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July 30, 2015

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA ELECTRONIC FILING

RE: FES Industrial & Commercial Customer Coalition v. FirstEnergy Solutions Corp.;
Docket No. C-2014-2425989

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Motion to Compel of the FES Industrial & Commercial Customer Coalition ("FES ICC") in the above-referenced proceeding.

Service of this filing is being made as reflected on the attached Certificate of Service. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By *Vasiliki Karandrikas*
Vasiliki Karandrikas

Counsel to the FES Industrial & Commercial Customer Coalition

Enclosure

c: Administrative Law Judge Katrina L. Dunderdale (via Email and First-Class Mail)
Certificate of Service

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- e) The basis for invoking the Pass-Through Event provision;
- f) A description of how the FES customer was notified that FES was invoking the Pass-Through Event provision;
- g) The term(s) in the customer's Electricity Supply Agreement affected by the triggering of the Pass-Through Event provision, including any price impact; and
- h) All documents supporting FES's responses.

FES ICCC to FES Set I, Question No. 9

Reference the newspaper article entitled, "Case against FirstEnergy Solutions disputes cold weather fee for fixed price customers" (May 19, 2015) at <http://powersource.post-gazette.com/powersource/consumers-powersource/2015/05/19/Case-against-FirstEnergy-Solutions-disputes-utility-cold-weather-fee-for-fixed-price-energy-customers/stories/201505190005>. The article quotes Ms. Diane Francis, FES spokeswoman, as describing a fixed-rate contract as "more of a shared risk" between the supplier and customer.

- a) Provide FES's definition of a fixed-priced contract. Provide all supporting documents.
- b) Provide all documents and materials given to FES ICCC members addressing FES's fixed-price contract.
- c) Provide FES's definition of "shared risk." Provide all supporting documents.
- d) Provide all documents and materials given to FES ICCC members, including in advance of contract execution, addressing the "shared risk" under a fixed rate contract with FES.

FES ICCC to FES Set I, Question No. 10

Reference the newspaper article entitled, "Case against FirstEnergy Solutions disputes cold weather fee for fixed price customers" (May 19, 2015) at <http://powersource.post-gazette.com/powersource/consumers-powersource/2015/05/19/Case-against-FirstEnergy-Solutions-disputes-utility-cold-weather-fee-for-fixed-price-energy-customers/stories/201505190005>. According to the article, Ms. Francis explained FES "offered customers a lower fixed rate than other competitive suppliers... so it could include a "pass-through" clause."

- a) Identify the "customers" referenced by Ms. Francis.
- b) Identify the "other suppliers" referenced by Ms. Francis.
- c) Provide documentation supporting the assertion that FES's fixed rate was lower than the fixed rate offered by other suppliers due to the pass-through clause.
- d) Define the "pass-through clause" referenced by Ms. Francis.
- e) Provide all documents and materials used to explain the relationship between the "fixed rate" offered by FES and the inclusion of a "pass-through clause" to FES customers.

FES ICCC to FES Set I, Question No. 11

Reference the newspaper article entitled, "Case against FirstEnergy Solutions disputes cold weather fee for fixed price customers" (May 19, 2015) at <http://powersource.post-gazette.com/powersource/consumers-powersource/2015/05/19/Case-against-FirstEnergy-Solutions-disputes-utility-cold-weather-fee-for-fixed-price-energy-customers/stories/201505190005>. The article quotes Ms. Diane Francis as follows: "Other suppliers were including that risk premium in that price, so actually [our] customers received a lower price."

- a) Identify the "other suppliers" referenced by Ms. Francis;
- b) Describe the "risk premium" referenced by Ms. Francis;
- c) Identify the "price" referenced by Ms. Francis;
- d) Describe the "lower price" referenced by Ms. Francis;
- e) State the number of customers who "received a lower price" according to Ms. Francis; and
- f) Provide all supporting documents.

FES ICCC to FES Set I, Question No. 12

Reference the newspaper article entitled, "Case against FirstEnergy Solutions disputes cold weather fee for fixed price customers" (May 19, 2015) at <http://powersource.post-gazette.com/powersource/consumers-powersource/2015/05/19/Case-against-FirstEnergy-Solutions-disputes-utility-cold-weather-fee-for-fixed-price-energy-customers/stories/201505190005>. The article quotes Ms. Diane Francis, FES spokeswoman, as follows: "This unprecedented event occurred, and we had to pass it through. But customers paid this charge to other suppliers."

