or is available?

1 A. Yes, it does.

2 Q. Mr. Green, once Mr. Snyder provided all
3 the information requested on page 2 of Exhibit MCG-2,
4 what would happen next?

5 A. Once all the information is provided
6 there -- and I will add one additional thing that is
7 of importance here. We do ask for the account number
8 to be provided, and so as you can see here on this
9 Duke-specific enrollment page, there is -- it does
10 identify 11 digits required for a Duke utility
11 number, account number, as well as another link for
12 "Help me find this." You can click on that link. It
13 will then pull up another box similar to the wrong
14 utility that actually has a sample bill, and it
15 points out exactly where you can find your account
16 number.

17 Once all that information is collected on
18 that page, you click "Continue," you still review
19 before you submit so you still get another shot at
20 reviewing the information. Page No. 4 of the exhibit
21 confirms the information that you just submitted on
22 the previous web page.

23 EXAMINER LYNN: This is still MCG-2.

24 THE WITNESS: Yes, sir.

25 EXAMINER LYNN: And this is the page that

1 says "Enroll with FirstEnergy Solutions"?

2 THE WITNESS: That's correct.

3 Q. (By Ms. McBride) And on this page 4,
4 that reflects "Step 2: Verify & Submit" -- is that
5 right?

6 A. That is correct.

7 Q. -- there the applicant is requested again
8 to verify that their utility is Duke Energy Ohio?

9 A. Yes. Over on the right-hand side of the
10 web page, you can see where it has the e-mail address
11 at the top. Just below that it says "Verify your
12 account information." Again, it identifies the
13 utility, Duke Energy Ohio, the "Account Number" that
14 was input from the previous screen, as well as the
15 "Service Address" entered in the previous screen as
16 well. I further draw your attention into the box
17 below that information where you can actually view
18 the Terms and Conditions.

19 EXAMINER LYNN: Where is that exactly?

20 THE WITNESS: I'm sorry, "Verify your
21 account information" on the right side, you have
22 "Utility" --

23 EXAMINER LYNN: I see, Terms and
24 Conditions, okay.

25 THE WITNESS: Yes, sir, four or five

1 lines in there, it does speak to -- this one actually
2 is specific -- no, it does say, "FES will supply the
3 electric generation to Duke Energy Ohio, Inc." So
4 there are multiple instances where the Duke Energy
5 utility information is confirmed with you.

6 Q. (By Ms. McBride) And, Mr. Green, once
7 all the information has been verified and submitted
8 by the applicant, does FES then communicate with the
9 applicant at all after the enrollment is submitted?

10 A. Allow me to clarify. So this is an
11 enrollment request, and upon clicking on "Complete
12 Enrollment," an enrollment confirmation e-mail is
13 auto generated and sent to the e-mail address that
14 was provided in the enrollment template.

15 Q. And pointing you to Exhibit MCG-3, is
16 that a copy of the e-mail generated to Mr. Snyder
17 after the application was submitted?

18 EXAMINER LYNN: You are saying that MCG-3
19 is his enrollment confirmation?

20 THE WITNESS: An enrollment request
21 confirmation.

22 EXAMINER LYNN: A request for enrollment?

23 THE WITNESS: Correct.

24 EXAMINER LYNN: In other words, you're
25 indicating this doesn't actually state Mr. Snyder was

1 enrolled at that point. This simply indicates
2 there's been a request made?

3 THE WITNESS: That's correct. That's
4 correct.

5 Q. (By Ms. McBride) Is there another step
6 required outside of FES before the customer is
7 actually enrolled into an offer?

8 A. Yes. A confirmation letter would need to
9 be sent from the utility actually confirming that the
10 enrollment was received and accepted.

11 Q. And the e-mail sent to Mr. Snyder on
12 May 22 after his enrollment request was submitted,
13 did it again identify his utility, or what was
14 believed to be his utility?

15 A. Yes, it does. Fourth paragraph down, the
16 sentence beginning "As a reminder, you will receive a
17 confirmation from Duke Energy when your enrollment is
18 processed."

19 Q. Mr. Green, I show you what has been
20 marked Snyder Exhibit 2. Do you recall looking at
21 that e-mail this morning?

22 A. Yes, I do.

23 Q. And Mr. Snyder testified regarding what
24 he believes the discrepancies between the information
25 provided on the first page of Exhibit 2 and the

1 information supplemented and provided on the third
2 page of the exhibit. Do you recall that testimony?

3 A. Yes, I do.

4 Q. Can you explain why the information may
5 have looked different on pages 1 and 3 of Snyder
6 Exhibit 2?

7 A. Based on my review of these two
8 documents, I think what you have being the case here
9 is that these are snapshots or extracts of
10 customer-specific information from our enrollment
11 database. The first page is a snapshot that my team
12 uses, as well as other groups within FirstEnergy
13 Solutions, to capture the information that an
14 applicant submits to FES for service, so it's the
15 snapshot. It's not everything that's tied to that
16 applicant, but it's the pertinent information that is
17 meaningful to the information that we need on --
18 within FES.

19 Clearly there is additional information
20 that's available, which is what is then reflected on
21 page 3 of this exhibit, which then -- you can augment
22 the query of the database to pull in different data
23 points. So, example, page 3 includes the service
24 address information, whereas page 1 does not. We are
25 able to augment those queries based on the data that

1 we need to collect and the purpose for which we're
2 using that data. That's my explanation of the
3 discrepancy here.

4 Q. So the information provided on the first
5 page of Exhibit 2 and the third page of Exhibit 2,
6 does it come from the same database of information?

7 A. Yes, it does. It does come from the same
8 database.

9 EXAMINER LYNN: Mr. Green, can you go
10 back to MCG-2 just for a moment? That's all those
11 snapshots from the screen and so forth.

12 THE WITNESS: Uh-huh.

13 EXAMINER LYNN: Okay. Then MCG-3 as
14 well, and you're calling -- that's in the role of
15 confirmation requests. Now, Mr. Snyder indicated
16 this morning as part of his application he submitted
17 online, and he typed in his account number. Help me
18 out on this. It seems as though he was able to go
19 through all these screens, including typing an
20 account number actually for DP&L, clicked to submit,
21 and then he gets back this e-mail, MCG-3, saying this
22 a request of your confirmation. Am I right about
23 that? Some of the information, including the account
24 number, you are claiming that was an account number
25 that ultimately wouldn't be recognized by Duke, I

1 guess.

2 THE WITNESS: So if I can draw your
3 attention, so again, MCG-2, the second page of that
4 exhibit, right-hand side of the page.

5 EXAMINER LYNN: There's a place that
6 says "Account Number."

7 THE WITNESS: Yes, sir, so 11 digits.

8 EXAMINER LYNN: 11 digits.

9 THE WITNESS: That is specific to the
10 utility. That is specific to Duke. My recollection
11 of the testimony this morning was that Mr. Snyder had
12 his ten-digit DP&L account number, and then there's
13 this trailing digit, and thus when you attempt to put
14 the account number into the website, it wouldn't
15 allow him to go any further.

16 There is what we call a data input mask
17 there. It says, look, if you're a Duke customer you
18 can't move forward with this without an 11-digit
19 account number.

20 EXAMINER LYNN: All right.

21 THE WITNESS: So that's when he called
22 his son, and the son provided the information.

23 I'm sorry, Rosemary, you may have to
24 provide the specifics on that.

25 But it's a trailing digit. I believe it

1 was a 3. That now completed that 11-digit account
2 number.

3 EXAMINER LYNN: So you're thinking
4 because that was entered and he clicked on submit --

5 THE WITNESS: Correct.

6 EXAMINER LYNN: -- it completed the
7 enrollment process.

8 THE WITNESS: And it took it.

9 EXAMINER LYNN: I see, okay. All right
10 then.

11 THE WITNESS: Which some of this does
12 speak to again the idea of you can submit information
13 as an enrollment request, but it's not until the
14 information is confirmed with the utility that you
15 actually do have -- it's one piece of what
16 constitutes an enrollment.

17 EXAMINER LYNN: Just for my own
18 knowledge, too, look at MCG-3, when this confirmation
19 request, rule confirmation request, is sent back to
20 the applicant, also with that request is this very
21 fine print page Terms and Conditions. It comes back
22 with that request; am I right?

23 THE WITNESS: So you can access the Terms
24 and Conditions during the online web enrollment.

25 EXAMINER LYNN: I see.

1 THE WITNESS: As well as we have a
2 fulfillment process after the fact that, you know,
3 the enrollment request is received by FES. We send a
4 welcome letter, and we send a copy of the Terms and
5 Conditions along, whether the utility accepts the
6 enrollment request or not.

7 EXAMINER LYNN: I see. So you're saying
8 the Terms and Conditions would go -- again, just so I
9 understand this, they are part of this e-mail that is
10 MCG-3?

11 THE WITNESS: Yes. They are from the
12 standpoint in the first line, "Thank you for choosing
13 FirstEnergy Solutions as your electric generation
14 supplier. Please print this document and your Terms
15 and Conditions as a record of your enrollment."

16 So that's a hyperlink again that can take
17 you to a copy.

18 EXAMINER LYNN: All right. Thank you.

19 Ms. McBride, thank you for pausing.
20 Please continue.

21 MS. McBRIDE: Your Honor, we now move for
22 the admission of Company Exhibit 1, which includes
23 the prefilled direct testimony of Mr. Green.

24 EXAMINER LYNN: So you have no further
25 questions for your witness?

1 MS. McBRIDE: No further questions.

2 EXAMINER LYNN: Let me make sure I have
3 no questions. Let's see.

4 - - -

5 EXAMINATION

6 By Examiner Lynn:

7 Q. Your testimony on page 2, line 12, 13,
8 14, you're mentioning about a customer entering --
9 they enter a zip code for another utility company,
10 you're indicating when Mr. Snyder applied, he
11 actually didn't go through that step. He didn't
12 enter a zip code to find his electric utility
13 company. Is that what you're saying?

14 A. I am, that's correct.

15 Q. Okay.

16 A. And based on -- it's a different entry
17 point.

18 Q. And the entry point that was used was
19 through the Apples and Apples?

20 A. That's correct.

21 Q. I see. And the Apples and Apples and the
22 rate he was interested, 5.36 cents, I believe.

23 A. Right.

24 MS. McBRIDE: Your Honor, if I might
25 follow up.

- - -

REDIRECT EXAMINATION

By Ms. McBride

Q. Mr. Green, do you explain in your prefiled direct testimony how Mr. Snyder accessed the offer on page 3?

A. Yes, I do.

Q. Okay. And also on the Apples to Apples information at that time with the Commission, was the offer made available to Duke Energy Ohio customers lower than the rate offered to DP&L customers?

A. I'm sorry, could you restate that, please?

Q. At the time Mr. Snyder accessed the information on the PUCO's Apples to Apples website in May 2013, was FES's offer for Duke Energy Ohio customers lower than the rate available to DP&L customers?

A. Yes, it was.

Q. At the time he decided to enroll in the Duke offer, what was the offer available to DP&L customers?

A. I believe it was 5.94 cents per kilowatt-hour.

MS. McBRIDE: Okay. Thank you.

1 EXAMINER LYNN: Ms. McBride, do you have
2 additional questions? If not, I have a few more.

3 MS. McBRIDE: Go ahead.

4 - - -

5 FURTHER EXAMINATION

6 By Examiner Lynn:

7 Q. You're indicating on page 6 of your
8 testimony, lines 5, 6, 7, you refer to a letter sent
9 to Mr. Snyder on May 28. It says, "It appeared that
10 the account number he provided was not valid and,
11 thus, that his enrollment was rejected." You're
12 referring to that DP&L account number with that
13 trailing digit, as you call it, correct?

14 A. That's correct.

15 Q. Which would have made it in total an
16 11-digit account number?

17 A. Yes.

18 Q. Then on page 7, let's say, like, lines
19 11 through 22, then the next couple lines, the first
20 two lines on page 8, you are discussing or you're
21 referring to Mr. Snyder's communication with
22 Mr. Hogan. As I read that, I was confused that
23 although Mr. Snyder identifies his utility as DP&L,
24 apparently Mr. Hogan still continued to try to submit
25 the request. Can you help me out on that? I would

1 figure that's a red flag to tell Mr. Snyder, you
2 know, that request isn't eligible for DP&L customers.

3 A. So for the rejections that were pursuant
4 rejections to the one that FES received on
5 Mr. Snyder's enrollment request, A76, which is
6 account not found, we receive those. FES receives
7 those. Typically what is incorrect is the
8 applicant's name, the name on the account, the
9 account number, the applicant's account number, or
10 the service address. Those are the three drivers of
11 why enrollment requests will reject with a utility as
12 account not found.

13 In fact, I'll go so far, and I know I put
14 it in the testimony here, this -- this is the first
15 instance I've heard of where an enrollment request
16 rejected as account not found, and it was based on
17 the fact that the utility was misidentified.

18 EXAMINER LYNN: All right.

19 THE WITNESS: I will also say with
20 Mr. Hogan, he works in one of our call centers.
21 We -- those agents are trained to ask and confirm
22 information that I just described, account numbers,
23 account holder name, service address, which if you
24 refer back to the calls that we listened to, those
25 are the exact same things that those agents did

1 identify and worked to try to confirm with
2 Mr. Snyder. So Mr. Hogan's call was, Oh, I see that
3 this is an account number. Let me go ahead, correct
4 that, and get this submitted.

5 EXAMINER LYNN: I know Mr. Hogan is not
6 here. If he was trying to correct it based on that,
7 wouldn't you have gotten the same account number from
8 Mr. Snyder all over again or what?

9 A. Yes. Except the initial enrollment out
10 was the 11-digit account number. The follow-up
11 discussion was a ten-digit account number --

12 Q. Okay.

13 A. -- so it would not have been the same.

14 Q. Okay. Let's see now. Piecing together
15 several different parts of information here, you have
16 on pages 9 and 10 of your testimony, starting on
17 line 15 through the bottom of the page and goes up to
18 line 22 of the following page, your discussion about
19 the enrollment of Mr. Snyder at that 5.94 cents per
20 kilowatt-hour.

21 The fact that that was what FES believed,
22 and apparently from what Mr. Snyder's statement
23 that's not what he was seeking, I wanted to just --
24 Mr. Snyder's exhibit indicates that he contacted FES
25 on April 19 to say that "I never wanted to be

1 enrolled at that rate." Do you agree that's the date
2 he contacted FES?

