

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Review :Case No. 13-2173-EL-RDR  
of the Demand Side :Case No. 14-1947-EL-RDR  
Management and Energy :Case No. 15-1843-EL-RDR  
Efficiency Rider of Ohio :Case No. 16-2167-EL-RDR  
Edison Company, The :Case No. 17-2277-EL-RDR  
Cleveland Electric :  
Illuminating Company, and :  
The Toledo Edison Company. :

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In the Matter of the :Case No. 18-857-EL-UNC  
Determination of the :Case No. 19-1338-EL-UNC  
Existence of Significantly :Case No. 20-1034-EL-UNC  
Excessive Earnings Under the:Case No. 21-586-EL-UNC  
Electric Security Plans of :  
Ohio Edison Company, The :  
Cleveland Electric :  
Illuminating Company, and :  
The Toledo Edison Company. :

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In the Matter of the :  
Quadrennial Review Required :  
by R.C. 4928.143(E) for :Case No. 20-1476-EL-UNC  
The Electric Security Plans :  
Of Ohio Edison Company, The :  
Cleveland Electric :  
Illuminating Company, and :  
The Toledo Edison Company. :

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In the Matter of the :  
Application of Ohio Edison :  
Company, The Cleveland :Case No. 21-1127-EL-ATA  
Electric Illuminating :  
Company, and The Toledo :  
Edison Company for Approval :  
of a Tariff Change. :

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PROCEEDINGS

Before Ms. Jacky St. John Werman, Mr. Gregory Price,  
and Ms. Megan Addison, Attorney Examiners for the  
Public Utilities Commission of Ohio, via Webex called  
at 10:00 a.m. on Monday, November 22, 2021.

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-4620  
(614) 224-9481 - (800) 223-9481

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APPEARANCES:

FirstEnergy Service Company  
By Mr. Brian Knipe  
76 South Main Street  
Akron, Ohio 44308

Benesch, Friedlander, Coplan & Aronoff  
By Mr. Mark Keaney  
and Mr. Trevor Alexander  
41 South High Street  
2600 Huntington Center  
Columbus, Ohio 43215

On behalf of Ohio Edison Company,  
The Cleveland Electric Illuminating Company,  
and The Toledo Edison Company.

Carpenter, Lipps & Leland  
By Ms. Kimberly W. Bojko  
and Mr. Thomas Donadio  
280 North High Street  
280 Plaza Suite 1300  
Columbus, Ohio 43215

On behalf of Ohio Manufacturer's  
Association Energy Group  
Bruce J. Weston, Ohio Consumers' Counsel  
By Mr. Christopher Healey  
Assistant Consumers' Counsel  
65 East State Street, Suite 200  
Columbus, Ohio 43215

On behalf of the Residential Customers of  
Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The  
Toledo Edison Company.

McNees, Wallace & Nurick  
By Ms. Rebekah Glover  
and Mr. Matthew Pritchard  
21 East State Street, 17th floor  
Columbus, Ohio 43215

On behalf of the Industrial Energy Users  
of Ohio.

APPEARANCES: (Continued)

Boehm, Kurtz & Lowry  
By Mr. Mike Kurtz  
and Ms. Jody Kyler Cohn,  
36 East Seventh Street  
Cincinnati, Ohio

On behalf of Ohio Energy Group.

Bricker & Eckler  
By Ms. Rachel Mains  
and Mr. Devin Parram  
100 South Third Street  
Columbus, Ohio 43215

On behalf of the Ohio Hospital  
Association.

Carpenter, Lipps & Leland  
By Mr. Jonathan Wygnoski  
and Ms. Angela Paul Whitfield  
280 North High Street, Suite 1300  
Columbus, Ohio 43215

On behalf of the Kroger Company.

Bricker & Eckler  
By Mr. Dane Stinson  
100 South Third Street  
Columbus, Ohio 43215

Mr. Glenn Krassen  
31360 Solon Road, Suite 33  
Solon, Ohio 44139

On behalf of the Northeast Ohio Energy  
Council.

Kegler, Brown, Hill & Ritter  
By Mr. Robert Dove, Esq.  
65 East State Street, Suite 1800  
Columbus, Ohio 43215

On behalf of Ohio Partners for Affordable  
Energy.

APPEARANCES: (Continued)

Stone, Mattheis, Xenopoulous & Brew  
By Mr. Michael Lavanga  
and Mr. Joseph Briscar  
1025 Thomas Jefferson Street Northwest,  
8th Floor, West Tower  
Washington, D C, 20007.

On behalf of Nucor Steel Marion.

Interstate Gas Supply, Inc.  
Mr. Michael Nugent  
Mr. Joseph Olier  
And Mr. Evan Betterton  
6100 Emerald Parkway  
Dublin, Ohio 43016.

On behalf of Interstate Gas Supply, Inc.

Dave Yost, Ohio Attorney General  
John H. Jones, Section Chief  
Public Utilities Section  
By Werner L. Margard  
Mr. Robert Eubanks  
and Ms. Kyle L. Kern  
Assistant Attorneys General  
30 East Broad Street, 26th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the Public  
Utilities Commission of Ohio.

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Monday Morning Session,  
November 22, 2021.

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EXAMINER ST. JOHN: Let's go on the  
record.

The Public Utilities Commission of Ohio  
has set for hearing at this time and place Case No.  
13-2173-EL-RDR, et al., which is a consolidated case  
involving the Review of the Demand Side Management  
and Energy Efficiency Rider, the Determination of  
Significantly Excessive Earnings, the Quadrennial  
Review, and the Application for Approval of a Tariff  
Change for Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The Toledo Edison  
Company.

My name is Jacky St. John, and with me  
are Gregory Price and Megan Addison, and we are the  
Attorney Examiners assigned to preside over this  
hearing.

Now let's go ahead and take appearances  
of the parties starting with the Company.

MR. KNIPE: Good morning, your Honors.  
Appearing on behalf of Ohio Edison Company, The  
Cleveland Electric Illuminating Company, and The  
Toledo Edison Company, I'm Brian Knipe, FirstEnergy

1 Service Company, 76 South Main Street, Akron, Ohio  
2 44308.

3 Also appearing on behalf of the  
4 Companies, the law firm of Benesch, Friedlander,  
5 Coplan & Aronoff, Mark Keaney and Trevor Alexander,  
6 41 South High Street, 2600 Huntington Center,  
7 Columbus, Ohio 43215.

8 EXAMINER ST. JOHN: Thank you. Ohio  
9 Manufacturer's Association Energy Group.

10 MS. BOJKO: Thank you, your Honors. On  
11 behalf of Ohio Manufacturer's Association Energy  
12 Group, Kimberly W. Bojko and Thomas Donadio, with the  
13 law firm Carpenter, Lipps & Leland, 280 North High  
14 Street, Suite 1300, Columbus, Ohio 43215.

15 EXAMINER ST. JOHN: Thank you. On  
16 behalf of Ohio Consumers' Counsel.

17 MR. HEALEY: Good morning, your Honors.  
18 On behalf of the Ohio Consumers' Counsel, Christopher  
19 Healey, 65 East State Street, Columbus, Ohio 43215.  
20 Thank you.

21 EXAMINER ST. JOHN: Thank you.  
22 Industrial Energy Users of Ohio.

23 MS. GLOVER: Thank you, your Honors. On  
24 behalf of the Industrial Energy Users of Ohio,  
25 Rebekah Glover and Matthew Pritchard from the law



1 firm McNees, Wallace & Nurick, 21 East State Street,  
2 17th floor, Columbus, Ohio 43215.

3 EXAMINER ST. JOHN: Thank you. On  
4 behalf of Ohio Energy Group.

5 MR. KURTZ: Good morning, your Honors.  
6 Mike Kurtz and Jody Kyler Cohn, Boehm, Kurtz & Lowry,  
7 36 East Seventh Street, Cincinnati.

8 EXAMINER ST. JOHN: Thank you. The Ohio  
9 Hospital Association.

10 MS. MAINS: Good morning, your Honors.  
11 Rachel Mains and Devin Parram on behalf of the Ohio  
12 Hospital Association, with the law firm Bricker &  
13 Eckler, located at 100 South Third Street, Columbus,  
14 Ohio 43215.

15 EXAMINER ST. JOHN: Thank you. And the  
16 Kroger Company?

17 MR. WYGNOSKI: Thank you, your Honors.  
18 This is Jonathan Wygnoski appearing for Angela Paul  
19 Whitfield, from Carpenter, Lipps & Leland, 280 North  
20 High Street, Columbus, Ohio 43215, Suite 1300. We're  
21 appearing on behalf of the Kroger Company today.  
22 Thank you.

23 EXAMINER ST. JOHN: Thank you. On  
24 behalf of Northeast Ohio Public Energy Council.

25 MR. STINSON: Thank you, your Honors.

On behalf of the Northeast Ohio Public Energy Council, the law firm of Bricker & Eckler, by Dane Stinson and Glenn Krassen, 100 South Third Street, Columbus, Ohio 43215, and Mr. Krassen's address is 31360 Solon Road, Suite 33, Solon, Ohio 44139. Thank you.

EXAMINER ST. JOHN: Thank you. Ohio Partners for Affordable Energy.

MR. DOVE: Good morning, your Honors. On behalf of Ohio Partners for Affordable Energy, Robert Dove with the law firm Kegler, Brown, Hill & Ritter, 65 East State Street, Suite 1800, Columbus, Ohio 43215.

EXAMINER ST. JOHN: Thank you. On behalf of Nucor Steel Marion.

MR. LAVANGA: Good morning, your Honors. On behalf of Nucor Steel Marion, Michael Lavanga and Joseph Briscar of the firm Stone, Mattheis, Xenopoulos & Brew, 1025 Thomas Jefferson Street Northwest, 8th Floor, West Tower, Washington, D C, 20007. Thank you.

EXAMINER ST. JOHN: Thank you. Interstate Gas Supply.

MR. NUGENT: Good morning, your Honors. On behalf of Interstate Gas Supply, Inc., Michael

1 Nugent, Joseph Olikar, and Evan Betterton, 6100  
2 Emerald Parkway, Dublin, Ohio 43016.

3 EXAMINER ST. JOHN: Thank you. And on  
4 behalf of Staff.

5 MR. MARGARD: Thank you, your Honors.  
6 On behalf of the Staff of the Public Utilities  
7 Commission of Ohio, Dave Yost, Ohio Attorney General,  
8 John H. Jones, Section Chief, Public Utilities  
9 Section, by Assistant Attorneys General Werner L.  
10 Margard, Robert Eubanks, and Kyle L. Kern, 30 East  
11 Broad Street, 26th Floor, Columbus, Ohio 43215.

12 EXAMINER ST. JOHN: Thank you. And I  
13 will note at this time that today's hearing is being  
14 held through Webex which enables the parties to  
15 participate via video conference, while also  
16 affording public access to the hearing by telephone  
17 or video over the internet.

18 Before we call our first witness I would  
19 like to briefly address some preliminary matters.  
20 First, if you experience any technical difficulties  
21 during the hearing, please contact our event host,  
22 Micah Schmidt, by calling 614-466-6843.

23 I'll also point out for those who are  
24 watching, or listening as an attendee, that while  
25 you'll be able to observe the hearing, your

1 microphones will remain muted. Any witnesses will be  
2 promoted by our host.

3 We also ask that counsel would keep  
4 their microphones muted unless they are speaking, and  
5 counsel should leave their cameras on at all times.

6 Please be mindful of our Court Reporter.  
7 Please speak clearly and at a reasonable pace so that  
8 she can accurately transcribe the hearing.

9 And with that, are there any questions  
10 from counsel about anything we have gone over so far,  
11 or any preliminary matters to discuss?

12 All right. Seeing none, Judge Addison,  
13 I'll go ahead and turn things over to you.

14 EXAMINER ADDISON: Thank you very much.  
15 While we were off the record it appears -- or at  
16 least it's our understanding that we may have several  
17 exhibits to be -- that the parties have stipulated to  
18 admitting into the record for today's hearing.

19 With that, I will hand it off to the  
20 Companies to proceed.

21 MR. KEANEY: This is Mark Keaney,  
22 counsel for the Companies. The -- in this  
23 proceeding, all parties to this proceeding, the  
24 Company, Staff, and all ten intervenors, have  
25 unanimously agreed to the terms and conditions of the

1 Stipulation and Recommendation that have been filed  
2 in these dockets on November 1st, 2021.

3 Several parties, specifically the  
4 Companies, which entail the Ohio Edison Company, The  
5 Cleveland Electric Illuminating Company, and The  
6 Toledo Edison Company, Staff, OCC, and OEG, have also  
7 filed direct testimony in support of the Stipulation,  
8 which was filed in these proceedings on November 15th  
9 and 16th of 2021.

10 In the interest of administrative  
11 expedience, the Companies would propose that the  
12 parties stipulate to the admission of the Stipulation  
13 and Recommendation that had been filed on  
14 November 1st, 2021 in this docket, as well as the  
15 admission of the direct testimony in support of that  
16 unanimous Stipulation, which had been filed by the  
17 Companies, Staff, OCC, and OEG.

18 EXAMINER ADDISON: I will certainly  
19 defer ruling on the motion, Mr. Keaney. Perhaps we  
20 can take a step back and just mark each exhibit  
21 separately as agreeable to the parties.

22 MR. KEANEY: Sure. So the Companies  
23 would mark Exhibit 1. Companies' Exhibit 1 would be  
24 the Stipulation and Recommendation filed and docketed  
25 on November 1st, 2021.

1 MR. HEALEY: Might I recommend that that  
2 be Joint Exhibit 1?

3 EXAMINER ADDISON: That would be my  
4 recommendation. Thank you. It will be so marked.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 MR. KEANEY: And then the Companies'  
7 Exhibit 1 would be the direct testimony in support of  
8 the stipulation from Santino L. Fanelli, which was  
9 filed on November 15th, 2021 in these dockets.

10 EXAMINER ADDISON: So marked.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 MR. KEANEY: Thank you, your Honor.

13 EXAMINER ADDISON: Mr. Healey, would you  
14 care to go next?

15 MR. HEALEY: Yes, your Honor. At this  
16 time I'd like to mark as OCC Exhibit 1 the testimony  
17 in support of settlement of Matthew I. Kahal on  
18 behalf of Office of Ohio Consumers' Counsel that's  
19 filed in these cases on November 15th, 2021.

20 EXAMINER ADDISON: So marked.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 EXAMINER ADDISON: OEG.

23 MR. KURTZ: Thank you, your Honor. We  
24 would like marked as OEG Exhibit 1 the direct  
25 testimony in support of stipulation of Lane Kollen.

1 Thank you.

2 EXAMINER ADDISON: Thank you. It will  
3 be so marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 EXAMINER ADDISON: And last but not  
6 least, Staff.

7 MR. MARGARD: Thank you, your Honors.  
8 Staff filed testimony in this case supporting the  
9 stipulation from Tamara Turkenton on November 15th of  
10 2021, and I request that that testimony be marked for  
11 identification as Staff Exhibit No. 1.

12 Unfortunately, your Honor, that  
13 testimony did not contain a complete caption for Case  
14 No. 21-1127, and consequently was held by docketing,  
15 was refiled the following morning with the correct  
16 docket number for that case, and so I would  
17 respectfully request that the Bench find that the  
18 testimony to have been timely filed in all of the  
19 cases, including case 21-1127.

20 We have surveyed the parties to see if  
21 they had any objection, and none have voiced any, and  
22 so I would respectfully move that the Bench find  
23 Staff testimony to have been timely filed on  
24 November 15th, 2021.

25 EXAMINER ADDISON: Okay. Thank you. Is

1 that correct, that no other party has an objection to  
2 Staff's testimony being considered timely filed?

3 MR. KEANEY: That is correct, your  
4 Honor.

5 EXAMINER ADDISON: Thank you. Then it  
6 shall be considered timely filed, and Staff Exhibit 1  
7 will be marked.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 EXAMINER ADDISON: And before Mr. Keaney  
10 had moved for the admission of Joint Exhibit 1, OCC  
11 Exhibit 1, OEC -- I apologize, OEG Exhibit 1 and  
12 Staff Exhibit 1. Are there any objections to the  
13 admission of these exhibits into the record at this  
14 time?

15 Hearing none, they will be admitted.

16 (EXHIBITS ADMITTED INTO EVIDENCE.)

17 EXAMINER ADDISON: Mr. Keaney, anything  
18 else?

19 MR. KEANEY: No, your Honors. I just  
20 want to take this opportunity to thank you and thank  
21 all the parties for their good faith efforts in  
22 connection with the stipulation. The Companies  
23 really appreciate everybody's efforts in that  
24 endeavor.

25 EXAMINER ADDISON: Thank you very much.



1 Anything else from any other party this morning?

2 Okay. With that, I will second our  
3 thanks. Thank you all for tuning in this morning,  
4 and have a very happy Thanksgiving. We are  
5 adjourned.

6 (Thereupon, the hearing was  
7 adjourned at 10:15 a.m.)

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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 22,  
2021, and carefully compared with my original  
stenographic notes.

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

My commission expires August 11, 2026.

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

**11/30/2021 10:11:51 AM**

**in**

**Case No(s). 13-2173-EL-RDR, 14-1947-EL-RDR, 15-1843-EL-RDR, 16-2167-EL-RDR, 17-2277-EL-RDR, 18-0857-EL-UNC, 19-1338-EL-UNC, 20-1034-EL-UNC, 21-0586-EL-UNC, 20-1476-EL-UNC, 21-1127-EL-ATA**

Summary: Transcript November 22nd 2021 In the Matter of the Review of the Demand Side Management and Energy Efficiency Rider of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. In the Matter of the Determination of the Existence of Significantly Excessive Earnings Under the Electric Security Plans of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. In the Matter of the Quadrennial Review Required by R.C. 4928.143(E) for The Electric Security Plans Of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a Tariff Change. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie