

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY'S
MOTION FOR A PARTIAL PROTECTIVE ORDER ON
OCC'S NOTICE TO TAKE DEPOSITION OF ROBERT MATTIUZ AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

Pursuant to Ohio Administrative Code 4901-1-24, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the “Companies”) move for a partial protective order concerning the Office of the Ohio Consumers’ Counsel’s (“OCC”) Notice to Take Deposition of Robert Mattiuz and Request for Production of Documents (“Notice”).¹ Despite the Attorney Examiners’ April 7 Entry² reiterating that document discovery in this matter is closed, OCC’s April 13 Notice includes seventeen broad discovery requests, many of which are duplicative and outside the scope of this proceeding. Though the Companies do not oppose OCC taking the deposition of Mr. Mattiuz—and though the Companies attempted to negotiate a resolution with OCC as to the scope of its document requests—the dispute over the document requests is unresolved. As more fully explained in the accompanying Memorandum in Support, OCC’s document requests are procedurally and substantively improper.

¹ Attached as Exhibit A.

² As required by Ohio Administrative Code (“OAC”) 4901-1-24, the Companies have attached an affidavit of counsel setting forth the efforts that have been undertaken to resolve this discovery dispute with OCC as Exhibit B.

Accordingly, the Companies respectfully request that the Commission grant their Motion for a Partial Protective Order and issue an order stating that the Companies are not required to produce documents in response to OCC's Notice.

Dated: May 9, 2022

Respectfully submitted,

/s/ Ryan A. Doringo

Michael R. Gladman (0059797)

Shalini B. Goyal (0096743)

Margaret M. Dengler (0097819)

Jones Day

325 John H. McConnell Blvd

Suite 600

Columbus, Ohio 43215

Tel: (614) 469-3939

Fax: (614) 461-4198

mrgladman@jonesday.com

mdengler@jonesday.com

Ryan A. Doringo (0091144)

Jones Day

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Tel: (216) 586-3939

Fax: (216) 579-0212

radoringo@jonesday.com

On behalf of the Companies

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MEMORANDUM IN SUPPORT OF OHIO EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY'S
MOTION FOR A PARTIAL PROTECTIVE ORDER ON
OCC'S NOTICE TO TAKE DEPOSITION OF ROBERT MATTIUZ AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

I. INTRODUCTION

Though document discovery in this case closed on November 24, 2021, OCC's Notice seeks the production of seventeen broad categories of documents. These requests are untimely and contradict the Attorney Examiners' April 7 Entry, which unequivocally declined to extend the discovery period. Further, most of OCC's requests are overbroad and irrelevant to this corporate separation proceeding. For example, many requests seek *all documents* over several years,³ while other requests seek documents already produced to OCC in this and other proceedings.⁴ And requests related to political and charitable spending are irrelevant to the "corporate separation provisions of R.C. 4928.17 and . . . the Companies' Commission-approved corporate separation plan."⁵ For these reasons and those explained below, the Companies' Motion for a Partial

³ Exhibit A Requests Nos. 1-9, 17.

⁴ See, e.g., Exhibit A Request Nos. 2, 12, 14, 15, 17.

⁵ See Case No. 17-0974-EL-UNC, Entry, at ¶ 17 (Nov. 4, 2020).

Protective Order should be granted, and the Companies respectfully request an order stating that the Companies are not required to produce documents in response to OCC's Notice.

II. APPLICABLE LAW

O.A.C. Rule 4901-1-16 limits the scope of discovery to non-privileged matters that are “relevant to the subject matter of the proceeding” or reasonably calculated to lead to the discovery of admissible evidence.⁶ Ohio Civil Rule 26 similarly limits discovery to relevant, non-privileged matters and requires that all requests be “proportional to the needs of the case.”⁷ Moreover, under O.A.C. 4901-1-24, a party may seek Commission protection from discovery requests that would impose annoyance, oppression, or undue burden or expense on that party.⁸ Prior to seeking Commission intervention, O.A.C. 4901-1-24(B) requires that the party seeking a protective order must have exhausted all reasonable means of resolving any differences with the party seeking discovery. Having complied with the procedural prerequisites for filing a motion for a protective order,⁹ Commission rules provide the Attorney Examiners with ample authority to grant the Companies' Motion and limit OCC's discovery under the circumstances present here.

