

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo) Case No. 17-974-EL-UNC
Edison Company's Compliance with R.C.)
4928.17 and the Ohio Adm. Code Chapter)
4901:1-37.)

**MOTION FOR AN *IN CAMERA* REVIEW TO RESOLVE FIRSTENERGY CORP.'S
CLAIM OF AN PRIVILEGE AGAINST RESPONDING TO OCC'S DISCOVERY**

AND

**MOTION FOR A STANDING ORDER REQUIRING THAT FIRSTENERGY CORP.
FILE ALL FUTURE PRIVILEGE LOGS IN THIS DOCKET**

FOR *IN CAMERA* REVIEW

AND

**MOTION FOR A STANDING ORDER REQUIRING FIRSTENERGY CORP. AND ANY
OTHER FIRSTENERGY ENTITY WITHHOLDING DOCUMENTS ON THE BASIS OF
PRIVILEGE TO PRODUCE TO OCC**

ANY SUCH DOCUMENTS PRODUCED TO ANY THIRD PARTY

AND

**MOTION FOR A STANDING ORDER REQUIRING FIRSTENERGY CORP.
TO DISCLOSE IMMEDIATELY AND THEREAFTER FILE A NOTICE OF ANY PAST
OR FUTURE DISCLOSURES, TO OR BY THIRD PARTIES, OF ANY PART OF THE
FIRSTENERGY CORP. BOARD'S INTERNAL INVESTIGATION REPORT AND/OR
OF ANY OTHER DOCUMENTS CLAIMED TO BE PRIVILEGED**

BY

OFFICE OF THE OHIO CONSUMERS' COUNSEL

Bruce Weston (0016973)
Ohio Consumers' Counsel

Maureen R. Willis (0020847)
Counsel of Record
John Finnigan (0018689)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, Suite 700
Columbus, Ohio 43215
Telephone: (614) 466-9567 (Willis)
Telephone: (614) 466-9585 (Finnigan)
Maureen.willis@occ.ohio.gov
John.finnigan@occ.ohio.gov
(willing to accept service by e-mail)

January 3, 2022

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo) Case No. 17-974-EL-UNC
Edison Company's Compliance with R.C.)
4928.17 and the Ohio Adm. Code Chapter)
4901:1-37.)

**MOTION FOR AN *IN CAMERA* REVIEW TO RESOLVE FIRSTENERGY CORP.'S
CLAIM OF AN PRIVILEGE AGAINST RESPONDING TO OCC'S DISCOVERY
AND**

**MOTION FOR A STANDING ORDER REQUIRING THAT FIRSTENERGY CORP.
FILE ALL FUTURE PRIVILEGE LOGS IN THIS DOCKET
FOR *IN CAMERA* REVIEW
AND**

**MOTION FOR A STANDING ORDER REQUIRING FIRSTENERGY CORP. AND ANY
OTHER FIRSTENERGY ENTITY WITHHOLDING DOCUMENTS ON THE BASIS OF
PRIVILEGE TO PRODUCE TO OCC
ANY SUCH DOCUMENTS PRODUCED TO ANY THIRD PARTY
AND**

**MOTION FOR A STANDING ORDER REQUIRING FIRSTENERGY CORP.
TO DISCLOSE IMMEDIATELY AND THEREAFTER FILE A NOTICE OF ANY PAST
OR FUTURE DISCLOSURES, TO OR BY THIRD PARTIES, OF ANY PART OF THE
FIRSTENERGY CORP. BOARD'S INTERNAL INVESTIGATION REPORT AND/OR
OF ANY OTHER DOCUMENTS CLAIMED TO BE PRIVILEGED
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

This case concerns an investigation into whether the FirstEnergy Utilities and their affiliates violated Ohio corporate separation requirements.

Once again, FirstEnergy has forced the Office of the Ohio Consumers' Counsel ("OCC") to request the PUCO to intervene to resolve a discovery dispute. FirstEnergy Corp. is the utility holding company that is charged with a federal crime.

OCC served a subpoena requiring FirstEnergy Corp. to produce copies of all documents that FirstEnergy Corp. provided to the U.S. Department of Justice ("U.S. DOJ") and the U.S.

Securities and Exchange Commission (“U.S. SEC”) for their investigations into this scheme.¹ FirstEnergy Corp. now seeks to withhold many of these documents based on an alleged privilege that shields the documents from discovery. This claim of privilege does not seem well made for many of the documents. FirstEnergy Corp. provided OCC with privilege logs describing many withheld documents that have no apparent basis for a claim of attorney-client or work product privilege. (See Attachment A – FirstEnergy Corp. Privilege Logs Vol. 1 and 3) Meanwhile, FirstEnergy Corp. continues to delay OCC’s case preparation. even though it entered into a Deferred Prosecution Agreement (“DPA”) with the U.S. DOJ where FirstEnergy Corp. “consents to any and all disclosures to other governmental authorities of such materials as the [U.S. DOJ], in its sole discretion, shall deem appropriate.”²

Based on established Ohio law, OCC moves for a PUCO Attorney Examiner to perform an *in camera* review of the existing FirstEnergy Corp. privilege logs and the documents described to determine whether each privilege claim is valid. OCC also moves for a standing order that all future privilege logs produced in the docket of this case be subject to an *in camera* review. OCC further moves for an order that requires FirstEnergy Corp. or any other FirstEnergy entity withholding documents on the basis of privilege, to produce to OCC any documents produced to any third party.

Finally, OCC moves for a standing order requiring FirstEnergy Corp. to disclose every time that it provided its internal investigation report, or any findings from the report, or other privileged documents to government investigators or to a third party. The order should be ongoing to cover future disclosures.

¹ See Case No. 20-1502-EL-UNC, et al. Motion for Subpoena, Attachment – Subpoena (Sept. 24, 2021).

² *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 4 (July 22, 2021).

These Motions are more fully explained in the accompanying Memorandum in Support.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ John Finnigan
Maureen R. Willis (0020847)
Counsel of Record
John Finnigan (0018689)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, Suite 700
Columbus, Ohio 43215
Telephone: (614) 466-9567 (Willis)
Telephone: (614) 466-9585 (Finnigan)
Maureen.willis@occ.ohio.gov
John.finnigan@occ.ohio.gov
(willing to accept service by e-mail)

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION	1
II. RECOMMENDATIONS	4
A. To protect consumers and promote transparency, the PUCO should grant the Motion for an <i>in camera</i> review of documents OCC has sought through discovery that FirstEnergy Corp. is withholding.....	4
1. Ohio law grants OCC broad rights of discovery and the information OCC seeks is necessary for OCC to protect Ohio consumers.	4
2. A party refusing to produce documents sought in discovery on the grounds of privilege bears the burden of proof to establish that a privilege shields the documents from discovery.	7
3. The attorney-client privilege only applies to communications between a lawyer and client.	7
4. The attorney-client privilege does not apply to communications that were part of a criminal or fraudulent scheme.	9
5. When a party refuses to produce discovery documents on the grounds of privilege, Ohio law requires an <i>in camera</i> review to determine the validity of the privilege.	11
B. The attorney-client and work product privileges are waived by disclosing the communications to government investigators or other litigants in adversary proceedings. The PUCO should issue a standing order requiring FirstEnergy Corp. and any other FirstEnergy entity to reveal such disclosures and require them to produce to OCC the documents they produced to others.	13
III. CONCLUSION	16

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo) Case No. 17-974-EL-UNC
Edison Company’s Compliance with R.C.)
4928.17 and the Ohio Adm. Code Chapter)
4901:1-37.)

MEMORANDUM IN SUPPORT

I. INTRODUCTION

FirstEnergy Corp. signed a Deferred Prosecution Agreement on July 22, 2021 admitting to the underlying facts of honest services wire fraud. – the federal crime with which it has been charged. The criminal charge relates to claimed payments of \$60 million for former Speaker of the House to pass H.B. 6 and payment of “\$4.3 million dollars to Public Official B through his consulting company in return for Public Official B performing official action in his capacity as PUCO Chairman to further FirstEnergy Corp.’s interests relating to passage of nuclear legislation and other specific FirstEnergy Corp. legislative and regulatory priorities, as requested and as opportunities arose.”³

The need for consumer protection is heightened, given FirstEnergy Corp.’s disclosures in U.S. SEC filings of its internal investigation.⁴ An internal investigation led FirstEnergy Corp. to fire or “separate” CEO Chuck Jones and several other senior executives for their roles in the scheme.⁵

³ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 17 (July 22, 2021).

⁴ FirstEnergy Corp., Form 10-K at 125 (Feb. 18, 2021).

⁵ FirstEnergy Corp., Form 8-K (Oct. 30, 2020), Form 8-K (Nov. 8, 2020) and Form 8-K (May 27, 2021).