3 A. Let's see.

4 Q. On the 19th, to say, "I didn't want that
5 5.94 cent rate"?

6 A. I don't know if that's -- I don't know
7 the time line from memory.

8 Q. Sure. Not trying to make it difficult --

9 A. I may say it's on or about.

10 Q. -- for you. Since I didn't hear FES
11 object to it, I just wanted to confirm that.

12 A. I'm sorry, you said October, August?

13 Q. Maybe I misstated. I thought that you
14 said August 19, 2013. If I misstated it, I'm sorry
15 about that.

16 A. No. I think I misspoke.

17 MS. McBRIDE: Your Honor, we will
18 stipulate that date on Mr. Snyder's Exhibit 19, an
19 e-mail on August 19.

20 EXAMINER LYNN: Okay.

21 A. I have in my records the 20th.

22 Q. Thank you for pointing that out. With
23 that in mind then, on page 10 of your testimony
24 you're indicating, starting at line 17, that you
25 provided on September 17 information to Commission

1 staff. Then you provided copies of recordings for
2 certain calls. So when you had provided those copies
3 of recordings, that also was on September 17? That
4 is, you indicate in that page 17 -- excuse me,
5 line 17, you provided additional information to the
6 Commission. Then a separate sentence you also
7 provided copies of the recordings.

8 A. Yes.

9 Q. Am I correct that the recordings also
10 were provided on September 17 then? I wasn't sure if
11 that was separate from the additional information or
12 a different time.

13 A. Yes, they would have been in addition to
14 the additional information on the 17th.

15 Q. Okay.

16 MR. SNYDER: I'd like to clarify that.
17 The e-mail recordings on the 17th were unreadable, so
18 if you read down the next question, they responded
19 with a mailing later on.

20 THE WITNESS: Yes, I think the point
21 there is that Rebecca or Fred, I don't recall which
22 one, attempted to send those files as attachments in
23 an e-mail. It didn't make it either out of our fire
24 wall or into the receiver's fire wall. They were
25 lost in transit.

1 Q. (By Examiner Lynn) Very true, Mr. Green.
2 So actually the initial attempt to send the recording
3 was September 17, but ones that could actually be
4 listened to were sent on the 18th on a CD.

5 A. On a CD.

6 Q. All right.

7 A. Okay.

8 Q. When the recordings were sent, was there
9 more than one CD sent out to the Commission? Do you
10 have any information how many were ultimately sent?
11 It says ACD here.

12 MS. McBRIDE: Your Honor, could we go off
13 the record, please.

14 EXAMINER LYNN: Sure.

15 (Discussion off record.)

16 EXAMINER LYNN: Mr. Snyder, you wanted to
17 clarify something about when the recordings first
18 happened. Could you repeat that, please.

19 MR. SNYDER: Yes. There were two
20 separate requests for recordings and two separate
21 deliveries from the Public Utilities Commission. The
22 first one was for specifically the Steve Hogan
23 recording, and that was provided here. In addition
24 to that contained on here was the Tuniqua Jennings
25 recording also. That was what was delivered

1 September 18, and, Kelly Mabra turned around and
2 mailed it to me, which is why I have it here.

3 The subsequent request was my request to
4 Kelly for all the recordings, and that's not on
5 September 18. That was at a later date.

6 EXAMINER LYNN: All right. Let me pause
7 and see if I can think of any other questions.

8 Q. (By Examiner Lynn) Mr. Green would you
9 have any comments about the fact that the process
10 seemed to go on for quite a while? Even though at an
11 earlier point in time Mr. Snyder had indicated, for
12 example, in the telephone call with Steve Hogan, I'm
13 with DP&L. And then as I recall from other calls
14 that he made, that issue was brought up again, yet
15 people kept trying to resubmit his request. That's
16 what I understood from some of those recordings.

17 A. Uh-huh.

18 Q. Again, I was just kind of surprised that
19 the matter of the offer only being available to Duke
20 customers didn't -- that wasn't caught earlier given
21 that he had mentioned he was with DP&L. Before FES
22 finally got back to him to say this is only available
23 to Duke, he had raised the issue other times, that he
24 was with DP&L. Do you have any thoughts about why
25 that went on for so long or why it wasn't flagged

1 earlier?

2 A. Well, again, I believe it's due to the
3 extremely uncommon nature of this -- of what resulted
4 in the rejection. The fact that it's -- the
5 enrollment request via the web, it is asked of the
6 applicant so many times who is your utility? Who is
7 your utility? You get it multiple times, and we
8 discussed that.

9 Q. Sure. It's on some of the pages attached
10 to your testimony.

11 A. Exactly. So we don't see many rejections
12 based on I'm a DP&L utility customer and am trying to
13 sign up under Duke.

14 Q. All right.

15 A. Again, what we do see are issues with the
16 account holder's name, account number, and service
17 address. So it's -- this occurred based on -- when
18 Mr. Hogan and Deborah Ison had Mr. Snyder on the
19 phone and they saw this "account not found," they're
20 trained to say, okay, let me check these key items.

21 And when you find discrepancies on one of
22 those other items -- Mr. Hogan found one on the
23 account number. Ms. Ison found one on the fact the
24 account holder was Mrs. Snyder. That -- I think it
25 was evident in the calls, and what I heard was "Ah,

1 that's what this is. That's why this must have been
2 rejected."

3 And, in fact, I believe there was a sense
4 of urgency that was actually conveyed on those agents
5 to say, "Hey, this is it. Let me get that turned
6 around for you."

7 The other piece of this is that when
8 those -- when those rejection resolution calls are
9 taken, the expectation is that, okay, we've
10 identified the issue here. We will resubmit, and
11 that one should be fine, and it's on to the next or
12 it's, you know, another customer query.

13 Unfortunately, with the way that this
14 system worked, the way that we are -- a customer has
15 to wait until their bill comes or until they get
16 their confirmation from the utility, it can take up
17 to 30 to 45 days to get that confirmation, to
18 actually see that the supplier has changed and that
19 the customer actually sees it on their bill. In that
20 case, unfortunately, it can take quite awhile to
21 actually resolve.

22 Q. Again, I'll pause this for a minute to
23 see if I have any further questions.

24 Pages 9 and 10 of your testimony, lines
25 21, 22, and then 1 and 2, there's reference to the

1 enrollment of Mr. Snyder in 5.94 cents, and the
2 statement that he contacted FES and said he never
3 agreed to that and FES canceled the enrollment.

4 Do you have any more remarks to add to
5 that? Again, based on calls that we heard replayed
6 this morning, was there any determination made as to
7 why Mr. Snyder was enrolled at that rate, given what
8 his statements were in the calls, you know, which
9 there doesn't seem to be any statement in his
10 information saying, "I will accept that rate."

11 Was there ever any investigation of that
12 or how it happened? I'm only asking you that because
13 you make some reference to it in your testimony. I
14 realize you're not Mr. Maurer, of course.

15 A. Correct. Let me kind of echo back what I
16 heard.

17 Q. Sure.

18 A. Any additional comments from me regarding
19 the -- Mr. Snyder's acceptance of the offer and was
20 there any investigation?

21 Q. Any additional comments based upon
22 Mr. Snyder saying that he never confirmed that he
23 wanted to be enrolled at that rate, and, you know,
24 was there -- you're indicating FES canceled the
25 enrollment. Well, okay. But was there ever any

1 determination how he was enrolled in the first place
2 at that rate, given that he was stating he didn't
3 want to be enrolled at that rate, and the telephone
4 call recordings seem to clearly indicate that.

5 A. Okay. FES's position on the enrollment
6 is that Mr. Snyder had filed an informal complaint
7 and that -- which was really the trigger for Fred to
8 reach out to Mr. Snyder and really work on a
9 resolution to the complaint.

10 Q. And, for the record, that is Fred Maurer
11 of FES?

12 A. Fred Maurer, yes.

13 Q. Okay.

14 A. And so that did not -- that settlement,
15 that resolution process and discussion did not fall
16 under the rules for other telephonic enrollments. I
17 listened to -- we all listened to Fred's call this
18 morning, the call with Mr. Snyder, and, I just made a
19 few notes around what was said.

20 And I'm paraphrasing here, but basically
21 what I heard and where -- is that Fred indicated, you
22 know, my next best -- you know, the rate is -- you
23 know, let me get you enrolled at 5.94 cents per
24 kilowatt-hour plus the lost savings compensation and
25 see what we can do. Okay?

1 And Mr. Snyder's response was okay.

2 MR. SNYDER: That is incorrect.

3 MS. McBRIDE: Objection.

4 Q. (By Examiner Lynn) Well, if that's your
5 recollection, that's your recollection. We will see
6 what the transcript of the recording says.

7 A. Absolutely.

8 EXAMINER LYNN: Again, I'm asking,
9 knowing you're not Fred Maurer, but simply you did
10 make some reference to it in your testimony.

11 Okay. I can't think of any further
12 questions at this time.

13 Mr. Snyder, do you have questions?

14 MS. McBRIDE: Your Honor, may I briefly
15 follow up on this point?

16 EXAMINER LYNN: Sure.

17 - - -

18 FURTHER REDIRECT EXAMINATION

19 By Ms. McBride:

20 Q. Mr. Green, you listened to the call that
21 was had between Mr. Maurer and Mr. Snyder; is that
22 right?

23 A. I have several times.

24 Q. And do you believe that Mr. Snyder
25 consented to be enrolled at the 5.94 rate with the

1 additional offer of lost savings?

2 A. Yes, I do.

3 Q. As a result of Mr. Snyder's complaint,
4 has FES provided any feedback to its agents,
5 including Mr. Maurer?

6 A. Absolutely. We have taken several
7 opportunities to provide feedback, coaching feedback,
8 to the half of a dozen folks that conducted calls
9 with Mr. Snyder to say we could have handled -- we
10 could have handled this differently and to say, you
11 know, it was handled one way. It could have been
12 handled a different way.

13 MS. McBRIDE: Thank you.

14 EXAMINER LYNN: Mr. Snyder, did you have
15 any questions?

16 MR. SNYDER: Yes, I do.

17 EXAMINER LYNN: Okay.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Snyder:

21 Q. Mr. Green, did Steve Hogan identify me as
22 an DP&L customer based on just my enrollment
23 information?

24 A. Yes, he did.

25 MR. SNYDER: I object to that.

1 A. I believe -- I actually believe you
2 identified yourself as a DP&L customer on that call,
3 not him.

4 Q. I do not believe that is correct.

5 EXAMINER LYNN: Again, we can check the
6 transcripts of the recording.

7 Q. (By Mr. Snyder) He clearly brings up
8 before me that I'm a DP&L customer. Knowing that I'm
9 a DP&L customer, did Steve quote the Internet
10 application rate that I originally applied for?

11 MS. McBRIDE: Your Honor, I object that
12 he is asking Mr. Green about the substance of the
13 calls, which will be in evidence. I don't think it's
14 appropriate for -- Mr. Green can't testify as to the
15 substance of the calls, which would --

16 EXAMINER LYNN: We will let Mr. Snyder's
17 question continue.

18 A. Can you restate the question, please?

19 Q. Knowing that I was a DP&L customer,
20 whether I said it or he said it, did Steve quote me
21 the Internet application rate I originally applied
22 for?

23 A. Boy, it's tough without the -- I don't
24 recall. I don't recall if you said it or he said it.

25 Q. Okay. What is FirstEnergy's obligation

1 to notify competitors of enrollment problems or
2 errors under the Ohio Revised Code?

3 MS. McBRIDE: I'm sorry, can you please
4 repeat that?

5 THE WITNESS: Yes, I didn't get the first
6 few words.

7 Q. (By Mr. Snyder) What is FirstEnergy
8 Solutions' obligation to notify customers of
9 enrollment problems or errors under the Ohio Revised
10 Code?

11 MS. McBRIDE: I object. It calls for a
12 legal conclusion.

13 EXAMINER LYNN: Well, could you state the
14 question any different, Mr. Snyder?

15 Q. (By Mr. Snyder) There's a problem and I
16 called Steve and thought this was resolved, and there
17 is a two-month gap before -- if the application --
18 should there have been some contact to me in the
19 two-month intervening time? That's the question.

20 A. So I think that's a different question,
21 but if your question is should we have contacted you?
22 No, we are not obligated to contact you after based
23 on that call. The call to resolve the rejection, no
24 we're not obligated.

25 EXAMINER LYNN: You are referring to the

1 call to Steve Hogan?

2 THE WITNESS: Correct.

3 Q. (By Mr. Snyder) How are customers
4 supposed to know there was a rejection or whatever,
5 what's going on if you are not obligated?

6 A. Well, you -- you -- you would receive
7 your confirmation letter from the enrollment --
8 acceptance letter from the utility, from Duke in this
9 case. I -- I'm not sure other than that, what other.

10 Q. Well, you have one case where it's
11 accepted. You're saying if it's rejected, you have
12 no obligation whatsoever to notify when you have a
13 rejected application?

14 A. Let's -- we did notify you that your
15 account -- that the submission to Duke Energy was
16 rejected. You received a letter from us, so you get
17 that letter, as well as if you don't -- the process
18 calls for, again, that the utility issue an
19 acceptance letter. If that doesn't come, that's
20 another indicator. The other indicator I would say
21 is, again, does the supplier's name show up on your
22 next bill.

23 EXAMINER LYNN: Mr. Green, what about
24 the -- again, we listened to the telephone calls this
25 morning. There were periodic comments made by the

1 FES representatives saying that, you know, I will
2 escalate the matter, take it to a higher level, and
3 so forth.

4 THE WITNESS: Uh-huh.

5 EXAMINER LYNN: But certainly it took
6 quite awhile to get back to Mr. Snyder. There seemed
7 to be some very lengthy delays in there. You know,
8 if not by Ohio law, is there any sort of internal
9 company policy or that kind of thing as far as giving
10 a customer updates or timeliness of responses or
11 anything of that nature?

12 THE WITNESS: We don't have any defined
13 policies around that, but I will go back to those
14 calls, and I believe we're talking about Mr. Hogan
15 and Ms. Ison.

16 EXAMINER LYNN: And some of the
17 subsequent ones, yes.

18 THE WITNESS: The first two calls were
19 clearly expressed, Mr. Hogan and Ms. Ison were
20 working to resolve the rejection, and when we
21 found -- Mr. Hogan found that the account number was
22 incorrect, we understood as to why the account
23 rejected in that situation.

24 I believe it was the July call with
25 Ms. Ison, again, we realized that the account was in

1 Mrs. Snyder's name, not Mr. Snyder's name, and that
2 we would have to work to resubmit those requests.

3 But I believe it was the third call we
4 listened to with Tuniqua, she did determine there was
5 a Duke enrollment and not -- that Mr. Snyder's
6 utility was DP&L, and, again, that's when the
7 conversation began around, well, look, Duke -- if
8 you're not a Duke customer, Duke is not your utility,
9 those offers don't apply.

