

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
The Dayton Power and Light Company for)	Case No. 12-426-EL-SSO
Approval of Its Electric Security Plan)	
 In the Matter of the Application of)	
The Dayton Power and Light Company for)	Case No. 12-427-EL-ATA
Approval of Revised Tariffs)	
 In the Matter of the Application of)	
The Dayton Power and Light Company for)	Case No. 12-428-EL-AAM
Approval of Certain Accounting Authority)	
 In the Matter of the Application of)	
The Dayton Power and Light Company for)	Case No. 12-429-EL-WVR
the Waiver of Certain Commission Rules)	
 In the Matter of the Application of)	
The Dayton Power and Light Company)	Case No. 12-672-EL-RDR
to Establish Tariff Riders)	

**REPLY OF INDUSTRIAL ENERGY USERS-OHIO TO
THE DAYTON POWER AND LIGHT COMPANY'S MEMORANDUM IN OPPOSITION
TO IEU-OHIO'S MOTION TO COMPEL AND NOTIFICATION OF WITHDRAWAL OF
ADDITIONAL DISCOVERY REQUESTS FROM THE MOTION TO COMPEL**

Samuel C. Randazzo (Counsel of Record)
Frank P. Darr
Matthew R. Pritchard
Joseph E. Olikier
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
joliker@mwncmh.com

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Attorneys for Industrial Energy Users-Ohio

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**I. WITHDRAWAL OF ADDITIONAL DISCOVERY REQUESTS FROM THE
MOTION TO COMPEL**

Subsequent to the motion to compel filed by Industrial Energy Users-Ohio (“IEU-Ohio”) on December 18, 2012, The Dayton Power and Light Company (“DP&L”) supplemented its discovery responses to First Set of Interrogatories, Requests for Production of Documents and Requests for Admission (“IEU-Ohio’s First Set”) and Second Set of Interrogatories and Requests for Production of Documents (“IEU-Ohio’s Second Set”) of discovery requests. On Friday, December 28, 2012, DP&L also served

discovery responses to IEU-Ohio's Fifth Set of Interrogatories and Requests for Production of Documents ("IEU-Ohio's Fifth Set") of discovery. The discovery responses IEU-Ohio has received since filing its motion to compel address IEU-Ohio concerns with the following discovery requests: ESP INT 1-27, ESP INT 1-29, ESP INT 1-34, ESP INT 1-35, ESP INT 1-41, ESP INT 2-4(D), and ESP INT 2-5(D). Accordingly, IEU-Ohio withdraws the portion of its motion to compel related to these requests. However, because DP&L's responses to date do not address all outstanding issues with the motion to compel, IEU-Ohio's Reply to DP&L's Memorandum in Opposition to IEU-Ohio's Motion to Compel follows.

II. INTRODUCTION

Since withdrawing its application to establish a new standard service offer ("SSO") in the form of a market rate offer ("MRO") and filing its application ("Application") to establish a new SSO in the form of an electric security plan ("ESP"), DP&L has engaged in a pattern of delay that is fundamentally denying IEU-Ohio's discovery rights.

Shortly after DP&L filed its Application, IEU-Ohio along with numerous other intervenors filed a motion seeking an order from the Public Utilities Commission of Ohio ("Commission") to direct DP&L to file additional information. It was apparent then that DP&L had not supplied the Commission, Staff, or intervenors with the information necessary to conduct a thorough review of DP&L's Application. DP&L opposed that motion, claiming that "all of the information that Joint Movants seek ... could have been

sought in discovery”¹ However, it has become apparent that DP&L’s statement was an empty promise.

It was also in DP&L’s Opposition to the Standard Filing Requirements where DP&L first began its acknowledgement that the information it had provided was incomplete and began asserting that the necessary information would be forthcoming through “supplements.” At page 2 of that pleading, DP&L stated that “DP&L intends to make a supplemental filing that will include illustrative financial projections of DP&L’s switching tracker.” At page 3, DP&L stated that it “was unable, due to time constraints associated with the filing of its ESP Application, to provide pro forma financial projections regarding revenue requirements associated with the Yankee Solar Project ... DP&L will soon file a supplement to its Application that will include the capital costs for the Yankee Facility.” At page 4, DP&L stated that the intervenors could have sought information related to the switching tracker “in discovery” and again stated that it “will soon make a supplemental filing” to provide more information. At page 6, DP&L concluded that if its Application were deemed “deficient in some respect, then the deficiency can be addressed in discovery or in a supplemental filing by the Applicant.”

Since DP&L filed its Application, DP&L has rejected IEU-Ohio’s and other intervenors’ attempts to obtain the information necessary to properly review DP&L’s Application. DP&L objected to providing the information as part of its Application, and then indicated it would either file supplements to its Application or provide the information in discovery. However, when parties such as IEU-Ohio sought the

¹ The Dayton Power and Light Company’s Memorandum in Opposition to Joint Movants’ Motion Seeking an Order Directing The Dayton Power and Light Company to Comply with the Standard Filing Requirements for an Electric Security Plan and Memorandum in Support and Memorandum Contra The Dayton Power and Light Company’s Request for Waivers at 1 (original filing withdrawn and refiled on Nov. 7, 2012) (hereinafter “DP&L’s Opposition to the Standard Filing Requirements”).

information through discovery, DP&L objected and drug its feet on providing timely responses (in those instances where it actually provided substantive responses).

DP&L's memorandum opposing IEU-Ohio's motion to compel admits that it did not adhere to the Commission's discovery timeframe.² Instead, and again, DP&L has hid behind a claim that its promise to provide supplemental responses containing the substantive information should be sufficient. In DP&L's Opposition to the Standard Filing Requirements, DP&L argued that IEU-Ohio and other intervenors could "not identify any prejudice that they would suffer from a short delay in the filing of any additional information."³ Months have now passed, and the substantive information in DP&L's sole possession is still trickling in. DP&L has frustrated IEU-Ohio's attempts to obtain the information necessary to review DP&L's claims and to prepare its own case. Without immediate Commission intervention, it is apparent that DP&L will continue its baseless objections and will continue to violate the Commission's discovery timeframe. Unless the Commission intervenes, IEU-Ohio will be denied its right to discovery, which will impair IEU-Ohio's ability to prepare its own case and meaningfully participate in this proceeding. In light of DP&L's repeated delays in providing what should have been provided along with its Application, the Commission should seriously considering vacating the procedural schedule in this matter to allow parties a meaningful timeframe to obtain and review the information that DP&L repeatedly has assured parties would be provided.

² The Dayton Power and Light Company's Memorandum in Opposition to IEU-Ohio's Motion to Compel at 3 (Dec. 27, 2012).

³ DP&L's Opposition to the Standard Filing Requirements at 6.

III. **ALTHOUGH MULTIPLE WEEKS LATE, DP&L HAS FINALLY PROVIDED IEU-OHIO SOME OF THE INFORMATION REQUESTED IN IEU-OHIO'S MOTION TO COMPEL**

DP&L's main opposition to IEU-Ohio's motion to compel was that much of the information IEU-Ohio sought was eventually provided (subsequent to IEU-Ohio filing the motion). While it is true that DP&L provided supplemental responses to IEU-Ohio's First and Second Sets the day IEU-Ohio filed its motion to compel (and provided further supplements on December 27, 2012), the fact that DP&L had to supplement its own responses many weeks after the responses were due highlights why IEU-Ohio needed to file its motion. In fact, in addition to DP&L's initial response to IEU-Ohio's First Set, DP&L has provided **three** sets of supplemental responses to IEU-Ohio's First Set over a month and a half timeframe.

IEU-Ohio has repeatedly attempted to obtain information from DP&L and DP&L's response at each juncture was to claim it would provide supplements. In DP&L's Opposition to the Standard Filing Requirements, DP&L said it would provide supplemental filings and parties could also obtain the information in discovery. Although IEU-Ohio sought this information in discovery, on November 8, 2012, DP&L objected and did not provide the substantive information in its initial discovery responses. IEU-Ohio followed up with DP&L regarding its initial substantive responses to IEU-Ohio's First Set on November 9, 2012 prompting DP&L's November 16, 2012 supplemental responses. On November 27, 2012, November 29, 2012, December 6, 2012, December 14, 2012, and again on December 17, 2012, IEU-Ohio contacted counsel for DP&L in attempts to obtain the information sought in IEU-Ohio's First Set. As early as November 9, 2012, IEU-Ohio indicated a motion to compel would be forthcoming if DP&L did not provide substantive responses.

DP&L's claim that IEU-Ohio's motion to compel should be denied because IEU-Ohio knew the information would be forthcoming is not correct. DP&L repeated this assertion since October; however, when IEU-Ohio sought the information, DP&L objected and the clock kept ticking as IEU-Ohio waited for DP&L to fulfill its promise. And, IEU-Ohio is still waiting on responses to various requests in IEU-Ohio's First Set, even after DP&L supplemented its responses three times.⁴

In regards to IEU-Ohio's Second Set, DP&L has in fact provided substantive responses to most, but not all, of IEU-Ohio's requests. However, it has taken three sets of responses for DP&L to respond to IEU-Ohio's Second Set. DP&L's initial response on November 30, 2012 was substantially incomplete and DP&L indicated it would provide supplemental responses to various responses. As DP&L has put it, "it was reasonable for DP&L to dedicate all of its available personnel to correcting [the error in its ESP Application], determining whether there were other errors, and then revising the necessary schedules and testimony to file its Second Revised ESP Application."⁵ This error accompanied by DP&L's substantial delay during the compressed procedural schedule highlights the need for the Commission to vacate the current procedural schedule and set a more reasonable procedural schedule after DP&L finally provides parties such as IEU-Ohio the information they have properly requested.

Although DP&L's initial response to IEU-Ohio's Second Set was incomplete, IEU-Ohio followed up with DP&L multiple times in attempts to obtain the responses. In fact, after discussing DP&L's incomplete responses with counsel for DP&L, DP&L

⁴ Ten responses to IEU-Ohio's First Set still remain outstanding and subject to IEU-Ohio's motion to compel. Those are ESP INT 1-11, ESP INT 1-13, ESP INT 1-17, ESP INT 1-20, ESP INT 1-23, ESP RFA 1-6, ESP RFA 1-12, ESP RFA 1-6, ESP RFA 1-25, and ESP RFA 1-28. Additionally, DP&L has not fully responded to IEU-Ohio Interrogatory No. ESP INT 2-12.

⁵ The Dayton Power and Light Company's Memorandum in Opposition to IEU-Ohio's Motion to Compel at 3.

indicated that it would be providing supplemental responses to all discovery requests that had been served on DP&L along with its revised ESP Application. On December 6, 2012, IEU-Ohio contacted DP&L identifying IEU-Ohio's outstanding issues with DP&L's responses to IEU-Ohio's Second Set. Again on December 11, 2012, IEU-Ohio contacted DP&L in attempts to resolve its outstanding discovery responses. On December 14, 2012, after DP&L filed its Revised ESP Application but did not provide supplemental discovery responses, IEU-Ohio contacted DP&L highlighting, again, the outstanding discovery issues (DP&L responded that it was still in the process of assembling supplemental responses which IEU-Ohio could expect early the following week). Finally, on December 17, 2012, IEU-Ohio contacted DP&L in a final attempt to obtain discovery responses from DP&L. Along the way, DP&L kept indicating the responses would be forthcoming, and IEU-Ohio continuously followed up with DP&L in attempts to obtain the responses.

IEU-Ohio has been more than patient with DP&L and has granted DP&L several discovery extensions; however, IEU-Ohio could not afford to let any more time pass before it filed its motion to compel. Because DP&L did eventually provide some of the information IEU-Ohio requested in its motion to compel, IEU-Ohio filed a letter with the Commission withdrawing various requests and is withdrawing several additional requests as part of this pleading, but DP&L has not provided IEU-Ohio with all of the information it seeks.

Accordingly, the Commission must intervene and compel DP&L to produce the remaining documents. Additionally, while DP&L's supplemental responses have resolved some of the discovery issues relative to the discovery responses in IEU-Ohio's motion to compel, IEU-Ohio is still having difficulty obtaining substantive responses to

IEU-Ohio's Third Set of Interrogatories and Requests for Production of Documents ("IEU-Ohio's Third Set"). It appears IEU-Ohio will have to seek further Commission intervention to compel DP&L to comply with IEU-Ohio's other discovery requests.

IV. DISCOVERY REQUESTS THAT STILL REMAIN OUTSTANDING EVEN AFTER DP&L'S MULTIPLE SUPPLEMENTS

Although DP&L has provided IEU-Ohio with additional information since IEU-Ohio filed its motion to compel, DP&L's responses do not fully address the following discovery requests: ESP INT 1-11, ESP INT 1-13, ESP INT 1-17, ESP INT 1-20, ESP INT 1-23, ESP RFA 1-6, ESP RFA 1-12, ESP RFA-6, ESP RFA 1-25, ESP RFA 1-28, and ESP INT 2-12. Accordingly, those requests remain in IEU-Ohio's motion to compel and will be addressed in this reply.

V. DP&L'S OBJECTIONS TO IEU-OHIO'S OUTSTANDING DISCOVERY REQUESTS ARE MERITLESS

A. DP&L's objections on grounds of propriety, narrative response, and legal conclusion

As discussed in IEU-Ohio's motion to compel, DP&L's objections on grounds that the discovery request seeks proprietary information, calls for a narrative response, and calls for a legal conclusion are without merit. And in an apparent admission to the lack of merit of these objections, DP&L's memorandum in opposition to IEU-Ohio's motion to compel does not address these objections. Accordingly, the Commission should find DP&L's objections on these grounds are without merit.

B. DP&L's Relevance Objections

DP&L's objections to IEU-Ohio's Interrogatory Nos. ESP INT 1-23, and ESP INT 2-12, and Requests for Admission Nos. ESP RFA 1-6, ESP RFA 1-12, ESP RFA 1-25, and ESP RFA 1-28 on grounds of relevance are meritless as demonstrated in

IEU-Ohio's motion to compel. IEU-Ohio properly demonstrated that the information IEU-Ohio seeks is within the scope of discovery, *i.e.* the information is relevant or reasonably calculated to lead to the discovery of admissible information. Apparently realizing that its objections on grounds of relevance were meritless, DP&L's memorandum in opposition did not address its relevance objection to these interrogatories. Additionally, for the first time, DP&L's memorandum in opposition argues IEU-Ohio's Interrogatory No. ESP INT 1-11 seeks irrelevant information. DP&L is wrong.

First, because DP&L did not raise this objection in any of its 4 sets of responses to IEU-Ohio's First Set, the Commission should reject the objection. Second, the request seeks information regarding the value of DP&L's generation assets. As the Commission is aware, DP&L is claiming it is facing a financial emergency and is seeking to increase its rates to protect its finances. When a utility seeks increased revenues under a financial emergency claim, the Commission has held that the most important information to consider is the utility's ability to increase its revenue and reduce its expenses.⁶ Accordingly, the value of DP&L's generation assets could impact its ability to increase revenue or reduce expenses, *e.g.*, through a sale or transfer of those assets. Thus, the value of these assets is relevant or is at least reasonably calculated to lead to the discovery of admissible evidence.

Accordingly, the Commission should reject DP&L's objections on grounds of relevance.

⁶ *In the Matter of the Application of the Cleveland Electric Illuminating Company for Authority to Amend and to Increase Certain of its Fixed Schedules Fixing Rates and Charges for Electric Service*, Case Nos. 88-170-EL-AIR, *et al.*, Opinion and Order at 15 (Aug. 23, 1988). "Fifth, and perhaps most importantly, the Commission believes that the companies absolutely must take very aggressive steps to enhance their revenues and minimize their expenses particularly during this interim period in order to avoid the negative consequences of the current financial emergency." *Id.*

C. Undue Burden

DP&L objected to responding to various discovery requests on grounds that it would be an undue burden. IEU-Ohio's motion to compel questioned whether there was really any undue burden on DP&L. In its memorandum in opposition, DP&L only tangentially addresses its undue burden objection in response to IEU-Ohio Interrogatory Nos. ESP INT 1-23 and ESP INT 2-12. There, DP&L claims that it has produced all information that it possesses. On November 8, 2012, DP&L first responded to IEU-Ohio's discovery request. In that response DP&L claimed that the only information DP&L possessed was a certain document titled Business Unit Report, which contained information for calendar years 2009 and 2010. DP&L's first supplement contained the same answer; however, in DP&L's second supplement a new document appeared with information related to years 2011 and 2012 titled Gross Margin Report. DP&L now claims that this is all available information.

DP&L has not said why the Business Unit Report could not be replicated for years other than 2009 and 2010 or why the information in the Gross Margin Report could only be produced for 2011 and 2012. Additionally, IEU-Ohio seeks more than what DP&L has provided and DP&L has not indicated why it cannot produce the requested information; its ability to produce some reports highlights DP&L's ability to respond to IEU-Ohio's interrogatories. Moreover, DP&L had initially claimed that it had produced all responsive documents and then found additional responsive documents a month later. At this time, IEU-Ohio cannot be sure that additional documents will not mysteriously appear. IEU-Ohio would request the Commission compel DP&L to completely respond to these two interrogatories. IEU-Ohio assumes that DP&L's objections to other requests on grounds of undue burden are meritless and are being

waived by DP&L because DP&L did not include any discussion of its burden of answering IEU-Ohio's requests in its memorandum in opposition.

D. Possession

DP&L objects to various IEU-Ohio interrogatories and requests for admissions on grounds that DPL Inc. ("DPL"), DPL Energy Resources ("DPLER") and the AES Corporation ("AES") are not regulated entities or parties in this proceeding and are therefore not subject to discovery. DP&L has apparently misunderstood IEU-Ohio's interrogatories. IEU-Ohio seeks information from DP&L. IEU-Ohio has not served discovery on DPL, AES, or DPLER, nor has IEU-Ohio attempted to subpoena them. IEU-Ohio has asked DP&L certain questions; DP&L has not claimed that it does not know the answer or does not have access to the information. Accordingly, DP&L's objection is meritless.

E. Privilege

DP&L has also objected to various requests on grounds that the information IEU-Ohio sought was subject to the attorney-client privilege or work-product doctrine, but DP&L has not met its burden of demonstrating that either claim applies. Ohio courts⁷ and the Commission have placed the burden of demonstrating that the attorney-client privilege or work-product doctrine applies.⁸ DP&L has not met its burden.

⁷ *MA Equipment Leasing I, LLC v. Tilton*, 2012-Ohio-4668, ¶ 20 (Ohio App. 10th Dist.) (citing *Waldmann v. Waldmann*, 48 Ohio St.2d 176, 178 (1976)).

⁸ *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider*, Case No. 10-176-EL-ATA, Entry at 2, 7-8 (Jan. 27, 2012). "Apart from general statements that [the responses at issue] are privileged, appellants failed to show how the attorney-client and/or work product privilege applies to any particular document, and therefore the Commission finds that the attorney examiners did not err in finding that appellants failed to establish that either privilege applies to the documents in question." *Id.* at 8.

DP&L's only discussion of either claim in its memorandum in opposition is limited to IEU-Ohio Interrogatory No. ESP INT 1-11. Accordingly, DP&L has not met its burden of demonstrating the information sought by IEU-Ohio in Interrogatory Nos. ESP INT 1-13, ESP INT 1-17, ESP INT 1-20, ESP INT 1-23, and ESP INT 2-12 is covered by the attorney-client privilege or work-product doctrine.⁹ In regards to Interrogatory No. ESP INT 1-11, DP&L only asserts the work-product doctrine applies.

The work-product doctrine offers a qualified protection against the discovery of documents prepared in preparation of litigation.¹⁰ Civ. R. 26(B)(3) sets forth the work-product doctrine as it applies in civil cases: "a party may obtain discovery of documents, electronically stored information or tangible things prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative ... only upon a showing of good cause therefor." "Through work-product jurisprudence ... two distinct categories of work product have been identified: ordinary fact work product and opinion work product."¹¹

Ordinary fact or "unprivileged fact" work product, such as witness statements and underlying facts, receives lesser protection. Written or oral information transmitted to the attorney and recorded as conveyed may be compelled upon a showing of good cause by the subpoenaing party. Good cause, as set forth in Civ.R. 26(B)(3), requires a showing of substantial need, that the information is important in the preparation of the party's case, and that there is an inability or difficulty in obtaining the information without undue hardship.

The other type of work product is "opinion work product," which reflects the attorney's mental impressions, opinions, conclusions, judgments, or legal theories.¹²

⁹ *Id.* at 2, 7-8.

¹⁰ *Squire Sanders & Dempsey v. Givaudan Flavors Corp.*, 127 Ohio St.3d 161, 2010-Ohio-4469, ¶ 55; 23 Am. Jur. 2d § 45.

¹¹ *Estate of Hohler v. Hohler*, 197 Ohio App.3d 237, 2011-Ohio-5469, 967 N.E.2d 219, ¶ 28 (7th Dist.).

¹² *Hohler*, 2011-Ohio-5469, ¶¶ 29-30.

The Commission has also distinguished between discovery seeking a lawyer's legal advice and discovery requests seeking the underlying facts at issue in the litigation. The Commission has held that conversations between counsel and a utility's employees and the associated "notes, correspondence, and email created in anticipation of litigation ... would ordinarily be protected ... under attorney-client privilege and attorney work product doctrines."¹³ The Commission, however, distinguished these types of communications from those not protected under either attorney-client privilege or under the work-product doctrine.¹⁴ The latter unprotected category includes documents related to the litigation produced by utility employees to, among other things, verify the accuracy of events alleged in the lawsuit.¹⁵ However, even if information is covered by the work-product doctrine, the information may still be obtained if the work-product doctrine is waived¹⁶ or if the requesting party can demonstrate good cause for the information.

A party waives a claim that the work-product doctrine applies by voluntarily disclosing information on the same subject matter.¹⁷ As part of DP&L's response to IEU-Ohio Interrogatory No. INT 1-11, DP&L disclosed a document that included an assessment of the market value of DP&L's generation assets. Thus, DP&L has

¹³ *In the Matter of the Regulation of the Purchased Gas Adjustment Clause Contained Within the Rate Schedules of the East Ohio Gas Company d.b.a Dominion East Ohio and Related Matters*, Case No. 05-219-GA-GCR, Entry at 7 (July 28, 2006).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *MA Equipment*, 2012-Ohio-4668, ¶ 20; *Mid-American Natl. Bank and Trust Co. v. Cincinnati Ins. Co.*, 74 Ohio App.3d 481, 599 N.E.2d 699, 704 (6th Dist. 1991) (citing *Hercules Inc. v. Exxon Corp.*, 434 F.Supp 136, 156 (D. Del. 1977)).

¹⁷ "[A] client's voluntary disclosure of confidential communications is inconsistent with an assertion of the privilege," and therefore "voluntary disclosure of privileged communications to a third party waives a claim of privilege with regard to communications on the same subject matter." *MA Equipment*, 2012-Ohio-4668, ¶ 20; *Mid-American*, 599 N.E.2d at 704 (citing *Hercules Inc. v. Exxon Corp.*, 434 F.Supp 136, 156 (D. Del. 1977)).

voluntarily disclosed information on the same subject matter and therefore the doctrine no longer applies.

However, even if the doctrine did apply, IEU-Ohio can demonstrate good cause for the information. As mentioned above, when a utility asserts a financial integrity claim, the Commission has held the most important information to consider is the utility's ability to increase its revenue and decrease its expenses. The market value of DP&L's generation assets directly impacts this: depending on the value of its assets, DP&L could potentially sell or transfer those assets and remedy its financial emergency claim. Moreover, DP&L is the only party with this information and the only party that could produce such information. Although DP&L has disclosed one market value assessment, other assessments that refute or reinforce the disclosed assessment are crucial to fully understanding the true value of DP&L's generating assets.

Accordingly, DP&L's claim of privilege and work-product are meritless. DP&L has not met its burden of demonstrating its claims as DP&L only addressed its claims in regards to Interrogatory No. ESP INT 1-11. And as demonstrated above, DP&L's claim of work-product has been waived and good cause exists for the information. For these reasons, the Commission should reject DP&L's objections on the basis of the attorney-client privilege and the work-product doctrine.

VI. CONCLUSION

For the reasons described herein, the Commission should grant IEU-Ohio's motion to compel.

Respectfully submitted,

/s/ Matthew R. Pritchard
Samuel C. Randazzo (Counsel of Record)
Frank P. Darr
Matthew R. Pritchard
Joseph E. Olier
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
joliker@mwncmh.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Reply of Industrial Energy Users-Ohio to The Dayton Power and Light Company's Memorandum in Opposition to IEU-Ohio's Motion to Compel and Notification of Withdrawal of Additional Discovery Requests from the Motion to Compel* was served upon the following parties of record this 2nd day of January 2013, via hand-delivery, electronic transmission, or first class mail, U.S. postage prepaid.

/s/ Matthew R. Pritchard

Matthew R. Pritchard

judi.sobecki@dplinc.com
randall.griffin@dplinc.com
cfaruki@ficlaw.com
jsharkey@ficlaw.com
arthur.meyer@dplinc.com
dboehm@BKLLawfirm.com
mkurtz@BKLLawfirm.com
etter@occ.state.oh.us
serio@occ.state.oh.us
yost@occ.state.oh.us
gerger@occ.state.oh.us
amy.spiller@duke-energy.com
jeanne.kingery@duke-energy.com
philip.sineneng@ThompsonHine.com
bmcmahon@emh-law.com
elizabeth.watts@duke-energy.com
rocco.d'ascenzo@duke-energy.com
ricks@ohanet.org
tobrien@bricker.com
barth.royer@aol.com
gary.a.jeffries@dom.com
drinebolt@ohiopartners.org
cmooney2@columbus.rr.com
whitt@whitt-sturtevant.com
campbell@whitt-sturtevant.com
vparisi@igsenergy.com
mswhite@igsenergy.com
barthroyer@aol.com
nolan@theoec.org
trent@theoec.org
cathy@theoec.org
williams.toddm@gmail.com
ejacobs@ablelaw.org
tobrien@bricker.com
mwarnock@bricker.com
tsiwo@bricker.com
mhpeticoff@vorys.com
smhoward@vorys.com
david.fein@constellation.com
cynthia.a.fonner@constellation.com
Tasha.hamilton@constellation.com
myurick@taftlaw.com
zkravitz@taftlaw.com
mhpeticoff@vorys.com
smhoward@vorys.com

Tony_Long@ham.honda.com
Stephen.bennett@exeloncorp.com
Cynthia.b.fonner@constellation.com
LGearhardt@ofbf.org
dconway@porterwright.com
aemerson@porterwright.com
haydenm@firstenergycorp.com
coneil@calfee.comk
shannon@calfee.com
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com
dakutik@jonesday.com
aehaedt@jonesday.com
jejadwin@aep.com
Thomas.Melone@AllcoUS.com
jmclark@directenergy.com
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
alan.starkoff@icemiller.com
ssolberg@EimerStahl.com
stephanie.Chmiel@ThompsonHine.com
michael.Dillard@ThompsonHine.com
philip.sineneng@ThompsonHine.com
mjsatterwhite@aep.com
stnourse@aep.com
bojko@carpenterlipps.com
sechler@carpenterlipps.com
matt@matthewcoxlaw.com
gpoulos@enernoc.com
ssherman@kdlegal.com
jhague@kdlegal.com
william.wright@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
thomas.mcnamee@puc.state.oh.us
steven.beeler@puc.state.oh.us
devin.parram@puc.state.oh.us
gregory.price@puc.state.oh.us
mandy.willey@puc.state.oh.us
bryce.mckenney@puc.state.oh.us
henryeckhart@aol.com
Wis29@yahoo.com
berger@occ.state.oh.us
bill.wells@wpafb.af.mil
chris.thompson.2@tyndall.af.mil

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Summary: Reply of IEU-Ohio to DP&L's Memorandum in Opposition to IEU-Ohio's Motion to Compel and Notification of Withdrawal of Additional Discovery Requests from the Motion to Compel electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio