

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
Review of the Ohio Edison :
Company, The Cleveland :
Electric Illuminating :
Company, and the Toledo : Case No. 17-0974-EL-UNC
Edison Company's Compliance:
With R.C. 4928.17 and the :
Ohio Adm. Code Chapter :
4901:1-37. :

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PROCEEDINGS

Before Gregory Price and Meagan Addison, Attorney
Examiners, at the Public Utilities Commission of
Ohio, 180 East Broad Street, Room 11D, Columbus,
Ohio, called at 10:00 a.m. on Thursday, January 17,
2019.

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WITNESSES:
None

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EXHIBITS
None

IDENTIFIED ADMITTED

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Thursday Morning Session,
January 17, 2019.

- - -

ATTORNEY EXAMINER PRICE: Good morning.
The Public Utilities Commission has set for hearing
at this time and place Case No. 17-974-EL-UNC, being
In the Matter of the Review of the Ohio Edison
Company, the Cleveland Electric Illuminating Company
and the Toledo Edison Company's Compliance with
Revised Code 4918.17, and Ohio Administrative Code
Chapter 4901:1-37.

My name is Gregory Price. With me is
Megan Addison. We're the Attorney Examiners assigned
to preside over today's hearing.

The purpose of today's hearing is to
address the Motion for Protective Order filed by
FirstEnergy on October 26, 2018, Consumers' Counsel
filed a memo contra on November 13, 2018.

The companies filed a reply on
November 20th, 2018. The Attorney-Examiners set this
matter for hearing by entry issued on December 14,
2018.

We'll begin. Let's take appearances
starting with the company.

1 MR. DORINGO: Ryan Doringo of Jones-Day
2 on behalf of the Ohio Edison Company, the Cleveland
3 Electric Illuminating Company and the Toledo Edison
4 Company. And with me is Scott Casto of FirstEnergy,
5 also on behalf of the companies.

6 ATTORNEY EXAMINER PRICE: Consumers'
7 Council.

8 MR. LANDES: I'm here for the Ohio
9 Consumer Counsel. My name is Mark Landes with the
10 law firm of Isaac Wiles here in town. I'll let my
11 colleagues introduce themselves.

12 MS. O'BRIEN: On behalf of the Ohio
13 Consumers' Counsel, Angela O'Brien.

14 ATTORNEY EXAMINER PRICE: Thank you.
15 Mr. Alexander, would you like to make an appearance?

16 MR. ALEXANDER: Good morning, your
17 Honor. My name is Trevor Alexander. I represent
18 FirstEnergy Solutions Corp. FES is not a party to
19 this proceeding, and I'm here today as an observer.

20 ATTORNEY EXAMINER PRICE: Thank you.
21 Okay. Why don't we begin by clarifying what we
22 discussed off the record.

23 Companies you have no intention of
24 presenting a witness today to support whether or not
25 the information being sought by Consumers' Counsel is

1 trade secret under Ohio law; is that correct?

2 MR. DORINGO: That is correct, your
3 Honor. Our argument is not that the information
4 sought by the Consumers' Counsel is trade secret, but
5 that it's otherwise confidential information
6 protected by R.C. 4901.16.

7 ATTORNEY EXAMINER PRICE: Okay. Why
8 don't you briefly then go into your argument?

9 MR. DORINGO: Thank you your Honors.
10 Your Honors, the question before you today is whether
11 there is any protection for the confidential and
12 sensitive business information that utilities like
13 the companies provide during the audit process.

14 And another question before you today is
15 whether the Commission will permit intervenors in
16 audit cases to circumvent and subvert the discovery
17 rules in order -- by using a public records request
18 in order to get information that is admittedly, in
19 this case, not relevant to the main audit case.

20 As you know, and as the Commission has
21 long recognized, the free flow and open sharing of
22 information between utilities and the Commission
23 during the audit process is absolutely critical to
24 that process.

25 On the one hand, the Commission needs to

1 have at its disposal, you know, the books and
2 records, and access to those books and records of the
3 utilities to do its job and carry out its statutory
4 mandate, and on the other, the utilities and the
5 companies here need to have some assurance and some
6 protection for the confidential information that they
7 give to Staff and auditor, or other employees of the
8 Commission during the audit process.

9 And of course, the public records
10 statute, RC 149.43, builds in protections to give
11 utilities those assurances. One of those is, of
12 course, the provision that prohibits the disclosure
13 of information or documents, the release of which is
14 prohibited by state or federal law.