The criminal complaint against the former Speaker of the House and others was filed on July 20, 2020, yet one of the senior executives, Eileen Mikkelsen, remained in place for nearly a full year until she was “separated” on May 27, 2021.⁶ On October 28, 2021, FirstEnergy Corp.’s latest quarterly U.S. SEC report stated that the U.S. DOJ, U.S. SEC and FERC investigations, as well as FirstEnergy Corp.’s internal investigation, are “ongoing.”⁷

The internal investigation revealed a “purported consulting agreement” between FirstEnergy and a consulting firm owned by the former PUCO Chairman.⁸ Under the agreement, FirstEnergy paid the former PUCO Chair’s consulting company \$4.3 million immediately before he was appointed as PUCO Chairman. FirstEnergy Corp. initially said the payment “may have been for purposes other than those represented within the consulting agreement.”⁹ FirstEnergy Corp. later admitted the payment was for “performing official action in his capacity as PUCO Chairman to further FirstEnergy Corp.’s interests”¹⁰ as described above. FirstEnergy Corp. admitted this when it entered into the DPA on July 22, 2021.¹¹

FirstEnergy Corp.’s public disclosures and admissions show that Mr. Jones, its former CEO, was a central figure in “likely the largest bribery, money-laundering scheme ever perpetrated against the people in the state of Ohio.”¹² Under these unusual circumstances, the need for transparency is paramount. The PUCO should do everything possible to facilitate broad discovery, as is OCC’s

⁶ FirstEnergy Corp., Form 8-K (May 27, 2021).

⁷ FirstEnergy Corp., Form 10-Q at 82 (Oct. 28, 2021).

⁸ FirstEnergy Corp., Form 8-K (Feb. 16, 2021).

⁹ *Id.*

¹⁰ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 17 (July 22, 2021).

¹¹ *Id.*

¹² Pelzer, J., *Ohio House Speaker Larry Householder, allies got more than \$60 million in FirstEnergy bribes to pass HB6, feds claim* Cleveland.com (July 21, 2020).

right under law and rule. That discovery is needed so consumers can obtain answers about whether FirstEnergy’s role in the scandal has adversely affected them and so the PUCO can dispel the “black cloud over the PUCO based upon the HB6 scandal.”¹³

The FirstEnergy Utilities initially objected to information OCC sought about the U.S. DOJ and U.S. SEC investigations on the ground that OCC’s discovery requests “seek the production of information that is not within the Companies’ possession, custody, or control.”¹⁴ While not conceding the FirstEnergy Utilities’ objections, OCC sought subpoenas to obtain the documents from FirstEnergy Corp., which has “possession, custody, or control” of the information. All along, OCC’s intention has been to timely obtain this key information for consumer protection. As part of this effort, OCC filed a motion for subpoena¹⁵ to obtain documents that a federal judge ordered FirstEnergy Corp. to produce to shareholders in their H.B. 6-related lawsuit.¹⁶ The judge’s order allowed plaintiffs to obtain the following documents from FirstEnergy Corp.:

- (a) ...all documents produced, provided, or received [by Defendants] in the course of litigation against FirstEnergy arising out of the HB 6 bribery scheme, including any deposition testimony; and
- (b) ...all documents that [D]efendants have produced or provided to, or received from, any regulatory or government agency, federal or state law enforcement agency, or legislative body or representative in connection with the HB 6 bribery scheme, including any deposition testimony.¹⁷

¹³ Pelzer, J., *New PUCO Chair Jenifer French: more transparency needed to lift the ‘black cloud’ of HB6 scandal* Cleveland.com (May 18, 2021).

¹⁴ *See, e.g.*, Case No. 20-1502-EL-UNC, FirstEnergy Utilities’ Responses to OCC’s Fifth Set of Discovery Requests at 14 (Mar. 18, 2021).

¹⁵ Motion for Subpoena Duces Tecum for FirstEnergy Corp. To Produce All Discovery Documents That FirstEnergy Corp. was Ordered to Provide by The U.S. Chief District Judge in a Shareholder Lawsuit by Office of The Ohio Consumers' Counsel (Sept. 24, 2021).

¹⁶ *In re FirstEnergy Corp. Securities Litigation*, Case No. 2:20-cv-03785 (S.D. Ohio), Opinion and Order at 6 (June 14, 2021).

¹⁷ *Id.*

The documents would assist OCC in developing comments and preparing for hearings in this proceeding. FirstEnergy Corp. began to produce these documents in response to the subpoena, but now FirstEnergy Corp. has withheld many documents based on claims of attorney-client and work-product privilege. FirstEnergy Corp. produced privilege logs that purport to establish why the withheld documents are privileged. For many of these documents, however, there appears to be no apparent basis for a claim of privilege. OCC therefore requests that the PUCO have an Attorney Examiner review the privilege logs and the documents themselves, to determine whether a privilege exists or whether the documents should be produced to OCC.

II. RECOMMENDATIONS

A. To protect consumers and promote transparency, the PUCO should grant the Motion for an *in camera* review of documents OCC has sought through discovery that FirstEnergy Corp. is withholding.

1. Ohio law grants OCC broad rights of discovery and the information OCC seeks is necessary for OCC to protect Ohio consumers.

Ohio law grants OCC broad discovery rights. “The policy of discovery is to allow the parties to prepare cases and to encourage them to prepare thoroughly without taking undue advantage of the other side’s industry or efforts.”¹⁸ The PUCO’s rules on discovery “*do not create an additional field of combat to delay trials or to appropriate the Commission’s time and resources*; they are designed to confine discovery procedures to counsel and to expedite the administration of the Commission proceedings.”¹⁹ The rules are also intended to “minimize commission intervention in the discovery process.”²⁰ These rules are intended to facilitate full

¹⁸ *In the Matter of the Investigation into the Perry Nuclear Power Plant*, Case No. 85-521-EL-COI, Entry at 23 (Mar. 17, 1987).

¹⁹ *Id.*, citing *Penn Central Transportation Co. v. Armco Steel Corp.* (C.P. 1971), 27 Ohio Misc. 76. (Emphasis added).

²⁰ Ohio Admin. Code 4901-1-16(A).

and reasonable discovery, consistent with the statutory discovery rights parties are afforded under R.C. 4903.082.

Revised Code Section 4903.082 states that “[a]ll parties and intervenors shall be granted ample rights of discovery.”²¹ The discovery statute was effective in 1983 as part of a more comprehensive regulatory reform. R.C. 4903.082 was intended to protect discovery rights for parties in PUCO cases. Yet all these years after the 1983 reform law, FirstEnergy Corp. is impeding OCC’s discovery efforts. The PUCO should not allow FirstEnergy Corp. to obstruct and delay this process.²²

O.A.C. 4901-1-16(B) provides for the scope of discovery:

any party to a commission proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject matter of the proceeding. It is not a ground for objection that the information sought would be inadmissible at the hearing, if the information sought *appears* reasonably calculated to lead to the discovery of admissible evidence. (Emphasis added.)

The PUCO’s rule is similar to Civ. R. 26 (B)(1), which governs the scope of discovery in civil cases. Civ. R. 26(B) has been liberally construed to allow for broad discovery of any unprivileged matter relevant to the subject matter of the pending proceeding.²³ Requests for production may elicit documents within the possession, custody, or control, of the party upon whom the discovery is served, under Ohio Admin. Code 4901-1-20.

The U.S. DOJ, FERC and U.S. SEC investigations related to H.B. 6 are ongoing.²⁴ Several parties have filed civil actions against FirstEnergy Corp. and related parties arising out of

²¹ See *OCC v. PUC*, 111 Ohio St.3d 300, 2006-Ohio-5789.

²² *In re Application of FirstEnergy Advisors for Certification as a Competitive Retail Elec. Serv. Power Broker & Aggregator*, Slip Opinion No. 2021-Ohio-3630, 2021 Ohio LEXIS 2065, 2021 WL 4783198.

²³ *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 300, 2006-Ohio-5789, citing to *Moskovitz v. Mt. Sinai Med. Ctr.* (1994), 69 Ohio St.3d 638, 661 and *Disciplinary Counsel v. O’Neill* (1996), 75 Ohio St.3d 1479.

²⁴ FirstEnergy Corp., Form 10-K at 125 (Feb. 18, 2021).

FirstEnergy Corp.’s role in the H.B. 6 scheme. These government investigations and civil cases arise out of the same core set of facts that formed the basis for the U.S. Attorney’s criminal charges against the former Speaker of the House and others, and the DPA where FirstEnergy Corp. admitted to the underlying facts of honest services wire fraud.²⁵

This same set of facts laid out in the criminal complaint against the former Speaker of the House and the DPA signed by FirstEnergy Corp. are also critical facts pertaining to the PUCO’s investigation involving this case. The PUCO opened the present case to review whether FirstEnergy’s H.B. 6 activities violated Ohio corporate separation laws; (though recently obtained internal PUCO emails cast doubt on the PUCO’s intention for this review). The PUCO also opened three other cases to review: (1) the FirstEnergy Utilities’ political and charitable spending in support of H.B. 6 and the subsequent referendum effort; (2) whether FirstEnergy misused revenues collected under its Distribution Modernization Rider to support H.B. 6; and (3) whether FirstEnergy improperly charged consumers for H.B. 6 costs through its Delivery Capital Recovery Rider.²⁶

As the documents that FirstEnergy Corp. produced to the U.S. DOJ and the U.S. SEC’s H.B. 6 investigations are core facts for this investigation into whether FirstEnergy’s H.B. 6 activities violated Ohio corporate separation requirements. For example, making payments to benefit a legislator and regulator for helping with nuclear bailout legislation, then charging the payments to the FirstEnergy Utilities, are facts relevant to the DOJ and SEC investigations as

²⁵ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 16 (July 22, 2021).

