

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the	:	
Complaint of:	:	
	:	
Steven D. Painter,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case No. 21-0236-EL-CSS
	:	
Ohio Edison Company,	:	
	:	
Respondent.	:	

- - -

PROCEEDINGS

before Mr. James Lynn, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 1:15
p.m. on Monday, November 1, 2021.

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- - -

1 APPEARANCES:

2 Mr. Steven D. Painter

3 On his own behalf.

4 Benesch Friedlander Coplan & Aronoff
5 By Mr. Christopher Rogers
6 200 Public Square, Suite 2300
Cleveland, Ohio 44114

7 On behalf of the Respondent.

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Monday Afternoon Session,
November 1, 2021.

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EXAMINER LYNN: Let's go on the record.

The Public Utilities Commission of Ohio
has assigned for hearing at this time and place Case
No. 21-236-EL-CSS, in the Matter of the Complaint of
Steven Painter versus Ohio Edison Company.

I am Jim Lynn, the Attorney Examiner
assigned to hear this case. And at this time we will
have the appearance of the parties, and we will start
with Mr. Painter.

Mr. Painter, if you could just state your
name and address, please.

MR. PAINTER: Steve Painter, 1028
Greenlea Drive, Marion, Ohio 43302.

EXAMINER LYNN: Marion, okay. Thank you.
And for Ohio Edison.

MR. ROGERS: Christopher Rogers, Benesch
Friedlander.

EXAMINER LYNN: And your address, sir?

MR. ROGERS: Off the top of my head, I do
not know. Cleveland, Ohio.

EXAMINER LYNN: Okay. We will go with
that. Thank you.

1 All right. Mr. Painter, given you
2 brought the complaint we will have you come up here
3 to the witness stand, please. And do you want to
4 bring any of your records with you?

5 MR. PAINTER: If I need them, can I just
6 walk back and get it?

7 EXAMINER LYNN: You could if you want to
8 do that too.

9 Okay. If you would raise your right
10 hand, please.

11 (Witness sworn.)

12 - - -

13 STEVEN D. PAINTER
14 being first duly sworn, as prescribed by law, was
15 examined and testified as follows:

16 DIRECT EXAMINATION

17 By Examiner Lynn:

18 Q. Have a seat. Your microphone is on. We
19 should be in good shape.

20 Mr. Painter, although it's certainly
21 written in your complaint, if you could describe
22 again what brings you here today, when it occurred,
23 the location where it occurred, that kind of thing.

24 A. The Ohio Edison turned off my
25 electricity, freezing temperatures, knowing that the

1 house was not winterized.

2 Q. Okay. Where was this home?

3 A. 1028 Greenlea Drive, Marion, Ohio.

4 Q. That's in Marion. And when did this --
5 do you recall the date this took place?

6 A. Sir?

7 Q. Do you recall the date of when that was?

8 A. Yeah. February -- it was Saturday,
9 probably 13th; Sunday, the 14th, Valentine's Day;
10 Monday, the 15th. And February -- Tuesday,
11 February 16, is when electricity was restored after I
12 called.

13 Q. Okay. And that was this year, correct,
14 2021?

15 A. That's correct.

16 Q. Okay. Could you give me a little detail
17 about was this a home that you were living in at the
18 time?

19 A. No, it was not.

20 Q. Okay. So it was one that --

21 A. We had purchased it. We closed on the
22 house January 20.

23 Q. Okay.

24 A. And the next day I called to have the
25 utilities -- all the utilities put in my name.

1 Q. All right. And what happened at that
2 time when you called?

3 A. Well, they take all your information.
4 They tell you -- as stated in your doc -- in your
5 records, that they told me, you know, they didn't
6 have me as an owner.

7 Q. Okay.

8 A. They put me on hold, and, of course, the
9 Marion County Auditor is not going to show your
10 ownership because the deed -- the title company
11 hasn't sent the deed to them yet. It takes three to
12 five days.

13 Q. Right.

14 A. So with that being said, they had plenty
15 of time to check back with them, but I guess they
16 left it all up to me which I did.

17 Q. Okay.

18 A. And the -- my documents show that I did
19 forward the deed to the address that was given to me,
20 and I received a response back.

21 Q. All right.

22 A. Excuse me. It states that they did
23 receive -- it says here -- this was sent -- you are
24 more than happy to look at this stuff.

25 Q. If you could bring that up, Mr. Painter,

1 and I will mention that although -- do you have --
 2 any questions I am asking you would be, you know,
 3 addressed in the complaint that you filed, or we are
 4 doing something for an official record here for the
 5 hearing record so, therefore, I will be asking you
 6 some things that are -- likely people already know.

7 A. At the first I think Ms. Fling -- is that
 8 one -- somebody here -- stated that they didn't have
 9 any record that they told me to forward my deed and
 10 they said they had a fax number or something. Well,
 11 in the transcripts I just received in the papers they
 12 omitted that the e-mail address -- or whatever it is,
 13 it's a web address which it says. It's
 14 feccoutbound@firstenergy. This is what was sent to
 15 that.

16 Q. Okay.

17 A. And I did not receive anything back.
 18 This was sent at 10:12 and the transcripts I just
 19 received also -- it says they sent back electronic
 20 message saying I needed to contact them. Well,
 21 that's a lie.

22 MR. ROGERS: Your Honor.

23 EXAMINER LYNN: Whoa, whoa.

24 A. I received this message here 8 minutes
 25 later. They received my request -- inquiry and will

1 respond to me within two business days.

2 Q. Okay. Mr. Painter, hold on. First, if I
3 could see the first paper that you held up. And
4 thank you for bringing that. I'll mention that, you
5 know, I would assume that perhaps --

6 A. This was done on January 21. And at the
7 top it says -- it says "Attention Application."
8 That's exactly what they told me to put on it at
9 1 o'clock p.m.

10 Q. All right.

11 A. That's the time the utility should have
12 been put in my name.

13 Q. Well, let's slow down a little bit here.

14 A. I'll try.

15 Q. Given we are just trying to get this
16 clear for the record that's reviewed later. Okay.
17 What I am looking for -- at -- and we could call this
18 Painter Exhibit 1.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 MR. ROGERS: Your Honor, could we have a
21 copy of that?

22 EXAMINER LYNN: Well, certainly.
23 Actually I could show it to you but --

24 THE WITNESS: You should have -- be able
25 to have access to all that.

1 Q. Well, again --

2 A. It was sent there.

3 Q. We need to have --

4 A. I would be more than happy to make a
5 copy.

6 Q. I can make the copy. That won't be an
7 issue.

8 EXAMINER LYNN: But certainly I will show
9 it to you.

10 A. They are denying they ever received it.

11 Q. Well, slow down there.

12 EXAMINER LYNN: Okay. We will call it
13 Painter Exhibit 1. It's a copy of what Mr. Painter
14 sent to this FirstEnergy address that he indicates
15 fec -- feccoutbound@firstenergy.com.

16 A. Which is the address she gave me in the
17 first conversation.

18 Q. Okay. Now, if I could -- I think what I
19 will do if I could see your second document too you
20 just held up, I will go and make --

21 A. It's 8 minutes later.

22 Q. I will make a copy of all these, and then
23 I can bring it back down to our reporter who will
24 need to file this in the official record and the
25 folks from FirstEnergy also.

1 EXAMINER LYNN: Okay. This is -- we will
2 call this Painter Exhibit 2.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 EXAMINER LYNN: It says at the top of it
5 "Ohio Edison Move In Request," and it's from that --
6 it says "feccustomerservice@firstenergycorp.com" and
7 it's dated January 21. Both exhibits, Painter
8 Exhibit 1 and Painter Exhibit 2, are both dated
9 January 21 of 2021.

10 Okay. Before we go further, Mr. Painter,
11 I think I will stop our proceedings for a minute, and
12 I will make copies of this. Then we can all be
13 looking at this same thing, and then I will return,
14 okay?

15 So off the record for a moment, Karen.
16 Thank you.

17 (Recess taken.)

18 EXAMINER LYNN: We'll go back on record
19 then.

20 I just wanted to mention Mr. Painter also
21 brought with him what we will call Painter Exhibit 3
22 which is a February 2021 calendar where he has made
23 some notations and he can -- when the electricity was
24 still off and turned back on and so forth.

25 Q. (By Examiner Lynn) Okay. Mr. Painter,

1 let's see, before I went to make the copies, you were
2 mentioning that Exhibit 1 then indicates the warranty
3 deed that you faxed in to FirstEnergy.

4 A. Per the instructions that they gave me.

5 Q. Okay.

6 MR. ROGERS: Objection, your Honor,
7 hearsay. It's some kind of what someone else told
8 him for the truth of the matter.

9 EXAMINER LYNN: Well, we will let that
10 stand. We will give the appropriate weight later.
11 Thank you though.

12 Q. (By Examiner Lynn) At any rate, okay, so
13 warranty deed faxed in to
14 fecoutbound@firstenergycorp.com. And it indicates
15 that --

16 A. I got something to say. At the first --
17 was it the phone deposition or? There was no
18 information about fec@outbound.com from Ms. Fling.

19 Q. Okay. Well --

20 MR. ROGERS: Your Honor.

21 A. Kept saying that it was sent in.

22 Q. Okay. I understand what you are saying,
23 but actually had there been a settlement, anything
24 that was discussed in settlement, you know, the phone
25 call would not be admitted here at the hearing, okay?

1 Anything that occurred with what we were hoping would
2 be settlement discussions which is what that
3 telephone conference was for --

4 A. I don't understand why they didn't have
5 that address, web address at that time.

6 Q. Again, you can mention that as far as
7 when you called them up to try to get power started
8 but anything that was --

9 A. And --

10 Q. Just a minute though. Anything that was
11 brought up as far as during those phone conferences,
12 you know, the conference call with the mediator,
13 that's not admissible here. That's a whole separate
14 proceeding and basically start over here.

15 A. Yeah, obviously.

16 MR. ROGERS: Your Honor, we move to
17 strike the mention --

18 EXAMINER LYNN: We will strike that
19 comment --

20 MR. ROGERS: Thank you, your Honor.

21 EXAMINER LYNN: -- what happened at the
22 settlement conference.

23 A. Why's that?

24 Q. Well, again, anything that happened
25 during settlement discussions is not allowed under

1 Commission rules during a hearing.

2 A. Well, this had been after we talked to
3 Mr. Cranston, the investigator. I was under the
4 impression he had all the information gathered to
5 give to the lawyers at that time.

6 Q. Okay. And Mr. Cranston is who?

7 A. He works for --

8 MS. PAINTER: Mark Cranston, he is the
9 investigator with --

10 EXAMINER LYNN: FirstEnergy.

11 MS. PAINTER: Yes. That's what I would
12 like to talk about.

13 EXAMINER LYNN: Well, you will get your
14 opportunity, okay?

15 Q. (By Examiner Lynn) All right. So --

16 A. The thing is I don't -- I just think it
17 was another part of them trying to not be honest
18 about the whole situation. Obviously someone did a
19 little more research and came up with this
20 fec@outbound which was what I was trying to tell them
21 at the getgo, that I sent the deed to that e-mail.

22 Q. Well, let's --

23 A. Maybe I wouldn't be sitting here right
24 now.

25 Q. Okay. So that's the e-mail you sent the

1 deed to and it indicates --

2 A. If they didn't receive that, that's not
3 my problem. I did exactly what they told me to do.

4 Q. Okay. I --

5 A. Just to mention this is just another --
6 this is why I got on and did my own application and
7 supposedly -- Mr. Cranston said it canceled it out
8 but there was a red flag put on -- all kinds of talk.
9 But anyway, I tried to let them know, okay -- and I
10 just lost my thought.

11 Q. That's okay.

12 A. It's frustrating because I did everything
13 I could to keep this exact situation from happening.

14 Q. Sure.

15 A. It -- I still haven't gotten my other
16 house sold. I wasn't able to move in until June 1
17 because of this. I had camp reservations I wasn't
18 even able to do. I spent thousands of dollars on
19 that, okay? That's only -- it's just amazing how
20 something this small can set you back months and
21 months and months.

22 Q. Well --

23 A. Getting a contractor to fix the water
24 lines that broke. Thank God it wasn't a major, major
25 repair.

1 Q. Well, I agree.

2 A. Otherwise it probably -- you can't make a
3 contractor get out there any sooner, but I got proof
4 of all that too.

5 Q. Okay. Well, let's back up a minute. So
6 Painter Exhibit 1 then you -- you have the general
7 warranty deed that indicates you and your wife own
8 this property at --

9 A. With that next paper they sent out, they
10 said they received my request. Why should I
11 anything further?

12 Q. Let's slow down. I have got to mention
13 for the record what we are looking at so if
14 somebody --

15 A. Look at it all.

16 Q. Okay. Anybody looking back at this later
17 will be able to trace what's going on. Okay. So the
18 general warranty deed indicates Rachael and Steven
19 Painter are the owners of this property at 1028
20 Greenlea Drive, Marion, Ohio, okay? And, let's see,
21 Painter Exhibit 2 is a response that Mr. Painter
22 received from feccustomerservice and that was a
23 response, oh, about 8 minutes after you sent this
24 warranty deed in.

25 A. They are saying I didn't get that. They

1 are saying they sent some other response.

2 Q. Well --

3 A. That I didn't get --

4 Q. Well --

5 A. Why are we lying about this stuff?

6 Q. Well, I just need to be able to speak for
7 the record what we are looking at, okay? So the
8 Painter Exhibit 2 talks about that Ohio Edison
9 received the inquiry and will respond in two business
10 days and so forth. So -- and that was sent about 8
11 minutes after the warranty deed was faxed in to that
12 fecoutbound@firstenergycorp.com address.

13 Now, the response is from
14 feccustomerservice@firstenergycorp.com. Okay. Now,
15 Mr. Painter, did you want to mention anything about
16 your Exhibit 3? That's the February 2021 calendar
17 where you made some notations on there.

18 A. It shows on there temperature. I am not
19 sure. I got 20 degrees.

20 Q. Sure.

21 A. I would like to start out by saying I
22 don't understand why a utility company would shut
23 someone's -- anybody's electricity off in subzero
24 degree weather, and they are saying that I was not an
25 owner of the account. Well, then they own the

1 account so they -- and in my mind from where I come
2 from they own that account. They shut their own
3 electricity off. The house was not winterized.