10 EXAMINER LYNN: All right. Thank you.

11 Mr. Snyder, anything else?

12 Q. (By Mr. Snyder) You mentioned the name
13 on the account. If you go back to your Exhibit 2,
14 page 2, it just asks for the first name, last name.
15 It doesn't -- again, that's the reason I think anyone
16 there would type in their personal, first name --

17 EXAMINER LYNN: Where are you looking
18 again? This is Mr. Green's testimony?

19 MR. SNYDER: Yes, the MCG-2, second page.

20 EXAMINER LYNN: MCG-2.

21 MR. SNYDER: Yes, Attachment 2.

22 EXAMINER LYNN: You're looking at MCG-2.

23 MR. SNYDER: Second page.

24 EXAMINER LYNN: Second page, okay.

25 MR. SNYDER: It is asking for contact

1 information, first name, last name.

2 EXAMINER LYNN: Okay.

3 Q. (By Mr. Snyder) How was someone supposed
4 to know you really mean the account holder's first
5 name, last name?

6 A. The -- you would -- you would -- I mean,
7 it's clearly not as specific as maybe it could be.
8 But I will tell you that -- the enrollment rules vary
9 by utility to utility, you know, must have account
10 holder's name versus another authorized person's
11 name, so to the extent -- that would be one
12 explanation. You know it -- I believe -- well, I'm
13 not going to speculate who built the website and why
14 it was, you know, just that rather than account
15 holder's name. I can take it under advisement.

16 Q. Again, while we're there, talk briefly
17 about the account number that requires 11 digits to
18 get past this submittal, and still I haven't heard a
19 good explanation why on supposedly this database it
20 only shows 10 digits?

21 A. Well --

22 EXAMINER LYNN: Mr. Snyder is holding up
23 Exhibit 2.

24 A. The -- my understanding of why -- my
25 understanding is the last digit is truncated in our

1 system before it is sent to the utility for the
2 enrollment practice -- the enrollment process.

3 EXAMINER LYNN: What do you mean by
4 "truncated"?

5 THE WITNESS: It is shortened. It takes
6 off the last digit. It's the way the system works.

7 MS. McBRIDE: When you say "system,"
8 which system, FES's or EDI's system?

9 THE WITNESS: Excuse me, on FES's system.

10 EXAMINER LYNN: Before we go further,
11 let's go off the record for a minute.

12 (Recess taken.)

13 EXAMINER LYNN: Mr. Snyder, you said you
14 have a few remaining questions.

15 Q. (By Mr. Snyder) Back with the account
16 number, you stated that FirstEnergy Solutions
17 truncates the last digit. Is that required? Was
18 that part of someone's confusion with ten versus
19 11 digits? Why is it done? I'm trying to understand
20 that.

21 A. It is a requirement of the utility,
22 actually. The Duke account numbers are 11 digits.
23 When we submit the EDI, we submit the enrollment
24 information via EDI to the utility, to Duke, we are
25 required to take off the 11th digit and submit a

1 10-digit account number.

2 EXAMINER LYNN: You're saying you are
3 required to do that to DP&L customers?

4 THE WITNESS: No, no, just for Duke.

5 EXAMINER LYNN: I see.

6 THE WITNESS: Which is why you have the
7 ten-digit account number on Exhibit 2, page 1, as
8 well as Exhibit 2, page 3 of Mr. Snyder's exhibits.

9 Q. (By Mr. Snyder) Do you see a conflict
10 with that? Isn't that supposed to be a true and
11 accurate record of what I input into the enrollment,
12 if you are truncating it and saving it that way?

13 I mean, there are specific provisions of
14 the Ohio Revised Code as to what needs to be saved,
15 and that's one of them.

16 MS. McBRIDE: I object. This is not only
17 irrelevant to Mr. Snyder's claims, but the
18 information that is saved is the information used to
19 submit -- it's to submit an enrollment, and that's
20 the information -- Mr. Green testified that's the
21 information required by Duke. I'm not really seeing
22 the point of this line of questioning.

23 EXAMINER LYNN: Mr. Green, tell me one
24 more time. You're saying that -- Snyder
25 Exhibit 2 has a ten-digit number at the top of the

1 page, and you're saying if he had submitted an
2 11-digit number -- help me out again, please.

3 THE WITNESS: He did submit an 11-digit
4 account number.

5 EXAMINER LYNN: Okay.

6 THE WITNESS: And my response to his
7 question why -- why are we only saving -- why do --
8 why does the exhibit only show a ten-digit account
9 number, that is because the requirement that is
10 directed by the utility --

11 EXAMINER LYNN: "The utility" being?

12 THE WITNESS: Duke. -- requires us to
13 submit the first ten digits.

14 EXAMINER LYNN: You're saying this even
15 though in your testimony in MCG-2 on this second
16 page, it has utility, Duke Energy Ohio, and account
17 number 11 digits?

18 THE WITNESS: Correct.

19 EXAMINER LYNN: So somebody who is on
20 this application screen, I'll call it, applying for
21 the offer is supposed to submit 11 digits to FES, but
22 when you send that information on to Duke, they are
23 only asking for ten digits.

24 THE WITNESS: Correct.

25 EXAMINER LYNN: Why is that?

1 THE WITNESS: I don't know.

2 EXAMINER LYNN: That's Duke's policy?

3 THE WITNESS: That's my understanding.

4 My understanding, it is Duke's policy. I can't speak
5 to why.

6 EXAMINER LYNN: I understand. I'm trying
7 to get clarification.

8 Mr. Snyder, go ahead.

9 Q. (By Mr. Snyder) The second part of that
10 question, which more important, could cause some
11 confusion between which provider is really there
12 because now once you truncate it, I'm not sure which
13 number your representatives have access to because
14 this, they will see ten digits no matter what company
15 they're looking at.

16 A. Could it have? I suppose it could,
17 depending on, you know -- again, what I will -- what
18 I will say is that there are multiple steps in the
19 enrollment application process where the utility --
20 the applicant is asked to confirm what the utility
21 is. And while the account number is one of them and
22 it's -- could it be -- could it be misconstrued or be
23 confusing? Yes. But there are several other
24 upstream earlier steps asked to clear up any
25 confusion around who the applicant's utility is.

1 Q. Next, the zip code, you have already
2 testified the front page presents only offers
3 applicable to a zip code entered if you come in
4 through the front screen.

5 A. Uh-huh, yes.

6 Q. Why isn't that same check put in the
7 actual application to make sure things like this
8 don't happen?

9 MS. McBRIDE: I'll object, your Honor,
10 calls for speculation, I believe and --

11 MR. SNYDER: Well, could it have been?

12 MS. McBRIDE: That calls for speculation.

13 EXAMINER LYNN: Okay, we'll agree to that
14 objection. Keep going, Mr. Snyder.

15 Q. (By Mr. Snyder) Apparently someone has
16 written some software code to recognize a zip code,
17 and based on that, tell what service is available,
18 correct?

19 A. I -- I'm not sure I understand the
20 question.

21 Q. Well, just like that first web page, if
22 you enter the zip code, you testified it will only
23 give you offers in that zip code, correct?

24 A. From the FES.com website, if that is your
25 entry point, correct.

1 Q. So that software, that routine exists
2 somewhere. Someone at FirstEnergy Solutions had to
3 implement that software, correct?

4 A. I -- I don't know who developed the
5 software.

6 Q. It got to your website. Whoever did it,
7 it is on your website, correct?

8 A. It's on the website, yes, but it could
9 have been -- could have been a purchased package
10 or -- I'm not sure.

11 EXAMINER LYNN: Mr. Snyder, if you can
12 pause for a minute.

13 Mr. Green, so I can clarify something in
14 my own mind related to what Mr. Snyder is saying,
15 when he would have gone to the Apples to Apples
16 website, you're indicating he would have seen this
17 offer, the 5.36 cents that appealed to him. During
18 that part of process would he have entered a zip code
19 at all?

20 THE WITNESS: No.

21 EXAMINER LYNN: Just wanted to clarify
22 that.

23 Mr. Snyder.

24 Q. (By Mr. Snyder) Are you aware that the
25 Public Utilities Commission website changed

1 significantly from the time this enrollment took
2 place until now?

3 A. I am. I am aware there have been changes
4 to the website, yes. Significantly, that's open
5 for -- I don't know. I don't know how you define
6 "significantly."

7 Q. Right now you go in, the first step is
8 pick your utility. Right now the Public Utilities
9 Commission has changed it. That's what it is right
10 now. That was not the case back in May of '13?

11 EXAMINER LYNN: Keep going, Mr. Snyder.

12 MR. SNYDER: I wanted to see if he was
13 aware of that. I'm not even sure how long he has
14 been working or knew about it. There has been a
15 significant change that would have prevented this if
16 it had been implemented earlier, I'll put it that
17 way.

18 MS. McBRIDE: I object as to Mr. Green's
19 foundation to talk about the set-up of the PUCO
20 website. I don't think Mr. Green is in a position to
21 testify about it.

22 EXAMINER LYNN: About its current
23 arrangement?

24 MS. McBRIDE: Yes.

25 EXAMINER LYNN: Okay. We'll agree there.

1 MR. SNYDER: I understand, but he did
2 testify how to get there from the Public Utilities
3 Commission's website. I'm trying to reference that
4 based on the current Public Utilities Commission's
5 website or the one that existed back then.

6 EXAMINER LYNN: I'm assuming the one that
7 existed at that point in time when Mr. Snyder
8 applied.

9 THE WITNESS: That is correct, at the
10 time he applied.

11 EXAMINER LYNN: At the time of the
12 application, okay.

13 Q. (By Mr. Snyder) How would you go -- how
14 would you go back and know what was on their site
15 back in May of '13? I'm trying to understand that.

16 A. The screenshots before you of the FES
17 website, we are able to go back into our system and,
18 you know, pull, generate these pages the way they
19 were then. I don't -- I -- I have an understanding
20 that that's how the process works, but I don't -- I
21 don't know what the PUCO website looked like 15
22 months ago or how it worked, other than what we've
23 talked about.

24 Q. You did testify you have some data
25 showing I got to your site through their site.

1 A. Correct.

2 Q. What is that? What data did you have to
3 show that?

4 A. Gosh, so my understanding is that we
5 subscribe to a service provided by Google, and we can
6 go out and look at the history of websites that
7 were -- that were -- that were accessed during this
8 transaction.

9 Q. Does FirstEnergy -- I don't think the
10 Public Utilities Commission provides your website or
11 they don't come up with it. Do you guys provide that
12 to them to put on their website?

13 A. Yes, we do.

14 Q. So at that point, and that's probably
15 been the policy, I'm guessing for a while, whatever
16 link you guys provide to them is the one that would
17 have been used back in May to get to your website?

18 A. I believe that to be the case.

19 Q. Okay. You forecasted a little bit about
20 folks being trained to ask questions because of some
21 of the common errors. Is a name on the account one
22 of the common errors?

23 A. Yes, it is.

24 Q. Tell me again why Mr. Hogan didn't
25 clarify that information?

1 A. Because it appears to me that the first
2 item you discussed was the account number, and so
3 finding that the account number was incorrect, he did
4 not ask any further questions on to what were -- what
5 might be potential other pitfalls in the enrollment
6 request. He never got past the account number.

7 Q. You train folks to look for one problem
8 and stop; is that what it is?

9 MS. McBRIDE: Objection, it's
10 argumentative.

11 EXAMINER LYNN: We will agree to that
12 objection.

13 Please keep going, Mr. Snyder.

14 Q. (By Mr. Snyder) You testified you train
15 them to look at multiple things, account number,
16 name, and based on that testimony, I would assume
17 they would ask all those questions instead of just
18 stopping at the first problem.

19 MS. McBRIDE: I'm not sure I heard a
20 question.

21 EXAMINER LYNN: Could you repeat that,
22 Mr. Snyder?

23 MR. SNYDER: I'm looking for a
24 clarification because he testified they train their
25 folks to ask questions based upon the common errors,

1 which include account number, name, and I'm trying to
2 confirm that they're trained to ask all those instead
3 of just one.

4 EXAMINER LYNN: Mr. Green, do you have a
5 response?

6 THE WITNESS: Sure. As my testimony
7 indicates, the reps are trained to clarify key
8 account attributes, such as account number, service
9 address, account holder name. Yes, they are trained
10 to check multiple -- multiple attributes of those
11 accounts.

12 Q. (By Mr. Snyder) Then moving to the
13 slamming complaint, I think you testified the only --
14 I'm trying to clarify -- the only proof you have are
15 the recordings from Fred saying he believed he had my
16 permission to start service with FES at the
17 5.94 rate. Is there any other evidence, or is that
18 the only evidence that you have?

19 A. That's the only evidence.

20 Q. Just a point of clarification on that.
21 And he basically said, "I will get back to you."
22 That was the part I agree with you, "I will get back
23 to you on the account."

24 Why do you believe the Ohio Revised Code
25 doesn't apply in this instance when it was -- I mean,

1 I don't think the rules are any different whether I
2 make an informal complaint or formal complaint. Why
3 do you think there is some lower level of consent
4 required?

5 A. I don't believe there's any --

6 MS. McBRIDE: I object. Number one, it
7 calls for a legal conclusion. Number two, it assumes
8 requirements in the Ohio Revised Code, which there
9 are not, so Mr. Green is not a lawyer and not here to
10 testify about legal conclusions.

11 MR. SNYDER: Well, that's what he
12 testified to earlier.

13 EXAMINER LYNN: Well, I agree to the
14 objection. We will let Mr. Green's testimony stand
15 as is. If there is part of the Revised Code or
16 Administrative Code that's applicable, I'm sure the
17 Commission will determine that.

18 MR. SNYDER: I believe that is all the
19 questions I have.

20 EXAMINER LYNN: Thank you, Mr. Snyder.

21 Ms. McBride, do you have any additional
22 questions?

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FURTHER REDIRECT EXAMINATION

By Ms. McBride:

Q. Mr. Green, does FES have any incentive to delay or disrupt enrollment with FES?

A. No. In fact, the contrary. It is our desire, that's why we're in business, to provide service, retail service, retail generation service to customers.

Q. And if the account -- if the name of the account had been correctly identified during Mr. Snyder's enrollment process, would he have been eligible for the 5.36 offer?

A. No. No.

Q. If Mr. Snyder's account number had been correctly identified on the Internet enrollment or in the system that the agents accessed afterwards, would Mr. Snyder have been eligible for the 5.36 cents offer?

A. No, he would not.

Q. When he submitted the Internet enrollment application in May of 2013, did Mr. Snyder consent to have his supplier be switched to FirstEnergy Solutions?