²⁶ PUCO web page, FirstEnergy & HB 6 related cases, available at: <https://puco.ohio.gov/wps/portal/gov/puco/utilities/electricity/resources/hb-6-related-investigations>.

well as the present corporate separation violation. OCC's discovery satisfies the discovery standards in the Ohio Administrative Code.

2. A party refusing to produce documents sought in discovery on the grounds of privilege bears the burden of proof to establish that a privilege shields the documents from discovery.

In the present case, OCC obtained a subpoena for FirstEnergy Corp. to produce copies of documents that FirstEnergy Corp. provided to the U.S. DOJ and U.S. SEC for their investigations into FirstEnergy Corp.'s role in the H.B. 6 scheme.²⁷ FirstEnergy Corp. now asserts that some of the documents are shielded from discovery based on attorney-client and work product privilege. Ohio law is well-settled that the party asserting a privilege bears the burden of proof to establish that a privilege applies to the information sought in discovery.²⁸

FirstEnergy Corp. has attempted to satisfy its burden to prove certain documents are privileged simply by producing privilege logs that describe certain information such as the sender and recipients of emails and an accompanying description of why each document is privileged. (*See* Attachment A – FirstEnergy Privilege Logs Vol. 1 and 3). For many of the documents, the privilege logs contain no apparent basis for an attorney-client or work product privilege claim.

FirstEnergy Corp.'s mere production of privilege logs fails to satisfy its burden of proof to establish that all the documents it withheld from discovery are privileged.

3. The attorney-client privilege only applies to communications between a lawyer and client.

FirstEnergy Corp.'s claim of attorney-client privilege must fail where the communications are not between a lawyer and a client. The attorney-client privilege protects

²⁷ See Case No. 20-1502-EL-UNC, Motion for Subpoena, Attachment – Subpoena (Sept. 24, 2021).

²⁸ *Peyko v. Frederick*, (1986), 25 Ohio St.3d 164; *Waldmann v. Waldmann* (1976), 48 Ohio St.2d 176.

"communications between an attorney and his client."²⁹ In many cases, it appears that FirstEnergy Corp.'s claimed attorney-client privilege is being asserted for communications that were not between a lawyer and client for the purpose of legal advice.

For example, OCC filed motions with the PUCO on September 8, 2020 to open this, case, along with certain other ones.³⁰ The first entry in the privilege logs is an email from Eileen Mikkelsen to Chuck Jones dated September 9, 2020. (*See* Attachment A – FirstEnergy Corp. Privilege Logs Vol. 1 and 3). The privilege log states that the email discusses OCC's motion to open this investigation. The privilege log further states that Ms. Mikkelsen's email "reflects" legal advice.

Ms. Mikkelsen is an accountant, not a lawyer.³¹ Her email was sent to Mr. Chuck Jones, the former CEO. Mr. Jones is an engineer, not a lawyer.³² The email does not even "cc" an attorney. The privilege log simply states that Ms. Mikkelsen's email "reflects" legal advice. A person cannot attempt to clothe a communication between two non-lawyers with the attorney-client privilege by stating that the communication "reflects" legal advice because this goes beyond the purpose for creating the attorney-client privilege.

The purpose of the attorney-client privilege:

is to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice. The privilege recognizes that sound legal advice or advocacy serves the public ends and that such advice or advocacy depends upon the lawyer's being fully informed by the client.³³

²⁹ *Taylor v. Sheldon* (1961), 172 Ohio St. 118, 121.

³⁰ *See* Case No. 17-974-EL-UNC, Motion for a PUCO Investigation (Sept. 8, 2020).

³¹ *In re FirstEnergy ESP IV Case*, Case No. 14-1297-EL-SSO, Testimony of Eileen Mikkelsen at 1 (Aug. 4, 2014).

³² 'Kid from Ellet' Chuck Jones ready to lead FirstEnergy, Akron Beacon Journal (Mar. 21, 2015).

³³ *Squire, Sanders and Dempsey, L.L.P. v. Givaudan Flavors Corp.*, 2010-Ohio-4469 at ¶ 16, quoting *Upjohn Co. v. United States* (1981), 449 U.S. 383, 389, 101 S.Ct.677, 66 L.Ed.2d 584.

Ms. Mikkelsen’s email to Mr. Jones about OCC’s motion for an investigation was not a “communication between attorneys and their clients” and did not relate to “the lawyer’s being fully informed by the client.” FirstEnergy Corp. apparently believes that communications between non-lawyers, are covered by the privilege if the communication somehow “reflects” some legal advice that one of the non-lawyers received from some lawyer at some past date in time.

FirstEnergy Corp. has taken this position for many of the documents it withheld from discovery. The PUCO should order FirstEnergy Corp. to produce these documents.

4. The attorney-client privilege does not apply to communications that were part of a criminal or fraudulent scheme.

FirstEnergy Corp.’s claim of attorney-client privilege must fail where the communications are part of a criminal or fraudulent scheme. Ohio recognizes the crime-fraud exception to the attorney-client privilege doctrine.³⁴ In many cases, FirstEnergy Corp. claimed attorney-client privilege for communications that fall within the crime-fraud exception to the attorney-client privilege.

The Ohio Supreme Court has explained the crime-fraud exception as follows:

A communication is excepted from the attorney-client privilege if it is undertaken *for the purpose of committing or continuing a crime or fraud*. ('A privileged communication may be a shield of defense as to crimes already committed, but it cannot be used as a sword or weapon of offense to enable persons to carry out contemplated crimes against society.'). A party invoking the crime-fraud exception must demonstrate that there is a factual basis for a showing of probable cause to believe that a crime or fraud has been committed and that the communications were in furtherance of the crime or fraud.³⁵

³⁴ *State ex rel. Nix v. City of Cleveland* (1998), 83 Ohio St. 3d 379.

³⁵ *Id.* at 383-384 (Citations omitted) (Emphasis added).

FirstEnergy Corp. admitted to the underlying facts of honest services wire fraud.³⁶ Based on currently available information, the fraud continued at least until FirstEnergy fired Chuck Jones on October 29, 2020³⁷ and perhaps until Ms. Mikkelsen was “separated” on May 27, 2021 for her “inaction regarding the amendment in 2015 of a previously disclosed purported consulting agreement with an entity associated with an individual who in 2019 was appointed to a full-time role as an Ohio government official directly involved in regulating FirstEnergy’s Ohio electric utility subsidiaries.”³⁸ This consulting contract was the vehicle for the \$4.3 million payment to the former PUCO Chairman’s consulting firm.³⁹

As discussed above, the first entry in the privilege log is an email from Eileen Mikkelsen to Chuck Jones dated September 9, 2020. (*See* Attachment A – FirstEnergy Corp. Privilege Logs Vol. 1 and 3). The fraud was in full swing at this time. Even if this email were covered by the attorney-client privilege (which it is not, because it is a communication between two non-lawyers and was not made for the purpose of seeking legal advice), the communication is subject to discovery under the crime-fraud exception to the attorney-client privilege. Other documents withheld from discovery may also fall within this exception. The PUCO should order FirstEnergy Corp. to produce these documents.

³⁶ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement (July 22, 2021).

³⁷ J. MacKinnon, *FirstEnergy fires CEO Chuck Jones after 2 plead guilty in Householder bribery scheme*, Akron Beacon Journal (Oct. 29, 2020).

³⁸ FirstEnergy Corp., Form 8-K (May 27, 2021).

³⁹ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement (July 22, 2021).

5. When a party refuses to produce discovery documents on the grounds of privilege, Ohio law requires an *in camera* review to determine the validity of the privilege.

As noted above, a party claiming a privilege has the burden to prove that documents sought in discovery are protected by the privilege. The Ohio Supreme Court has held that if a party asserts attorney-client privilege, a trial court “shall” determine by *in camera* inspection whether a privilege applies to any of the documents.⁴⁰

The PUCO’s practice, following the Ohio Supreme Court’s decision, is to conduct an *in camera* review of *all documents* claimed to be privileged. This enables the PUCO to determine, in response to a party’s motion to compel and the assertion of privilege, if the privilege claim is valid.⁴¹ The PUCO has used this approach on many occasions.⁴²

The FirstEnergy Utilities requested and were granted an *in camera* review of OCC documents in a prior case.⁴³ OCC produced a lengthy privilege log (94 entries), and the conference lasted approximately four hours, with a line-by-line discussion of the documents OCC claimed were privileged.⁴⁴ It would be inconsistent for the FirstEnergy Utilities to ask for an *in camera* review when they want to obtain privileged documents from another party but for

⁴⁰ *Peyko v. Frederick*, (1986), 25 Ohio St.3d 164, 167.

⁴¹ See, e.g. *In the Matter of the 2015 Review of the Delivery Capital Recovery Rider contained in the Tariffs of Ohio Edison Co. et al.*, Case No. 15- 1739-EL-RDR, Entry (Dec. 19, 2016).

