

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the)
Political and Charitable Spending by Ohio) Case No. 20-1502-EL-UNC
Edison Company, The Cleveland Electric)
Illuminating Company, and the Toledo)
Edison Company.)

**MOTION FOR AN *IN CAMERA* REVIEW TO RESOLVE THE FIRSTENERGY
UTILITIES' CLAIM OF A PRIVILEGE AGAINST RESPONDING TO OCC'S
DISCOVERY
AND
MOTION TO REQUIRE FIRSTENERGY ENTITIES
TO FILE NOTICE IF THEY DISCLOSE ANY RECORDS THAT THEY CLAIM
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 13, 2022

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TO BE PRIVILEGED
AND
MOTION FOR EXPEDITED RULING
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

This is the case that resulted from OCC's calls¹ for a management audit of First Energy and an audit of whether FirstEnergy used consumer funds to support tainted H.B. 6 activities. In response to OCC's investigatory motions, PUCO Examiner Gregory Price ordered a review (without an audit) of the political and charitable spending by FirstEnergy's utilities.² But the PUCO's limited review and reliance on FirstEnergy's self-reporting does not provide adequate consumer protections. Accordingly, on October 27, 2021, OCC filed motions for the PUCO to arrange for an independent audit and audit oversight committee. Those motions remain pending.

¹ *In the Matter of the Review of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company's Compliance with R.C. 4928.17 and the Ohio Adm. Code Chapter 4901:1-37*, Case Nos. 17-2474-EL-RDR and 17-974-EL-UNC Motion for a PUCO Investigation and Management Audit (Sept. 8, 2020).

² Entry (Sept. 15, 2020).

In this no audit proceeding, OCC is once again struggling to obtain information from the FirstEnergy Utilities –information that has been withheld under a claim of attorney-client privilege. To resolve the privilege claims, OCC asked the FirstEnergy Utilities to agree to an *in camera* review of the discovery log they produced. The FirstEnergy Utilities refused, forcing OCC to seek PUCO intervention to resolve this discovery dispute.

At the recent prehearing conference, held days ago, OCC discussed its intent to file this motion seeking an *in camera* review of the latest FirstEnergy Utilities’ discovery log.³ Attorney Examiner Price indicated that “we would be happy to do another *in camera* review and schedule another prehearing conference.”⁴ Attorney Examiner Price also advised that when OCC files its motion for an *in camera* review, “we will go ahead and set up a new prehearing conference to do the *in camera* review.”⁵

Accordingly, consistent with Attorney Examiner Price’s representations at the prehearing conference, the PUCO should summarily grant OCC’s motion for an *in camera* review. This would also be consistent with recent PUCO rulings and Ohio Supreme Court precedent requiring an *in camera* review to resolve discovery disputes over privilege claims.

FirstEnergy’s role in tainted H.B. 6, which forms the basis for the PUCO’s investigations, has also spawned other government investigations such as those conducted by the U.S. DOJ, FERC and U.S. SEC and other state public utility commissions. And there are numerous civil lawsuits by the Ohio Attorney General,

³ Prehearing Tr. at 17-19.

⁴ Prehearing Tr. at 19 (Jan. 10, 2022).

⁵ *Id.*

customers, and investors, as disclosed in FirstEnergy Corp.'s U.S. SEC filings.⁶ OCC would not necessarily know when and whether a FirstEnergy affiliate (including FirstEnergy Utilities) discloses information being withheld from OCC on the basis of privilege. Therefore, OCC moves the PUCO to require the FirstEnergy entity claiming attorney client privilege and withholding documents from OCC, to give notice to the PUCO and the parties of any disclosure(s) of documents to third parties.

This is consistent with the Attorney Examiner ruling at the January 7, 2022 pre-hearing conference when he required both the FirstEnergy Utilities and FirstEnergy Corp. to keep the Bench and the parties apprised of documents that may be ordered to be produced related to the FirstEnergy investigation by FERC.⁷

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

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Maureen R. Willis
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)

⁶ FirstEnergy Corp. Form 10-K at 124-125 (Feb. 18, 2021).

⁷ Prehearing Tr. 11-12 (Jan. 10, 2022).

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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.”⁸

The need for consumer protection is heightened, given FirstEnergy Corp.’s disclosures of its ongoing internal investigation involving governmental investigations.⁹ An internal investigation led FirstEnergy Corp. to fire or “separate” CEO Chuck Jones and several other senior executives for their roles in the scheme.¹⁰ The criminal complaint

⁸ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 17 (July 22, 2021).

⁹ FirstEnergy Corp., Form 10-K at 125 (Feb. 18, 2021).

¹⁰ FirstEnergy Corp., Form 8-K (Oct. 30, 2020), Form 8-K (Nov. 8, 2020) and Form 8-K (May 27, 2021).

