



City of Lakewood City Council

Council At Large
Sarah Kepple, President
Thomas R. Bullock III
Angelina Hamilton Steiner

Ward Council
Kyle Baker, Ward 1, Vice President
Bryan Evans, Ward 2
Cindy Strebig, Ward 3
Matthew Bixenstine, Ward 4

Noticed 09/23/26

PUBLIC NOTICE – COMMITTEE OF THE WHOLE

Committee of the Whole will meet Monday September 28, 2026 at 6:00 p.m. in the Auditorium at Lakewood City Hall, 12650 Detroit Ave. The meeting is open to the public.

The meeting will be livestreamed on the [City's website](#).

The agenda is as follows:

Approval of the minutes of the July 27, 2026 Committee of the Whole.

Communication from President Kepple regarding litigation with First Energy. *(referred to COW 7/20/26)*

Communication from President Kepple regarding First Energy before Committee of the Whole and Rate Case. *(referred to COW 9/8/26)*

Pursuant to Ohio Revised Code [Section 121.22 \(G\)](#), a motion to enter executive session may be made for the purpose of conferences with an attorney for the public body regarding disputes involving the public body that are the subject of pending or imminent court action.

Sarah Kepple, Chair
COMMITTEE OF THE WHOLE

PUBLIC COMMENT PROTOCOL

The public is invited to comment on agenda items by submitting a written comment in advance of the meeting using the [eComment platform](#). New users must create an eComment account. Committee Chairs may also accommodate in person public comment.

ADA PROTOCOL

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 or michelle.nochta@lakewoodoh.gov.



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July 20th, 2026

RE: Litigation with First Energy

Dear Colleagues,

We are all entirely too familiar with First Energy's ongoing failures to provide the Lakewood community with reliable electricity. In addition to experiencing outages ourselves, we have heard from countless residents who have endured extreme hardship – losing medicine, food, and in some cases facing hospitalization and life-threatening conditions. These perpetual electrical failures are entirely unacceptable. They drain our city's resources as we work to support a community suffering from this wealthy corporation's neglect.

So what can we do?

Our response must be multi-faceted and include continued pressure on First Energy through the Public Utilities Commission of Ohio (PUCO) as well as expanding resilient and sustainable solutions locally. Additionally, we can and should advocate for state-wide policies such as limiting the expansion of large-scale data centers to reduce strain on an already outdated system.

As we pursue these efforts, Council and the community must understand the legal process that has taken place so far, the steps ahead through PUCO, and the potential for additional litigation. This communication includes a timeline of some legal action taken by the City thus far. I intend to make a motion to refer it to Committee of the Whole and ask the Law Department to provide a briefing and answer questions about further litigation options. Understanding the public's justified interest in this topic, I hope to have as much dialogue as possible in open session; however, in the best interests of City representing those residents, some information may need to be provided in executive session in accordance with ORC 121.22(G)(3).

Litigation Timeline

In June of 2025, Mayor George, and the Cleveland City Council members representing the affected Cleveland wards formally petitioned PUCO to investigate the outages that occurred the week of June 23rd. On July 23, 2025, PUCO's investigation resulted in a [letter of Probable Non-Compliance](#) (PNC) to First Energy. The PNC found First Energy in probable non-compliance with certain sections of the Ohio Administrative Code for:

1. Failure to invest in necessary improvements to maintain adequate service following frequent reoccurrence of equipment failures at the same circuit/substation; and
2. Failure to maintain and implement a comprehensive plan to guide CEI's communications with customers, their communities, and their government agencies, to ensure that accurate and timely information is getting to the customers who need it.

The PNC laid out a corrective action plan, and in October, PUCO formally ordered First Energy (operating under the umbrella CEI) to install two new transformers at a Lakewood substation and complete inspection and repair of pole equipment no later than the end of 2026.