4 I can go on. The technician that come
5 back out to turn it on the 16th after I called to get
6 it restored, he wanted me -- I was doing my -- it
7 snowed terribly that weekend. After the three days I
8 was up there, it was just an unbelievable situation.
9 He wanted me to take my snowblower and plow a lot
10 line so he could walk up to the damn box and turn it
11 back on. I was you got to be kidding me. If they
12 tried to get ahold of me, why didn't they call me?

13 MR. ROGERS: Objection, your Honor,
14 speculation.

15 A. There is no doubt it says in these papers
16 the supervisor tried to call on Saturday. Well, I am
17 busy. They weren't going to come out anyway.

18 Q. Hold on.

19 A. They weren't even going to come out to
20 restore it.

21 Q. Basically I think what you are saying,
22 first of all, the February 21 calendar here, the
23 exhibit speaks for itself as far as temperatures,
24 what happened on what date, and so forth.

25 A. You have to be an idiot to turn someone's

1 electricity off in 20 degree weather, snowstorm, and
2 2 foot. Who authorized that?

3 Q. Do you have any -- it sounds as though
4 you may have from your comments some other documents
5 to show us, or am I mistaken?

6 A. That's -- those three main papers sum it
7 up. I have got some notes here. My wife has got
8 some notes. Again, it just all leads to
9 incompetence. Mark Cranston, he gave me a phone
10 number here. I got all this documented. He gave me
11 a claim number. When my wife calls him back, he said
12 I didn't give him that number.

13 Q. How about if we --

14 A. The customer service supervisor is
15 supposed to call back. They never called back. I'm
16 told --

17 Q. Could I see what document you are looking
18 at about Mark Cranston and the calls and so forth?
19 Could I take a look at that, please?

20 A. Yeah. It's right here. A little bit of
21 note here.

22 Q. These are handwritten notes.

23 A. At the top all the information from --
24 pertaining to him is there.

25 Q. Okay.

1 MS. PAINTER: I think this is where I
2 could talk about Mr. Cranston.

3 EXAMINER LYNN: Just a minute, ma'am.
4 Hold on.

5 A. He didn't seem to know what he was doing
6 either. That's my point. I can't wait on people to
7 do things right. I make moves myself. I called to
8 get the electric turned on in my name. I did
9 everything in my power to get it turned on. I wasn't
10 even aware they were going to shut it off.

11 Q. Sure. Okay.

12 A. We were not living in the house at the
13 time, okay?

14 Q. Right. I understand. And I think that
15 was made clear at the beginning of this hearing. So,
16 let's see --

17 A. You know, what do they expect when you
18 turn off someone's power to -- automatically people
19 are going to show up and --

20 Q. Sure.

21 A. And they --

22 Q. So you're indicating --

23 A. I was like what?

24 Q. Okay. You have on this sheet Mark
25 Cranston and so forth. So that was -- Mr. Cranston's

1 someone that --

2 A. He is an investigator for Ohio Edison.

3 Q. Ohio Edison, okay. So at what point did
4 you contact him, or at what point did he contact you?

5 A. I'm not sure exactly. It would have been
6 after --

7 Q. Again, you are indicating --

8 A. I am not sure. It was during this
9 process after -- after they turned back on the power.

10 Q. It was after they turned it back on.
11 Okay.

12 A. Yeah, after they took their three-day
13 holiday.

14 Q. I am just trying to figure out --

15 A. To me good customer service would be --

16 MS. PAINTER: March 24 is when I spoke to
17 him.

18 EXAMINER LYNN: Okay.

19 A. Good service would have been -- I'm
20 sorry, when the supervisor called back and left a
21 message, I was not able to get to it because I was
22 out trying to get my generator running and get the
23 temperature back up in the house because we had
24 things to do.

25 Q. So --

1 A. And he -- what was -- we were talking
2 about Cranston.

3 Q. You were talking about Mr. Cranston. You
4 were saying that -- given that you mentioned him, I
5 wanted to make sure where he stood in the process.

6 A. I was talking about the supervisor
7 calling me back about customer service. He did not
8 leave any message on my phone saying, Mr. Painter, we
9 will get someone out there right away to get your
10 power back on this weekend. It was all about them
11 trying to save a little bit of money.

12 Q. Mr. Cranston, you were in touch with him
13 or he spoke with you after the power was turned back
14 on.

15 A. Yeah.

16 Q. Okay. Fine. Now, got that straight.

17 THE WITNESS: That was right -- Rachael,
18 what date?

19 MS. PAINTER: I spoke to Mr. Cranston on
20 March 24.

21 EXAMINER LYNN: Okay. We will have you
22 testify up here too.

23 A. This is after I called the Public
24 Utilities Commission because I wasn't going to fool
25 around with them.

1 Q. Now, you are also mentioning something
2 about a supervisor's phone call.

3 A. Yeah, on -- on Saturday which is in the
4 documents. This -- might be you, sir, sent to me
5 that they -- he called twice. I just got the
6 paperwork Saturday.

7 Q. That was before the power was turned back
8 on or after?

9 A. This would have been during Saturday --

10 Q. Which was --

11 A. -- when I tried to get ahold of -- I
12 called the police department and they wouldn't help
13 me. They gave me the phone number.

14 Q. So that was --

15 A. FirstEnergy because Ohio Edison, their
16 phone number wasn't answering.

17 Q. Okay. So that was a Saturday --

18 A. Yeah. Their supervisor already told me
19 they are not going --

20 Q. That was a Saturday in January or
21 February, Mr. Painter?

22 A. Go to the calendar here. Saturday, the
23 15th -- the 13th, was it?

24 Q. The 13th.

25 A. Right there.

1 Q. So you are saying the 13th is when you --

2 A. Come to the house that day.

3 Q. You went to the house --

4 A. We were not there all week.

5 Q. And that was the first time you realized
6 there was no power?

7 A. That's correct. That's when we noticed
8 the waterlines had broke.

9 Q. And so that's the 13th and you are saying
10 you called -- you called Ohio Edison. And are you
11 saying a supervisor --

12 A. Yeah. It took me about a half hour to
13 get the FirstEnergy -- it's FirstEnergy; it's not
14 Ohio Edison.

15 Q. Good point. So you arrived on February
16 13, 2021.

17 A. I actually called my real estate Carol
18 Barberry. She sold us the house. She's the one that
19 told us about Ohio Edison. So I called, tried to get
20 the number.

21 Q. So at any rate, the 13th was the first
22 time you realized there was no power and that's when
23 you called Ohio Edison and you are indicating a
24 supervisor called back, but you weren't able to take
25 the call at the time.

1 A. We requested a supervisor because they
2 weren't going to come out and do anything.

3 Q. At any rate you had a call back.

4 A. Yeah, twice. He left two messages but
5 didn't say anything about we will come out. I was
6 not able to get to the phone. I was busy out
7 pertaining to the generator. If you know anything
8 about generators, if you don't start them in the
9 fall, they won't start when you want them to. You
10 have got to empty all the gas.

11 It's a good thing I did that previous
12 fall because 22 miles back to Delaware to get this
13 generator. But we went over to Menard's first
14 because I was going to buy a generator then and that
15 would have been just more money. Rachael here, my
16 wife, said that we will go back and get the other one
17 so --

18 Q. Okay.

19 A. -- missed the calls but there was
20 nothing -- no message on there saying he was going
21 to, you know, send somebody out to get the
22 electricity on.

23 Q. Was there any call back number left for
24 him?

25 A. I don't think there was. I can't say for

1 sure.

2 Q. Okay.

3 A. I don't think that's -- again, if there
4 was, I probably wasn't going to call him because I
5 already was aware they weren't going to send somebody
6 out. Now, and then I even called the sheriff -- the
7 mayor's office. He gave me -- he said that's not in
8 Marion County but it's in Marion Township but I can
9 give you a few phone numbers. I call him back, and
10 he don't even return my call --

11 Q. Okay.

12 A. -- during this time.

13 Q. Let's see --

14 A. During this weekend.

15 Q. Sure. I understand.

16 A. So I am sitting up there for all three
17 days in below sub-degree temperatures. I am on
18 disability. I got a severe bad back. I have some
19 electronical knowledge. I was able to wire this
20 generator into the heater and get the heat back on
21 it, but it was down so cold it took like eight hours
22 just to get it back up to 60.

23 Q. Sure.

24 A. We couldn't stay there. We had to leave,
25 so I had to shut everything off. So then we come up

1 the next day early in the morning and go through the
2 whole process again. This is Valentine's Day which
3 we had to cancel everything. And then after that day
4 was over, we had to do the same thing again on Monday
5 because the holiday.

6 Now you understand why I am so
7 frustrated, because this is just unacceptable in my
8 mind. You know, they should have sent someone out.
9 But then Tuesday morning, oh, you know, then I had to
10 call and get someone's -- then she sends them right
11 out. It's all about saving money, technician coming
12 out there to do it is what it amounts to.

13 Q. Okay.

14 A. There was no reason to shut this
15 electricity off. And I wasn't even on the account as
16 an owner and there is something about a red flag
17 Mr. Cranston said.

18 MS. PAINTER: I will get to that.

19 Q. We will let your wife speak.

20 A. From the previous owner, something about
21 penalizing the account because of that.

22 Q. Okay.

23 A. That don't have nothing to do with me so
24 they were discriminating against me because of the
25 previous owners and that's a whole 'nother story.

1 MR. ROGERS: Objection, your Honor,
2 relevancy.

3 EXAMINER LYNN: Again, we will give it
4 the appropriate weight.

5 A. I can't believe a thing Mr. Cranston
6 says, so he ain't going to own up. Get the
7 transcripts from the conversation. But I guarantee I
8 am not lying, and you can sit there and cop an
9 attitude all you want. If you were sitting out in
10 the --

11 Q. Mr. Painter, we understand.

12 A. I don't think any of you has been through
13 what I have been through.

14 Q. No, probably not, but I do understand
15 your frustration.

16 A. This has been how long ago and I am still
17 bitter about it. It has altered my life. I am
18 still -- I only got so much money. I am not rich
19 like you people. I had a plan. I was going to move
20 in, get everything in there by June, okay? We
21 finally ended up moving in August 15. I think it was
22 right around then.

23 Q. Well --

24 A. But I couldn't -- I just -- you can't get
25 nobody to do anything.

1 Q. Well, you know, you certainty -- you went
2 through quite a bit. I don't argue with that
3 obviously. Okay. Now, I know your wife wants to
4 speak. Before she comes up here though, we'll give
5 the Ohio Edison folks a chance to ask any questions,
6 okay?

7 A. All right.

8 EXAMINER LYNN: Okay. So, Mr. Rogers.

9 - - -

10 CROSS-EXAMINATION

11 By Mr. Rogers:

12 Q. Mr. Painter, Chris Rogers from Benesch
13 Friedlander.

14 A. You will have to speak up a little.

15 Q. If you don't understand me, please ask me
16 to rephrase or speak up. I do have a habit of
17 speaking really quickly or softly.

18 EXAMINER LYNN: Unfortunately we don't
19 have microphones out here.

20 Actually now that I think about it, could
21 you maybe come stand up here? Maybe that might help.
22 Okay.

23 Q. (By Mr. Rogers) So I would like to direct
24 your attention to your Exhibit 1, the deed you
25 submitted via e-mail.

1 A. What now?

2 Q. Your Exhibit 1, the deed.

3 EXAMINER LYNN: The very first thing you
4 gave me.

5 A. Okay.

6 Q. It was a copy -- are you familiar with
7 the document you have in front of you?

8 A. The deed?

9 Q. Yes.

10 A. Yes.

11 Q. Is Exhibit 1 the entire contents of the
12 e-mail that you sent?

13 A. I am pretty sure it is, yes.

14 Q. Is there a signature on the deed?

15 A. No. And that doesn't come to you until
16 the deed -- until the title company sends you the
17 final.

18 Q. So there is no signature on the deed that
19 you sent.

20 A. That's correct. And that shouldn't --
21 that shouldn't matter.

22 Q. Is there any notary signature --

23 A. No.

24 Q. -- on the deed?

25 A. No. And again, if you know anything

1 about title companies, they don't send that until
2 three, five days after you received the closing.
3 Now, I got the original copy but that's not the
4 original copy. I did not have it in my possession.

5 Q. So is it your testimony today that
6 FirstEnergy directed you to submit the deed via
7 e-mail?

8 A. Whatever that address is they gave me,
9 that's the correct one and they denied that last time
10 I think it was because I mentioned it.

11 Q. Did they ever provide you a fax number to
12 send it to?

13 A. No, not that -- I did not get no fax
14 number. I wrote down exactly. I got the paper, the
15 original paper I wrote it on, and that's why I sent
16 it there. I don't have a fax machine.

17 Q. So it's confirmed you never submitted a
18 deed via fax to Ohio Edison.

19 A. Yes.

20 MR. ROGERS: Your Honor, I would like to
21 play a recording of Mr. Painter's phone call.

22 A. Let me say something. They might have
23 said about a fax. Go ahead and play it. Go ahead
24 and play it. But obviously I can't fax it but there
25 should be -- if it's the same conversation, it should

1 be about the fecoutbound.com.

2 EXAMINER LYNN: Mr. Painter, then you are
3 indicating apparently you did -- you scanned this, I
4 guess, and sent it in --

5 THE WITNESS: That's fine. It should be
6 something about fecoutbound. There was no way I
7 could fax it, so I sent it that way.

8 MR. ROGERS: Your Honor, a portion of
9 this call does contain his Social Security Number.
10 Either request that we skip over that or have that
11 redacted.

12 EXAMINER LYNN: We will have that
13 stricken from the record for sure.

14 MR. ROGERS: I'm not positive of the time
15 when it will be coming up.

16 EXAMINER LYNN: Okay. Now --

17 A. So you don't have it?

18 EXAMINER LYNN: He has the recording, but
19 he said the recording contains your Social Security
20 Number.

21 THE WITNESS: I don't care.

22 EXAMINER LYNN: Well, we care and that
23 won't be part of the official record, okay?

24 So, Mr. Rogers, if you could bring that
25 up here.

1 THE WITNESS: I want to say something.

2 EXAMINER LYNN: Let's go ahead and listen
3 to that.

4 (Recording played.)

