

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RUSSELL ENYART,

Complainant,

v.

OHIO EDISON COMPANY

Respondent.

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Case No. 18-1734-EL-CSS

DIRECT TESTIMONY OF COMPLAINANT RUSSELL ENYART

Dated: October 29, 2019

Mark A. Whitt
Lucas A. Fykes
WHITT STURTEVANT LLP
The KeyBank Building
88 E. Broad St., Suite 1590
Columbus, Ohio 43215
(614) 804-6034
whitt@whitt-sturtevant.com
fykes@whitt-sturtevant.com

Attorneys for Complainant

Direct Testimony of Russell Enyart

Q1. Please introduce yourself.

A1. My name is Russell Enyart. I reside at 6284 Horseshoe Bar Road, Loomis, California 95650. I am the Complainant in this case.

Q2. Why did you file a complaint against Ohio Edison Company?

A2. In late January 2018, Ohio Edison disconnected electric service to a building I own in Norwalk, Ohio. The building is heated by electricity, so the loss of electricity resulted in a loss of heat, and the loss of heat resulted in a frozen water pipe that supplies the fire protection system to the building. The frozen pipe burst, causing extensive damage to the fire protection system and creating a fire hazard for tenants in the building.

Q3. Where is the building located?

A3. In Huron County, Ohio, at 50 Newton Street in Norwalk. Locals sometimes refer to the building as the “Old Norwalk Furniture Building.”

Q4. Please describe the building.

A4. The building is a light industrial facility comprised of three floors totaling approximately 170,000 square feet. It was originally built in the early 1900s and renovated or expanded over the years. There were 9 tenants in the building when I bought it and 10 tenants currently. These tenants are small businesses in the light industrial, manufacturing, auto repair, e-commerce, wholesaling, and trucking industries.

Q5. When did you purchase the building?

A5. The purchase closed on January 26, 2018. I had been looking at the building and performing due diligence since September 2017.

Q6. What were your plans for the building?

1 A6. My plans were, and are, to continue leasing the building to commercial and light
2 industrial tenants.

3 **Q7. Which utility providers serve the building?**

4 A7. The City of Norwalk provides water and sewer service to the building. Ohio Edison
5 provides electric service.

6 **Q8. How many electric accounts are associated with the building?**

7 A8. Two. Each account is associated with a separate meter. One meter registers usage for the
8 main parts of the building. The other registers usage to an area of the building known as
9 the “pump house.” The pump house is a small structure located about a foot from the
10 main building. The pump house contains equipment to pressurize and distribute water
11 needed for the fire suppression system.

12 **Q9. Where are the electric meters located?**

13 A9. The meters are attached to the outside of the building and located next to each other.

14 **Q10. Did you notify Ohio Edison that you purchased the building?**

15 A10. Yes. I called Ohio Edison on the morning (Pacific time) of Friday, January 26, 2018—the
16 day the sale closed.

17 **Q11. Was electric service being provided to the building as of January 26, 2018?**

18 A11. As far as I knew, it was. Both myself and my business partner, John Randall, had talked
19 to the previous owner (Eric Glynn of Sula Limited) about coordinating the service
20 transfer. I told the previous owner’s real estate agent, “Karen,” that I would be calling
21 Ohio Edison on January 26 to request a service transfer. I was not sure whether Ohio
22 Edison would also need to hear from the previous owner before completing a service

1 transfer. I let Karen know what I was doing on my end so the sellers could do whatever
2 they needed to do (if anything) on theirs.

3 **Q12. Was it important to maintain continuous service?**

4 A12. Yes. The tenants in the building need power to run their businesses, and also for common
5 area heat and lighting. Heat was also required to prevent water pipes from freezing and
6 bursting.

7 **Q13. What did you tell Ohio Edison when you called on January 26, 2018?**

8 A13. I spoke to a female service representative, "Eva," and told her, "I have two accounts that
9 I need to transfer to my name." I read Eva the account number and meter number for each
10 account (which had been given to me by the prior owner) and explained that I was the
11 new owner. Eva asked for my social security number so she could verify my identity and
12 perform a credit check. She said a deposit of \$194 would be required for one account and
13 a \$333 deposit for the other, and that the deposits would be included on the first bills.

14 **Q14. Did you discuss when the account transfers would occur?**

15 A14. Yes. I asked that both accounts be transferred to my name that day, January 26. Eva said
16 the transfer would occur the next business day, which was Monday, January 29, 2018.

17 **Q15. Did Eva say whether Ohio Edison needed to hear from the previous owner before
18 service could be placed in your name?**

19 A15. No.

20 **Q16. Did Eva say you needed to fill-out and submit a written service application before
21 electric service could be placed your name?**

22 A16. No.

1 **Q17. Did Eva tell you that Ohio Edison would have to perform any inspections or pull**
2 **any permits before placing service in your name?**

3 A17. No.

4 **Q18. Was it your understanding that as a result of your telephone conversation with Eva**
5 **on January 26, 2018, you had done everything you needed to do to establish service**
6 **with Ohio Edison?**

7 A18. Yes.

8 **Q19. Did the information provided to Ohio Edison on January 26, 2018 include your**
9 **email and phone number?**

10 A19. Yes—not only for myself, but also for John Randall, who I included as an authorized
11 representative when I applied for service.

