

/s/Michael S Roote pro se
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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

MICHAEL S. ROOTE,)	
)	
Complainant,)	
)	
vs.)	CASE NO. 21-0011-EL-CSS
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY,)	
)	
Respondent.)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S RESPONSES TO
COMPLAINANT’S DISCOVERY REQUESTS**

Respondent The Cleveland Electric Illuminating Company (“CEI”), by and through counsel, submits its Responses and Objections to Complainant Michael S. Roote’s (“Complainant”) Discovery Requests.

GENERAL OBJECTIONS

1. CEI objects to the Discovery Requests to the extent they seek information that is neither relevant nor material to the subject matter of this action and thus not proportional to the needs of the case.
2. CEI objects to the Discovery Requests to the extent they seek information or documents outside of CEI’s possession, custody, or control.
3. CEI objects to the Discovery Requests to the extent that they seek information relating to matters that are neither raised nor relevant to the claims asserted in the pleadings in this action on the grounds that such information is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence.

4. CEI objects to the Discovery Requests to the extent they are unreasonably duplicative of other requests, instructions, or definitions, or because they seek documents or information that is in the possession of and/or readily accessible or equally available to Complainant.
5. CEI objects to the Discovery Requests to the extent they are overly broad in scope and/or unduly burdensome.
6. CEI objects to the Discovery Requests to the extent they are vague, indefinite, unintelligible, or otherwise unanswerable due to ambiguity.
7. CEI objects to the Discovery Requests to the extent they purport to impose obligations greater than those required by the Ohio Administrative Code or the Ohio Rules of Civil Procedure.
8. CEI objects to the Discovery Requests to the extent they call for disclosure of confidential or privileged information that is protected by the attorney/client privilege, the attorney-work-product doctrine, or is otherwise immune from discovery. This objection includes, but is not limited to, information that Complainant seeks regarding communications between CEI and its attorneys made during or in anticipation of litigation. Accidental disclosure of information governed by such privileges is not a waiver of those privileges as to the information produced or any other information.
9. CEI objects to Complainant's attempt to provide definitions and instructions that are broader than, or inconsistent with, the rules of the Ohio Administrative Code or the Ohio Rules of Civil Procedure. CEI will respond in accordance with its obligations under those rules.
10. In providing these responses and objections to the Discovery Requests, CEI does not in any way waive or intend to waive, but rather intends to preserve:
 - a. all objections as to the competency, relevancy, materiality, and admissibility of any of the Discovery Requests, their subject matter, and CEI's responses;

- b. all objections as to vagueness, ambiguity, or infirmity in the form of the Discovery Requests and any objections based on the undue burden they impose;
- c. all rights to object to the use of any of the responses, or their subject matter, in any subsequent proceedings, including the hearing of this or any other action;
- d. all rights to object to any other discovery requests involving or related to the subject matter of the Interrogatories;
- e. the right to supplement responses and issue objections to the Discovery Requests prior to hearing; and
- f. any and all privileges and/or rights under the applicable Ohio Administrative Code, the Local Rules of this Court, or other statutes or common law.

CEI'S REPONSES TO COMPLAINANT'S INTERROGATORIES

INTERROGATORY NO. 1: Identify all persons who have knowledge or information, or may have knowledge or information, regarding the Incident described in the Complaint. Include their roles such as "Troubleshooter", "Lineman", "Arborist", "Supervisor" "Owner" "Crewman" "Customer Service Representative" or the like.

ANSWER: CEI objects to Interrogatory No. 1 to the extent it seeks information protected from disclosure by the attorney client privilege or work-product doctrine. Objecting further, the Interrogatory is overbroad and unduly burdensome to the extent it seeks identification of "all persons who have knowledge or information, or may have knowledge or information." CEI further objects to the definition of "Incident" as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. Subject to and without waiving these objections, CEI identifies the following persons as having personal knowledge and/or access to Company records regarding the allegations described in the Complaint:

- Robert Kozak, Manager Distribution System Operations
- Bret Ingram, Manager Operations Services

All named individuals may be contacted through counsel for CEI only.

INTERROGATORY NO. 2: Identify each and every person you expect to call as a witness at any hearing of this matter, their address and phone number, and the substance of the facts to which each such witness is expected to testify.

ANSWER: CEI objects to Interrogatory No. 2 on the grounds that it is premature. Subject to and without waiving this objection, CEI states that it has not yet determined the witnesses it will call at the hearing. CEI reserves the right to supplement and/or amend its response to this Interrogatory.

INTERROGATORY NO. 3: Identify and describe the location of any wires that were down or damaged which were involved in any way with the Incident.

ANSWER: CEI objects to Interrogatory No. 3 on the grounds that it is not relevant to any party's claims or defenses and not reasonably calculated to lead to the discovery of admissible evidence. Objecting further, the phrase "wires that were down or damaged" is vague and ambiguous and the Interrogatory is overly broad and unduly burdensome. CEI further objects to the definition of "Incident" as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. Subject to and without waiving said objections, CEI states that, in connection with a large-scale weather event on or about December 1, 2020, trees took down primary wires on Rockhaven Road which opened and isolated/de-energized the primary line, resulting in power outages to customers.

INTERROGATORY NO. 4: With respect to the wires that were involved in the Incident, state when the wires were repaired and/or restored to their proper position.

ANSWER: CEI objects to Interrogatory No. 4 on the grounds that it is not relevant to any party's claims or defenses and not likely to lead to the discovery of admissible evidence. Objecting further, the phrase "proper position" is vague and ambiguous, and the Interrogatory is overly broad and unduly burdensome. CEI further objects to the definition of "Incident" as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. Subject to and without waiving said objections, regarding the lines identified in CEI's response to Interrogatory No. 3, on December 3, 2020, the trees were removed, and the wires were repaired, and the fuse was reinstalled.

INTERROGATORY NO. 5: With respect to the Property, Identify CEI Personnel that witnessed the damage, connected or disconnected service, inspected, examined, tested, measured, or otherwise made any assessment of the electric service and/or electrical equipment at the Property from December 1, 2020 to the present, state the followig for each person:

- a. his or her full name;
- b. the company he or she works for;
- c. his or her address;

- d. his or her phone number;
- e. the date of each inspection, examination, test, measurement, or other assessment;
- f. a description of the work performed in each inspection, examination, test, measurement, or other assessment;
- g. the results of the inspection, examination, test, measurement, or other assessment.

ANSWER: CEI states that Interrogatory No. 5 misstates facts and/or presumes facts not in evidence to the extent that it assumes there was “damage” and assumes there are individuals who “witnessed the damage.” Objecting further, this Interrogatory is overly broad and unduly burdensome. Subject to and without waiving said objections, see response to Interrogatory No. 1 regarding persons who have personal knowledge and/or access to Company records regarding the allegations described in the Complaint.

INTERROGATORY NO. 6: Identify the person or persons responsible for the decision on December 3 to restore power to the area effected by the Incident. State the following for each person:

- a. his or her full name;
- b. the company he or she works for;
- c. his or her address;
- d. his or her phone number;
- e. his or her title;

ANSWER: CEI objects to Interrogatory No. 6 to the extent that it calls for a legal conclusion, assumes facts not in evidence, and is overly broad and unduly burdensome. CEI further objects to the definition of “Incident” as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. CEI objects to the phrase “persons responsible for the decision on December 3 to restore power to the area effected by the incident” to the extent that it is vague and undefined.

INTERROGATORY NO. 7: Identify all affirmative defenses including witnesses, documentation, etc.

ANSWER: CEI objects to Interrogatory No. 7 to the extent it seeks information protected from disclosure by the work product doctrine. Further objecting, CEI objects to Interrogatory No. 7 to the extent that it calls for a legal conclusion. CEI objects to Interrogatory No. 7 on the grounds that the phrase “affirmative defenses including witnesses, documentation, etc.” is vague, ambiguous, and susceptible to multiple interpretations such that CEI cannot reasonably respond. Subject to

and without waiving these objections, CEI states that it asserted its affirmative defenses in its Answer and reserved the right to assert further defenses as warranted by discovery in this matter. Responding further, CEI states that, to the extent that “witnesses” is a request for CEI to identify its hearing witnesses, see response to Interrogatory No. 2, and to the extent that “documentation” is a request for CEI to identify its hearing exhibits, CEI reserves the right to introduce as exhibits the testimony of its expert witnesses (to be determined) and any documents or materials that any party has produced or will produce in discovery. CEI reserves the right to supplement and/or amend its response.

INTERROGATORY NO. 8: Identify any and all exhibits or demonstrative evidence regarding any affirmative defense that you intend to present at any hearing of this matter.

ANSWER: See objections and response to Interrogatory No. 7 incorporated herein by reference. CEI reserves its right to supplement and/or amend its response.

INTERROGATORY NO. 9: Identify anyone who prepared or assisted with the preparation of the answers and responses to these Discovery Requests.

ANSWER: CEI objects to Interrogatory No. 9 to the extent it seeks information protected by the attorney client privilege or work product doctrine. Subject to and without waiving this objection, counsel for CEI, Robert Kozak, and Bret Ingram assisted with the answers and responses. All named individuals may be contacted through counsel for CEI only.

CEI’S RESPONSES TO COMPLAINANT’S REQUESTS FOR PRODUCTION

REQUEST NO. 1: Produce all documents you identified, referred to, or relied upon in providing answers and responses to these Discovery Requests.

RESPONSE: See documents previously produced by CEI on March 18, 2021.

REQUEST NO. 2: Produce all documents that you intend to rely upon, refer to, or use as exhibits at any deposition or at any hearing in this matter.

RESPONSE: CEI objects to Request for Production No. 2 to the extent it seeks information protected from disclosure by the attorney client privilege or work product doctrine. Subject to and without waiving this objection, see documents produced by both parties in response to prior discovery requests. CEI reserves its right to supplement and/or amend its response to this Request.

REQUEST NO. 3: Regarding power outage Incident, provide any reports, notes or comments recorded on any form of paper, hard copy or electronic media of any kind including audio, texts or transcripts of communications of CEI service Personnel dispatched to provide or effect repairs, disconnect or reconnect power, or assess damage.

RESPONSE: CEI objects to Request for Production No. 3 to the extent that it seeks information protected from disclosure by the attorney client privilege or work-product doctrine. Further, CEI objects to Request for Production No. 3 on the grounds that it is not relevant to any party's claims or defenses and not reasonably calculated to lead to the discovery of admissible evidence and to the extent that it is overly broad and unduly burdensome. CEI further objects to the definition of "Incident" as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. Subject to and without waiving these objections, see documents and call recordings produced by CEI on March 18, 2021 in response to Complainant's prior discovery request. CEI reserves its right to supplement and/or amend its response to this Request.

REQUEST NO. 4: Produce all documents which refer, relate, or in any way pertain to discussions or communications representatives of CEI had regarding electric service at the Property between December 1, 2020 and December 8, 2020, including but not limited to all notes, correspondence, and emails.

RESPONSE: CEI objects to Request for Production No. 4 to the extent that it seeks information protected from disclosure by the attorney client privilege or work-product doctrine. Objecting further, CEI states that the Request misstates facts and/or presumes facts not in evidence to the extent that it assumes that representatives of CEI had discussions or communications among themselves between December 1, 2020 and December 8, 2020 "regarding electric service" at Complainant's premises. Subject to and without waiving this objection, see documents produced by CEI on March 18, 2021.

REQUEST NO. 5: Produce all documents related to any inspection, examination, test, measurement, or other assessment identified in your response to Interrogatory No. 5.

RESPONSE: CEI has not identified any responsive documents to Request for Production No. 5. CEI reserves its right to supplement and/or amend its response to this Request.

REQUEST NO. 6: Produce the log of all calls to or from complainant and CEI Personnel. Include any information such as phone number of caller, time of call, duration of call, names of persons participating on the call.

RESPONSE: See documents produced by CEI on March 18, 2021.

REQUEST NO. 7: Produce copies of all notes entered into any CEI computer system by CEI Personnel relative to the Incident. Any other records, recorded on any materials including paper or hard copy, ledgers, or any kind of electronic media including audio, texts or transcripts of communications between CEI service Personnel dispatched to provide or effect repairs, disconnect or reconnect power, or assess damage regarding the Incident.

RESPONSE: CEI objects to Request for Production No. 7 to the extent that it seeks information protected from disclosure by the attorney client privilege or work-product doctrine. Further objecting, CEI objects to Request for Production No. 7 to the extent that it is overly broad and unduly burdensome. CEI further objects to the definition of “Incident” as vague, ambiguous, and to the extent that it misstates facts/presumes facts not in evidence. Subject to and without waiving these objections, see documents produced by CEI on March 18, 2021. CEI reserves its right to supplement and/or amend its response to this Request.

REQUEST NO. 8: Produce any audio recordings and/or transcripts of recordings of telephone calls made to or received from Complainant from December 1, 2020 through December 8, 2020 inclusive.

RESPONSE: See documents and call recordings produced by CEI on March 18, 2021.

REQUEST NO. 9: Produce all documents related to CEI policy, procedures or job descriptions granting the decision making authority to the person or persons identified in Interrogatory No. 6.

RESPONSE: CEI objects to Request for Production No. 9 on the grounds that it is not relevant to any party’s claims or defenses and not reasonably calculated to lead to the discovery of admissible evidence. See objections and response to Interrogatory No. 6, incorporated herein by reference.

Respectfully Submitted,

/s/ Jaquan Williams

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*Counsel for The Cleveland Electric Illuminating
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CERTIFICATE OF SERVICE

I hereby certify that, on the 5th day of August 2021, I caused a copy of the foregoing document to be served by U.S. mail upon the following:

Michael S. Roote
12935 Rockhaven Rd.
Chesterland, OH 44026
Complainant

/s/ Jaquan Williams
Jaquan Williams (100189)
*One of the Attorneys for The Cleveland Electric
Illuminating Company*

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Case No(s). 21-0011-EL-CSS

Summary: Exhibit AW Respondent's Answers to Complainant's Request for
Discovery. electronically filed by Mr. Michael S. Roote on behalf of Roote, Michael
S Mr.