5 UNIDENTIFIED SPEAKER: May I have your
6 name and service address, please?

7 MR. PAINTER: Steve Painter and the
8 address is 1028 Greenlea Drive, Marion, Ohio 43302.

9 THE WITNESS: I sound like I'm drunk.

10 UNIDENTIFIED SPEAKER: I'll be with right
11 with you, okay?

12 MR. PAINTER: Yeah. This would be a new
13 startup.

14 UNIDENTIFIED SPEAKER: Okay. You're in
15 the application department so let me get everything
16 pulled up. And do you own the property, sir, while
17 I'm waiting for things to pull up, or are you a
18 tenant?

19 MR. PAINTER: I just closed on it
20 yesterday. I own it, yes.

21 UNIDENTIFIED SPEAKER: One second.
22 Depending on the situation, we may need you to
23 provide proof of ownership, but we'll see where we go
24 from there, okay?

25 MR. PAINTER: Okay.

1 UNIDENTIFIED SPEAKER: Okay. Yes. We
2 would definitely need proof of ownership at this
3 location. I'm looking through the notes to see if
4 there's anything else. What is your --

5 THE WITNESS: Yeah, I got a question.

6 UNIDENTIFIED SPEAKER: -- Social Security
7 Number to get started?

8 THE WITNESS: It's been audited --
9 edited. She told me she had to put me on hold to
10 check.

11 MR. ROGERS: Your Honor.

12 THE WITNESS: Why doesn't it say that?

13 EXAMINER LYNN: We will -- Mr. Painter,
14 we will play the recording. We will note what you
15 said but.

16 MR. ROGERS: Your Honor, you want me to
17 skip his Social Security Number or play it?

18 EXAMINER LYNN: Well, go -- you can play
19 it. We will strike that from the record. Any public
20 record doesn't have the Social Security.

21 MR. PAINTER: (Redacted.)

22 UNIDENTIFIED SPEAKER: Thank you.
23 (Redacted)?

24 MR. PAINTER: Yes.

25 UNIDENTIFIED SPEAKER: Okay. Okay. And

1 is it S-T-E-V-E-N how you want it to appear on your
2 bill?

3 MR. PAINTER: Yes. V is fine.

4 UNIDENTIFIED SPEAKER: Okay. And then
5 P-A-I-N-T-E-R?

6 MR. PAINTER: P-A-I-N-T-E-R.

7 UNIDENTIFIED SPEAKER: T-E-R.

8 MR. PAINTER: Painter.

9 UNIDENTIFIED SPEAKER: Okay. In order --
10 go ahead.

11 In order to process your application for
12 electric service, your credit rating will be a part
13 of the process. Do I have your permission to
14 continue?

15 MR. PAINTER: Yeah.

16 UNIDENTIFIED SPEAKER: Okay. Okay. So
17 you do not receive any security deposit charges or
18 anything like that. So right now the only thing we
19 are going to need before we could proceed placing
20 service in your name is proof of that ownership, so
21 I'm going to give you -- yes, sir.

22 MR. PAINTER: Okay. What do you need?

23 UNIDENTIFIED SPEAKER: Oh, okay. A
24 copy -- you said it just transferred yesterday. I
25 will check to see if it uploaded into the system --

1 MR. PAINTER: Yes.

2 UNIDENTIFIED SPEAKER: -- if it has as
3 far as like the auditor.

4 MR. PAINTER: The previous ownership
5 canceled their service yesterday -- probably
6 yesterday. I actually take possession at 1:00 p.m.
7 of the house. That was right after the closing and,
8 yeah, just check with the Marion County Auditor.
9 They should have that or whatever you got to do.

10 UNIDENTIFIED SPEAKER: Yeah. I will
11 definitely check for you. Absolutely. If it's up
12 there, you don't have to send anything in. So
13 sometimes I know it can take about a week. So give
14 me one second. What's a good phone number for you,
15 sir, just in case?

16 MR. PAINTER: (614) 893-3079.

17 UNIDENTIFIED SPEAKER: Okay. That's
18 (614) 893-3079?

19 MR. PAINTER: Yeah.

20 UNIDENTIFIED SPEAKER: Okay. All right.
21 Give me just a few moments. Yes, sir?

22 MR. PAINTER: I have a different address
23 for the bill to be sent to the home I am in now, you
24 know, when it comes.

25 UNIDENTIFIED SPEAKER: Okay. Yeah. I'll

1 definitely go through all the details of that, but I
2 have to get this verified first, okay?

3 MR. PAINTER: Okay.

4 UNIDENTIFIED SPEAKER: All right. Just
5 one moment, please.

6 MR. PAINTER: All right.

7 MR. ROGERS: Your Honor, there's a
8 6-minute gap in the recording. Can we skip over
9 that?

10 EXAMINER LYNN: Can you forward through
11 that?

12 MR. ROGERS: I can forward through the
13 recording, if necessary.

14 EXAMINER LYNN: The gap is where --

15 MR. ROGERS: It's from 3 minutes 45
16 seconds to 9 minutes 55 seconds.

17 EXAMINER LYNN: And that's where your
18 representative is trying to find out on the auditor's
19 website?

20 MR. ROGERS: I believe that's what's
21 happening, your Honor.

22 EXAMINER LYNN: Okay.

23 UNIDENTIFIED SPEAKER: All right. I just
24 looked at the website. Unfortunately (inaudible) so
25 let me give you a fax number (inaudible).

1 Q. (By Mr. Rogers) Do you recognize that
2 recording?

3 A. No. It sounds like a bunch of scribble,
4 but I think I heard her say something about she
5 checked with the Marion -- the website, auditor's
6 website, and I already know she couldn't find it.

7 EXAMINER LYNN: Just a minute. I want to
8 pause for a moment.

9 A. That's why I sent it in.

10 EXAMINER LYNN: Karen, our court
11 reporter, I would imagine had some difficulty making
12 out the last part of that call.

13 COURT REPORTER: Yes.

14 EXAMINER LYNN: Would it be possible to
15 replay that?

16 MR. ROGERS: Yes, your Honor.

17 EXAMINER LYNN: And perhaps if you could
18 move that as close to our reporter as possible.

19 (Recording played.)

20 UNIDENTIFIED SPEAKER: All right. So I
21 just looked at the website. Unfortunately
22 (inaudible) so let me give you a fax number.

23 EXAMINER LYNN: I'm sure it's hard to get
24 everything.

25 THE WITNESS: May I ask why that's

1 scribbled like that?

2 MR. ROGERS: I do not have the answer to
3 that question.

4 THE WITNESS: That's another -- another
5 occurrence.

6 EXAMINER LYNN: Okay.

7 Q. (By Mr. Rogers) Mr. Painter, it's your
8 testimony they provided you an e-mail address?

9 A. Which now?

10 Q. Is your testimony they provided you an
11 e-mail address to?

12 A. Whatever that -- to me that's an e-mail
13 address.

14 Q. Fax number is an e-mail address?

15 A. No. There's no -- I've never heard a fax
16 number being called an e-mail address. I don't know
17 what's exactly your question. To me when she -- I
18 wrote down FEC. I probably even repeated it. It
19 should be on that.

20 EXAMINER LYNN: So, Mr. Painter, you are
21 saying --

22 THE WITNESS: That's an e-mail. She told
23 me send it there.

24 EXAMINER LYNN: Hold on. So you are
25 saying when you had this conversation, you called in

1 initially to start up service, that you were provided
2 not a fax number but an e-mail address to send the
3 deed to.

4 THE WITNESS: I am saying that she
5 provided me with an fecoutbound. I don't have any --
6 I don't have any way to find that out. That's the
7 only way.

8 EXAMINER LYNN: At any rate --

9 THE WITNESS: She had to tell me.

10 EXAMINER LYNN: -- you don't recall being
11 given a fax number.

12 THE WITNESS: No, I do not.

13 EXAMINER LYNN: Mr. Rogers.

14 THE WITNESS: Fax number is a phone
15 number, correct, with digits?

16 Q. (By Mr. Rogers) It has digits, correct.
17 So you never received -- is your testimony you never
18 received a set of numerical digits to send your deed
19 to?

20 A. No.

21 EXAMINER LYNN: Okay.

22 Q. After you submitted your deed via e-mail,
23 did you receive any other communications from Ohio
24 Edison?

25 A. No, I did not, just that one there.

1 Q. Did you ever receive a confirmation
2 e-mail that your account has been accepted?

3 A. Just that paper there that says we
4 received your account which was 8 minutes after I
5 sent the deed.

6 EXAMINER LYNN: Mr. Painter is referring
7 to Painter Exhibit 2, the paper there that says we
8 will contact you.

9 Q. (By Mr. Rogers) And did you ever receive
10 anything from them?

11 A. No.

12 Q. Did you submit a web request for
13 services --

14 A. Yes.

15 Q. -- around 10:20? Was that before or
16 after you called --

17 A. Because I wasn't satisfied with the
18 service.

19 Q. Mr. Painter, if you would allow me to
20 finish my question first before you answer, I would
21 greatly appreciate it. It would also help the court
22 reporter, okay? So if you -- why -- why did you
23 submit a web request after submitting your online --
24 your telephonic request?

25 A. I sent the deed, okay? I wanted to make

1 sure -- let's back up. I wanted to make sure -- like
2 I said, I wasn't satisfied with the service. I
3 wanted to make sure so there wouldn't be any
4 problems. They didn't say anything about not being
5 able to do that. I wanted to make sure they got all
6 the information again just because I wasn't satisfied
7 with the service. I doubled basically. I wanted to
8 make sure they got the information, simple as that.

9 Q. Did you ever receive confirmation from
10 them your application had been accepted?

11 A. Just that paper there.

12 MS. PAINTER: Yes. No. In my notes.

13 MR. ROGERS: You will have your chance.

14 EXAMINER LYNN: You will have an
15 opportunity.

16 Q. (By Mr. Rogers) Do you have a copy of
17 Exhibit 2 in front of you.

18 EXAMINER LYNN: Again, that's your -- the
19 top of the page it says "Ohio Edison Move In
20 Request."

21 THE WITNESS: I probably left it over
22 there.

23 EXAMINER LYNN: Go ahead.

24 THE WITNESS: Let me get it, the original
25 copy.

1 A. Yeah, it's right here. Okay.

2 Q. Can you read that first line after "Dear
3 Steven D Painter"?

4 A. Says "Ohio Edison has received your
5 inquiry and will receipt -- and will respond within
6 two business days." That's all I need to read.

7 Q. Did you ever receive any response from
8 Ohio Edison in response to that?

9 A. No. It's got a number up here. It says
10 "If at any time you need to contact us about this
11 request, please reply."

12 Q. Did you contact Ohio Edison any time
13 before February 13 regarding your service?

14 A. Shouldn't have been anything after this.
15 This was all I needed to hear.

16 EXAMINER LYNN: So, Mr. Painter, I have a
17 question. So you indicated that you initially made a
18 telephone call to Ohio Edison, and they were telling
19 you to fax in information.

20 THE WITNESS: Not fax.

21 EXAMINER LYNN: Well, I mean send,
22 e-mail, okay. Now, then we look at this Exhibit 2
23 about a move in request. Apparently then after that
24 telephone call, you try to start up service via
25 electronic request; am I right?

1 THE WITNESS: Yeah, because, see, I'm not
2 real phone savvy.

3 EXAMINER LYNN: Right.

4 THE WITNESS: This is what this pertains
5 to, that deed. I had to take a picture of the
6 phone -- the deed on my phone and send to my own
7 e-mail, okay?

8 EXAMINER LYNN: Okay.

9 THE WITNESS: I sent it to the address.
10 I wasn't sure if they got it, okay? So I -- again, I
11 just wasn't -- I was making sure that I sent
12 everything in to make sure this wouldn't happen.

13 EXAMINER LYNN: Okay.

14 THE WITNESS: This is all I received.

15 EXAMINER LYNN: Right.

16 THE WITNESS: I can't recall if I called
17 after this. I don't think I did, no, because I -- if
18 that was the question. I didn't try to contact them
19 after that. As far as I know, it was in my name.
20 They received the deed. I got this. It says we
21 received your request and that's pretty much where we
22 was at. And then come -- like I said, they have my
23 phone number. They have my Social Security Number.

24 EXAMINER LYNN: Sure. So after the
25 telephone call then where you were told to send in

1 information, then you tried to start up service with
2 the e-mail.

3 THE WITNESS: Yes. I sent that deed to
4 the e-mail.

5 EXAMINER LYNN: I see. And this -- this
6 Exhibit 2 then, is that what you are saying you
7 received after you sent --

8 THE WITNESS: After I sent the e-mail.

9 EXAMINER LYNN: After you sent the
10 information --

11 THE WITNESS: Probably tried to open up
12 an account.

13 EXAMINER LYNN: I see. Because you were
14 figuring maybe --

15 THE WITNESS: That they didn't get it,
16 just in case --

17 EXAMINER LYNN: Or you were checking to
18 see if it was received, maybe you could start up
19 service.

20 THE WITNESS: You know, making sure they
21 get everything they need so they don't shut off my
22 electric.

23 EXAMINER LYNN: Right. I'm referring to
24 if it was received. I'm referring to the deed.
25 Okay. Just for our court record.

1 Go ahead, Mr. Rogers.

2 THE WITNESS: But Ohio Edison is claiming
3 it was not in my name.

4 MR. ROGERS: Objection, your Honor.

5 THE WITNESS: They didn't receive any of
6 this.

7 MR. ROGERS: There is no question
8 pending.

9 THE WITNESS: Go ahead.

10 EXAMINER LYNN: Go ahead.

11 Q. (By Mr. Rogers) Can you read the e-mail
12 address on the top of Exhibit 2?

13 A. Can you speak up, sir?

14 Q. Can you read the e-mail address at the
15 top of Exhibit 2?

16 A. That is the one where they said -- okay.
17 It's from feccustomerservice@firstenergy.com --
18 corp.com.

19 Q. Is that feccustomerservice --

20 A. Yes.

21 Q. -- or fecustomerservice?

22 A. It's, fe which means FirstEnergy. I
23 would assume that's the acronym.

24 Q. Is that the same e-mail address you sent
25 your deed to?

1 A. No. The deed I sent to -- was the
2 fecoutbound. That's the -- that's -- what are we
3 calling it, the web address -- e-mail address she
4 gave me.

5 Q. And who is she?

6 A. The lady there on the phone call.

7 Q. The representative -- so you are --

8 A. What's her name? Started with a K. She
9 pronounced it there on the first phone call.

10 EXAMINER LYNN: Mr. Rogers, you're saying
11 then the representative on that telephone call was
12 saying send the deed information to -- to be --

13 MR. ROGERS: No. She gave him a fax
14 number, not an e-mail address, your Honor. I'm not
15 saying she directed him to submit via e-mail at all.

16 A. It has to be on that first phone call
17 because there would be no reason for me to call back
18 and ask again for the information unless she didn't
19 provide it, but I got it written down on the first
20 paper that I called.

21 Q. (By Mr. Rogers) Did you receive an
22 e-mail, any response from Ohio Edison after this
23 January 21, 2021, e-mail 10:20 a.m.?

24 A. Again, we are backing up here. I didn't
25 receive anything else besides that right there.

1 EXAMINER LYNN: Sure.

2 Q. What's that that you are referring?

3 EXAMINER LYNN: He is referring --

4 A. "The Ohio Edison has received your
5 inquiry and will respond."

6 Q. Did you ever see an e-mail from
7 feccoutbound@firstenergycorp.com?

8 A. Not that I'm aware of, no. Now, see,
9 again on the first deposition, that e-mail address
10 wasn't even stated that I even sent it to. So
11 obviously you picked that up from her voice.

12 EXAMINER LYNN: Mr. Rogers, again --

13 THE WITNESS: I mean, she didn't type
14 that in for me to read. She obviously verbally told
15 me that.

16 EXAMINER LYNN: So again, you are saying
17 that the -- when you made the telephone call, you --
18 the address you were given to fax the warranty deed
19 into was the fecoutbound.

20 THE WITNESS: The deed was sent to that.
21 She obviously verbally told me to send it there. I
22 would have no way to find out that address.

23 EXAMINER LYNN: Okay.

24 Q. (By Mr. Rogers) Do you recall getting a
25 set of discovery requests in this matter?

1 A. What?

2 Q. Discovery requests asking for you to
3 produce documents in response.

4 A. A discovery request?

5 EXAMINER LYNN: Yes. If you could --

6 A. Pertaining to?

7 Q. I sent you a document which asked you to
8 submit several documents including documents that you
9 wanted -- you were going to use at this hearing.

10 A. I received a package Saturday in the
11 mail, and it still needs filled out. I didn't have
12 time to do it.

13 Q. You haven't responded to those.

14 A. Yes. I just received it Saturday. Today
15 is Monday.

16 MS. PAINTER: Right, because I think you
17 sent it to the wrong address.

18 A. I will fill that out, and I can send it
19 to you, yes.

20 Q. I believe your wife said it was sent to
21 your old address.

22 A. That's correct. It was sent to the old
23 address, and the post office in Marion sent it
24 directly to my house. Just -- because they take a
25 picture and say it's going to be here today like they

1 are doing today from the galley regions doesn't mean
2 it's going to get there that day, just to let you
3 know. Unless you sign for it and date it, that's the
4 only way you know it came that day.

5 THE WITNESS: It came Saturday, wasn't
6 it, Rachael?

7 Q. (By Mr. Rogers) And do you know what your
8 official service address is in this matter?

9 A. My official service address? I gave them
10 1028 Greenlea Drive for my service to start, and I
11 told them which you have on that recording right
12 there. I am not at that address. I was at a
13 different address, 261 Cottswald Drive, which I think
14 is on the record you heard to send the bill to. I
15 think it was. I think I even said that.

16 Q. It was your testimony you never responded
17 to that.

18 A. Sir?

19 Q. You never responded to those requests.

20 A. Which requests?

21 Q. To produce documents.

22 A. I just received that Saturday. I haven't
23 gotten a chance to respond to it.

24 Q. Can I direct your attention to Exhibit 3.

25 EXAMINER LYNN: And that's the exhibit

1 that is your February 2021 calendar.

2 THE WITNESS: Yeah.

3 Q. (By Mr. Rogers) And did you create this
4 exhibit?

5 A. I printed this off, yes.

6 Q. Did you write in the handwritten notes?

7 A. Yes.

8 Q. What was the purpose of writing in those
9 notes?

10 A. So for record to reference and to -- for
11 memory.

12 Q. And do you have personal knowledge of
13 each event on this?

14 A. Yes. And so does my wife, my whole
15 family. But, yes, I do. OEC turned off electricity
16 on the 9th. I gathered that information from the,
17 you know -- from phone calls I talked to.

18 Q. So this is not based on your personal
19 knowledge. It's based on other outside information.

20 A. Yes, authorities.

21 Q. And you have no way to testify to the
22 voracity of that information you received?

23 A. I didn't hear the last part.

24 Q. You have no personal knowledge --
25 rephrase. You have no personal knowledge of every

1 event on this calendar.

2 A. Not -- it's -- yes, I have personal
3 knowledge of every event on this calendar.

4 Q. So you know for a fact that the
5 electricity was turned off on February 9?

6 A. Well, that's what they told me.

7 Q. It's based on what people told you.

8 A. From Ohio Edison.

9 Q. And why do you have 20 degrees almost
10 every day?

11 A. I did just like I said at the beginning,
12 that's just for reference. You would have to
13 actually check the records with the news and all
14 that, but it was in that -- it was in that degrees.

15 Q. Did you measure -- did you look at the
16 thermometer each day from February 9 through
17 February 16?

18 A. No, but I know it was cold enough to
19 break the lines.

20 Q. But you did not check?

21 A. So it has to be shut off for quite some
22 time and below freezing.

23 Q. But you did not check?

24 A. 32 degrees at our atmospheric pressure.

25 Q. Mr. Painter, you did not check the --

1 A. I got a fish tank thermometer, and one
2 day it was 18 I think it was. I didn't look at it
3 after that because I know it was too cold, and I was
4 very upset when we got there Saturday. It would have
5 been on Saturday I looked at it. That's a digital
6 thermometer. I still have it. It doesn't keep a
7 record. But, you know, wife Rachael noticed it right
8 away that the lines were broke.

9 MR. ROGERS: Your Honor, we would move to
10 strike Exhibit 3 as not based on his personal
11 knowledge.

12 A. I don't understand personal knowledge.
13 What personal knowledge can you get? It's my
14 reconciliation exactly what happened. As far as the
15 temperature, yeah, I don't know for sure. I don't
16 have a news -- a document from the news company. But
17 anybody that knows that weekend, Valentine's Day,
18 probably in Columbus too, it snowed like -- it
19 snowed --

20 EXAMINER LYNN: Mr. Rogers, I think we'll
21 admit the exhibit, or we won't strike it, but we will
22 take into account that, you know --

23 THE WITNESS: They are below freezing.

24 EXAMINER LYNN: Whoa. Mr. Rogers -- hold
25 on.

1 THE WITNESS: It had to be in that
2 temperature range, or it wouldn't have froze.

3 EXAMINER LYNN: Let me finish, okay? We
4 won't strike the exhibit. We will take into account
5 that Mr. Painter was recording what he believed to be
6 a close temperature, maybe not precisely accurate but
7 that as far as when he wrote in matters of when power
8 was turned off, when it was turned back on, you know,
9 that was to the best of his knowledge.

10 We will take into account that as far as
11 the temperature goes, he wasn't measuring it every
12 day. He was trying to do the best estimate that he
13 could.

14 THE WITNESS: Well, there would be no way
15 to document or record. The only way -- how would I
16 record it, you know, except write it down? You can
17 see it's 20 degrees across the Board. That was down
18 in that area.

19 EXAMINER LYNN: Okay.

20 MR. ROGERS: Your Honor, may I approach
21 with an exhibit?

22 EXAMINER LYNN: Certainly. Yes.

23 Q. (By Mr. Rogers) I will hand you what's
24 been marked as Exhibit A.

25 EXAMINER LYNN: This would be Ohio Edison

1 Exhibit A and that's the testimony of Ohio Edison's
2 witness.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MR. ROGERS: This is actually --

5 A. This would have been what I received
6 Saturday.

7 Q. Do you recognize this document? Do you
8 recognize this document?

9 A. Yeah. I received it Saturday. It looks
10 like the same document.

11 Q. And what document is it?

12 A. It's from -- I think Ohio Edison
13 Company's response to me. It came in an envelope
14 that's addressed from -- was it you? Again, I
15 haven't got a chance to fill it out. I looked
16 through it briefly.

17 EXAMINER LYNN: And my mistake. This is
18 Exhibit 1. Actually I was thinking it was a copy of
19 the Company's testimony.

20 MR. ROGERS: No, your Honor.

21 EXAMINER LYNN: It's actually the request
22 for information from the Company to Mr. Painter.

23 A. So are we going to go through this here?

24 Q. We are not. I want to be --

25 A. Then I would -- that would supercede to

1 my knowledge what I received in the mail, not have to
2 fill it out because I am very busy which I am going
3 to make time to fill that out and send it to you. If
4 we are going to go over it now, there is no need to
5 fill it out as far as I'm concerned.

6 Q. I am not going to go over it now. I
7 wanted to confirm the title, the caption of this on
8 the first page, the bolded highlighted section, says
9 "Ohio Edison Company's First Set of Requests for
10 Admission to Complainant"; is that accurate?

11 A. "Ohio Administrative Code, Ohio Edison
12 Company propounds."

13 Q. It's the bolded section right above that
14 paragraph that you were reading. Right there.

15 A. The first page here.

16 Q. First page right here.

17 A. It says from "Ohio Edison" --

18 Q. I am --

19 A. -- "Company's First Set of Requests for
20 Admission to Complainant."

21 Q. Okay.

22 A. Okay.

23 Q. You said that your -- you had a problem
24 with your pipes; is that accurate?

25 A. Yes.

1 Q. Did you -- what happened to your pipes?

2 A. They -- the one upstairs in the bathroom
3 and the toilet valve and underneath the sink busted
4 in the same bathroom which I have my contractor's
5 papers which I can prove, produce. I wasn't aware of
6 everything that was busted at the time until I had a
7 contractor -- I first called the insurance company.
8 And I think the appraiser comes out and looks at it.
9 Dan Cox I think was his name. And I took him to
10 where I seen the leaks happening, and he verified it.
11 He documented it all down. I have all them papers.

12 Q. Did the insurance company compensate you
13 for these leaks?

14 A. Yeah, after a thousand dollar deductible.

15 Q. Did you contact the water company
16 regarding your pipes?

17 A. No. I -- I shut off the water myself.
18 Of course. I mean, I am not going to let it run, you
19 know. It's freezing in the house and it's leaking
20 and, you know, I shut it off myself. You own a house
21 you should know where your main water line is at, but
22 even with it being shut off, it continues to drip
23 and, you know, got pressure in the lines.

24 And it's hard to say exactly how much
25 water, but it could have been -- it could have been

1 10 times worse. My main aggravation is that the, you
 2 know, cumulative damages, the outcome, the things
 3 that it's cost me. You know, I had to pay for months
 4 rent, everything that's involved in when someone's
 5 electricity gets shut off in that type of
 6 temperatures and when you have a plan to get in there
 7 by -- you know, I told the insurance -- I think it
 8 was at the closing I would be in there within a
 9 couple weeks. They wanted to know when you were
 10 going to occupy the house, you know.

11 MR. ROGERS: I have no further questions.
 12 Thank you, your Honor.

13 EXAMINER LYNN: All right. Mr. Painter,
 14 thank you for your comments. You can take your seat
 15 for the time being.

16 THE WITNESS: Okay. Thank you.

17 EXAMINER LYNN: And we will have
 18 Mrs. Painter, Rachael Painter, come up here.

19 (Witness sworn.)

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RACHAEL PAINTER

being first duly sworn, as prescribed by law, was
examined and testified as follows:

DIRECT EXAMINATION

By Examiner Lynn:

Q. Mrs. Painter, if you could adjust the
microphone as close to you as possible.

A. Yes. I can talk loud.

Q. Well, microphone helps too. Thank you.

A. Okay. I have a few things to say.
First, I want to submit this evidence. This is a
copy of the envelope that we just got Saturday, and
it clearly shows the post office put the sticker on
there to our -- the address at Greenlea, and we have
no control over how long it takes the post office to
get the mail to us when it is sent to the incorrect
address so. I don't know if you.

Q. Well, we can call that --

A. I know it's dated 10-22 but that only
gives them seven days and the post office does
take -- it's called snail mail for a reason.

EXAMINER LYNN: We can call it Painter
Exhibit 4.

(EXHIBIT MARKED FOR IDENTIFICATION.)

Q. (By Examiner Lynn) It's basically the

1 envelope with the -- it actually contains Exhibit A
2 for the Company.

3 A. Yeah.

4 EXAMINER LYNN: And it -- it is dated
5 October 11 and the Painters are indicating that it
6 was sent to their prior address, not to the Greenlea
7 Drive address and that they just received it Saturday
8 which would have been October 29. So I will make a
9 copy of this for the court reporter later.

10 Q. (By Examiner Lynn) But thank you. Okay.
11 Please go ahead.

12 A. Okay. One thing I would like to point
13 out on that recording, that phone call recording, I
14 did not hear --

15 MR. ROGERS: Objection, your Honor. She
16 doesn't -- she wasn't on that phone call. She
17 doesn't have personal knowledge.

18 THE WITNESS: No, I wasn't.

19 MR. ROGERS: She is testifying as an
20 expert interpreting facts, but she doesn't have any
21 personal knowledge of. She never submitted any
22 expert testimony.