A. Yes, he did.

MS. McBRIDE: That's all we have.

1 EXAMINER LYNN: Mr. Green, if you were
2 saying in the application Mr. Snyder agreed to be
3 switched to FES, if I understand the question
4 correctly, he agreed to be switched at that rate that
5 he was seeking action, and your answer makes it seem
6 as though he was agreeing to be switched to FES
7 regardless of what the rate would be. Can you
8 clarify your answer a little bit?

9 THE WITNESS: I would clarify that he
10 did -- he provided consent to be switched to FES.

11 EXAMINER LYNN: He was seeking a rate
12 that wasn't applicable to him, from what you're
13 stating?

14 THE WITNESS: That's correct.

15 MS. McBRIDE: Maybe my question seems
16 misleading. May I continue?

17 EXAMINER LYNN: If you can clarify what
18 you are trying to say.

19 Q. (By Ms. McBride) Mr. Green, when
20 Mr. Snyder submitted the enrollment application in
21 2013, he consented to switch his supplier to FES; is
22 that correct?

23 A. That is correct.

24 Q. And to receive the rate of 5.36 cents per
25 kWh?

1 A. That's correct.

2 Q. And it was later confirmed that
3 Mr. Snyder was not eligible to receive the 5.36 rate;
4 is that right?

5 A. That's correct.

6 Q. When mr. Snyder spoke to Mr. Maurer in
7 August of 2013 and Mr. Maurer offered him the
8 5.94 offer available for DP&L customers, that was the
9 best rate that Mr. Snyder could have received back in
10 May 2013; is that correct?

11 A. That's correct.

12 Q. And I believe there's also been testimony
13 to the effect that Mr. Maurer offered Mr. Snyder lost
14 savings at that point; is that correct?

15 A. Yes, that's correct.

16 Q. At that point in time, Mr. Maurer was
17 confirming the terms, the best terms, Mr. Snyder was
18 eligible for in May of 2013 when he sought to enroll
19 with FES?

20 A. That's correct.

21 Q. So if Mr. Snyder had accepted the offer
22 as FES believed he had, he would have received
23 exactly the same exact benefits at that point in time
24 that he have would have had his enrollment in May of
25 2013 been successful?

1 A. If the enrollment in May of 2013 had been
2 the 5.94 rate.

3 Q. Right, the best rate he was eligible for?

4 A. Exactly. Exactly.

5 EXAMINER LYNN: What you're indicating
6 then is when that 5.94 rate was offered to Mr. Snyder
7 and apparently some compensation for the difference
8 between that and the 5 -- whatever the lower was.

9 THE WITNESS: 36.

10 EXAMINER LYNN: You're saying had that
11 offer been accepted at that point in time by
12 Mr. Snyder, he would have been in a position that he
13 would have had his original request been accepted?

14 THE WITNESS: Had the original request
15 been accurate and reflected Dayton Power and Light as
16 the utility, not Duke, then, yes, he would have been
17 in the exact same position.

18 EXAMINER LYNN: Okay. All right.

19 Anything else?

20 MS. McBRIDE: That's it.

21 EXAMINER LYNN: Mr. Snyder?

22 MR. SNYDER: No.

23 EXAMINER LYNN: With that in mind,
24 believe it or not, we haven't moved for admission of
25 these exhibits into evidence.

1 MS. McBRIDE: I would move for the
2 admission of Company Exhibit 1 into evidence, the
3 Direct Testimony of Matthew C. Green.

4 EXAMINER LYNN: Thank you. Hearing no
5 objection, that will be in evidence as FES Exhibit 1.

6 (EXHIBIT ADMITTED INTO EVIDENCE.)

7 EXAMINER LYNN: Mr. Snyder, we need to --
8 off the record for a minute, please. Thank you.

9 (Discussion off record.)

10 EXAMINER LYNN: Back on the record.

11 The parties have agreed that two weeks
12 after the record is complete and in the docketing
13 system, two weeks afterwards would be the time for
14 briefs and two weeks after the deadline for reply
15 briefs.

16 I stated as attorney-examiner I am
17 flexible. If a party anticipates longer to go
18 through what's in the record, we can adjust the
19 timetable accordingly further down the road.

20 Any other questions of anyone?

21 That's fine. Thanks all for your
22 appearance today, and I know it's been a long day.
23 Fortunately, we are running out of time. You can get
24 out of here before the traffic gets really heavy.
25 Believe me, I think it makes a difference before 4:30

or after.

Have a good trip home and thank you for
your attendance and all your preparation. Have a
good afternoon.

(The hearing adjourned at 4:07 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Monday, August 18, 2014, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson,
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 5, 2019.
(RFA-76395)

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EXHIBIT 5

CD-1, TRACK 4

5/31/2013 - Stephen D. Hogan and Bruce Snyder

MR. HOGAN: Thanks for calling Customer
Care. My name is Steve. May I have your name,
please.

MR. SNYDER: Bruce Snyder.

MR. HOGAN: One moment, please. May I
have your service address, please?

MR. SNYDER: 4461 Powder Horn Drive,
Dayton, Ohio 45432.

MR. HOGAN: May I have your phone number,
area code first, please?

MR. SNYDER: 937-427-0231.

MR. HOGAN: Okay. May I call you Bruce?

MR. SNYDER: Sure.

MR. HOGAN: Okay. One moment first while
I access your account. Bear with me, please.

MR. SNYDER: I don't think you'll find
anything. I tried to sign up with you guys, and you
sent me a letter saying you can't process it.

MR. HOGAN: Just so I know, Powder Horn
Drive. All right. So, all right, well, let's --
would you -- okay. Okay, so 4461 Powder Horn Drive.
Now, is that Dayton, Ohio, or is that Beavercreek?

1 MR. SNYDER: It's Beavercreek, but the
2 zip code covers Dayton, Beavercreek, Riverside,
3 covers three cities.

4 MR. HOGAN: Okay . And would you please
5 provide to me your account number for DP&L?

6 MR. SNYDER: 315 --

7 MR. HOGAN: I'm sorry?

8 MR. SNYDER: 315 --

9 MR. HOGAN: Uh-huh

10 MR. SNYDER: -- 4719158, and there's a
11 space and a 3.

12 MR. HOGAN: Okay. So 31547191583; is
13 that correct?

14 MR. SNYDER: Right.

15 MR. HOGAN: One moment. Okay. One
16 moment while I update some of your information. And
17 DP&L is your utility company; is that correct?

18 MR. SNYDER: It's the utility, not the
19 electric provider right now.

20 MR. HOGAN: Yeah, DP&L is your -- your
21 utility company.

22 MR. SNYDER: Correct.

23 MR. HOGAN: Okay. All right. One moment
24 while I -- it looks likes the program that you
25 enrolled into was a rate of 5.36 cents per

1 kilowatt-hour set to the end June of 2016; is that
2 correct?

3 MR. SNYDER: Right.

4 MR. HOGAN: Okay. All right. I'll go
5 ahead and resubmit this and send this back through so
6 that you can be enrolled.

7 MR. SNYDER: Do you know how long it will
8 take? I placed a call to Duke Energy and they're
9 cutting it off 22 June, or the 20th of June,
10 actually.

11 MR. HOGAN: I'm sorry, they're cutting?

12 MR. SNYDER: June 20 is the last
13 metering, and that's when Duke Energy stops
14 providing.

15 MR. HOGAN: Well, nothing happens in the
16 middle of a meter reading. We have to wait until
17 your meter is read before services with FirstEnergy
18 Solutions begin.

19 MR. SNYDER: Yeah, that's the 20th of
20 June.

21 MR. HOGAN: So I'll resubmit this
22 through. Bruce, is there anything else I can help
23 you with today?

24 MR. SNYDER: Well, what was -- you said
25 there was an issue. I mean, it's the exact same

1 customer account number I read to you is what's on
2 your letter to me. What was the problem?

3 MR. HOGAN: Well, I didn't show the
4 3 that was listed on -- that you gave me, the 3. The
5 last digit, which is a 3, wasn't inputted in your
6 account so that was a matter of rejection.

7 MR. SNYDER: I typed it in the computer.
8 I know that for a fact because I called my son to get
9 the 3 so I know I put it in the computer before I hit
10 submit.

11 MR. HOGAN: Okay. Well, I'll just advise
12 that the only thing that was -- I see that was
13 missing when I went into your account was the 3, so
14 chances are that typically if it's one number off or
15 transposed, it would kick it back or reject it, so I
16 updated that information.

17 MR. SNYDER: Well, again, I typed that in
18 online. I know that for a fact, so your system is
19 dumping the last number for whatever reason.

20 MR. HOGAN: I won't say that, but, again,
21 I updated that information so we should be all set.

22 MR. SNYDER: Okay.

23 MR. HOGAN: All right. Anything else I
24 can help you with today, Bruce?

25 MR. SNYDER: Well, if I can get your name

1 in case there's a problem. If I get disconnected,
2 I'll be calling you.

3 MR. HOGAN: My name is Steve.

4 MR. SNYDER: Steve?

5 MR. HOGAN: Steve.

6 MR. SNYDER: Okay.

7 MR. HOGAN: All right. Thanks for
8 calling FirstEnergy Solutions. Have a good weekend.

9 MR. SNYDER: You too. Thanks.

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EXHIBIT 12

CD-1, TRACK 1

7/29/2013 - Deborah A. Ison and Bruce Snyder

MS. ISON: Good morning. Thank you for
calling FirstEnergy Solutions. My name is Debbie.
How may I help you?

MR. SNYDER: Yes, Bruce Snyder. I did
the paperwork back in May to switch over to you guys
and just got the bill for July, and it hasn't been
switched.

MS. ISON: Okay. May I have your address
and zip code?

MR. SNYDER: 4461 Powder Horn Drive. The
zip is 45432.

MS. ISON: All right, one moment. All
right. And, Bruce, could you also verify your phone
number?

MR. SNYDER: 937-427-0231.

MS. ISON: Thank you for verifying the
information. Let me see, one, two, three, four,
five, six, seven, eight, nine, there's odd, take a
number out. Okay, one moment. Your account number
was 31547191583; is that correct?

MR. SNYDER: Correct.

MS. ISON: Okay. I need to take

1 (inaudible) that. Okay. Okay. All right. What it
2 looks like might have happened, so let's go in here
3 and see, that, Bruce, when they enroll, I'm not
4 positive it's because of the -- it was going to start
5 May 2013 but it did not. It's a pending enrollment,
6 unfortunately. Let me see why.

7 MR. SNYDER: I called on May 31, talked
8 to a Steve. He said he had everything he needed to
9 make it happen.

10 MS. ISON: Okay. Let's see. Okay. 76,
11 let me see what that number is. Just give me a
12 moment here. Okay. What we have, the utility
13 company had rejected the account enrollment,
14 unfortunately, because of the -- it says, "Account
15 not found." All right? That's why I'm just going
16 over with you for that information. It says,
17 "Account not found." So what has happened, looks
18 like it should have been -- normally your account
19 should have only had ten digits in it and there was
20 11.

21 So what we would need to do is just
22 verify the account one more time, and then I'll send
23 it back through to the utility for a quick
24 enrollment, okay?

25 MR. SNYDER: I just heard in May from you

1 guys saying the same thing.

2 MS. ISON: Okay.

3 MR. SNYDER: I called you and resolved
4 that. This is your problem, not mine.

5 MS. ISON: Okay. All right. And the
6 account number -- would you be able to please verify
7 the account number so I can be sure that it will be
8 handled?

9 MR. SNYDER: Again, I did this with Steve
10 on May 31.

11 MS. ISON: Okay.

12 MR. SNYDER: Well, we're going to have to
13 talk about what happened this last month here,
14 because if you guys don't notify me and tell me
15 everything is taken care of, then you're responsible
16 for not switching this and responsible for the extra
17 charges that have been charged.

18 MS. ISON: All right. May I have your
19 account number, please?

20 MR. SNYDER: 315 -- you just read it.

21 MS. ISON: I know.

22 MR. SNYDER: 3154719158.

23 MS. ISON: Okay, because --

24 MR. SNYDER: Which is in your letter to
25 me.

1 MS. ISON: Okay.

2 MR. SNYDER: Back in May.

3 MS. ISON: All right. I do apologize.

4 One moment here. Okay. I'll make sure it has all
5 been changed in every area. Yep, okay. All right.

6 So what I will do, I will send this over
7 to a supervisor so he can get this enrolled for you,
8 being that there was a problem with the enrollment,
9 okay? Did you just move into this home, or have you
10 been there awhile?

11 MR. SNYDER: No. I've been there over
12 ten years.

13 MS. ISON: Okay. And then the account is
14 just under Bruce Snyder, and there is no middle
15 initial or anything in that nature, correct?

16 MR. SNYDER: It's under my wife's name,
17 and I went through this again in May, Elizabeth A.
18 Snyder.

19 MS. ISON: Okay. I don't have that on
20 here. That's another reason why the account was also
21 rejected so --

22 MR. SNYDER: Well, I went over that with
23 Steve back in May.

24 MS. ISON: Okay.

25 MR. SNYDER: Why I got to do this twice,

1 I don't know.

2 MS. ISON: All right. I am so sorry.

3 MR. SNYDER: If you had a problem, I
4 should have been notified.

5 MS. ISON: I understand that, and I do
6 apologize. I'm just going through and I'm looking at
7 it this time. All right. All right. All right.
8 May I have the correct spelling on your wife's name,
9 please?

10 MR. SNYDER: E-L-I-Z-A-B-E-T-H, middle
11 initial A, and Snyder, S-N-Y-D-E-R.

12 MS. ISON: Okay. All right. I'm going
13 to resubmit this to my supervisor, and I will let him
14 know what had happened, and we will get this taken
15 care of as quickly as we can. Okay? And I do
16 apologize for the mix-up and the error.

17 MR. SNYDER: Well, someone needs to call
18 me --

19 MS. ISON: Okay.

20 MR. SNYDER: -- and tell me who is going
21 to pay these extra charges. I got charged -- my rate
22 went up last month because you didn't do what you
23 said you were going to do.

24 MS. ISON: All right, Bruce, I will watch
25 the account and also put in for the lost savings.

1 That will also be handled for you, okay, for not
2 being enrolled, and that was in May when you did say
3 you had called.

4 MR. SNYDER: It should have been switched
5 June 20, is what Steve told me.

6 MS. ISON: Okay.

7 MR. SNYDER: Otherwise you would have
8 notified me, is what he told me.

9 MS. ISON: All right.

10 MR. SNYDER: And that's what I expected.

11 MS. ISON: And you said June 20, okay.
12 And that's what I'm looking at at this time. Okay.
13 Okay. Customer called. Oh, you already -- you
14 received a rejection letter then?

