

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

ALAN JONES	)	
	)	
Complainant,	)	
	)	
	)	
vs.	)	Case No. 22-0016-EL-CSS
	)	
The Illuminating Company	)	
A FirstEnergy Company	)	
	)	
Respondent.	)	

**EXPEDITED MOTION TO COMPEL DISCOVERY FROM FIRSTENERGY CORPORATION  
AND REQUEST THE COMMISSION ISSUE PROTECTIVE ORDER OF DISCOVERY**

**FILED BY ALAN JONES, COMPLAINANT**

Alan Jones, Complainant, moves for an order for Expedited Motion to Compel Interrogatory from The Illuminating Company, A FirstEnergy Corp. (FE or Respondent). Motion to Compel FE to respond to Complainant's Interrogatory Numbers 17, 18, 19, 20 and 21.

Request The Commission issue an Order to protect any information FE may deem confidential to the general public and non-disclosure order of the information by the parties to this claim.

**MEMORANDUM IN SUPPORT OF MOTION FOR MOTION TO COMPEL**

1. Complainant issued to Respondent an Interrogatory on or about July 25, 2023, with 24 Interrogatories.
2. Respondent objected to Interrogatory Numbers 17, 18, 19, 20 and 21.
3. Complainant states the Interrogatory's request Numbered 17, 18, 19, 20 and 21 are appropriate, needed for detailed discovery of incorrect billings due to mixed meters by FE, and are key documents expected to lead to support compliance's claim.
4. Documents are expected to show changes in KWH usage and billings inconsistent with a continually occupied house or unoccupied house and historical usage and billings. Inconsistent billings and KWH usage, along with leases occupancy data will more accurately calculate damages due Complainant.
5. Complainant states the Interrogatory are permitted under Rule 4901-1-16 and information from Interrogatory would be admissible at the hearing. Further, Complaint seeks information that appears reasonably calculated to lead to the discovery of admissible evidence.

**MEMORANDUM IN SUPPORT OF THE COMMISSION ISSUING PROTECTIVE & NON-DESCLOSURE ORDER**

1. Respondent claims documents compelled by Complainant are private and confidential.
2. Ohio law and Commission rules allow for the protection of private and confidential information per O.A.C. 4901-1-24(A).
3. Pursuant to O.A.C. 4901-1-2-24(D), the Commission may issue an order to protect the confidentiality of information contained in documents filed with the Commission to the extent that state and federal law prohibits the release of the information is not inconsistent with the purpose of Title 49 of the Revised Code.
4. Furthering Item 3 above, the Commission may issue an order to FE to compel to Interrogatory Numbers 17, 18, 19, 20 and 21 with documents filed under the Confidentiality Provisions of the PUCO D.I.S.
5. Furthering Item 3 above, the Commission may issue a Protective (or Non-Disclosure) order to Complainant, consistent with maintaining confidentiality of information to the public.
6. First Energy Corporation, as a normal course of business, issues non-disclosure agreements to non-FE employees to review confidential information in an ongoing basis.

For the foregoing reasons, Alan Jones, Complainant, request the Commission Compel First Energy to respond to Interrogatory Numbers 17, 18, 19, 20 and 21, and if deemed necessary, issue a Protective Order to Complainant stating Complainant's use of information.

Attachment A, contains Complainant's Interrogatory and Respondent's response for reference, including Interrogatory Numbers 17, 18, 19, 20 and 21.

Respectfully submitted,

Alan Jones  
Complainant

*/s/ Alan Jones*

410 Wakefield Run Blvd.  
Hinckley, Ohio 44233  
216-408-4346  
[alanmichele@roadrunner.com](mailto:alanmichele@roadrunner.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing Expedited Motion to Compel Discovery from FirstEnergy Corp. and Request the Commission Issue Protective Order for Discovery was electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this day, August 19, 2023. A email copy was sent to the Respondent's representative at the following:

John W. Breig, Jr.  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 200  
Cleveland, Ohio 44114-2378  
Emailed to: jbreig@beneschlaw.com

**/s/ Alan D. Jones**

Complainant

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

ALAN JONES,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 22-0016-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S RESPONSES AND  
OBJECTIONS TO COMPLAINANT’S INTERROGATORIES**

Respondent The Cleveland Electric Illuminating Company (“CEI”), by and through counsel, submit its Responses and Objections to Complainant Alan Jones’ (“Complainant”) Interrogatories (“Discovery Requests”).

