



Office of the Ohio Consumers' Counsel

December 30, 2020

Ms. Tanowa Troupe
Secretary
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

RE: Ohio Consumers' Counsel's Update on Additional Efforts to Resolve Its Motion to Compel and Its Consumer Discovery Objected to by FirstEnergy - *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 Ms. Troupe:

A resolution of the discovery dispute between the Consumers' Counsel and FirstEnergy has not been reached as of the time of this writing, even with the efforts by both sides that are continuing. We are responding to the PUCO Attorney Examiner's Entry of December 10, 2020, which deferred ruling on the Ohio Consumers' Counsel's motion to compel discovery responses from FirstEnergy. And the Entry directed the parties to "reengage in discussions regarding OCC's discovery requests, and each party should file a letter with the Commission on or before December 30, 2020, demonstrating what good faith efforts were taken to resolve the dispute and informing the attorney examiner whether the parties were able to reach a resolution."

The Ohio Consumers' Counsel's discovery requests to FirstEnergy were submitted to obtain information related to whether the PUCO should take action for consumer protection on the issues in this case. However, there have been no substantive responses to any of OCC's discovery requests. And FirstEnergy's position has been that a protective order is needed to prevent OCC's deposition of Mr. Fanelli. The Consumers' Counsel appreciates recent further discussions with FirstEnergy.

The Consumers' Counsel and FirstEnergy are continuing efforts to resolve the discovery dispute in advance of the PUCO's upcoming January 7th pre-hearing conference. For purposes of the PUCO's requested update, the following information is provided. On December 17, 2020, OCC Counsel (Ms. Willis) and FirstEnergy Utilities Counsel (Mr. Gladman) held a conference call for negotiations.

After that conference call, there ensued a number of negotiating interactions by both telephone and writing. To date, those efforts by the Consumers' Counsel and FirstEnergy have not resulted in a resolution. We believe the parties are close to a point of knowing whether or not a resolution will be achievable in the absence of a ruling by the PUCO. The two parties can likely update the PUCO in the near future (next week) on the outcome of negotiations.

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Thank you.

Sincerely,

/s/ Maureen R. Willis

Maureen R. Willis (0020847)
Senior Regulatory Counsel
Counsel of Record
Assistant Consumers' Counsel

cc: Attorney Examiners, Parties of Record

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

Summary: Correspondence Ohio Consumers' Counsel's Update on Additional Efforts to Resolve its Motion to Compel and its Consumer Discovery Objected to by FirstEnergy electronically filed by Ms. Deb J. Bingham on behalf of Willis, Maureen R Mrs.