

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of:	:	
	:	
Edward L. Galewood,	:	Case No. 20-1606-EL-CSS
	:	
vs.	:	
	:	
Ohio Edison Company.	:	

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PROCEEDINGS

Before Daniel E. Fullin, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10:00
a.m. on Tuesday, August 10, 2021.

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1 Tuesday Morning Session,
2 August 10, 2021.

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4 ATTORNEY EXAMINER: Let's go on the
5 record now. The Commission has assigned for hearing
6 at this time and place Case No. 20-1606-EL-CSS, which
7 is the complaint of Edward Galewood versus Ohio
8 Edison Company. My name is Daniel E. Fullin, I'm an
9 Attorney Examiner assigned to hear this case, and I
10 would like to have appearances on the record, so I'd
11 like each party, beginning with the complainant, just
12 to give your name and address for the record, and
13 introduce yourself just for purposes of getting to
14 introduce each side before I let you take the stand.

15 MR. GALEWOOD: Just for the record, I've
16 never been arrested -- I've never been --

17 ATTORNEY EXAMINER: Again, I think what
18 you're telling me is -- I just want a name and
19 address.

20 MR. GALEWOOD: Edward Galewood, 745 West
21 Highland Road, Northfield Ohio.

22 ATTORNEY EXAMINER: And for the
23 Respondent.

24 MR. BREIG: John Breig for Benesch,
25 Friedlander on behalf of Ohio Edison Company.

1 MR. GALEWOOD: Mr. Fullin, I'm going to
2 have to apologize, with my glasses, I can't wear my
3 hearing aid, so if I misunderstand my son might have
4 to help me.

5 ATTORNEY EXAMINER: That's fine. We've
6 very lenient at this time to make sure we get good
7 communication.

8 MR. GALEWOOD: He'll pass on to me what
9 you said, he's not going to enter the meeting.

10 ATTORNEY EXAMINER: So we're all
11 cooperative that way just to get a full record here.
12 Now we have had the introductions, appearances on
13 behalf of each party.

14 The first thing I'm going to do is allow
15 you to present your side of the case because you're
16 the Complainant, and you have the burden of proof in
17 this case.

18 I assume you want to testify about your
19 side of the case, so before he gets started I'm going
20 to have you stand and raise your hand and be sworn
21 and affirmed. Do you swear or affirm the testimony
22 you'll provide in this case will be the truth, the
23 whole truth, and nothing but the truth?

24 MR. GALEWOOD: I do.

25 ATTORNEY EXAMINER: Thank you. And as I

1 said earlier, I'm planning on letting everyone that
2 is testifying remain where they are presently seated
3 to do their testimony.

4 So with that being the case, you can put
5 on your whole case, what it is you want to bring to
6 the Commission's attention to help the Commission
7 decide the case in your favor. It can be anything
8 about your own background, about the case, about
9 these exhibits that I know you're introducing, so
10 you're going to get your chance to present
11 everything.

12 He can make objections as you go, I'll
13 make rulings if necessary. But even when you're
14 done, he's going to get a chance to cross-examine you
15 about anything you've testified to, and you can
16 respond to those questions and follow up on those.
17 So that's the procedure here. You have the stand.
18 Go ahead.

19 Edward Galewood,
20 being first duly sworn, as prescribed by law, was
21 examined and testified as follows:

22 DIRECT TESTIMONY

23 MR. GALEWOOD: I'm 83 years old. I had
24 invasive brain surgery eight months ago, had a
25 craniotomy, if anybody knows what that is. I'm fully

1 recovered, my doctor tested me, just so you
2 understand where I'm at. I'm a stable person.

3 The doctor tested me. I was the only
4 one that he's ever had -- Dr. McGuire, Tom McGuire,
5 in Macedonia -- the only one that ever come out a
6 hundred percent on the memory test that the nurse
7 gave me, the only one. He came in and laughed,
8 couldn't believe it. So I have a good memory. A lot
9 of things have happened in the past, including what's
10 been done to me by Ohio Edison.

11 I grew up in a family-owned a landscape
12 business. My dad was a licensed grower by the State
13 of Ohio. He designed and installed landscape
14 services to homes and businesses.

15 Age of 18 I went to work for AT&T. I
16 retired from AT&T December 31st, 1989, and the last
17 ten years of my service I was at the executive level.

18 The last two years of my service I
19 maintained management of the State of Ohio for AT&T
20 long lines network services, including large store
21 program switches, I had 762 people in my
22 organization, the whole state, and 72 were management
23 of various levels.

24 I retired and instead set up my own
25 telecommunications business that I've owned and

1 operated for 13 years, Midwest Communication & Cable
2 Service. I have an extensive background in -- you
3 can put this on the record. I have 160 hours of
4 training in electronics, electricity, AC and DC.

5 AC is the -- what we use here, 60 cycle.
6 In Europe it's 40 cycle. You couldn't use our lights
7 over there. 80 hours of DC, direct current, which is
8 used in most electronic systems, and most of what you
9 converted through convertors.

10 I understand electricity. I understand
11 what happened in front of my house. And if I could
12 go on beyond that, what I want to point out is the
13 circuit breakers.

14 Here is the line, here is the circuit
15 breaker in front of house, west corner of my
16 property, west end of my property on Highland Road.

17 The circuit breaker's there so if
18 there's a short down line -- and he wants to talk
19 about it -- it goes like that, it opens up. Both
20 times, both incidences I'm going to talk about here,
21 it exploded, and when it exploded it snapped the
22 wire, the tension snapped it, and there's no question
23 about that, okay?

24 That's what happened in both cases, ten
25 years ago -- and you got the information there. Ten

1 years ago Ohio Edison settled with me. At that time
2 Bill Roemer, now state representative, a close family
3 friend of mine, has nothing to do with -- no
4 influence.

5 Bill is a straight-up guy. He helped me
6 at that time ten years ago get what I need to get
7 information and back and forth between Ohio Edison,
8 and you can see they settled on the case because they
9 were at fault. They almost burned my house down.

10 MR. BREIG: Objection, your Honor, to
11 the scope of testimony regarding a claim that's been
12 settled and not here before the Commission today.

13 ATTORNEY EXAMINER: Yes, I think I want
14 you to keep in mind that we're really here to decide
15 about what happened in the more recent case, and
16 unless you can point out specifically what makes the
17 other case that's already been resolved -- and it's
18 been nine years or more ago -- you have to bring it
19 into the relevancy of today's case about the more
20 recent event.

21 MR. GALEWOOD: But the relevance -- I'll
22 talk about it. The relevance is two times in ten
23 years the same thing at the same pole happened. And
24 it didn't do this, it exploded. And when it did,
25 both times it broke the wire.

1 Last time it run into my house, almost
2 burned my house down. It's in there. It was in the
3 paper, New Leader, this last time. It sat there and
4 burned my trees for about 42 minutes.

5 I talked to my neighbor the other day.
6 He says man, it was like fireworks. I was watching
7 those trees burn. I said yeah, those are the ones
8 that are gone, they killed them outright.

9 The damage right now, if you go by and
10 see, the tops of the trees are down -- I'll tell you
11 this; when I had my business I did work for a man,
12 his name is Bill O'Neill, used to own Eastway
13 Transportation, he lived on South Woodlawn, and his
14 driveway goes a half mile back to the south at the
15 top of Chagrin Valley where he's got a big English
16 Tudor and guest house, and he sold Al Lerner 20 acres
17 of a 70 acre estate, and I used to be going back and
18 forth to see Mr. O'Neill, and I come driving up, I
19 said what happened?

20 All Lerner -- and God bless his soul, he
21 was a good man. His house was up to 26 million in
22 cost. It never got finished. He still lived in that
23 six-room nice brick Colonial in Shaker Heights.

24 I said where did all them trees come
25 from? I can't even see Lerner's house. I pulled in

1 his driveway. So I go over to talk to the foremen on
2 the job, they are still planting them.

3 And the trees are like mine, 26 footers.
4 And I tell you how they dig them. By the way, I grew
5 up in the business, so I'm not taking anything away
6 from anybody, but I grew up in the business, I
7 understand it.

8 I got a yard that's been in the Plain
9 Dealer and the local papers, the garden clubs. But
10 anyway, he tells me that what we do is we take a
11 backhoe and we dig a trench --

12 MR. BREIG: Objection, your Honor,
13 hearsay and beyond the scope of the complaint.

14 ATTORNEY EXAMINER: I'll give
15 Mr. Galewood a chance to kind of explain his case. I
16 do think that you're explaining all kinds of things
17 that may or may not decide -- have any relevance, but
18 what you're doing, I want to have this hearing be
19 done in one day's time, but short of that I don't
20 really mean to cut you off, I want you to have your
21 chance to explain. So go ahead.

22 MR. GALEWOOD: The possible replacement
23 cost that I could ask for -- but it goes further.
24 These trees, the way they dig them, they dig a trench
25 with a backhoe. They took 2-by-12s and they band

1 them about that big, they box it. You cannot dig and
2 ball a tree that big.

3 Then they take a front-end loader and
4 they put it on the flatbed, because one was on the
5 flatbed when I was there. They tip it on a flatbed
6 so it's on it's side, they tie it down and tarp it so
7 the wind don't bother it. That's what they do when
8 they move trees if they know what they are doing.
9 This is a job for them, that's really impressive.

10 I said I got trees like that in my front
11 yard. He said one like that, between 12- and 15,000,
12 each. Yeah, each. So that's what they took out of
13 my yard before they killed it, that are gone. And
14 two are on the way out, possibly a third one.

15 And I have an arborist, he happens to be
16 a friend of mine, he's been involved with what
17 happened from day one. He stopped the other day just
18 to see how I was doing, and he said they are going to
19 die, they are dying. The top is gone, the look
20 like -- I don't want to tell you what, but they look
21 bad. They are already burned back, and they are
22 continuing to burn.

23 What you see in the pictures is the
24 day -- two days after the occurrence. September 2nd,
25 2020 is when it happened. Two days later my daughter

1 took those pictures, those five pictures. And when
2 you look at the pictures, with -- all that brown
3 isn't dead.

4 Evergreens take -- and your forester is
5 sitting there. If he wants to dispute me, I'll be
6 glad to talk about it. Trees -- evergreens can take
7 up to a year to die. They have three elements of
8 life, I don't know if you're schooled on that, the
9 arborist is, and one element is damage, the other two
10 elements struggle to bring back to normal, everything
11 to be whole again, which may or -- my trees, there's
12 no way.

13 1,700 volts -- the two firemen -- one is
14 my neighbor down the street, the other guy I know
15 through family. And the sheriff's deputies stood on
16 the porch with me, did not allow me to leave my yard
17 or go out of the house, they come running around, and
18 they said man, it was an arc, and bounced.

19 The trees -- it was raining on top of
20 it. And if anybody understands electricity at all,
21 what you really don't want is a ground, because you
22 can have a fan in your bathroom, you touch it and you
23 touch the tub, you're going to go. That's how it
24 works.