**GENERAL OBJECTIONS**

1. CEI objects to the Discovery Requests to the extent they seek information that is neither relevant nor material to the subject matter of this action and thus not proportional to the needs of the case.
2. CEI objects to the Discovery Requests to the extent they seek information or documents outside of CEI’s possession, custody, or control.
3. CEI objects to the Discovery Requests to the extent they seek information relating to matters that are neither raised nor relevant to the claims asserted in the pleadings in this action on the grounds that such information is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence.

4. CEI objects to the Discovery Requests to the extent they are unreasonably duplicative of other requests, instructions, or definitions, or because they seek documents or information that is in the possession of and/or readily accessible or equally available to Complainant.

5. CEI objects to the Discovery Requests to the extent they are overly broad in scope and/or unduly burdensome.

6. CEI objects to the Discovery Requests to the extent they are vague, indefinite, unintelligible, or otherwise unanswerable due to ambiguity.

7. CEI objects to the Discovery Requests to the extent they purport to impose obligations greater than those required by the Ohio Administrative Code or the Ohio Rules of Civil Procedure.

8. CEI objects to the Discovery Requests to the extent they call for disclosure of confidential or privileged information that is protected by the attorney/client privilege, the attorney-work-product doctrine, or is otherwise immune from discovery. This objection includes, but is not limited to, information that Complainant seeks regarding communications between CEI and its attorneys made during or in anticipation of litigation. Accidental disclosure of information governed by such privileges is not a waiver of those privileges as to the information produced or any other information.

9. CEI objects to Complainant's attempt to provide definitions and instructions that are broader than, or inconsistent with, the rules of the Ohio Administrative Code or the Ohio Rules of Civil Procedure. CEI will respond in accordance with its obligations under those rules.

10. In providing these responses and objections to the Discovery Requests, CEI does not in any way waive or intend to waive, but rather intends to preserve:

- a. all objections as to the competency, relevancy, materiality, and admissibility of the Discovery Requests, their subject matter, and CEI's responses;
- b. all objections as to vagueness, ambiguity, or infirmity in the form of the Discovery Requests and any objections based on the undue burden they impose;
- c. all rights to object to the use of any of the responses, or their subject matter, in any subsequent proceedings, including the hearing of this or any other action;
- d. all rights to object to any other discovery requests involving or related to the subject matter of the Requests;
- e. the right to supplement responses and issue objections to the Discovery Requests prior to hearing; and
- f. any and all privileges and/or rights under the applicable Ohio Administrative Code, the Local Rules of this Court, or other statutes or common law.

### **CEI'S REPOSE TO COMPLAINANT'S INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify FirstEnergy's (FE) expert witness expected to testify at August 29, 2023 hearing.

**ANSWER:** CEI intends to call Robert Perkins to testify at the hearing scheduled in this matter.

**INTERROGATORY NO. 2:** Identify FirstEnergy's (FE) expert witness expected to provide any depositions.

**ANSWER:** CEI states that it does not expect any depositions from its witnesses in this matter.

**INTERROGATORY NO. 3:** Identify expert witness's department he/she is assigned to, including title, and area of expertise.

**ANSWER:** CEI states that Robert Perkins is employed by CEI as Manager of Meter Reading department. Mr. Perkins' responsibilities include management and oversight of all activities that fall within the responsibility of meter reading at CEI.

**INTERROGATORY NO. 4:** What is FE's retention policy for maintaining record on claims filed against FE, including, but not limited to complaints, or disputes to billing, PUCO informal and

formal complaints, call center disputes, discussions and complaints, claims filed with individual operating companies, and any other claims or disputes with people or entities that FE provides services to?

**ANSWER:** CEI states that FirstEnergy maintains claims and lawsuits against FirstEnergy for a period of 6 years after settlement unless a minor is involved. If a minor is involved, the retention period is 6 years after the minor turns 18 years of age providing that the claims or lawsuit has been settled.

For customer complaints, FirstEnergy maintains those records for a period of 6 years. For cases where a customer has filed a complaint with the PUCO, the retention period is 6 years.

INTERROGATORY NO. 5: What is FE's retention policy for maintaining records of field service work performed by service representatives/technicians/maintenance or other field operations?

**ANSWER:** CEI states that in matters of field service performed, FirstEnergy maintains those field specific records that pertain to maintenance only work orders for a period of 25 years. In the case where it is determined that the field work involved is not solely for maintenance work, the retention period is for the life of the corporation plus 6 years.

INTERROGATORY NO. 6: Does FE have written policies, procedures, guidelines, or similar documents that is used for estimating a bill when field meter readings are not taken or available? If so, what is the name and number or other identifiers of these documents?

**ANSWER:** CEI states that it follows rules and procedures as set forth by the Public Utilities Commission of Ohio, including those set forth in Rule 4901:1-10-05 of the Ohio Administrative Code.

INTERROGATORY NO. 7: How does FE calculate and generate estimated electric bills for residential houses?

**ANSWER:** CEI states that when CEI is unable to obtain an actual read of the meter, CEI will generally use an algorithm to estimate that month's usage based, in part, on historical usage data. The meter will still record the actual usage, so when an actual read is obtained, this will reconcile the estimated reads. On each bill, CEI provides a customer the ability to provide their own read of the meter.

INTERROGATORY NO. 8: How does "Premise #" correspond, track, and reconciled with "Service Address"?

**ANSWER:** CEI states that the premise number is an identifier for the address/location and is a number assigned to a location and will not change from customer to customer, as account numbers do. Responding further, CEI states that the service address is the address of the account/service and is provided when a new service is requested, installed, or built. The service address is typically the physical address provided by the Postal Service and is typically only changed if a 911 address change from the postal service is received.

INTERROGATORY NO. 9: What is the difference between “Premise #” and” Service Address”?

**ANSWER:** CEI objects to this Interrogatory to the extent it is duplicative of Interrogatory No. 8. Subject to and without waiving its objections, CEI incorporates by reference its response to Interrogatory No. 8.

INTERROGATORY NO. 10: What is a “Service #” and what is a “Customer Number” and how are they related, how are they different?

**ANSWER:** As previously stated in response to Interrogatory No. 8, the service address is the address of the account/service and is provided when a new service is requested, installed, or built. The service address is typically the physical address provided by the Postal Service and is typically only changed if a 911 address change from the postal service is received. Responding further, CEI states that the customer number is a 20-digit number that consists of a business partner number and the premise number. The business partner number is a number given to a person or entity when that person or entity obtains service with the company for the first time. This number identifies the customer and typically remains the same regardless of moving from one service address to the other.

INTERROGATORY NO. 11: What information does a meter reader verify and/or record when obtaining a meter reading?

**ANSWER:** CEI states that in addition to recording the current reading on the meter, a meter reader may also report various field condition information that requires follow up investigation by CEI meter services.

INTERROGATORY NO. 12: Is the meter reading entered manually or electronically?

**ANSWER:** CEI states that a meter reading for meters still read by meter readers are entered manually into a handheld processor and uploaded via fieldnet to CEI for billing. If the meter is a Smart meter, data is transferred electronically to CEI. If the meter is an interval meter, the meter is read either via a probe or phone line to obtain the meter reading and billing information.

INTERROGATORY NO. 13: What is the Meter serial number associated with Account number 110131949007, from July 1, 2018 to August 31, 2021?

**ANSWER:** CEI states that Meter serial numbers S311298911 and 5002235047 were associated with Account number 110131949007, during the time period of July 1, 2018 to August 31, 2021.

INTERROGATORY NO. 14: For the Meter serial number associated with Account number 110131949007, from July 1, 2018 to August 31, 2021, what is the physical location of this meter per FE’s records?

**ANSWER:** CEI states that the physical location of the meters associated with Account number 110131949007, from July 1, 2018 to August 31, 2021 was 2634 Hampshire Road, Cleveland, Ohio.

INTERROGATORY NO. 15: For Meter Number 5311298913, from August 1, 2014 to August 3, 2020, where is the physical location per FE’s records?



**ANSWER:** CEI objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that Meter serial number S311298913 was located at 2636 Hampshire Road, Cleveland, Ohio, from August 1, 2014 to August 3, 2020.

**INTERROGATORY NO. 16:** What was the KWH usage by billing cycle for 2634 Hampshire Rd., Cleveland Heights from June 2014 to July 2016?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. Subject to and without waiving its objections, CEI states that the information requested no longer exists under CEI's record retention policy.

**INTERROGATORY NO. 17:** What was the KWH usage by billing cycle for 2636 Hampshire Rd., Cleveland Heights from June 2014 to July 2016?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. Subject to and without waiving its objections, CEI states that the information requested no longer exists under CEI's record retention policy.

**INTERROGATORY NO. 18:** What was the KWH usage by billing cycle for 2634 Hampshire Rd., Cleveland Heights from July 1, 2018, to August 11, 2021?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. Subject to and without waiving its objections, CEI states that Complainant did not have service in an account under his name at 2634 Hampshire Rd., Cleveland, Ohio from July 1, 2018, to August 11, 2021.

**INTERROGATORY NO. 19:** What was the KWH usage by billing cycle for 2636 Hampshire Rd., Cleveland Heights from July 1, 2018, to August 11, 2021?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. Subject to and without waiving its objections, and pursuant to Rule 4901-1-19, CEI refers Complainant to his monthly utility bills for periods when he was the customer of record at 2636 Hampshire Rd., Cleveland, Ohio during the requested time frame, produced herewith as Bates number CEI-JONES0000028-0000041.

**INTERROGATORY NO. 20:** For Meter Number 5311298913, from August 1, 2014, to August 3, 2020 who was the person/company billed for this meter number?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. CEI also objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that Complainant was billed for usage registered on Meter serial number S311298913 during the following time periods: 05/02/16 through 06/29/16; 12/13/17 through 05/07/18; 06/29/17 through 08/24/17; 10/04/18 through 02/19/19; and 07/02/19 through 07/30/19.

**INTERROGATORY NO. 21:** For Meter Number 5311298913, from August 1, 2014 to August 3, 2020, what account numbers and date (Start/stop) were associated with this meter?

**ANSWER:** CEI objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that the following account numbers were billed for usage registered on Meter serial number S311298913 during the following time periods:

- Account number 110097952104 from 08/19/14 through 04/29/2016
- Account number 110116739241 from 05/02/16 through 06/29/16
- Account number 110117973492 from 06/30/16 through 06/28/17
- Account number 110125076536 from 06/29/17 through 08/24/17
- Account number 110126193322 from 08/25/17 through 12/12/17
- Account number 110128444368 from 12/13/17 through 05/07/18
- Account number 110130839555 from 05/08/18 through 10/03/18
- Account number 110133984416 from 10/04/18 through 2/19/19
- Account number 110136217814 from 02/20/19 through 07/01/19
- Account number 110138728727 from 07/02/19 through 07/30/19
- Account number 110139293085 from 7/31/19 through 08/3/20.

**INTERROGATORY NO. 22:** For Meter Number 5311298911, from August 1, 2014 to August 3, 2020, where is the physical location per FE's records?

**ANSWER:** CEI objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that Meter serial number S311298911 was located at 2634 Hampshire Road, Cleveland, Ohio, from August 1, 2014 to August 3, 2020.

INTERROGATORY NO. 23: For Meter Number 5311298911, from August 1, 2014 to August 3, 2020 who was the person/company billed for this meter number?

**ANSWER:** CEI objects to this Interrogatory to the extent it seeks private and confidential information related to CEI accounts of customers other than Complainant. Responding further, CEI states that Complainant is not entitled to usage information related to other customers of CEI as that information is private and confidential. CEI also objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that Complainant was billed for usage registered on Meter serial number S311298911 during the following time periods: 08/19/14 through 09/01/14; 08/02/16 through 09/29/16; 08/01/17 through 08/31/17; and 06/01/18 through 07/10/18.

INTERROGATORY NO. 24: For Meter Number 5311298911, from August 1, 2014 to August 3, 2020, what account numbers and associated start/end date were associated with this meter?

**ANSWER:** CEI objects to this Interrogatory to the extent that it seeks information for a meter number that does not exist or is not relevant in this matter. Subject to and without waiving its objection, CEI states that the following account numbers were billed for usage registered on Meter serial number S311298911 during the following time periods:

- Account number 110104185803 from 08/19/14 through 09/01/14
- Account number 110105613092 from 09/02/14 through 08/01/16
- Account number 110118770822 from 08/02/16 through 09/29/16
- Account number 110119308341 from 9/30/16 through 07/31/17
- Account number 110125795697 from 08/01/17 through 08/31/17
- Account number 110126291118 from 08/24/2017 through no move-out date listed
- Account number 110126348207 from 09/01/17 through 05/31/18
- Account number 110131340587 from 06/01/18 through 07/01/18
- Account number 110131949007 from 07/02/18 through 08/03/20.

Respectfully Submitted,

/s/ John W. Breig, Jr.

John W. Breig, Jr. (0096767)

**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, Ohio 44114

Telephone: 216.363.4500

Facsimile: 216.363.4588

[jbreig@beneschlaw.com](mailto:jbreig@beneschlaw.com)

*Counsel for The Cleveland Electric Illuminating  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing was served by Email to  
Complainant on this 14<sup>th</sup> day of August 2023 at the following address:

Alan D. Jones  
410 Wakefield Run Blvd.  
Hinckley, Ohio 44233  
alanmichele@roadrunner.com  
*Complainant*

/s/ John W. Breig, Jr.  
John W. Breig, Jr. (0096767)  
*One of the Attorneys for The Cleveland Electric  
Illuminating Company*

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**in**

**Case No(s). 22-0016-EL-CSS**

Summary: Motion Expedited Motion to Compel & Protective Order electronically  
filed by Mr. Alan D. Jones on behalf of Alan Jones.