⁴² See, e.g., *Citizens Against Clear Cutting, et al., v Duke Energy Ohio, Inc.*, Case No. 17-2344-EL-CSS, Entry ¶18 (Aug. 24, 2018); *In the Matter of the Joint Application of the Timken Company and the Ohio Power Company for Approval of a Unique Arrangement for the Timken Company’s Canton, Ohio Facilities*, Case No. 10-366-EL-AEC, Entry (Mar. 22, 2011); *In the Matter of Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer*, Case No. 14-941-EL-SSO, Entry (Oct. 21, 2014); *In the Matter of the Complaint of Cameron Creek Apartments v. Columbia Gas of Ohio, Inc.*, Case No. 08-1091-GA-CSS, Entry (June 8, 2009).

⁴³ *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider*, Case No. 10-176-EL-RDR, Pre-hearing Conference (Jan. 21, 2011).

⁴⁴ *Id.*

FirstEnergy Corp. to resist an *in camera* review when another party wants to obtain privileged documents from it.

In a related case (Case No. 20-1502-EL-UNC, the PUCO’s investigation into FirstEnergy’s political and charitable spending in support of H.B. 6), there was an earlier occasion where the FirstEnergy Utilities claimed privilege for other documents but argued that an *in camera* review was inappropriate because the FirstEnergy Utilities had produced a privilege log giving reasons why documents are privileged.⁴⁵ The FirstEnergy Utilities argued that there would be “an undue drain on the Commission’s and parties’ resources if just the submittal of a privilege log triggered the need for an *in camera* review.”⁴⁶ OCC notes that an “an undue drain on the Commission’s and parties’ resources” could be avoided if FirstEnergy would stop making groundless privilege claims.

The PUCO overruled the FirstEnergy Utilities’ objections to an *in camera* review for this prior occasion⁴⁷ and should do so once again. In the matter at hand, FirstEnergy Corp.’s arguments are inconsistent with PUCO practice. Conducting an *in camera* review will assist the PUCO in resolving this discovery dispute that OCC has raised. The *in camera* review of the documents described in the privilege log should go forward.

⁴⁵ *In the Matter of the Review of the Political and Charitable Spending by Ohio Edison Co. et al.*, Case No. 20-1502-EL-UNC, FirstEnergy Utilities Memo Contra at 1 (July 14, 2021).

⁴⁶ *Id.* at 3.

⁴⁷ *Id.*, Transcript of Prehearing Conference held on August 31, 2021 at 52-54 (Sept. 13, 2021).

B. The attorney-client and work product privileges are waived by disclosing the communications to government investigators or other litigants in adversary proceedings. The PUCO should issue a standing order requiring FirstEnergy Corp. and any other FirstEnergy entity to reveal such disclosures and require them to produce to OCC the documents they produced to others.

FirstEnergy Corp.’s claim of attorney-client and work product privileges must fail if FirstEnergy Corp. waived the privileges by disclosing the information to third parties. Ohio law recognizes that a party can waive the privileges by disclosing privileged information to another person. To the extent FirstEnergy Corp. waived the privileges, the PUCO should order FirstEnergy to produce the documents to OCC.

The Ohio Supreme Court held in *State ex rel. Hicks v. Fraley* that “[a] client’s disclosure to a government investigator of communications protected by the common-law attorney-client privilege ‘breaches the confidentiality underlying the privilege, and constitutes a waiver thereof.’”⁴⁸ In *Hicks*, a county auditor produced an opinion letter to a special prosecutor who was investigating the auditor for improperly hiring her stepson.⁴⁹ An Ohio court ruled in *Leonchyk v. FCI USA, Inc.* that the work product privilege was waived by producing a document to a government agency.⁵⁰ The *Leonchyk* court stated that “when a party discloses protected materials to a government agency investigating allegations against it, the work-product doctrine is waived as to all other adversaries.”⁵¹

A disclosure to other adverse parties in litigation is deemed a voluntary disclosure that can waive the privilege. In *Hicks, supra*, the county auditor waived the privilege by disclosing a

⁴⁸ *State ex rel. Hicks v. Fraley*, 2021-Ohio-2724 at ¶ 15, quoting *State v. Post*, 32 Ohio St.3d 380, 386, 513 N.E.2d 754 (1987).

⁴⁹ *Id.* 2008-Ohio-3796 at ¶ 14.

⁵⁰ *Leonchyk v. FCI USA, Inc.*, 2008-Ohio-3796 at ¶ 14.

⁵¹ *Id.* at ¶ 11, quoting *Cooper Hos./Univ. Med. Ctr. v. Sullivan*, 1998 U.S. Dist. LEXIS 22198 (D. N.J. 1998).

document to a special prosecutor who was investigating the auditor for possible criminal conduct in hiring her stepson to work in the auditor's office.⁵² Other courts have also held that a disclosure to an adverse party in litigation waives the privilege.⁵³ As one court noted, "the health of the adversary system...would not be well served by allowing [parties] the advantages of selective disclosure to particular adversaries."⁵⁴

As noted by OCC in a pending motion,⁵⁵ the Maryland Public Service Commission ordered FirstEnergy to produce to the Office of People's Counsel (OCC's counterpart in Maryland) the internal investigation report prepared for an independent committee of FirstEnergy Corp.'s Board of Directors.⁵⁶ This ruling is currently on appeal but, if affirmed on appeal, then this is a disclosure that would waive the attorney-client and work product privilege under the cases discussed above. OCC needs to know whether FirstEnergy has disclosed the internal investigation or other privileged documents to other government investigators or to civil litigants.

FirstEnergy's H.B. 6-related scheme, which forms the basis for the PUCO's investigations, has also spawned other government investigations such as the U.S. DOJ, FERC and U.S. SEC investigations, investigations by other state public utility commissions and eighteen civil lawsuits by the Ohio Attorney General, customers, and investors, as disclosed in FirstEnergy Corp.'s U.S. SEC filings.⁵⁷ OCC is ill-equipped to know when and whether

⁵² *State ex rel. Hicks v. Fraley*, 2021-Ohio-2724.

⁵³ *Rambus Inc. v. Infineon Technologies AG*, 220 F.R.D. 264 (E.D. Va.) (Mar. 17, 2004).

⁵⁴ *In re Subpoenas Duces Tecum*, 738 F.2d 1367, 1372 (D.C. Cir. 1984).

⁵⁵ Case No. 17-974-EL-UNC, Motion to Accept Statement of Additional Authority (Nov. 19, 2021).

⁵⁶ *Petition of the Maryland Office of People's Counsel to Investigate the Future of FirstEnergy's Relationship with Potomac Edison in Light of Recent Events*. MD. PUC Case No. 9667, Order No. 89990 (Nov. 18, 2021).

⁵⁷ FirstEnergy Corp. Form 10-K at 124-125 (Feb. 18, 2021).

FirstEnergy discloses the internal investigation report or other privileged documents in these other proceedings.

If during these other investigations or lawsuits, FirstEnergy has already produced the internal investigation report or any of the “privileged” documents, then FirstEnergy would have waived the attorney-client and work product privilege under the cases discussed above. OCC and the PUCO have no way to conclusively determine whether FirstEnergy has made, or will make, any such disclosures. As a result, the PUCO should issue a standing order requiring FirstEnergy Corp. and any other FirstEnergy entity to disclose whether they have disclosed in any other investigations or litigation the internal investigation report or any of the documents FirstEnergy Corp. has withheld from OCC in discovery. FirstEnergy Corp. should be required to re-submit its privilege logs with an additional column showing, for each document, the details of any releases of the document to third parties.

This should be a standing order to cover any future disclosures that might occur. The order should require FirstEnergy Corp. and any other FirstEnergy entity to produce the documents to OCC if they have already produced the documents to other government agencies or litigants. This should be a standing order that also applies if the internal report or other privileged documents are so produced to other government agencies or litigants in the future. The order should require FirstEnergy Corp. to certify that no such disclosures occurred pursuant to any confidentiality agreement. It would defeat the purpose of the standing order and established Ohio law if FirstEnergy Corp. and the other FirstEnergy entities are not required to report on any such disclosures that were made pursuant to a confidentiality agreement. Moreover, this would allow FirstEnergy Corp. to perpetuate its fraudulent scheme.

III. CONCLUSION

The case for full disclosure is compelling where a defrauding party is a utility holding company and part of a corporate structure that includes monopoly utilities with two million consumers. The PUCO should especially reject dubious or tactical claims of privilege that would prevent the proper exercise of regulatory oversight for public protection. To protect consumers and preserve OCC's discovery rights under R.C. 4903.082 and the Ohio Administrative Code, the PUCO should resolve FirstEnergy's privilege claims using the ordinary PUCO process of an *in camera* review proposed by OCC.

The PUCO should also order that:

- (1) FirstEnergy Corp. must file any future privilege logs in the docket of this case for an *in camera* review of the privilege logs and underlying documents;
- (2) FirstEnergy Corp. and any other FirstEnergy entity must produce documents to OCC (including the FirstEnergy Board's investigation report if not provided now) even if found now to be privileged, produces such documents to any third party; and
- (3) FirstEnergy shall publicly file notices to disclose every time it has provided its internal investigation report, or any findings from the report, or any other privileged documents to government investigators or to a third party (meaning any finding of privilege is dissolved).

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ John Finnigan

Maureen R. Willis (0020847)
Counsel of Record
John Finnigan (0018689)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, Suite 700

Columbus, Ohio 43215

Telephone: (614) 466-9567 (Willis)

Telephone: (614) 466-9585 (Finnigan)

Maureen.willis@occ.ohio.gov

John.finnigan@occ.ohio.gov

(willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for an *In Camera* Review to Resolve FirstEnergy Corp.'s Claim of an Privilege Against Responding to OCC's Discovery and Motion for a Standing Order Requiring That FirstEnergy Corp. File All Future Privilege Logs in this Docket for *In Camera* Review and Motion for a Standing Order Requiring FirstEnergy Corp. and Any Other FirstEnergy Entity Withholding Documents on the Basis of Privilege to Produce to OCC Any Such Documents Produced to Any Third Party and Motion for a Standing Order Requiring FirstEnergy Corp. to Disclose Immediately and Thereafter File a Notice of Any Past or Future Disclosures, to or by Third Parties, of Any Part of The FirstEnergy Corp. Board's Internal Investigation Report and/or of Any Other Documents Claimed to Be Privileged by Office Of The Ohio Consumers' Counsel was served on the persons stated below via electronic transmission, this 3rd day of January 2022.

/s/ John Finnigan
John Finnigan
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

SERVICE LIST

thomas.lindgren@ohioAGO.gov
werner.margard@ohioAGO.gov
joliker@igsenergy.com
Mnugent@igsenergy.com
bethany.allen@igs.com
evan.betterton@igs.com
gkrassen@bricker.com
dstinson@bricker.com
whitt@whitt-sturtevant.com
fykes@whitt-sturtevant.com
mmcdonnell@dickinsonwright.com
mwise@mcdonaldhopkins.com
glpetrucci@vorys.com
dparram@bricker.com
rmains@bricker.com
trhayslaw@gmail.com
leslie.kovacik@toledo.oh.gov
jweber@elpc.org

Attorney Examiners:

Gregory.price@puco.ohio.gov
Megan.addison@puco.ohio.gov
Jacqueline.st.john.puco.ohio.gov

bknipe@firstenergycorp.com
mrgladman@jonesday.com
mdengler@jonesday.com
radoringo@jonesday.com
calee@jonesday.com
sgoyal@jonesday.com
mwager@taftlaw.com
iavalon@taftlaw.com
mpritchard@mcneeslaw.com
tlong@mcneeslaw.com
rdove@keglerbrown.com
bojko@carpenterlipps.com
donadio@carpenterlipps.com
tdougherty@theOEC.org
ctavenor@theOEC.org
rlazer@elpc.org