15 And within that provision of the public
16 records statute, we find protection for trade
17 secrets, which as we discussed are not at issue here,
18 but we also find broader protection than that.

19 We find protection for confidential
20 information that does not arise to the level of a
21 trade secret. And in this case that protection is
22 provided by R.C. 4901.16, which in no uncertain terms
23 says that the employees or agents of the Commission,
24 except for in their testimony before the Commission,
25 or court, or in reports, may not disclose -- or shall

1 not disclose information acquired by them in carrying
2 out their duties -- acquired from the utilities by
3 those employees and agents in carrying out their
4 duties.

5 Your Honor, the -- your Honors, the Ohio
6 Supreme Court has construed R.C. 4901.16 as imposing
7 a duty of confidentiality upon the Commission's
8 agents and employees, and that's in the Vectren case,
9 113 Ohio State 3d, 180, 2007.

10 Likewise, the Commission itself has, at
11 least on two occasions, recognized that R.C. 4901.16
12 operates as an exception to the Public Records
13 statute.

14 The first instance of that was in the
15 CG&E case, Case No. 00681-GA-GPS, and again, more
16 recently in an AEP Ohio case, Case No. 115906-EL-FAC.

17 But, your Honors, there is no dispute
18 here that if R.C. 4901.16 --

19 ATTORNEY EXAMINER PRICE: In either of
20 those two cases that you just cited, do the -- did
21 the Commission assert that 4901.16 precludes the
22 release of otherwise public information after the
23 issuance of the Staff Report in the case?

24 MR. DORINGO: Your Honor, so I hear
25 correctly, your question is whether otherwise

1 information that's already public, whether they
2 precluded the release --

3 ATTORNEY EXAMINER PRICE: Information
4 that otherwise would be a public record is precluded
5 from disclosure after -- let me simplify the
6 question.

7 In either of the two cases you have
8 cited, did the Commission preclude the disclosure of
9 any information after the filing of the Staff Report?

10 MR. DORINGO: So in the CG&E case, it
11 was in a different context. The report there was --

12 ATTORNEY EXAMINER PRICE: As to CG&E
13 that would be no?

14 MR. DORINGO: As to CG&E that would be
15 no, your Honor. And in the AEP Ohio case the answer
16 is also no there.

17 ATTORNEY EXAMINER PRICE: Thank you.

18 MR. DORINGO: There is -- there is no
19 dispute under the Commission's precedent in the plain
20 language of 4901.16 that if 4901.16 does apply to
21 these documents, that they are not subject to
22 disclosure pursuant to a public records request.

23 And R.C. 4901.16 does apply here, and it
24 applies for several reasons. First, its plain
25 language. These are -- the 14 documents that are at

1 issue are absolutely records that were acquired by an
2 agent of the Commission, Sage, and by Staff, in
3 the -- in connection with their duties during the
4 audit process. Our documents fall squarely within
5 that definition.

6 Second, Commission precedent,
7 particularly the CG&E case. Your Honors, the CG&E
8 case ruled that information provided in confidence to
9 the Staff during an investigation was not subject to
10 disclosure under R.C. 4901.16.

11 Third, the Commission in this case
12 expressly ordered that Sage's work would be done
13 subject to R.C. 4901.16. In it's July 5, 2017 Entry
14 appointing Sage as the auditor, the Commission said
15 that Sage would be subject expressly to its statutory
16 obligations under that statute.

17 Further in that order it told the
18 companies that they must provide any information
19 asked for by Sage or Staff, without objection and
20 without delay.

21 They also told the companies they could
22 mark information confidential if they so wished, but
23 that was not a reason to object or delay in giving
24 that information over.

25 And the companies did that, your Honors.

1 They provided everything that was asked for
2 regardless of whether -- whether we believed it was
3 relevant or the confidential nature of it.

4 So, your Honors, if R.C. 4901.16 doesn't
5 apply here where the plain language of the statute
6 says it does, where Commission precedent further
7 supports it, and where the Commission ordered the
8 companies to provide that information without
9 objection and delay -- or delay, and the companies
10 did so in reliance on the statute, and reliance on
11 the Commission's order, then R.C. 4901.16 is never
12 going to apply to audit processes, and it's
13 essentially a dead letter.

14 ATTORNEY EXAMINER PRICE: Why would it
15 be a dead letter? Let's just make the record clear
16 here. You would agree the audit report is finished
17 in this case; is that correct?

