

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**MICHAEL S. ROOTE,**

**Complainant,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**Respondent.**

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**Case No. 21-0011-EL-CSS**

**EXHIBIT BC COMPLAINANT'S REPLY TO RESPONDENT'S 2ND SET OF REQUEST FOR  
DISCOVERY**

Pursuant to Sections 4901-1-02 (D) of the Ohio Administrative Code, and Section 1.07 of the PUCO Docketing Information System Electronic Filing Manual and Technical Requirements Michael S Roote respectfully requests the following EXHIBIT BC Respondent's Roote – Second Set or Request for Discovery be added to the DIS record.

Brief Description of Exhibit(s).

Complainant's Reply to Respondent's Second Set of Request for Discovery.

Roote Response - Second Set of Discovery to Complainant.pdf

Respectfully,

/s/Michael S Roote pro se  
12935 Rockhaven Road  
Chesterland, Ohio 44026  
Tel: (216) 645-0519  
**m\_roote@yahoo.com**

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**Case No. 21-0011-EL-CSS**

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S  
SECOND SET OF COMBINED DISCOVERY REQUESTS TO COMPLAINANT**

Pursuant to Sections 4901-1-19 and 4901-1-20 of the Ohio Administrative Code, The Cleveland Electric Illuminating Company propounds the following combined Second Set of Interrogatories and Requests for Production of Documents (collectively, the “Discovery Requests”) upon Complainant Michael S. Roote (“Complainant”) to be responded to fully, separately, and in writing within twenty (20) days of service.

**INSTRUCTIONS**

Complainant is required to comply with all applicable provisions of the Commission’s Administrative Provisions and Procedure. To the extent that the information and/or documents requested are not within the possession, custody or control of Complainant, or obtainable upon reasonable investigation of areas within Complainant’s control, but Complainant knows the identity of the person(s) who have custody or control over the information and/or documents, Complainant shall state that he does not have custody or control over the information and/or documents and Complainant shall identify the person and/or entity who has custody or control over the requested information and/or documents.

This discovery shall be deemed continuing in nature and requires further and supplemental production if You receive or generate additional documents or information between the time of original production and the time of the hearing. Any information provided in response to these Interrogatories which is later found to be incorrect or incomplete or to have become incorrect or incomplete shall be corrected or complemented by supplemental answers.

Each Interrogatory is to be answered separately and as completely as possible.

In responding to these Interrogatories, all requested information in Your possession, custody, or control is to be provided. This includes information in the possession, custody, or control of Your investigators, attorneys, and of any third-party or parties to whom You have surrendered possession, custody, or control or who are acting on Your behalf, or who have otherwise obtained possession, custody or control, or who, upon Your request, could surrender possession, custody, or control.

The present tense shall be construed to include the past tense and vice-versa.

If the answer to any Interrogatory is withheld because of any claimed privilege, then state the nature of the privilege and describe, generally, the information that is being withheld. In the event that documents are being withheld under a claim of privilege, identify the document by date, type (i.e., letter, memorandum, e-mail, notes, etc.), author, recipients, including the names of those receiving copies, and describe, generally, its contents.

#### **DEFINITIONS**

- A. “All” means all or any, and “any” means any or all.
- B. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all documents and things that might otherwise be construed as outside its scope.

C. “Document” or “Documents” shall be interpreted and construed broadly and liberally. If a document has been prepared in several copies, or if additional copies have been made, and the copies are not identical in all respects, each non-identical copy shall constitute a separate “document.” The terms “document” and “documents” mean all written, recorded, or graphic matters, however produced or reproduced, whether or not privileged, pertaining in any way to the subject matter of the Complaint. This definition includes, but is not limited to any, and all originals, copies, or drafts of any or all of the following: checks; records; notes; summaries; schedules; contracts or agreements; drawings; sketches; invoices; orders or acknowledgments; diaries; reports; forecasts or appraisals; memoranda of telephone or in-person conversations by or with any person; any other memoranda; calendars; letters; emails; telegrams; telexes or cables prepared, drafted, received, or sent; audio tapes; transcripts or recordings; photographs, pictures or films; computer programs or data; any electronically stored data, including electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensics software); any electronic files saved as a backup; any “deleted” but recoverable electronic files on said media; any electronic files fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory (“RAM”) on a hard drive during the normal operation of a computer (file slack and or RAM slack) or residual data left on the hard drive after new data has overwritten some but not all of previously stored data); or other graphic, symbolic, recorded, or written materials of any nature whatsoever. Any document which contains any comment, notation, addition, insertion, or marking of any kind which is not part of another document, or any document which does not contain any comment, notation, addition, insertion, or marking of any kind which is part of another document, is to be

considered a separate document.

