

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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3	UNITED STATES OF AMERICA,	: CASE NO. 1:20-CR-0077
4		:
	Plaintiff,	: JURY TRIAL
5	vs.	:
		: 27th of February, 2023
6	LARRY HOUSEHOLDER, et al.	:
		:
7	Defendant.	:

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**EXCERPTED TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE**

- - -

APPEARANCES:

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5 Also present: Larry Householder
6 Matthew Borges
7 Blane Wetzell, FBI Special Agent
Kelly Terry, paralegal
PJ Jensen, trial tech

8 Law Clerk: Cristina V. Frankian, Esq.

9 Courtroom Deputy: Rebecca Santoro

10 Stenographer: Lisa Conley Yungblut, RDR, RMR, CRR, CRC
11 United States District Court
12 100 East Fifth Street
13 Cincinnati, Ohio 45202
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EXCERPTED TRANSCRIPT

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MR. OLESKI: Thank you, Judge. Larry Householder calls Bill Seitz.

THE COURT: If Mr. Seitz would be willing to approach and follow the woman with red hair. And, Mr. Seitz, if you'd stop where you are, pivot and raise your right hand for the oath to tell the truth.

(Witness took the stand and was sworn.)

THE COURT: You can take the witness stand, Mr. Seitz. I tell everybody the chair tips back in spirit of full disclosure.

THE WITNESS: Thank you.

THE COURT: Once you're settled and comfortable, we need your mouth close to the fancy federal microphone.

On behalf of Mr. Householder, you may inquire.

MR. OLESKI: Thank you, Judge.

Good afternoon, sir.

THE WITNESS: Good afternoon.

DIRECT EXAMINATION

BY MR. OLESKI:

Q Would you please state and spell your name for the record?

A Yes. It's William Seitz, S-E-I-T-Z.

Q Are you are appearing here pursuant to a subpoena?

1 **A** I am.

2 **Q** Who issued that subpoena?

3 **A** Your side, you did, Mr. Bradley maybe.

4 **Q** Could you briefly explain your educational background?

5 **A** Thank you. Yes, I graduated from Western Hills High
6 School here in Cincinnati in 1972. I then obtained my
7 undergraduate degree at the University of Cincinnati
8 graduating summa cum laude with honors in history. I then
9 obtained my law degree at the University of Cincinnati, Law
10 School, where I finished first in my class and was on the
11 law review, and then I went on to my work experience.

12 **Q** And where do you currently work, sir?

13 **A** Currently, I am at Dinsmore & Shohl, a law firm here
14 in town, as partner of counsel.

15 **Q** And where do you currently live?

16 **A** I currently live in Green Township where I've lived
17 almost all of my life.

18 **Q** Have you ever held elected office, sir?

19 **A** Yes, I have.

20 **Q** What elected offices have you held?

21 **A** Well, my other career beyond being a lawyer started in
22 1989 when I was elected to one term on the Cincinnati Public
23 School Board. Thereafter, I was elected twice to Green
24 Township Trustee. In 2000, when the term limits kicked in
25 and our current State Representative could no longer run, I

1 ran for State House of Representatives. I was elected in
2 2000, 2002, 2004, 2006. In October 2007, I was appointed to
3 the Ohio Senate. I then ran for the Ohio Senate and won in
4 2008 and 2012. After that four-year term ended in 2016, I
5 ran for the Ohio House again and was elected to the Ohio
6 House in 2016, 2018, 2020, and 2022. So I am now serving my
7 final two-year term in the House.

8 **Q** During your time in the House of Representatives, did
9 you hold any leadership positions?

10 **A** Yes. Yes, sir, I did. Yes, I was, for relevance of
11 this proceeding, chair of both the Senate and House Public
12 Utilities Committees and I also have served in House
13 majority leadership under six different speakers of the Ohio
14 House, Speaker Husted, who's now our lieutenant governor,
15 Speaker Rosenberger, Speaker Smith, Speaker Householder,
16 Speaker Cupp, and now Speaker Stevens.