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, 2021.¹¹ 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.”¹²

The internal investigation revealed a “purported consulting agreement” between FirstEnergy and a consulting firm owned by the former PUCO Chairman.¹³ 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.”¹⁴ FirstEnergy Corp. later admitted the payment was for “performing official action in his capacity as PUCO Chairman to further FirstEnergy Corp.’s interests.”¹⁵ FirstEnergy Corp. admitted this when it entered into the DPA on July 22, 2021.¹⁶

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.”¹⁷ Under these unusual circumstances, the need for transparency is paramount. The PUCO should do everything

¹¹ FirstEnergy Corp., Form 8-K (May 27, 2021).

¹² FirstEnergy Corp., Form 10-Q at 82 (Oct. 28, 2021).

¹³ FirstEnergy Corp., Form 8-K (Feb. 16, 2021).

¹⁴ *Id.*

¹⁵ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 17 (July 22, 2021).

¹⁶ *Id.*

¹⁷ 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).

possible to facilitate broad discovery, as is OCC's 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."¹⁸

OCC served its sixth set of discovery requests on the FirstEnergy Utilities on March 24, 2021. The FirstEnergy Utilities responded to the discovery requests on or about April 23, 2021. On or about November 5, 2021, the FirstEnergy Utilities made a supplemental document production in this case, after being ordered by Attorney Examiner Price, when he partially granted OCC's motion to compel.¹⁹ On January 5, 2022, the FirstEnergy Utilities sent OCC a revised privilege log corresponding to the document production (*See Attachment*).

The FirstEnergy Utilities produced privilege logs that purport to establish why the withheld documents are privileged. For many of these documents, however, there is no apparent basis for a claim of privilege as the communication/documents do not appear to involve attorney client communication. Additionally, it appears that FirstEnergy Utilities may be asserting a privilege that is not theirs to assert, but belongs to another FirstEnergy affiliate such as FirstEnergy Service Company or FirstEnergy Corp.

OCC therefore requests that an Attorney Examiner conduct an *in camera* review of the documents at a prehearing conference allowing questioning of parties on each item listed on the discovery log, consistent with the procedure followed by Attorney Examiner Price in Case No. 10-176-EL ATA. An *in camera* review was also held earlier in this case at OCC's

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

¹⁹ Prehearing Tr. 33-56 (Aug. 31, 2021).

request.²⁰ And Attorney Examiner Price indicated that “we would be happy to do another *in camera* review and schedule another prehearing conference.”²¹ Attorney Examiner Price also advised that when OCC files its motion for an *in camera* review, “we will go ahead and set up a new prehearing conference to do the *in camera* review.”²²

II. RECOMMENDATIONS

A. To protect consumers and promote transparency, the PUCO should grant the Motion for an *in camera* review of allegedly privileged documents.

1. Ohio law grants OCC broad rights of discovery and the information has already been determined to be reasonably calculated to lead to the discovery of admissible evidence

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.”²³ These rules are intended to facilitate full 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.”²⁴ The Ohio Supreme Court recently affirmed OCC and NOPEC’s broad statutory rights to discovery (as intervenors) when it reversed the PUCO’s ruling that, among other things, failed to rule on motions to compel discovery.²⁵

²⁰ *Id.* at 45-53.

²¹ Prehearing Tr. at 19 (Jan. 10, 2022).

²² *Id.*

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

²⁴ See *OCC v. PUC*, 111 Ohio St.3d 300, 2006-Ohio-5789.

²⁵ *In re Suvon LLC*, 2021-Ohio-3630*, 2021 Ohio LEXIS 2065.

The Court directed the PUCO to rule on the merits of the discovery motions before issuing a decision on the matters before it.²⁶

The Attorney Examiner ordered the documents at issue to be produced at the Aug. 31, 2021 prehearing conference.²⁷ Relevance is not at issue here. The FirstEnergy Utilities are not disputing whether the documents are relevant or reasonably calculated to lead to admissible evidence. Rather the issue brought before the PUCO in this pleading are the numerous claims of privilege that the FirstEnergy Utilities made to shield themselves from further discovery by OCC.

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 submitted discovery requests to the FirstEnergy Utilities seeking certain information reasonably calculated to lead to the discovery of admissible evidence. The FirstEnergy Utilities now assert that some of the documents are shielded from discovery based on the attorney-client privilege and the work product doctrine.

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 The FirstEnergy Utilities have attempted to satisfy this burden simply by producing a privilege log. (*See* Attachment, FirstEnergy Supplemental Privilege Log Vol. 1). But for many of the documents, the privilege log contains no apparent basis for a privilege claim.

The FirstEnergy Utilities' mere production of a privilege log fails to satisfy their burden of proof to establish that all the documents they withheld from discovery are

²⁶ *Id.* at ¶41.

²⁷ Prehearing Tr. at 33-56 (Aug. 31, 2021).

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

privileged. Consistent with PUCO precedent²⁹ and Ohio law,³⁰ the Attorney Examiner should order an *in camera* review of the documents at a prehearing conference. In fact the Attorney Examiner has already indicated that “we would be happy to do another *in camera* review and schedule another prehearing conference.”³¹ Attorney Examiner Price also advised that when OCC files its motion for an *in camera* review, “we will go ahead and set up a new prehearing conference to do the *in camera* review.”³² As part of the *in camera* review, the PUCO should allow questioning on each item listed on the discovery log, just as it did in Case No. 10-176-EL-ATA.³³

3. The FirstEnergy Utilities should identify which entity holds the privilege for each document.

As part of its burden of proof to establish that a privilege exists, the FirstEnergy Utilities should be required to identify the client that holds the privilege for each document. This is an important consideration. The attorney client privilege belongs to the client, not the attorney. The work product doctrine protects the attorney’s work done on behalf of a specific client. The FirstEnergy Utilities cannot assert privilege that does not belong to them but rather is held by another client, such as FirstEnergy Service Company or FirstEnergy Corp.

In particular, where documents are created by a FirstEnergy entity other than the FirstEnergy Utilities, the privilege/doctrine pertaining to the document lies with that

²⁹ See, e.g., Case No. 20-1502, Entry at ¶17 (Aug. 3, 2021).

³⁰ *Peyko v. Frederick*, (1986), 25 Ohio St.3d 164.

³¹ Prehearing Tr. at 19 (Jan. 10, 2022).

³² *Id.*

³³ See *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-ATA. Transcript (Jan. 18, 2011).

entity and not FirstEnergy Utilities. The PUCO should not accept a blanket attorney client privilege or work product over all documents created by various FirstEnergy utilities when the privilege is held by different clients within the FirstEnergy family. Attorney Doringo, acting for his client, FirstEnergy Utilities, explained it this way: “the thing is that sharing of officers and director among corporate family members does not automatically make everyone’s documents, you know everyone else’s documents too. I think that that’s recognized in Ohio law, in federal law, and elsewhere***.”³⁴

A Tenth District Court of Appeals case decided by now-Supreme Court Justice Judith French articulated this principle as follows:

A company realizes benefits, including shielding itself from liability, by spreading corporate activities between separate, subsidiary corporations. Indeed, appellants have consistently asserted that they cannot be held individually liable for Waterworks' debts or obligations and that appellees may not pierce appellants' corporate veils with respect to Waterworks' liabilities. With the benefits realized by creating separate corporate entities ‘comes the responsibility to treat the various corporations as separate entities.’ The Teleglobe court held that, ‘absent some compelling reason to disregard entity separateness, in the typical case courts should treat the various members of the corporate group as the separate corporations they are and not as one client.’ See also [Hoffman-La Roche, Inc. v. Roxane Laboratories, Inc., D.N.J. No. 09-6335 \(WJM\), 2011 U.S. Dist. LEXIS 50404 \(May 11, 2011\)](#) (finding no reason to treat affiliate companies as one entity for privilege purposes where the company asserting the privilege had insisted that the entities were separate).³⁵

³⁴ Prehearing Tr. at 44 (Aug. 31, 2021).

³⁵ *MA Equip. Leasing I, LLC v. Tilton*, 2012-Ohio-4668 ¶ 28, 980 N.E.2d 1072, 1082, 2012 Ohio App. LEXIS 4102, 24, (citations omitted).

This principle is reasonable and should be applied to this case. The FirstEnergy Utilities have often taken the position in this proceeding that they can't produce information because it is in the "possession, custody or control" of another FirstEnergy entity. And throughout these proceedings, the FirstEnergy Utilities have taken OCC to task for "confusingly using" the term "FirstEnergy" when referring to FirstEnergy Corp. or sometimes to refer to the Companies.³⁶

It would not be fair for the FirstEnergy Utilities to assert attorney client privilege (or work product doctrine) to protect documents prepared and belonging to other FirstEnergy affiliates, such as FirstEnergy Service Company. As part of the *in camera* review, the Attorney Examiner should require the FirstEnergy Utilities to identify the holder of the privilege pertaining to each and every entry on the discovery log under review in the *in camera* inspection.

Another reason it is important to identify the holder of the privilege for each document is the crime-fraud exception to the attorney-client privilege, discussed in more detail below. If FirstEnergy Corp. is the client who holds the claimed privilege, the crime fraud exception should apply and the privilege overruled.

FirstEnergy Corp. admitted in the Deferred Prosecution Agreement to the underlying facts of "conspiracy to commit honest services wire fraud in violation of Title 18 United States Code, Sections 1343, 1346, 1349."³⁷ The crime fraud exception allowing privilege to be overruled seems particularly apt as it relates to FirstEnergy Corp.

³⁶ See, e.g., *In the Matter of the Review of the Distribution Modernization Rider of Ohio Edison Company et al.*, Case No. 17-2474-EL-RDR, Memo Contra Motions by the Office of the Ohio Consumers Counsel Regarding House Bill 6 at 1 (Sept. 23, 2020).

³⁷ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 1 (July 22, 2021).

For instance, the privilege log identifies some withheld documents (lines 76. 77) as “corporate communications” with no other identification. This seems to be an instance of a FirstEnergy Corp. document, being withheld on the basis of FirstEnergy Corp.’s privilege. If so, these documents should be produced – because the privilege is not FirstEnergy Utilities to assert and the crime fraud exception, discussed below, applies.

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

The FirstEnergy Utilities’ claim of attorney-client privilege must fail where the communications are not between a lawyer and a client. The attorney-client privilege protects "communications between an attorney and his client."³⁸ In many cases, it appears that the FirstEnergy Utilities’ claimed attorney-client privilege is being asserted for communications that were not between a lawyer and client.

For example, OCC filed investigatory motions with the PUCO on September 8, 2020.³⁹ The first entry in the privilege log is an email from Eileen Mikkelsen to Chuck Jones dated September 9, 2020. (*See* Attachment FirstEnergy Supplemental Privilege Log Vol. 1). 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.⁴⁰ Her email was sent to Mr. Chuck Jones, the former CEO. Mr. Jones is an engineer, not a lawyer.⁴¹ The email does not even

³⁸ *Taylor v. Sheldon* (1961), 172 Ohio St. 118, 121.

³⁹ *See* Case No. 17-974-EL-UNC, Motion for a PUCO Investigation (Sept. 8, 2020).

⁴⁰ *In re FirstEnergy ESP IV Case*, Case No. 14-1297-EL-SSO, Testimony of Eileen Mikkelsen at 1 (Aug. 4, 2014).

⁴¹ ‘*Kid from Ellet*’ *Chuck Jones ready to lead FirstEnergy*, Akron Beacon Journal (Mar. 21, 2015).

“cc” an attorney. The privilege log simply states that Ms. Mikkelsen’s email “reflects” legal advice. A person cannot clothe a communication between two non-lawyers with the attorney-client privilege by stating that the communication “reflects” legal advice. Such an approach 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.⁴²

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.” The FirstEnergy Utilities apparently believe that communications between non-lawyers, are covered by the privilege if the communication somehow “reflects” some legal advice passed on by a non-lawyer received from some lawyer at some past date.

The FirstEnergy Utilities have taken this position for many of the documents it withheld from discovery. That’s why a line-by-line review of the privilege log is so important. That is just the type of review that was required by Attorney Examiner Price in Case No. 10-176-EL-ATA, when OCC produced its discovery log.

⁴² *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.

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

The FirstEnergy Utilities' 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.⁴³ In many instances, the FirstEnergy Utilities claim attorney-client privilege for communications that appear to fall within the crime-fraud exception to the attorney-client privilege. For example, twelve entries in the privilege log directly refer to the "PUCO HB6 request," while others reference vendor payments which we now know includes the \$4.3 million paid to the former PUCO chair.

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.⁴⁴

FirstEnergy Corp. admitted to the underlying facts of honest services wire fraud.⁴⁵

Based on currently available information, the fraud continued at least until FirstEnergy

⁴³ *State ex rel. Nix v. City of Cleveland* (1998), 83 Ohio St.3d 379.

⁴⁴ *Id.* at 383-384 (Citations omitted) (Emphasis added).

⁴⁵ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement (July 22, 2021).

fired Chuck Jones on October 29, 2020⁴⁶ and perhaps until Ms. Mikkelsen was “separated” on May 27, 2021.⁴⁷ This consulting contract was the vehicle for the \$4.3 million payment to the former PUCO Chairman’s consulting firm who FirstEnergy Corp. admitted was “performing official action in his capacity as PUCO Chairman to further FirstEnergy Corp.’s interests.”⁴⁸

The FirstEnergy Utilities facilitated the fraud because of what we now know from the Daymark corporate separation audit—that the utilities had “little insight” and “little visibility” into the costs they were allocated from FirstEnergy Service Company.⁴⁹ On top of that, Daymark found that the FirstEnergy Utilities “have no process in place for reviewing or disputing those charges.”⁵⁰ And Daymark noted that : “[w]hile FirstEnergy has maintained a CAM [cost allocation manual], the CMA lacks enough internal controls and oversight regarding the use of cost allocators and cost allocated to Ohio Companies to prevent cross-subsidization.”⁵¹

FirstEnergy’s lack of internal controls is a resounding theme contained in remarks by Daymark, Standard and Poor’s and FirstEnergy Corp.’s own admissions in press releases and SEC filings.⁵² Conditions were ripe for FirstEnergy Corp. to pass along

⁴⁶ J. MacKinnon, *FirstEnergy fires CEO Chuck Jones after 2 plead guilty in Householder bribery scheme*, Akron Beacon Journal (Oct. 29, 2020).

⁴⁷ FirstEnergy Corp., Form 8-K (May 27, 2021).

⁴⁸ *United States of America v. FirstEnergy Corp.*, Case No. 1:21-cr-00086-TSB, Deferred Prosecution Agreement at 17 (July 22, 2021).

⁴⁹ *In the Matter of the Review of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company’s Compliance with R.C. 49218.17 and the Ohio Adm. Code Chapter 4901:1-37*, Case No.17-974-EL-UNC, Daymark Audit Report at 14 (Sept. 13, 2021).

⁵⁰ *Id.* at 32.

⁵¹ *Id.* at 90.

⁵² *See, e.g. In the Matter of the Review of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company’s Compliance with R.C. 49218.17 and the Ohio Adm. Code*

inappropriate charges to the FirstEnergy Utilities who turned around and collected them from consumers.

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). 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 should be released to OCC under the crime-fraud exception to the attorney-client privilege. Other documents withheld from discovery may also fall within this exception. The PUCO should require a line by line discussion of FirstEnergy Utilities privilege log to determine the validity of the many privilege claims asserted.

6. 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.⁵³

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 if the privilege claim is valid.⁵⁴ The PUCO has used this approach on many

Chapter 4901:1-37, Case No. 17-974-EL-UNC, OCC Initial Comments at 11-14 and 19-23 (Nov. 22, 2021).

⁵³ *Peyko v. Frederick*, (1986), 25 Ohio St.3d 164, 167.

⁵⁴ *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).

occasions, including earlier on in this proceeding,⁵⁵ when it held its August 31, 2021 prehearing and conducted the *in camera* review that OCC had requested, but FirstEnergy Utilities opposed.⁵⁶

Then, 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.”⁵⁷ (An “an undue drain on the Commission’s and parties’ resources” could be avoided if the FirstEnergy Utilities would stop making groundless privilege claims.)

The Attorney Examiner overruled the FirstEnergy Utilities’ objections and conducted an *in camera* review of the prior FirstEnergy Utilities’ privilege log.⁵⁸ Consistent with its earlier ruling, the Attorney Examiner should once again order an *in camera* review.

The FirstEnergy Utilities requested and were granted an *in camera* review of OCC documents in a prior case, over which Attorney Examiner Price presided.⁵⁹ 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

⁵⁵ Entry at ¶17 (Aug. 3, 2021), granting OCC’s motion for an *in camera* review of FirstEnergy Utilities privilege log.

⁵⁶ 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).

⁵⁷ *Id.* at 3.

⁵⁸ Entry at ¶17 (Aug. 3, 2021) Prehearing Tr. at 52-54 (Aug. 31, 2021).

⁵⁹ *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).

privileged.⁶⁰ 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 the FirstEnergy Utilities to resist an *in camera* review when another party wants to obtain privileged documents from them.

FirstEnergy Utilities’ arguments against conducting an *in camera* review should be summarily dismissed as inconsistent with PUCO practice and Ohio law.⁶¹ Conducting an *in camera* review will assist the PUCO in resolving this discovery dispute between OCC and the FirstEnergy Utilities. Attorney Examiner Price indicated that “we would be happy to do another *in camera* review and schedule another prehearing conference.”⁶² Attorney Examiner Price also advised that when OCC files its motion for an *in camera* review, “we will go ahead and set up a new prehearing conference to do the *in camera* review.”⁶³

The *in camera* review of the documents described in the privilege log should go forward, with parties being given the opportunity to discuss the privilege log on a line-by-line basis, similar to what was permitted in Case No. 10-176-EL-ATA, when the FirstEnergy Utilities were challenging OCC’s privilege log.

- B. The PUCO should require FirstEnergy entities to file a notice with the PUCO and parties of such disclosure(s) that pertain to withheld discovery documents and require the documents be produced. The attorney-client and work product privileges are waived by disclosing the communications to third parties.**

⁶⁰ *Id.*

⁶¹ *Peyko v. Frederick*, (1986), 25 Ohio St.3d 164, 167.

⁶² Prehearing Tr. at 19 (Jan. 10, 2022).

⁶³ *Id.*

The FirstEnergy Utilities’ claim of attorney-client privilege must fail if they waived the privileges by disclosing the information to third parties. Ohio law recognizes that a party can waive the privilege by disclosing privileged information to another person. To the extent the FirstEnergy Utilities waived the privilege, the PUCO should order the FirstEnergy Utilities 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.’”⁶⁴ In *Hicks*, a county auditor produced an opinion letter to a special prosecutor who was investigating the auditor for improperly hiring her stepson.⁶⁵ 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.⁶⁶ 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.”⁶⁷

Other courts have also held that a disclosure to an adverse party in litigation waives the privilege.⁶⁸ 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.”⁶⁹

⁶⁴ *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).

⁶⁵ *Id.* 2008-Ohio-3796 at ¶ 14.

⁶⁶ *Leonchyk v. FCI USA, Inc.*, 2008-Ohio-3796 at ¶ 14.

⁶⁷ *Id.* at ¶ 11, quoting *Cooper Hos./Univ. Med. Ctr. v. Sullivan*, 1998 U.S. Dist. LEXIS 22198 (D. N.J. 1998).

⁶⁸ *Rambus Inc. v. Infineon Technologies AG*, 220 F.R.D. 264 (E.D. Va.) (Mar. 17, 2004).

⁶⁹ *In re Subpoenas Duces Tecum*, 738 F.2d 1367, 1372 (D.C. Cir. 1984).

FirstEnergy's role in tainted H.B. 6, which forms the basis for the PUCO's investigations, has also spawned other government investigations such as those conducted by the U.S. DOJ, FERC and U.S. SEC and other state public utility commissions. And there are numerous civil lawsuits by the Ohio Attorney General, customers, and investors, as disclosed in FirstEnergy Corp.'s U.S. SEC filings.⁷⁰ OCC would not necessarily know when and whether a FirstEnergy affiliate (including FirstEnergy Utilities) discloses information being withheld from OCC on the basis of privilege.

If during these other investigations or lawsuits, the "privileged" documents being withheld from OCC are produced to third parties, then FirstEnergy would have waived the attorney-client privilege under the cases discussed above. OCC and the PUCO have no way to conclusively determine whether any such disclosures have been made. As a result, the PUCO should require the FirstEnergy entity claiming attorney client privilege and withholding documents from OCC, to provide notice to the PUCO and the parties if they have disclosed any of the documents to third parties.

Such a ruling would be consistent with the Attorney Examiner's ruling made at the January 7, 2022 pre-hearing conference when he required both the FirstEnergy Utilities and FirstEnergy Corp. to keep the Bench and the parties apprised of documents that may be ordered to be produced related to the FirstEnergy investigation by FERC.⁷¹

⁷⁰ FirstEnergy Corp. Form 10-K at 124-125 (Feb. 18, 2021).

⁷¹ Prehearing Tr. 11-12 (Jan. 10, 2022).

III. CONCLUSION

The case for full disclosure is paramount in this case. The PUCO should especially reject dubious or tactical claims of privilege that would prevent the proper exercise of regulatory oversight for public interest and protection.

To protect consumers and preserve OCC's discovery rights under R.C. 4903.082 and the Ohio Administrative Code, the PUCO should resolve the FirstEnergy Utilities' privilege claims using the ordinary PUCO process of an *in camera* review proposed by OCC. The PUCO should also order that the FirstEnergy entities notify parties and produce documents if the documents withheld from discovery have been disclosed to third parties.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Maureen R. Willis

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

Office of the Ohio Consumers' Counsel

65 East State Street, Suite 700
Columbus, Ohio 43215
Telephone [Willis]: (614) 466-9567
Telephone [Finnigan]: (614) 466-9585
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 the foregoing pleading was served on the persons stated below via electronic transmission, this 13th day of January 2022.

/s/ Maureen R. Willis

Maureen R. Willis
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

werner.margard@ohioAGO.gov
Sarah.Feldkamp@OhioAGO.gov
Thomas.Lindgren@OhioAGO.gov
rlazer@elpc.org
rkelter@elpc.org
trhayslaw@gmail.com
leslie.kovacik@toledo.oh.gov
evan.betterton@igs.com
joe.oliker@igs.com
michael.nugent@igs.com
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
mwise@mcdonaldhopkins.com
trent@hubaydougherty.com

bknipe@firstenergycorp.com
mrgladman@jonesday.com
mdengler@jonesday.com
radoringo@jonesday.com
sgoyal@jonesday.com
dborchers@bricker.com
dparram@bricker.com
rmains@bricker.com
ctavenor@theOEC.org
rdove@keglerbrown.com
mpritchard@mcneeslaw.com
bmckenney@mcneeslaw.com
Bojko@carpenterlipps.com
Donadio@carpenterlipps.com

Attorney Examiners:

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

#	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	Companies-0002471	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 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	Companies-0001684	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 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.
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.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
19	Companies-0000786	10/22/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsen@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." <mikkelsen@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" <tashon@firstenergycorp.com>, "Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Arch, Lindsey M" <larch@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@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" <tashon@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" <bmcmlen@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" <bmcmlen@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" <bmcmlen@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" <bmcmlen@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" <bmcmlen@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" <bmcmlen@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" <bmcmlen@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.
57	#14824934.1	9/16/2020	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Burger, Jason W" <jburger@firstenergycorp.com>	"Golden, Mark D" <mgolden@firstenergycorp.com>		Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding contributions to FirstEnergy Foundation.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
58	#14825070.1	9/16/2020	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Burger, Jason W" <jburger@firstenergycorp.com>	"Golden, Mark D" <mgolden@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.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"McMillen, Brandon S" <bcmcmillen@firstenergycorp.com>			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.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.
61	#14825223.1	2/25/2021	"Richards, Art" <richardsw@firstenergycorp.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			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.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Patterson, Amy" <amorrow@firstenergycorp.com>, "Ashton, Tracy M" <tashnton@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.com>	"Richards, Art" <richardsw@firstenergycorp.com>	"Ashton, Tracy M" <tashnton@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.
65	#14826373.1	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" <ruch@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 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.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.
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" <bcmcmillen@firstenergycorp.com>, "Savage, Joanne M" <jmsavage@firstenergycorp.com>, "Valdes, Raymond E" <rvaldes@firstenergycorp.com>, "Mader, Mark A" <mamader@firstenergycorp.com>, "Ruch, Roger D" <ruch@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
70	#14832323.1	9/22/2020	"Richards, Art" <richardsw@firstenergycorp.com>		"Ashton, Tracy M" <tashon@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" <bmcmlen@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" <tashon@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 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.
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." <mikkelsene@firstenergycorp.com>, "Ruch, Roger D" <ruchr@firstenergycorp.com>, "Mattiu, Robert R" <rmattiu@firstenergycorp.com>, "Hussing, Gregory F." <chussing@firstenergycorp.com>, "Stuchell, Jeffrey W" <jstuchell@firstenergycorp.com>, "Noewer, Sharon L." <slnower@firstenergycorp.com>, "Mount, Colin" <cmount@firstenergycorp.com>, "Gregorits, Matthew N" <mgregorits@firstenergycorp.com>, "Parke, Morgan E" <mparke@firstenergycorp.com>, "Rao, P Nikhil" <pnao@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	Companies-0002186	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.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
80	Companies-0002187	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 analysis.
81	Companies-0002203	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding PUCO HB6 analysis.
82	Companies-0002206	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
83	Companies-0002200	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
84	Companies-0002207	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	Companies-0002201	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	Companies-0002171	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	Companies-0002184	8/13/2019	Hess, Jennifer L.					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause response.
88	Companies-0002185	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	Companies-0002397	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.
95	Companies-0002398	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.
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.
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 misclassified, misallocated, and/or lacked supporting documentation.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
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 misclassified, misallocated, and/or lacked supporting documentation.
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.
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	Companies-0002274	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.

Privilege Log – Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company
Case No. 20-1502-EL-UNC
SUPPLEMENTAL PRIVILEGE LOG - PUCO Volume 1

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
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" <bcmcmillen@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	Companies-0002280	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	Companies-0002283	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.
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	Companies-0002400	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	Companies-0002406	5/18/2006	1027330					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding political and charitable spending.
138	Companies-0002407	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	Companies-0002408	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	Companies-0002409	4/30/2021	41189					Withhold	Attorney-Client	Document reflecting legal advice regarding a PUCO filing and accounts charged for political and charitable spending.
141	Companies-0002412	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	Companies-0002416	4/19/2021	Richards, Art					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding corrected accounting.
143	Companies-0002417	4/24/2021	41189					Withhold	Attorney-Client	Email reflecting work product regarding Ohio Companies' political and charitable spending.
144	Companies-0002418	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	Companies-0002420	8/13/2019	Hess, Jennifer L					Withhold	Attorney-Client; Work Product	Excel spreadsheet reflecting legal advice and work product regarding show cause proceeding.
146	Companies-0002421	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	Companies-0002427	4/24/2021	41189					Withhold	Attorney-Client	Email reflecting legal advice and work product regarding Show Cause response.
148	Companies-0002430	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.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
151	Companies-0002094	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	Companies-0002000	9/22/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Sweeney, Karen A." <ksweeney@firstenergycorp.com>, "Leiter, Rebecca B." <leiter@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@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.
156	Companies-0001686	9/9/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		"Leiter, Rebecca B." <leiter@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@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	Companies-0001791	9/9/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Leiter, Rebecca B." <leiter@firstenergycorp.com>, "McMillen, Brandon S" <bcmcmillen@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" <bcmcmillen@firstenergycorp.com>, "Hugo, Paul T" <phugo@firstenergycorp.com>			Withhold	Attorney-Client	Email reflecting legal advice regarding OMAEG Ohio Supreme Court appeal.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
161	Companies-0000045	4/10/2021	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>			Redact	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding vendor payments and show cause proceedings.
162	Companies-0001896	9/10/2020	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Demiray, Eren G." <demiraye@firstenergycorp.co m>			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.co m>	"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.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"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.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"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.co m>	"Reinhart, Raymond C." <rcreinhart@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 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.
170	#18672598.1	2/8/2021	<bmcmlen@firstenergycorp.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>	"Ostrowski, Erika" <eostrowski@firstenergycorp.c om>	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.co m>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>			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.co m>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>			Withhold	Work Product	Email reflecting work product regarding vendor payments and show cause proceedings.
179	#18674315.1	12/21/2020	<rcreinhart@firstenergycorp.co m>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>		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.c om>	"Ostrowski, Erika" <eostrowski@firstenergycorp.c om>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>	"Danford, Emily V" <edanford@firstenergycorp.co m>	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.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>	"Ostrowski, Erika" <eostrowski@firstenergycorp.c om>	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.co m>	"McMillen, Brandon S" <bmcmlen@firstenergycorp.co m>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.c om>	"Reinhart, Raymond C." <rcreinhart@firstenergycorp.co m>		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." <mikkelsene@firstenergycorp.c om>	"Ostrowski, Erika" <eostrowski@firstenergycorp.c om>	Erika Ostrowski	Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding refunds.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
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.
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 / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
218	Companies-0002034	4/14/2021 17:23	"Sweeney, Karen A." <ksweeney@firstenergycorp.com>	"Sweeney, Karen A." <ksweeney@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlen@firstenergycorp.com>	Brian Knipe	Privilege Withhold	Attorney-Client	Email seeking legal advice regarding PUCO proceedings.
219	Companies-0002202	5/12/2021 21:02	"Starek, Stephanie A." <sstarek@jonesday.com>	"Starek, Stephanie A." <sstarek@jonesday.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Lee, Corey A." <calee@jonesday.com>	Stephanie Starek, Corey Lee, Brian Knipe	Privilege Withhold	Attorney-Client	Email seeking legal advice regarding PUCO proceedings.
220	Companies-0002170	5/12/2021 15:56	"Starek, Stephanie A." <sstarek@jonesday.com>	"Starek, Stephanie A." <sstarek@jonesday.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "Lee, Corey A." <calee@jonesday.com>	Stephanie Starek, Corey Lee, Brian Knipe	Privilege Withhold	Attorney-Client	Email seeking legal advice regarding PUCO proceedings.
221	Companies-0002351	4/29/2021 15:25	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Gladman, Michael R." <mrgladman@jonesday.com>, "Doringo, Ryan A." <rdoringo@jonesday.com>, "Dengler, Margaret M (Jones Day)" <mdengler@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>, "Koslen, Michael" <mkoslen@jonesday.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>, "McMillen, Brandon S" <bmcmlen@firstenergycorp.com>, "Watchorn, Christine E" <cwatchorn@firstenergycorp.com>	Brian Knipe, Mike Gladman, Ryan Doringo, Stephanie Starek, Margaret Dengler, Michael Koslen, Christine Watchorn	Privilege Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
222	Companies-0002387	4/30/2021 14:48	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		Brian Knipe	Privilege Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
223	Companies-0000293.000	5/6/2021 19:36	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>		Brian Knipe	Privilege Withhold	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
224	Companies-0002269	4/23/2021 18:13	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Doringo, Ryan A." <rdoringo@jonesday.com>, "Gladman, Michael R." <mrgladman@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>, "Dengler, Margaret M (Jones Day)" <mdengler@jonesday.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	Brian Knipe, Mike Gladman, Ryan Doringo, Stephanie Starek, Margaret Dengler	Privilege Redact	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
225	Companies-0002399	5/3/2021 22:21	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Gladman, Michael R." <mrgladman@jonesday.com>, "Doringo, Ryan A." <rdoringo@jonesday.com>, "Dengler, Margaret M (Jones Day)" <mdengler@jonesday.com>, "Starek, Stephanie A." <sstarek@jonesday.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	Brian Knipe, Mike Gladman, Ryan Doringo, Stephanie Starek, Margaret Dengler	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
226	Companies-0002405	4/24/2021 15:12	Fanelli, Santino L				Brian Knipe	Privilege Withhold	Attorney-Client	Document reflecting legal advice regarding responses to OCC discovery.
227	Companies-0002419	4/30/2021 14:54	41189				Brian Knipe	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
228	Companies-0002422	4/24/2021 14:47	41189				Brian Knipe	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
229	Companies-0002423	4/24/2021 14:45	41189				Brian Knipe	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
230	Companies-0002064	4/15/2021 17:47	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Knipe, Brian J" <bknipe@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>		Brian Knipe	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
231	Companies-0000045.000	4/10/2021 16:19	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Fanelli, Santino L" <sfanelli@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>			Privilege Redact	Attorney-Client; Work Product	Email reflecting legal advice and work product regarding responses to OCC discovery.
232	Companies-0002451	1/8/2021 20:32	<mswann@firstenergycorp.com>	"Swann, Mary M" <mswann@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>		Mary Swann	Privilege Withhold	Attorney-Client	Email reflecting legal advice regarding responses to OCC discovery.
233	Companies-0000574.000	9/9/2020 0:45	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	"Mikkelsen, Eileen M." <mikkelsene@firstenergycorp.com>	Charles Jones <jonesc@firstenergycorp.com>			Privilege Redact	Attorney-Client	Email seeking legal advice regarding PUCO proceedings.

#	Bates / Control Number	Primary Date	Author	From	To	Cc	Associated Legal Personnel	Privilege	Privilege Type	Privilege Log Descriptions
234	Companies-0000470.000	9/9/2020 0:44	"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>			Privilege Redact	Attorney-Client; Work Product	Email seeking legal advice and reflecting work product regarding PUCO proceedings.

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

1/13/2022 5:10:08 PM

in

Case No(s). 20-1502-EL-UNC

Summary: Motion Motion for an In Camera Review to Resolve the FirstEnergy Utilities' Claim of a Privilege Against Responding to OCC's Discovery and Motion to Require FirstEnergy Entities to File Notice If They Disclose Any Records That They Claim to Be Privileged by Office of the Ohio Consumers' Counsel electronically filed by Ms. Alana M. Noward on behalf of Willis, Maureen R.