Complainant
Exhibit
3

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Russell Enyart,	)	
Complainant,	)	
v.	)	**Case No. 18-1734-EL-CSS**
Ohio Edison Company,	)	
Respondent.	)	

OHIO EDISON COMPANY'S RESPONSES AND OBJECTIONS TO COMPLAINANT'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 4901-1-16 through 4901-1-22 of the Ohio Administrative Code and in accordance with Ohio Rules of Civil Procedure 26 and 34, Respondent Ohio Edison Company ("Ohio Edison") submits its responses and objections to Complainant's second request for production of documents, stating as follows:

PRELIMINARY STATEMENT

A statement that documents will be produced is not intended to suggest that responsive documents exist within Ohio Edison's possession, custody, or control; nor is it intended to suggest that Ohio Edison will search every electronic and paper file within its possession, custody, or control, because that exercise would be unduly burdensome and prohibitively expensive and is not required under the rules. A statement that documents will be produced means that Ohio Edison will search for documents in those places where Ohio Edison reasonably anticipates they may be located and, if located and not subject to any privilege, Ohio Edison will make them available for inspection and copying at a mutually agreeable time and place.

RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION

RFP-1:[1] Produce all Documents referring, reflecting or relating to, or which constitute:

1) The reports for calendar years 2017 and 2018 submitted to the Service Monitoring and Enforcement Department in accordance with O.A.C. 4901:1-10-09(C)(2).
2) Reports, if any, submitted to the Service Monitoring and Enforcement Department during calendar years 2017 and 2018 in accordance with O.A.C. 4901:1-10-09(C)(1).
3) All Documents and Communications describing, memorializing, or otherwise documenting the "system error" alluded to throughout Ohio Edison's responses to Complainant's First Set of Discovery.
4) The complete contents of any file(s) maintained by Michael B. Lindow regarding Complainant's Property at 50 Newton Street, Norwalk Ohio.

RESPONSE: Ohio Edison objects to this request in its entirety as vague, ambiguous, overbroad, and unduly burdensome because the phrase "all Documents referring, reflecting, or relating to": (i) seeks documents without regard to whether such documents are relevant to the subject matter of this proceeding; (ii) seeks to impose unduly burdensome and disproportional requirements on Ohio Edison to search the entirety of its records; (iii) fails to identify the documents sought with reasonable particularity, rendering the request vague and ambiguous. As to the individual subparts of this request, Ohio Edison states as follows:

1) Ohio Edison objects to this request as not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Information concerning the system-wide performance standards identified by Rule 4901:1-10-09(C)(2), O.A.C., is neither

[1] Complainant has not individually identified the various categories of information sought as separate requests for production. Ohio Edison construes Complainant's Second Request for Production as containing one request with four subparts.

relevant nor reasonably calculated to lead to the discovery of admissible evidence. Indeed, the requested reports contain no information specific to Complainant or to Complainant's property.

2) Ohio Edison objects to this request as not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Information concerning the system-wide performance standards identified by Rule 4901:1-10-09(C)(1), O.A.C., is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objections, Ohio Edison states that responsive documents do not exist.

3) Ohio Edison objects to this request to the extent it seeks documents protected by the attorney-client privilege or work-product doctrines. Subject to and without waiving any objections, Ohio Edison will produce non-privileged, non-protected documents in its possession, custody, or control responsive to this request.

4) Ohio Edison objects to this request to the extent it seeks documents protected by the attorney-client privilege or work-product doctrines. Ohio Edison further objects to this request to the extent it seeks documents concerning Complainant's allegations of damages caused to his property. Complainant's alleged property damages claims were not properly before the Commission and have since been dismissed by Complainant. Subject to and without waiving any objections, Ohio Edison states that all the relevant, non-privileged, and non-protected documents responsive to this request have been produced by Ohio Edison or were attached to the Complaint.

Dated: November 6, 2019

Respectfully submitted,

/s/ Ryan A. Doringo

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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by email this 6th day of November, 2019 upon the following:

Mark A. Whitt
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Counsel for Complainant

/s/ Ryan A. Doringo
Attorney for Ohio Edison Company

Message Number: 62124836
Created By WF-BATCH Created On: 01/25/2018 13:15:03
Malfunction Start: 01/25/2018 13:15:04 Desired Start: 01/26/2018 13:15:03
Malfunction End: 01/29/2018 20:08:21 Desired End: 02/02/2018 00:00:00

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01/29/2018	09:52:07	EAILOGIN	Notif.	Status	Work Completed in Field
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Message Number: 62127471
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in

Case No(s). 18-1734-EL-CSS

Summary: Exhibit Complainant's Exhibit 3

Ohio Edison Company's Responses and Objections to Complainant's Second Request for Production of Documents electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cunningham, Cindy