

**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. |) | |

**JOINT DISCOVERY STATUS REPORT
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL
AND NORTHEAST OHIO PUBLIC ENERGY COUNCIL**

In accordance with the Attorney Examiners' April 7 Entry in the above-captioned proceeding, the Office of the Ohio Consumers' Counsel ("OCC") and the Northeast Ohio Public Energy Council ("NOPEC") respectfully file this discovery status update. Efforts to provide a joint update yesterday by FirstEnergy, OCC, NOPEC and OMAEG were unsuccessful. So OCC and NOPEC are providing this report, separate from the report filed by FirstEnergy yesterday.

With the exception of two notices of deposition served by OCC on April 13 and April 15, no other discovery has been served upon the FirstEnergy Utilities since the January 4, 2022 prehearing conference.¹ Note that the PUCO instituted a written discovery cutoff as of November last year (which we consider unreasonable and unlawful).²

¹ However, OCC and NOPEC reserve all rights to obtain sufficient responses to their existing interrogatories.

² OCC does not concede that the discovery cutoff was proper.

OCC has additional discovery for FirstEnergy. In addition, discovery issues pertaining to OCC's deposition notices are unresolved, including the production of documents and motions to quash. OCC contemplates that it will issue more deposition notices and motions for subpoenas.

In Case 20-1502, which may have applicability in this and other cases,³ OCC notes that FirstEnergy is currently producing a subset of documents that it produced to FERC for the FERC audit. And this may give rise to additional discovery requests in this case.

³ Attorney Examiner Price ruled that the H.B. 6 cases would not be formally consolidated. *See* Transcript of Prehearing Conference held on Sept. 14, 2021 at 45 (Sept. 30, 2021).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Joint Discovery Status Report was served on the persons stated below via electric transmission this 10th day of May 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:

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

Summary: Report Joint Discovery Status Report by Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council electronically filed by Ms. Alana M. Noward on behalf of Willis, Maureen R.