15 MR. SNYDER: May 28.

16 MS. ISON: Oh.

17 MR. SNYDER: I received a letter from you
18 guys saying there's a problem switching because of
19 the account number, the exact same thing you said
20 now.

21 MS. ISON: Okay. And then -- and then,
22 again, the account's in your wife's name, correct?

23 MR. SNYDER: Yeah. It's always been
24 that.

25 MS. ISON: Yes.

1 MR. SNYDER: And again I covered that in
2 May.

3 MS. ISON: All right. See, they didn't
4 put that in there, and I do apologize. So we'll go
5 ahead and take care of this here. I'll advise that
6 you received a letter of rejection. Okay, verified
7 the account, okay. So what we'll do is I'll put down
8 May 30, 5/30/2013, and then I'll also put in there
9 for that would be June -- May, June, and July, okay,
10 for lost savings for your account, okay?

11 And I will also get this on over to a
12 supervisor for you, and then we'll get this handled
13 as quickly as we possibly can. Unfortunately, this
14 has happened. We do apologize. I'm trying to verify
15 because we have the name now correct. We have the
16 account number correct. We have all the information
17 everywhere is all correct. And I'll watch the
18 account for you, Bruce. And the phone number on
19 file, is that a good number to call and leave a
20 message so somebody can get ahold of you?

21 MR. SNYDER: Correct.

22 MS. ISON: Okay. I'll put that on here.
23 I will personally watch this account for the next few
24 days to verify it, to be sure that it got enrolled
25 with the utility company, and if there's a problem, I

1 will call you as soon as I see one. If there's not a
2 problem, I will just call you and verify that the
3 information is -- has gone through for you. Okay?

4 MR. SNYDER: Okay.

5 MS. ISON: All right. And I do
6 apologize, Bruce. We'll get this through for you
7 today.

8 MR. SNYDER: Okay.

9 MS. ISON: All right. And would you like
10 a confirmation number?

11 MR. SNYDER: Sure.

12 MS. ISON: All right, Bruce. The
13 confirmation number will be 1446043. Okay?

14 MR. SNYDER: Okay.

15 MS. ISON: All right. Thank you for
16 calling FirstEnergy Solutions. Have a great day.

17 MR. SNYDER: Thank you.

18 MS. ISON: You're welcome, bye.

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1 EXHIBIT 13

2 CD-2, TRACK 1

3 8/5/2013 - Tuniqa D. Jennings and Bruce Snyder

4 MS. JENNINGS: Thank you for calling

5 Customer Care. My name is Tuniqa. May I have your

6 name, please.

7 MR. SNYDER: Bruce Snyder.

8 MS. JENNINGS: Thank you, Mr. Snyder.

9 May I have your service address, please?

10 MR. SNYDER: 4461 Powder Horn Drive,

11 Beaver creek, Ohio.

12 MS. JENNINGS: And may I have the zip

13 code?

14 MR. SNYDER: 45432.

15 MS. JENNINGS: And may I have the

16 verified telephone number for me, please?

17 MR. SNYDER: 937-427-0231.

18 MS. JENNINGS: Okay, thank you. Just one

19 moment. And the name on the account should be?

20 MR. SNYDER: Elizabeth.

21 MS. JENNINGS: Okay. Elizabeth Snyder?

22 MR. SNYDER: Uh-huh.

23 MS. JENNINGS: Okay, thank you, Mr. -- am

24 I speaking with Mr. Snyder?

25 MR. SNYDER: Yes.

1 MS. JENNINGS: Okay, Mr. Snyder, how may
2 I assist you today?

3 MR. SNYDER: I called to switch service
4 to you guys back in May.

5 MS. JENNINGS: Okay.

6 MR. SNYDER: You guys didn't do that, so
7 I called last week to say what was the issue, and
8 they said they would resolve it. Gave me a
9 confirmation number. But I need to know exactly what
10 you're going to do.

11 MS. JENNINGS: Okay. Certainly. That's
12 understandable. I'll be able to assist you. One
13 moment while I access that account. Now, do you have
14 your current utility bill available just so that I
15 can verify the agreement, make sure we have
16 everything in here?

17 MR. SNYDER: I've already done \that\18 twice?

19 MS. JENNINGS: Okay. Let's see here.
20 And just to verify, your utility company is Dayton
21 Power and Light?

22 MR. SNYDER: Well, on the end of the line
23 yeah. The current energy provider is someone else.

24 MS. JENNINGS: Okay. Whenever your
25 ready.

1 MR. SNYDER: Are you waiting for
2 something or what?

3 MS. JENNINGS: Oh, yes. I was waiting
4 for you just to confirm the account number. I
5 thought you were looking through something. I'm
6 sorry.

7 MR. SNYDER: It's 3154719158.

8 MS. JENNINGS: Okay. And it is Dayton
9 Power and Light. Okay, let's see here. Well, looks
10 like the account number is correct on the account.
11 See -- see what's wrong, see why it's not getting
12 enrolled here. Okay, so you did try this back on
13 May 23. It's showing that.

14 MR. SNYDER: I talked to a Steve May 31.

15 MS. JENNINGS: I'm sorry?

16 MR. SNYDER: I talked to a Steve on back
17 on May 31 to verify all the info as well, and he said
18 he had everything to do to switch service on June 20.

19 MS. JENNINGS: Yeah, showing that.
20 They're stating they didn't process that enrollment,
21 stating that the account was not found here. See if
22 I can access some more notes. Just one moment. Just
23 bear with me, Mr. Snyder, while I access the notes
24 here on the account.

25 Let's see here. Okay, I'm showing that

1 you are requested for lost savings then, correct?

2 MR. SNYDER: Yeah.

3 MS. JENNINGS: Okay, right.

4 MR. SNYDER: You didn't do what you told
5 me you were going to do.

6 MS. JENNINGS: That's good, right. I'm
7 glad that you did that. Let's see here. Okay, looks
8 like they are still reprocessing the account. That's
9 what I'm seeing here when you spoke to the
10 representative. Let's see when that was, the date
11 they did the escalation. So you're just waiting on a
12 reply then.

13 They did the escalation through July 29.
14 Let's see. It does take a few weeks for them to give
15 you a call back about the reprocessing the account.
16 See, I just want to make sure it's routed to where
17 it's supposed to be, though.

18 I'll go ahead and add your number on the
19 account. I'm not -- oh, they have it here. Let's
20 see. Okay, so they're just waiting to pull the
21 account, Mr. Snyder, to actually see why it's not
22 getting enrolled. But on the notes here they did
23 actually verify the account number and everything
24 was -- you know, was verified and updated in our
25 system, but it's noted that the account is under your

1 wife' name. The account has too many numbers. You
2 were requesting about the lost savings for three
3 months.

4 Okay. So you're just waiting to hear
5 from someone then, Mr. Snyder, to follow up with you
6 about inquiring about your lost savings and getting
7 you enrolled then. That's what it looks like they
8 are going ahead to do for you today.

9 MR. SNYDER: Yeah. Is the account going
10 to be switched over to you guys or not? Yes or no?
11 Because I have no indication that you're going to do
12 that.

13 MS. JENNINGS: Right. Let me just verify
14 some more information, Mr. Snyder. Is it okay if I
15 place you on a brief hold while I do that?

16 MR. SNYDER: Again, I've done this three
17 or four times now already, and everything in the
18 letter you sent me is accurate.

19 MS. JENNINGS: Right, yeah.

20 MR. SNYDER: Since back in May.

21 MS. JENNINGS: Right, yeah. I just -- I
22 just want to ask a supervisor about -- to follow up
23 if I should just go ahead and reenroll you. Since
24 you are -- requested the lost savings, that is sent
25 through, but we need to know the next step of what to

1 do so the account is getting enrolled, and I just
2 want to check with -- to see, you know, what the next
3 step is you need to do, okay?

4 All right, Mr. Snyder, is it okay if I
5 place you on a brief hold for a moment or two?

6 MR. SNYDER: Yep.

7 MS. JENNINGS: Okay, thank you. Just one
8 moment.

9 (Call on hold.)

10 MS. JENNINGS: Thank you for holding,
11 Mr. Snyder.

12 MR. SNYDER: Uh-huh.

13 MS. JENNINGS: Okay. Thank you for
14 holding for me. I do appreciate the wait here. Okay
15 so I was just doing a little bit of the research on
16 the account here. It looks like they didn't process
17 the enrollment due to us having the wrong utility
18 listed. Now, you do receive your electricity from
19 Dayton Power and Light then, correct?

20 MR. SNYDER: They are the -- they provide
21 the transmission. Right now I'm Duke Energy.

22 MS. JENNINGS: You have Duke?

23 MR. SNYDER: I had them. They stopped
24 since -- since I switched back in May.

25 MS. JENNINGS: It's -- okay, now, Duke

1 was -- Duke Energy was your supplier, though.

2 MR. SNYDER: Yeah.

3 MS. JENNINGS: But Dayton Power and Light
4 is your main local utility.

5 MR. SNYDER: Correct.

6 MS. JENNINGS: Okay. All right. Just
7 one moment. Okay, Mr. Snyder. Okay. Thank you. I
8 do apologize about that. Okay. So it looks like
9 when the enrollment was done, it wasn't -- when you
10 did the Internet enrollment, it should have been
11 enrolled under Dayton Power and Light, but you -- for
12 some reason it enrolled you under Duke, but that's
13 not your local utility. It's actually Dayton Power
14 and Light so that's where the confusion was, why they
15 couldn't find the account and why the enrollment did
16 not get processed.

17 Now, we still can inquire about the lost
18 savings, though, for you, Mr. Snyder.

19 MR. SNYDER: Well, I understand what
20 you're saying, but I got a letter from you guys
21 saying you needed more info. That letter was dated
22 May 28.

23 MS. JENNINGS: Right.

24 MR. SNYDER: I talked to Steve on May 31,
25 answered every question he had. Had him verify three

1 or four times, are you sure you don't need anything
2 else? He had everything he needed to change service
3 June 20. He told me over and over again "yes." So
4 that's your fault twice.

5 MS. JENNINGS: Right. Because you should
6 have been -- when it didn't get processed due to you
7 having the wrong utility sent over, it didn't process
8 the enrollment, so it should have been -- you should
9 have gotten -- after you verified everything, you
10 should have gotten reenrolled.

11 That's what actually needed to be done
12 after they verified that you had Dayton Power and
13 Light and it wasn't Duke Energy that-- well, it
14 wasn't Duke that you had as a utility, that actually
15 Duke was your supplier, so they weren't -- you know,
16 weren't your main utility, but that happened through
17 your Internet enrollment.

18 But when you did speak with, you know,
19 Steve, we should have been able to get you enrolled.
20 But we can inquire about the lost savings from the
21 time for you to request that.

22 Now, if you want to, we can go ahead and
23 get you reenrolled. The 5.36 cent per kilowatt-hour
24 is no longer available. The closest thing we have is
25 a 5.94.

1 MR. SNYDER: No, you're going to give me
2 the 5.36, which is what I signed up for.

3 MS. JENNINGS: Okay. The 5.36 expired.

4 MR. SNYDER: Because of your
5 incompetence.

6 MS. JENNINGS: Because the enrollment
7 never got processed.

8 MR. SNYDER: That's your problem, not
9 mine.

10 MS. JENNINGS: Well, when you did the
11 Internet enrollment, you put Duke instead of Dayton
12 Power and Light.

13 MR. SNYDER: I can't control your
14 screwed-up website. You also asked for an 11-digit
15 account number, which don't exist. It's ten digits.
16 Is that my problem, too?

17 MS. JENNINGS: No, I'm not saying that
18 anything is your problem, but by putting in the wrong
19 utility, that's what slowed the process down, and
20 that enrollment got --

21 MR. SNYDER: That's why you sent me a
22 letter, and that's why I called in plenty of time to
23 get enrolled.

24 MS. JENNINGS: Okay. All right. Just
25 one moment, Mr. Snyder.

1 (Call on hold.)

2 MS. JENNINGS: Thank you for holding,
3 Mr. Snyder.

4 MR. SNYDER: Uh-huh.

5 MS. JENNINGS: Okay. Thank you for
6 holding for me. Okay. So what I'm going to go ahead
7 and do you for you today, Mr. Snyder, is I'm going to
8 get all your information down here. We're actually
9 going to have your account investigated just because
10 we don't have the 5.36, and we are trying to get
11 ahold of this Stephen who you spoke with, as well as
12 someone will be giving you a call back within 48
13 hours, okay? Because we are going to research it for
14 your rate, for you to receive the 5.36, since we no
15 longer have it, as well as your lost savings is going
16 to be researched.

17 MR. SNYDER: All I know is I got a letter
18 from DP&L saying you got until August 8 to switch
19 over or it's going to have to wait another month and
20 you'll owe me even more.

21 MS. JENNINGS: Okay. You said DP&L sent
22 you something saying that?

23 MR. SNYDER: Yes.

24 MS. JENNINGS: Okay. Well, we'll
25 definitely give you a call before August 8 then.

1 I'll go ahead and add that on the notes as well.

2 Let's see here.

3 MR. SNYDER: You need to take
4 responsibility for your screw-ups, and if you're not
5 going to do that, then just pass me to a manager and
6 I need to talk to them.

7 MS. JENNINGS: Right. So I understand
8 that, and I actually did speak with --

9 MR. SNYDER: And if I got to file a
10 complaint with the Public Utilities Commission, I'll
11 do that, too.

12 MS. JENNINGS: Right. I understand. I
13 would be upset as well, so I totally understand where
14 you're coming from, and I am going to try to go ahead
15 and get this matter solved for you, Mr. Snyder. I do
16 understand you do want to receive the savings, so I
17 am going to go ahead and get this over to the
18 supervisor as soon as possible. As soon as we
19 disconnect the call, I'll get this information over,
20 and they're going to go ahead and investigate, and
21 they will call you back within 48 hours.

22 Now, when is the best time to reach you?

23 MR. SNYDER: If you have my cell phone
24 number, you can call anytime.

25 MS. JENNINGS: 937-427-0231?

1 MR. SNYDER: That's the home number.

2 MS. JENNINGS: Okay. May I have the cell
3 phone number then?

4 MR. SNYDER: 937-405-3642.

5 MS. JENNINGS: Okay. You would prefer
6 the cell then?

7 MR. SNYDER: Yeah. This needs to be
8 resolved quick, and that's the quickest way to get
9 ahold of me.

10 MS. JENNINGS: Okay. All right. So I'll
11 go ahead and get this over to them, then, Mr. Snyder,
12 and you should hear back from someone. It may be a
13 supervisor.