25 I understand electricity. I'm an

1 accomplished electrician, besides everything else
2 I've done. I'm an accomplished carpenter, finish
3 carpenter, and I've got a home to prove it. And I
4 understand a lot of other things, too, that I've
5 looked into over the years.

6 I looked into everything I do and I try
7 to make sure I make a good decision. And my arborist
8 friend, who again stopped over, he says they are not
9 going to make it. The --

10 MR. BREIG: Objection, your Honor. It
11 sounds like we're getting into expert testimony. I
12 just want to levy an objection here that I have not
13 seen any documents that have been filed with the
14 court or seen anything from an arborist or -- there's
15 been nothing provided.

16 ATTORNEY EXAMINER: I would note that
17 you're testifying about the opinion of someone that
18 you are introducing as an expert, and so that is
19 hearsay.

20 I'm not going to overrule the -- I'm
21 going to overrule the objection. I'm going to allow
22 you to continue testifying, but I will note that it
23 does appear to be hearsay about from someone that is
24 not here about what they told you.

25 MR. GALEWOOD: All right.

1 ATTORNEY EXAMINER: Again, my goal here
2 is to allow you some space to provide your side of
3 the story, so I'm going to allow it, noting the
4 objection.

5 MR. GALEWOOD: Well, I guess it comes
6 down to this. I read the testimony of Mr. Bianchi.
7 It looked like a job resume to me. The only thing
8 that counted was the very last paragraph that talked
9 about it was a maple tree and it was a healthy tree
10 and it came down.

11 Well, that's that issue. My issue is
12 where my property was damaged as a result, and they
13 want to hold themselves blameless on my property.

14 This is America. Right-of-ways -- when
15 they sold the right-of-way to my property in 1927 it
16 was 30 feet from the center line to probably a gravel
17 road at the time. And the picture shows exactly
18 where the pole is and where -- the center of my tree
19 is way here. I got maybe one branch anywhere near
20 the line of the boundary line for right-of-way.

21 Right-of-way means right-of-way. They
22 do not have a right-of-way to damage my property.
23 And I'll give you an example, and it's not hearsay,
24 unless you know automobiles, because I've been
25 around.

1 I had hot rods. I put motors in cars
2 myself single handedly with a chain pull. But I know
3 what I'm talking about. A lot of the older cars,
4 they have tie rods, now the suspensions are all
5 different.

6 A tie rod keeps your wheels aligned, and
7 when you go to have them aligned, they make them so
8 they are going straight. If that tie rod breaks and
9 you're going even the legal speed, if you hit a bump
10 and your wheel goes -- you go right off the road.

11 So if I'm driving to Highland Road and
12 my car has a tie rod and the tie rod goes, the wheels
13 go haywire, I go off the road, I take out my
14 neighbor's mailbox, flower bed is chewed up, knock
15 down a trellis, and he comes running out and he says
16 what happened. I said my tie rod broke, it's not my
17 fault. He says you mean you're not going to pay me?
18 No, I'm going on the same principle that the Ohio
19 Edison now enjoys using my property as their own.

20 And Roemer is going to help me get this
21 straightened out. Obviously they don't want to
22 settle, I didn't expect them to.

23 ATTORNEY EXAMINER: Again, I'm going to
24 cut you off. I don't want to hear anything about
25 settlement discussions and whether somebody wants to

1 settle or not.

2 That was brought up before we started,
3 and there was a chance for either party to discuss
4 settlement. The decision was made no, we're not
5 talking settlement today, we're going to hearing.

6 So I don't want to hear about settlement
7 in any form. I don't want to hear numbers, I don't
8 want to hear whether someone did or didn't accept
9 some offer, I don't want to hear what got discussed.

10 I just want you to present your side of
11 the case on the record here today on which the
12 Commission will make up its mind, not based on what
13 settlement discussion occurred.

14 MR. GALEWOOD: I understand that. I'm
15 just saying that they had an opportunity, you know,
16 whatever they want to do, and then that determines
17 what I'm going to do, that's all.

18 ATTORNEY EXAMINER: Well, you're here,
19 this is your chance to make your case, so make your
20 case.

21 MR. GALEWOOD: Well, my case is that a
22 tree is a problem that they had down the road from
23 me, caused a circuit breaker to not do this, because
24 I understand, you know, what a circuit breaker is.

25 There's a transmission line. When the

1 circuit breaker blew up, the pressure snapping back
2 broke the line in the middle and it come back and
3 laid on top of my trees and burned them during a
4 rainy day -- well, inside of my property.

5 So how can I -- you know, I own that
6 property, I maintain it, and because -- you know, if
7 you look at them pictures of -- maintenance, they
8 don't do preventive maintenance.

9 You're a forester. Don't tell me that
10 you've been doing any trimming on Highland or Boyden.
11 I just rode down -- some of the pictures -- I got a
12 bunch of them.

13 I went down Boyden Road. So your
14 line -- transmission line right in between, in fact
15 going down Highland there's a tree maybe, a big tree,
16 about this far from the transmission line, so there's
17 no -- I know what's going on.

18 I worked for a utility, and things are
19 different now. It costs a lot of money to have trees
20 trimmed. So what you do is you go around and you try
21 to take care of what you can, what you think needs --
22 what's reported, and the rest of it doesn't get taken
23 care of it. They are just not trimming like they
24 used to be, there's no question.

25 And that leaves another problem. You

1 got trees -- regardless of whose tree comes down, it
2 takes the power line down. This should not go like
3 that, it should go like that, and then when you're
4 done, you reset it.

5 ATTORNEY EXAMINER: You know, I'm in the
6 room, I'm seeing what you're doing with your finger
7 as you're explaining that, but I want it to be clear
8 when I'm reading this in the transcript two months
9 from now.

10 So what I'm understanding what you're
11 talking about is there's a circuit, and at a certain
12 point that the circuit is broken --

13 MR. GALEWOOD: Right, exploding. It
14 don't trip, it explodes.

15 MR. BREIG: Your Honor, I would just
16 object to the point that I think we're getting into
17 expert testimony regarding the operation and design
18 of utility wires and facilities on the utility side.

19 ATTORNEY EXAMINER: Well, I think --
20 again, I don't think I'm hearing anything that I
21 shouldn't be hearing.

22 I do think that if you have a better way
23 of explaining things than the way it's being
24 explained by the Complainant, then I'm waiting to
25 hear from the Respondent on that.

1 But again, at this point I'm not really
2 interested in trying to keep the record very limited
3 on the description from his side, from his point of
4 view as to what's happening.

5 MR. GALEWOOD: Call it what you want.
6 It failed, that's not how -- it failed.

7 ATTORNEY EXAMINER: When you say failed,
8 you say that the circuit opened and there wasn't any
9 circuit, is that what you're getting at?

10 MR. GALEWOOD: When -- you get a short
11 on the line, or whatever causes it, it should trip.
12 The breaker should open and trip.

13 MR. CHRIS GALEWOOD: Sort of like --

14 MR. GALEWOOD: When it fails to trip, it
15 explodes. It's just like a circuit breaker in your
16 house, if you have a short and a circuit breaker
17 fails, it could burn your house down. I know that
18 for a fact.

19 So I guess where I'm at is I maintain my
20 property. I pay taxes to the middle of the road, so
21 do all of you if you have a property, to the middle
22 of road.

23 The legal right-of-way was signed off at
24 some point with the property owner at that time.
25 That passes on from -- but it doesn't extend into my

1 yard.

2 This is still America. I own that
3 property, I maintain it, and my house and yard is one
4 of the most looked at. People come driving by to see
5 it. The inside is even more, okay?

6 So I put pride in my property that I
7 take care of. So I just -- this -- I'm not here to
8 make money, okay? But these people think so. Maybe,
9 I don't know. I'm not second guessing what they
10 think, and I don't care.

11 I'm here to try to get justice, okay?
12 And people knew me at AT&T knew that, and that's why
13 I went to corporate headquarters a number of times to
14 participate in ad hoc meetings in national events.

15 So I'm just trying -- I'm never going to
16 get what I want out of this because it's going to be
17 too much money. So we'll see. We'll see.

18 I don't give up. There's one thing, I
19 don't threaten anybody, I promise, and I carry
20 through on my promises.

21 And I'm really concerned about this rule
22 that was put into effect in 1996, and that rule was
23 put into service for the utility, but I don't
24 understand. I got somebody trying to find out what
25 exactly -- how that happened, because I talked to

1 Bill Roemer, he can't find where anybody voted on it.

2 So if it wasn't voted on, it must have
3 been something that the Ohio Edison worked out with
4 the Public Utilities Commission and whoever that
5 would decide on the fate of my property, or anybody
6 else's.

7 He's another friend of mine, he's a
8 school teacher. I talked to him yesterday. He's a
9 retired school teacher from Madonia Hills. He
10 owns 41 acres on Boyden Road in Sagamore Hills, and
11 Ohio Edison lines go through his property, they are
12 on his --

13 MR. BREIG: Objection, your Honor.

14 ATTORNEY EXAMINER: Again, I don't
15 understand the relevance. I'm going to actually cut
16 you off from testifying on this unless you can
17 explain why we're talking about your neighbor's
18 property. What does that have to do with you and
19 your case?

20 MR. GALEWOOD: Because he's concerned
21 when I told him one of those lines come down on your
22 woods --

23 ATTORNEY EXAMINER: Well, he has his
24 concerns and you have your concerns. Let's focus on
25 what your concerns are.

1 MR. GALEWOOD: All right.

2 ATTORNEY EXAMINER: And another thing I
3 might bring up at this point is that you made
4 reference to a '96 rule, and I have to tell you, just
5 to hopefully move this along, I don't know what rule
6 you're talking about or what -- why you bring it up.
7 So if you want to explain that further, this is your
8 chance.

9 MR. CHRIS GALEWOOD: Rule 96, if you
10 want to explain what that is that came about '96 that
11 you're talking about.

12 MR. GALEWOOD: I think that's the date
13 it was passed on that this rule was enforced, was put
14 into whatever level of law it is, but it's never been
15 voted on by anybody.

16 MR. CHRIS GALEWOOD: But what is the
17 rule?

18 MR. GALEWOOD: The rule is that Ohio
19 Edison is blameless for anything that happens unless
20 it's a flagrant -- like one of their trucks drives
21 off the road and the guy has lost control -- I'm just
22 giving an example, I'm not saying it's going to
23 happen -- but he's on his cellphone, like a lot of
24 people are today, whatever reason, and he comes off
25 the road and maybe they will compensate me, otherwise

1 I'm on my own. And I flew two flights --

2 MR. CHRIS GALEWOOD: You told them.

3 ATTORNEY EXAMINER: Well, you told me
4 this before we got started this morning. So if you
5 want to bring it up in terms of being on the record
6 at the hearing, it's not the record, so you can bring
7 it up now if you want.