- a) Identify the "unprecedented event" referenced by Ms. Francis.
- b) Identify the "we" referenced by Ms. Francis.
- c) Define "it" as used by Ms. Francis.
- d) Identify the "customers" referenced by Ms. Francis.
- e) Identify the "charge" referenced by Ms. Francis.
- f) Identify the "other suppliers" referenced by Ms. Francis.
- g) Explain the basis for FES's position that "we had to pass it through."
- h) Explain the basis for FES's position that "customers paid this charge to other suppliers."

2. As discussed more fully herein, FES has not met the burden of proving that the information requested by FES ICCC's Set I Interrogatories, Question Nos. 8-12, is irrelevant for purposes of this proceeding. Moreover, FES has not demonstrated that providing the requested information would be unduly burdensome, redundant, or involve the furnishing of privileged

information. Rather, FES has done nothing more than present general objections lacking any basis in law or fact.²

3. Under Section 5.342(g) of the Commission's regulations, "[w]ithin 10 days of service of an objection to interrogatories, the party submitting the interrogatories may file a motion requesting the presiding officer to dismiss an objection and compel that the interrogatory be answered." *See* 52 Pa. Code § 5.342(g). Accordingly, FES ICCC hereby files this Motion to Compel.

II. MOTION TO COMPEL

A. FES Should Be Compelled To Answer FES ICCC's Set I Interrogatories, Question No. 8, as Claims of Irrelevancy Are Unsupported.

4. FES objects to Question No. 8 because it requests purportedly irrelevant information pertaining to FES customers who are not FES ICCC members. *See* FES Objections, pp. 2 & 4. Contrary to FES's assertion, Question No. 8 focuses on obtaining information about FES's past practices regarding its use of the Pass-Through Event provision as a cost collection mechanism. As the lawfulness of FES's billing and marketing practices, as well as FES's provision of accurate and adequate information to customers regarding its services, are the central issues in this proceeding, FES's historical application of the Pass-Through Event provision to both FES ICCC members and non-FES ICCC members is directly relevant.

5. Pursuant to PUC regulations, "[a] party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action..." 52 Pa. Code § 5.321(c). "Relevancy should be interpreted broadly and liberally, and any doubts regarding the relevancy of subject matter should be resolved in favor of relevancy." *Koken v.*

² As demonstrated herein, even FES's "specific" objections are lacking in detail.

One Beacon Ins. Co., 911 A. 2d 1021, 1025 (Pa. Commw. Ct. 2006). The party contending discovery is not relevant has the burden of proving irrelevancy. *Id.*

6. According to Your Honor's Second Interim Order, the issue to be determined in this proceeding is "whether FES violated Section 2807(d)(2) of the Code, 66 Pa. C.S.A. § 2807(d)(2), and Sections 54.43(1) and 54.43(f) of the Commission's Regulations, 52 Pa. Code § 54.43(1) and § 54.43(f)." *See* Second Interim Order, Ordering Paragraph 2 (Dec. 18, 2014). Section 54.43 sets forth consumer protection measures with which Pennsylvania's electric generation suppliers ("EGS") must comply in the provision of electric generation service. *See* 52 Pa. Code § 54.43. Specifically, Section 54.43(a) provides:

A licensee shall provide accurate information about their electric generation services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language. Information shall be provided in a format that enables customers to compare various electric generation services offered and the prices charged for each type of service.

Id. at § 54.43(1). In addition, Section 54.43(f) states, in relevant part: "A licensee is responsible for any fraudulent, deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives." *Id.* at § 54.43(f); *see also id.* at § 54.122(3) (precluding EGSs from engaging in false or deceptive advertising to customers); 66 Pa. C.S.A. § 2807(d) (requiring the provision of adequate and accurate information in an understandable format). According to the Second Interim Order, "these sections require FES to provide adequate and accurate information to customers, including commercial and industrial customers, regarding its services" and hold FES "responsible for any fraudulent or deceptive billing acts." Second Interim Order, p. 4.