14 MR. SNYDER: This is what I thought was
15 going to happen last week when I called, just last
16 week, and I have no clue, but you haven't done
17 anything.

18 MS. JENNINGS: Right. That's what
19 we're -- we're trying to see when you called in the
20 last week about the issue, the matter, you know,
21 should have been taken care of. That's why we are
22 going to pursue the investigation with the account,
23 to see if we can go ahead and offer you back the 5.36
24 since it has expired, as well as requesting for those
25 lost savings, so we will go ahead and do that.

1 Mr. Snyder, do you have any more
2 questions for me?

3 MR. SNYDER: Well, if I still have an
4 issue with this, I'd rather just talk to a manager
5 next time.

6 MS. JENNINGS: Okay.

7 MR. SNYDER: Because apparently you don't
8 document calls. You don't document all this stuff
9 that I've done. I've gone over and above to try to
10 get this resolved.

11 MS. JENNINGS: Right.

12 MR. SNYDER: And you (inaudible).

13 MS. JENNINGS: No. It has been
14 documented, all the calls that you --

15 MR. SNYDER: Then why don't you research
16 it and just do what you promised back in May?

17 MS. JENNINGS: Right, that's what --

18 MR. SNYDER: That's all I'm asking.

19 MS. JENNINGS: Right. That's what
20 we're --

21 MR. SNYDER: Stop talking and just hang
22 up because you can't say anything else. Just do what
23 you promised back in May.

24 MS. JENNINGS: Okay. Mr. Snyder, is
25 there anything else I can do?

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MR. SNYDER: No.

MS. JENNINGS: Thank you for calling
FirstEnergy Solutions. Have a great day.

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EXHIBIT 14

CD-1, Tracks 5-6-7

8/9/2013 - Lisa M. Manes/Kim Dolly and Bruce
Snyder/Elizabeth Snyder

TRACK 5

MS. MANES: Good morning. My name is
Lisa. May I have your name, please?

MR. SNYDER: Bruce Snyder.

MS. MANES: And may I have your telephone
number, please, Mr. Snyder?

MR. SNYDER: 937-427-0231.

MS. MANES: Thank you. And how may I
assist you today?

MR. SNYDER: I've called several times.
The last one was on Monday the 5th. I was told that
I would get a call back within 48 hours. Looking
at -- I applied for service way back in May, was told
it would start in June, and you guys still haven't
started it yet.

MS. MANES: Okay. May I have your
service address, and I can take a look at the
account?

MR. SNYDER: 4461 Powder Horn Drive.

MS. MANES: And the city?

MR. SNYDER: Beaver creek.

1 MS. MANES: And the zip code, please?

2 MR. SNYDER: 45432.

3 MS. MANES: Thank you. And may I ask the
4 utility company?

5 MR. SNYDER: DP&L.

6 MS. MANES: And do you happen to have
7 your Dayton Power and Light account number available?

8 MR. SNYDER: Yes. 3154719158.

9 MS. MANES: Thank you. And is the
10 account in a different name other than your own?

11 MR. SNYDER: Yeah. It's in my wife's
12 name, Elizabeth.

13 MS. MANES: Okay. All right. I'm just
14 confirming your account information. And can you
15 tell me exactly how your wife's name appears on the
16 bill?

17 MR. SNYDER: I'll get the bill out. It's
18 Elizabeth A. Snyder.

19 MS. MANES: And that's E-L-I-Z-A-B-E-T-H?

20 MR. SNYDER: Yep.

21 MS. MANES: Excuse me, okay. Okay. I'm
22 just taking a look at the notes on the account to
23 catch myself up here. Okay. I'm showing that this
24 is -- so you were -- you're still trying to get this
25 enrolled; is that correct?

1 MR. SNYDER: At the rate that I was
2 promised on May 22.

3 MS. MANES: Let me see here. Now, the --
4 you were attempting to enroll at 5.36 cents per
5 kilowatt-hour through June of 2016 with a \$100 early
6 termination fee if you were to switch to another
7 supplier or cancel prior to the end of your term.

8 Let me see. I'm just -- there's a few
9 notes here so I'm just trying to get this updated.
10 Okay.

11 MR. SNYDER: I've been trying to get this
12 resolved since May so --

13 MS. MANES: No, I understand. I just --
14 I apologize for the silence because I'm just trying
15 to, you know, familiarize myself with what's going on
16 here. So let's see if I can see anything, okay,
17 based off the notes.

18 Okay. Now it says that you received a
19 letter from Dayton Power and Light stating you had to
20 have a supplier by the 8th?

21 MR. SNYDER: It said 12 days, and I'm not
22 sure how they count the 12 days, prior to the meter
23 reading, which is August 22.

24 MS. MANES: Okay, all right.

25 MR. SNYDER: Which is, like, now.

1 MS. MANES: Yeah. Let me -- I'm just --
2 should be -- okay. Okay. Now, I see where this has
3 been escalated for review. If I could give you a
4 call back, Mr. Snyder, I'll look into this and see
5 where the progress is on it and give you have a call
6 back, if that's all right?

7 MR. SNYDER: I've been promised three
8 calls back and no one has ever called me.

9 MS. MANES: Well, I will call you back.

10 MR. SNYDER: Unacceptable.

11 MS. MANES: Okay. Well, can I ask you to
12 hold then?

13 MR. SNYDER: Yeah. I really would just
14 prefer to talk to a manager at this point and try to
15 really get this resolved because I call and I call
16 and I call and I go over this every single time and
17 waste a ton of time and should have had this back in
18 May.

19 MS. MANES: I understand. I'm trying to
20 get this resolved for you, so if you will hold for
21 just a moment, I'll get right back with you. All
22 right?

23 MR. SNYDER: Okay.

24 (Call on hold.)

25 MS. MANES: Mr. Snyder?

1 MR. SNYDER: Uh-huh.

2 MS. MANES: Thank you for holding. I
3 have Kim here, and she's a supervisor, and she'll be
4 glad to speak with you on this. All right?

5 MR. SNYDER: Okay.

6 MS. MANES: Thank you.

7 MS. DOLLY: Hi, this is Kim. How can I
8 help you?

9 MR. SNYDER: She explained all the issues
10 and all?

11 MS. DOLLY: She briefly told me what was
12 going on, yeah, that your enrollment has rejected at
13 this point. She said she verified a couple of things
14 with you to see if the information was accurate. I
15 guess my first question would be can you spell your
16 wife's first name for me?

17 MR. SNYDER: Yes, Elizabeth,
18 E-L-I-Z-A-B-E-T-H.

19 MS. DOLLY: Spell it again for me. I'm
20 sorry.

21 MR. SNYDER: E-L-I-Z-A-B-E-T-H.

22 MS. DOLLY: Okay, yeah. I think it's the
23 spelling of her first name that is wrong, is why it's
24 rejecting. They have it spelled --

25 MR. SNYDER: It's right off the DP&L

1 bill.

2 MS. DOLLY: They have it at L-Z-A-T-H.

3 MR. SNYDER: Who do you mean by "they"?

4 MS. DOLLY: That's how it's in the
5 system, whoever set up your enrollment.

6 MR. SNYDER: Whose system?

7 MS. DOLLY: In FES. So it's rejecting
8 because if it doesn't match what the utility bill is,
9 it's going to reject out of the system.

10 MR. SNYDER: Well, I don't know who put
11 that in, but it wasn't me.

12 MS. DOLLY: Yeah. So it's going to
13 reject like that, so the only thing at this point
14 that we can do is correct the spelling of the name,
15 and we can reenroll you with FirstEnergy Solutions at
16 whatever rate is the best rate we have that are
17 available.

18 MR. SNYDER: No. I got a confirmation
19 number from May 22 for this rate.

20 MS. DOLLY: I mean, you can provide us
21 with that information. I can escalate it up and see
22 if they would honor it, but it has expired.

23 MR. SNYDER: I already provided this
24 information three times. I've already been told it
25 was going to be escalated three times. You guys have

1 done nothing.

2 MS. DOLLY: Okay. Well, you can provide
3 me with the additional information, and I can -- I
4 mean, I can escalate it up and work it myself and see
5 if I can get any (inaudible) response for you, and I
6 can keep you looped on it as to what information I
7 get back. But, otherwise, the rate isn't available
8 so I can't just reenroll you in it. If the rate was
9 still available, I would just enroll you in the rate,
10 but the rate is not available, so it would have to be
11 someone who would have to make the exception to honor
12 the rate.

13 MR. SNYDER: If you don't want to give
14 someone a rate, you just type their name wrong in
15 your computer and blame it on the person. That's
16 what it sounds like what you did and what you're
17 doing.

18 MS. DOLLY: Sir, I didn't do either one.

19 MR. SNYDER: Well, I sure didn't, so why
20 are you blaming it on me?

21 MS. DOLLY: I didn't blame it on you. I
22 asked you for your confirmation number.

23 MR. SNYDER: Yes, you did.

24 MS. DOLLY: Okay.

25 MR. SNYDER: You wouldn't even tell me

1 whose system you were talking about.

2 MS. DOLLY: Okay. What is your
3 confirmation number that you have for this rate?

4 MR. SNYDER: It is an e-mail you sent to
5 me back on May 22.

6 MS. DOLLY: Okay. What is your
7 confirmation number?

8 MR. SNYDER: Bravo, Bravo 4 Delta 0 Delta
9 82 Delta, Fox Trot, Delta, Alpha, Fox Trot, Alpha
10 465 Alpha Echo -- can't tell what the heck that is.
11 Looks like a (inaudible). Oh, it's a zero. Alpha,
12 Echo 0.

13 MS. DOLLY: Okay. And when's that letter
14 dated?

15 MR. SNYDER: For the third time, May 22.

16 MS. DOLLY: Okay. And did you enroll on
17 the web? You did online enrollment?

18 MR. SNYDER: That's the only way you can
19 get that -- that's the only way you can get that
20 rate.

21 MS. DOLLY: Okay.

22 MR. SNYDER: That's what your website
23 said.

24 MS. DOLLY: Okay. So when you enrolled
25 on the web, that means you typed information online.

1 So you did the web enrollment, correct?

2 MR. SNYDER: I -- that's the only way --
3 you should know how to enroll on your system. That's
4 the only way --

5 MS. DOLLY: Okay. So just to clarify for
6 you to enroll on the web, that means you had to type
7 in the information according to the system, so you
8 typed in your wife's name as I-Z-A-T-H.

9 MR. SNYDER: No, I did not. I can
10 guarantee I did not.

11 MS. DOLLY: Okay. That's what --

12 MR. SNYDER: What someone did to the data
13 afterwards, I have no idea.

14 MS. DOLLY: Okay.

15 MR. SNYDER: I can't control that.

16 MS. DOLLY: Okay. Well, that's what --
17 that's what I am saying, a web enrollment is
18 controlled off of you, so that's the information that
19 we would have. That's why it's been rejected.

20 Is there a way you can e-mail, scan me
21 that confirmation letter or fax it to me?

22 MR. SNYDER: You don't have copies of
23 your sent e-mails?

24 MS. DOLLY: I do not have a copy of the
25 e-mail because you did a web enrollment. I don't

1 deal with web enrollments. I'm trying to make this
2 exception for you, so would like to fax it to me or
3 e-mail it to me?

4 MR. SNYDER: Well, in addition to that, I
5 got a letter from you guys on -- dated May 28 saying
6 there were problems with the enrollment. I called
7 back May 31, talked to a Steve. Answered every
8 single question he had, verified with him that
9 service would start June 20, which he told me it
10 would, and then hung up.

11 None of that happened. So even if what
12 you say is true, you had the opportunity to resolve
13 all those problems.

14 MS. DOLLY: Okay. Well, I can't speak
15 for another agent or anything that took place.

16 MR. SNYDER: Well, it sounds like you
17 can't speak for the company at all.

18 MS. DOLLY: Okay.

19 MR. SNYDER: You have nothing --

20 MS. DOLLY: Would you like to fax me this
21 information or e-mail it to me? And then I can help
22 you; otherwise, I can't speak to anything that has
23 taken place. I'm willing to help you, but I need
24 some additional information from you. So do you want
25 to fax that to me?

1 MR. SNYDER: You're just ignoring
2 everything I've already done. I talked to --

3 MS. DOLLY: No. I --

4 MR. SNYDER: I talked to Mary Ellen. I
5 talked to Tuniqua. I talked to Mary Ellen. I talked
6 to Lisz.

7 MS. DOLLY: I don't know a Mary Ellen. I
8 don't know either one of them. So would you like to
9 fax it to me or e-mail it to me?

10 MR. SNYDER: All these notes that Lisa
11 just -- all these notes that Kim just read to me, and
12 apparently you don't have access to those either?

13 MS. DOLLY: No. I have access to the
14 notes, but that doesn't mean anything to me if I
15 don't have the confirmation letter that you're
16 referring to. You did an online enrollment, which
17 doesn't take place in this department or within this
18 building. So did you want to e-mail it to me or fax
19 it to me?

20 MR. SNYDER: Do I need to talk to someone
21 else or what?

22 MS. DOLLY: Okay. Well, I mean, it
23 doesn't matter who you're talking to. It doesn't
24 seem like you want to provide me with information I
25 need to resolve your situation.

1 MR. SNYDER: I can provide it, but I
2 already provided it to five other people. What good
3 is one more going to do?

4 MS. DOLLY: Okay. Did you want to get
5 the situation resolved? I mean, because if so, then
6 I need you to either fax it to me or e-mail it to me.

7 MR. SNYDER: I can e-mail it tonight.

8 MS. DOLLY: Okay. So you'll fax me a
9 copy of that, or, I mean, e-mail it to me?

10 MR. SNYDER: Will you just listen to me?
11 I said e-mail, Jesus.

12 MS. DOLLY: Okay.

13 MR. SNYDER: (Inaudible.)

14 MS. DOLLY: Do you want to write this
15 e-mail down?

16 MR. SNYDER: Yes.

17 MS. DOLLY: Okay. It's K-D-O-L-L-Y @
18 S-U-M-M --

19 MR. SNYDER: At what?

20 MS. DOLLY: At S as in Sam, U-M-M, as in
21 Mary, I-T, as in igloo, Tom, A-D-D.com.

22 MR. SNYDER: You don't have a First
23 Energy e-mail?

24 MS. DOLLY: This is -- this is the e-mail
25 box that we'll receive that at.

1 MR. SNYDER: Do you even work for First
2 Energy?

3 MS. DOLLY: Yes.

4 MR. SNYDER: Because all the others are
5 FES.com.

6 MS. DOLLY: Okay. This is the e-mail box
7 where we have customers e-mail things for us so we
8 can get the information that I need to get this to
9 the correct area.