8 MR. CHRIS GALEWOOD: You can bring it up
9 if you want.

10 MR. GALEWOOD: Off the record?

11 ATTORNEY EXAMINER: No, we're on the
12 record. You talked to me about that when we were
13 introducing each other, so it doesn't matter that you
14 told me earlier.

15 MR. GALEWOOD: There's not much more I
16 can say. I provided all the things that have
17 happened as a result of the failure of the equipment
18 to operate properly as designed.

19 It's not designed to blow up, it's
20 designed to open. And when they blow up, there's a
21 failure. Something didn't work, regardless of whose
22 fault it is, okay?

23 It's just like the car incident I was
24 telling you about. It may not be my fault
25 personally, but I'm still going to be responsible.

1 ATTORNEY EXAMINER: So let me ask you
2 this. As I understand from what you've been telling
3 me so far on the record today at the hearing, you
4 believe the incident that happened in September of
5 2020 happened when a circuit breaker exploded, is
6 that right?

7 MR. GALEWOOD: That is exactly right.

8 ATTORNEY EXAMINER: And the circuit
9 breaker is located on your property, or not located
10 on the property?

11 MR. GALEWOOD: Well, the circuit breaker
12 is on the cross arm of the pole extending up to
13 probably -- the fact is, the right-of-way -- they are
14 actually imposing on the -- people want to be serious
15 about it, because their cross arms extend into my
16 yard. The pole is here, and the cross arm is here.
17 This leg of the cross arm towards my property, they
18 think it is much, but not that much, but it's sure
19 not in the middle of my trees.

20 ATTORNEY EXAMINER: But it's on your
21 property, or it's not on your property? That was the
22 question.

23 MR. GALEWOOD: It's at the edge of the
24 right-of-way.

25 MR. BREIG: I believe he's talking about

1 the lines along the street, your Honor.

2 ATTORNEY EXAMINER: Okay. I don't have
3 any questions right now. And before I turn it over
4 for him to ask cross-examination questions, I know
5 from talking before the hearing that you have certain
6 exhibits that you wanted to introduce, so I think you
7 should take this chance to introduce those so that
8 they be made part of the record so that they get
9 covered before you start the cross-examination. He's
10 going to start cross-examination when you're done.

11 MR. CHRIS GALEWOOD: Enter your exhibits
12 for the record.

13 ATTORNEY EXAMINER: So I think you have
14 more that you want to present to me in the form of
15 these exhibits, so I'm encouraging you to go ahead
16 and do that now.

17 MR. CHRIS GALEWOOD: The exhibits you
18 got, you need to present them.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 MR. GALEWOOD: Okay. The exhibits --
21 Exhibit A outlines what happened back on 2011,
22 October 7, and what happened on September 2nd, 2020.
23 So we're here today to talk about 2020, right? Okay.

24 MR. BREIG: Your Honor, obviously I
25 would just object to the extent the exhibit includes

1 the 2011 reference.

2 ATTORNEY EXAMINER: Well, I'm going to
3 allow the exhibit in as it is including both
4 exhibits, but again, the Commission will make a
5 decision as to relevancy of the things that happened.
6 That doesn't really seem to be the crux of this case,
7 but I'm not going to exclude the exhibit based on
8 that.

9 MR. BREIG: Just wanted to make the
10 objection.

11 ATTORNEY EXAMINER: So I'm admitting
12 Exhibit A.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 ATTORNEY EXAMINER: Now, I assume you're
16 going to move next to Exhibit B, and again, I like
17 what you did. I want you to tell me what it is and
18 why you're trying to bring it forward.

19 MR. GALEWOOD: The reason I'm bringing
20 it in is it relates to the first part of my Exhibit A
21 that shows what happened that -- the Crabtree that
22 was burned. I never will get one that big again.
23 Burned into my house -- almost burned my house down,
24 and here is the --

25 MR. CHRIS GALEWOOD: Don't talk about

1 settlement. He doesn't want to hear about the
2 settlement.

3 ATTORNEY EXAMINER: Again, he's telling
4 me what is in the exhibit.

5 MR. GALEWOOD: It's precedence.

6 ATTORNEY EXAMINER: I'm expecting that
7 there's going to be an objection to this exhibit,
8 because -- I'm not trying to cut you off.

9 If you want to explain further, but what
10 I'm hearing is Exhibit B really relates to the
11 incident that happened in 2011, and it's different
12 information that pertains mainly to that incident and
13 that you would like it to be admitted as an exhibit
14 into the record.

15 MR. GALEWOOD: I do.

16 ATTORNEY EXAMINER: Okay. And if
17 there's more to it than that in terms of explaining
18 what it is, but I'm understanding that's what it's
19 all about, that you're trying to bring into the
20 record information that you have in Exhibit B that
21 pertains to the 2011 incident, will the Commission
22 please consider that, and I'm sure I'm going to hear
23 an objection, or not.

24 MR. GALEWOOD: It's the same problem,
25 the same place that exploded. It was ten years

1 later, exactly the same thing happened.

2 MR. BREIG: The Company objects to the
3 exhibit because unlike Exhibit A where there's at
4 least reference to the incident at issue in this
5 matter, this pertains entirely to a 2011 incident and
6 a settlement agreement that involved that incident
7 all as Exhibit B, the three documents that make up
8 Exhibit B. So the Company would object to its
9 admission.

10 ATTORNEY EXAMINER: Okay. I'm prepared
11 to rule. Again, I take under strong advisement the
12 objection that's been made.

13 I don't really at this point perceive
14 how the Commission is going to use the information
15 from the prior incident. On the other hand, I don't
16 necessarily want to exclude it from consideration.
17 If the Commission decides that it wants to place a
18 lot of weight on what happened in the past, then
19 we'll have that on the record to consider.

20 So I'm allowing the exhibit in noting
21 the objection and noting that the Commission itself
22 will make a decision in terms of the weight to give
23 that exhibit.

24 (EXHIBIT ADMITTED INTO EVIDENCE.)

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 MR. GALEWOOD: Exhibit C, and the
2 picture on Exhibit C, was taken recently. That was
3 only to demonstrate where the right-of-way ends,
4 okay, where my property starts, and the trees that
5 were damaged are way inside my property. The outer
6 edge barely is out there.

7 That line burned on the top of them
8 trees on both -- four on this side and four on this
9 side, for 42 minutes in the rain, and the intensity
10 of the electricity is more when it's raining, there's
11 no question.

12 The first drawing I made was to show
13 exactly what happened. The breaker exploded, the
14 line snapped because of the break, the pressure, and
15 here is the pole number I put down on here.

16 ATTORNEY EXAMINER: I'm sorry, but
17 again, when I'm reading this months from now, help me
18 to understand where you're pointing.

19 MR. GALEWOOD: You want the number of
20 the pole?

21 MR. CHRIS GALEWOOD: Yeah, because they
22 don't --

23 MR. GALEWOOD: The pole number is
24 6401503.

25 ATTORNEY EXAMINER: Okay. I see where

1 you marked that.

2 MR. GALEWOOD: Metal tag NF2324, NF2324
3 again, 140T. Same place, same tag number twice in
4 ten years. I have breakers in my house -- I built
5 that home back 40 years, I've never had a breaker
6 spark.

7 ATTORNEY EXAMINER: Let me ask you this.
8 Just help me understand the exhibit. I see -- I have
9 several photos that are in an envelope that's
10 attached by a paperclip, and then there's a photo
11 that's actually on the top that's under the
12 paperclip.

13 I think that's the one you referred to
14 earlier that shows a picture of the road marked with
15 a black magic marker, 30Ps, I guess it is. When was
16 that picture taken and who took it?

17 MR. CHRIS GALEWOOD: The pictures in the
18 envelope?

19 ATTORNEY EXAMINER: No, the ones on the
20 top.

21 MR. GALEWOOD: This is the right-of-way.

22 MR. CHRIS GALEWOOD: He wants to know
23 when it was taken and who took it.

24 MR. GALEWOOD: This was taken by my son
25 David, his older brother, maybe two weeks ago.

1 ATTORNEY EXAMINER: Okay. Thank you.
2 Go ahead with explaining your whole exhibit then,
3 whatever it is you want me to know, before I make a
4 decision.

5 MR. GALEWOOD: This is just the same.
6 That picture was taken before -- back when it
7 happened. This was taken along with the other
8 pictures I submitted.

9 ATTORNEY EXAMINER: So you're talking
10 about the one that's on the third page of the exhibit
11 that's showing the bushes or trees, is that what you
12 are just now talking about?

13 MR. GALEWOOD: Yeah. The other pictures
14 are under item D.

15 ATTORNEY EXAMINER: Well, again, I'm
16 looking at C, and when I get to those, there's a
17 photo, and there's two pages that are your drawing,
18 and the third page is a picture of a tree that was
19 taken September 4, 2020. That's what you were just
20 describing?

21 MR. GALEWOOD: Yes.

22 ATTORNEY EXAMINER: And then attached to
23 that is an envelope full of photos taken 9/4/2020.
24 Do you want to say anything about those photos? I
25 haven't opened the envelope to look at them. Why are

1 you submitting these pictures?

2 MR. GALEWOOD: Why am I submitting them?
3 To show the damage two days after the -- my trees
4 were electrocuted. The trees were electrocuted, by
5 the way, they just take longer to die.

6 ATTORNEY EXAMINER: You testified to
7 that.

8 MR. GALEWOOD: These all died back --
9 see, here is the thing. Ohio Edison refused to ever
10 come out and meet with me, ever, until the claims
11 agent, on the first issue.

12 But on this issue, I talked to the
13 claims agents and they refused to come out. And so
14 what else can I do? I can't force them, I can't go
15 pick them up and make them come out, so I had these
16 pictures taken back then when it happened.

17 These now are dead. You can come and
18 see them, they are half a tree and they are dying
19 down. I left them up so you can tell they are dying.

20 ATTORNEY EXAMINER: All right. Thank
21 you. Whatever else you wanted to explain about C
22 before counsel -- before the other side makes any
23 arguments he wants to about the exhibit -- wait a
24 minute, before we get to D, I'm giving him a chance
25 to respond.

1 MR. BREIG: No objection on C.

2 ATTORNEY EXAMINER: All right. Then I
3 will move -- I'm not -- I will admit into evidence
4 Exhibit C, Complainants Exhibit C.

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 ATTORNEY EXAMINER: Now you can talk
7 about D.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 MR. GALEWOOD: This first picture is
10 where the four trees on the east side of my driveway
11 were. And this is an estimate by Dave Ish, and he's
12 removed them since then. If I needed, he can testify
13 for them.

14 I don't get receipts, I deal with local
15 people, I pay cash, okay, for whatever I do. And
16 they are gone, and that's the picture -- you can see
17 where the burn is here yet.

