

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RICHARD D. BIHLAJAMA,	)	
	)	
Claimant,	)	
	)	
vs.	)	CASE NO. 21-857-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**DIRECT TESTIMONY OF CHRISTOPHER SLATTERY ON BEHALF OF  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

**INTRODUCTION**

**Q. PLEASE INTRODUCE YOURSELF.**

A. My name is Chirstopher Slattery. I am employed by FirstEnergy Corporation (“FirstEnergy”), the parent company of The Cleveland Electric Illuminating Company (“CEI”), as a Manager Distribution Standards.

**Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND WORK EXPERIENCE.**

A. I am a graduate of The Ohio State University with a Bachelor of Science Degree in Electrical Engineering. I then worked as an Electrical Design Engineer for Scheeser Buckley Mayfield LLC from 2005 through 2007. For the past sixteen years, I have worked with subsidiaries of FirstEnergy or its predecessor companies, beginning as an electrical engineer, and then gradually being promoted to my current position as the Manager, Distribution Standards in April 2023. Other titles I have held include Senior Engineer Substation Design and Major Equipment; Supervisor External Engineering; Manager External Engineering, Equipment and Standards; and Manager FEU Applications & Systems Support. I am a licensed professional engineer in Ohio.

**Q. WHAT ARE YOUR CURRENT JOB RESPONSIBILITIES?**

A. As Manager Distribution Standards I oversee the group responsible for developing and maintaining engineering practices and construction standards for the First Energy Utilities’ distribution lines, such as the line at issue here.

**Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?**

A. No.

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THE PRESENT CASE?**

1 A. My testimony addresses the allegations raised in the Complaint, specifically whether CEI's  
2 conductors over Mr. Bihlajama's residence comply with the National Electric Safety Code  
3 ("NESC").

4 **Q. DID YOU REVIEW ANY RECORDS RELATED TO THIS CASE?**

5 A. Yes, I have reviewed numerous business records related to this case maintained and  
6 preserved within FirstEnergy's SAP System. These records, all of which were kept in the  
7 course of regularly conducted business activity, include customer contact notes, and CEI's  
8 Commission-approved tariff. It is the regular practice of FirstEnergy and CEI to make and  
9 preserve these business records, and I regularly rely upon such documents in accordance  
10 with my duties as a Manager Distribution Standards. I also reviewed the Complaint in this  
11 proceeding.

12 **RESPONSE TO THE COMPLAINT**

13 **Q. WHAT IS YOUR UNDERSTANDING OF THE COMPLAINT IN THIS CASE?**

14 A. The Complaint alleges that CEI does not have an easement to maintain this distribution  
15 line, however, it is my understanding that that claim has been dismissed. Mr. Bihlajama  
16 now claims that the distribution line above his house is a safety hazard.

17 **Q. DOES A HOUSE UNDERNEATH A DISTRIBUTION LINE POSE A SAFETY**  
18 **RISK?**

19 A. No, not necessarily.

20 **Q. WHEN CAN A HOUSE BE SAFELY MAINTAINED UNDERNEATH A**  
21 **DISTRIBUTION LINE?**

22 A. According to the NESC, an uninsulated 13.2kV primary conductor over a not readily  
23 accessible roof requires at least 12.5 feet of clearance (13.5 feet for readily accessible

1 areas). Supply cables between 0 and 750 V require 3.5 ft. of clearance over not readily  
2 accessible roofs (11 feet for readily accessible areas). CEI's construction standards often  
3 exceed the minimum requirements of the NESC.

4 **Q. WHAT IS A READILY ACCESSIBLE ROOF?**

5 A. According to the NESC, a readily accessible roof is one that can casually be accessed  
6 through a doorway, ramp, window, stairway, or permanently mounted ladder by a person  
7 on foot who neither exerts extraordinary physical effort nor employs tools or devices to  
8 gain entry. A permanently mounted ladder is not considered a means of access if its bottom  
9 rung is 2.45 m or more from the ground or other permanently installed accessible surface.

10 If someone needs to utilize a portable ladder to access a roof, it is not readily  
11 accessible.

12 **Q. WHAT TYPE OF ROOF DOES MR. BIHLAJAMA HAVE?**

13 A. The roof over the main residence is not readily accessible. The garage, however, appears  
14 to have an accessible deck built above it. According to the Ashtabula County Auditor's  
15 aerial photos, the deck above the garage was not constructed by 2020. Prior to 2020, the  
16 garage roof was not readily accessible. A copy of the 2020 Ashtabula County Auditor's  
17 aerial photograph is attached hereto as **Exhibit A**.

18 **Q. WHEN WAS THIS GARAGE CONSTRUCTED?**

19 A. According to the 2017 aerial photographs from the Ashtabula County Auditor, attached  
20 hereto as **Exhibit B**, the garage did not exist in 2017. The 2020 aerial photograph reveals  
21 that the garage was constructed with a non-accessible roof. According to the Auditor's  
22 website, the garage was constructed in 2018. A true and accurate printout of the  
23 outbuildings page from the Auditor's website is attached hereto as **Exhibit C**.

1    **Q.    WHEN WAS THE DECK PUT ON THE GARAGE?**

2    A.    Sometime after 2020. The latest photograph from the Ashtabula County Auditor is from  
3           2020, which does not reveal a deck on the garage. According to Google Earth satellite  
4           photographs, a satellite image dated November 2021 appears to show the construction of a  
5           deck. A printout of this November 2021 Google Earth image is attached hereto as **Exhibit**  
6           **D.**

7    **Q.    WHAT CEI CONDUCTORS CROSS OVER MR. BIHLAJAMA’S RESIDENCE?**

8    A.    CEI maintains a 13.2 kV conductor and a 120/240 V triplex conductor over Mr.  
9           Bihlajama’s residence.

10   **Q.    WHAT IS THE CLEARANCE OF CEI’S DISTRIBUTION LINE ABOVE MR.**  
11       **BIHLAJAMA’S RESIDENCE?**

12   A.    CEI’s conductors have the following clearances:

13           **Conductor (Voltage) / Clearance above the Deck**

14           Primary Conductor (13.2 kV) / no less than 17.9 ft.

15           Triplex Conductor (120/240 V) / between 6 ft. 10 in. and 7 ft. 3 in.

16   **Q.    HOW OFTEN DOES CEI SURVEY THE LINES?**

17   A.    CEI conducts surveys of its lines every five years. During the survey, the crew looks to see  
18           if there are any clear clearance violations affecting the lines. If a clearance violation is  
19           identified, it will be recorded and remedied.

20   **Q.    WHEN WAS THE LAST SURVEY CONDUCTED?**

21   A.    In January 2020.

22   **Q.    DID THE JANUARY 2020 SURVEY IDENTIFY ANY CLEARANCE ISSUES**  
23       **WITH THE LINES OVER MR. BIHLAJAMA’S RESIDENCE?**

1 A. No. The survey would have indicated if the crew believed that the lines did not meet the  
2 minimum clearance requirements of the NESC. Nothing was reported, which indicates that  
3 the crew did not identify any clearance violations. According to the Auditor's photographs,  
4 in 2020, the triplex wire would have had sufficient clearance over the not readily accessible  
5 roof of the garage and therefore there would not have been a clearance violation to report.

6 **Q. ARE THERE ANY LINES BENEATH CEI'S DISTRIBUTION LINE?**

7 A. Yes.

8 **Q. WHAT LINES ARE THOSE?**

9 A. Those are communication conductors (i.e., cable, internet, and telephone).

10 **Q. WHO OWNS THOSE CONDUCTORS?**

11 A. The local communication company, here CTT-Conneaut Telephone and Time Warner  
12 Cable.

13 **Q. WHO IS RESPONSIBLE FOR MAINTAINING THE PROPER CLEARANCES**  
14 **FOR THOSE CONDUCTORS?**

15 A. The local communication company that owns the communication conductors.

16 **Q. WHAT IS THE REQUIRED CLEARANCE FOR THOSE LINES?**

17 A. Maintaining the proper clearances for communication conductors is the responsibility of  
18 the communication company that owns the conductors, not CEI. The communication  
19 conductors must also be 12 inches beneath the neutral cable at mid span, and 40 inches  
20 beneath the neutral cable at the pole. Maintaining these clearances, however, is the  
21 communication company's responsibility.

22 **Q. IN YOUR PROFESSIONAL JUDGMENT, DOES CEI'S DISTRIBUTION LINE**  
23 **COMPLY WITH THE NESC AS IT CROSSES OVER MR. BIHLAJAMA'S**

1           **RESIDENCE?**

2    A.     Prior to Mr. Bihlajama constructing a second-floor deck above his garage sometime after  
3           2020, the lines complied with the NESC.

4    **Q.     DID CEI INSTALL ITS LINES IN VIOLATION OF THE NESC?**

5    A.     No.

6    **Q.     WHO CAUSED THE CLEARANCE VIOLATION?**

7    A.     Mr. Bihlajama.

8    **Q.     DID CEI VIOLATE ANY COMMISSION RULE, REGULATION, STATUTE, OR**  
9           **PROCEDURE IN RELATION TO THE ALLEGATIONS RAISED BY MR.**  
10          **BIHLAJAMA?**

11   A.     To the best of my professional judgment, CEI did not violate any Commission rule, statute,  
12           or regulation. Prior to the construction of the deck above the garage, CEI's conductors  
13           complied with the NESC. However, Mr. Bihlajama, not CEI, elected to create a situation  
14           where the lines no longer maintain the proper clearances.

15   **Q.     WHEN DID CEI FIRST BECOME AWARE OF THE CLEARANCE VIOLATION?**

16   A.     On October 30, 2023, when I commissioned a survey to measure the height of the lines  
17           over the residence.

18   **Q.     DOES THIS CONCLUDE YOUR TESTIMONY?**

19   A.     Yes, but I reserve the right to supplement my testimony.

### **CERTIFICATE OF SERVICE**

On October 31, 2023, the foregoing document was filed on the Public Utilities Commission of Ohio's Docketing Information System. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record in this proceeding. A service copy has been sent by U.S. Mail and electronic mail on this 31st day of October 2023 to the Complainant at the following address:

Richard D. Bihlajama  
79 Harrington Pt.  
Conneaut, OH 44030  
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/s/ Christopher A. Rogers  
*Attorney for The Cleveland Illuminating  
Company*





0 5 10 20 30 40  
ft

1 inch = 24 feet

1 inch

Property Lines are graphic representations and are NOT

DEFENDANT'S  
EXHIBIT

A





0 5 10 20 30 40  
ft

1 inch = 24 feet

1 inch

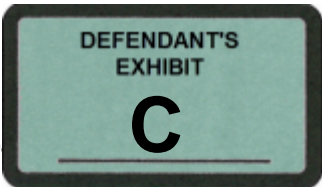
Property Lines are graphic representations and are NOT s

DEFENDANT'S  
EXHIBIT

B

OBY

Card	Line #	Code	Desc	Yr Built	Width x Length	Area	Units	Grade	Mod Cds	Condition	Make	Model	Serial No.	Title No	Value
1	1	RG1	FRAME OR CB DETACHED GARAGE	2018	24 X 24	576	#	E		AVERAGE					7,500






# Untitled Map

Write a description for your map.

## Legend

 79 Harrington Pt



Google Earth

DEFENDANT'S  
EXHIBIT

D

**This foregoing document was electronically filed with the Public Utilities  
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**in**

**Case No(s). 21-0857-EL-CSS**

Summary: Testimony of Christopher Slattery electronically filed by Mr. Christopher A. Rogers on behalf of The Cleveland Electric Illuminating Company.