D. “Identify” or “identity” means to state or a statement of:

- a. in the case of a person other than a natural person, its name, the address of its principal place of business, its telephone number, and the name of its chief executive officer, as well as, if it has a person other than a natural person that ultimately controls it, that other person’s name, the address of that person’s principal place of business, that other person’s telephone number, and the name of that other person's chief executive officer;
- b. in the case of a natural person, his or her name, business address, telephone number, employer, and title or position;
- c. in the case of a communication, its date, type (e.g., telephone conversation or discussion), the place where it occurred, the identity of the person who made the communication, the identity of the person who received the communication, the identity of each other person when it was made, and the subject matter discussed;
- d. in the case of a document, the title of the document, the author, the title or position of the author, the addressee, each recipient, the type of document, the subject matter, the date of preparation, and its number of pages;
- e. in the case of an agreement or policy, its date, the place where it occurred, the identity of all persons who were parties to the agreement, the identity of each person who has knowledge of the agreement and all other persons present when it was made, and the subject matter of the agreement; and
- f. in the case of a statute, rule, regulation, or order, the relevant citation,

including all subdivisions.

E. “Communication” means the transmittal of information by any means, including but not limited to, discussion, conversation, conference, meeting, interview, telephone call, text message, e-mail, letter, memorandum and any other written, oral, or electronic transmission intended to communicate.

F. “Relating,” “relate to,” and “concerning” are intended broadly, but not in a way designed to seek information that is irrelevant, or beyond the scope authorized by Commission Rules. Accordingly, the terms should be understood and read in their common, dictionary-sense as meaning “to have to do with, to be of importance to, to involve, or to in some manner, direct or indirect, to evidence, define, describe, or explain.” Therefore, any objection to an interrogatory or request on the ground that it is overbroad, based solely on the use of one or the other of these terms, is not appropriate.

G. “You,” “Your,” and “Complainant” each mean and refer to Michael S. Roote, and each person acting or purporting to act on behalf of Michael S. Roote.

H. “Company” and “CEI” each mean and refer to The Cleveland Electric Illuminating Company and each person acting or purporting to act on behalf of The Cleveland Electric Illuminating Company.

I. “Complaint” means and refers to the Complaint filed by Complainant with the Public Utilities Commission of Ohio, Case No. 21-0011-EL-CSS.

J. “Commission” means and refers to the Public Utilities Commission of Ohio.

K. “Property” means and refers to 12935 Rockhaven Road, Chesterland, Ohio 44026.

L. “Jeffrey Roote” means and refers to the person identified as Jeffrey Roote in your answers to CEI’s First Set of Combined Discovery Requests to Complainant.

Response

### **General Objections**

The 336 word Definition of Document is unnecessarily complex. The result is it is confusing, arbitrary and in some places undecipherable. Some of the references to electronic record requests would be technically impossible. It is so broad in scope the entire 336 words could be replaced with “anything” The 275 word Definition of Identify is also unnecessarily complex resulting in it also being, confusing and arbitrary with some portions undecipherable. Within the context of these objections, Complainant will respond to interrogatories and production requests which include the words Document and Identify, to the best of his ability.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all statutes, tariff provisions, Commission Rules, Commission Regulations and/or Commission Orders that You contend CEI did not comply with as alleged in your Complaint.

**ANSWER:**

Objection 1: There are no violations of specific “statutes, tariff provisions, Commission Rules, Commission Regulations and/or Commission Orders” alleged in the Complaint.

Objection 2: The interrogatory is premature as the Complainant's efforts to correlate the unreasonable and inadequate service, and Unsafe Practices identified in the Complaint to statutes, Commission Rules, Commission Regulations and/or Commission Orders is ongoing. This effort has been delayed by Respondent's refusal/inability and incomplete responses to Complainant's requests for Discovery and production.