18 MR. DORINGO: Yes, your Honor.

19 ATTORNEY EXAMINER PRICE: Why would it
20 be a dead letter if 4901.16 protected the information
21 prior to the issuance of the Staff Report from
22 disclosure, but not after the issuance of the Staff
23 Report?

24 MR. DORINGO: Well, your Honor, I think
25 the -- the companies' interest, and legitimate

1 interest, and the policy interest of the Commission
2 in promoting the open and free sharing of information
3 need -- means that R.C. 4901.16 has to provide some
4 more enduring protection for the confidential
5 information that is given to -- to the Staff or to
6 the auditor, or else --

7 ATTORNEY EXAMINER PRICE: But you'd
8 agree also that the Supreme Court has held that
9 149.43 should be construed liberally; is that not
10 correct?

11 MR. DORINGO: That's correct. That's
12 correct, we don't dispute that.

13 ATTORNEY EXAMINER PRICE: And so our
14 goal here is for us to balance two statutes, 149.43
15 and 4901.16?

16 MR. DORINGO: Yes.

17 ATTORNEY EXAMINER PRICE: And so why is
18 it not a fair balance to say prior to the issuing of
19 the Staff Report, nothing, even if it's public or
20 nonconfidential, can come out pursuant to 4901.16,
21 but after the issuance of the Staff Report, absent
22 some other protection, it should be released?

23 MR. DORINGO: Your Honor, I think
24 several reasons. One, the statute itself contains no
25 such limitation.

Two, I don't believe that the Commission in the CG&E case, or otherwise, has ruled that that limitation applies to the statute, and three, as a policy matter, when we're dealing with information that the companies provided in confidence, that now is concededly irrelevant by the OCC, is irrelevant to the corporate separation case, this specific information we're dealing with here must be protected.

ATTORNEY EXAMINER PRICE: Okay. But let's dispense with that argument, and also with the evading discovery argument.

You would agree the Commission has no right to ask any requester of a public record why they are asking for the request? Wouldn't you agree that -- that's black letter law in the state, correct?

MR. DORINGO: I agree, yes, that --

ATTORNEY EXAMINER PRICE: So it doesn't matter what their intent, what their purpose is, somebody asks for a public record from the Commission, we have to disclose it.

MR. DORINGO: Well, I don't agree -- well, if you say that none of the exceptions in the record --

1 ATTORNEY EXAMINER PRICE: No exceptions
2 apply.

3 MR. DORINGO: -- none of those apply,
4 and it's a public record, yes.

5 ATTORNEY EXAMINER PRICE: The intent of
6 the requester is irrelevant, and we're not even
7 permitted to inquire; you agree with that?

8 MR. DORINGO: I agree that the intent of
9 the requester is irrelevant.

10 ATTORNEY EXAMINER PRICE: Even if they
11 are intending to circumvent discovery, that's
12 irrelevant for today, right?

13 MR. DORINGO: I don't agree that it's
14 irrelevant for today because of the policy
15 implications of the conduct. And I mean, it's tied
16 up with whether R.C. 4901.16 provides the protection
17 we say it does or not.

18 And the reason is, if we're in -- if
19 we're in a world where R.C. 4901.16 doesn't apply --
20 doesn't apply any of the protections that it says it
21 does, or that Commission precedent says it does, the
22 companies are going to have to change how they
23 approach audit proceedings --

24 ATTORNEY EXAMINER PRICE: You have no
25 right to change how you approach audit proceedings

1 because we have a separate statute that says we can
2 investigate all of your books and records; isn't that
3 correct?

4 Under the laws of the State of Ohio,
5 PUCO employee holding this card may enter in or upon
6 and inspect any property and all of those materials
7 of any company regulated by the Public Utility
8 Commission of Ohio.

9 So you have no ability to change your
10 approach to an audit. You have to provide the
11 information, if we direct you to, as long as it's
12 related to your regulated business; is that not
13 correct?

14 MR. DORINGO: I agree that's correct,
15 your Honor. And that's also why I think R.C. 4901.16
16 is absolutely crucial to the process and must provide
17 the protection that we say it does, because if it
18 doesn't, then anything that we hand over to the
19 Commission or its auditor or Staff, without -- that
20 we're ordered to hand over, as in this case, we can
21 never know whether it's going to become public record
22 as upon the mere submission of a records request.

23 And I do think that it will have some
24 chilling affect of the companies will have to be --
25 and other utilities will have to be more

1 discriminating in what they hand over, or at least it
 2 will lengthen and make the process more inefficient.
 3 So yeah, I mean, that's my response to that question.