17 **Q** You indicated that you served on the Public Utilities
18 Committee in the Ohio House of Representatives?

19 **A** Yes.

20 **Q** What does that committee do?

21 **A** Well, that committee is charged with helping to
22 develop the policy that governs our utilities in Ohio, both
23 electric and gas, and telephone, to the extent they're still
24 regulated at all.

25 **Q** When you were -- when did you first serve on that

1 committee?

2 **A** Well, I actually testified on the Public Utilities
3 Committee in my very first session, 2001 to '2, and I served
4 on then, but then I really became much more involved in
5 public utility law from and after 2008 when I was in the
6 Senate. So my expertise in the issues developed from 2008
7 through today.

8 **Q** And in 2000, when you were first appointed to that
9 committee, who appointed you to that committee?

10 **A** That would have been Speaker Householder because he
11 was our Speaker from 2001 to 2004.

12 **Q** And as a result of your experience working on the
13 Public Utilities Committee in the early 2000s, did you come
14 to have an understanding of what Mr. Householder's views on
15 energy policy were?

16 **A** Sure, I had --

17 MS. GLATFELTER: Objection, Your Honor.

18 MR. OLESKI: I'm asking for his understanding.

19 THE COURT: The objection is overruled.

20 **Q** And what was that understanding, sir?

21 **A** Well, it was always my understanding that an essential
22 tenet of Mr. Householder's belief was for energy
23 independence both in the United States and the State of
24 Ohio, that goes back to his very first address to the Ohio
25 House when he was first sworn in as Speaker in 2001.

1 Q And was --

2 THE COURT: Excuse me, is there an objection?

3 MS. GLATFELTER: Yes, I do. I'd like to be heard
4 at sidebar, please.

5 THE COURT: Very well.

6 **SIDEBAR CONFERENCE.**

7 MS. GLATFELTER: Thank you, Your Honor. I'm trying
8 not to be disruptive here. Whether it's phrased as belief
9 or hearsay, it's still hearsay. His hearsay, his belief, is
10 formed on understanding of discussions with Householder
11 about what his views are. This is all hearsay. And also he
12 has not been noticed as an expert, so I will object to the
13 extent that he is going to talk about his experience in
14 public utilities law and talking about the merits of
15 deregulation, regulation, all of this kind of stuff.

16 MR. OLESKI: So I'll address that last part first.
17 I do not intend to try to qualify Mr. Seitz as an expert or
18 to ask him any opinion questions about the public utilities
19 laws in general. I'm simply trying to get some background
20 for the jury. But I do think it's permissible to ask him
21 questions about what his understanding is and whether -- I'm
22 not asking him how he formed that understanding, and I don't
23 think that his understanding -- the only way that he could
24 have come to an understanding of what Mr. Householder's
25 beliefs are would be through hearsay. So I think that the

1 objection should be overruled, and, frankly, I'm moving on
2 to a different subject.

3 THE COURT: I think it's back-dooring hearsay, and
4 I don't want you doing it again.

5 MR. OLESKI: Okay.

6 **SIDEBAR CONCLUDED.**

7 THE COURT: Once the court reporter is resituated,
8 you may proceed.

9 **Q** Was Mr. Householder term limited out in 2004?

10 **A** Yes, he was.

11 **Q** In -- I want to fast-forward now to 2016. You
12 indicated that you ran in 2016 for the Ohio House of
13 Representatives?

14 **A** Yes, I did.

15 **Q** And were you successful?

16 **A** Yes, I was.

17 **Q** And at that time, was Mr. Householder also running?

18 **A** Yes.

19 MR. OLESKI: Judge, permission to publish what's
20 been admitted as Government Exhibit 212?

21 THE COURT: Yes.

22 MR. OLESKI: And, PJ, if you could cull out that
23 November 10th, 2016, e-mail.

24 **Q** Mr. Seitz, do you see that document on your screen?

25 **A** Yes, I do.

