

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke	)	
Energy Ohio for Authority to Establish a	)	Case No. 14-841-EL-SSO
Standard Service Offer Pursuant to	)	
Section 4928.143, Revised Code, in the	)	
Form of an Electric Security Plan,	)	
Accounting Modifications and Tariffs for	)	
Generation Service.	)	

In the Matter of the Application of Duke	)	
Energy Ohio for Authority to Amend its	)	Case No. 14-842-EL-ATA
Certified Supplier Tariff, P.U.C.O.	)	
No. 20.	)	

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**MOTION FOR SUBPOENA DUCES TECUM  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Ohio Consumers' Counsel ("OCC")<sup>1</sup> respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena compelling the Ohio Valley Electric Corporation ("OVEC") to produce a person(s) to attend and give deposition testimony upon oral examination at the Offices of the Ohio Consumers' Counsel ("OCC"), 10 West Broad Street, 18<sup>th</sup> floor, Columbus, Ohio on the 12<sup>th</sup> day of August, 2014, at 10:00 a.m.

By this Motion, OCC is requesting that OVEC be ordered to produce a person(s) with knowledge and expertise on the projected operating revenues, projected demand charges, and

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<sup>1</sup> Pursuant to Rule 4901-1-25 (D), Ohio Adm. Code.

projected expenses for the Kyger Creek and Clifty Creek plants for both short term (2014-2018) and long term (2018 through 2040) and the basis for such projections.

Such person(s) shall bring with them all documents pertaining to the projected operating revenues, projected demand charges, and projected expenses for the Kyger Creek and Clifty Creek plants for short term (2014-2018) and long term (2018 to 2040), including any and all budget documents which include projected revenues, projected demand charges, and projected expenses for all or any portion of such period. Such documents should also be produced, and delivered to OCC at least two hour prior to his/her deposition, consistent with Ohio Adm. Code Rule 4901-1-25 (D).

The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

/s/ Maureen R. Grady

Maureen R. Grady, Counsel of Record  
Joseph P. Serio  
Edmund "Tad" Berger  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

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**MEMORANDUM IN SUPPORT**

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In this proceeding Duke Energy Ohio (“Duke”) is seeking to charge its customers, through its proposed Price Stabilization Rider, the difference between the market value of its interest in Ohio Valley Electric Corporation (“OVEC”) and its 9% share of OVEC costs for the duration of its OVEC entitlement, which is currently through 2040. Under Duke’s Price Stabilization Rider the government (PUCO) would require customers to guarantee (via a subsidy) the utility profits on its generating units (Duke Energy Ohio’s OVEC interest) that are supposed to be no longer regulated but subject to the forces of competition.

Duke has indicated in discovery that it has not prepared any financial modeling or forecast of the expected rate impact of the proposed Price Stabilization Rider for the term of its proposed electric security plan<sup>2</sup> or over the remaining term of Duke’s OVEC contractual commitment.<sup>3</sup> Nor has Duke evaluated the economic value of its Price Stabilization Rider or

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<sup>2</sup> Duke response to IEU-1-001.

<sup>3</sup> Duke response to IEU-1-002.

estimated OVEC's revenues or costs such that other parties could determine the economic value of the Price Stabilization Rider.

Because Duke has not prepared an analysis of the economic value of the Price Stabilization Rider, it is necessary for OCC to assess the economic value of Duke's OVEC interests. Part of that analysis will likely focus on OVEC's projected revenues, projected demand charges, and projected expenses over the period that any Price Stabilization Rider may be in effect and the basis for those projections. Under Duke's proposal, OVEC's projected (short term and long term) revenues and expenses are important variables in determining the expected impacts on customers' bill from Duke's proposed Price Stabilization Rider. In order to fully develop the record in this matter, OCC intends to depose person(s) from OVEC and, therefore, respectfully requests that this Motion for Subpoena Duces Tecum be granted.

Each OVEC deponent shall bring with them all documents related to the projected operating revenues, projected demand charges, and projected expenses for the Kyger Creek and Clifty Creek plants for short term (2014-2018) and long term (2018 to 2040), including, but not limited to, any budget documents including such projections for all or portions of such periods. Such documents should also be produced, and delivered to OCC at least two hour prior to his/her deposition, consistent with Ohio Adm. Code Rule 4901-1-25 (D).

Respectfully submitted,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

/s/ Maureen R. Grady

Maureen R. Grady, Counsel of Record

Joseph P. Serio

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Subpoena Duces Tecum, filed this date in the above-captioned proceeding and was served via electronic transmission, this 1st day of August, 2014.

/s/ Maureen R. Grady  
Maureen R. Grady  
Assistant Consumers' Counsel

## **SERVICE LIST**

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**STATE OF OHIO  
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**John Kasich  
GOVERNOR**



**THE PUBLIC UTILITIES COMMISSION OF OHIO  
SUBPOENA DUCES TECUM**

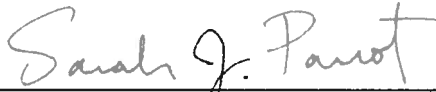
**TO:** Ohio Valley Electric Corporation  
c/o Statutory Agent –The Prentice-Hall Corporation System, Inc.  
50 West Broad Street, Suite 1800  
Columbus, Ohio 43215

Upon application of the Office of the Ohio Consumers' Counsel, the Ohio Valley Electric Corporation is hereby required to provide a person(s) (with knowledge and expertise on the projected operating revenues, projected demand charges, and projected expenses for the Kyger Creek and Clifty Creek plants for both short term (2014-2018) and long term (2018 through 2040) and the basis for such projections) to appear at the Office of the Ohio Consumers' Counsel, 10 West Broad Street, 18<sup>th</sup> floor, Columbus, Ohio on the 11<sup>th</sup> day of August, 2014, at 10:00 a.m. to give deposition testimony by oral examination. The deponent(s) is required to attend from day-to-day until the deposition(s) is completed. Such person(s) will be deposed and will be subject to cross examination by the Ohio Consumers' Counsel in the proceeding entitled "In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service."

The deponent(s) shall bring with him/her the following to be provided to OCC at 8:00 a.m. on said day and at said place:

All documents related to the projected operating revenues projected demand charges, and projected expenses for the Kyger Creek and Clifty Creek plants for short term (2014-2018) and long term (2018 to 2040), including any and all budget documents which include projected revenues, projected demand charges, and projected expenses for all or any portion of such period.

Dated at Columbus, Ohio, this 1<sup>st</sup> day of August, 2014.

A handwritten signature in cursive script, reading "Sarah J. Parrot", is written above a horizontal line.

Attorney Examiner

**NOTICE:** If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**8/1/2014 3:50:20 PM**

**in**

**Case No(s). 14-0841-EL-SSO, 14-0842-EL-ATA**

Summary: Motion Motion for Subpoena Duces Tecum by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.