4 And then OCC claims that this case is
 5 about thwarting transparency or hiding relevant
 6 documents that would tell them and anyone else about
 7 whether the companies are complying with the
 8 corporate separation rules, and your Honors, those
 9 claims are demonstrably false here.

10 This case is not about secrecy or, you
 11 know, the Commission or the companies hiding
 12 anything. The companies -- well, as you know, since
 13 the beginning of this case OCC has attempted to get
 14 everything that the companies provided to Sage.

15 We said no before -- that those requests
 16 were premature before the audit report was issued.
 17 The Commission didn't rule on that in this case
 18 before the audit report was issued.

19 But I think we have been validated in
 20 that, and under the DMR audit case the decision that
 21 recently came out there that that discovery was
 22 premature.

23 But after that audit report came out we
 24 worked through good faith negotiation with OCC to
 25 give them everything that was remotely relevant to

1 that report.

2 What we didn't think was relevant, we
3 asked them if they still wanted it, they said we're
4 going to continue on with our motion, and so we
5 issued a -- filed a supplemental memoranda contra.

6 After we filed that, demonstrated the
7 irrelevance of the documents, OCC withdrew its
8 motion.

9 And so again, they can ask for -- they
10 can make any request they want with any intent they
11 have, but they are not entitled to everything they
12 ask for. And here the conduct at issue where, we
13 went through a long negotiation and briefing
14 process --

15 ATTORNEY EXAMINER PRICE: I'm not
16 saying -- I'm not saying you don't have cause to be
17 annoyed with OCC, I'm just saying that that's not a
18 grounds for us to release the information.

19 MR. DORINGO: That's right. But I think
20 it goes to the policy support for providing this
21 protection under R.C. 4901.16.

22 Your Honor, just in closing, the R.C.
23 4901.16 applies here. It applies because it's broad
24 language applied, it applies because Commission
25 precedent supports it, and it applies because the

Commission told us it did in its July Entry, 2017 entry in this case.

The Commission should hold that R.C. 4901.16 precludes the disclosure of the records at issue, and not otherwise enter an order that threatens efficacy of the audit process. Thank you.

ATTORNEY EXAMINER PRICE: Thank you. Consumers' Counsel, one preliminary matter. On November 13th you filed a pleading styled Memorandum Contra the Motion Filed by the FirstEnergy Utilities to thwart transparency and fairness regarding the PUCO's audit of FirstEnergy's corporate separation practices; is that correct?

MR. LANDES: I'm looking at it, too.

ATTORNEY EXAMINER PRICE: Did the companies ever file a motion styled a motion filed to thwart transparency and fairness?

MR. LANDES: That's a fair question. They did not. That's not how it was titled.

ATTORNEY EXAMINER PRICE: So let's have a little less propaganda in our filings next time, or maybe we'll just strike the filing and simplify our lives.

MR. LANDES: Point well taken. Thank you.

1 ATTORNEY EXAMINER PRICE: Please
2 proceed.

3 MR. LANDES: Thank you. I'd like to
4 attempt to start where you are, I think, from your
5 questions, and that is a simple infamy, a logical
6 structure.

7 You have public records, the Commission
8 does. There is a claim for -- the sole claimed
9 exception deals with .16. Your own jurisprudence
10 within the Commission indicates that that lasts as
11 long as the investigation does, and no longer.

12 We compiled in our awkwardly styled
13 pleading at Footnote 14 -- we have collected those
14 hearing decisions that say exactly what you've said,
15 which is the juice in that exception dissipates and
16 is gone after the hearing is over.

17 And without dispute -- the investigation
18 rather, the investigation is over. So therefore,
19 there's no exception, and therefore they are public
20 records subject to disclosure. That's what I believe
21 the Hearing Officer has come to, and certainly what
22 the pleading suggest.

23 If I can add value, your Honor, to the
24 proceeding any further than that, it would be from
25 the perspective of an open records lawyer, and not as

1 a PUCO lawyer, because that's what I'm here to do.

2 And so we can talk about some of the
3 concerns that have been raised about reliance, we can
4 talk about how the process would otherwise go in
5 another place, and how we might examine the process
6 that we have here in a way that could assist you and
7 the Commission in the future.

8 So the first point to make is one you
9 made out of the box, which is this is not a discovery
10 issue, this is a public records issue.

11 A very similar issue was brought in a
12 case that was cited, Ed Gilbert versus Akron. Ed
13 Gilbert is a well known lawyer in Akron. He's in the
14 middle of litigation. He misses the discovery
15 deadline.

16 The trial is about to come. He sends
17 out public records requests to Akron for all of the
18 information they could have, should have, would have
19 gotten during the discovery issue.

20 That goes to the Supreme Court. The
21 Supreme Court holds for Ed Gilbert, and says
22 notwithstanding another proceeding going on, a
23 judicial proceeding in Common Pleas Court,
24 notwithstanding the fact that that court could easily
25 say under policy that we need to run our own

1 discovery, we need to have rules that make sense for
2 both parties, and we set a deadline and it should be
3 honored, no withstanding all of that, they said
4 public records is separate, and public records shall
5 be looked at separately from any other issue.

6 And in much the same way that we have
7 heard of we need to have the reliance on the rules,
8 and we were told that this -- we could mark these
9 things confidential, that is all done with the heavy
10 hand of the public records laying on their shoulder
11 saying if you deal with the government, what you give
12 the government becomes public record.

13 This is precisely the same issue that
14 thousands of other people have dealt with, and have
15 been litigated to the Supreme Court, one in which I
16 got to play on, which was dealt with Blue Cross.

17 When Blue Cross wanted to demutualize
18 and -- a word I've never said since, by the way --
19 and become Medical Mutual, they had to give a lot of
20 information to the Ohio Department of Insurance.

21 The Plain Dealer asked for it, and what
22 is supposed to happen -- let me say what happens
23 everywhere else, I'll put it that way, is that a
24 proceeding is brought by the Plain Dealer to enforce
25 the public records request, if it's not honored

1 promptly, and the person who provided the records to
2 the government may intervene, and they can state
3 their case.

4 Typically it's trade secrets, is what
5 case they state. They have not stated that case
6 here.

7 That could happen now in Common Pleas
8 Court because that's where original actions in
9 mandamus need to be filed, Common Pleas, Court of
10 Appeals, Ohio Supreme Court, and now new and
11 improved, the Court of Claims where Special Master
12 Judge Clark will tell you whether it's public or not,
13 and in my experience so far he'll tell you it's
14 public.

15 Representing all the full suburbs in
16 town and 66 counties and 110 school districts, that's
17 the answer we're getting from Special Master Judge
18 Clark; it's public.

19 So I have no reason to think that that
20 would not happen here if such a proceeding would be
21 brought -- could be brought. They can intervene.
22 They can say the policy arguments they want. If they
23 have a trade secret claim, they can make it there.
24 That's how it's supposed to happen if the body does
25 not provide the records promptly.

1 Promptly has been defined to be violated
2 in as early as two months. The request was
3 originally made here in May, so we are past promptly,
4 arguably if we were in another forum.

5 I'm not whining, I just want to bring
6 that to everybody's attention, that we went down a
7 different path that would not look like the normal
8 path, and we ought to wonder whether or not that
9 would -- what the Supreme Court, if they looked at
10 us, would think of all that.

11 Would they think that we ought to be
12 having hearing here today under an Ohio
13 Administrative Code that mentions discovery several
14 times, but not public records several times. So
15 having --

16 ATTORNEY EXAMINER PRICE: Certainly
17 they -- certainly if there is a claim of confidential
18 information, they would say you have to have a
19 hearing, and they have told us that.

20 MR. LANDES: Thank you. That is a fair
21 thing. I think that if you --

22 ATTORNEY EXAMINER PRICE: Let me push
23 you a little bit though on where -- I agree that we
24 have to balance 149.43 and 4901.16. Let me push you
25 on where that line is.

1 Why would it be inappropriate under the
2 public records law to draw that line at the
3 conclusion of the Commission proceedings, and after
4 we have issued a final appealable order and released
5 jurisdiction, if it -- why is it the investigation
6 concludes with the filing of the report, rather than
7 the conclusion of all proceedings? Because we could
8 further investigate any matter, could we not?

9 MR. LANDES: Yes.

10 ATTORNEY EXAMINER PRICE: So why should
11 the line be at the filing the report versus when we
12 issue a final appealable order?

13 MR. LANDES: I think the line should be
14 elsewhere, and the line should not -- the line should
15 not allow the statute, 4901.16, to keep any public
16 records at any time from the public.

17 I don't believe that -- it doesn't
18 say -- this is one thing we agree on. It doesn't say
19 that the protection lasts until the investigation is
20 over.