Notwithstanding these Objections, to date Complainant has identified the following

statutes, tariff provisions, Commission Rules, Commission Regulations and/or Commission Orders violated by CEI.

**Commission Rules**

4901:1-10-09

4901:1-10-06

4901:1-10-21

**INTERROGATORY NO. 2:** Describe all damage to Your service drop (the wires from the pole to your house), mast head, mast conduit, and/or electric meter that you contend caused an unsafe condition.

**ANSWER:**

The 1-1/4 Steel Conduit (Mast) was bent to an angle of approximately 45 Degrees from vertical. The bracket supporting the top of mast conduit was pulled out from where it was attached to the siding of the house. The fitting connecting the Stranded Steel Cable which serves as a restrain and the Neutral wire, was pulled from its attachment to the siding of the house. The mast \*Weatherhead” phenolic fitting used to hold and separate the incoming wires was broken. The portion of the Stranded Steel Cable which serves as the Neutral wire, was pulled out of its connection at the incoming side of the Meter Box.

Also refer to response to CEI Interrogatory No 1. and RFP No. 5.

**INTERROGATORY NO. 3:** Describe any employment You have had in the electric utility industry. Your response should include the dates of Your employment, the name of Your employer, and Your job description.

**ANSWER:**

None



**INTERROGATORY NO. 4:** Describe any employment You have had in any industry dealing with wires containing voltage of at least 120 volts. Your response should include the dates of Your employment, the name of Your employer, Your job description, and how Your job dealt with wires carrying at least 120 volts.

**ANSWER:**

**3/1972 -12/1990 Wood-Compton Company, later incorporated as Comptrol, Inc.**

**Positions Held**

Inside Sales

Sales Engineer

Product Specialist

Application Engineer

Chief Application Engineer

Sales Manager

V.P of Marketing

**Responsibilities Related to wires carrying at least 120V**

Assisting customers with selecting Industrial Electrical Control Products

Conceiving, proposing, designing, building, installing, servicing and starting up Industrial Machine Control and Automation Systems.

Supervising and managing Sales Engineers, Electrical Engineers, Controls Engineers and related disciplines engaged the like activities.

**1991 – 1995 Pascom Computing**

**Positions Held**

Owner

**Responsibilities Related to wires carrying at least 120V**

Conceiving, proposing, designing, building, installing, starting up and servicing of Motor Driven Linear Slide retrofits for Automatic Screw Machines.

**1995-2000 Tri-Vision International**

General Manager

**Responsibilities Related to wires carrying at least 120V**

Conceiving, proposing, designing, building, installing, starting up and servicing of Electrical Control Systems for Automatic Bar Loading Machines  
Supervising and managing Service Engineers and Electrical Panel Assembly personnel

**2001-2016 Rockwell Automation, Inc.**

Senior Engineer

Project Manager

Nuclear Risk Review Technical Adviser

**Responsibilities Related to wires carrying at least 120V**

Programming, specifying, designing, engineering, repairing, installing and starting-up of industrial control and automation systems and the supervising and management of engineers, and service personnel involved in the same.

**INTERROGATORY NO. 5:** Describe all education You have had relating to the electric utility industry, electrical engineering, or high voltage wire safety. Provide the dates of Your education, the place of Your education, the degrees obtained, and how Your education relates to the electric utility industry, electrical engineering, or high voltage wire safety.

**ANSWER:**

2 years study of Electrical Engineering at Ohio State University – Course of study not completed  
Manufacturer's Product Application Training as listed below:

Warner Electric

Superior Electric

Eaton Cutler Hammer

Industrial Solid State Controls

Browning Power Transmission

Opcon Inc

**INTERROGATORY NO. 6:** Describe any employment Jeffrey Roote has had in the electric utility industry. Your response should include the dates of his employment, the name of his employer, and his job description.

**ANSWER:**

Jeffrey Roote has never worked in the electric utility industry.

**INTERROGATORY NO. 7:** Describe any employment Jeffrey Roote has had in any industry dealing with wires containing voltage of at least 120 volts. Your response should include the dates of his employment, the name of his employer, his job description, and how his job dealt with wires carrying at least 120 volts.

**ANSWER:**

**9/69-6/70 Litton Industries Prof X-Ray division**

**Positions Held**

X-Ray Film Processors Service and Repair Technician

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors.