18 And if you want to come out -- if they
19 will come out to the house, I'll walk around and you
20 can see where we took them out. The ground is so
21 screwed up. I didn't do anything with it, I left it
22 there purposely so you can tell exactly where the
23 trees were, and he'll testify down the road what
24 happened.

25 These other pictures are -- I marked

1 them. That's picture 1. Picture 2 shows how these
2 trees look today, and you can see where they are on
3 the right-of-way -- the one, No. 2, you can see the
4 fire plug, and you see where my trees were -- how far
5 that is. That's where the lines were laying, that
6 far in from the right-of-way, from here.

7 And picture 3, while they talk about the
8 maintenance, take a look at 3. And up in the hill,
9 you see here, that's their wire right in the middle
10 of all them big trees on the right-of-way.

11 Take a look at the other one on 3. I
12 put an arrow so you could see it. You could see
13 their line going through it, and you can go down and
14 see it.

15 And I'll say this. I went down to the
16 bottom of the hill -- and I got another tree number
17 for you, or pole number for the tree -- there's a
18 transformer on the pole at the bottom of the hill,
19 and -- I've got to see if I see it. And there's a --

20 MR. BREIG: Your Honor, for
21 clarification, are we still on Exhibit D?

22 ATTORNEY EXAMINER: We're still on D.
23 And I'm unclear. At some point I was going to
24 interrupt you, because when I open the envelope, I
25 see at the top of D there's something that says

1 photo 1, photo 2, photo 3.

2 On top of that there was a photo
3 attached, but maybe it's being described because
4 that's the one about the four trees that are gone,
5 removed.

6 But below it is this envelope, which I
7 have my envelope, four pictures, two of them are
8 marked 3, and two of them are marked 2, and I don't
9 have any that are marked 1.

10 MR. GALEWOOD: Two No. 3s, two No. 2s,
11 and one No. 1.

12 MR. BREIG: I believe that is the one,
13 your Honor.

14 ATTORNEY EXAMINER: Now I get it. I
15 think I understand that. So what's indicated on the
16 page identifying it? It says photo 1, that's
17 referring to the one with the four trees removed?

18 MR. GALEWOOD: Yes.

19 ATTORNEY EXAMINER: Photo 2, there's
20 actually two pictures, and photo 3 there's two
21 pictures?

22 MR. GALEWOOD: Right.

23 ATTORNEY EXAMINER: I understand it.
24 Were you done explaining about the pictures and what
25 they represent?

1 MR. GALEWOOD: These pictures?

2 MR. CHRIS GALEWOOD: He just want to
3 know -- they already know those four died, they just
4 want to know if there's anything else you want to
5 add.

6 ATTORNEY EXAMINER: I'm going to make a
7 ruling whether they come in, so you if want to
8 further explain why you're bringing it --

9 MR. GALEWOOD: What I'd like to add is
10 these trees used to look like this tree.

11 ATTORNEY EXAMINER: Which one are you
12 looking at now?

13 MR. GALEWOOD: Photo 2 at the fire plug.
14 Photo No. 2 with the fire plug.

15 ATTORNEY EXAMINER: Okay.

16 MR. GALEWOOD: These two trees used to
17 look like this tree, which is also dying, but there's
18 a tree behind it. If anybody comes out and looks at
19 it, and their forester comes out and takes a look at
20 it, you know, it is what it is.

21 It's nothing that I -- people know me
22 for my honest integrity. And I know you don't want
23 this verified, I don't have any witnesses or proof --
24 my son, but this is what it is.

25 And it looks bad from the street. I've

1 had neighbors complain about it. I had a couple guys
2 just build a big new house and stopped, what
3 happened? After all the work I put on my property,
4 the compliments I got have, people stop and tell me
5 how bad my yard looks.

6 ATTORNEY EXAMINER: Let me ask you this.
7 I'm looking at photo No. 2 with the fire plug
8 prominent, and there's an area circled where you
9 can -- go ahead and describe it as a --

10 MR. GALEWOOD: Yeah.

11 ATTORNEY EXAMINER: -- with bushes, is
12 dying in the middle. Now, I look at the other
13 photo 2 and there's an area circled. Is the area
14 that's circled just a close-up of the same area
15 that's --

16 MR. CHRIS GALEWOOD: Is this a close-up
17 of the same area, is what he's asking.

18 MR. GALEWOOD: Yeah, from a different
19 place on -- same area, but one was here and one was
20 taken --

21 ATTORNEY EXAMINER: And that's the
22 purpose of having these two photos, so you can see --

23 MR. GALEWOOD: Yeah, the damage and
24 exactly what -- the trees that are involved.

25 ATTORNEY EXAMINER: And the same with 3,

1 would you want to describe what it is, the two photos
2 of 3 are supposed to be, helping me understand?

3 MR. GALEWOOD: Well, you see a little
4 tiny thin wire. That's their -- that's their high
5 tension line that snapped up by me. So next time one
6 of these trees come down it's going to do it again.
7 There's no maintenance, is what it is.

8 ATTORNEY EXAMINER: So I think that the
9 wire I'm seeing on the photo No. 3 that is not marked
10 "on right-of-way", and the arrow is pointing to a
11 cable or wire?

12 MR. GALEWOOD: Yeah.

13 ATTORNEY EXAMINER: That's what you're
14 pointing out there then?

15 MR. GALEWOOD: Right.

16 ATTORNEY EXAMINER: On the one that says
17 "on right-of-way," is that pointing to the same wire
18 in the --

19 MR. GALEWOOD: Same wire, different
20 place on the road where the guy drove up the
21 street -- my son did, took a picture, drove up and
22 took another one.

23 And I could take a whole bunch of them.
24 It's the whole line just down the road from me all
25 the way by the bend, all the way down to the pole,

1 it's a load pot, or a transformer as people call
2 them, across from the Speed Run mailbox, the
3 transformers on there, the same wire goes right into
4 big trees, and it's going past the big tree about
5 this far from the tree. So even if that should
6 pulsar and there's enough tension, you know, you
7 could have the same thing again.

8 ATTORNEY EXAMINER: And then if you can
9 tell me -- help me understand, picture No. 1 that
10 shows the area where the four trees are gone and
11 removed, where is that in relation to the trees that
12 you're showing in either 2 or 3?

13 MR. CHRIS GALEWOOD: Where is it in
14 relation --

15 MR. GALEWOOD: The relationship is this
16 No. 1 is to the east side of my drive. There were
17 four trees, just like over here on the west side, but
18 they are burned so bad that they are -- the tree
19 expert -- and this man has been in business for 25
20 years, Dave Ish, he owns the company and he maintains
21 and cuts my trees, most of them, and he said -- and
22 they are getting into the fall and they are looking
23 bad.

24 I didn't want them looking even worse
25 going into the winter, so I just had him take them

1 out. They are not coming back, they are dead. These
2 I was hoping would survive.

3 ATTORNEY EXAMINER: But where are they
4 in relation -- you mentioned the ones that are gone
5 on 1 are on the east side of your driveway? These
6 are on the west side of your driveway? Maybe I'm
7 wrong.

8 MR. GALEWOOD: These are on the west
9 side. The only picture on the east side of my drive
10 is No. 1.

11 ATTORNEY EXAMINER: No. 1 was on the
12 east?

13 MR. GALEWOOD: On the west side.

14 ATTORNEY EXAMINER: Okay. Go ahead
15 then, again, anything that you want me to understand
16 that I haven't already brought up about why you're
17 presenting these pictures and what they help the
18 Commission understand about your case.

19 MR. GALEWOOD: Can I make a statement
20 here?

21 ATTORNEY EXAMINER: Sure. You have the
22 floor.

23 MR. GALEWOOD: I'm going back now, so --
24 I don't expect to get into whether you can't talk
25 about it. I just want to make a statement that back

1 when this first incident happened back in 2011, I
2 have all the information at home and the name of the
3 agent. The agent who come out to settle the case,
4 his name is on that piece of paper.

5 I told him -- I said you got to talk to
6 somebody for your own good, because from my pole on
7 the west end of my property -- goes up Boyden Road,
8 goes all the way down to substations a mile away,
9 there's no breaker between, no breaker between.

10 If there'd been a breaker in between it
11 would have saved not only what happened the second
12 time, and put a whole bunch of extra people out of
13 service.

14 He was going to -- I'll get the
15 portion -- if he did or did not, or maybe he did and
16 they just decided we're not going to do it, that's
17 not a big job. That's not an all-day job for a guy
18 in a line truck.

19 You can go up in probably two hours, cut
20 the line, have the power down and put one in. They
21 never put one in, so now when it goes out, everybody
22 going down the line is dead, and it would have saved
23 my second time.

24 I have a whole-house backup generator.
25 When the power goes out I'm the only guy in the

1 neighborhood that's got lights. But I don't like to
2 use it a lot.

3 And the daytimes when we have outages --
4 and it wasn't because of anything in front of me, but
5 down the road somewhere, someplace else, and they
6 never decided to act on it.

7 I would think about it, you know what I
8 mean? Got no break between -- that line burned hot
9 for 42 minutes on my trees and it back fed, it was
10 burning over here, and I got all these people
11 watching with me.

12 I didn't intend to try to bring people
13 to this, we'll go on from here. But I appreciate the
14 honesty and respect -- and I have respect for the
15 people over here, and it's just that I feel I have a
16 legitimate issue, legitimate case.

17 And it was my property, not the their
18 right-of-way. And plus all the time it took to come
19 out, 42 minutes, they've got to find somebody almost
20 an hour away to come and shut the power at the
21 substation so they can work on the line.

22 ATTORNEY EXAMINER: All right. Again, I
23 wanted to give you the chance. I assume you're
24 asking for admission of your Exhibit D, I think we're
25 on?

1 MR. CHRIS GALEWOOD: He wants to know if
2 you want that admitted.

3 MR. GALEWOOD: Yes.

4 ATTORNEY EXAMINER: I'll hear from Ohio
5 Edison about it.

6 MR. BREIG: Your Honor, I have no
7 objection to the photos. The invoice supplied by ADI
8 and the descriptions on this face sheet for
9 Exhibit D, I just want to levy an objection that he
10 said it was, you know -- he could have him come
11 testify regarding this because this guy is an expert
12 with trees, and the testimony basically is, I mean,
13 extensive and reversible damage.

14 So to the extent that the face sheet is
15 providing expert testimony without the person coming
16 in and saying his opinion regarding the trees, I just
17 object to that.

18 ATTORNEY EXAMINER: All right.

19 MR. GALEWOOD: I'm sorry, I didn't hear,
20 what was the objection?

21 ATTORNEY EXAMINER: Would you like to
22 explain it so he understands it?

23 MR. BREIG: So I'm not objecting to the
24 photos, just an objection to the point of the
25 descriptions on this face sheet.

1 MR. GALEWOOD: What part of that?

2 MR. BREIG: To the extent that it's
3 relaying the information from your tree expert.

4 MR. CHRIS GALEWOOD: Yeah, because
5 you're telling him what Ish said, but there's no
6 testimony from him, so that's why he doesn't want it
7 in there.

8 MR. BREIG: Because he was not available
9 for cross-examination and no testimony was filed,
10 your Honor, I would just object to the extent that
11 the exhibit -- the face sheet of the exhibit brings
12 in that information.

13 MR. GALEWOOD: Not the whole part?

14 ATTORNEY EXAMINER: The description of
15 the photos that you have here on Exhibit D, were
16 those descriptions of the photo written by you or
17 were they written by someone from ADI?

18 MR. GALEWOOD: I didn't know I had to
19 bring him, that's the problem. I'm not a lawyer.

20 ATTORNEY EXAMINER: Well, anyway, the
21 question is who wrote these descriptions, did you
22 write them?

23 MR. GALEWOOD: Yes, I did. I did.

24 ATTORNEY EXAMINER: Then I'm going to
25 allow them to be -- all the photos and the first page

1 that describes the photos will be admitted into
2 evidence, but I don't think I'm going to allow the
3 ADI Tree Removal Service estimate to be included as
4 part of the exhibit.

5 MR. GALEWOOD: Only -- you're talking
6 about this picture here?

7 MR. CHRIS GALEWOOD: No, this part here.
8 Not the picture, but just --

9 MR. GALEWOOD: That's fine. It is what
10 it is.

11 ATTORNEY EXAMINER: We're striking that
12 from the exhibit. I'm going to leave it as part of
13 the record so that if you give an appeal it's going
14 to be there, but I'm not admitting that page into the
15 record, but all the other -- the photos and the
16 actual first page that describes the photos, those
17 are coming into the record.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 MR. GALEWOOD: All right.

20 ATTORNEY EXAMINER: And again, for
21 purposes of just helping move this along, I think
22 there's still one more exhibit, or am I wrong? I'm
23 seeing something that looks like this.

24 MR. GALEWOOD: That's a police report
25 from that day of the incident.

1 ATTORNEY EXAMINER: Are you wanting
2 to -- are you wanting to have that admitted as an
3 exhibit?

4 MR. GALEWOOD: Sure.

5 ATTORNEY EXAMINER: And what is the
6 purpose of bringing in the police report, if you want
7 the Commission to --

8 MR. GALEWOOD: To show the amount of
9 time 1,700 volts laid cooking on my trees, and the
10 same thing before, but they just don't have anybody
11 local quickly, but they have to find somebody to shut
12 down the power plant, or that part of it. So that's
13 why I admitted it. That's how long it burned 1,700
14 volts, as I indicated, burned on my trees.

15 MR. BREIG: I would just say it's
16 attached as an exhibit to his complaint, so I don't
17 know if we want to reference just that -- instead of
18 marking it as a new exhibit, if we want to reference
19 it through --

20 ATTORNEY EXAMINER: Again, I think I'll
21 probably explain the hearing process to him. Unless
22 both parties stipulate to it, I don't want to make
23 reference to parts of the complaint, I want
24 everything presented here at the hearing as evidence
25 that I make a ruling on at the hearing.

1 So I will consider it as a separate --
2 as a separate exhibit. And do you have any further
3 objection to it being admitted?

4 MR. BREIG: No.

5 ATTORNEY EXAMINER: Okay. I'll admit
6 that -- I don't see it marked this way, but I'm going
7 to mark it as Complainant's Exhibit E.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 MR. BREIG: We have exhibit stickers.
10 Would you like an exhibit sticker?

11 MR. GALEWOOD: I meant to put the tag on
12 it.

13 ATTORNEY EXAMINER: So I'm admitting it
14 as -- the police report as Complainant's Exhibit E,
15 and I'm admitting it into the record at this time.
16 Thank you.

17 (EXHIBIT ADMITTED INTO EVIDENCE.)

18 ATTORNEY EXAMINER: Now, I think I've
19 dealt with all of your exhibits, and I ruled on them.
20 So again, before he gets to do cross-examination of
21 what it is that you've testified about, I want you to
22 understand this is your -- basically your last
23 opportunity to present anything in terms of things
24 that you had to say or things that you have to bring
25 that you want the Commission to take into

1 consideration as it considers your case.

2 So I'm letting you just continue,
3 knowing that, you know, you've had some time, you've
4 provided your exhibits, is there anything else you
5 want to add?

6 MR. CHRIS GALEWOOD: Anything else you
7 want to add?

8 ATTORNEY EXAMINER: I mean, if you're
9 done, then he's going to be allowed to ask you
10 questions.

11 MR. CHRIS GALEWOOD: If there's anything
12 else you want to add, if not, it's their turn. I
13 think you covered everything.

14 MR. GALEWOOD: I think it covers most of
15 what happened. I mean, you know, things come up, but
16 I have availability of witnesses if I need them.

17 ATTORNEY EXAMINER: Just giving you a
18 chance. So the next thing that will happen is I'm
19 going to allow him -- remember that you're still
20 under oath and you're testifying, but he can ask you
21 questions if he wants to about the things that you've
22 already testified about.

23 MR. GALEWOOD: Well, as long as I have
24 an opportunity, I want to ask Mr. Bianchi --

25 ATTORNEY EXAMINER: No, Mr. Bianchi is

1 going to take the stand when they are putting their
2 witness on, if they choose to put him on. But right
3 now you still have the stand to testify about your
4 side of the case.

5 So if you have -- again, I asked you, I
6 think I heard you don't have anything further, so now
7 I'm giving him the chance to ask you questions about
8 what it is you've already said and brought. It's
9 called cross-examination, and you've got to answer
10 his questions knowing that you're still under oath.
11 Go ahead.

12 MR. GALEWOOD: Well, I don't know
13 outside of what I've discussed, you know, the -- much
14 different as far as what the outcome of what this
15 meeting is, but what I would say is how can Ohio
16 Edison -- you're Ohio Edison here today? He's
17 representing Ohio Edison, that's who I'm talking to
18 right now?

19 MR. BREIG: Objection to the extent that
20 he's proposing to call me as a witness and ask
21 questions.

22 ATTORNEY EXAMINER: Let's go off the
23 record for just a second.

24 (Discussion off the record.)

25 ATTORNEY EXAMINER: We'll go back on the

1 record and begin the cross-examination.

2 - - -

3 CROSS-EXAMINATION

4 By Mr. Breig:

5 Q. Mr. Galewood, if you don't understand
6 the question that I'm asking, just ask me to rephrase
7 it and I'll rephrase the question.

8 A. Fine. Okay. Go ahead.

9 Q. So on the day in question, is it your
10 understanding that a tree fell further down from your
11 property on the line?

12 A. At that point I didn't know for sure
13 what caused it, and I wasn't interested as I was
14 guarding my property that was under siege.

15 Q. At this point are you now aware of what
16 caused the wires to fall -- the power line to fall
17 down further down the line?

18 A. Based on what your company is telling
19 me, you're telling me. I didn't see it, and I will
20 take your word for it. I didn't see it.

21 Q. So if the company has records and
22 testimony regarding a tree that fell further away
23 from -- not further away, but up from your house, you
24 have nothing in your records or knowledge to dispute
25 that?

1 A. Afterward I was told that a tree
2 fell on --

3 MR. CHRIS GALEWOOD: You can't dispute
4 that it was a tree though.

5 MR. GALEWOOD: Well, no, I can't dispute
6 it was a tree, see, because that's your problem. It
7 became my problem. You had a tree coming down and
8 you having a circuit breaker and go not go like that,
9 but explode and ripped the line and laid on my
10 property, that's the answer.

11 By Mr. Breig:

12 Q. Do you know who owned the tree that fell
13 down on Ohio Edison's power line?

14 A. No, I don't know, and I don't care.
15 What is that to me?

16 Q. Were you aware of any prior issues with
17 the tree that fell?

18 A. I don't even know where -- I don't know
19 exactly where it was at. I don't know what house
20 you're talking about. I know after I found out.

21 MR. CHRIS GALEWOOD: Then I would answer
22 no, you don't know.

23 MR. BREIG: Your Honor, I object to the
24 point -- I mean, I understand like helping to
25 understand the question, but to the point of saying

1 just answer no --

2 ATTORNEY EXAMINER: Again, I want to
3 give some leniency to let him son help him, but the
4 answers we're going to listen to are the ones that
5 you give, and really I think that's the key. So
6 again, basically I don't want any misunderstanding --

7 MR. CHRIS GALEWOOD: He didn't know, so
8 I was trying to get him to get to the point and say
9 no. No, I was telling him to -- just to say no.

10 ATTORNEY EXAMINER: Again, I'm basically
11 saying I want you to continue to help your father to
12 answer the question, but the answers are coming from
13 you, when you're ready to answer.

14 MR. GALEWOOD: If I don't understand you
15 have to repeat it, just so Chris don't say anything,
16 that --

17 ATTORNEY EXAMINER: Go ahead.

18 By Mr. Breig:

19 Q. Regarding the incident when the tree
20 fell, the police responded, correct?

21 A. The fellow across the street, according
22 to the police report, because I wasn't involved with
23 that.

24 Q. When the wires fell the police responded
25 to the -- to your property, correct?

1 A. They responded to -- I don't know
2 exactly where they were, because I was on my porch.
3 I can tell you this, that they were up on the corner
4 blocking traffic and keeping people away from getting
5 electrocuted, is what they were doing. And when the
6 sheriff's deputies was on my porch with two firemen
7 making sure I didn't go out of the house.

8 Q. And is it your understanding that the
9 police department or 911 dispatch communicated to
10 Ohio Edison that the power line was down?

11 A. Outside of that report, how would I
12 know?

13 Q. I know, that's why I'm just asking you
14 if you know.

15 A. I wasn't involved in reporting it or
16 being involved with it, the neighbor made the report.
17 Joe across the street, his name is on there.

18 MR. BREIG: Your Honor, with your
19 permission I'm going to hand Mr. Galewood -- it's an
20 exhibit -- I can either refer to his exhibit or I
21 could mark it myself as Company Exhibit 1. It's
22 going to be the police report.

23 ATTORNEY EXAMINER: Well, if it's the
24 same police report that we just marked --

25 MR. BREIG: It is the same, however I

1 just now realized regarding his police report, he
2 only had one page. There appears to be two entries
3 of a second page.

4 ATTORNEY EXAMINER: Is this one in your
5 folder, Mr. Galewood?

6 MR. BREIG: It is. It's tab 1, the
7 second-to-last pages. Because it appears that the
8 police report was not the entire police report. I
9 would just ask that that be noted in the record for
10 his exhibit.

11 MR. CHRIS GALEWOOD: He just wants to
12 note that there was a little bit more.

13 MR. GALEWOOD: I have that at home. I
14 didn't think that was important.

15 ATTORNEY EXAMINER: Yes, you can have
16 questioning on that and it includes both pages.

17 MR. BREIG: And I just wanted to note
18 that, I did not know that at the time we saw his.

19 MR. GALEWOOD: Well, you have it.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 By Mr. Breig:

22 Q. And if you turn to the first page of the
23 police report, Mr. Galewood, do you see that at 0738
24 the police department reported that they were out
25 with a tree down across the road?