21 So we have drawn the line in a manner in
22 which to try to balance -- and it's in prior hearing
23 decisions, and they have been cited in 14. That's
24 where the lines have been drawn by Hearing Officers;
25 however, it's not supported by the statute at all.

1 If anything --

2 ATTORNEY EXAMINER PRICE: The statute --
3 the statute says I can't disclose anything except
4 through the filing of the Staff Report.

5 MR. LANDES: Fair enough.

6 ATTORNEY EXAMINER PRICE: Not
7 withstanding whether it's confidential or not, if
8 it's a number I learned that is a public number, in a
9 hearing, I'm not permitted to go around -- or in an
10 application, I'm not permitted to go around and
11 disclose that, that's exactly what that statute says.

12 So how can I direct them to do something
13 indirectly that I can't do directly myself?

14 MR. LANDES: Good point. We have to
15 read public records in para material with the
16 statute. The statute says nothing of record, it
17 speaks of testimony.

18 It speaks not of the Commission, whose
19 obligation it is under public records to provide
20 public records, it speaks only of employees and
21 agents.

22 And it is very broad. And it says --
23 and I'll put an ellipses in to illustrate how broad
24 it is; any information acquired by him in respect to
25 business of any public utility. So it's not

1 financial information, it's amazingly broad.

2 So this is a prohibition on talking. If
3 you go down to Sandman at lunchtime and you're in
4 line at Sandman on the ground floor, you can't say
5 guess what I just heard. That's pretty clear from
6 this.

7 On the other hand, you have the public
8 records law that says records shall be public, you
9 two -- --

10 ATTORNEY EXAMINER PRICE: You still have
11 to get them from a PUCO employee, and the PUCO
12 employee, under 4901.16, is precluded from
13 disclosing.

14 MR. LANDES: Fair enough.

15 ATTORNEY EXAMINER PRICE: We can't give
16 you the password to our computers and say go find
17 what you want.

18 MR. LANDES: But the Commission acts
19 through its agents and acts through its employees,
20 and has to satisfy public records law through those
21 employees, but not through testimony, and not through
22 speaking.

23 There are documents that speak for
24 themselves. They are handed over. It is a physical
25 transaction, not testimony, which is what is

1 addressed in .16. That's how I would read it in para
2 materia.

3 Any other way -- any other way to give
4 effect to .16 in the public records arena would
5 completely obliterate public records.

6 Now, the Commission has tried in these
7 prior hearings to draw a line that seems to give some
8 credence to both, and I appreciate that. And we win
9 on that here.

10 So this is not perhaps the case to make
11 this point, but it is fair to say that one way to
12 read these in para materia is to say this deals with
13 testimony, public records deals with delivery, and
14 that's how you read them together.

15 We ought not have to wait until the end
16 of the investigation at all to have a public records.
17 They should be given over promptly as we are told,
18 and they should be given over promptly in the future.

19 The concerns that they have can be dealt
20 with in a different forum with public records as the
21 forum, there are ways to do that.

22 And we would ask for an order promptly
23 to give effect to public records law. Subject to
24 your questions that ends my presentation.

25 ATTORNEY EXAMINER PRICE: Thank you.

1 MR. LANDES: Thank you.

2 ATTORNEY EXAMINER PRICE: At this time
3 we're going to deny the motion for protective order.

4 As we have discussed repeatedly in the
5 arguments, the Commission has construed 4901.16 as
6 precluding the disclosure of information prior to the
7 issuance of the Staff or audit report.

8 In this case the audit report has been
9 filed, therefore 4901.16 will not preclude the
10 release of the information, and Staff will release
11 the information after a reasonable period of time to
12 accommodate any interlocutory appeals if they are
13 filed.

14 Anything further, Mr. Doringo?

15 MR. DORINGO: No, your Honors.

16 MR. LANDES: No, your Honor. Thank you.

17 ATTORNEY EXAMINER PRICE: Thank you.

18 With that we are adjourned.

19 (Thereupon, the hearing was
20 adjourned at 10:30 a.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 Thursday, January 17,
2019, and carefully compared with my original
stenographic notes.

Valerie J. Grubaugh
Valerie J. Grubaugh,
Court Reporter and Notary
Public in and for the State
of Ohio.

My commission expires August 11, 2021.



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in

Case No(s). 17-0974-EL-UNC

Summary: Transcript In the Matter of the Review of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company's Compliance With R.C. 4928.17 and the Ohio Adm. Code Chapter 4901:1-37, hearing held on January 17th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie