

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Review of the</b>	)	
<b>Distribution Modernization Rider of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	<b>Case No. 17-2474-EL-RDR</b>
<b>Illuminating Company, and The Toledo</b>	)	
<b>Edison Company.</b>	)	
 <b>In the Matter of the 2020 Review of the</b>	 )	
<b>Delivery Capital Recovery Rider of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	<b>Case No. 20-1629-EL-RDR</b>
<b>Illuminating Company, and The Toledo</b>	)	
<b>Edison Company.</b>	)	

**JOINT DISCOVERY STATUS REPORT**

Pursuant to the Attorney Examiners’ Entry of March 15, 2024,<sup>1</sup> the Ohio Utilities<sup>2</sup> and the Consumer Parties<sup>3</sup> provide this Joint Discovery Status Report (“Joint Report”). This Joint Report addresses discovery requests and responses that have been exchanged since the Parties submitted their Joint Report on March 22, 2024.

Since the parties submitted their March 22, 2024 Joint Report, the Consumer Parties have propounded one further set of discovery requests in this consolidated proceeding, and the Ohio Utilities have served responses to three sets of discovery requests, as set forth in the below table:

Party	Set	Date Served	Status
NOPEC	1	March 12, 2024	The Ohio Utilities served written responses on March 22, 2024, and provided NOPEC with approximately (i) 750 discovery requests, written responses, and attachments that had previously been provided to other parties in Case Nos. 17-2474-EL-RDR and 20-1629-EL-RDR, <sup>4</sup> and (ii) 40,109 pages of Bates-stamped documents that had previously been produced in Case Nos. 17-2474-EL-RDR, 20-1629-EL-RDR, 17-974-EL-UNC, and 20-1502-EL-UNC.

<sup>1</sup> Case Nos. 17-2474-EL-RDR et al., Entry (Mar. 15, 2024) at ¶ 23.

<sup>2</sup> The Ohio Utilities are the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.

<sup>3</sup> The Consumer Parties are the Office of the Ohio Consumers’ Counsel (“OCC”), the Northeast Ohio Public Energy Council (“NOPEC”) and the Ohio Manufacturers’ Association Energy Group (“OMAEG”).

<sup>4</sup> This is a document count as opposed to a page count. These documents were not Bates-stamped when

Party	Set	Date Served	Status
OCC	9	March 18, 2024	The Ohio Utilities served written responses on March 28, 2024.
OCC	10	March 25, 2024	The Ohio Utilities served written responses on April 4, 2024, and produced two documents consisting of 71 pages.

On March 30, 2024, the Ohio Utilities served a supplemental production of FERC audit-related documents in Case No. 20-1502-EL-UNC, which consisted of 129 documents (approximately 866 pages).<sup>5</sup> The Ohio Utilities continue to assess the extent to which they should supplement earlier discovery responses, and will supplement earlier responses as appropriate.

On March 11, 2024, pursuant to the September 24, 2021 nonparty subpoena, FirstEnergy Corp. produced 365,527 documents consisting of 717,444 pages relating to *In re FirstEnergy Corp. Securities Litigation*, No. 2:20-cv-03785-ALM-KAJ (S.D. Ohio) (the “Securities Action”). On March 27, 2024, FirstEnergy Corp. produced 986 additional documents (approximately 3,756 pages) relating to the Securities Action. FirstEnergy Corp. produced documents in the e-discovery format that it had used for all prior document productions in the PUCO proceedings and the same format in which the documents were produced in the Securities Action. But the documents produced in that format were not readily usable by OCC. At OCC’s request, FirstEnergy Corp. has agreed to convert the produced documents to PDF format (with natives for certain file types). FirstEnergy Corp. expects to complete the requested conversion by April 19, 2024.

**Review of Documents Produced by Ohio Utilities  
Since February 21, 2024 (estimates)**

Produced	Reviewed Since Last Report	Total Reviewed
131 pages	OCC: 131 OMAEG: 0 NOPEC: 60	OCC: 131 OMAEG: 60 NOPEC: 60

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originally produced and, therefore, a page count is not easily calculated.

<sup>5</sup> Certain documents, like excel files, that were produced in native file format will each be reflected in page counts as a single page regardless of the size of the document.

**Review of Documents Produced by FirstEnergy Corp.  
Since February 21, 2024 (estimates)**

<b>Produced</b>	<b>Reviewed Since Last Report</b>	<b>Total Reviewed</b>
721,200 pages	OCC: 4,642 OMAEG: 16,456 NOPEC: N/A – See Below	OCC: 4,642 OMAEG: 50,156 NOPEC: N/A – See Below

FirstEnergy Corp. produced the materials in the Securities Action only to parties who had executed a protective agreement in these cases, in addition to Case Nos. 17-974-EL-UNC and 20-1502-EL-UNC. NOPEC formally moved to intervene in these proceedings on March 4, 2024, after the Commission lifted its stay (see Entry of February 26, 2024) and the Attorney Examiner set a procedural schedule (see Entry of March 1, 2024). NOPEC executed a protective agreement with FirstEnergy Corp. on April 3, 2024. NOPEC and FirstEnergy Corp. are arranging for the delivery of the discovery, which is expected to occur early next week. For this reason, NOPEC has not reviewed the documents produced by FirstEnergy Corp. in the Securities Action. NOPEC and the Ohio Utilities have executed protective agreements.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing submission on behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on April 5, 2024. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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

**4/5/2024 4:38:09 PM**

**in**

**Case No(s). 17-2474-EL-RDR, 20-1629-EL-RDR**

Summary: Correspondence Joint Discovery Status Report electronically filed by  
Nicole A Allen on behalf of Ohio Edison Company and The Cleveland Electric  
Illuminating Company and The Toledo Edison Company.