7. Question No. 8 is intended to obtain general information about FES's practices in previous years regarding the application of its Pass-Through Event clause for the purpose of

comparing its actions relative to FES ICCC in this proceeding. Question No. 8 seeks to discover the type of information provided to customers regarding the use of the Pass-Through Event provision, including communications explaining FES's application of such provision. Question No. 8 requests only general information regarding the circumstances giving rise to FES's collection of costs using the Pass-Through Event provision, the corresponding date, the affected customers, as well as any documents supporting FES's responses, over a limited period. Accordingly, FES ICCC Question No. 8 should be answered by FES because this information is clearly "relevant to the subject matter involved in the pending action...." 52 Pa. Code § 5.321(c).

8. Even assuming, *arguendo*, that the information produced by FES in response to Question No. 8 is ultimately determined to be not relevant for purposes of presentation into the evidentiary record, and, thus, is inadmissible, the Commission regulations governing discovery explicitly reject such grounds for objections. Rather, the Commission's regulations permit discovery "if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." *Id.* In this instance, FES ICCC is seeking information regarding FES's previous invocation of its Pass-Through Event clause. Information regarding FES's past practices on this issue could lead to relevant information regarding whether FES's actions constitute fraudulent and deceptive marketing. Therefore, while constructed to obtain relevant information from FES, Question No. 8 is, at a minimum, reasonably calculated to lead to the discovery of admissible evidence. Consequently, FES's relevancy objections should be dismissed.

9. Thus, FES has not met its burden of showing that the information sought by Question No. 8 is irrelevant, particularly in consideration of the Commission's requirement that

any doubt as to relevancy be resolved in favor of relevancy. *See Koken*, at 1025. As FES ICCC's Set I Interrogatories, Question No. 8 is relevant to the subject matter involved in this proceeding and reasonably calculated to lead to the discovery of admissible evidence, FES ICCC requests that FES be required to respond to this Interrogatory in full.

B. FES Should Be Compelled To Answer FES ICCC's Set I Interrogatories, Nos. 9-12, as Claims of Irrelevancy and Hearsay Are Unsupported.

10. FES objects to Question Nos. 9-12, which seek to explore representations made by an FES spokeswoman in a newspaper article appearing in May 2015, by arguing that the information sought by these questions is irrelevant and not likely to lead to the discovery of admissible evidence. *See* FES Objections, pp. 2 & 5-6. FES's Objections are primarily, and perhaps not surprisingly, based on FES's mischaracterization of its spokeswoman's statements as related to the issue of contract interpretation over which the Commission lacks jurisdiction. *See, e.g., id.*, pp. 5-7. FES also claims that the newspaper article "constitutes hearsay" and, consequently, discovery is "patently unreasonable." *See id.*, p. 5.

11. FES ICCC incorporates by reference Paragraph 5.

12. Contrary to FES's claims, Question Nos. 9-12 focus on obtaining information concerning FES's communications to customers regarding its products and product structure, pricing, and billing practices, including the use of pass-through charges and risk-sharing. For example, the article stated, in part:

Diane Francis, spokeswoman for FirstEnergy Solutions, called the fixed-rate contract "more of a shared risk" between the supplier and customer. FirstEnergy Solutions offered customers a lower fixed rate than other competitive suppliers, she said, so it could include a "pass-through" clause.³

³ *See* "Case against FirstEnergy Solutions disputes cold weather fee for fixed price customers" (May 19, 2015) at <http://powersource.post-gazette.com/powersource/consumers-powersource/2015/05/19/Case-against-FirstEnergy-Solutions-disputes-utility-cold-weather-fee-for-fixed-price-energy-customers/stories/201505190005>.

Based on this representation, Question No. 9 seeks to discover whether FES provided its customers with accurate and adequate information regarding its risk-sharing policy. Question Nos. 10-12 similarly seek discovery regarding FES's published statements as they pertain to its products and product structure, pricing, and billing practices. Because the potentially unlawful nature of FES's billing and marketing practices, as well as FES's alleged failure to comply with its duty to provide accurate and adequate information to customers regarding its services, are the focus of this proceeding, *see supra* Paragraph 6, the information requested by Question Nos. 9-12 is relevant to the subject matter of this proceeding. Therefore, FES's relevancy objections to FES ICCC Set I, Question Nos. 9-12 should be dismissed, and FES should be compelled to answer these questions.

13. As to FES's relevancy arguments which, yet again, inaccurately attempt to frame this proceeding as stemming from an ordinary contract dispute, such arguments must be dismissed. In the December 12 Order, the Commission considered the scope of its jurisdiction over the supply contracts between FES and FES ICCC and determined that "Commission jurisdiction does not extend to interpreting the terms and conditions of a contract between an EGS and a customer to determine whether a breach has occurred, or setting the rates an EGS can charge." *See* December 12 Order at 20. However, the December 12 Order also reflects that the Commission must have considered that the Complaint's disposition will necessarily require the Commission to review certain provisions of the contracts between FES and FES ICCC members to determine whether FES has run afoul of applicable statutes and regulations by utilizing deceptive and possibly fraudulent billing practices, as set forth in FES ICCC's Complaint. Thus, inherent in the December 12 Order is the understanding that familiarity with certain contract provisions will be necessary to inform the PUC's decision-making process on the issues within

its subject matter jurisdiction, which do not include breach of contract claims, but rather, FES's adherence to statutes and regulations governing EGS billing and marketing practices and the furnishing of adequate and accurate information to customers.

14. To limit discovery in the manner sought by FES would unreasonably hinder FES ICCC from obtaining information regarding FES's actions and whether these actions adhere to Pennsylvania statutes and regulations applicable to EGSs licensed by the Commission. By contrast, dismissing FES's objections to Question Nos. 9-12 would enable FES ICCC to gather evidence that would provide important context regarding the terms and conditions under which FES imposed the RTO Expense Surcharge. Such an approach comports with the Commission's regulations, which allow discovery on "any matter, not privileged, which is relevant to the subject matter involved in the pending action..." and precedent which directs any doubt as to relevancy be resolved in favor of relevancy. 52 Pa. Code § 5.321(c); *see Koken*, at 1025.

15. With respect to its hearsay objection, and as a threshold matter, FES ICCC challenges FES's classification of the newspaper article as hearsay. While Commission regulations do not define hearsay, the Pennsylvania Rules of Evidence provide the following definition: "a statement that (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers into evidence to prove the truth of the matter asserted in the statement." *See Pa.R.E. 801(c)*. Thus, a statement is only hearsay if it is offered to prove the truth of the matter asserted in the statement in the context of a formal proceeding. Consequently, no hearsay issue exists.

16. Moreover, even assuming the newspaper article constitutes hearsay (which it does not), FES fails to cite a legal basis for its position that the statements in the newspaper article are not subject to discovery. Based on a plain reading of the Commission's discovery rules, no

support for FES's attempt to limit discovery in this manner exists. Furthermore, "[e]vidence of a statement, particularly if it is proven untrue by other evidence, may imply the existence of...fraud."⁴ In other words, such information may be offered for a purpose other than to provide the truth of the matter asserted. One of the issues in this proceeding is whether FES engaged in deceptive or fraudulent billing practices. Thus, the information sought by Question Nos. 9-12 may lead to information supporting FES ICCC's claims of fraudulent billing practices.

17. Furthermore, these questions are reasonably calculated to lead to the discovery of admissible evidence, consistent with the Commission's regulations. *See* 52 Pa. Code § 5.321(c). FES ICCC is seeking information regarding FES's understanding of the Pass-Through Event clause and how this information was conveyed to customers. The information provided by FES's spokeswoman in the aforementioned article raises questions regarding whether the understanding set forth publicly by FES regarding its use of the Pass-Through Event clause was the same as the information conveyed to its customers prior to and shortly after invoking such clause. Even, assuming, *arguendo*, that the newspaper article itself would be classified as hearsay or irrelevant, information gleaned through discovery regarding this article is reasonably calculated to lead to the discovery of admissible evidence. Thus, pursuant to PUC regulations, these discovery requests are permissible.

18. For the foregoing reasons, FES has failed to meet its burden of demonstrating that the information sought by Question Nos. 9-12 is irrelevant, particularly when Commission precedent requires any doubt as to relevancy to be resolved in favor of relevancy. *See Koken*, 1025. In fact, Question Nos. 9-12 seek information that is relevant to the issues before the Commission. Moreover, FES's hearsay objection is inapposite here, as no hearsay exists.

⁴ *See* Comment to Pa.R.E. 801 at <http://www.pacode.com/secure/data/225/chapter8/s801.html>.

Therefore, FES's Objections should be dismissed, and FES should be compelled to answer Question Nos. 9-12.

C. FES Should Be Compelled To Answer FES ICCC's Set I Interrogatories, No. 8-12, as Claims of Unreasonableness Are Unsupported.

19. In its July 20 Objections, FES contends that FES ICCC's Set I Interrogatories, Nos. 8-12, would cause unreasonably annoyance, oppression, burden or expense or would require unreasonable investigation. *See, e.g.*, FES Objections, pp. 4 & 5. FES's objections only assert a general objection regarding the alleged unreasonableness of Question No. 8. The objections to Question Nos. 9-12 suggest that the requested information is unreasonable because the referenced newspaper article appearing in May 2015 (*i.e.*, less than three months ago) was "published more than a year after the events which gave rise to FES-ICCC's Complaint." *Id.*, p. 5.

20. The Commission prohibits discovery only under specific circumstances, such as cases where furnishing discovery responses "would cause unreasonably annoyance, embarrassment, oppression, burden or expense" or "would require unreasonable investigation." 52 Pa. Code § 5.361(a). Importantly, persuasive precedent provides that "merely showing that the production will occasion some investigative effort and expense, without some evidence that the burden so imposed would be unreasonable, is not sufficient to prevail under Rule 4011."⁵ *Weber v. Campbell Soup Co.*, 41 Pa. D. & C.3d 229, 233 (Apr. 11, 1985).

21. Contrary to FES's contentions, providing the information requested by Question Nos. 8-12 should not impose an unreasonable burden upon FES. Question No. 8 is intended to obtain general information about FES's billing practices and information provided to customers over a limited period related to FES's collection of costs using the Pass-Through Event provision.

⁵ Section 5.321(c) includes the same discovery limitations found in Rule 4011 of the Pennsylvania Rules of Civil Procedure. *See* 52 Pa. Code § 5.321; *see also* Pa. R.C.P. No. 4011(b).

See also Paragraph 7, *supra*. In Question Nos. 9-12, FES ICCC seeks to explore the statements of an FES spokeswoman appearing in a recently published newspaper article. The FES spokeswoman's comments addressed FES's products and product structure, pricing, and billing practices. *See also* Paragraph 12, *supra*. Although some degree of effort must be made by FES to gather the requested information, FES fails to demonstrate such effort constitutes an unreasonable investigation, imposes an unreasonable effort, or subjects FES to unreasonable expense, annoyance, or oppression.

22. Thus, responding to FES ICCC Set I, Question Nos. 8-12 would not cause unreasonable annoyance, embarrassment, oppression, burden or expense or require unreasonable investigation by FES because these questions seek general information, limit the relevant time period, and contemplate clarification of recent statements by an FES spokeswoman with respect to issues that are relevant to this proceeding. Accordingly, the Commission should compel FES to answer the Interrogatories in full.

D. FES Should Be Compelled To Answer FES ICCC's Set I Interrogatories, Nos. 9-12, as Claims of Redundancy Are Disingenuous.

23. FES objects to Question Nos. 9-12 on grounds that they are redundant because they purportedly seek information already requested by FES ICCC Set I, Question Nos. 1-7. FES Objections, pp. 2 & 7. FES ICCC, however, disagrees with FES's characterization that Question Nos. 9-12 are redundant for the reasons discussed below. Thus, FES's claims of redundancy are disingenuous and should be rejected.

24. By way of background, Question Nos. 1-7 are crafted to seek the following: information provided to FES's large commercial and industrial ("C&I") customers regarding FES's product offerings, contract terms and conditions, and billing policies and practices during limited time periods before and after January 2014 (*i.e.*, Question No. 1); information with

respect to claims made in FES's Answer and New Matter filed in this proceeding (*i.e.*, Question Nos. 2 & 5-6); information based on representations made on the FES webpage dedicated to the RTO Expense for C&I customers (*i.e.*, Question Nos. 3-4); and information regarding FES's billing practices as they concern the application of the Pass-Through Event provision to FES ICCC members during a limited five-year period (*i.e.*, Question No. 7). By contrast, and as explained in more detail above, Question Nos. 9-12 seek information regarding FES's products and product structure, pricing, and practices based on representations made by an FES representative. *See* Paragraph 12, *supra*. Because the allegations in this proceeding focus on FES's potentially fraudulent and deceptive billing and marketing practices and provision of accurate and adequate customer information, full review of FES's representations as to these issues, including all avenues through which a customer may have received such information (*e.g.*, website, bill inserts, or spokeswoman), are relevant for these purposes. Thus, Question Nos. 9-12 are not redundant, as they are crafted to obtain information from FES directly related to the communications (in this instance, the FES spokeswoman) presented by FES regarding the use of its Pass-Through Event clause as related to the issues before the Commission in this proceeding.

25. Accordingly, FES redundancy objections should be dismissed, and FES should be required to respond to Question Nos. 9-12 in full.

E. FES Should Be Compelled To Answer FES ICCC's Set I Interrogatories, Nos. 8-12, as FES's Sweeping Claims Regarding the Privileged, Confidential or Otherwise Protected Status of Such Information Are Disingenuous, at Best.

26. In the July 20 Objections, FES also generally objects to FES ICCC, Set I, Question Nos. 8-12 as seeking privileged, confidential or otherwise protected information. *See* FES Objections, pp. 1-2. Given the general nature of FES's objections, it appears that FES is

claiming that Question Nos. 8-12, in their entirety, are seeking privileged, confidential or otherwise protected information. FES's sweeping claims regarding the privileged, confidential or otherwise protected status of the requested information are disingenuous, at best.

27. As a preliminary matter, FES's objections are overly broad. For example, Question No. 8 seeks general information about FES's historical billing practices and potentially affected customers. In doing so, Question No. 8 does not require any specific customer-identifying information. Moreover, Question Nos. 9-12 request FES's definitions of certain terminology, copies of marketing materials provided to FES ICCC members, and documents supporting FES's public statements in the newspaper article. Thus, FES ICCC does not believe that FES may assert, in good faith, that *all* information requested by Question Nos. 8-12 is privileged, confidential or otherwise protected and, thus, not subject to discovery.

28. Further, in the event FES is able to meet its burden that some of the information requested by Question Nos. 8-12 is confidential or otherwise protected, FES ICCC would accept the provision of such information pursuant to a Protective Order that is acceptable to the parties in this proceeding. To the extent that information requested by Question Nos. 8-12 is privileged and not otherwise subject to discovery, FES has failed to identify such discovery requests, or parts thereof,⁶ with an adequate degree of specificity for further response by FES ICCC.

29. Based on the foregoing, FES ICCC requests that Your Honor dismiss FES's blanket objections as to the privileged, confidential or otherwise protected status of the information requested by Question Nos. 8-12, and direct FES to provide responses, subject to a Protective Order if reasonably necessary, unless FES provides adequate information to support

⁶ Each component of FES ICCC's five discovery requests, which represent a total of approximately 30 subparts, is readily identifiable. Notwithstanding, FES opted to utilize a sweeping blanket objection to claim that questions such as "Identify the 'we' referenced by Ms. Francis," *see* FES ICCC Set I, No. 12(b), are subject to privileged, confidential or other protected treatment.

its claims that any portions of the requested information are privileged and not properly discoverable.

III. CONCLUSION

WHEREFORE, FES ICCC respectfully requests that the Pennsylvania Public Utility Commission provide relief as follows:

1. Dismiss FES's Objections to the Interrogatories, Set I, Nos. 8-12 of FES ICCC;
and
2. Compel FES to respond to the Interrogatories, Set I, Nos. 8-12 of FES ICCC consistent with this Motion.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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Counsel to the FES Industrial and Commercial
Customer Coalition

Dated: July 30, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

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Dated this 30th day of July, 2015 at Harrisburg, Pennsylvania.