

JONES DAY

325 JOHN H. MCCONNELL BOULEVARD, SUITE 600
COLUMBUS, OHIO 43215.2673
TELEPHONE: +1.614.469.3939 • FACSIMILE: +1.614.461.4198

DIRECT NUMBER: (614) 281-3865
MRGLADMAN@JONESDAY.COM

December 30, 2020

Megan J. Addison
Senior Attorney Examiner
Deputy Section Chief, Electric Section
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: *In the Matter of the Review of the Political and Charitable Spending by Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company, Case No. 20-1502-EL-UNC*

Dear Attorney Examiner Addison:

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the “Companies”) submit this letter in accordance with the Attorney Examiner’s order in the December 10, 2020 Entry (the “Entry”) directing the Office of the Ohio Consumers’ Counsel (“OCC”) and the Companies to reengage in discussions regarding OCC’s discovery requests. Following the Entry, counsel for the Companies and OCC engaged in a lengthy meet-and-confer process. Specifically, during telephonic conferences held on December 16, December 23, and December 28 and in many written communications, OCC and the Companies exchanged proposals, negotiated potential limitations, and attempted to narrow the items in dispute. While those negotiations have not yet resulted in a resolution, counsel are continuing to work toward a mutually agreeable solution.

At bottom, the Companies and OCC fundamentally disagree on the scope of this case. The Commission’s September 15, 2020 Entry defines the scope of the proceeding as confirming that “the costs of any political or charitable spending in support of Am. Sub. H.B. 6, or the subsequent referendum effort, were not included, directly or indirectly, in any rates or charges paid by ratepayers in this state.”¹ Where OCC’s discovery requests related to whether costs of any H.B. 6 spending were included in the Companies’ rates or charges, the Companies provided substantive responses.² And the Companies remain willing to provide information on that subject. But many

¹ Case No. 20-1502-EL-UNC, Entry ¶ 5 (Sept. 15, 2020).

² See Case No. 20-1502-EL-UNC, Companies’ Memorandum Contra OCC’s Motion to Compel Responses to Discovery at 3-6 (summarizing requests to which the Companies responded).

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of OCC's discovery requests subject to its motion to compel go far beyond the bounds set by the Commission in the September 15 Entry.

For example, OCC's requests include demands that the Companies provide certain documents and information concerning ongoing federal investigations and civil litigation involving allegations related to H.B. 6. These topics, and many others, go well beyond the scope of this proceeding and, in some instances, the Commission's and OCC's jurisdiction. They do not relate to whether the costs of any H.B. 6 spending were included, directly or indirectly, in any rates or charges paid by Ohio ratepayers. Nor do they otherwise concern the Companies' provision of retail electric service or the rates and charges customers pay for that service.

Despite their fundamental disagreements, and as noted above, the Companies and OCC have engaged in numerous good faith negotiations in an attempt to resolve their disputes without Commission intervention. Both sides have exchanged multiple proposals during the meet-and-confer sessions, and even now OCC and the Companies are continuing to work toward a resolution. The Companies provided their most recent proposal to OCC today, December 30. And the parties expect to be able to update the Attorney Examiner on whether a resolution has been reached no later than the close of business on January 5, 2021.

Very truly yours,

/s/ Michael R. Gladman

Michael R. Gladman

cc: Parties of Record

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in

Case No(s). 20-1502-EL-UNC

Summary: Correspondence Regarding the Office of the Ohio Consumers' Counsel's
Discovery Requests electronically filed by Ryan A Doringo on behalf of Ohio Edison Company
and The Cleveland Electric Illuminating Company and The Toledo Edison Company