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
1	Companies-0000135	9/9/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Jones, Charles E." <jonesc@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding OCC motion in the Corporate Separation and Rider DMR proceedings.
2	#5806918.1	9/17/2020	"Biltz, Justin T" <jbiltz@firstenergycorp.com>	"Biltz, Justin T" <jbiltz@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>, "Dowling, Michael J." <dowlingm@firstenergycorp.com>, "Bingaman, Bradley A" <bbingaman@firstenergycorp.com>, "Yeboah-Amankwah, Ebony" <eyeboah@firstenergycorp.com>		Bradley Bingaman, Ebony Yeboah-Amankwah	Redact	Attorney-Client	Email reflecting legal advice and regarding House hearings.
3	#5815412.1	9/22/2020	Knipe, Brian J					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding HB6 and effect on rates in Ohio.
4	#6508651.1	8/25/2020	"Biltz, Justin T" <jbiltz@firstenergycorp.com>	"Biltz, Justin T" <jbiltz@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>, "Bingaman, Bradley A" <bbingaman@firstenergycorp.com>	"Dowling, Michael J." <dowlingm@firstenergycorp.com>	Bradley Bingaman	Redact	Attorney-Client	Email reflecting legal advice and regarding Senate hearings.
5	#8812934.1	10/17/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"mikkelsene@firstenergycorp.com" <mikkelsene@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC Set 1 in the Show Cause proceeding.
6	#8813396.1	9/30/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>		"Bingaman, Bradley A" <bbingaman@firstenergycorp.com>		Bradley Bingaman	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding show cause response.
7	#8814412.1	10/18/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"mikkelsene@firstenergycorp.com" <mikkelsene@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
8	#8817317.1	10/18/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
9	#8817349.1	9/30/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding show cause draft response
10	Companies-0000574	9/9/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	Charles Jones <jonesc@firstenergycorp.com>			Redact	Attorney-Client	Email reflecting legal advice regarding OCC motion in the Corporate Separation and Rider DMR proceedings.
11	Companies-0000470	9/9/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Steven E. Strah" <sestrah@firstenergycorp.com>, Jon Taylor <taylorj@firstenergycorp.com>, "Irene M. Prezelj" <prezelji@firstenergycorp.com>, Jason J Lisowski <jlisowski@firstenergycorp.com>, Steven R Staub <sstaub@firstenergycorp.com>			Redact	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding OCC motion in the Corporate Separation and Rider DMR proceedings.
12	#8819712.1	9/30/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding show cause response.
13	#8819899.1	9/30/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding show cause response.
14	#8820215.1	10/18/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC Set 1 in the Show Cause proceeding.
15	#8821172.1	10/20/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Work Product	Email reflecting work product regarding draft responses to OCC discovery.
16	#8821707.1	10/16/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding draft responses to OCC discovery.
17	#8822002.1	10/16/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC Set 1 in the Show Cause proceeding.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
18	Companies-0001040	11/2/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice from counsel and work product regarding status of Show Cause proceeding.
19	Companies-0000786	10/22/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
20	#8823693.1	10/8/2020	"Dolezal, Thomas" <tdolezal@firstenergycorp.com>	"Dolezal, Thomas" <tdolezal@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding new Fact Book slide.
21	#8824009.1	10/21/2020	Mikkelsen, Eileen M.					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
22	#8824275.1	9/30/2020	Knipe, Brian J				Brian Knipe	Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft show cause response.
23	#8824334.1	9/30/2020	Knipe, Brian J				Brian Knipe	Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft show cause response.
24	#8824367.1	9/30/2020	Knipe, Brian J				Brian Knipe	Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft show cause response.
25	#8824480.1	10/18/2020	Fanelli, Santino L					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
26	Companies-0000787	10/22/2020	Mikkelsen, Eileen M.					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
27	#9708232.1	9/21/2020	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Arch, Lindsey M" <larch@firstenergycorp.com>, "McMillen, Brandon S" <bmcmillen@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice, work product, and discussion regarding PUCO HB6 request.
28	#9713176.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding PUCO HB6 request and accompanying analysis.
29	#12696109.1	1/24/2021	40872					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
30	#14816093.1	10/12/2020	"Ansell, Courtney C" <cansell@firstenergycorp.com>	"Ansell, Courtney C" <cansell@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Anderson, Kevin J." <andersonkj@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
31	#14816468.1	10/9/2020	"Roth, Todd E" <troth@firstenergycorp.com>	"Roth, Todd E" <troth@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>	"Golden, Mark D" <mgolden@firstenergycorp.com>, "Wright, Amy M" <amwright@firstenergycorp.com>, "Ansell, Courtney C" <cansell@firstenergycorp.com>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
32	#14816470.1	10/9/2020	Ansell, Courtney C					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
33	#14816490.1	12/18/2020	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
34	#14817465.1	9/28/2020	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
35	#14818172.1	2/25/2021	"Valdes, Raymond E" <rvaldes@firstenergycorp.com>	"Valdes, Raymond E" <rvaldes@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>,"Richards, Art" <richardsw@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>,"Pittavino, Carol" <cpittavino@firstenergycorp.com>,"Larkin, Patricia" <plarkin@firstenergycorp.com>,"McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>,"Savage, Joanne M" <jmsavage@firstenergycorp.com>,"Ruch, Roger D" <ruchr@firstenergycorp.com>,"Mader, Mark A" <mamader@firstenergycorp.com>,"Marx, Justin P" <jpmarx@firstenergycorp.com>,"Anderson, Kevin J." <andersonkj@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
36	#14818238.1	10/9/2020	"Anderson, Kevin J." <andersonkj@firstenergycorp.com>	"Anderson, Kevin J." <andersonkj@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Ansell, Courtney C" <cansell@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
37	#14818260.1	2/24/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Pittavino, Carol" <cpittavino@firstenergycorp.com>,"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>,"Larkin, Patricia" <plarkin@firstenergycorp.com>,"McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>,"Savage, Joanne M" <jmsavage@firstenergycorp.com>,"Marx, Justin P" <jpmarx@firstenergycorp.com>,"Valdes, Raymond E" <rvaldes@firstenergycorp.com>,"Mader, Mark A" <mamader@firstenergycorp.com>	"Ruch, Roger D" <ruchr@firstenergycorp.com>,"Anderson, Kevin J." <andersonkj@firstenergycorp.com>,"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
38	#14818343.1	9/21/2020	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work production regarding HB6 request
39	#14818399.1	2/25/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>,"Pittavino, Carol" <cpittavino@firstenergycorp.com>,"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>,"McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>,"Savage, Joanne M" <jmsavage@firstenergycorp.com>,"Valdes, Raymond E" <rvaldes@firstenergycorp.com>,"Mader, Mark A" <mamader@firstenergycorp.com>,"Ruch, Roger D" <ruchr@firstenergycorp.com>,"Anderson, Kevin J." <andersonkj@firstenergycorp.com>,"Marx, Justin P" <jpmarx@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
40	#14818426.1	2/25/2021	"Marx, Justin P" <jpmarx@firstenergycorp.com>	"Marx, Justin P" <jpmarx@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>,"Pittavino, Carol" <cpittavino@firstenergycorp.com>,"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>,"McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>,"Savage, Joanne M" <jmsavage@firstenergycorp.com>,"Valdes, Raymond E" <rvaldes@firstenergycorp.com>,"Mader, Mark A" <mamader@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>,"Ruch, Roger D" <ruchr@firstenergycorp.com>,"Anderson, Kevin J." <andersonkj@firstenergycorp.com>,"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client	Email reflecting legal advice regarding vendor payments.
41	#14818485.1	2/24/2021	"Pittavino, Carol" <cpittavino@firstenergycorp.com>	"Pittavino, Carol" <cpittavino@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>,"Larkin, Patricia" <plarkin@firstenergycorp.com>,"McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>,"Savage, Joanne M" <jmsavage@firstenergycorp.com>,"Marx, Justin P" <jpmarx@firstenergycorp.com>,"Valdes, Raymond E" <rvaldes@firstenergycorp.com>,"Mader, Mark A" <mamader@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>,"Ruch, Roger D" <ruchr@firstenergycorp.com>,"Anderson, Kevin J." <andersonkj@firstenergycorp.com>,"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client	Email reflecting legal advice regarding vendor payments.
42	#14819410.1	9/30/2020	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>,"Gerenda, Kevin P" <kgerenda@firstenergycorp.com>,"Lemke, Thomas F" <tlemke@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice and analysis of counsel regarding the Companies' Show Cause response.
43	#14819522.1	3/8/2021	"Ansell, Courtney C" <cansell@firstenergycorp.com>	"Ansell, Courtney C" <cansell@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Anderson, Kevin J." <andersonkj@firstenergycorp.com>,"McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>,"Wright, Amy M" <amwright@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
44	#14819651.1	9/16/2020	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding show cause response
45	#14820033.1	9/22/2020	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
46	#14820524.1	9/16/2020	"Burger, Jason W" <jburger@firstenergycorp.com>	"Burger, Jason W" <jburger@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Golden, Mark D" <mgolden@firstenergycorp.com>		Withhold	Attorney-Client	Email reflecting legal advice regarding contributions to FirstEnergy Foundation.
47	#14820662.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 request and certain vendor payments.
48	#14821157.1	9/22/2020	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>,"Ashton, Tracy M" <tashton@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
49	#14821714.1	3/8/2021	"McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
50	#14822172.1	2/25/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Marx, Justin P" <jpmarx@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>, "Pittavino, Carol" <cpittavino@firstenergycorp.com>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
51	#14822348.1	12/17/2020	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
52	#14823016.1	2/24/2021	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Pittavino, Carol" <cpittavino@firstenergycorp.com>, "Larkin, Patricia" <plarkin@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Marx, Justin P" <jpmarx@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "Richards, Art" <richardsw@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
53	#14824381.1	1/19/2021	Corporate Communications					Withhold	Attorney-Client; Work Product	Document reflecting legal advice regarding accounts charged for political and charitable spending.
54	#14824441.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>, "Pittavino, Carol" <cpittavino@firstenergycorp.com>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "Marx, Justin P" <jpmarx@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
55	#14824468.1	12/17/2020	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
56	#14824672.1	3/8/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Ansell, Courtney C" <cansell@firstenergycorp.com>	"Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
57	#14824934.1	9/16/2020	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Burger, Jason W" <jburger@firstenergycorp.com>	"Golden, Mark D" <ngolden@firstenergycorp.com >		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding contributions to FirstEnergy Foundation.
58	#14825070.1	9/16/2020	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Burger, Jason W" <jburger@firstenergycorp.com>	"Golden, Mark D" <ngolden@firstenergycorp.com >		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding contributions to FirstEnergy Foundation.
59	#14825078.1	3/5/2021	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>			Withhold	Attorney-Client	Document reflecting legal advice regarding a PUCO filing and accounts charged for political and charitable spending.
60	#14825144.1	12/17/2020	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Patterson, Amy" <amorrow@firstenergycorp.co m>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
61	#14825223.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
62	#14825228.1	9/22/2020	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Patterson, Amy" <amorrow@firstenergycorp.co m>, "Ashton, Tracy M" <tashton@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
63	#14825350.1	12/11/2020	Reinhart, Raymond C.					Withhold	Work Product	Excel spreadsheet reflecting work product and analysis regarding vendor payment analysis.
64	#14826314.1	9/22/2020	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Ashton, Tracy M" <tashton@firstenergycorp.com> , "Patterson, Amy" <amorrow@firstenergycorp.co m>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
65	#14826373.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.co m>	"Richards, Art" <richardsw@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>	"Larkin, Patricia" <plarkin@firstenergycorp.com>, "Pittavino, Carol" <cpittavino@firstenergycorp.co m>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.co m>, "McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>, "Savage, Joanne M" <jmsavage@firstenergycorp.co m>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.co m>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.co m>, "Marx, Justin P" <jpmarx@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payment analysis.
66	#14828191.1	8/5/2020						Withhold	Attorney-Client	Conversations reflecting legal advice related to, among other things, PUCO proceedings.
67	#14830644.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 request and certain vendor payments.
68	#14831627.1	12/17/2020	"Richards, Art" <richardsw@firstenergycorp.co m>		"Patterson, Amy" <amorrow@firstenergycorp.co m>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
69	#14831892.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.com>		"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>, "Pittavino, Carol" <cpittavino@firstenergycorp.com>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "Marx, Justin P" <jpmarx@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
70	#14832323.1	9/22/2020	"Richards, Art" <richardsw@firstenergycorp.com>		"Ashton, Tracy M" <tashton@firstenergycorp.com>, "Patterson, Amy" <amorrow@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
71	#14832390.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.com>		"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>, "Pittavino, Carol" <cpittavino@firstenergycorp.com>, "Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Anderson, Kevin J." <andersonkj@firstenergycorp.com>, "Marx, Justin P" <jpmarx@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
72	#14833624.1	9/21/2020	"Richards, Art" <richardsw@firstenergycorp.com>		"Ashton, Tracy M" <tashton@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Arch, Lindsey M" <larch@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlillen@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding PUCO HB 6 request.
73	#14837393.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 request and certain vendor payments.
74	#16214409.1	2/10/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Parke, Morgan E" <mparke@firstenergycorp.com>		Morgan Parke	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft materials related to vendor payment overview.
75	#16214425.1	2/11/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Parke, Morgan E" <mparke@firstenergycorp.com>		Morgan Parke	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft materials related to vendor payment overview.
76	#16218010.1	2/10/2021	Corporate Communications					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
77	#16218016.1	2/10/2021	Corporate Communications					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
78	#16944675.1	4/29/2021	"Dean, Evan K" <edean@firstenergycorp.com>	"Dean, Evan K" <edean@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>, "Ruch, Roger D" <ruch@firstenergycorp.com>, "Mattiu, Robert R" <rmattiu@firstenergycorp.com>, "Hussing, Gregory F." <hussing@firstenergycorp.com>, "Stuchell, Jeffrey W" <jstuche@firstenergycorp.com>, "Noewer, Sharon L." <snoewer@firstenergycorp.com>, "Mount, Colin" <cmount@firstenergycorp.com>, "Gregorits, Matthew N" <mgregorits@firstenergycorp.com>, "Parke, Morgan E" <mparke@firstenergycorp.com>, "Rao, P Nikhil" <pnrao@firstenergycorp.com>	"Tynes-Kunzo, Lisa" <ltynes_kunzo@firstenergycorp.com>	Morgan Parke	Withhold	Attorney-Client; Work Product	Email reflecting and seeking legal advice and work product regarding OCC Comments.
79	#16981855.1	5/12/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
80	#16982144.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 analysis.
81	#16982167.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 analysis.
82	#16982218.1	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
83	#16982221.1	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
84	#16982223.1	5/18/2006	I027330					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending analysis and show cause response.
85	#16982233.1	5/18/2006	I027330					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending analysis and show cause response.
86	#16982980.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 request and certain vendor payments.
87	#16982993.1	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
88	#16982994.1	5/18/2006	I027330					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending analysis and show cause response.
89	#17879372.1	5/7/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work production regarding responses to OCC discovery.
90	#17879421.1	5/6/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
91	#17879825.1	5/10/2021	Margaret M. Dengler				Margaret M. Dengler	Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
92	#17883305.1	2/18/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
93	#17883326.1	2/18/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
94	#17885888.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work production regarding PUCO HB6 request and certain vendor payments.
95	#17885904.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work production regarding PUCO HB6 request and certain vendor payments.
96	#17890173.1	4/23/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Vucenovic, Steve" <svucenovic@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
97	#17891764.1	2/19/2021	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
98	#17891871.1	4/27/2021	Tammy Singleton					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests.
99	#17892018.1	2/19/2021	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
100	#17892042.1	4/8/2021	Tracy M. Klaes					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
101	#17892055.1	4/27/2021	Tammy Singleton					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests.
102	#17892086.1	4/9/2021	tracy klaes					Withhold	Attorney-Client	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests.
103	#17892095.1	2/25/2021	Fanelli, Santino L					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR Staff data requests.
104	#17892147.1	4/14/2021	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding responses to Rider DCR data requests.
105	#17892220.1	4/14/2021	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding responses to Rider DCR data requests.
106	#17892240.1	4/29/2021	Tammy Singleton					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests.
107	#17892550.1	2/16/2021	"Shaffer, Andrew B" <abshaffer@firstenergycorp.com>	"Shaffer, Andrew B" <abshaffer@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Erika Ostrowski, Brian Knipe	Withhold	Attorney-Client	Email seeking legal advice regarding vendor payments that were either miscassified, misallocated, and/or lacked supporting documetation.
108	#17892659.1	2/16/2021	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Shaffer, Andrew B" <abshaffer@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Erika Ostrowski, Brian Knipe	Withhold	Attorney-Client	Email seeking legal advice regarding vendor payments that were either miscassified, misallocated, and/or lacked supporting documetation.
109	#17893870.1	4/12/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
110	#17893908.1	4/7/2021	Ansell, Courtney C					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding draft responses to OCC discovery.
111	Companies-0000293	5/6/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
112	#17894072.1	4/23/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
113	#17894073.1	4/26/2021	"Vucenovic, Steve" <svucenovic@firstenergycorp.com>	"Vucenovic, Steve" <svucenovic@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
114	#17894130.1	4/23/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
115	#17894194.1	5/6/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
116	#17894205.1	4/12/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
117	#17894239.1	4/12/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Dengler, Margaret M (Jones Day)" <mdengler@jonesday.com>, "Gladman, Michael R." <mrgladman@jonesday.com>, "Doringo, Ryan A." <radoringo@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
118	#17894250.1	4/12/2021	"Dengler, Molly M." <mdengler@jonesday.com>	"Dengler, Molly M." <mdengler@jonesday.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Gladman, Michael R." <mrgladman@JonesDay.com>, "Doringo, Ryan A." <radoringo@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Mike Gladman, Ryan Doringo, Stephanie Starek	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
119	#17894259.1	4/7/2021	Ansell, Courtney C					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding draft responses to OCC discovery.
120	#17894261.1	5/6/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
121	#17894276.1	7/31/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding responses to OCC discovery.
122	#17894278.1	4/23/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
123	#17894301.1	5/7/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Dengler, Margaret M (Jones Day)" <mdengler@jonesday.com>	"Gladman, Michael R." <mrgladman@JonesDay.com>, "Doringo, Ryan A." <radoringo@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
124	#17894322.1	4/12/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Wright, Amy M" <amwright@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>, "Golden, Mark D" <mgolden@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
125	#17894362.1	4/12/2021	Fanelli, Santino L					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
126	#17894398.1	4/12/2021	"Wright, Amy M" <amwright@firstenergycorp.com>	"Wright, Amy M" <amwright@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>, "Golden, Mark D" <mgolden@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
127	#17894414.1	5/7/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
128	#17894425.1	9/21/2020	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Ashton, Tracy M" <tashton@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Arch, Lindsey M" <larch@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlen@firstenergycorp.com>, "Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email containing work product and seeking legal advice from and communications to counsel regarding PUCO HB6 request.
129	#17894434.1	5/6/2021						Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery.
130	#17894473.1	4/12/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft responses to OCC discovery.
131	#17894483.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 request and certain vendor payments.
132	#17894542.1	4/7/2021	Ansell, Courtney C					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding draft responses to OCC discovery.
133	#17894806.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding draft responses to OCC discovery.
134	#17894836.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding and certain vendor payments.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
135	#17894848.1	5/7/2021	41189					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to OCC discovery
136	#17895305.1	5/3/2021	Fanelli, Santino L					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding OCC discovery and privilege log.
137	#17895826.1	5/18/2006	1027330					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending.
138	#17895865.1	9/16/2020	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending.
139	#17895907.1	4/24/2021	41189					Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product request of counsel regarding Companies' political and charitable spending.
140	#17895952.1	4/30/2021	41189					Withhold	Attorney-Client	Document reflecting legal advice regarding a PUCO filing and accounts charged for political and charitable spending.
141	#17896016.1	4/30/2021	41189					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
142	#17896069.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding corrected accounting.
143	#17896096.1	4/24/2021	41189					Withhold	Attorney-Client	Email reflecting work product regarding Ohio Companies' political and charitable spending.
144	#17896113.1	9/16/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding and certain vendor payments.
145	#17896177.1	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding.
146	#17896186.1	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding and certain vendor payments.
147	#17896332.1	4/24/2021	41189					Withhold	Attorney-Client	Email reflecting legal advice and work product regarding Show Cause response.
148	#17896397.1	4/24/2021	41189					Withhold	Attorney-Client; Work Product	Email seeking legal advice and work product reflecting communications with counsel regarding PUCO HB6 request.
149	#17906910.1	4/27/2021	tracy klaes					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests
150	#17907306.1	5/13/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
151	#17907319.1	5/4/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding Show Cause hearing.
152	#17907329.1	10/9/2020	Ansell, Courtney C					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding draft responses to OCC discovery.
153	#17915896.1	9/22/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Sweeney, Karen A." <ksweeney@firstenergycorp.com>, "Leiter, Rebecca B." <leiterr@firstenergycorp.com>, "McMillen, Brandon S" <bmcmillen@firstenergycorp.com>, "Hugo, Paul T" <phugo@firstenergycorp.com>, "Patel, Dhara K" <dkpatel@firstenergycorp.com>, "Arch, Lindsey M" <larch@firstenergycorp.com>, "Linville, Tracie M" <tlinville@firstenergycorp.com>, "Lawless, Juliette" <jlawless@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding show cause proceeding developments.
154	#17916715.1	9/29/2020	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft response to Show Cause Entry.
155	#17917508.1	9/29/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding draft response to Show Cause Entry.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
156	#17921688.1	9/9/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Leiter, Rebecca B." <leiter@firstenergycorp.com>,"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>,"Lawless, Juliette" <jlawless@firstenergycorp.com>,"Linville, Tracie M" <tlinville@firstenergycorp.com>,"Arch, Lindsey M" <larch@firstenergycorp.com>,"Patel, Dhara K" <dkpatel@firstenergycorp.com>,"Hugo, Paul T" <phugo@firstenergycorp.com>,"Sweeney, Karen A." <ksweeney@firstenergycorp.com>			Redact	Attorney-Client	Email reflecting legal advice regarding OCC motions in the Corporate Separation and Rider DMR proceedings.
157	#17925901.1	2/18/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>,"Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Withhold	Attorney-Client	Email reflecting legal advice regarding vendor payments.
158	#17928599.1	4/27/2021	tracy klaes					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding draft responses to Rider DCR data requests.
159	#17934637.1	9/9/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Leiter, Rebecca B." <leiter@firstenergycorp.com>,"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>,"Lawless, Juliette" <jlawless@firstenergycorp.com>,"Linville, Tracie M" <tlinville@firstenergycorp.com>,"Arch, Lindsey M" <larch@firstenergycorp.com>,"Patel, Dhara K" <dkpatel@firstenergycorp.com>,"Hugo, Paul T" <phugo@firstenergycorp.com>,"Sweeney, Karen A." <ksweeney@firstenergycorp.com>			Redact	Attorney-Client	Email reflecting legal advice regarding OCC motions in the Corporate Separation and Rider DMR proceedings.
160	Companies-0000004	12/10/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>,"Hugo, Paul T" <phugo@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding OMAEG Ohio Supreme Court appeal.
161	Companies-0000045	4/10/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Redact	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
162	#17937312.1	9/10/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Demiray, Eren G." <demiray@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding OCC motion filed in PUCO.
163	#17937669.1	4/23/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding OCC discovery.
164	#17940427.1	3/8/2021	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding a PUCO filing and accounts charged for political and charitable spending.
165	#17941007.1	3/5/2021	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>			Withhold	Attorney-Client	Document reflecting legal advice regarding a PUCO filing and accounts charged for political and charitable spending.
166	#18671953.1	12/21/2020	<rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
167	#18672260.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
168	#18672264.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
169	#18672286.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
170	#18672598.1	2/8/2021	<bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
171	#18672682.1	12/11/2020	<rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email requesting legal advice and work product regarding vendor payments.
172	#18673262.1	2/8/2021	McMillen, Brandon S					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
173	#18673266.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
174	#18673417.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
175	#18673432.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
176	#18673444.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
177	#18673454.1	7/31/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
178	#18674271.1	12/20/2020	<rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>			Withhold	Work Product	Email reflecting work product regarding vendor payments and show cause proceedings.
179	#18674315.1	12/21/2020	<rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>		Withhold	Work Product	Email reflecting work product regarding vendor payments and show cause proceedings.
180	Companies-0001239	2/10/2021	43107					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding regulatory proceedings.
181	#18674947.1	3/9/2021	<eostrowski@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.com>	Erika Ostrowski, Emily Danford	Withhold	Attorney-Client	Email reflecting legal advice regarding contributions.
182	#18676051.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
183	#18676059.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
184	#18676070.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
185	#18676124.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
186	#18676132.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
187	#18676137.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
188	#18677404.1	2/8/2021	<bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding political and charitable spending.
189	#18678303.1	1/11/2021	<bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding pole attachment rates.
190	#18678403.1	1/19/2021	<rvaldes@firstenergycorp.com>	"Valdes, Raymond E" <rvaldes@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding refunds.
191	#18678891.1	2/8/2021	<bmcmlen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
192	#18679054.1	2/24/2021	<rcreinhart@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
193	#18680381.1	4/9/2021	Baker, Lori A					Withhold	Attorney-Client; Work Product	Presentation reflecting legal advice and work product regarding regulatory matters.
194	#18681885.1	2/8/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
195	#18682252.1	2/17/2021	Mikkelsen, Eileen M.					Withhold	Attorney-Client; Work Product	Document seeking legal advice and reflecting work product regarding PUCO proceedings.
196	#18682788.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
197	#18682799.1	12/8/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.
198	#18682809.1	12/11/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding vendor payment analysis.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
199	#18683060.1	2/8/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
200	#18683208.1	2/2/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>		Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
201	#18683509.1	1/1/1970						Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding and certain vendor payments.
202	#18683518.1	1/1/1970						Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding and certain vendor payments.
203	#18684393.1	2/24/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Larkin, Patricia" <plarkin@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
204	#18684763.1	2/24/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.com>			Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments.
205	#18685362.1	2/8/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
206	#18686115.1	2/8/2021	<mikkelsen@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@firstenergycorp.com>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.com>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
207	#18691450.1	1/14/2021	40872					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
208	#18691526.1	2/8/2021	Corporate Communications					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
209	#18691722.1	11/2/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding analysis of vendor payments in certain cost centers.
210	#18691730.1	11/2/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding analysis of vendor payments in certain cost centers.
211	#18691738.1	11/2/2020	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding analysis of vendor payments in certain cost centers.
212	#18692202.1	2/15/2021	Corporate Communications					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
213	#18692438.1	1/13/2021	40872					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding accounts charged for political and charitable spending.
214	#18692692.1	11/11/2020	Mikkelsen, Eileen M.					Withhold	Attorney-Client; Work Product	Document reflecting legal advice and work product regarding regulatory proceedings.
215	#18693051.1	2/17/2021	Mikkelsen, Eileen M.					Withhold	Attorney-Client; Work Product	Document seeking legal advice and reflecting work product regarding PUCO proceedings.
216	Companies-0001122	12/21/2020	Reinhart, Raymond C.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding analysis of vendor payments in certain cost centers.
217	Companies-0001238	2/9/2021	49698					Withhold	Attorney-Client; Work Product	Document seeking legal advice and reflecting work product regarding strategic outlook for Companies.

#	Bates Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Description
1	Companies-0009074	2/5/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Leiter, Rebecca B." <leiter@firstenergycorp.com>, "Linville, Tracie M" <tlinville@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
2	Companies-0010426	5/7/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Sweeney, Karen A." <ksweeney@firstenergycorp.co m>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
3	Companies-0009450	3/25/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
4	Companies-0009940	4/27/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Sweeney, Karen A." <ksweeney@firstenergycorp.co m>,"Danford, Emily V" <edanford@firstenergycorp.co m>,"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
5	Companies-0009430	3/17/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
6	Companies-0009206	2/26/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
7	Companies-0009779	3/30/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
8	Companies-0009076	2/8/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	"Leiter, Rebecca B." <leiter@firstenergycorp.com>, "Linville, Tracie M" <tlinville@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
9	Companies-0009396	3/15/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
10	Companies-0009010	1/27/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Linville, Tracie M" <tlinville@firstenergycorp.com>, "Leiter, Rebecca B." <leiter@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
11	Companies-0009332	3/4/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Leiter, Rebecca B." <leiter@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
12	Companies-0009872	4/19/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
13	Companies-0009212	3/2/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Sweeney, Karen A." <ksweeney@firstenergycorp.co m>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.

#	Bates Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Description
14	Companies-0009331	3/3/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Leiter, Rebecca B." <leiterr@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
15	Companies-0008293	6/11/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Leiter, Rebecca B." <leiterr@firstenergycorp.com>, "Linville, Tracie M" <tlinville@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
16	Companies-0008579	6/25/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Shaffer, Andrew B" <abshaffer@firstenergycorp.co m>		Brian Knipe	Privilege Withhold	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.
17	Companies-0008736	8/26/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.
18	Companies-0008897	8/26/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
19	Companies-0003878	10/6/2021	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Withhold	Work Product	Email reflecting work product concerning corporate separation communications.
20	Companies-0003656	10/6/2021	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Danford, Emily V" <edanford@firstenergycorp.co m>	"Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Withhold	Work Product	Email reflecting work product concerning corporate separation communications.
21	Companies-0003488	9/30/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.
22	Companies-0002524	6/7/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation discovery requests.
23	Companies-0002517	5/27/2021	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Linville, Tracie M" <tlinville@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>, "Danford, Emily V" <edanford@firstenergycorp.co m>		Brian Knipe, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning audit requests.
24	Companies-0002544	6/25/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Gladman, Michael R." <mrgladman@JonesDay.com>, "Doringo, Ryan A." <radoringo@Jonesday.com>, "Dengler, Molly M." <mdengler@Jonesday.com>, "Starek, Stephanie A." <sstarek@Jonesday.com>,"Lee, Corey A." <calee@Jonesday.com>	"Lepkoski, Lauren M" <llepkoski@firstenergycorp.com >,"Ostrowski, Erika" <eostrowski@firstenergycorp.co m>,"Watchorn, Christine E" <cwatchorn@firstenergycorp.co m>,"Danford, Emily V" <edanford@firstenergycorp.co m>	Brian Knipe, Michael Gladman, Ryan Doringo, Molly Dengler, Stephanie Starek, Corey Lee, Lauren Lepkoski, Erika Ostrowski, Christine Watchorn, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.
25	Companies-0003383	9/21/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Ostrowski, Erika" <eostrowski@firstenergycorp.co m>,"Lee, Corey A." <calee@Jonesday.com>	"Lepkoski, Lauren M" <llepkoski@firstenergycorp.com >,"Danford, Emily V" <edanford@firstenergycorp.co m>,"Gladman, Michael R." <mrgladman@JonesDay.com>, "Doringo, Ryan A." <radoringo@Jonesday.com>, "Dengler, Molly M." <mdengler@Jonesday.com>, "Starek, Stephanie A." <sstarek@Jonesday.com>	Brian Knipe, Michael Gladman, Ryan Doringo, Molly Dengler, Stephanie Starek, Corey Lee, Lauren Lepkoski, Erika Ostrowski, Christine Watchorn, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.
26	Companies-0002576	8/10/2021	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Gladman, Michael R." <mrgladman@JonesDay.com>, "Lee, Corey A." <calee@Jonesday.com>, "Doringo, Ryan A." <radoringo@Jonesday.com>, "Dengler, Molly M." <mdengler@Jonesday.com>, "Starek, Stephanie A." <sstarek@Jonesday.com>	"Lepkoski, Lauren M" <llepkoski@firstenergycorp.com >,"Ostrowski, Erika" <eostrowski@firstenergycorp.co m>,"Danford, Emily V" <edanford@firstenergycorp.co m>	Brian Knipe, Michael Gladman, Ryan Doringo, Molly Dengler, Stephanie Starek, Corey Lee, Lauren Lepkoski, Erika Ostrowski, Christine Watchorn, Emily Danford	Privilege Redact	Attorney-Client	Email reflecting legal advice concerning corporate separation proceedings.

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

1/3/2022 5:02:01 PM

in

Case No(s). 17-0974-EL-UNC

Summary: Motion Motion for an In Camera Review to Resolve FirstEnergy Corp.'s Claim of a Privilege Against Responding to OCC's Discovery and Motion for a Standing Order Requiring That FirstEnergy Corp. File All Future Privilege Logs in this Docket for In Camera Review and Motion for a Standing Order Requiring FirstEnergy Corp. and Any Other FirstEnergy Entity Withholding Documents on the Basis of Privilege to Produce to OCC Any Such Documents Produced to Any Third Party and Motion for a Standing Order Requiring FirstEnergy Corp. to Disclose Immediately and Thereafter File a Notice of Any Past or Future Disclosures, to or by Third Parties, of Any Part of The FirstEnergy Corp. Board's Internal Investigation Report and/or of Any Other Documents Claimed to Be Privileged by Office of The Ohio Consumers' Counsel electronically filed by Ms. Alana M. Noward on behalf of Finnigan, John