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Despite promising to rebuild trust with residents, First Energy petitioned PUCO to *lower* its reliability standards. The City of Lakewood filed legal intervention, with the Mayor and City Council both submitting formal documents opposing First Energy's request. Law Director Vargo represented Lakewood at the hearings, and on June 24, 2026, PUCO issued their [decision denying First Energy's request to lower reliability standards](#). The ruling repeatedly cites the high volume of complaints filed with PUCO from Lakewood residents as influential in the ruling, combating First Energy's claims of customer satisfaction based on their own internal survey.

Summer 2026

Interestingly, the day after the ruling denying their request to lower reliability standards, First Energy issued a press release announcing the delivery of two transformers to a Lakewood Substation, leaving out of the press release that they were ordered to do so by PUCO following Lakewood's complaint. Less than a week after issuing that press release, equipment failures at the Lauderdale substation caused thousands of Lakewood residents to suffer loss of crucial electricity during dangerously hot weather, in many cases for multiple days leading up to the 4th of July.

During this period, First Energy refused to put out a Press Release or social media posts educating residents about what was happening. They also cut off communication with City Councilmembers who were working hard to keep residents informed. We heard from many residents that the limited communications that they did receive from First Energy were inaccurate- informing them of rolling periods of electrical restoration that never came, or insultingly encouraging them to reduce electrical usage to relieve strain on a system that they couldn't use. The PNC corrective actions included providing PUCO staff with First Energy's steps to "improve communication to communities and customers who experience outages". I will be interested in the Law Department's input on whether First Energy is in compliance and our potential next steps.

On July 10th, PUCO Chair Jenifer French responded to the Mayor's recent letter requesting further investigation and financial penalties. In her [letter](#), Chair French stated that PUCO staff have begun to investigate, "the cause of these outages and whether or not they are related to items in the PNC corrective action plan that have or have not yet been completed, whether additional items should be added to the existing corrective action plan, and whether a new PNC should be issued."

Many residents have also expressed interest in pursuing legal action outside of the PUCO process, and I expect Councilmembers will be interested in exploring the potential for any such action. I look forward to an informative discussion, and I move to refer this communication to Committee of the Whole.

Sincerely,

Sarah Kepple
President of Council, Member at Large



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Sep 8th, 2026

Lakewood City Council
Lakewood, Ohio

RE: First Energy to Appear Before Committee of the Whole & Rate Case

Dear Colleagues,

As our community continues to work together to hold First Energy accountable, I'm pleased to share that the utility company has agreed to my request that they appear before Lakewood City Council's Committee of the Whole. The hearing will take place on September 28th at 6:00pm.

The purpose of this hearing is to review First Energy's plans to improve infrastructure reliability and communication, specifically regarding the corrective action plans required by the Public Utilities Commission of Ohio (PUCO). Both the 2025 and 2026 investigations resulted in PUCO issuing Notices of Probable Non-Compliance (PNC) that concluded that most of the outages were caused by equipment or line failure, and both highlighted First Energy's failure to invest in infrastructure and maintain and implement a comprehensive communication plan.

You can read a summary of all of the corrective actions that PUCO identified as needed and the timeline for each in my attached letter. I have asked First Energy to arrive prepared to provide status updates and completion dates for each item. Additionally, I have directed them to address how this infrastructure decline occurred, how First Energy will improve communications with residents and public officials, and any related questions from City Council or the Administration.

On August 21st, First Energy replied to PUCO's 2026 PNC and among other things, asked that instead of paying a \$3 million fine for their ongoing failure and neglect, that they spend the money on upgrading the system that they should have already been maintaining. If First Energy can afford to put their name on the Browns stadium and bribe elected officials at the statehouse, it can afford to pay a fine for their negligence *and* fix its infrastructure. This is particularly true because consumers have already paid for upgrades.

At our [July 28th City Council Committee of the Whole meeting](#) regarding First Energy litigation, we were joined by our partners at the Ohio Consumer's Counsel (OCC). The OCC highlighted that First Energy collected \$369.6 million from consumers for Grid Modernization Phase 1 and is currently collecting \$421 million for Phase 2. Yet, in field visits to substations serving Lakewood, PUCO staff identified "a significant amount of infrastructure that seemed, on the whole, older than infrastructure found elsewhere in CEI's service territory." Lakewood residents paid First Energy for upgrades that we clearly did not receive. First Energy owes Lakewood restitution *and* reliability.

To that end, on August 21st, the City of Lakewood filed a motion to intervene in the case currently before the PUCO in which First Energy is seeking to raise rates on consumers. The OCC estimates that the average customer would see an approximate \$5/month increase initially, escalating to a total increase of \$15/month by year three. These rates would be in effect from July 2027 through June 2030.

Lakewood residents have already paid enough for upgrades and service that we never received. First Energy customers who share this opinion can help the City push back by [submitting a comment on the rate case to PUCO](https://puco.ohio.gov/documents-and-rules/resources/file-a-comment) (<https://puco.ohio.gov/documents-and-rules/resources/file-a-comment>) referencing PUCO Case No. 26-0347-EL-AIR.

At our July 28th Committee of the Whole meeting the Law Department asked for more time to study potential litigation. Now that the City of Lakewood has filed to intervene in the rate case, I expect that Council will hold an Executive Session in the very near future Pursuant to Ohio Revised Code Section 121.22 (G).

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Kepple". The signature is fluid and cursive, with the first name "Sarah" and last name "Kepple" clearly distinguishable.

Sarah Kepple
President of Council, Member at Large



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Aug 10th, 2026

David Turner, Director Customers Account & Local Engineering
Sally Thomas, VP Distribution Engineering & Planning
Daniel Knupp, Manager Engineering Services
Jason Van Schoor, Manager Substations West
Charles Cicco, Local Engagement Specialist

First Energy Ohio
76 S Main Street
Akron, Ohio 44308

RE: Request for First Energy to Appear Before Committee of the Whole

Dear Mr. Turner, Ms. Thomas, Mr. Knupp, Mr. Van Schoor, and Mr. Cicco,

I am writing to formally request that you, or the appropriately knowledgeable representatives from First Energy appear before Lakewood City Council Committee of the Whole on September 28th at 6:00pm. The purpose of this hearing is to review First Energy's plans to improve infrastructure reliability and communication, specifically regarding the corrective action plans required by the Public Utilities Commission of Ohio (PUCO).

On July 3rd, 2025 the First Energy employees addressed in this letter, or predecessors, met with myself, Mayor George, State Representative Rader, Cleveland Councilmember Kazy and Lakewood City staff. At that meeting, we asked why the outages leading up to that date occurred, how First Energy planned to improve infrastructure to prevent future issues, and expressed our need for more effective communication.

Following ongoing outages and communication failures, Mayor George requested PUCO investigations in 2025 and 2026. Both investigations resulted in Notices of Probable Non-Compliance that concluded that most of the outages were caused by equipment or line failure, and both noted First Energy's failure to invest in infrastructure and maintain and implement a comprehensive communication plan.

Attached is a compiled list of the necessary corrective actions identified by PUCO. Please arrive prepared to provide status updates and completion dates for each item as well as any items identified by PUCO following First Energy's response to the 2026 notice. Additionally, be ready to address how this infrastructure decline occurred, how First Energy will improve communications with residents and public officials, and any related questions from City Council or the Administration.

Sincerely,

Sarah Kepple
President of Council, Member at Large

Corrective Actions Identified by PUCO

Summarized from the [2025 Probable Non-Compliance Notice](#), the [2026 Probable Non-Compliance Notice](#) and the [Letter to First Energy from PUCO dated October 1, 2025](#)

Items are marked as Infrastructure (I) or Communication(C)
Highlighted Items have a due date prior to the meeting date

From	I/C	Date Due	Item	Description
2025 Oct1 1a(1)	I	12/31/2026	Lakewood Substation Transformer 1	Complete the installation of the failed transformer at the Lakewood (Athens Avenue) substation
2025 Oct1 1a(2)	I	6/1/2027 <i>(No later than 2nd Qtr)</i>	Lakewood Substation Transformer 2	Complete the installation of the 2 nd transformer at the Lakewood substation <i>*Mobile substations should remain on site as backup until both transformers are installed and functioning as designed</i>
2025 Oct1 1b	I	12/31/2025	Lakewood Substation Investigation	Complete an investigation, in coordination with the transformer manufacturer and/or a third-party expert, to identify the underlying cause or causes of the premature failure of the two transformers installed at the Lakewood substation in 2007...& provide PUCO staff with a copy of a report of the results
2025 Oct1 1c(1)	I	12/31/2025	Pole Equipment Inspection	Complete a visual and/or thermal imaging inspection of pole equipment in the city of Lakewood to proactively identify equipment at risk of failure or in need of repair/replacement
2025 Oct1 1c(2)	I	12/31/2026	Pole Equipment Repairs/Replacements	Complete any repairs/ replacements identified by 2025 inspection
2025 Oct1 1d	I	12/31/2026	Smart Meter Deployment	Complete deployment of smart meters in the city of Lakewood through Grid Mod 2 rider
2025 Oct1 2	C	12/31/2026	Supplemental Outage Notifications	Continue to provide staff with non-reportable outage notices for Lakewood and the surrounding areas, but on a monthly basis
2025 Oct1 3a	C	12/31/2025	Update CEI's Outage notification and ETR systems	Complete planned updates... including, but not limited to restoration verification texts/emails, implementation of the multi-day work plan changes, ETA for ETR process for major events and district-level default ETR time frames.
2025 Oct1 3b	C/I	12/31/2026	Integrate Smart Meter Data	Provide Staff with a plan no later than the end of calendar year 2026 to integrate smart meter data uploads into the outage reporting and notification system to ensure that CEI receives notification of an outage via the smart meter even in the absence of a customer contact.
2026 2a	I	10/31/2026	Perform Analysis of Failed Distribution Infrastructure	Perform an analysis of all distribution infrastructure and equipment serving the city of Lakewood that failed and determine whether it was operating above or below its designed peak load
2026 2b	I	12/31/2026	Replace Equipment to Increase Capacity	To the extent any distribution infrastructure or equipment is identified that failed while operating above its designed peak load, replace the infrastructure or equipment to increase available capacity.

2026 2c	I/C	12/31/2026	Analyze and Report Equipment Failures Operating Below Capacity	<i>To the extent any distribution infrastructure or equipment is identified that failed while operating below its designed peak load, the company must perform an analysis and provide Staff with a report explaining the cause for the equipment failure.</i>
2026 3a	I	10/31/2026	Review all Distribution Infrastructure	<i>Perform a review of all distribution infrastructure and equipment serving the city of Lakewood to assign a potential useful life based on manufacturer specifications and/or known failure rates</i>
2026 3b	I/C	12/31/2026	Provide Scheduled Replacement Plan for Distribution I&E	<i>Following review of distribution infrastructure and equipment, provide staff with a scheduled replacement plan for all distribution infrastructure and equipment no later than December 31, 2026.</i>
2026 4a	I	9/4/2026	Perform Inspection of All Underground Lead Cables	<i>Perform an inspection of all underground lead cables serving the Lakewood, Lauderdale, Edgewater, and Clinton substations no later than September 4, 2026.</i>
2026 4b	I	12/31/2026	Repair Underground Lead Cables	<i>Complete any repairs needed (to underground lead cables) no later than December 31, 2026.</i>
2026 4b	I/C	None Given	Provide Plan to replace all underground lead cables serving substations in and around Lakewood	<i>To the extent not already included in the replacement plan provided to Staff in response to corrective actions 2 or 3 above, provide staff with a plan to replace all underground lead cables serving substations in and around the city of Lakewood, including, but not limited to the Lakewood, Lauderdale, Edgewater, Clinton, and Grovewood substations.</i>
2026 5	C	None Given	Notify PUCO of any additional outages	<i>Continue to notify the PUCO of any additional outages impacting the Lakewood area and include the outage causes, circuit number and if the circuit is part of an ongoing action plan to improve its performance.</i>
2026 6	C	None Given	Improve Communications	<i>Provide Staff with CEI's steps to improve communications to communities and customers who experience outages, especially as it relates to increasing an estimated restoration time</i>