1 A. Yeah.

2 Q. And do you see that at 0739 Ohio Edison
3 was advised?

4 A. Yeah. Yeah, I got it, put an arrow on
5 there.

6 Q. Yep. And then do you see that 0803 it
7 said FirstEnergy arrived on scene?

8 A. Yeah, I see it.

9 Q. And then at 0821 all lines are
10 de-energized?

11 A. Right. Sure.

12 Q. So based upon that timing, Ohio Edison
13 arrived prior to the one hour, correct, that they
14 were notified from?

15 A. Yeah, when I talked in terms of almost
16 an hour, but I understand what exactly --

17 Q. And I understand that the police report,
18 at the time when they said -- when they called it,
19 said ETA of one hour, does it not, up above?

20 A. Yeah.

21 Q. But they arrived within about 22
22 minutes, 23 minutes of the call, correct?

23 A. Whatever is on there, yeah.

24 Q. Just wanted to walk through that and
25 clarify that on the police report.

1 A. Well, I read the report. I mean, it is
2 what it is, you know. I mean, I wasn't involved with
3 it, I just got a copy because page 2 of the report,
4 which I didn't add to my sheet, I have at home, I
5 didn't think it was necessary, talks about my concern
6 about my damage.

7 ATTORNEY EXAMINER: You presented this
8 as an exhibit for you, now he's asking you questions
9 about how to understand what it is that is being
10 presented, so you have to answer his questions.

11 By Mr. Breig:

12 Q. And the only reason I brought up page 2
13 is that way the complete report -- there was a second
14 page. I didn't think that you were doing anything --

15 A. That's fine.

16 Q. -- hiding anything, it was just so we
17 knew there was a second page.

18 What is your understanding of Ohio
19 Edison's program regarding tree trimming?

20 A. My impression?

21 MR. CHRIS GALEWOOD: Your understanding.

22 MR. GALEWOOD: My understanding from
23 who?

24 By Mr. Breig:

25 Q. Do you have any understanding of how

1 often they perform scheduled maintenance trimming?

2 A. I don't get involved with the
3 maintenance trimming.

4 Q. So you don't have any understanding
5 of --

6 A. Let me finish. What I do have is an
7 analysis that there is none going on on a proactive
8 basis, because right now from the bend on Highland
9 where I think -- the area where the problem was, all
10 the way to the bottom of a hill right into a
11 transformer that is not trimmed, and on Boyden Road I
12 can tell you there are miles that aren't trimmed, and
13 they are right in the trees. So that's my current
14 understanding.

15 I know years ago, and guys like
16 Mr. Bianchi, before him, that had Sagamore Hills,
17 he's not with the company anymore, but he was -- I
18 was involved with him, they were on a tree trimming
19 program at the time.

20 Every so many years, every five years,
21 AB Tree would come through, or Asplundh, they quit
22 doing that because the bean counters -- I have a -- a
23 daughter of a sister of mine who deals in high math,
24 and she gets into -- works for banks primarily and
25 hospitals, and what we call bean counters where they

1 forecast through high math the past, present, and
2 future of what ought to be done.

3 It's like the guy years ago had one less
4 olive in the jar, he saved his company millions by
5 putting one less olive in. So I know bean counters
6 look at the cost. The cost for trimming is
7 phenomenon. This is my impression, my opinion. I've
8 stated my opinion.

9 That's my opinion of what I know going
10 on today. I don't get involved with that. I'm not a
11 forester, I'm not a tree trimmer, I don't -- you
12 know, that's -- I don't know what relevance that has
13 to this case.

14 Q. So you say it's your impression. So you
15 have nothing to dispute if an Ohio Edison
16 representative testifies that every four years they
17 performed scheduled maintenance trimming for the
18 entire circuit?

19 A. Well, it may be. My opinion, I'm not --
20 I'm not arguing officially because I don't know, and
21 I don't care. All I know is that it's nice when they
22 do trim them.

23 I haven't seen them around my area for a
24 long time. These trees didn't grow this big in four
25 years, okay? They trees haven't been trimmed for 10

1 or 15 years.

2 Q. Now --

3 A. So I know trees. I know my dad was in
4 the business, I know people that are an arborist, I
5 know people that know what's going on with
6 vegetation. They give me their opinion, okay?

7 And I think -- take that for what it's
8 worth. I'm not going to sign an affidavit that this
9 is how it is because, you know, I don't get involved
10 in that. So how you guys trim trees is up to you.

11 I can tell you the trees that I see
12 around me have not been trimmed, okay? That's real.
13 I can take you down there today and you'll see the
14 same thing the pictures got.

15 Q. Are you aware that Ohio Edison sends out
16 the forestry division to inspect the circuit by
17 driving it approximately every two years?

18 A. How would I be aware of that? I don't
19 work for --

20 Q. I'm asking these questions because we're
21 here today regarding a tree that fell, and there's
22 some allegation that the tree should have been
23 trimmed or removed or dealt with.

24 A. I didn't make that allegation. I did
25 not make that allegation.

1 Q. Excuse me, sir, if you could let me
2 finish the question.

3 MR. CHRIS GALEWOOD: Let him finish.

4 MR. GALEWOOD: Go ahead. I didn't make
5 that allegation.

6 By Mr. Breig:

7 Q. So the issue here is a tree fell on the
8 wires, and we're trying to -- I just want to
9 understand what your knowledge is of Ohio Edison's
10 practice of vegetation management and tree
11 inspections.

12 A. They never involved me, so how would I
13 know? Why do I want to know? I got enough other
14 things I do that are important, you know.

15 What I will say, I made that statement
16 that -- and I brought it up at trustees' meetings, I
17 go to trustees meetings, and everybody will tell you,
18 all three of the trustees and Police Chief in
19 Sagamore Hills are long time personal friends, two of
20 them personally own businesses now, they manage them.
21 The third one is a math teacher, a high math teacher
22 that's retired, and the Police Chief just went to the
23 FBI school for two months.

24 So, you know, people trust me. I don't
25 have to lie to anybody. I never have. I built my

1 reputation on trust and honesty. And I'm respected.
 2 I respect -- and I respect you. You're doing your
 3 job. You're trying to come out of this looking good,
 4 and that's -- I understand that. That's what you're
 5 getting paid for. And I'm really impressed that a
 6 high level legal team is in here against little old
 7 Edward Galewood.

8 ATTORNEY EXAMINER: Again, you're giving
 9 me a lot of stuff that you want to emphasize, but I'm
 10 asking you to listen to the question and answer the
 11 question that's being asked.

12 MR. GALEWOOD: Well taken.

13 ATTORNEY EXAMINER: And if you later
 14 need to clarify something, you can do it then. But
 15 right now, listen to the question, answer the
 16 question.

17 MR. GALEWOOD: I apologize.

18 By Mr. Breig:

19 Q. It's an experience for everyone that's
 20 been here, especially if it's your first time ever
 21 being in an environmental like this, it's completely
 22 understandable. I just have a few more questions for
 23 you.

24 A. Okay.

25 Q. During your presentation of evidence in

1 this case you brought up an example of your tie rod
2 breaking, do you remember that?

3 A. Yeah, just what might be an example of
4 something happening that you're not responsible for
5 so you don't have to take care of the damages, that's
6 all. It's -- to me it's my comparison, and I'm
7 entitled to that.

8 Q. Well, regarding a tie rod -- the tie rod
9 in that example, the tie rod is on your vehicle,
10 correct?

11 A. Well, it could be on one I borrowed from
12 somebody, it could be on a truck, it could be
13 anybody's vehicle, could be a bus.

14 Q. But it's a vehicle you driving.

15 MR. CHRIS GALEWOOD: He's talking about
16 that example.

17 MR. GALEWOOD: If I was driving it,
18 yeah.

19 By Mr. Breig:

20 Q. And if that broke causing something else
21 to happen, your expectation and your opinion is
22 whoever -- you know, whoever that belonged to, they
23 should pay for the damage, correct?

24 A. It's not my expectation, it's just my --
25 a comparison, something that could happen and

1 somebody could be in the mind set that, you know, to
2 do that, you know.

3 And I'm not saying that's ever going to
4 happen, I'm just giving the example if something
5 happened that I'm responsible for, but there's
6 something else caused that, I shouldn't have to pay
7 for it.

8 Q. Do you know if Ohio Edison was
9 responsible for that tree that fell on the wires?

10 A. I really don't know. Based on this --
11 Mr. Bianchi's analysis it was a healthy maple tree,
12 it come down anyway. That's what I read here. I
13 didn't get that before, because I wasn't that
14 involved in it.

15 I didn't go down there, I wasn't
16 interested. I was more interested on saving my house
17 from as much damage as possible, nobody getting
18 electrocuted, because that's the big deal.

19 That's why the police got out there, to
20 make sure nobody got into that wire. That wire on a
21 wet day, I could have been ten feet from that in the
22 grass and get electrocuted. That's the problem.

23 Q. And we're glad no one --

24 A. It electrocuted my trees.

25 Q. We're glad no one was injured.

1 A. Yeah.

2 Q. Regarding the wire falling, do you
3 believe that -- is it your understanding that if a
4 tree falls on the wires, it can cause tension down
5 that wire line?

6 A. That didn't happen on my end, my end was
7 an exploding breaker.

8 Q. But you don't know what caused that
9 tension on that exploding breaker, correct?

10 A. No, because I wasn't out exploring to
11 see exactly what happened at that point. There was
12 nothing in it for me to do that. I mean, I stay
13 home, take care of my family, make sure nobody came
14 over and walked into that thing and got electrocuted.

15 Q. And turning to Exhibit D -- this is the
16 last question I have.

17 MR. BREIG: Turning to Exhibit D, your
18 Honor, to show him for purposes, and if you want me
19 to mark it mine, I'm just referencing --

20 ATTORNEY EXAMINER: No, if it's his
21 Exhibit D we'll just refer to it that way.
22 By Mr. Breig:

23 Q. Exhibit D under photo 3, your
24 description, not the photo, you say a tree falling on
25 to the Ohio Edison power line was responsible for

1 damage to my property. Ohio Edison has failed to
2 maintain a proper right-of-way clearance for their
3 transmission line. Is that a correct quote from your
4 Exhibit D?

5 A. What I'm saying here is my
6 understanding, and I got -- I knew it was a tree of
7 some sort, you know, the fact shortly after it
8 happened.

9 I didn't know the exact reason for the
10 outage, because we get outages sometimes that are
11 wind damage and just hard to say, so I didn't know,
12 but it says a tree fell on the Ohio Edison power
13 line, that's a possible fact.