23 EXAMINER LYNN: Let's see what
24 Ms. Painter has to say about that call.

25 A. All I have to say is I could not hear --

1 I will say I was not on the phone call. I was not in
2 the room when he made the phone call. But during the
3 recording, I could not hear her give him any fax
4 number at all, so I just wanted to put that on the
5 record.

6 Q. All right.

7 A. And it's very fuzzy, you know, second.

8 The next thing I wanted to talk about is
9 I want to just kind of talk about a timeline with
10 Mr. Mark Cranston which is the investigator with Ohio
11 Edison/FirstEnergy.

12 MR. ROGERS: Objection, your Honor.
13 What's the relevance of this? I mean, he is a claims
14 investigator and this is a service complaint.

15 EXAMINER LYNN: Well, Mr. Rogers, I don't
16 think -- when there was mention made of Mr. Cranston
17 previously, I don't recall you objecting then.

18 MR. ROGERS: I'm objecting now, your
19 Honor.

20 EXAMINER LYNN: And again why?

21 MR. ROGERS: I don't see the relevance of
22 the claims investigation process to a service
23 complaint.

24 A. What I have to say I think would -- I
25 think is relevant what I have to say about the

1 conversation I had with him because I had that
2 conversation.

3 Q. Well, Mrs. Painter, that occurred after
4 the power was turned back on and so forth. Why do
5 you think that that would be appropriate here?

6 A. Because Mr. Cranston told me on my
7 conversation with him --

8 MR. ROGERS: Objection, your Honor.
9 That's hearsay.

10 MR. PAINTER: It's pertinent because it
11 shows his deceitfulness, again, the whole way Ohio
12 Edison works. Is that right, Rachael?

13 Q. (By Examiner Lynn) Well, I will say this,
14 we allowed some testimony from your husband about
15 Mr. Cranston previously. And it's true that that --
16 it did occur after the power was turned on. I think
17 in this case we will say no to that, to repeating his
18 comments at this time.

19 But what other thoughts do you have about
20 the situation? Are Mr. Cranston's comments the only
21 additional things you wanted to add?

22 A. Well, I think I needed to add something
23 about that conversation. I won't go into all of it
24 since you don't want all of it, but it was told to me
25 by Mr. Cranston --

1 MR. ROGERS: Objection, your Honor,
2 hearsay.

3 A. Well, this is the conversation I had with
4 Mr. Cranston. I don't understand how that could be
5 hearsay. Isn't hearsay when you hear it from another
6 person?

7 MR. ROGERS: He is not here in court to
8 say what he said or not said.

9 A. Shouldn't he have been brought here then?

10 Q. Well, he was actually not part of the
11 process, you know, from the time you bought the home
12 and the time the power was turned on. He was part of
13 the process afterwards.

14 A. Well, I feel -- I'll say this, I feel
15 that they are doing some objections because of what I
16 have to say, and I don't think they want it said.

17 Q. Well, we'll let that be said, but we will
18 take into account that occurred after the power was
19 turned back on.

20 A. Uh-huh.

21 Q. So go ahead but we will take into
22 account, give it the appropriate weight because it
23 was after the power was turned back on.

24 A. Okay. March 24, Mr. Cranston told me
25 that there -- when we called there was a red flag put

1 on the account because of the previous owners. They
2 never know when -- I guess they were delinquent on
3 their account, and he said that to me in a roundabout
4 way because he said he legally could not come out
5 with that.

6 MR. ROGERS: Objection.

7 Q. Hold on. Your thought -- your concern
8 here was the status of the account before you folks
9 bought the home.

10 A. Was in a delinquent state.

11 Q. Right. And I believe that actually
12 something similar to that, maybe not those exact
13 words, is contained in the testimony filed by
14 FirstEnergy for its witness. So I think without you
15 having to say anything further, we'll actually have
16 that matter addressed by FirstEnergy's witness about
17 this matter, how the account was prior to you buying
18 the home. Then you will have the opportunity to ask
19 some questions about that --

20 A. Okay.

21 Q. -- when FirstEnergy's witness is on the
22 witness stand, okay? So with that being said, is
23 there anything else you might want to mention about
24 the process?

25 A. Well, I just would like to elaborate on

1 that. I just -- I have more to say.

2 Q. About? About the whole --

3 A. I was told that there was a red flag put
4 on the account. They were delinquent and that -- any
5 time there is a new setup when they are requesting --
6 like if somebody is calling in and it's a new setup
7 and the current account is delinquent linked to that
8 particular address home --

9 Q. Correct.

10 A. -- they get suspicious that they are just
11 trying to flip it and maybe to a spouse's name or
12 something like that to avoid, you know, being shut
13 off or something like that and that's exactly what he
14 said to me.

15 Q. Well, that's an understandable question.
16 I think that's something -- that matter is something
17 you can address to FirstEnergy's witness when they
18 are on the witness stand.

19 MR. PAINTER: Can I say something?

20 EXAMINER LYNN: Mr. Painter, what
21 question do you have?

22 MR. PAINTER: Again, whose account --
23 whose name is on this account?

24 EXAMINER LYNN: Well, again --

25 MR. PAINTER: Are they shutting it off

1 because of the Triplets or because of the previous
2 owners?

3 EXAMINER LYNN: Again, I think that's
4 something that we can better -- hopefully get some
5 details on when FirstEnergy's witness is up on the
6 witness stand.

7 MR. PAINTER: Okay.

8 EXAMINER LYNN: Okay?

9 A. I guess I just have one other question.

10 Q. All right.

11 A. You were saying that a second e-mail was
12 sent to us. So my question is why would we call
13 right back after we just got done hanging up with a
14 telephone conversation? If we -- if you supposedly
15 sent us an e-mail, please contact us, why would we
16 call right back 10 minutes or 20 minutes later right
17 after we just hung up with you? That makes no sense
18 and I think that is terrific customer service. Why
19 would we do that? That doesn't make sense. It
20 should be a one and done phone call.

21 MR. ROGERS: Objection, speculation.

22 Q. (By Examiner Lynn) Mrs. Painter, I will
23 ask you -- well, I will ask some questions that will
24 better clear up what you are trying to say. You are
25 indicating that the warranty deed was e-mailed in to

1 FirstEnergy, and then I believe you are referring to
2 this, your Exhibit 2?

3 A. Correct.

4 Q. You are referring to that. The 2 which
5 is a -- which is an e-mail you received, I believe
6 your husband said, after he had tried to activate the
7 account electronically instead of talking to someone.
8 And your -- are you saying that after you got this
9 e-mail, Exhibit 2, saying Ohio Edison received your
10 inquiry and will respond and so forth, are you saying
11 you telephoned them again?

12 A. No. I'm saying why would we have called
13 them back? I guess it's a question for them.

14 Q. So apparently what you are trying to say
15 is you faxed in the warranty deed.

16 A. E-mailed, e-mailed.

17 Q. I mean, my mistake, e-mailed. Okay.
18 E-mailed it in and you received this reply and you
19 are saying -- you are saying, well, you know, we
20 would have no reason to contact Ohio Edison further
21 because we got this e-mail reply.

22 A. Right. We sent our information. Why --
23 even if they would have sent us a second e-mail,
24 which I don't believe we got, but why would we have
25 even responded when we just got off the phone with

1 them?

2 Q. Okay.

3 A. That does not make sense.

4 EXAMINER LYNN: All right. Okay.

5 Mr. Rogers, do you have any questions?

6 MR. ROGERS: One second, your Honor.

7 EXAMINER LYNN: Sure.

8 THE WITNESS: I do have one other thing
9 to say.

10 EXAMINER LYNN: Well, okay.

11 THE WITNESS: Sorry.

12 EXAMINER LYNN: How about this, go ahead
13 and ask your questions, Mr. Rogers, and then we
14 will -- we'll let --

15 - - -

16 CROSS-EXAMINATION

17 By Mr. Rogers:

18 Q. Ms. Painter, do you have access to the
19 e-mail address spainter01@yahoo.com?

20 A. If I want to get on there, I can, but I
21 don't normally get on there.

22 Q. Have you ever checked to see whether you
23 received a follow-up e-mail?

24 A. No. I don't normally go through my
25 husband's e-mails.

1 Q. So you never checked whether there was a
2 second e-mail from Ohio Edison?

3 A. No. I don't normally check my husband's
4 e-mails. If he wants me to look at something, I will
5 look at them.

6 Q. When you said you are testifying
7 regarding the recording, did you hear an e-mail
8 address given?

9 A. I couldn't hear. It was too staticky.

10 Q. Did you hear an e-mail address given?

11 A. No, I could not hear. It was too
12 staticky.

13 MR. ROGERS: No further questions, your
14 Honor.

15 EXAMINER LYNN: All right. Thank you.

16 MR. PAINTER: You were at work, Rachael.

17 EXAMINER LYNN: Okay. I believe --

18 THE WITNESS: Well, we requested a copy
19 of that phone recording in our last hearing, and we
20 could not get it.

21 MR. ROGERS: Objection, your Honor.

22 THE WITNESS: They wanted us to do a
23 motion.

24 MR. ROGERS: Settlement conference.

25 THE WITNESS: We don't have it.

1 EXAMINER LYNN: I understand that. I'll
2 agree to the objection, but we've heard it today, and
3 you're indicating part of the call was not, you know,
4 clearly understandable to you, the last part.

5 THE WITNESS: Uh-huh.

6 EXAMINER LYNN: Okay. Which was then
7 after apparently, what, a 6-minute gap while the
8 FirstEnergy representative was checking on warranty
9 deeds, checking on whether it was recorded at the
10 county auditor's office.

11 THE WITNESS: How do I know there's not
12 anything missing in that 6 minutes?

13 EXAMINER LYNN: Well, I understand. All
14 right. Thank you. All right. You can take your
15 seat.

16 THE WITNESS: Thank you.

17 EXAMINER LYNN: We will proceed with
18 FirstEnergy -- or Ohio Edison.

19 MR. ROGERS: Your Honor, we call Princess
20 Davis to the stand.

21 EXAMINER LYNN: Okay. Ms. Davis, if you
22 would raise your right hand, please.

23 (Witness sworn.)

24 EXAMINER LYNN: Actually, as with the
25 other witnesses, if you will get as close to the

1 microphone as possible. Thank you.

2 - - -

3 PRINCESS DAVIS

4 being first duly sworn, as prescribed by law, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Rogers:

8 Q. Ms. Davis, can you state and spell your
9 name for the record.

10 A. Yes. My name is Princess Davis. It's
11 P-R-I-N-C-E-S-S.

12 Q. By whom are you employed?

13 A. FirstEnergy.

14 Q. And what is -- what capacity are you
15 employed by FirstEnergy?

16 A. I am an Advanced Customer Service
17 Specialist.

18 MR. ROGERS: Your Honor, I am going to
19 hand what's been marked as Company Exhibit B, her
20 filed direct testimony.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 Q. (By Mr. Rogers) Ms. Davis, do you
23 recognize this document that has been handed to you
24 as Exhibit B?

25 A. I'm sorry?

1 Q. Do you recognize this document that's
2 been handed to you as Exhibit B?

3 A. Yes, I do.

4 Q. What is it?

5 A. It is my filed testimony for this case.

6 Q. And did you prepare this document or
7 cause it to be prepared?

8 A. Yes.

9 Q. And if you were asked the same questions
10 today that are posed in this document, would your
11 answers be the same?

12 A. Yes.

13 MR. ROGERS: Your Honor, I would like to
14 move Exhibit B, the direct testimony that was
15 previously filed, into evidence.

16 EXAMINER LYNN: We'll -- when the
17 testimony is over, we will ask -- we'll admit it.

18 MR. ROGERS: You want to go through her
19 testimony or just?

20 EXAMINER LYNN: Well, I guess you did ask
21 whether any of her testimony changed, correct?

22 MR. ROGERS: Yes.

23 EXAMINER LYNN: Okay. Before we admit
24 anything, I wanted to ask Mr. Painter. Mr. Painter,
25 do you need a few minutes to go through this exhibit?

1 MS. PAINTER: Yes, yes. We want to read
2 this a little bit.

3 EXAMINER LYNN: Okay. Well, we'll pause.

4 MS. PAINTER: Is this the same thing
5 that's in that envelope?

6 MR. PAINTER: No.

7 EXAMINER LYNN: Okay. Mr. Rogers, I
8 understand why you want -- what you are asking, but
9 the Painters, I believe, had not read through this
10 before. So we'll pause for a few minutes. We will
11 go off the record and let them read through it, and
12 then we can continue from there.

13 MR. ROGERS: And for the record, your
14 Honor, this was sent to the service address on file
15 with the Commission.

16 EXAMINER LYNN: Okay. All right. Thank
17 you.

18 Karen, we will just go off the record for
19 a few minutes.

20 (Discussion off the record.)

21 EXAMINER LYNN: We can go back on the
22 record.

23 Mr. Rogers, do you have -- I believe you
24 were asking your witness if she would change any of
25 the statements that were made in her testimony. The

1 answer was no. And I think you had an additional
2 question or?

3 MR. ROGERS: Let me go back.

4 Q. (By Mr. Rogers) Do you have any -- were
5 any of the answers to questions posed in here
6 changed?

7 A. No.

8 MR. ROGERS: The next question is whether
9 we could move into evidence without going through
10 each question.

11 EXAMINER LYNN: I don't think you need to
12 go through each question. What I customarily will do
13 is have the other party ask their questions first,
14 and then we decide whether we admit it into evidence
15 or not.

16 MR. ROGERS: I do have some follow-up
17 questions based on some of the previous testimony of
18 the Painters.

19 EXAMINER LYNN: Okay. Go ahead. Thank
20 you.

21 Q. (By Mr. Rogers) Ms. Davis, you were here
22 when we played the recording of Mr. Painter's call on
23 January 21 to Ohio Edison.

24 A. Yes.

25 Q. Have you heard that recording before?

1 A. Yes.

2 Q. Where did you hear it?

3 A. In the course of my investigation for the
4 preparation for the testimony and the hearing.

5 Q. Did you notice anything changed or
6 altered about that testimony?

7 A. No.

8 Q. Is that the same testimony or same
9 recording that is in Ohio Edison's possession?

10 A. Yes.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 Q. I would like to hand you what's been
13 marked as Company Exhibit C.