**7/70-1/72 United States Army**

**Positions Held**

Military Occupational Specialty (MOS) code 35G20 Medical Equipment Repair at

Valley Forge General Hospital- Valley Forge PA

SEATO Lab - Bangkok Thailand

Fifth Field Army Hospital - Bangkok Thailand

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

**2/72-9/79 Litton Industries Prof X-Ray Division**

**Positions Held**

X-Ray Film Processors Service and Repair Technician

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

**10/79-10/82 Xonics Medical Systems**

**Positions Held**

Field Service Engineer

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

Field Service Engineer

**11/82-2/86 Elscint Ltd**

**Positions Held**

Senior Field Service Engineer

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

**2/86-5/2015 Alpha Imaging Inc.**

**Positions Held**

Senior Field Service Engineer

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

**7/2015-7/2016 Alpha Imaging Inc.**

**Positions Held**

Senior Field Service Engineer (Part-time)

**Responsibilities Related to wires carrying at least 120V**

Installing, troubleshooting and repairing X-Ray Film Processors

**INTERROGATORY NO. 8:** Describe all education Jeffrey Roote has had relating to the electric utility industry, electrical engineering, or high voltage wire safety. Provide the dates of

his education, the place of his education, the degrees obtained, and how his education relates to the electric utility industry, electrical engineering, or high voltage wire safety.

ANSWER:

1/68-9/69 Griswold Technical Institute School of Electronics Electronic Technician

Many factory training schools. A few that subject still has certificates of completion for include

3/12/1971 Ritter Company Dental Division Ritter Technical Training – 40 hours

3/1973 Litton Industries Introduction to X-Ray Equipment Repair

10/2003 Multicare Platinum breast biopsy system

2/14/2003 M-4 Platinum Mamographic X-ray Unit

**INTERROGATORY NO. 9:** Describe the relief You request from this Complaint proceeding in light of the Commission partially dismissing Your Complaint..

ANSWER:

Objection: “Commission partially dismissing” is vague and ambiguous.

Notwithstanding the objection, and assuming “Commission partially dismissing” is a reference to the Attorney-Examiner's order issued on June 24, 2021, know that Complainant had a teleconference and follow-up emails with the Attorney-Examiner clarifying the Attorney Examiner's order. As a result of those discussions, Complainant's requested relief is as follows: “Complainant demands, that as authorized under O.R.C. 4905.06 and 4905.38 and reference 4905.26, that after conducting a thorough investigation, PUCO change IC rules and implement corrective action to require inspections of property that have reported damage prior to restoring service to such properties. Such orders of corrective action shall be made public and the public instructed to report any future unsafe acts of a similar nature to the responsible person or persons at the PUCO. And that PUCO impose any other rules or procedures as PUCO determines necessary to ensure repair crews are notified of reports by users of property damage before power is restored. Specific authority comes from O.R.C 4905.06 which states “The power to inspect includes the power to prescribe any rule or order that the commission finds necessary for protection of the public safety.”

While it should be unnecessary given the powers granted by the State Legislature to the PUCO to fulfill the demand, after having dealt with CEI, Complainant would add to his demand that CEI be ordered to cooperate fully with the Commission in the completion of their investigation and assist them with defining and implementing appropriate corrective actions.

**INTERROGATORY NO. 10:** Describe how the generator You reference in Your Complaint is connected to Your residence, including whether it complies with the building code.

**ANSWER:**

Objection: Building Code is a vague term.

Objection: Assumes facts not in evidence.

Notwithstanding the objections, a Generator has never been connected to the Property.

**INTERROGATORY NO. 11:** Identify all non-parties to this Complaint proceeding with whom You have discussed the proceedings and/or the subject matter of Your Complaint.

**ANSWER:**

Objection: General discussions with friends and family none of whom are professionals in Law, or Utilities are irrelevant and unlikely to lead to any further discovery. Details of my Complaint have been discussed with Nancy Roote and Jeffrey Roote. See my answers in response to CEI's 1<sup>st</sup> Set of Request for Discovery.

Honorable Representative Diane V. Grendell

77 South High St.

Ohio House of Representatives

13<sup>th</sup> Floor

Columbus, OH 43215-6111

Email: rep76@ohiohouse.gov

Brandon J. Hendrickson

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Mr. Richard Warner

Lead Investigator Geauga County Prosecutor

rwarner@co.geauga.oh.us

Criminal Investigator

Gauga County Prosecutor's Office

Direct – (440) 279-2124

Mobile – (440) 941-2308

See also Complainant's response to CEI interrogator Number 1

### **REQUESTS FOR PRODUCTION**

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

#### **RESPONSE:**

Objection: The 336 word Definition of Document is unnecessarily complex. The result is it is confusing, arbitrary and in some places undecipherable. Some of the references to electronic record requests would be technically impossible. It is so broad in scope the entire 336 words could be replaced with “anything”

Notwithstanding the objection, Complainant is providing documents related to Jeffrey Roote's education.

**REQUEST FOR PRODUCTION NO. 2:** Produce all documents and recordings that You received from the Commission related to the allegations asserted in Your Complaint.

#### **RESPONSE:**

Objection: The 336 word Definition of Document is unnecessarily complex. The result is it is confusing, arbitrary and in some places undecipherable. Some of the references to electronic record requests would be technically impossible. It is so broad in scope the entire 336 words could be replaced with “anything”

Objection. Public records are available from the PUCO for the asking. Complainant should not be burdened with getting readily available public records, especially from the Commission that regulates CEI.

Notwithstanding the objections, Complainant is supplying three, which represents all, of the audio recordings of telecons between Complainant and Commission employees and one additional PDF document purportedly containing all public records obtained as a result of Complainant's Public Records Request. Also see filings already supplied and posted in the DIS system managed by the Commission and available on their website

**REQUEST FOR PRODUCTION NO. 3:** Produce all documents and recordings that You received from the Commission pursuant to the Public Records Request that you made to the Commission on or about August 30, 2021, as described in paragraph 3 of Your Motion for Continuance, filed on September 14, 2021.

**RESPONSE:**

Objection. Public records are available from the PUCO for the asking. Complainant should not be burdened with getting readily available public records, especially from the Commission that regulates CEI.

Notwithstanding the objection, refer to request for production Number 2

**REQUEST FOR PRODUCTION NO. 4:** Produce an electronic file of the exhibit you filed with the Commission as “Exhibit AQ - PUCO Public Record Recording of Phone Call with Complainant discussing CEI Unsafe Practices” on September 29, 2021.



RESPONSE:

Objection. Public records are readily available from the PUCO for the asking. Complainant should not be burdened with getting readily available public records, especially from the Commission that regulates CEI.

Notwithstanding the objection, Complainant is supplying these Documents as described in Complainant's response to RFP No. 2

**REQUEST FOR PRODUCTION NO. 5:** Produce all documents to support the following allegation in your Complaint: "Upon pulling the meter, it was immediately obvious the Neutral (return) wire had been completely pulled from its connection on the incoming side and was hanging in the air."

RESPONSE:

Complainant will attest to the fact the Neutral wire was completely pulled from its connection. Ironically, CEI possesses the Documents CEI seeks and moreover, said documents have been requested by Discovery by Complainant. CEI refuses or is unable to provide them to date. See CEI Response to Complainant's Formal Interrogatory number 5 and the Request for Production number 5. CEI can also acquire the confirmation they seek by asking CEI employee Tyler Henry, who pulled the meter on December 8 which revealed the dislodged wire.

Dated this 1st day October 2021.

/s Christopher A. Rogers

Christopher A. Rogers (Practice Pending  
Admission No. 100781)  
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*PPA Supervising Attorney*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing The Cleveland Electric Illuminating Company's Second Set of Combined Discovery Requests was served upon the following by regular U.S. mail, on this 1st day of October 2021. An electronic Word copy of the foregoing was also served to the Complainant via electronic mail at m\_roote@yahoo.com on this 1st day of October 2021.

Michael S. Roote  
12935 Rockhaven Rd.  
Chesterland, Ohio 44026

/s/ Christopher A. Rogers  
One of the Attorneys for The Cleveland  
Electric Illuminating Company

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**11/26/2021 11:27:31 AM**

**in**

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

Summary: Exhibit BC Complainant's Answer to Respondent's 2nd Set of Request  
for Discovery. electronically filed by Mr. Michael S. Roote on behalf of Roote,  
Michael S Mr.