14 MR. CHRIS GALEWOOD: That's what he's
15 asking you.

16 MR. GALEWOOD: That's a fact, because
17 your tree falling -- or a tree falling on your line
18 didn't do this in front of my house, it went this, it
19 blew up, snapped the line and the line laid on my
20 trees.

21 By Mr. Breig:

22 Q. The tension from the tree falling on the
23 wires caused the wires to fall off the pole?

24 A. That's what you're saying.

25 Q. Correct.

1 A. I'll take your word for it.

2 Q. Okay. I just wanted to ---

3 A. I wasn't there. I didn't go down, I
4 didn't get any followup, and I didn't care, I had
5 enough problems getting my part of it straightened
6 out.

7 MR. BREIG: No further questions.

8 ATTORNEY EXAMINER: Since he's done
9 asking cross-examination questions, if you wanted to
10 take a chance to further explain any answers that you
11 gave, you can do that, and then he can ask you
12 questions based on what you say now.

13 But again, he's done asking questions.
14 If you're done answering his questions, you can just
15 stop, but if you want to further explain anything
16 about what he asked you, this is your chance. And if
17 you've already explained it enough, we can just move
18 on to the next part of the hearing.

19 MR. GALEWOOD: Well, you know, it is
20 what it is, as far as I'm concerned. And I've
21 explained the best I can my position, which obviously
22 doesn't agree with Ohio Edison's position.

23 And my feelings are that regardless of
24 how the Commission comes out that -- you know,
25 hopefully that they decide that on my side of it,

1 they may decide -- I understand that, but understand
2 this -- and I don't threaten anybody, I promise,
3 okay?

4 I follow through. It's going to go
5 further. I've already talked to some people, okay?
6 I have a case here, I know I do. And Ohio Edison, I
7 understand, you know, hesitates to pay out, because
8 if they do, then the next person expects to get paid,
9 and that's -- everything personal to a person I
10 expect to be handled that way.

11 So they can do whatever they want, I'm
12 not going to get excited. I say again, I don't need
13 the money --

14 ATTORNEY EXAMINER: Again, now I think
15 you're talking about things that don't have anything
16 to do with what he asked you.

17 And this was only your chance to speak
18 about explaining things that related to what he asked
19 you, and now you're telling me about settlements,
20 which I already told you not to, about money which I
21 don't want to hear about.

22 But this was your chance to explain
23 anything about what he asked you about. So let's get
24 back to that topic, if you have anything further.

25 MR. GALEWOOD: Now, who do I ask the

1 question to?

2 MR. CHRIS GALEWOOD: No, he wants to
3 know if there's anything he asked you about, if you
4 want to rebut any of that.

5 MR. GALEWOOD: Yeah, I do, because
6 number one, I don't see my opinion -- how the -- my
7 knowledge of what Ohio Edison does relative to
8 maintenance procedures and what they exactly do, I'm
9 not involved with that, and I think it's irrelevant
10 to what we're dealing with here. My knowledge of
11 their tree maintenance program, it's irrelevant.

12 And as some of the others questions
13 regarding that tree and that -- the bottom line is --
14 well, I'm not arguing that, I just object to that,
15 because that has nothing to do with what we're here
16 to talk about today, my opinion.

17 It is to them, maybe, not to me, because
18 I don't care about their maintenance program. What I
19 do care about is when they don't do it, and that's
20 what I'm telling you, they don't do out by me, and
21 that's one of the reasons that we're here today in
22 part.

23 ATTORNEY EXAMINER: Okay. And I hear
24 that further explanation. I think it matches with
25 the way that you answered the questions when they

1 were asked. I will allow if --

2 MR. BREIG: Nothing further.

3 ATTORNEY EXAMINER: I will allow all the
4 questions that were asked as part of the record, I
5 think they were appropriate questions and I'll accept
6 your answers to them.

7 MR. GALEWOOD: I'm okay then.

8 ATTORNEY EXAMINER: Okay. I think we
9 reached the point where I'm going to ask you if the
10 Complainants are ready to rest in terms of their own
11 presentation of their own side of the case, and if
12 they are ready to rest, then I'm going to turn it
13 over to Ohio Edison to present their case in chief.
14 If you're ready to rest?

15 MR. GALEWOOD: Yeah.

16 ATTORNEY EXAMINER: Okay. Then does
17 anyone want to take a break?

18 MR. BREIG: I was about to say the two
19 hours of coffee and water on the road down here --

20 ATTORNEY EXAMINER: Let's take a short
21 break, you know, ten minutes or so.

22 (Recess taken.)

23 ATTORNEY EXAMINER: So we'll begin by
24 allowing the Ohio Edison to put on its case in chief,
25 and if you want to call a witness first.

1 MR. BREIG: The company calls Mr. John
2 Bianchi to testify.

3 ATTORNEY EXAMINER: I'll let you testify
4 from where you're at. Do you swear or affirm the
5 testimony you provide will be the truth, the whole
6 truth, and nothing but the truth?

7 MR. BIANCHI: I do.

8 ATTORNEY EXAMINER: Thank you.

9 John Bianchi,
10 being first duly sworn, as prescribed by law, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Breig:

14 Q. Can you please state your full name, and
15 spell it for the record, please?

16 A. John Bianchi, B-i-a-n-c-h-i.

17 Q. By whom are you employed and in what
18 capacity?

19 A. I'm employed by Ohio Edison as a
20 forester specialist they call it.

21 MR. BREIG: Your Honor, can I hand the
22 witness what has been premarked for identification as
23 Company Exhibit 2? And this is the direct testimony
24 that was filed.

25 ATTORNEY EXAMINER: Yes.

1 MR. BREIG: And the Complainant has a
2 copy in front of them. And, your Honor, it's Tab 3
3 for you, and here is a marked copy for the Court
4 Reporter.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 By Mr. Breig:

7 Q. I'm handing you what's been marked as
8 Company Exhibit 2. Do you recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. It's an affidavit of what -- about
12 myself and what possibly happened out on the --
13 during the outage.

14 Q. And did you prepare this or cause this
15 to be prepared at your direction with input?

16 A. Did I what now?

17 Q. Was this document prepared with your
18 assistance?

19 A. Yes.

20 Q. If you were asked the same questions
21 that are in this document here today, would your
22 answers be the same?

23 A. Yes.

24 MR. BREIG: And, your Honor, I would
25 just ask permission to briefly do additional direct

1 on just a few questions on what was brought up during
2 Mr. Galewood's direct and cross-examination.

3 ATTORNEY EXAMINER: Yes, go ahead and do
4 that now. And you will be listening, so when it's
5 your turn for cross-examination, you can ask him
6 about everything that's already written and whatever
7 he's about to talk about. But it's not your turn,
8 first he'll get to ask his questions.

9 By Mr. Breig:

10 Q. Were you present today for the testimony
11 of Mr. Galewood?

12 A. Yes.

13 Q. And did you hear Mr. Galewood describe
14 tension causing wires to fall down on his property?

15 A. Yes.

16 Q. Is it common for tension to cause wires
17 to fall down on property when a tree falls further up
18 the line?

19 A. Yes.

20 Q. And in your experience, has that
21 happened before?

22 A. Yes.

23 MR. BREIG: I have no further additional
24 direct on Mr. Galewood's testimony. He's available
25 for cross-examination.

1 ATTORNEY EXAMINER: So now it's your
2 turn you can ask Mr. Bianchi anything that relates to
3 his testimony, including what he just said live, but
4 also what he put in his prefiled testimony. So any
5 questions that relate to that you can ask.

6 MR. GALEWOOD: Here is my response to
7 that.

8 ATTORNEY EXAMINER: Well, again, I'm not
9 asking for you to provide your response, I'm asking
10 you to ask him questions about what he testified to.

11 MR. GALEWOOD: Well, when you asked
12 Mr. Bianchi about what -- is that common and he said
13 no, and I would --

14 MR. BREIG: Objection, your Honor,
15 misstates the testimony.

16 ATTORNEY EXAMINER: Well, I'm not
17 clear -- I'm not arguing with you, but I'm not clear
18 on how it misstates the testimony. But again, I'm
19 going to give him some room to try to formulate a
20 question.

21 MR. GALEWOOD: Yes, if a wire goes down
22 is it common for a breaker to do what it did to my
23 house? Instead of doing this, it exploded, and when
24 it --

25 ATTORNEY EXAMINER: Again, you're facing

1 me and it sounds like you're testifying to me. What
2 I want you to do is look at the witness and ask him
3 questions about what he said that you have questions
4 on.

5 MR. CHRIS GALEWOOD: Is there anything
6 in here that he said --

7 ATTORNEY EXAMINER: I know you might
8 have a different point of view. We're not asking
9 what your point of view is, we're asking you to ask
10 him about what he stated.

11 MR. GALEWOOD: I have a question --
12 statement about what he just said.

13 ATTORNEY EXAMINER: I don't want a
14 statement, I want a question, if it's a question
15 about what he said.

16 MR. GALEWOOD: Want me to ask him a
17 question?

18 ATTORNEY EXAMINER: Yeah, that's what
19 you're supposed to do.

20 MR. GALEWOOD: To Mr. Bianchi?

21 ATTORNEY EXAMINER: Yeah.

22 - - -

23 CROSS-EXAMINATION

24 By Mr. Galewood:

25 Q. When you say -- here is -- I'm going to

1 ask the question. When you agreed that most cases
2 the breaker couldn't explode, that's --

3 A. We didn't talk about that, that wasn't a
4 question.

5 Q. You asked what happened to me was common
6 or --

7 A. No, was it common --

8 Q. -- or if it ever happened?

9 A. No, if it's common for a tree to come
10 down for a wire with tension and for the wire to
11 break.

12 Q. Right.

13 A. That's all that was said.

14 Q. Well, that's not what happened at --

15 ATTORNEY EXAMINER: Again, you're
16 telling me what happened. It's not time for you to
17 tell me what happened, you had your chance to tell me
18 what happened. Now it's your chance to ask him
19 questions with --

20 By Mr. Galewood:

21 Q. Are you fully aware of what happened in
22 front of my house?

23 A. Only from testimony.

24 Q. Exactly. What's that?

25 A. Only from your statements.

1 Q. You weren't there?

2 A. No.

3 Q. And you don't know exactly what
4 happened?

5 A. No.

6 Q. Okay. So --

7 A. On your property, no.

8 MR. GALEWOOD: Well, I don't see -- I
9 don't -- I've never been in a court of law, okay? It
10 doesn't make me nervous, but I don't know all the --
11 whereto, therefore, and all that, you know. And to
12 me it's a bunch of jargon, but it's important in the
13 legal picture, so I'm not in it.

14 By Mr. Galewood:

15 Q. So you don't know exactly what happened
16 in front of my house. Were you made aware of it
17 right after it happened?

18 A. No.

19 Q. So when did you go down and look at the
20 maple tree that you -- you're saying that? It was
21 what you said?

22 A. I was told about it probably about a
23 week later.

24 Q. Week later? Wonder why that didn't come
25 up in the -- in November when we had a conference

1 call. It never come up.

2 A. I'm not understanding what you're
3 saying.

4 Q. Well, you weren't involved in that?

5 A. No.

6 Q. And I'm not belittling your job, you do
7 what you do. The title is only as good as a person
8 that stands behind it, okay?

9 A. Right.

10 Q. And I respect you for what you're doing
11 for these people, and I don't care, that's your
12 business. But go ahead.

13 MR. GALEWOOD: I wanted it noted that he
14 wasn't at the scene, he didn't come by, he has no
15 firsthand knowledge of what happened. It's hearsay
16 to him what happened.

17 ATTORNEY EXAMINER: I think that is what
18 I was hearing was the gist of the questions you asked
19 and the answers that he gave. So that is on the
20 record. Do you have any other questions for him?

21 MR. GALEWOOD: Not really. I mean, good
22 luck on your tree trimming. I don't hold him -- the
23 rules are the rules. I've dealt with trees when I
24 was with AT&T and Ohio Bell.

25 ATTORNEY EXAMINER: All right. I'm

1 hearing that you don't have any further
2 cross-examination of the witness. Do you have any
3 redirect?

4 MR. BREIG: Just briefly, your Honor.

5 ATTORNEY EXAMINER: Now, listen to what
6 he's asking, because you can ask more questions but
7 they have to relate to this line of questioning right
8 now.

9 MR. GALEWOOD: To Mr. Bianchi, but it
10 has to be what --

11 MR. CHRIS GALEWOOD: What he's going to
12 say now is what you can respond to, but nothing else.

13 - - -

14 REDIRECT EXAMINATION

15 By Mr. Breig:

16 Q. On Mr. Galewood's street a tree had
17 fallen down onto a tree, correct -- a tree had fallen
18 down onto wires, correct?

19 A. Correct.

20 Q. And that caused other wires to fall
21 down, correct?

22 A. Correct.

23 Q. And that's your understanding from
24 reviewing the company records and from going out to
25 the scene a few days or a week later and observing

1 the stump of the trunk of the maple tree, correct?

2 A. Correct.

3 MR. BREIG: No further questions.

4 ATTORNEY EXAMINER: Now, again, you can
5 ask questions, but they have to relate what --

6 - - -

7 RECROSS-EXAMINATION

8 By Mr. Galewood:

9 Q. When you say a wire coming down from a
10 tree could take other wires down, the tree in this
11 case, you understand, was nowhere near my property?

12 A. Correct.

13 Q. And you understand the breaker --

14 A. I understand that.

15 Q. You're not aware of what happened to my
16 property, but what happened was it shook my house, it
17 blew up, it exploded. And I mean, man, it vibrated
18 the house, and that caused that wire to snap, the
19 same thing that happened last time. They only take
20 so much -- those things are tight.

21 MR. BREIG: Objection, your Honor.

22 ATTORNEY EXAMINER: Again, you're
23 spending a lot of time telling me stuff that's not
24 really in evidence, so it's just -- it has to relate
25 to the questions he was being asked.

1 MR. GALEWOOD: Okay. I'll go back then.

2 By Mr. Galewood:

3 Q. The question I'm asking you is, you say
4 that a pole coming down on a wire can pull another
5 wire from the next person's house, but would you
6 agree it wouldn't be able to snap a wire a half a
7 mile away?

8 A. I don't agree with that. It could
9 happen.

10 Q. You agree with that?

11 MR. CHRIS GALEWOOD: He said it could
12 happen.

13 THE WITNESS: Yes, it could happen.
14 By Mr. Galewood:

15 Q. You may have seen it happen, but mine
16 exploded, it broke, it just didn't go down.

17 A. I don't know anything about that.

18 Q. Mine snapped, but -- I got witnesses to
19 exactly what happened. Firemen --

20 MR. BREIG: Objection, your Honor.

21 ATTORNEY EXAMINER: Again --

22 MR. GALEWOOD: All right. Strike it.

23 ATTORNEY EXAMINER: Your chance to bring
24 witnesses --

25 By Mr. Galewood:

1 Q. What I'm saying is, are you saying my
2 problem is caused by that tree coming down, just
3 falling down?

4 A. As far as I know. As far as I know.

5 Q. Are you saying it broke because that
6 tree come down a half a mile down the road, that that
7 tree that you are verifying, validating, when it came
8 down, it caused my wire to snap a half a mile away?
9 Did you ever see that happen?

10 A. Yes.

11 Q. You got to be kidding me. No, I don't
12 believe it. Where? You know, if you guys -- I can't
13 prove it, so you come up with a statement like that.
14 What I'm saying is that --

15 ATTORNEY EXAMINER: Again, we're not
16 asking you to say anything, we're asking you to ask
17 questions of him.

18 By Mr. Galewood:

19 Q. Did you witness what happened to my
20 property where that wire was snapping?

21 A. No.

22 Q. Okay. So you can't say one way or the
23 other whether that tree had anything to do with it,
24 even though I know it didn't and I can prove it, but
25 do you have any evidence that it did that, that it

1 caused mine to break?

2 A. I was sent out for an outage
3 investigation.

4 Q. What's that?

5 A. I was sent out for an outage
6 investigation that we have, and it's my job to go
7 out, find out what caused the power outage. A tree
8 fell down.

9 Q. Were you there that day when it came
10 down?

11 A. No.

12 Q. I mean, I know what happened. Even
13 though it could happen, you can't say that that was
14 what caused mine, because I can prove it didn't
15 because I watched a guy up there change --

16 MR. BREIG: Objection.

17 ATTORNEY EXAMINER: Again, you're just
18 being argumentative. You will get another chance to
19 be argumentative when we're all done, but it's not
20 your turn to testify, it's not your turn to argue,
21 it's your turn to get answers from him that help him
22 explain his testimony.

23 MR. GALEWOOD: What I want written in
24 the record is Mr. Bianchi, since he was out there
25 some certain time shortly after the incident occurred

1 to investigate, I never seen him in front of my house
2 and he wasn't --

3 MR. BREIG: Objection.

4 ATTORNEY EXAMINER: Okay. Now you're
5 telling me about your perspective of things, but
6 you're going to have to ask him about his testimony,
7 that's what this is about.

8 In fact, it's limited to the questions
9 that came up after your last chance at
10 cross-examination. So I think you're going beyond
11 the scope of what you're allowed to ask him.

12 And later on when both sides have
13 rested, I'm going to allow both sides to make oral
14 arguments before me on a closing argument, and you
15 can argue, and you won't be interrupted, you can
16 argue anything that you want.

17 MR. GALEWOOD: Can I ask him one more
18 question?

19 ATTORNEY EXAMINER: Yes, but make it a
20 question about his testimony.

21 By Mr. Galewood:

22 Q. Once again, were you -- did you come to
23 my property when that incident occurred?

24 A. No.

25 Q. Did you investigate what happened in

1 front of my house?

2 A. No.

3 MR. GALEWOOD: Okay. That's it.

4 ATTORNEY EXAMINER: Okay. Thank you.

5 Any followup?

6 MR. BREIG: No, your Honor.

7 ATTORNEY EXAMINER: Any other witnesses?

8 MR. BREIG: No. Ohio Edison rests its
9 case.

10 ATTORNEY EXAMINER: Do you move the
11 admission --

12 MR. BREIG: I do. I move to admit
13 Exhibit C-2 into evidence, which is the direct
14 testimony of our expert witness.

15 ATTORNEY EXAMINER: Do you have any
16 objection to me allowing his testimony into the
17 record? And if so, what is your objection?

18 MR. GALEWOOD: No, his testimony is what
19 he witnessed and can attest to.

20 ATTORNEY EXAMINER: So you don't object
21 if I admit it into the record and the Commission
22 considers that along with your testimony, is that
23 right?

24 MR. GALEWOOD: As far as Mr. Bianchi's?

25 ATTORNEY EXAMINER: I'm making a

1 decision whether I'm going to allow this testimony.

2 MR. GALEWOOD: No. What is here in this
3 document? No, I have no problem with it.

4 ATTORNEY EXAMINER: Then I will admit it
5 into the record at this time.

6 (EXHIBITS ADMITTED INTO EVIDENCE.)

7 ATTORNEY EXAMINER: And both sides have
8 now rested, so we have reached the point where both
9 parties have presented all the evidence that they are
10 going to present in the case, so what is left, if we
11 choose to do it, is I'll allow both sides probably a
12 limited amount of time, five minutes or less, to make
13 closing arguments.

14 And before we do that, we can also have
15 a discussion whether either side wants to submit
16 briefs in the case. I don't know if you're familiar
17 with briefs, but the idea of brief is -- and you can
18 do briefs instead of an oral argument if that's what
19 you choose to do.

20 The purpose of a brief is that it's a
21 written statement that you'll provide in the file,
22 make arguments and help the Commission understand
23 what it is that you feel you presented to the
24 Commission, why you should prevail, and what it is
25 that is wrong about the other side's argument.

1 So it's a written statement, a formal
2 statement that you can make arguments to the
3 Commission about how they should decide the case.

4 And usually we give parties about 30
5 days after the transcript comes in to prepare the
6 briefs, if they chose -- if I make a ruling that
7 we're going to have briefs in the case.

8 And the other possibility is that even
9 if we have briefs, there's also a chance to allow
10 both sides to file a reply brief where you could
11 reply to what the other side says in their initial
12 brief. Let's go off the record and finish that
13 discussion.

14 (Discussion off the record.)

15 ATTORNEY EXAMINER: Let's go back on the
16 record. And I'm about to bring the hearing to a
17 close, but while we were on the break we discussed
18 it, and so based on what got discussed, I'm going to
19 establish a hearing -- a briefing schedule in this
20 case.

21 And I'm making a ruling here from the
22 Bench that initial briefs in this case will be
23 filed -- the deadline for filing them will be 30 days
24 from the date that the transcript becomes available
25 of record on the Commission's website.

1 And the deadline for the filing of reply
2 briefs will be -- I'll make it 15 days from the date
3 that the initial briefs are due.

4 And I already made clear that I'm
5 expecting that the briefs will be filed by mailing a
6 copy of them to the Commission with the case number
7 20-1606-EL-CSS, and a copy should be served upon the
8 other side at the same time that they are mailed to
9 the Commission.

10 So because we're going to have briefs
11 submitted in the case we're not going to have closing
12 arguments today at the hearing. And I think with
13 that ruling made, I'm going bring this hearing to a
14 close. And I would expect that the Commission will
15 make its decision in this case as soon as practicable
16 after the filing of briefs. Thank you.

17 (Thereupon, the hearing was
18 adjourned at 12:05 p.m.)

19 - - -

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Tuesday, August 10,
2021, and carefully compared with my original
stenographic notes.

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

My commission expires August 11, 2026.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1606-EL-CSS

Summary: Transcript August 10th 2021

In the Matter of: Edward L. Galewood, vs. Ohio Edison Company. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie