

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. :

- - -

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. :

- - -

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
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1 APPEARANCES:

2 FirstEnergy Service Company
 3 By Mr. Brian Knipe
 4 76 South Main Street
 5 Akron, Ohio 44308

6 Benesch, Friedlander, Coplan & Aronoff
 7 By Mr. Mark Keaney
 8 and Mr. Trevor Alexander
 9 41 South High Street
 10 2600 Huntington Center
 11 Columbus, Ohio 43215

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

15 Carpenter, Lipps & Leland
 16 By Ms. Kimberly W. Bojko
 17 and Mr. Thomas Donadio
 18 280 North High Street
 19 280 Plaza Suite 1300
 20 Columbus, Ohio 43215

21 On behalf of Ohio Manufacturer's
 22 Association Energy Group
 23 Bruce J. Weston, Ohio Consumers' Counsel
 24 By Mr. Christopher Healey
 25 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.

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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.

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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 Olikier
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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1 Monday Morning Session,
2 November 22, 2021.

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

6 The Public Utilities Commission of Ohio
7 has set for hearing at this time and place Case No.
8 13-2173-EL-RDR, et al., which is a consolidated case
9 involving the Review of the Demand Side Management
10 and Energy Efficiency Rider, the Determination of
11 Significantly Excessive Earnings, the Quadrennial
12 Review, and the Application for Approval of a Tariff
13 Change for Ohio Edison Company, The Cleveland
14 Electric Illuminating Company, and The Toledo Edison
15 Company.

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

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

22 MR. KNIPE: Good morning, your Honors.
23 Appearing on behalf of Ohio Edison Company, The
24 Cleveland Electric Illuminating Company, and The
25 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 McNeese, 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.

1 On behalf of the Northeast Ohio Public Energy
2 Council, the law firm of Bricker & Eckler, by Dane
3 Stinson and Glenn Krassen, 100 South Third Street,
4 Columbus, Ohio 43215, and Mr. Krassen's address is
5 31360 Solon Road, Suite 33, Solon, Ohio 44139. Thank
6 you.

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

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

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

16 MR. LAVANGA: Good morning, your Honors.
17 On behalf of Nucor Steel Marion, Michael Lavanga and
18 Joseph Briscar of the firm Stone, Mattheis,
19 Xenopoulous & Brew, 1025 Thomas Jefferson Street
20 Northwest, 8th Floor, West Tower, Washington, D C,
21 20007. Thank you.

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

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

1 Nugent, Joseph Oliker, 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.

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**

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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