12 **Q20. When you spoke to Eva on January 26, did you tell her you had tenants in the**
13 **building?**

14 A20. Yes. I mentioned this after she said the transfer would occur the following Monday. I
15 wanted Ohio Edison to understand that there should be no interruption in service.

16 **Q21. After you spoke to Ohio Edison on January 26, did you follow up with the previous**
17 **owner?**

18 A21. Yes. That same day, I called Karen to let her know that electric service would be placed
19 in my name effective Monday, January 29, 2018.

20 **Q22. Did you hear from Ohio Edison between January 26 and January 29, 2018?**

21 A22. No.

22 **Q23. Were you expecting to?**

1 A23. Not unless there was a problem. No one contacted me after January 26 with any questions
2 or issues related to the service transfer.

3 **Q24. Did anyone contact you about other issues at the building?**

4 A24. Yes. On Wednesday, January 31, 2018, I received calls from both the City of Norwalk
5 and the former owner (I do not recall in which order). Both let me know that water was
6 gushing from the pump house out into the street. I texted the handyman, "Steve," who
7 worked for the prior owner, and asked him to go to the building and stop the leak.

8 **Q25. Did Steve report back to you about what he discovered?**

9 A25. Yes. Steve reported that a valve for the main water supply inside the pump house froze,
10 causing the pipe to burst. The City of Norwalk had to come out and turn off the water
11 supply at the street. Steve also determined that there was no electricity in the pump
12 house.

13 **Q26. Did you contact Ohio Edison?**

14 A26. Yes. I called the company the next day, February 1. "Briana" answered my call.

15 **Q27. What did you tell Briana?**

16 A27. I told her I had called the company the previous week to set-up service on two accounts,
17 but that service to one of the accounts had apparently been disconnected, resulting in
18 frozen pipes. After giving her my account information, Briana said her system "is not
19 showing me anything" and that she would need to transfer me to the "new service team."
20 I sat on hold for several minutes but then the call got dropped or disconnected.

21 **Q28. Did you call back?**

22 A28. Yes. I called back and spoke to "Emily" and repeated what I had just told Briana. I was
23 again put on hold. About eight minutes later, Emily returned. She asked whether I had

1 checked the main breaker to make sure service had been disconnected. I told her I had
2 already spoken to people on-site and that power had definitely been disconnected. Emily
3 said, "I'm not sure what happened. I called our meter services; they said that they already
4 reconnected it but of course they did not." Emily said she would place an order to have
5 service reconnected and that she would also open a claim for the water damage. She said
6 someone would contact me about the claim within 10 business days.

7 **Q29. Did Ohio Edison reconnect service to the meter serving the pump house?**

8 A29. Yes. Steve told me that Ohio Edison came to the building later that day (February 1) and
9 reconnected service.

10 **Q30. Did anyone from Ohio Edison reach out to you about the damage claim?**

11 A30. Yes. I was eventually put in contact with Robin Shiplett from the Ohio Edison claims
12 department. Robin and Steve (the handyman I mentioned earlier) met at the property in
13 mid-February. In late March or early April I talked to Robin directly. She acknowledged
14 that Ohio Edison was "at fault" (her words) for disconnecting service and advised me to
15 submit a repair quote for reimbursement.

16 **Q31. Did you get a quote?**

17 A31. Yes. S.A. Comunale Co. Inc. inspected the damage and quoted just under \$67,000 for
18 repairs. A copy of that quote is attached to my Complaint as Exhibit A.

19 **Q32. Did you submit this quote to Ohio Edison?**

20 A32. Yes.

21 **Q33. Did Ohio Edison reimburse you?**

22 A33. No.

23 **Q34. Why not?**

1 A34. According to Ohio Edison's claims manager, Michael Lindow, "Ohio Edison cannot
2 agree to pay for repairs that are unrelated to the service outage or replace obsolete
3 equipment." Mr. Lindow's letter, attached as Exhibit B to the Complaint, offered to pay
4 only \$5,000.

5 **Q35. Mr. Lindow's letter mentions that he visited the building in June 2018 with George**
6 **Wharton of CED Technologies. Have you or any of your colleagues ever talked to**
7 **Mr. Wharton?**

8 A35. No.

9 **Q36. Has Ohio Edison ever given you a report prepared by Mr. Wharton?**

10 A36. No.

11 **Q37. Has Ohio Edison ever given you any of the data or information listed in the bullet**
12 **points in Mr. Lindow's letter?**

13 A37. No.

14 **Q38. Has Ohio Edison ever explained to you how they came up with their offer of \$5,000?**

15 A38. No.

16 **Q39. Has the damage in the pump room been repaired?**

17 A39. Partially. As documented in the letter from George Thompson of North Coast Fire
18 Protection, Inc., I have incurred over \$18,000 in repair costs just to restore water pressure
19 to a minimally-acceptable level for fire protection. A copy of this letter is attached as
20 Exhibit C to the Complaint. Mr. Thompson estimates it will cost at least an additional
21 \$34,000 to repair all the damage.

1 **Q40. You have testified about the problems you had transferring electric service for the**
2 **building to your name. Did you experience any problems in transferring water or**
3 **sewer service?**

4 A40. No. None at all. This transfer also occurred over the phone, and the only interruption in
5 service was when water was temporarily shut-off at the street to stop the leak from the
6 burst pipe in the pump room.

7 **Q41. Have you dealt with other utilities in situations involving a transfer of service?**

8 A41. Many, many times. I started buying real estate in California in the early 1990s. Since
9 then, I would estimate I have owned at least 50 different retail, commercial, and
10 manufacturing properties where I was a customer of a utility. I became a licensed real
11 estate agent in 2014, representing buyers and sellers in real estate transactions throughout
12 California. Whether for myself or on behalf of clients, I have an extensive history of
13 dealing with utilities in transferring service.

14 **Q42. During the course of your career as a real estate agent and investor, have you ever**
15 **encountered a situation like you encountered with Ohio Edison?**

16 A42. Never. Transferring utility services from the seller to the buyer is usually the least
17 complicated and most routine aspect of a real estate transaction. Complications can arise
18 when the seller is in arrears with the utility, but I am not aware of that being the case
19 here. I was somewhat surprised that Ohio Edison required deposits (especially after
20 running a credit check), and I do not understand why Ohio Edison could not have listed
21 me as the account owner effective the day I called in to announce that I was accepting
22 responsibility for the electric bills. The building was already receiving service as of
23 January 26, 2018, so I am not quite sure why it was necessary to schedule a trip to the

1 building for the following Monday. I understand that perhaps Ohio Edison wanted to get
2 a final meter read for the the previous owner, but I do not understand why they
3 disconnected or “blocked” service to one of the meters. If there was confusion about
4 whether service to the building should be connected per my request, or disconnected per
5 the request of the previous owner, then someone should have contacted me. At the very
6 least, considering the weather conditions, the company should have erred on the side of
7 caution.

8 **Q43. Has Ohio Edison ever explained why it disconnected service on January 29, 2018?**

9 A43. No. Mr. Lindow’s letter only says “[t]he meter should have been unblocked on January
10 29, 2018,” but that this did not happen because of a “system error.” No one from Ohio
11 Edison has ever explained to me exactly what happened.

12 **Q44. Do you have any theories about what happened?**

13 A44. Yes. Mr. Lindow’s letter states that electric service “was terminated at the previous
14 customer’s request on January 29, 2018.” This must mean the prior owners or their
15 representative contacted Ohio Edison at some point prior to January 29 to either cancel
16 service or inform the company that I would be calling to transfer service. While I cannot
17 say whether or when the previous owners contacted Ohio Edison, as I testified earlier, I
18 spoke to Ohio Edison on January 26 and asked that service be transferred to my name
19 that day. When I was told the transfer would not happen until Monday the 29th, I
20 specifically told the company that tenants were in the building. At no point was I told that
21 electric service was or would be disconnected.

1 **Q45. Can you think of a reason why Ohio Edison would need to physically disconnect or**
2 **block service to the previous owner before placing the electric accounts in your**
3 **name?**

4 A45. None at all. And if that is the company's practice, it seems terribly inefficient. I can only
5 assume this is not the company's practice, since Mr. Lindow attributes the cause of the
6 disconnection to a "system error."

7 **Q46. When did you start receiving electric bills from Ohio Edison?**

8 A46. The first bills were issued on March 5, 2018. I received two bills; one for each meter.

9 **Q47. Have you remained current on your electric bills?**

10 A47. Yes. We have paid every bill within 30 days of the due date.

11 **Q48. How much have you paid Ohio Edison since purchasing the building in January**
12 **2018?**

13 A48. The electric bills have totaled approximately \$10,061 on one meter and \$3,085 on the
14 other, for a total of about \$13,146.

15 **Q49. You've previously testified about conversations you've had with Ohio Edison**
16 **representatives on January 26 and February 1, 2018. Have you listened to**
17 **recordings of those conversations?**

18 A49. I have. The recordings were provided to me by my counsel, who I understand received
19 the recordings from Ohio Edison.

20 **Q50. Do the recordings accurately capture the conversations you've discussed?**

21 A50. They do. Some portions of the recordings are difficult to hear or inaudible, and in a few
22 places capture background "chatter." But I cannot recall anything important being
23 discussed that is not captured on the tapes.

1 **Q51. Are you sponsoring these recordings with your testimony?**

2 A51. Yes. There is no practical way to attach audio recordings to my testimony, so I am
3 relying on my counsel to decide how to present the recordings to the Commission.

4 **Q52. Does this complete your testimony?**

5 A52. Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Direct Testimony was served to the following by e-mail this 29th day of October, 2019:

Scott Casto
scasto@firstenergycorp.com

Ryan Doringo
radoringo@jonesday.com

/s/ Mark A. Whitt
One of the Attorneys for Complainant

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Summary: Testimony Direct Testimony of Complainant Russell Enyart electronically filed by
MARK A WHITT on behalf of Enyart, Russell