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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

SUBPOENA

TO:

**Ohio Equities, LLC**  
**605 S. Front St., Suite 200**  
**Columbus, Ohio 43215**


Upon application of Complainant, MARK A. WHITT, you are hereby required to identify and make available for inspection and copying the documents described in the attached Exhibit A. The application was made in the following proceeding:

**Case No. 15-697-EL-CSS**  
**Mark A. Whitt v. Nationwide Energy Partners, LLC.**

You are to appear at the offices of Whitt Sturtevant LLP, 88 E. Broad Street, Suite 1590, Columbus, Ohio 43215, on the 30<sup>th</sup> day of June, 2015, at 10:00 a.m., and to bring with you the documents requested in Exhibit A.

Your personal appearance may be waived by mailing copies of the requested documents to Whitt Sturtevant LLP, Attn: Mark A. Whitt, at the above-listed address, provided the documents are received by the requesting party by no later than June 29, 2015, at 5:00 p.m.

Dated at Columbus, Ohio, this 10 day of JUNE,  
2015.

  
\_\_\_\_\_  
Attorney Examiner

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PUCO

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Mark A. Whitt	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 15-697-EL-CSS
	)	
Nationwide Energy Partners, LLC	)	
	)	
Respondent.	)	

**EXHIBIT A**  
**SUBPOEANA DUCES TECUM**

**DEFINITIONS**

1. "Document" or "documentation" includes any written or graphic material, however produced or reproduced, including, but not limited to: prepared speeches, articles, papers, treatises, books, memoranda or white papers, correspondence, or other written, typed, or printed communications, notes in any form, voice recording tapes, videotapes, microfilms, microfiche, pictures, data processing cards or disks, computer generated or stored information or databases, now or previously in your possession. If a document has been destroyed or is otherwise unavailable, such should be indicated in the response.

2. "Communication" means any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

3. "You," and "your," or "yourself" refer to the party requested to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venturer of such party.

4. “Person” includes any firm, corporation, joint venture, association, entity, or group of natural individuals, unless the context clearly indicates that only a natural individual is referred to in the discovery request.

5. The terms “PUCO” and “Commission” refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including persons working for the PUCO Staff as well as in the Public Utilities Section of the Ohio Attorney General’s Office), and offices.

6. “Proceeding” refers to “Mark A. Whitt v. Nationwide Energy Partners, LLC,” Case No. 15-697-EL-CSS.

7. “Complainant” refers to the Complainant in this action, Mark A. Whitt.

8. “NEP” refers to the Respondent in this action, Nationwide Energy Partners, LLC.

9. “North Bank” refers to the physical structure housing condominium units at 300 W. Spring Street, Columbus, Ohio.

10. “NB Owners Assn.” refers to the North Bank Condominium Owners Association.

## **INSTRUCTIONS**

1. All information is to be divulged which is in your possession or control, or within the possession or control of your attorney, agents, or other representatives of yours or your attorney.

2. Your organization is requested to produce responsive materials and information within its physical control or custody, as well as that physically controlled or possessed by any other person acting or purporting to act on your behalf, whether as an officer, director, employee, agent, independent contractor, attorney, consultant, witness, or otherwise.

3. In the event that a claim of privilege is invoked as the reason for not responding to discovery, the nature of the information with respect to which privilege is claimed shall be set forth in responses together with the type of privilege claimed and a statement of all circumstances upon

which the respondent to discovery will rely to support such a claim of privilege (i.e. provide a privilege log). Respondent to the discovery must

- a. Identify the individual, entity, act, communication, and document that is the subject of the withheld information based upon the privilege claim;
- b. Identify all persons to whom the information has already been revealed; and
- c. Provide the basis upon which the information is being withheld and the reason that the information is not provided in discovery.

#### **DOCUMENTS REQUESTED**

1. All contracts (regardless of whether you are a party to the contract) concerning the provision by NEP of any goods or services to the common areas or any unit in North Bank.
2. All letters, emails, notes, or other documents referring, reflecting, or relating to conversations, communications, or any exchange of information with NEP concerning the provision of any service to the common areas or any unit in North Bank.
3. All reports, documents, statements, receipts, invoices, advertisements, promotional material, or other documents of any nature received from NEP.
4. All contracts regarding the provision of any utility service (gas, electric, water, sewer, telephone) to the common areas or any unit in North Bank.
5. All documents referring, reflecting, or relating to communications with lawyers, consultants, experts, agents, or any other representative working on behalf of NEP.
6. All photographs, diagrams, videos, sketches, or other visual depictions of property and equipment that you own or control and which is installed or located anywhere at North Bank.
7. All contracts, bills of sale, invoices, receipts, or other evidence of transactions between you and any party concerning property and equipment installed or located anywhere at North Bank.
8. All documents referring, reflecting, or relating to money or other consideration paid to you in exchange for allowing NEP to provide any good or service to the common areas or any unit in North Bank.