14 MR. ROGERS: Your Honor, I only have
15 three copies of this.

16 EXAMINER LYNN: I can make an extra copy.

17 MR. ROGERS: I would like to have the
18 Painters to have a copy.

19 EXAMINER LYNN: I can make an extra copy.

20 MR. ROGERS: Okay.

21 EXAMINER LYNN: If you hand them a copy,
22 do you have anything to ask questions from?

23 MR. ROGERS: I can use our copy.

24 EXAMINER LYNN: That's fine. Thank you.

25 Q. (By Mr. Rogers) I have just handed you

1 what has been marked as Company Exhibit C. Do you
2 recognize this document?

3 A. Yes.

4 Q. What is it?

5 A. It is a copy of our contact -- customer
6 contact history from our call center.

7 Q. I would like to direct you to page 3.

8 A. I'm sorry. Did you say page 3?

9 Q. Page 3. I believe this is in reverse
10 chronological order; is that correct?

11 A. Yes.

12 Q. On the bottom of the page at 9:22 there
13 is an entry. What is that entry?

14 A. That is our initial contact with
15 Mr. Painter requesting service.

16 Q. And what was the status of his service
17 after that?

18 A. Service -- service was denied awaiting
19 additional information.

20 Q. And was -- do you know what additional --
21 based on this do you know what additional information
22 was needed?

23 A. Proof of ownership.

24 Q. And what was the next contact?

25 A. The next contact was a move in web

1 request.

2 Q. And what time did that occur?

3 A. At 10:20 a.m.

4 Q. And did you -- were you here when
5 Mr. Painter presented his Exhibit 2?

6 A. Yes.

7 Q. Is there any relationship between
8 Exhibit 2 and that entry?

9 A. The automated system would go out just to
10 notify them that we received this request, and then
11 an agent would follow up on that.

12 Q. And what happened after that e-mail was
13 sent out?

14 A. At 10:38, a self-service representative
15 reviewed the move in request through the web. She
16 was unable to process the application, so an e-mail
17 went back out to Mr. Painter advising in order to
18 place service in his name, he would need to contact
19 our customer service department.

20 Q. And what else was provided in that e-mail
21 above his name?

22 A. I'm sorry, what?

23 Q. Was there any additional information
24 provided in that e-mail?

25 A. It does say that the following e-mail was

1 sent to the customer, please do not reply to this
2 automated confirmation message.

3 Q. Was a please do not reply to this
4 automated confirmation message, was that included in
5 part of the e-mail?

6 A. Yes.

7 Q. And what e-mail address was it sent from?

8 A. Sent from?

9 Q. Yes.

10 A. Feccoutbound, I would have to look at the
11 exact address, but it's the feccoutbound.

12 EXAMINER LYNN: If you can pause for just
13 a moment, Mr. Rogers.

14 Ms. Davis, where was the place again you
15 were reading from where it says do not reply to this
16 e-mail address?

17 THE WITNESS: On the second insert at the
18 1-21 10:38 a.m. in the second paragraph. It says the
19 following e-mail was sent to the customer.

20 EXAMINER LYNN: Just a minute, please. I
21 see. Okay. Ms. Davis was referring to Company
22 Exhibit -- Ohio Edison Exhibit C and on the third
23 page some of the information under the January 21,
24 2021, 10:38, it says the following e-mail was sent to
25 the customer, do not reply to the automated

1 confirmation message. And that automated
2 confirmation message was -- again, that's what we are
3 calling Painter Exhibit 2. Is that the e-mail from
4 feccustomerservice?

5 THE WITNESS: No.

6 EXAMINER LYNN: Oh.

7 THE WITNESS: Exhibit 2 would have been
8 the automated e-mail that would have been sent out
9 after the move in web request was received.

10 EXAMINER LYNN: I see. Okay. So your --
11 when you mentioned do not reply to this e-mail
12 address, what were you pointing to exactly?

13 THE WITNESS: That's actually after the
14 self-service representative was assigned the web move
15 in request and she manually reviewed that request.

16 EXAMINER LYNN: And where was that on
17 Exhibit 3?

18 THE WITNESS: It's not on Exhibit 2.

19 EXAMINER LYNN: It's not on Exhibit 2. I
20 meant Exhibit C, I should say.

21 THE WITNESS: That's the 1-21, 2021,
22 10:38 a.m. contact --

23 EXAMINER LYNN: I see.

24 THE WITNESS: -- from Amber Cross.

25 EXAMINER LYNN: All right. Mr. Rogers,

1 go ahead.

2 MR. ROGERS: No further questions but
3 reserve the right for redirect.

4 EXAMINER LYNN: Thank you. All right.
5 We will go to the Painters. Let's turn to first the
6 Company Exhibit B which was some written comments of
7 the testimony from Ms. Davis. What questions do you
8 have concerning that document, the one -- her direct
9 testimony?

10 - - -

11 CROSS-EXAMINATION

12 By Mr. Painter:

13 Q. My question on this page 4 -- I need the
14 other paper. Says following the phone conversation
15 with Mr. Painter, submitted online move in request.
16 Due to the large account balance associated with the
17 account, this is directly what my wife was trying to
18 say, that the account was red flagged. So why am I
19 penal -- why would you -- why would you shut off my
20 electricity or why wouldn't you -- wouldn't you make
21 every attempt to get back ahold of me?

22 MR. ROGERS: Objection, your Honor,
23 argumentative.

24 MR. PAINTER: It's argumentative. Take
25 it how you want, okay?

1 EXAMINER LYNN: I guess I will ask.

2 Q. (By Mr. Painter) Then you go right back
3 to the automated message feccoutbound. Again, you
4 gave me that -- that e-mail address to send my deed
5 to. Now, if you say there is no way to check that,
6 how do you know --

7 MR. ROGERS: Objection, your Honor.

8 Q. How do you know it's sent out?

9 EXAMINER LYNN: Again, I will agree with
10 the objection. Mr. Painter, time out. Mr. Painter,
11 I believe you said in your earlier testimony that
12 when you did the telephone call to Ohio Edison, you
13 were provided the fecoutbound e-mail address to send
14 the information to, the deed warranty; am I correct?

15 MR. PAINTER: That's correct.

16 EXAMINER LYNN: Okay. So what's --

17 MR. PAINTER: This is the first I heard
18 about due to the large account balance on the
19 account. Well, shouldn't they -- nobody called me
20 and told me about that.

21 EXAMINER LYNN: Let's just --

22 MS. PAINTER: It's not our balance. It's
23 the Triplets.

24 MR. PAINTER: But you are saying since --
25 Ohio Edison is saying since there is a large account

1 balance on the account --

2 EXAMINER LYNN: Right.

3 MR. PAINTER: -- their computer does
4 something.

5 EXAMINER LYNN: Okay.

6 MR. PAINTER: You are saying it sent out
7 an e-mail to me which I did not receive because of
8 that problem.

9 EXAMINER LYNN: Let's slow down a minute
10 here. I have a question.

11 MR. PAINTER: Again, this is too
12 confusing.

13 EXAMINER LYNN: Well, let's ask some
14 questions to try to straighten it out, okay?

15 MR. PAINTER: It ain't going to get
16 straightened out. It's right there. She's the
17 expert.

18 EXAMINER LYNN: We will wait and see.

19 Ms. Davis, you know, I'll go to this --
20 to that part of your testimony. The second page, the
21 first large paragraph, the outstanding balance, proof
22 of ownership, and so forth. The outstanding balance,
23 of course, would have been --

24 MR. PAINTER: Why didn't they tell me
25 that?

1 EXAMINER LYNN: Mr. Rogers.

2 MR. PAINTER: Why don't they say,

3 Mr. Painter, due to the account balance --

4 EXAMINER LYNN: I have some questions and
5 maybe that will clear things up.

6 MR. PAINTER: Poor customer service, no
7 communication.

8 EXAMINER LYNN: Okay.

9 MR. PAINTER: Make sure you document all
10 that, please.

11 MS. PAINTER: For the record it wasn't
12 our balance, our account.

13 EXAMINER LYNN: Both of you, I have some
14 questions that might clear it up, okay? The
15 outstanding balance would have been accrued or run
16 up, of course, by the prior owner --

17 THE WITNESS: Correct.

18 EXAMINER LYNN: -- of the home. If that
19 is the case, why was there some question about when
20 the Painters bought the property whether to turn on
21 the power with them? That is, if someone else has a
22 large balance that has not been paid, would that
23 balance follow that person, the prior owner, to their
24 next address?

25 THE WITNESS: If they transfer service,

1 yes, it will.

2 EXAMINER LYNN: If they transfer service.
3 Okay. Then your testimony -- let's see, Mr. Painter
4 called January 21. And, let's see, on page 6 of your
5 testimony, line 13, let you get to that. Actually 13
6 and 14. You are indicating that the prior owner
7 contacted Ohio Edison January 21, requested to
8 discontinue service January 22.

9 Do you have any knowledge whether -- when
10 that contact was made that -- is that all the prior
11 owner asked? That is, did they say anything about,
12 you know, continuing service with Ohio Edison at a
13 different address?

14 THE WITNESS: I do not -- I don't believe
15 that they did.

16 EXAMINER LYNN: But the only information
17 that you have based on your research was when the
18 prior owner contacted Ohio Edison on January 21,
19 2021, they just simply said discontinue my service
20 the next day, January 22.

21 THE WITNESS: Correct.

22 EXAMINER LYNN: And you are saying that
23 there was -- to your knowledge there was no
24 indication they would continue with Ohio Edison in
25 another location.

1 THE WITNESS: Correct.

2 EXAMINER LYNN: Okay.

3 THE WITNESS: Also it is our business
4 practice if they would have did a transfer of
5 service, then a verification of ownership wouldn't
6 have been necessary. May not have been necessary by
7 the representative processing the order because there
8 would be no -- no concerns of us on change of
9 household.

10 EXAMINER LYNN: So you are indicating
11 that when this prior owner to your knowledge did not
12 provide a new address for that prior owner to get
13 service from Ohio Edison, there was this what we will
14 call concern about the account because of the large
15 balance.

16 THE WITNESS: Correct.

17 EXAMINER LYNN: And that concern is
18 there when someone like the Painters calls and says I
19 want service in my name there at this location. You
20 are indicating that this concern about the large
21 outstanding balance still remains I guess until what?
22 Until the Painters provide proof of ownership or the
23 prior owner would say I want Ohio Edison to transfer
24 my account to a new address?

25 It might have been a pretty long

1 question, I know.

2 THE WITNESS: Correct, yes.

3 EXAMINER LYNN: I am saying when there is
4 a large balance there at an address and someone calls
5 such as the Painters did and they are saying, you
6 know, I want the address at that -- service at that
7 address put in my name, then until you get either
8 proof of ownership or the previous owner says I will
9 switch the service to this other address, you know,
10 you are saying that you have to have one or the
11 other.

12 THE WITNESS: Right. The Company
13 historically will verify the change of household on
14 an account with a large balance.

15 EXAMINER LYNN: Uh-huh. All right.

16 Okay. Well, then I hope that -- that
17 helps clarify some things in my mind. Mr. Painter,
18 perhaps that --

19 MR. PAINTER: I would think at that point
20 they should have someone follow up on the account to
21 make sure that my request would have been --

22 MS. PAINTER: Valid.

23 MR. PAINTER: -- valid.

24 EXAMINER LYNN: Valid, yeah.

25 MR. PAINTER: And for the record the

1 Triplets -- of course, you got another company in
2 Marion. They did move to Marion, but they can choose
3 AEP, so they probably still got an outstanding
4 balance, but it's just another way of me getting
5 screwed --

6 MR. ROGERS: Objection, your Honor.

7 MR. PAINTER: -- by some previous owner.
8 I got another question.

9 EXAMINER LYNN: I will agree to that
10 objection, but I have an additional question then.

11 Q. (By Mr. Painter) Is it custom for Ohio
12 Edison to turn electric off in zero degree weather?

13 A. If we do not have a valid customer of
14 record or follow the regulation, yes.

15 Q. And you are aware -- are you all aware,
16 your service techs, your supervisors, if you turn
17 someone's electricity off in the cold weather, that
18 the lines will freeze?

19 MR. ROGERS: Objection.

20 Q. Have you heard the old additive if it's
21 going to get down below cold, you always leave your
22 line drip? You probably heard that.

23 MR. ROGERS: Objection.

24 EXAMINER LYNN: Well, again --

25 Q. (By Mr. Painter) I'm 61 years old, and I

1 was told that my whole life, let your line drip
2 because it is going to get down colder. So with that
3 being known --

4 MR. ROGERS: Objection.

5 EXAMINER LYNN: Mr. Rogers.

6 Q. (By Mr. Painter) -- turning electricity
7 off in the cold --

8 EXAMINER LYNN: I will agree to the
9 objection because you have already --

10 MR. PAINTER: Regardless of who wins
11 this --

12 EXAMINER LYNN: You made those
13 statements.

14 MR. PAINTER: -- that was wrong.

15 EXAMINER LYNN: Well, and you have
16 indicated that in your prior testimony.

17 MR. PAINTER: All right. I mean, you
18 don't turn -- you know, especially in the
19 circumstances behind this case.

20 EXAMINER LYNN: You indicated that; and,
21 you know, you have indicated the weather was very
22 cold and the power was turned off and that's clear
23 from the record.

24 Let's see, I believe I had one other
25 question for Ms. Davis. Let's see.

1 MR. PAINTER: I would think it would be
2 custom also for the technician and supervisor making
3 the call for the shutoff notice to try to contact the
4 customer one last time before they do that. I
5 received no call.

6 - - -

7 EXAMINATION

8 By Examiner Lynn:

9 Q. Ms. Davis, I will have a question or two.
10 If you go to page 7 of your testimony, and I guess it
11 would be the lines 4 through 8, you were indicating
12 Mr. Painter called on Tuesday, January 16 -- well,
13 you don't indicate Tuesday, but it was a Tuesday,
14 February --

15 EXAMINER LYNN: Just a minute,
16 Mr. Painter. I will finish my question, okay?

17 Q. He requested the power be turned on, and
18 you are saying Ohio Edison was able to verify the
19 service address was transferred into his name. I
20 assume that's by checking the auditor's website?

21 A. Correct.

22 EXAMINER LYNN: Okay. All right. And,
23 Mr. Painter, you had a question?

24 MR. PAINTER: What was the date?

25 EXAMINER LYNN: It's indicated as -- this

1 is on page 7 of her testimony.

2 MR. PAINTER: Because I don't think they
3 received the information until the 5th. What was the
4 date the -- if you look under today, it will tell you
5 the date that it's posted on their website, and it
6 would have been after the 16th, so there was no
7 reason for them to turn the electricity on that
8 morning just due to me calling. So I did not send
9 any additional information. They turned it on at my
10 request with the information I provided with a deed.

11 MR. ROGERS: Objection, your Honor. Your
12 Honor, he is testifying in the form of a question.

13 MR. PAINTER: Well, they turned it on
14 without -- without verification from the auditor.
15 That's not true.

16 EXAMINER LYNN: Mr. Painter, again, you
17 can come back to the witness stand later and add some
18 additional comments about what you believe was true,
19 but do you have any additional --

20 MR. PAINTER: Didn't she just say it was
21 turned on because they checked with the
22 Franklin County -- Marion County Auditor?

23 MR. ROGERS: Objection, your Honor. She
24 didn't testify to that, misstates prior testimony.

25 MR. PAINTER: I had -- sorry, the

1 information wasn't available on the 16th.

2 Q. (By Examiner Lynn) I will ask this
3 question again, okay? The indication according to
4 your testimony, Ms. Davis, is Mr. -- it says on page
5 7 Mr. Painter called Ohio Edison February 16, 2021,
6 requested his power be turned back on, and you
7 indicate you were able to verify -- I assume verify
8 on February 16 --

9 A. Correct.

10 Q. -- correct? That the address transferred
11 into his name January 26, 2021. You verified it by
12 contacting the county auditor's office.

13 A. They use a web search, yes.

14 Q. Okay. Web search then. Okay.

15 MR. PAINTER: It was an early -- early
16 wake up because I called early.

17 Q. (By Examiner Lynn) Okay. So it was
18 transferred into his name. You found that out by
19 checking the auditor's website, county auditor
20 website January 26, 2021. That would be the auditor
21 for Marion, Ohio, County Auditor.

22 A. Correct.

23 EXAMINER LYNN: All right. Let me see if
24 I had any other questions for you.

25 At this point I have no further

1 questions. Mr. Painter or Mrs. Painter? I know
2 there has been a lot of back and forth between myself
3 and the witness. Thank you for your patience. We
4 are trying to give everybody their opportunity. Do
5 you have any additional questions of Ms. Davis?

6 MS. PAINTER: Probably not for her but I
7 want to talk about the inconsistency in the billings
8 too in the customer service.

9 MR. ROGERS: Objection, your Honor. The
10 billing isn't before this proceeding. That has never
11 been raised.

12 - - -

13 FURTHER CROSS-EXAMINATION

14 By Mr. Painter:

15 Q. I got one or two. You are in charge of
16 all supervisors there?

17 A. No.

18 Q. Is it custom for you to train your
19 supervisors to hang up on your customers?

20 A. I do not oversee the supervisors, sir.

21 Q. They hang up on you if you say something
22 they don't like. That's good customer service?

23 MR. ROGERS: Objection, your Honor.

24 EXAMINER LYNN: Well, again, if that
25 happened, I'm sorry.

1 MR. PAINTER: Write that, you know, down
2 too how they hang up on you.

3 EXAMINER LYNN: Okay. Let's go -- I
4 believe you have no more questions about that
5 particular exhibit or Miss Davis's testimony. What
6 about Exhibit C, this customer contact history?

7 MR. PAINTER: I told the truth.

8 EXAMINER LYNN: Mr. Painter, any --

9 MR. PAINTER: It's bogus.

10 EXAMINER LYNN: Any --

11 MS. PAINTER: About her testimony?

12 EXAMINER LYNN: Well, Ms. Davis's
13 testimony, let's go to that first. Did you have any
14 additional questions?

15 MS. PAINTER: No. I have no idea who
16 Ms. Princess Davis is. This is the first I have
17 heard of her. So -- and we haven't been given
18 anything about her or anything so.

19 EXAMINER LYNN: Okay. Well, but at any
20 rate you did look over what was written, and you have
21 no further questions?

22 MS. PAINTER: About those -- give me
23 those papers. I did underline a few things. And you
24 are referring to the thing -- Exhibit B?

25 EXAMINER LYNN: It's Company B, you are

1 correct.

2 MS. PAINTER: Okay.

3 EXAMINER LYNN: Ohio Edison Exhibit B.

4 - - -

5 CROSS-EXAMINATION

6 By Ms. Painter:

7 Q. Well, I just wondered -- I guess ask
8 Ms. Davis would -- would anybody that's having a
9 large balance, would there have been a red flag put
10 on the account?

11 A. No. We do not have a red flag system.

12 Q. Why would Mr. Cranston explain the red
13 flag theory to me?

14 A. I cannot answer what someone else said to
15 you or why they said it.

16 Q. Okay. How would we have gotten the date
17 when it was technically turned off unless your
18 customer service department and/or Mr. Cranston told
19 us that was the exact date? How would we have known
20 that?

21 MR. ROGERS: Objection, your Honor, calls
22 for speculation.

23 EXAMINER LYNN: Okay. I will agree to
24 the objection. I will ask -- I will ask a different
25 question of Ms. Painter. When did you find out that

1 the power had been turned off and how did you --
2 well, when did you find that out?

3 MR. PAINTER: Saturday. It's on the
4 calendar, Saturday.

5 MS. PAINTER: Saturday, the 13th, when we
6 came.

7 EXAMINER LYNN: Okay. You are referring
8 to your Exhibit 3.

9 MS. PAINTER: Yes. That's when we found
10 the account, after the water pipes had already busted
11 when we got there.

12 EXAMINER LYNN: Okay. So Saturday,
13 February 13, was the first time you found out the
14 power had been shut off.

15 MS. PAINTER: Uh-huh.

16 EXAMINER LYNN: And I assume at some
17 point later you found out it had been shut off on
18 February 9.

19 MS. PAINTER: Right. We were given that
20 information from Ohio Edison that it was shut off on
21 the 9th.

22 EXAMINER LYNN: Okay.

23 Q. (By Ms. Painter) Why would Ohio Edison
24 have no means to check their e-mail address? That
25 should be -- you should have an IT department to be

1 able to check any type of e-mail address inbound or
2 outbound going. That is unacceptable.

3 MR. ROGERS: Objection, your Honor.

4 EXAMINER LYNN: Well, again, you did
5 ask -- you asked a question.

6 MS. PAINTER: Right.

7 EXAMINER LYNN: Could you repeat just the
8 question part of it? Would you repeat your question,
9 please?

10 Q. (By Ms. Painter) Why does Ohio Edison not
11 have access to check their own e-mail addresses
12 whether it's inbound and/or outbound?

13 A. I am not an IT person. I cannot answer
14 that question as to why an outbound mailbox is not
15 monitored.

16 Q. Okay. Why would we be given an e-mail
17 address for an -- supposedly an outbound that is
18 unmanned? Why was -- why would we have been given
19 that?

20 MR. ROGERS: Objection, your Honor.

21 EXAMINER LYNN: No. I think that's an
22 understandable question. Basically it's the
23 contention of the Painters that when they called to
24 start up service, they were provided the fecoutbound
25 address to e-mail information. That's -- Mr. and

1 Mrs. Painter, that's what you are saying, correct?

2 MR. PAINTER: Yes.

3 MS. PAINTER: Yes.

4 EXAMINER LYNN: You are asking why were
5 we given that e-mail address to send information to.

6 MS. PAINTER: Right.

7 EXAMINER LYNN: Okay. And, Ms. Davis,
8 what's your -- what are your thoughts on that?

9 THE WITNESS: The Company records do not
10 indicate that an e-mail address was given. Also our
11 representatives as stated in my testimony are not
12 provided that as an e-mail address or part of our
13 training. They have a script. It's not part of the
14 script. I have no idea that that e-mail address was
15 provided.

16 Q. (By Ms. Painter) Okay. When we requested
17 a copy of the transcript of the phone call, we were
18 not provided that. Why was we not provided that?

19 MR. ROGERS: Objection, your Honor. And
20 I was never provided any discovery request to respond
21 to.

22 EXAMINER LYNN: All right.

23 Q. (By Ms. Painter) Where would we have, I
24 guess, gotten the e-mail address if it was not
25 provided to us?

1 A. I cannot speculate to where you got that
2 e-mail address.

3 Q. I mean, I guess this is where I am coming
4 from. We would have never gotten that e-mail address
5 if it was never given to us. They -- you would not
6 give somebody an outbound e-mail address that's
7 automated from the company.

8 MR. ROGERS: Objection, your Honor.

9 MR. PAINTER: How would you find it?
10 Where would you go to on their website to find that?

11 MS. PAINTER: Right, right.

12 MR. PAINTER: It's possibly not even
13 listed on there.

14 MS. PAINTER: Okay.

15 MR. PAINTER: It's like picking lottery
16 numbers.

17 Q. (By Ms. Painter) All right. Then also in
18 this document B you have it on page 6, it says, "Was
19 Mr. Painter an Ohio Edison customer on January 21?"
20 And the answer was "He was not. His application had
21 not been accepted." Why was it not accepted?

22 A. The Company was awaiting proof of
23 ownership.

24 Q. Okay. Okay. Previous owners. Yeah.
25 Why was -- why did it wait so long to turn off the

1 electric if there was no account actually set up for
2 us?

3 A. I cannot answer for the scheduling of our
4 meter services.

5 Q. Who is responsible for the balance or the
6 electric from the 21st, the day that we started
7 owning the property, until February 9? Because our
8 heaters was on. You know, we had lights turned on so
9 it didn't look like the house was unoccupied. Who is
10 responsible for those services?

11 A. The responsibility would be determined
12 based upon the time that you took over the service,
13 or it would belong to FirstEnergy. FirstEnergy would
14 essentially accept those -- those costs if we don't
15 have a customer before we turn service off.

16 Q. So Ohio -- FirstEnergy incurred those
17 costs, so you ate those costs between that time? You
18 wrote those off and nobody pays that bill?

19 A. I don't know for this specific situation.
20 If you assumed responsibility from the 28th -- or
21 from the 21st, then you would be billed for that
22 usage.

23 Q. But you didn't have us as an account.

24 A. Correct.

25 Q. So who paid for the services between the

1 21st and the 9th?

2 A. I would have to look at the account and
3 see what date you accepted responsibility for
4 service.

5 Q. We tried to say that we wanted the
6 responsibility starting the 1st as we were trying to
7 be a good citizen and not have any lapse whatsoever,
8 and we did everything we needed to do.

9 EXAMINER LYNN: Mrs. Painter, I think you
10 meant the 21st.

11 MS. PAINTER: Yes, 21st, excuse me,
12 because that's when we closed.

13 Q. (By Ms. Painter) Then I guess my next
14 question is, it's on page 7 under No. 7, I underlined
15 Ohio Edison then requested the same day request.
16 Power was restored on February 16. How can you
17 restore somebody's power the same day on the 16th but
18 you couldn't on the 13th when we called and we -- and
19 it was even as an emergency?

20 A. Because we restore services Monday
21 through Friday for new service.

22 Q. Even when it is an emergency?

23 A. You weren't a customer at that time, so
24 we don't have an emergency process at that time.

25 Q. But you had already received our

1 telephone request asking for us to open an account
2 and start service that was -- you had already got
3 that in your records.

4 A. On January 21?

5 Q. Yes.

6 A. Yes, but you were not approved for
7 service on January 21.

8 Q. What documentation did you give us
9 showing we were not approved?

10 A. Well, the representative advised
11 Mr. Painter to fax the copy of the proof of
12 ownership, and then with the online application, we
13 replied and said to please contact us to complete the
14 application.

15 Q. Okay. Then on page 8 under No. 4,
16 "Disconnection notices are only required for
17 delinquent accounts for customers." Well, we were
18 never delinquent because you are saying we never had
19 an account. I feel that we are being penalized for
20 the prior owner's high balance and things in that
21 nature.

22 MR. ROGERS: Objection, your Honor. No
23 question pending. She's just testifying.

24 EXAMINER LYNN: We'll let that stand. We
25 understand why she feels that way.

1 MS. PAINTER: That's all my questions for
2 her.

3 EXAMINER LYNN: Okay. Let's see, and do
4 the Painters have any questions concerning the Ohio
5 Edison Exhibit C that's customer contact history?

6 Q. (By Ms. Painter) I guess are you guys
7 aware that -- how the title works that you don't get
8 the signed title the same day?

9 MR. ROGERS: Objection, your Honor,
10 personal knowledge.

11 EXAMINER LYNN: I think that would be --
12 how the auditor's office works would be beyond what
13 Ms. Davis would know.

14 MS. PAINTER: Okay. Do you have
15 anything?

16 MR. PAINTER: Yeah. Just kills me how,
17 you know, they had a nice three-day weekend and I
18 tried to get ahold of somebody on an emergency call
19 and say -- called a last minute ditch effort to get
20 my electric turned back on, and I didn't get no help.
21 They would not help me.

22 EXAMINER LYNN: So --

23 MR. PAINTER: The phone call back, if I
24 got the messages later that night --

25 MR. ROGERS: Objection.

1 MR. PAINTER: -- didn't say anything on
2 there at all about we'll send -- we'll get you turned
3 back on. And at that moment they would have
4 probably -- of course, you can't check the auditor's
5 website right on the weekend.

6 MR. ROGERS: Objection, your Honor. He
7 is testifying.

8 EXAMINER LYNN: Well, just say this --

9 MR. PAINTER: You can twist it how you
10 want.

11 - - -

12 FURTHER EXAMINATION

13 By Examiner Lynn:

14 Q. Ms. Davis, it is Company policy that I
15 assume is in your tariff you are saying you only
16 would start up new service for a customer Monday
17 through Friday?

18 A. Correct.

19 Q. Okay. I have an additional question for
20 you and this will actually go to some of the exhibits
21 that the Painters submitted. I will show you Painter
22 Exhibit 2 here. And again, that came from that
23 e-mail address feccustomerservice. Can you help me
24 again on when an e-mail of this kind is sent out to
25 the -- to someone? You know, under what

1 circumstances?

2 A. I believe that is just an automated
3 e-mail that just confirms that an order for a web
4 inquiry was received.

5 Q. I see.

6 A. So it's just an automated message.

7 Q. Okay. And then the
8 fecoutbound@firstenergycorp.com, that e-mail address,
9 under what circumstances does a customer -- under
10 what circumstances would someone receive an e-mail
11 from that location, the fecoutbound?

12 A. I honestly don't know the difference
13 between the two self-service, like in which situation
14 one is used versus the other.

15 Q. Sure. Okay. But your testimony you
16 indicated that fecoutbound was not an address that
17 someone was supposed to respond to.

18 A. Correct.

19 Q. Okay. And is that also the case for that
20 feccustomerservice address too?

21 A. No. I believe that goes directly to a
22 group of agents.

23 EXAMINER LYNN: I see. Okay. All right.
24 Well, thank you.

25 I believe the Painters don't have any

1 additional questions either.

2 MR. ROGERS: Your Honor, I have a few. I
3 have a couple questions.

4 EXAMINER LYNN: Fine. Go ahead.

5 MR. ROGERS: Thank you.

6 - - -

7 REDIRECT EXAMINATION

8 By Mr. Rogers:

9 Q. Ms. Davis, is it the practice to discuss
10 other customers' information with its customers?

11 A. Not specific details, no.

12 Q. Does Ohio Edison use the term red flag?

13 A. I can't say that that term is not used.
14 It's not been used in the reference of denial of
15 service.

16 Q. And just confirm would a customer service
17 representative give out the feccoutbound e-mail
18 address for someone to submit a deed?

19 A. No. An agent would not have access to
20 that.

21 MR. PAINTER: That's a lie.

22 EXAMINER LYNN: Well, it --

23 MR. ROGERS: Your Honor.

24 EXAMINER LYNN: Again, you mentioned --

25 MR. PAINTER: You obviously don't know

1 what the people are doing underneath you.

2 EXAMINER LYNN: Mr. Painter, again,
3 you --

4 MR. PAINTER: It's a flat out lie.

5 EXAMINER LYNN: You made that clear in
6 earlier testimony.

7 MR. PAINTER: I'm pretty much done. For
8 her to be able to sit there and lie like that, there
9 is nothing else.

10 EXAMINER LYNN: Mr. Painter.

11 MS. PAINTER: Sit down.

12 EXAMINER LYNN: We will be finished in a
13 few minutes.

14 MR. PAINTER: How can I sit here in the
15 presence of a direct lie?

16 EXAMINER LYNN: You have -- we granted --

17 MR. PAINTER: I got that from them
18 customer service people. Now she is sitting there
19 saying she don't have no knowledge of that. Why are
20 they doing it?

21 MR. ROGERS: Your Honor.

22 MR. PAINTER: Your Honor, your Honor.

23 EXAMINER LYNN: You stated your point
24 very well earlier, and your comments are on the
25 record and your evidence as well.

1 MR. PAINTER: I hope this is on the
2 record. She direct lied. She don't have no
3 knowledge of customer service doing that.

4 EXAMINER LYNN: Okay. Well, again --

5 MR. PAINTER: This big time expert.

6 EXAMINER LYNN: You know, you have
7 clearly indicated what you went through, and you
8 brought in some documents.

9 MR. PAINTER: I am still going through
10 it.

11 EXAMINER LYNN: Well, then you are.
12 Okay.

13 MR. PAINTER: They are trying to cover
14 their rear ends.

15 EXAMINER LYNN: We did give you the
16 opportunity today for an in person hearing.

17 MR. PAINTER: I don't care if you guys
18 like me or not.

19 EXAMINER LYNN: Which we often don't do.

20 MR. PAINTER: I wasn't born with a silver
21 spoon in my mouth.

22 EXAMINER LYNN: Okay. Now, Mr. Rogers.

23 MR. ROGERS: A few more questions, your
24 Honor.

25 Q. (By Mr. Rogers) What are the common ways

1 Ohio Edison will accept documents such as deeds to
2 verify ownership?

3 A. It's typically done only by fax.

4 Q. Is there a duty to provide electrical
5 services to people who are not customers?

6 A. I'm sorry. Can you repeat?

7 Q. Is there a duty to -- does Ohio Edison
8 have a duty to provide electrical services to people
9 who are not the customers?

10 A. No.

11 Q. Was Mr. Painter an Ohio Edison Company
12 customer at the time the power was disconnected at
13 the service address?

14 A. No.

15 Q. Regarding the document that was submitted
16 as Exhibit 1, do you have any knowledge how that time
17 stamp on that document corresponds to the time stamps
18 on Ohio Edison's e-mail systems?

19 A. No.

20 EXAMINER LYNN: What document are you
21 referring to?

22 MR. ROGERS: The e-mail address -- the
23 e-mail sending the deed to fecoutbound.

24 EXAMINER LYNN: Okay. And you are
25 saying --

1 MR. ROGERS: I am just trying to see if
2 the time stamp, whether she knows the time stamps
3 match up.

4 EXAMINER LYNN: Whether it was actually
5 received on that date.

6 MR. ROGERS: I am trying to see whether
7 the time stamps would match up or if she would have
8 any knowledge whether the time stamp is actually the
9 same.

10 EXAMINER LYNN: I'm sorry, Mr. Rogers.
11 When you mentioned time stamp, can you help me out on
12 that, please? Are you talking about the date of the
13 e-mail?

14 MR. ROGERS: So the e-mail Exhibit 1,
15 that was sent to --

16 EXAMINER LYNN: To --

17 MR. ROGERS: -- feccoutbound was sent --
18 supposedly sent at 10:12 a.m. Eastern Standard Time.

19 EXAMINER LYNN: Okay. And your question
20 again was?

21 Q. (By Mr. Rogers) My question is do you
22 have any way to know whether that is the same --
23 whether the e-mail address used by Mr. Painter at
24 yahoo.com has the same time signatures as Ohio
25 Edison's e-mail system?

1 A. No, I do not.

2 EXAMINER LYNN: So you were asking did
3 Ohio Edison actually receive the document at that
4 time.

5 MR. ROGERS: No. I am asking -- he's
6 trying to make a chronology of events. We have no
7 way to match up the chronology and whether it was
8 actually submitted at the same -- whether he
9 submitted this before he received that feccoutbound.

10 EXAMINER LYNN: Because you're saying
11 Ohio Edison -- or the witness is saying Ohio Edison
12 doesn't have any record of receiving it then?

13 MR. ROGERS: There is no way to correlate
14 the time stamps on this. Ohio Edison has no evidence
15 that it ever received this e-mail and that she
16 testified to.

17 EXAMINER LYNN: You talked about time
18 stamps. The date indicated the e-mail was sent --

19 MR. ROGERS: The date the e-mail was
20 sent, I am trying to see whether it was the same time
21 as the e-mail sent out by Ohio Edison, whether you
22 can actually have apples-to-apples comparison based
23 on -- solely on that time stamp.

24 EXAMINER LYNN: You are referring to the
25 e-mail sent out that is --

1 MR. ROGERS: The one -- the Company's
2 Exhibit C.

3 EXAMINER LYNN: -- Company Exhibit C.
4 Okay.

5 MR. ROGERS: When the e-mail was sent
6 out.

7 EXAMINER LYNN: Okay. Fine. Now I am
8 clear. Thank you.

9 Q. (By Mr. Rogers) So you have no way to --
10 just to clarify, you have no way to know whether the
11 time stamps are the same -- are the same general time
12 system.

13 A. No, I do not.

14 Q. Does Ohio Edison -- what -- let me
15 rephrase.

16 Once a customer's account or applicant's
17 account has been denied, would Ohio Edison reopen
18 that account on their own?

19 A. No.

20 MR. ROGERS: No further questions, your
21 Honor.

22 EXAMINER LYNN: Okay. All right. What I
23 believe there are -- everyone has had their say and
24 no further questions are there.

25 At this point I will -- I am sure both

1 sides want all their documents admitted into
2 evidence, all their exhibits. And --

3 MR. ROGERS: We will object to Exhibit 3.

4 EXAMINER LYNN: -- those exhibits --
5 third exhibit, the calendar? I believe we will admit
6 that, Mr. Rogers. You know, again, as I indicated
7 earlier, whether the -- what's written on there as
8 far as temperature, we realize Mr. Painter didn't
9 have a thermometer with him every day. He's using
10 his best estimate, and as far as days written certain
11 things occurred, apparently the -- I'm assuming the
12 Company has no objection to that, but we will admit
13 Mr. Painter's documents into evidence, give them the
14 appropriate weight.

15 (EXHIBITS ADMITTED INTO EVIDENCE.)

16 EXAMINER LYNN: And for the Painters, do
17 you have any objections to admitting any of Ohio
18 Edison's documents into evidence?

19 MS. PAINTER: No, but I do want that
20 envelope back unless --

21 EXAMINER LYNN: Oh, fine.

22 MS. PAINTER: To show that it was sent to
23 the wrong place.

24 EXAMINER LYNN: Sure.

25 MS. PAINTER: And again, we have no

1 control over how long the post office gets -- sends
2 it to us even though it's dated 10-22.

3 EXAMINER LYNN: Okay. Well, I
4 understand. Okay. That would be, I guess, Painter
5 Exhibit --

6 MR. ROGERS: 4, your Honor.

7 EXAMINER LYNN: 4, thank you. We have
8 got a lot of exhibits today. I will make a copy of
9 this.

10 With that being said, I believe so
11 basically all exhibits are admitted into evidence.

12 (EXHIBITS ADMITTED INTO EVIDENCE.)

13 EXAMINER LYNN: I want to thank everyone
14 for attending today. It takes time to travel,
15 although I'll point out Mr. Painter, given the
16 discussions with him, his preference was to travel to
17 Columbus, so we granted that.

18 And again, I wish everyone a safe trip
19 home. Thank you for your time and I am glad you had
20 a good day to travel here.

21 And with that being said we will close up
22 the proceedings. Have a good day. Thank you.

23 (Discussion off the record.)

24 EXAMINER LYNN: Back on the record
25 quickly.

1 Counsel for Ohio Edison asked about
2 briefs. Basically that's a written summary of
3 parties' arguments. It does not have to be
4 submitted; it can be submitted. You know, again,
5 there is no -- no requirement to do so. For that
6 matter if the Company -- if a party decides to submit
7 a brief, the other party doesn't have to submit a
8 brief, but they can submit a reply brief. So again,
9 that's all optional.

10 Mr. Rogers, with that in mind, I will ask
11 our court reporter about how long does it take to get
12 the transcript for this? Maybe several weeks, I
13 suppose?

14 COURT REPORTER: It will be due on the
15 15th.

16 EXAMINER LYNN: Okay. Hold on. Due on
17 the 15th and the parties would need some time to look
18 through what's written into the transcript. Let's
19 see, if perhaps -- I will make a suggestion for those
20 who want to submit briefs it could be two weeks from
21 now.

22 MR. ROGERS: From now?

23 EXAMINER LYNN: I'm sorry. I mean two
24 weeks from the 15th. Would that be suitable? I'm
25 flexible on when the date could be.

1 MR. ROGERS: That's over the
2 Thanksgiving.

3 EXAMINER LYNN: Okay. I don't have my
4 calendar in front of me as you can tell so let's see.
5 Hold on.

6 MR. ROGERS: That Friday would be
7 acceptable to Ohio Edison.

8 MS. PAINTER: I guess I'm confused what's
9 next, what you guys are talking about.

10 EXAMINER LYNN: This is optional on your
11 part, Mrs. Painter. Briefs are basically where a
12 party summarizes their arguments that were made at
13 the hearing. It's done in writing. You don't have
14 to do it. Some parties choose to do it; some parties
15 don't. And --

16 MR. PAINTER: Haven't we already done
17 that?

18 EXAMINER LYNN: Well, again, you may --
19 you expressed yourself very well right here at the
20 hearing. You don't have to submit anything in
21 writing, not at all. However, a party can elect to
22 do so. They can choose to do so. If they elect to
23 do that, fine. We will give a date, a deadline for
24 submitting that. And it will give somebody a chance
25 to look over the transcript, but they don't have to

1 do it.

2 In addition, even if you don't submit a
3 brief, you can submit a reply brief. For example, if
4 Ohio Edison submits a summary of their arguments in
5 writing and, you know, you have your own point of
6 contention, you disagree with this, that, or the
7 other that was said, you can submit a reply brief.

8 So you don't have to do any of that.
9 It's up to you.

10 MS. PAINTER: Okay.

11 EXAMINER LYNN: Okay. Mr. Rogers, with
12 that in mind, let's see. Okay. Our court reporter
13 was saying that the transcript will be due
14 approximately the 15th, in a couple of weeks. And
15 you are suggesting, Mr. Rogers, perhaps the end of
16 that week, the 19th? Or I'm sorry.

17 MR. ROGERS: I was suggesting December 3
18 which was the Friday.

19 EXAMINER LYNN: December, that's fine.
20 That would take into account the holiday and so
21 forth. Then why don't we do this, that would be --
22 then for briefs it would be -- let me get my calendar
23 back again. For briefs it would be December 3. And
24 how about reply briefs December 17? That would be
25 before the next holiday. Again, that's totally

1 optional. Neither party has to do it.

2 MR. ROGERS: That's acceptable, your
3 Honor.

4 EXAMINER LYNN: Okay. Thank you. With
5 that in mind then, we truly will wrap things up. And
6 if the Painters would hold on, I will make a copy of
7 this envelope.

8 (Thereupon, at 3:27 p.m., the hearing was
9 adjourned.)

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CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Monday, November 1,
2021, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7182)

- - -

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Summary: Transcript November 1st 2021 In the Matter of the Complaint of: Steven D. Painter, Complainant, vs. Ohio Edison Company, Respondent. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.