10 MR. SNYDER: You're already going to be
11 too late for this August enrollment if you're just
12 going to -- if you're going to repeat everything that
13 I've already done in the last week, two weeks, so you
14 got to backpay me for all those months that you
15 didn't do anything.

16 MS. DOLLY: Okay. Well, let's just start
17 with getting the information. I will escalate this
18 and send it over, and then we'll --

19 MR. SNYDER: Well, I've also filed a -- I
20 already filed a complaint with the Public Utilities
21 Commission.

22 MS. DOLLY: Okay. That's fine.

23 MR. SNYDER: You said K-D zero or O?

24 MS. DOLLY: O.

25 MR. SNYDER: And when will someone

1 contact me back?

2 MS. DOLLY: After I receive your fax, I
3 will send it over, and as soon as if I hear something
4 back from them, then I will give you a call. What's
5 a good contact number for you?

6 MR. SNYDER: I give it over and over
7 again. You guys never use it so it doesn't seem to
8 do any good.

9 MS. DOLLY: Okay. Well, what's a good
10 contact number for you?

11 MR. SNYDER: 937-405-3642.

12 MS. DOLLY: Okay. And what is your first
13 name?

14 MR. SNYDER: You don't even have my first
15 name?

16 MS. DOLLY: I have Elizabeth Snyder.
17 That's who the bill is under.

18 MR. SNYDER: Yes. I talked to Lisa and
19 gave her my first name. Bruce.

20 MS. DOLLY: Okay, Bruce. Okay. I
21 will --

22 MR. SNYDER: Is there your supervisor I
23 can talk to because this is getting ridiculous?

24 MS. DOLLY: Okay. She's actually out of
25 the office today.

1 MR. SNYDER: Of course she is.

2 MS. DOLLY: So, unfortunately, yes, she's
3 not here today. So I will be more than happy to --

4 MR. SNYDER: What's her name?

5 MS. DOLLY: Here name is Terri. She'll
6 be back in on Monday.

7 MR. SNYDER: Can you spell her name?

8 MS. DOLLY: Her name is T-E-R-R-I.

9 MR. SNYDER: How will I get ahold of her?

10 MS. DOLLY: I can give you my phone
11 number and you can give me a call on Monday.

12 MR. SNYDER: Okay.

13 MS. DOLLY: 330-436-5880. We are here
14 8:00 to 5:00, Monday through Friday.

15 MR. SNYDER: Okay.

16 MS. DOLLY: All right. And I will give
17 you a call when I hear something on Monday, Bruce.
18 Thank you.

19 - - -

20 TRACK 6

21 VOICEMAIL: Hello. Please leave a
22 message after the tone.

23 MS. MANES: Hello, Mr. Snyder. This is
24 Lisa calling back from FirstEnergy Solutions Customer
25 Care Department. My number is 888-254 --

1 MS. SNYDER: Hello?

2 MS. MANES: Hello, Ms. Snyder?

3 MS. SNYDER: Yes.

4 MS. MANES: Hi. This is Lisa calling
5 from FirstEnergy Solutions Customer Care Department,
6 and I must tell you, this call is being recorded and
7 may be monitored for regulatory compliance, training,
8 or quality assurance.

9 I just got off the phone with your
10 husband. He called about your enrollment with
11 FirstEnergy Solutions.

12 MS. SNYDER: Right.

13 MS. MANES: And we're escalating this for
14 further research on it. And as I was typing up the
15 notes and looking a little further into the account,
16 I discovered that when the enrollment was originally
17 submitted, apparently when your -- when you enrolled
18 online, your name was entered incorrectly, which
19 we've already discovered and discussed with your
20 husband.

21 But I'm just seeing where you enrolled in
22 a rate that was with Duke Energy Company. That's
23 another utility in the Cincinnati area, but you chose
24 Duke Energy instead of Dayton Power and Light. And
25 Dayton Power and Light is your utility company; is

1 that correct?

2 MS. SNYDER: You know, you have to speak
3 about all this with him because I really am out of
4 this. I -- you know, he's the one that handles all
5 of it so talking to me is pointless.

6 MS. MANES: Oh, okay.

7 MS. SNYDER: So you'll have to call him
8 again. And, actually, I am leaving for a doctor's
9 appointment so I don't even have time to talk. I
10 just wondered if you were -- I wanted to say if you
11 have questions, talk to him because he's the one
12 that's doing all the research and --

13 MS. MANES: Okay. This is the phone
14 number he provided, the 93 -- the 93 --

15 MS. SNYDER: Well, that's our home
16 number. I can give you his cell phone number.

17 MS. MANES: Okay.

18 MS. SNYDER: That would be -- oh, let's
19 see, that's upstairs. Let me go grab it real quick.
20 Hold on one second. It's awful we don't have our
21 numbers memorized, but I don't.

22 MS. MANES: That's all right. You don't
23 need to anymore these days.

24 MS. SNYDER: Yeah, but probably still
25 would be a good idea, you know. Okay. It's -- oh,

1 wait. Oh, gosh. It's 405-3642.

2 MS. MANES: All right. Is that also area
3 code 937?

4 MS. SNYDER: 937-405-3642.

5 MS. MANES: Okay.

6 MS. SNYDER: I think originally my name
7 was on the account, but, I mean, he mostly pays the
8 bills, and I know that he was the one what was
9 moving -- you know doing it.

10 MS. MANES: Right.

11 MS. SNYDER: So I don't want to say
12 anything and agree and then I forget what I said.

13 MS. MANES: That's okay. But your name
14 is on the bill, which is how we have to enroll it.

15 MS. SNYDER: Yes.

16 MS. MANES: Okay. Very good. Well,
17 thank you so much.

18 MS. SNYDER: And, Lisa, give him a call
19 so that can get resolved because I know it's giving
20 him some headache.

21 MS. MANES: Yeah

22 MS. SNYDER: And you as well.

23 MS. MANES: Right. But I think we have
24 it figured now, so I do thank you for the information
25 and for having contacted FirstEnergy Solutions.

1 MS. SNYDER: Okay.

2 MS. MANES: So you have a wonderful day,
3 Ms. Snyder.

4 MS. SNYDER: Yes, yes. And please call
5 him because he'll be able to, you know, help you with
6 the different things.

7 MS. MANES: Okay, all right. Bye-bye.

8 MS. SNYDER: Bye-bye.

9 - - -

10 TRACK 7

11 MR. SNYDER: Hello.

12 MS. MANES: Hello. May I speak with
13 Bruce Snyder, please.

14 MR. SNYDER: Speaking.

15 MS. MANES: Hi, Mr. Snyder. This is Lisa
16 calling back from FirstEnergy Solutions Customer Care
17 Department, and I must tell you this call is being
18 recorded and may be monitored for regulatory
19 compliance, training, or quality assurance.

20 I've had -- we're sending this for
21 escalation and researching the account a little
22 further. May I ask you, can you confirm, is your
23 utility company Dayton Power and Light?

24 MR. SNYDER: It's my utility company.

25 MS. MANES: Who do you receive your --

1 MR. SNYDER: They're --

2 MS. MANES: Who do you receive your
3 electric bill from each month?

4 MR. SNYDER: Dayton Power and Light.

5 MS. MANES: And they send your electric,
6 okay. The issue about the rate, the reason why we
7 can't offer you that rate of 5.36, why it's not
8 available, is that when you enrolled online, you
9 enrolled in a rate that was designated for Duke
10 Energy Company customers. That's another utility
11 company, though, in the Cincinnati area.

12 So you selected the wrong utility when
13 you submitted your enrollment originally, and the
14 rate that you enrolled in isn't available for Dayton
15 Power and Light customers. Each utility has specific
16 enrollments, specific programs based on their utility
17 company.

18 So that's why this rate is no -- is not
19 available to you because it's not a Dayton Power and
20 Light customer rate.

21 So we will continue to work on this.
22 What I can do --

23 MR. SNYDER: Well, hang on a second. You
24 sent me that letter dated 28 May. Again I call back
25 in, talk to Steve. He mentioned none of this. He

1 confirmed all the information that I've confirmed
2 with you, including my current utility company, and,
3 again, the way you guys write it on your website is
4 very confusing, whether you're talking about the
5 service -- the provider or the utility company. You
6 should provide an explanation of those terms on there
7 because you're just confusing folks.

8 MS. MANES: Okay.

9 MR. SNYDER: Either way, he did not say
10 anything about that rate not being available after me
11 answering every single question that he had.

12 MS. MANES: Okay. Is -- I can't say what
13 happened on the call with Steve.

14 MR. SNYDER: Well, you should talk to
15 him.

16 MS. MANES: What I can -- we don't have a
17 Steve in this office. What I can tell you, though,
18 is when you enrolled online, you chose the wrong
19 utility. The utility I believe comes up from a
20 drop-down and you have to select the correct utility,
21 the supplier.

22 MR. SNYDER: There no definition of
23 utility on there.

24 MS. MANES: Okay. Mr. Snyder, I'm not
25 going to argue with you on this.

1 MR. SNYDER: I'm just saying they're
2 confusing terms. Which one you were talking about at
3 the time, I don't know. That's who's providing my
4 electricity service right now, the actual electric.

5 MS. MANES: Well, you -- your enrollment
6 was not submitted to Dayton Power and Light. Your
7 enrollment went to Duke Energy, and that's why it was
8 rejected because they could not find an account for
9 you because you're not a Duke Energy customer, so
10 Duke Energy rejected your enrollment.

11 You then called in and spoke with Steve.
12 He corrected the utility on the -- on the account and
13 resubmitted some -- I don't know if he even
14 readmitted the enrollment.

15 MR. SNYDER: To date I've never heard a
16 word from you guys ever --

17 MS. MANES: But you're not --

18 MR. SNYDER: Don't you have some
19 responsibility to call and tell someone that?

20 MS. MANES: You received a rejection
21 letter and you called in, so --

22 MR. SNYDER: And I was told there was no
23 issue. There was an issue with the account number
24 and not with anything else, and I corrected that.

25 MS. MANES: Well, you spoke -- you spoke

1 with another person. I can't -- I can't say what
 2 happened on your call, what they corrected, what they
 3 didn't correct. All I can tell you is what I see on
 4 the account at this moment in time, and the utility
 5 you submitted the enrollment to in the first place
 6 was incorrect. That's why it rejected initially.
 7 The offer is not a valid offer for Dayton Power and
 8 Light customers. There's no way we can submit that
 9 rate because it doesn't exist for Dayton Power and
 10 Light customers.

11 MR. SNYDER: Okay. You could have told
 12 me that back in May so I had an option to pick
 13 another company. Now I'm stuck with who knows what
 14 for the next 30 months because you didn't bother to
 15 tell me this until now, in August.

16 MS. MANES: Okay. Whoever you spoke with
 17 before may not have seen the information or
 18 investigated it.

19 MR. SNYDER: They did not do their job.
 20 I understand that, yes. You folks don't do their
 21 job. I understand that.

22 MS. MANES: I didn't say that.

23 MR. SNYDER: I'm saying that because they
 24 don't. I talked to five of them. Now this is the
 25 first time I've heard this, the very first time after

1 talking to five of your employees.

2 MS. MANES: Well, I don't show notes for
3 five people, so --

4 MR. SNYDER: Well, I'll give you their
5 names and the dates I talked to them.

6 MS. MANES: Okay. Well, I'm not going
7 argue with you about this, Mr. Snyder. I'm trying to
8 offer you a resolution. I can escalate this. We can
9 enroll you in an offer for Dayton Power and Light, if
10 that's what you'd like to do. But, you know, that
11 would resolve the entire situation. I can correct
12 the account and, you know, with your wife's name,
13 submit the enrollment for the rate with Dayton Power
14 and Light and get you enrolled, if that -- you know,
15 if that's your intention that you want to get this
16 resolved.

17 MR. SNYDER: No.

18 MS. MANES: But the problem lies in -- in
19 the way it was submitted in the first place.

20 MR. SNYDER: Well, again, this is August.
21 That was submitted in May. What happened between now
22 and then you guys need to figure out, but no one's
23 told me this until now. You guys got some problems,
24 serious problems, you need to resolve in your
25 company, if this is (inaudible).

1 MS. MANES: Actually, all these problems
2 were from the initial enrollment with, you know, the
3 wrong utility, the wrong name, the wrong account
4 number because it's -- there's a note that the
5 account number was incorrect as well. So we -- you
6 know we can only sub --

7 MR. SNYDER: The account number was not
8 incorrect. Your online thing requested 11 digits.
9 There's only ten in the account, so there's no way to
10 possibly put it incorrectly on your website.

11 MS. MANES: Well, for Duke Energy, yes,
12 there's 11 digits. But for Dayton Power and Light --
13 let me check my -- but, at any rate, you know, this
14 is where it is. We can resubmit the enrollment in
15 the right utility company, but it would have to be
16 under the Dayton Power and Light rates.

17 MR. SNYDER: They are the highest rate
18 out there right now. Why in the world would I
19 possibly go with them?

20 MS. MANES: Well, it's your choice
21 Mr. Snyder. We can re --

22 MR. SNYDER: No. I haven't had time to
23 look at it because I was promised a lower rate by you
24 guys, and you didn't deliver, so I'm not prepared
25 to -- I got to go research now everything that I've

1 done that if you would have told me in May, I could
2 have done this back in May, but you don't tell me
3 till August. There's a (inaudible). That's the
4 problem.

5 MS. MANES: Well, I didn't speak with you
6 in May, Mr. Snyder.

7 MR. SNYDER: But I spoke to three other
8 of your employees, five of them. None of them said
9 anything either.

10 MS. MANES: Well, I can't speak on
11 another call. So I can tell you what I see right
12 now, and what I see right now is when you submitted
13 the enrollment online, it was with the incorrect name
14 on the account and in the wrong utility company.

15 So I can put you in an offer with the
16 correct utility company, and -- and get you enrolled
17 if that's what you want to do. I have a rate of 6.83
18 cents per kilowatt-hour through May of 2016 with an
19 early termination fee of \$100, and we can enroll that
20 right now if that's what you'd like to do. If you'd
21 like to look at other rates, you're welcome to do
22 that as well.

23 MR. SNYDER: I think our dealings are
24 going to have to be through the Public Utilities
25 Commission because I can't believe anything you guys

1 have said. That's what's going to happen.

2 MS. MANES: Well, if you -- I mean, if
3 you want us to -- I mean, really, we can get this
4 resolved right now.

5 MR. SNYDER: No, we can't. We cannot get
6 it resolved right now.

7 MS. MANES: Okay. Well, if you -- then
8 if you want us to escalate this, you know, you do
9 need to e-mail that confirmation letter to Kim and so
10 we can send it on to the department to review this.

11 But, this is -- basically the -- the
12 center of the issue is that it was submitted, you
13 enrolled in the incorrect utility at the incorrect
14 rates available to you, being a Dayton Power and
15 Light customer. We can correct the issue now if you
16 want to enroll with FirstEnergy Solutions at
17 6.83 cents per kilowatt-hour.

18 MR. SNYDER: We already discussed all
19 this.

20 MS. MANES: Okay. Well, then is there
21 anything else I can assist you with at this time
22 then, Mr. Snyder?

23 MR. SNYDER: No.

24 MS. MANES: All right. Then I thank you
25 for calling FirstEnergy Solutions. I hope you have a

1 wonderful day.

2 MR. SNYDER: I think you called me.

3 Thanks.

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EXHIBIT 16

CD-1, TRACK 3, CD-2, TRACK 2, CD-1, TRACK 2
8/16/2013 - Frederick S. Maurer and Bruce Snyder
CD-1, TRACK 3

MR. MAURER: Hello. May I speak with
Bruce, please?

MR. SNYDER: Yes, speaking.

MR. MAURER: Okay. May I call you Bruce?
My name is Fred, sir. I'm with FirstEnergy
Solutions. I should address you as Mr. Snyder until
you tell me otherwise. But, any rate, Mr. Snyder,
may I call you Bruce?

MR. SNYDER: That's fine.

MR. MAURER: Okay. Bruce, what I'm
calling about is the PUCO complaint on the enrollment
of your account with FirstEnergy Solutions. The
reason your account wasn't enrolled because according
to the folks at Duke Energy, we had the wrong account
number. And I think what happened is when we enroll
at Duke Energy, we take the first ten digits, and I
think your enrollment had all 11. Let me
double-check, one, two, three, four, five, six,
seven, eight, nine, ten.

Let me ask you, Bruce, do you have time
to talk? Is there any -- because we can get this

1 resolved for you. We can correct the issue for you.
 2 It looks like it's sitting there holding at 5.36
 3 cents per kilowatt-hour. It's just a matter of
 4 getting that correction made.

5 MR. SNYDER: I'm actually going to lunch
 6 right now. I'll be coming back in about an hour, if
 7 that will work.

8 MR. MAURER: Sure, absolutely, yeah,
 9 whatever suits you. Okay. So right now it's 11:30.
 10 I'll give you a call -- I go to lunch around
 11 12:00 o'clock, so that will be about right. I take a
 12 half-hour lunch, so I'll give you a call around 12:30
 13 then. We'll make it 12:45.

14 MR. SNYDER: All right.

15 MR. MAURER: Give you a little extra
 16 cushion, okay? All right, Bruce. Thank you very
 17 much, sir. I'll talk to you then.

18 MR. SNYDER: All right. Bye.

19 - - -

20 CD-2, TRACK 2

21 MR. SNYDER: Hello.

22 MR. MAURER: Hello. Is Bruce there,
 23 please?

24 MR. SNYDER: Yes, speaking.

25 MR. MAURER: Okay. Bruce, this is Fred

1 calling you back from FirstEnergy Solutions.

2 MR. SNYDER: Okay.

3 MR. MAURER: Okay, Bruce, what had
4 happened, as I stated earlier -- I know I caught you
5 at a bad time earlier. The account is sitting here
6 staged and ready to go, but there's either a problem
7 with the name or the account number, and the Duke
8 folks rejected it based on that. So all I have to do
9 is correct that problem, and we'll get you taken care
10 of. We'll get you enrolled and everything will be
11 great.

12 MR. SNYDER: Okay. I sat through this
13 with a couple other folks already with that.

14 MR. MAURER: Well, here's the thing you
15 got to remember, is yours was originally an Internet
16 enrollment, and the call centers, you know, they will
17 offer you these programs at a given time period, and
18 then they -- when they pull them out of the system
19 because they've expired, they don't have anything
20 to -- to hook it back up with so they offer whatever
21 is -- whatever is current.

22 In customer service here, we are the
23 people that move all these problems. We'll go back
24 to our billing people and say, back this thing up and
25 pick up this deal, and then apply it to the account.

1 They don't have the authority, they don't have the
2 wherewithal to do that.

3 So that's -- that's why you're getting
4 problems with that. Generally when they get to my
5 desk, they're such a train wreck anyway, it takes me
6 awhile to sort them out. So --

7 MR. SNYDER: (Inaudible). I got a letter
8 with actually everything you're saying back on --
9 when I signed up with you guys dated May 28.

10 MR. MAURER: Uh-huh.

11 MR. SNYDER: I called to talk to a Steve
12 on May 31 and answered all these questions --

13 MR. MAURER: Uh-huh.

14 MR. SNYDER: -- back then he confirmed
15 everything was good to go. It would start June 20,
16 no problem.

17 MR. MAURER: Uh-huh.

18 MS. SNYDER: And then that didn't happen.

19 MR. MAURER: Okay. What we're going to
20 do here, what we're going to do, Bruce -- a lot of
21 these things I'm taking on the surface just based on
22 data that's coming out of my computer, and if there
23 is something else, the guys in the back of the house
24 are going to find this, and they'll get it corrected.

25 But there's -- there's no reason we

1 shouldn't be able to get you -- get you fixed up.
 2 Like I said, it wasn't us that rejected it. It was
 3 Duke, and according to the notes that Duke gave us
 4 was -- it says, account rejected, both on the 24th
 5 of -- well, it's twice on the 24th of May. It says
 6 status rejected, A76, and according to the code on my
 7 sheet here, A76 is account not found.

8 So do you have your Duke bill there with
 9 you?

10 MR. SNYDER: Well, I mean, my service is
 11 through DP&L.

12 MR. MAURER: Oh, well, there's the
 13 problem right there then. They have you set up here
 14 as Duke Energy. Your computer didn't know what to do
 15 with it.

16 MR. SNYDER: Again, I talked to Steve on
 17 the 31st and we went over in great detail, went over
 18 the bills and everything.

19 MR. MAURER: Okay, Bruce, let me ask you
 20 this. Your account -- your address is 4461 Powder
 21 Horn Drive, correct, in Beaver creek?

22 MR. SNYDER: Correct.

23 MR. MAURER: Okay, what you can --

24 MR. SNYDER: The question online was
 25 confusing because, I mean, Duke was my provider for

1 electricity. DP&L provides the, you know, the
2 lines --

3 MR. MAURER: Distribution.

4 MR. SNYDER: -- for service and all that.

5 MR. MAURER: Uh-huh.

6 MR. SNYDER: But you don't make a clear
7 distinction, no one does on their websites, which one
8 you're talking about when you ask that.

9 MR. MAURER: Oh, okay.

10 MR. SNYDER: You have it very confused.

11 MR. MAURER: Yeah, especially when we get
12 into -- you know, because we are separating out
13 distribution. And the thing of it is, DP&L has DP&L
14 Retail. Duke has Duke Energy and Duke Retail.
15 FirstEnergy Solutions, you know, we have Ohio Edison,
16 Cleveland Electric Illuminating, Penn Power. We kept
17 those names a little bit -- you know, they're not as
18 similar so it kind of helps our -- in our case it
19 helps a little. But you're right, you do have -- it
20 can be very confusing.

21 So, Bruce, what is your DP&L account
22 number?

23 MR. SNYDER: It's the one you guys have
24 had all along --

25 MR. MAURER: Okay.

1 MR. SNYDER: -- that's in the letter.
2 It's 3154719158.

3 MR. MAURER: Okay. Cool. All right. So
4 what we'll do here, see, there's nothing -- I have
5 access to change these things these guys -- the other
6 guys, the call center doesn't have. So we'll get
7 that taken care of. I obviously got the right
8 number, okay. There's Dayton Power and Light. See,
9 just changing the issue, changing it doesn't help.
10 They got to go back and actually resubmit it, which
11 apparently was not done.

12 So, okay, I'm -- I'm 99 percent sure I've
13 got everything taken care of, and also with your
14 wife's name is Elizabeth, and it was listed here as
15 L-Z-A-T-H-A, but here again the notes indicate that
16 they had -- you had already mentioned it. You had
17 corrected that so that's already been corrected.

18 All right. Well, Bruce I appreciate your
19 patience, and we will we get this taken care of for
20 you straightaway.

21 MR. SNYDER: All right. This brings up
22 the other question since -- I mean, I mentioned this
23 a couple weeks back. DP&L sent a letter saying
24 unless they get notification 12 days before the next
25 meter reading date, which is next week, it's too late

1 to change for this month.

2 MR. MAURER: Well, all we'll do, we'll
3 just calculate what you would have saved with us, and
4 we'll do a lost savings credit, and let's just rebate
5 you the difference in the form of a separate check.
6 We can do that for you, sure.

7 MR. SNYDER: Okay.

8 MR. MAURER: Remember now, what we'll
9 do is -- the nice thing about it, you're obviously
10 computer savvy because your first thing was online
11 enrollment. All you have to do when -- if we miss
12 this, we are going to go back two months. We'll take
13 two months of your usage. We'll recalculate the
14 bills, and we'll-- we'll calculate a check for you.

15 MR. SNYDER: Okay.

16 MR. MAURER: Does that sound fair enough?
17 All right.

18 MR. SNYDER: Yes.

19 MR. MAURER: Okay. All right, Bruce
20 listen, I appreciate your patience. I apologize
21 because this thing was not handled correctly. Like I
22 said, often by the time it gets to my desk, it's such
23 a train wreck anyway, it takes a little bit of
24 unraveling and deconstructing, but that's what I do
25 here. So I will fix this up for you. And when you

1 get your next bill -- now, you have my phone number,
2 that 436-1547 number, correct?

3 MR. SNYDER: Let me write it down here.

4 MR. MAURER: Okay.

5 MR. SNYDER: Okay.

6 MR. MAURER: Okay. It's 330-436-1547.

7 And what I'm going to do, I'm going to check your
8 e-mail because what I want to do, I want to send you
9 a test e-mail also, and that way you'll have my
10 e-mail address. I've got SnyderBD888@SBCglobal.net.
11 Is that correct?

12 MR. SNYDER: Yes.

13 MR. MAURER: Okay. All right. I'm going
14 to send you a test e-mail. Then what we'll do,
15 you'll have my e-mail address to scan and send back
16 those DP&L bills, and we'll get that taken care of
17 for you.

18 MR. SNYDER: Okay.

19 MR. MAURER: All right. Well, listen, I
20 appreciate -- again, I appreciate your patience, and
21 Bruce, you have a great weekend, sir.

22 MR. SNYDER: All right. So this rate
23 will be what?

24 MR. MAURER: 5.3 -- yeah, 5.36 cents, and
25 it goes through June of 2016.

1 MR. SNYDER: Okay.

2 MR. MAURER: Now, if something were to
3 happen going forward, Bruce, and you see -- say you
4 get online or just for whatever reason you get -- you
5 see a mailer that, you know, we got a great 4.8-cent
6 rate out here. Those numbers are gen -- generated by
7 the market. So if you see a competitor or you see
8 something online, you know, from FirstEnergy
9 Solutions that says, you know, a lower rate than
10 5.36, you're always free to upgrade your program, and
11 there's no penalty for that. So that's something
12 else I'd like to leave you with.

13 And like I said, we'll get this all taken
14 care of, but if you have any questions, just give me
15 a call, or respoin to the e-mail I sent you, okay?

16 MR. SNYDER: Okay.

17 MR. MAURER: All right. Thank you, sir.
18 Have a good weekend.

19 MR. SNYDER: All right. Thank you.

20 MR. MAURER: Bye-bye.

21 MR. SNYDER: Bye.

22 - - -

23 CD-1, TRACK 2

24 MR. MAURER: Yeah, Bruce. This is Fred
25 calling you again.

1 MR. SNYDER: Yes.

2 MR. MAURER: Hey, Bruce I just ran into
3 one other thing I wanted to go over with you real
4 quick. That 5.36 was a Duke offer, okay, and because
5 Duke reports to the State and a higher percentage of
6 their total bill is distribution than it is
7 generation, we have to compensate the State
8 accordingly. That 5.36 cents, that Duke offer, is
9 not available in DP&L territory. The best I do have
10 is a 5.94. That is -- that is a FirstEnergy Family
11 and Friends issue, and I was going to run you through
12 as a friend of mine because you were so nice to me,
13 but 5.39 -- or 5.94 is the lowest thing I have in the
14 DP&L territory.

15 MR. SNYDER: My trouble I'm having with
16 that is that is more than three months ago, and I
17 then had the option to go with someone else, but you
18 are just telling me now, in August, when I tried to
19 sign up in May

20 MR. MAURER: Right. I understand, I
21 understand. But I'll tell you what I could probably
22 do here to compensate you a little bit. Let me ask
23 you, Bruce, how many kilowatt-hours do you use in a
24 year's time?

25 MR. SNYDER: Oh, I've got to use my

1 June-July bill.

2 MR. MAURER: Okay. If you have one of
3 your bills, that should tell you what your annual
4 usage was for the last 12 months.

5 MR. SNYDER: Okay. It's back over here.
6 Total for the last year was 11,944.

7 MR. MAURER: Okay. So 11,944, and that's
8 a difference of, let's see, .25 -- it off. .0594
9 minus .0536, 36, that's a difference of .0058 times
10 -- you said 11,000 kilowatt-hours, 11,500?

11 MR. SNYDER: 11,944.

12 MR. MAURER: Okay. All right. That's a
13 difference of about \$66 between the two programs.
14 Let me see if I can work something above and beyond
15 that for you, and I'll see -- like I said, I'll do my
16 best to get you compensated fairly. But that was --
17 that whole issue was that issue with the mixed
18 companies. I should have caught that before I called
19 you.

20 But the 5.94 is the best we can get you
21 on, and then we'll see if we can compensate you
22 elsewhere, but I'll see what I can find for you. All
23 right?

24 MR. SNYDER: Okay.

25 MR. MAURER: Well -- we'll make it right

1 as best we can, sir.

2 MR. SNYDER: Okay.

3 MR. MAURER: Okay. Thanks, Bruce. All
4 right, bye.

5 MR. SNYDER: Uh-huh, bye.

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
recorded by audiotape and transcribed by me in this
matter.

Rosemary Foster Anderson,
Registered Professional Reporter
and Notary Public in and for
the State of Ohio.

My commission expires April 5, 2014.
(RFA-76395-cds)

- - -

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Case No(s). 13-2031-EL-CSS

Summary: Transcript in the matter of Bruce Snyder v. First Energy Solutions Corp. hearing held on 08/18/14 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.