III. ARGUMENT

A. OCC's Document Requests Are Untimely.

Document discovery closed more than five months ago.¹⁰ Despite this, OCC continues to assert it is permitted to use party and non-party depositions to serve new discovery requests well after the discovery deadline. OCC's argument is incorrect.

⁶ O.A.C. 4901-1-16(B).

⁷ Ohio Civ. R. 26(B)(1).

⁸ O.A.C. 4901-1-24(A)(1).

⁹ *See, generally*, Exhibit B.

¹⁰ *See* Case No. 17-974-EL-UNC, Entry, at ¶ 24(a) (Oct. 12, 2021).

Appearing to rely on O.A.C. 4901-1-21(E), OCC maintains it is entitled to further document discovery in connection with the deposition notices. But OCC reads too much into O.A.C. 4901-1-21(E). Though a “notice to a party deponent may be accompanied by a request . . . for the production of documents or tangible things at the taking of the deposition,” a party cannot request new documents after the document discovery deadline.¹¹ Nothing in O.A.C. 4901-1-21(E) changes that.

And the Attorney Examiners have been clear—the “deadline for the service of discovery, except for notices of deposition, [was] set for November 24, 2021.”¹² In their October 12 Entry, the Attorney Examiners expressly stated “that the additional time w[ould] allow the parties time to *adequately conduct and review discovery*.”¹³ The Attorney Examiners “did not [further] extend the discovery deadline when the hearing was previously continued, in part, because no party requested such an extension.”¹⁴ Further, in denying certain intervenors’ March 14 Motion for an Indefinite Continuance of the Hearing and to Enlarge the Time Period for Discovery, the Attorney Examiners noted they were “unpersuaded by the moving parties’ arguments for extending the discovery deadline.”¹⁵ The Attorney Examiners also observed that intervenors had several opportunities to challenge the discovery deadline prior to March 14 and that intervenors “continue to gather information as they prepare for hearing even without an extended discovery deadline.”¹⁶

¹¹ *In the Matter of the Complaint of Buckeye Energy Brokers, Inc., Complainant*, No. 10-693-EL-CSS, 2011 WL 1319206, at *2 (P.U.C.O. Mar. 30, 2011) (“to allow the subpoena to remain as drafted would in essence allow for the conducting of discovery beyond the previously established deadlines”); *In the Matter of the Complaint of Brenda Fitzgerald & Gerard Fitzgerald, Complainant*, No. 10-791-EL-CSS, 2011 WL 1682213, at *5 (P.U.C.O. Apr. 25, 2011) (quashing subpoena as it pertains to the production of documents given that discovery was complete).

¹² Case No. 17-974-EL-UNC, Entry, at ¶ 24(a) (Oct. 12, 2021).

¹³ *Id.* at ¶ 22 (emphasis added).

¹⁴ Case No. 17-974-EL-UNC, Entry, at ¶ 27 (Apr. 7, 2022).

¹⁵ *Id.*

¹⁶ *Id.*

Indeed, OCC and other intervenors have received more than 3,200 documents from the Companies and more than 50,000 documents from FirstEnergy Corp. since November 24 in this and other proceedings. Thus, OCC's ability to request additional document discovery through depositions is foreclosed.

Moreover, permitting document discovery beyond established deadlines undermines the Commission's authority to manage discovery. "[T]he Commission is vested with broad discretion to manage its dockets, including the discretion to decide how, in light of its internal organization and docket considerations, it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay, and eliminate unnecessary duplication of effort."¹⁷ "Likewise, the decision to deny a continuance of a hearing or to set a specific deadline for discovery requests rests in the Commission's discretion."¹⁸ OCC must abide by that discretion. The Attorney Examiners should uphold procedural deadlines that have been set for half a year.

B. OCC'S Document Requests Are Irrelevant And Overly Burdensome.

Even if OCC's document requests were timely, most would fall outside the scope of permissible discovery. Discovery is limited to non-privileged matters that are "relevant to the subject matter of the proceeding" or reasonably calculated to lead to the discovery of admissible evidence.¹⁹ As OCC's document requests seek information untethered to this corporate separation proceeding or which OCC already has in its possession, they should be struck down as irrelevant and overbroad for several reasons.

¹⁷ April 7 Entry at ¶ 26 (citing *Duff v. Pub. Util. Comm.*, 56 Ohio St.2d 367, 379, 384 N.E.2d 264 (1978); *Toledo Coalition for Safe Energy v. Pub. Util. Comm.*, 69 Ohio St.2d 559, 560, 433 N.E.2d 212 (1982)).

¹⁸ *Id.* citing (*City of Akron v. Pub. Util. Comm.*, 5 Ohio St.2d 237, 241, 215 N.E.2d 366 (1966)).

¹⁹ O.A.C. 4901-1-16(B).

First, OCC's Notice asks for information unrelated to the Companies' compliance with Ohio corporate separation law. When the Commission ordered an additional corporate separation audit, it focused its review on "compliance by the Companies and their affiliates with the corporate separation provisions of R.C. 4928.17 and with the Companies' Commission-approved corporate separation plans . . . between November 1, 2016 and October 31, 2020."²⁰ Several of OCC's requests address topics well beyond the Commission's defined scope. For example, OCC's Notice includes several discovery requests related to political and charitable spending.²¹ But R.C. 4928.17 does not reach either the Companies' or their affiliates' political spending, as such spending is unrelated to the provision of competitive or noncompetitive retail electric service. And to the extent OCC seeks documents concerning the cost allocation of certain FirstEnergy Corp. political and charitable spending related to House Bill 6, that information has been disclosed for months in productions in Case No. 20-1502-EL-UNC and Case No. 20-1629-EL-RDR.²² OCC's requests that do not relate to the Companies' compliance with Ohio R.C. 4928.17, O.A.C. 4901:1–37, or their Corporate Separation Plan are simply improper.²³

Second, many of OCC's requests are vague, ambiguous, and overbroad. Requests asking for "all" documents, records, or communications "pertaining" or "relating" to corporate separation

²⁰ See Case No. 17-0974-EL-UNC, Entry, at ¶ 17 (Nov. 4, 2020).

²¹ Exhibit A at Request Nos. 11, 15-17.

²² See also PUCO 10-K Request Attachment 1 Supplemental – Confidential, produced pursuant to the parties' protective agreement in Case No. 20-1629-EL-RDR.

²³ *In the Matter of the Rev. of the Power Purchase Agreement Rider of Ohio Power Co. for 2018; In the Matter of the Rev. of the Power Purchase Agreement Rider of Ohio Power Co. for 2019.*, No. 18-1004-EL-RDR, 2021 WL 6126367, at *3 (F.E.D.A.P.J.P. Dec. 23, 2021) ("The deposition and production of documents should, therefore, be limited to topics related to the period up to and including the end of the audit period."); *In the Matter of the Application of Middletown Coke Co.*, Case No. 08-281-EL-BGN, 2008 Ohio PUC LEXIS 821 at *3-4 (Nov. 4, 2008) (denying motion to compel and holding that irrelevant material was not subject to discovery); *In the Matter of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company*, Case No. 02-2779-EL-ATA, 2003 Ohio PUC LEXIS 392 at *34-35 (Sept. 2, 2003) (acknowledging the general rule that discovery is limited to materials "relevant to the subject matter of the proceeding" and denying motion to compel because "the information sought would not be relevant to the determination of [the present] matter").

matters over a four year period seek to place an undue burden on the Companies to conduct an expansive document review months after the close of discovery and when OCC is already in possession of half a million pages of information (which includes every document produced to the two auditors in this case).²⁴ Separately, OCC's demand for "all documents in any and all forms that Ms. Yeboah-Amankwah took with her from her job that ended at FirstEnergy" objectively seeks documents that are outside the Companies' possession.²⁵ It is within the Commission's power to issue an order to protect the Companies from such overbroad and burdensome requests.²⁶ It should do so here.

Finally, many of OCC's requests are duplicative.²⁷ For example, "[a]ll documents that FirstEnergy Corp., FirstEnergy Service Company or the FirstEnergy Ohio Utilities provided to FERC regarding FERC's audit of FirstEnergy in FERC Case FA 19-1-000"²⁸ are already being produced to OCC in Case No. 20-1502-EL-UNC, to the extent they relate to FirstEnergy Corp.'s Ohio operations.²⁹ For all these reasons, the majority of the additional discovery sought by OCC is improper, in addition to being untimely.

IV. CONCLUSION

The Companies do not oppose OCC taking Mr. Mattiuz's deposition, but consistent with the Attorney Examiners' recent entry denying intervenor requests to extend the discovery period,

²⁴ Exhibit A Request Nos. 1-4 6-9. *See also id.* at No. 10 which also seeks privileged information.

²⁵ *Id.* at No. 11.

²⁶ *See, e.g., In the Matter of the Application of Buckeye Wind LLC for a Certificate to Construct Wind-powered Electric Generation Facilities in Champaign County, Ohio*, Case No. 08-666-EL-BGN, 2009 Ohio PUC LEXIS 931 at *8-12 (Oct. 30, 2009) (denying in part motion to compel because several discovery requests were irrelevant, vague and overly broad).

²⁷ Exhibit A Request Nos. 5, 12, 14, 15-17.

²⁸ Exhibit A Request Nos. 12; *see also id.* at Nos. 5 and 14.

²⁹ The Companies dispute the relevancy of these materials to this proceeding and will continue to object to their use here as they deal entirely with federal regulations, as opposed to state corporate separation rules.

object to OCC's document requests as untimely and otherwise improper. The Companies therefore respectfully request that the Commission grant their Motion for a Partial Protective Order and issue an order stating that the Companies are not required to produce documents in response to OCC's Notice.

Dated: May 9, 2022

Respectfully submitted,

/s/ Ryan A. Doringo

Michael R. Gladman (0059797)
Shalini B. Goyal (0096743)
Margaret M. Dengler (0097819)
Jones Day
325 John H. McConnell Blvd
Suite 600
Columbus, Ohio 43215
Tel: (614) 469-3939
Fax: (614) 461-4198
mrgladman@jonesday.com
mdengler@jonesday.com

Ryan A. Doringo (0091144)
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Tel: (216) 586-3939
Fax: (216) 579-0212
radoringo@jonesday.com

On behalf of the Companies

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on May 9, 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Shalini B. Goyal

Attorney for the Companies

EXHIBIT A

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**NOTICE TO TAKE DEPOSITION OF ROBERT MATTIUZ
AND
REQUEST FOR PRODUCTION OF DOCUMENTS
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Please take note that OCC will take the deposition of Robert Mattiuz, former Vice President, Compliance and Regulated Services, who served as the FirstEnergy Utilities compliance officer on corporate separation matters. OCC is scheduling that deposition for May 12, 2022 at 10:00 a.m. at OCC's office at 65 East State Street, Suite 700, Columbus, Ohio 43215. Parties are invited to attend and participate by teleconference. The depositions will continue day-to-day until completed. OCC will, by separate communication, provide details and instructions for participating in the depositions via teleconference.

Per O.A.C. 4901-1-25, the deponent is requested to produce the following documents for OCC to review, on May 9, 2022, three full days prior to the scheduled deposition. The deponent should also have these documents available for review during the deposition. The documents to be produced are as follows:

- (1) All records that were in the possession of, or under the control of, Ebony Yeboah-Amankwah related to corporate separation for the FirstEnergy Ohio Utilities during 2016 through 2020.

- (2) All records containing processes and procedures of the FirstEnergy Ohio Utilities pertaining to Ohio corporate separation requirements during 2016 through 2020.
- (3) All records pertaining to training undertaken with respect to FirstEnergy Ohio Utilities' corporate separation requirements from 2016 through 2020.
- (4) All records pertaining to FirstEnergy Ohio Utilities' compliance/noncompliance with Ohio's corporate separation rules and law during 2016 through 2020.
- (5) All internal audit reports conducted during 2016 to 2020, pertaining to the FirstEnergy Ohio Utilities' compliance with Ohio corporate separation requirements.
- (6) All documents relating to changes to the FirstEnergy Ohio Utilities' corporate separation plan since the former Chief Ethics Officer was "separated," including any changes currently under consideration.
- (7) All communications (memoranda, emails, texts, etc.) between the deponent and his supervisor and his supervisees, respectively, relating to the FirstEnergy Utilities' corporate separation plan for Ohio.
- (8) All documents containing inquiries by FirstEnergy entities into the information that PUCO auditor Daymark stated (in its audit report) was missing and not available for Daymark's auditing.
- (9) All communications (memoranda, emails, texts, etc.) between the deponent and Ms. Yeboah-Amankwah relating to the FirstEnergy Utilities' corporate separation plan for Ohio, on and after January 1, 2019.
- (10) All documents explaining, documenting and/or referencing the statement in an email from Ms. Yeboah-Amankwah about paying Lincoln Electric, including any opinion that she held with regard to making the payment. (Attached).
- (11) All documents in any and all forms that Ms. Yeboah-Amankwah took with her from her job that ended at FirstEnergy.
- (12) All documents that FirstEnergy Corp., FirstEnergy Service Company or the FirstEnergy Ohio Utilities provided to FERC regarding FERC's audit of FirstEnergy in FERC Case FA 19-1-000.
- (13) The FirstEnergy position (job) descriptions for the deponent and formerly for Ms. Yeboah-Amankwah.
- (14) Documents containing any and all correspondence from FirstEnergy Corp. or FirstEnergy Service Company or any and of the FirstEnergy Ohio Utilities to FERC after the February 4, 2022 issuance of FERC's audit in FERC Case FA19-1-000.
- (15) On October 28, 2021, FirstEnergy Corp. filed a Form 10-Q which states at p. 83: "FirstEnergy identified certain transactions, which, in some instances, extended back ten years or more, including vendor service, that were either improperly classified, misallocated to certain of the Utilities and Transmission Companies, or lacked proper supporting documentation. These transactions resulted in amounts collected from customers that were immaterial to FirstEnergy." Produce all records of such transactions that were charged to the FirstEnergy Ohio Utilities.

- (16) Documents pertaining to allocation of employee costs to FirstEnergy Ohio Utilities by FirstEnergy Service Company during 2017 through 2019 for work on legislation during 2017 through 2019 for H.B. 6, S.B. 128, H.B. 178 and H.B. 381.
- (17) Records showing the amount of costs allocated, distributed or assigned to the FirstEnergy Ohio Utilities during 2016 through 2019 relating to the following entities:
 - a. Partners for Progress
 - b. Generation Now
 - c. Hardworking Ohioans
 - d. Sustainability Funding Alliance
 - e. Generation Atomic
 - f. Nuclear Matters
 - g. APCO Worldwide
 - h. Brattle Group
 - i. Ohio Capitol Policy Consultants
 - j. The Success Group, Ltd.
 - k. Van Meter Ashbrook and Associates
 - l. Calfee, Halter & Griswold
 - m. Midwest Strategy Group
 - n. The Tarrance Group
 - o. R Strategy Group
 - p. Akin Gump
 - q. Oxley Group
 - r. The Lashutka Group
 - s. Ohioans for Clean Energy
 - t. Ohio Capitol Policy Consultants
 - u. Generation Atomic Movement Mobilizing Alliance
 - v. REMI
 - w. American Policy Coalition
 - x. Strategies for Results
 - y. Union for Jobs and Environmental Progress
 - z. America First Policies
 - aa. Freedom Frontier
 - bb. Coalition for Growth and Opportunity
 - cc. Partners Advancing Our Future
 - dd. Ohio First Fund
 - ee. American Freedom Builders
 - ff. Citizens for Metro Parks
 - gg. American Policy Coalition

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 [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 this Notice to Take Deposition of Robert Mattiuz and Request for Production of Documents was provided electronically to the persons listed below this 13th day of April 2022.

/s/ 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

thomas.lindgren@ohioAGO.gov
werner.margard@ohioAGO.gov
joliker@igsenergy.com
Mnugent@igsenergy.com
bethany.allen@igs.com
evan.betterton@igs.com
gkrassen@bricker.com
dstinson@bricker.com
whitt@whitt-sturtevant.com
fykes@whitt-sturtevant.com
trent@hubaydougherty.com
mwise@mcdonaldhopkins.com
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
talexander@beneschlaw.com
khehmeyer@beneschlaw.com

Attorney Examiners:

megan.addison@puco.ohio.gov
jacqueline.st.john@puco.ohio.gov

edanford@firstenergycorp.com
cwatchorn@firstenergycorp.com
bknipe@firstenergycorp.com
mrgladman@jonesday.com
mdengler@jonesday.com
radoringo@jonesday.com
marcie.lape@skadden.com
iavalon@taftlaw.com
kverhalen@taftlaw.com
mpritchard@mcneelaw.com
rdove@keglerbrown.com
bojko@carpenterlipps.com
tdougherty@theOEC.org
ctavenor@theOEC.org
jweber@elpc.org
trhayslaw@gmail.com
leslie.kovacik@toledo.oh.gov
sgoyal@jonesday.com
calee@jonesday.com
glpetrucci@vorys.com
dparram@bricker.com
rmains@bricker.com

From: "Dowling, Michael J." <dowlingm@firstenergycorp.com>
To: "Ridmann, William R." <wrridmann@firstenergycorp.com>
Cc: "Yeboah, Ebony L." <eyeboah@firstenergycorp.com>, "Vespoli, Leila L." <vespolil@firstenergycorp.com>
Subject: Re: Status of Open Items -Randazzo
Date: Thu, 21 May 2015 12:19:00 +0000
Importance: Normal

agree - would like to hear what he thinks about aep's filing and other general matters.

Michael J. Dowling
Senior Vice President, External Affairs
330-384-5761

On May 21, 2015, at 8:13 AM, Ridmann, William R. <wrridmann@firstenergycorp.com> wrote:

Although I didn't think we needed the meeting, I don't think it would hurt to just get a better understanding of the process going forward so there are no surprises.

William R. Ridmann
Vice President, Rates & Regulatory Affairs
FirstEnergy Service Corp.
330-761-4154

From: Yeboah, Ebony L.
Sent: Wednesday, May 20, 2015 9:38 PM
To: Vespoli, Leila L.; Ridmann, William R.; Dowling, Michael J.
Subject: Status of Open Items -Randazzo

We are scheduled to have one of our regularly scheduled meetings with Sam tomorrow at 2pm. I believe we have completed (except payment) each of our open items (see below) with Sam and the meeting tomorrow can be cancelled. I suggested to Sam yesterday that we should cancel the meeting and he preferred to make it a game day decision. I asked whether he believed anything was open in which to discuss and he said he was not aware of anything in which to discuss. Should I follow up tomorrow morning to cancel the meeting?

Previously Open Items

1. ESP – We completed the language to be inserted in our next Stipulation to add additional ELR language and new transmission language. Sam has agreed to submit a letter indicating that he would not offer any witness and his testimony should be deemed withdrawn. He did not really want to withdraw his testimony and argued that not providing a witness to sponsor it should be sufficient. I agreed that in the real world it should be sufficient but that we really wanted him to officially withdraw it so no one tried anything "funny" later. He agreed to do it but noted his letter would somehow signal that the withdraw was based on a supplemental stipulation to come. I have to think about how to handle a discovery request for the language. I am thinking we will have to surrender it in advance of filing the actual supplemental stipulation. We should probably discuss.
2. Lincoln Electric – We have agreed to the language for the settlement agreement. We now just need to execute the agreement and make payment. I will ensure that this is completed.

0152

EXHIBIT B

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**AFFIDAVIT OF RYAN A. DORINGO IN SUPPORT OF
OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY'S
MOTION FOR A PARTIAL PROTECTIVE ORDER**

I, Ryan A. Doringo, counsel for Ohio Edison Company, The Toledo Edison Company, and The Cleveland Electric Illuminating Company (the "Companies") in the above-captioned case, submit this affidavit in support of the Companies' Motion for a Partial Protective Order (the "Motion").

1. The Office of the Ohio Consumers' Counsel's ("OCC") served its Notice to Take Deposition of Robert Mattiuz and Request for Production of Documents ("Mattiuz Notice") on Wednesday, April 13. OCC served its Notice to Take Deposition of Olenger Pannell and Request for Production of Documents on Friday, April 15 ("Pannell Notice," and with the Mattiuz Notice, the "Notices").
2. On April 29, I contacted counsel for OCC via email, requesting a call to discuss OCC's Notices.
3. A meet-and-confer conference call was held on Monday, May 2, 2022. I attended the call on behalf of the Companies. Maureen Willis, John Finnigan, and Connor Semple attended on behalf of OCC.

4. During the call, I explained that, while the Companies do not object to OCC taking the depositions of Mr. Mattiuz or Mr. Pannell, the Companies do object to the numerous document requests in the Notices on the grounds that (1) document discovery is closed in Case No. 17-974-EL-UNC and (2) OCC's requests were, in any event, overbroad or sought documents already in OCC's possession. I further explained the Companies were prepared to file a Motion for a Partial Protective Order limited to the document requests in the Mattiuz Notice on or before May 9 if OCC continued to take the position that it was entitled to additional document discovery in this proceeding.
5. Counsel for OCC stated its position that OCC is entitled to further document discovery in connection with the deposition notices and noted that its request for certification and interlocutory appeal of the Attorney Examiners' April 7, 2022 Entry in this case remains pending.
6. Counsel discussed whether—as a means to resolve the dispute without Commission intervention—a significantly narrowed set of document requests in connection with the Notices could be agreed upon. I indicated that the Companies would be willing to consider a narrowly tailored proposal from OCC to resolve the dispute without motion practice.
7. Counsel for OCC stated it would provide a narrowed set of requests within one to two days.
8. As of the date of this filing, OCC has made no such proposal. This Motion follows.

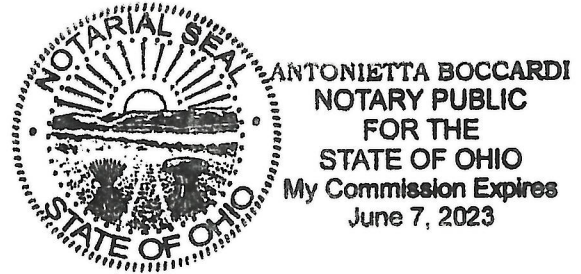
STATE OF OHIO)
COUNTY OF CUYAHOGA) SS:

I, Ryan A. Doringo, declare under penalty of perjury that this affidavit is true and correct to the best of my knowledge, information, and belief.


Ryan A. Doringo

Subscribed, sworn, and witnessed by me this 9th day of May, 2022.

Arthur R
Notary Public



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

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in

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

Summary: Motion for a Partial Protective Order on OCC's Notice to Take Deposition of Robert Mattiuz and Request for Production of Documents electronically filed by Mrs. Shalini B. Goyal on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company