1 Q And what's the date of that e-mail?

2 A November 10th, 2016.

3 Q And could you just read the content of that e-mail?

4 A Sure. Tony, I discussed a game plan for utility
5 relief yesterday with Bill Seitz. We are more than ready to
6 sit down and craft something with utilities that will make
7 sense, L.

8 MR. OLESKI: You can take that down, PJ.

9 Q After the general elections in November of 2016, was
10 there a retreat held by the Republican Caucus?

11 A Yes, yes. There's always a retreat held typically in
12 January of the new session.

13 Q And where was that held?

14 A Well, the retreat in '17 would have been in, north of
15 Columbus at Lewis Center at the Nationwide Center, I think.

16 Q And after that, after that retreat, did you have
17 meetings with leadership in Florida?

18 A Yes. We had an annual fundraiser in the Bonita
19 Springs area of Florida and I was there for that and that
20 was in February of 2017, as memory serves.

21 MR. OLESKI: Judge, may I show the witness
22 Householder Exhibit 481, which has not been admitted?

23 THE COURT: Yes. Show it to the witness and the
24 lawyers.

25 MR. OLESKI: Judge, pursuant to our stipulation, I

1 would move to admit this document.

2 THE COURT: Any objection?

3 MS. GLATFELTER: No, Your Honor.

4 MR. SCHNEIDER: No.

5 THE COURT: It's admitted.

6 MR. OLESKI: May I publish?

7 THE COURT: Yes.

8 MR. OLESKI: Thank you. And, PJ, if you could just
9 cull out that 4:00 p.m. entry.

10 **Q** Do you see that document on your screen, sir?

11 **A** I do.

12 **Q** And while you were in Florida for a fundraiser, did
13 you have meetings with FirstEnergy executives?

14 **A** I did. And we had an afternoon meeting and this shows
15 that it was at Ruth Chris Steak House with some of the folks
16 from FirstEnergy; Speaker Rosenberger, Speaker pro tempore
17 Shuring and myself. And this says Finance Chair Ryan Smith.
18 I don't recall whether Ryan was there or not, but I know the
19 other three of us were. And Mr. Jones was there and
20 Mr. Dowling was there. I'm not sure I know who JDB is, and
21 TRP would be Ty Pine.

22 **Q** Was Mr. Pine at that meeting?

23 **A** I don't specifically recall that Pine was there. I
24 know Jones and Dowling were there.

25 **Q** And Mr. Jones is the CEO of FirstEnergy?

1 **A** Yes, he was at the time.

2 **Q** And Mr. Dowling was also an executive of FirstEnergy?

3 **A** Yes, he was.

4 **Q** And during the course of this meeting, what did you
5 discuss?

6 **A** They --

7 MS. GLATFELTER: Objection, Your Honor, hearsay.

8 THE COURT: Sustained as to form.

9 **Q** Is it unusual for members of House leadership to meet
10 with executives?

11 MS. GLATFELTER: Objection, Your Honor, as to usual
12 and customary.

13 THE COURT: Sustained pursuant to pretrial orders.

14 **Q** And during the 2017 term of the General Assembly, were
15 you involved in a piece of legislation known as ZEN?

16 **A** Yes.

17 **Q** And what is ZEN?

18 **A** ZEN stood for Zero Emission Nuclear. It was a program
19 and a bill that was going to provide production credits to
20 the owners and operators of the two nuclear power plants
21 that were situated in Ohio. It was being modeled at the
22 time after similar legislation that was being pursued in
23 Illinois, New York, New Jersey, and I believe Pennsylvania
24 had some on the docket as well, but it never passed in
25 Pennsylvania.

1 **Q** And were there other components of the ZEN legislation
2 other than the subsidy?

3 **A** Of that particular bill, not that I recall.

4 **Q** And what about, were there other pieces of legislation
5 that --

6 **A** There were. I was chairman of the Public Utilities
7 Committee at the time, and there were -- I called it the
8 boxcar theory.

9 **Q** And what's the boxcar theory?

10 **A** The boxcar theory was, we're going to take these bills
11 one at a time because I had found in my experience in the
12 Senate that when you tried to put too much in a utility
13 bill, you couldn't get it passed because there would be too
14 many disagreements. So the first boxcar was to cap or
15 eliminate various costly mandates that had been on
16 customers' bills since 2008.

17 **Q** And in simple terms, what are the mandates?

18 **A** The mandates were an energy efficiency mandate that
19 was requiring the utilities to reduce electric usage by
20 billing customers for energy efficiency programs that the
21 customers had no ability to opt out of, so that was one set
22 of mandates. The other set of mandates was a mandate that
23 the utility companies purchase increasing, ever increasing
24 amounts of their electric fuel from renewable sources such
25 as wind and solar, which were, by the way, more expensive

1 than alternate fuels that they could have made electricity
2 with. So there was the renewable mandate and the EE mandate
3 and my phrase for the both of them was the march up mandate
4 mountain because it was becoming expensive for consumers
5 both commercial, industrial and residential and that's why
6 we had a bill that was going to cap or eliminate those
7 mandates.

8 **Q** And what was the second boxcar?

9 **A** The second boxcar was the OVEC boxcar.

10 **Q** What is OVEC?

11 **A** OVEC is the Ohio Valley Electric Cooperative, that is
12 a consortium of about 15 to 16 different utility companies
13 from different states.

14 THE COURT: Is there an objection?

15 MS. GLATFELTER: Relevance.

16 THE COURT: Sustained.

17 THE WITNESS: Okay. Well, that was the second box.

18 THE COURT: Excuse me, the objection is sustained.

19 **Q** What was the third box?

20 THE COURT: Counsel, I want you to abide by the
21 spirit of my order before this witness came on. You've used
22 up your leeway.

23 MR. OLESKI: Understood, Judge.

24 **Q** Ultimately, did these pieces of legislation go
25 anywhere?

1 **A** The mandate bill I gave to my friend, Representative
2 Blessing, it passed the House. It did not pass the Senate,
3 was not signed by the governor. The OVEC bill did not pass
4 and the ZEN bill did not pass either in 2017.

5 **Q** Was House leadership supportive of these pieces of
6 legislative at the time?

7 **A** Well, they were certainly supportive of the mandates
8 bill because it passed the House. I think they were
9 supportive of the OVEC bill. The ZEN bill created a
10 division of responsibility within the House leadership
11 because it was clear that the governor was not supportive,
12 at the time Governor Kasich, and that's one reason that that
13 bill did not move forward during that term of the General
14 Assembly.

15 **Q** During the 2017 to 2018 time period, were you aware of
16 a race to be elected Speaker to the Ohio House of
17 Representatives?

18 **A** Yes, I was.

19 **Q** And who was that race between?

20 **A** Well, it was between Ryan Smith, who had been elected
21 Speaker after Speaker Rosenberger resigned in April of 2018,
22 and Larry Householder, who had come back in 2017, was newly
23 inducted into the House, and the two of them were vying for
24 who would be Speaker in the period 2019 and forward.

25 **Q** And who did you support?

1 **A** I was a part of Ryan Smith's leadership team. I
2 supported Ryan Smith. I voted for Ryan Smith.

3 **Q** And after the General Elections in November of 2018,
4 was that race to be Speaker still ongoing?

5 **A** It was indeed. The warring camps were still at odds,
6 and, yes, it was very much a hot item.

7 **Q** Did you do anything to try to bring those warring
8 camps together?

9 **A** I did.

10 **Q** What did you do?

11 **A** My good friend, Representative James Butler from
12 Dayton, he was a big supporter of Larry Householder, and I
13 was supporting Ryan Smith. And the two of us kept trying to
14 find a way to get Larry Householder and Ryan Smith to meet
15 and confer and mediate their differences going so far as to
16 say, listen, we'll put Larry in one room and we'll put Ryan
17 in the other room and we'll play shuttle diplomacy, but Mr.
18 Smith was not interested in any such meeting.

19 **Q** Ultimately, there was a vote to be Speaker?

20 **A** Ultimately, yes, there was a vote to be Speaker, yes,
21 sir, that's true and Mr. Householder was elected, yes.

22 **Q** Who selects the leaders of the House?

23 **A** Well, typically, what happens is, once a Speaker is
24 selected, the Speaker will nominate a slate of people to
25 serve on his leadership team, and most times, almost always,

1 the full House has to vote on that slate and most times,
2 they go along with whomever the Speaker determines to be his
3 slate. It's kind of like football, you've got a head coach
4 and then the head coach gets to pick the assistant coaches.

5 **Q** And how many leadership positions are there in the
6 Ohio House?

7 **A** Well, there are six if you count the Speaker and there
8 are seven if you add in the finance committee chairman
9 because sometimes the finance committee chairman sits in on
10 leadership meetings.

11 **Q** Did Mr. Householder appoint anybody who voted for Ryan
12 Smith to a leadership position?

13 **A** Yes, he appointed me. Retained me as majority leader
14 and he also appointed Representative Lanese who had been an
15 ardent supporter of Ryan Smith as well.

16 **Q** After January of 2019, did the Republican Caucus hold
17 a retreat?

18 **A** Yes, we did again hold another one of those retreats
19 up there at the Nationwide Center, Lewis Center, Ohio.

20 **Q** And what's the purpose of these retreats?

21 **A** The purpose of the retreats is No. 1, socialization
22 with the incoming members of the caucus. No. 2, typically
23 the statewide elected officials will come and say hello.
24 No. 3, they'll bring in somebody to talk about the ethics
25 law. No. 4, they'll bring in somebody to talk about the

1 open records and open meetings laws. And then, No. 5, they
2 divide into groups and sort of spitball whiteboard ideas for
3 legislation that members would like to pursue during the
4 incoming two-year period of the General Assembly.

5 **Q** And would these be priority pieces of legislation?

6 **A** Well, from that whole long list of whiteboards, which,
7 by the way, I never found to be too revealing, because
8 people would say, I want to do something about education,
9 I'd say, yeah, okay, like what, right, so -- but
10 nonetheless, from all of those whiteboards, the Speaker
11 would then go back to his senior staff and determine which
12 particular pieces of legislation would be the priority
13 pieces of legislation.

14 **Q** And was one of the priority pieces of legislation
15 energy legislation?

16 **A** Yeah, yes.

17 **Q** Did you ever meet with Mr. Householder about this
18 energy legislation?

19 **A** Yes, I did. That would have been after the retreat,
20 after the leadership slate was inducted. My best guess is
21 probably late February or March of 2019.

22 **Q** And ultimately, was House Bill 6 introduced?

23 **A** Yes.

24 **Q** And as introduced, could you briefly explain your
25 understanding of what that piece of legislation did?

1 **A** Yes. That legislation was principally composed of two
2 main points. First --

3 **Q** What's the first point?

4 **A** The elimination or capping of the various mandates
5 that I previously talked about, energy efficiency and
6 renewables. Second, the proposal was to set up a clean air
7 fund. The amount of money put into that fund would be
8 sufficient to generate production credits for each kilowatt
9 of electricity generated by the two nuclear power plants
10 then existing in Ohio and additional money, significant
11 amount of money, to provide similar credits for any new or
12 existing renewable resources like wind and solar farms and
13 that was the gist of what that bill was aiming to
14 accomplish.

15 **Q** And after House Bill 6 was introduced, were there
16 committee hearings?

17 **A** Yes. I was not on the committee to which that bill
18 was assigned, nor was I a sponsor of the bill. Two other
19 people sponsored the bill, but yes, there were committee
20 hearings and because of my prior role as chairman of the
21 House Public Utilities Committee and chairman of the Senate
22 Public Utilities Committee, many folks came to me and
23 bounced off ideas for improvement, amendment, modification,
24 to the bill.

25 **Q** And to take these in order, who are the sponsors of

1 House Bill 6?

2 **A** The two sponsors were Representative Callender and
3 Representative Wilkin.

4 **Q** And is one of the nuclear power plants in
5 Representative Callender's district?

6 **A** Yes.

7 **Q** And these committee hearings, what happens at a
8 committee hearing?

9 **A** Well, at a committee hearing, proponents, opponents,
10 interested parties, come in and testify about the merits or
11 perceived demerits of the legislation.

12 **Q** And are these hearings recorded?

13 **A** They are video, you can watch them on public TV if
14 anybody is really an insomniac, yeah.

15 **Q** And were there a number of hearings?

16 **A** Yes.

17 **Q** As a result of those hearings and meetings and
18 meetings with other legislators and interested parties, were
19 there amendments to House Bill 6?

20 **A** Yes.

21 **Q** Were you involved in any of those amendments?

22 **A** Yes.

23 **Q** What amendments were you involved in?

24 **A** There were three that I was principally involved in.

25 **Q** What are those three?

1 **A** The first one was we needed to beef up the amount --

2 THE COURT: I'm going to interject myself and
3 indicate that I've already ruled on the depth of the
4 testimony here. Move along.

5 MR. OLESKI: Fair enough.

6 **Q** When Mr. Householder became Speaker, were you named to
7 a leadership position?

8 **A** Yes, I was retained as majority leader.

9 **Q** And Mr. Householder made Ms. Lanese -- named her to a
10 leadership position?

11 **A** Yes.

12 **Q** Did Dave Greenspan vote for Ryan Smith to be Speaker?

13 **A** Yes.

14 **Q** Are you aware that Ms. Lanese and Mr. Greenspan
15 testified in this case?

16 **A** I have read that in the newspaper, yes.

17 **Q** And they testified that they each had a position
18 and -- strike that.

19 And do you remember that they voted -- that they each
20 voted no on House Bill 6?

21 **A** That's correct.

22 **Q** What did you vote on House Bill 6?

23 **A** I voted yes.

24 **Q** Why?

25 **A** There are six reasons: It preserved the jobs of those

1 two plants, the tax base upon which the local communities
2 depended. It was going to provide carbon-free electricity
3 for the remaining useful life of the plants. Those plants
4 provided 85 percent of the carbon-free electricity produced
5 in Ohio, even though they were only 15 percent of the
6 generated capacity. No. 4, it was going to keep generating
7 the assets in Ohio, which we thought was important, because
8 even now Ohio imports about 30 percent of its electricity
9 from other states.

10 And then the two most important reasons for me were the
11 need to preserve diverse electric fuel supplies. Our mother
12 always taught us, don't put all your eggs in one basket.
13 And so by preserving some coal and some nuclear, spurring
14 utility scale solar development, which the bill did, and
15 also encouraging the continued deployment of natural gas,
16 which we had in copious supply, we were preserving a diverse
17 fuel source with which to make electricity. It proved to be
18 a very important thing that we did because gas was very
19 cheap at the time, but some of us were visionary enough to
20 see that it was --

21 THE COURT: I'm going to interrupt and indicate the
22 question has been asked and answered.

23 THE WITNESS: Well, the --

24 THE COURT: You're done. Question, next.

25 MR. OLESKI: A moment to confer, Judge?

1 THE COURT: Yes.

2 MR. OLESKI: Judge, I believe that Mr. Seitz had
3 one more reason he was going to state. I just ask
4 permission for him to state that last reason.

5 THE COURT: Yes, you can state the sixth reason.

6 THE WITNESS: Thank you, Your Honor. The last
7 reason was the most important one, the Legislative Service
8 Commission, whom we charge with the coming up with a fiscal
9 impact of every bill we pass -- they're an independent
10 nonpartisan organization -- calculated that the bill over
11 its useful life would save the rate payors of Ohio
12 \$2.3 billion. So the net effect of the bill and all its
13 parts was to save rate payors over \$2 billion over its
14 useful life.

15 MR. OLESKI: Moment to confer?

16 THE COURT: Yes.

17 **Q** Sir, while House Bill 6 was pending in the House of
18 Representatives, did you participate in whip sessions with
19 Mr. Householder?

20 **A** Yes.

21 **Q** And what's a whip session?

22 **A** Well, we would bring in small groups of people that we
23 hoped to persuade them to vote for House Bill 6 and hear
24 their reasons why they might not want to.

25 **Q** And at any of those meetings that you attended with

1 Mr. Householder, did you observe him threaten any
2 legislator?

3 **A** No.

4 **Q** Did you view him trying to coerce any legislator?

5 **A** No.

6 MR. OLESKI: I don't have anything further, Judge.

7 THE COURT: Very well. The government wish to
8 cross-examine?

9 MS. GLATFELTER: Yes. I wasn't sure if I was
10 before or after.

11 THE COURT: Mr. Borges wish to cross-examine, his
12 counsel?

13 MR. SCHNEIDER: No questions for this witness, Your
14 Honor.

15 THE COURT: Thank you.

16 MS. GLATFELTER: Thank you, Your Honor.

17 THE COURT: You're welcome.

18 MS. GLATFELTER: Good afternoon, Mr. Seitz.

19 THE WITNESS: Good afternoon.

20 **CROSS-EXAMINATION**

21 **BY MS. GLATFELTER:**

22 **Q** So as I understand it, you have been in the General
23 Assembly for about 23 years?

24 **A** Yes, ma'am.

25 **Q** And the ZEN legislation that you were talking about

1 before from 2017 or the 2017 session, that ultimately didn't
2 pass, right?

3 **A** That is correct.

4 **Q** Okay. And are you aware that FirstEnergy executives
5 told Mr. Householder that he needed to pull back and not
6 push ZEN legislation, they wanted you to take the lead
7 because it angered the current Speaker?

8 **A** I'm not aware of that, no, ma'am.

9 **Q** Do you recall -- and you said you were the chair of
10 the public utilities under Speaker Smith?

11 **A** Under Speaker Rosenberger.

12 **Q** Speaker Rosenberger, my apologies. And do you recall
13 Mr. Householder attending the committee meetings for the ZEN
14 legislation even though he was not on the committee?

15 **A** I do not specifically recall that, no.

16 MS. GLATFELTER: Okay. Your Honor, permission to
17 show the witness what has been marked as Government
18 Exhibit 540? And I have copies here for defense counsel.

19 THE COURT: Yes.

20 **Q** Mr. Seitz, do you recognize this as a text message
21 that you provided in response to a subpoena to the House of
22 Representatives?

23 **A** Yes, I do.

24 **Q** Great.

25 MS. GLATFELTER: Your Honor, permission to -- or

1 move to admit Government Exhibit 540 and publish?

2 THE COURT: Any objection?

3 MR. OLESKI: No.

4 MR. SCHNEIDER: No.

5 THE COURT: It's admitted. You may publish.

6 **Q** All right. Mr. Seitz, this is the text message that
7 you were referring to?

8 **A** Yes.

9 **Q** Okay. And if you can go ahead and tell us who this
10 text message involves, what communication?

11 **A** Yes, ma'am. That would be between me and Speaker
12 Householder.

13 **Q** Okay. And you see the date on that, July 25th?

14 **A** Yes, I do.

15 **Q** That's two days after the concurrence vote for House
16 Bill 6?

17 **A** I believe you're right.

18 **Q** Okay. And if you can go ahead and read what you wrote
19 to Mr. Householder?

20 **A** Sure. I said: What does it tell you that southwest
21 Ohio's delegation of GOP only had only one no vote on 6?
22 Representative Keller: The highest percentage of any region
23 of the state and the farthest from FirstEnergy territory
24 with 11 yes votes.

25 And he wrote back and said: They are smart.

1 And then I wrote back and said: Thanks. It tells me
2 we understand the team concept better than a lot of others
3 do.

4 **Q** Okay. And so your message there describes voting for
5 House Bill 6, right?

6 **A** Yes, ma'am.

7 **Q** And voting for House Bill 6 because you understand the
8 team concept?

9 **A** Yes. Our representatives from southwest Ohio did and
10 were convinced of its merits and happy to back this
11 important legislation.

12 **Q** So that's not what you wrote. You wrote that "they
13 understand the team concept," right?

14 **A** We were a team trying to pursue legislation to save
15 rate payors a couple billion dollars, a good team to be on.

16 **Q** All right. Now, I wanted to ask you a few questions,
17 a few questions about bank accounts and your presence at
18 certain meetings.

19 So you were not present for a meeting in October of
20 2018 at the State Street office with Mr. Householder and
21 representatives from FirstEnergy Solution where they
22 presented him a check for \$400,000, right?

23 **A** No, ma'am, I was not.

24 **Q** Okay. And you weren't present for a meeting in
25 Mr. Jones' office at the FirstEnergy headquarters with Larry

1 Householder and Jeff Longstreth in October of 20 --
2 October 23rd, 2018, right?

3 **A** No, I was not.

4 **Q** Okay. And you weren't present at the meetings during
5 the inauguration or the dinners at the inauguration between
6 FirstEnergy executives and Mr. Householder and Jeff
7 Longstreth?

8 **A** No, I was not.

9 **Q** Okay. And were you on a call between Chuck Jones and
10 Larry Householder in 2020 where he asked for money to
11 support his term limits initiative?

12 **A** No, I was not.

13 **Q** Okay. And do you have access to the Generation Now
14 bank account?

15 **A** No, not even close.

16 **Q** Okay. And do you have access to the JPL & Associates
17 bank account?

18 **A** No, ma'am.

19 **Q** What about the Ohioans For Energy Security bank
20 account?

21 **A** No, ma'am.

22 **Q** Okay. And you don't have access to the Growth and
23 Opportunity PAC bank account?

24 **A** No.

25 **Q** All right.

1 MS. GLATFELTER: Just one moment, Your Honor.

2 THE COURT: Very well.

3 MS. GLATFELTER: All right. Those are all of the
4 questions I have. Thank you very much.

5 THE WITNESS: Thank you.

6 THE COURT: Very well. Redirect?

7 MR. OLESKI: Just briefly, Judge.

8 Good afternoon.

9 THE WITNESS: Hello again.

10 **REDIRECT EXAMINATION**

11 **BY MR. OLESKI:**

12 **Q** You were asked some questions on cross-examination
13 about FirstEnergy support of the ZEN legislation; do you
14 recall those questions?

15 **A** Yes.

16 **Q** And was that why you were meeting with FirstEnergy
17 executives in Bonita Springs, Florida in February of 2017?

18 **A** Well, they had asked for the meeting, so I accompanied
19 the Speaker and the Speaker pro tem to the meeting they had
20 requested, yes.

21 MR. OLESKI: One moment to confer, Judge?

22 THE COURT: Yes.

23 MR. OLESKI: I don't have anything further for you,
24 sir. Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: Anything further for this witness from
2 Mr. Borges?

3 MR. SCHNEIDER: (Shaking head.)

4 THE COURT: No. Anything from the government?

5 MS. GLATFELTER: No, Your Honor.

6 THE COURT: Thank you, Mr. Seitz. You're free to
7 go.

8 THE WITNESS: Thank you.

9 (Witness left the stand.)

10 **EXCERPT CONCLUDED**

11 * * *

12 **C E R T I F I C A T E**

13 *I certify that the foregoing is a correct excerpted*
14 *transcript of the record of proceedings in the*
above-entitled matter prepared from my stenotype notes.

15 */s/ Lisa Conley Yungblut* *03/06/2023*
16 LISA CONLEY YUNGBLUT, RMR, CRR, CRC DATE

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