



December 29, 2015

Barcy F. McNeal, Secretary  
Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street, 11th Floor  
Columbus, Ohio 43215

Re: Notice of Objection to Deposition Request – Case Nos. 14-1693-EL-RDR, *et al.*

Dear Secretary McNeal:

Following a hearing in the above-captioned proceeding in which Interstate Gas Supply, Inc. ("IGS") and others submitted testimony and participated in cross-examination regarding Ohio Power Company's ("Ohio Power") proposed purchase power agreement, IGS and several other parties submitted a Stipulation and Recommendation ("Stipulation") as part of a package deal to resolve the outstanding issues in the proceeding. Ohio Power submitted the testimony of William Allen describing and supporting the Stipulation. No other witness has submitted testimony to support the Stipulation.

Ohio Power has agreed to make Mr. Allen available for deposition regarding his testimony in support of the Stipulation. Despite this fact, on December 23, 2015, the Office of the Ohio Consumers' Counsel ("OCC") served a notice of deposition on IGS pursuant to Ohio Administrative Code ("OAC") 4901-1-21(B). The notice indicates that OCC requests that IGS present employees on December 30, 2015 who have knowledge and expertise regarding three issues—each of which have already been addressed at an earlier stage of this proceeding or in the testimony of Mr. Allen:

1. Ohio Power's proposal to enter into an affiliate power purchase agreement for inclusion in the power purchase agreement rider;
2. the Stipulation filed on December 15, 2015;
3. IGS's position regarding the Stipulation.

OAC 4901-1-21(B) states "[a]ny party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to the deponent, to all parties, and to the commission. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, or if the name is not known, a general description sufficient for identification." As discussed below, IGS objects to OCC's request that IGS present a witness for deposition.

OCC's request is overly broad, unduly burdensome and not likely to lead to the discovery of admissible evidence. IGS has already submitted testimony at an earlier stage of this proceeding regarding the purchase power agreement; thus, IGS objects to additional discovery on the purchase power agreement. Moreover, as noted above, IGS does not intend to present expert testimony in support of the Stipulation. Mr. Allen has already submitted prefiled testimony in that respect and agreed to be available for deposition. Thus, there is no need to duplicate his testimony. Given that IGS has not submitted testimony regarding the Stipulation and is not bound to support the Stipulation itself, OCC's request is clearly designed to harass and chill parties' willingness to enter into reasonable settlements to resolve contested legal issues without litigation.

Moreover, OCC's request may also call for confidential settlement communications and information subject to attorney client privilege and work product doctrine. IGS's position regarding the Stipulation is self-evident from the document itself. Finally, IGS has already provided responses to OCC's discovery requests related to the Stipulation. IGS objects to further duplicative questioning that is clearly intended to harass.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

**/s/ Joseph Olikier**

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**Case No(s). 14-1693-EL-RDR, 14-1694-EL-AAM**

Summary: Notice of Objection to Deposition Request electronically filed by Mr. Joseph E. Oliker on behalf of IGS Energy