



1 APPEARANCES:

2 Bruce J. Weston, Ohio Consumers' Counsel  
3 By Ms. Jodi Bair  
4 Assistant Consumers' Counsel  
5 10 West Broad Street, Suite 1800  
6 Columbus, Ohio 43215-3485

7 On behalf of the Residential Consumers of  
8 Ohio Power Company.

9 APPEARANCES VIA SPEAKERPHONE:

10 Taft, Stettinius & Hollister LLP  
11 By Mr. Mark S. Yurick  
12 65 East State Street, Suite 1000  
13 Columbus, Ohio 43215

14 On behalf of The Kroger Company.

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1                               Wednesday Afternoon Session,  
2                               December 30, 2015.

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4                       MS. BAIR: This is Jodi Bair. I'm an  
5 Assistant Consumers' Counsel with the Office of the  
6 Ohio Consumers' -- hello?

7                       MR. YURICK: Yes. This is Mark Yurick.  
8 Sorry.

9                       MS. BAIR: Hi, Mark. It's Jodi. The two  
10 of us are the only ones. We're on the record. I was  
11 just introducing myself as Jodi Bair, Assistant  
12 Consumers' Counsel. We're at the offices at 10 West  
13 Broad Street, Suite 1800, of the Ohio Consumers'  
14 Counsel, and where we have noticed someone from  
15 Sierra Club to show up to be deposed.

16                       It's -- it's five after 1:00 right now,  
17 and no one has yet shown up. We are going to wait  
18 about 15 or 20 minutes and come back on the record  
19 and see if anyone shows up as a result of our Notice  
20 of Depositions to Sierra Club.

21                       Do you have anything to add, Mark?

22                       MR. YURICK: No. Thank you.

23                       MS. BAIR: You get to wait for a few more  
24 minutes and we'll be back at 20 or 25 after.

25                       MR. YURICK: Great. Thank you.

1 (Off the record.)

2 MS. BAIR: This is Jodi Bair. I'm an  
3 Assistant Consumers' Counsel with the Office of the  
4 Ohio Consumers' Counsel. Our office timely filed and  
5 served a Notice to Take Depositions and Request for  
6 Production of Documents on Sierra Club, and we  
7 docketed that with the Public Utilities Commission on  
8 December 23rd, 2015, in the case named In the Matter  
9 of the Application Seeking Approval of Ohio Power  
10 Company's Proposal to Enter into an Affiliate Power  
11 Purchase Agreement for Inclusion in the Power  
12 Purchase Agreement Rider, Case No. 14-1693-EL-RDR and  
13 14-1694.

14 The deposition was noticed for today,  
15 Wednesday, December 30th, 2015, at 1:00 p.m. at the  
16 OCC's office, 10 West Broad Street, 18th Floor,  
17 Columbus, Ohio 43215. I am currently at the OCC's  
18 offices and have been since 1:00 p.m. It is now  
19 1:28 p.m. and a representative of Sierra Club has  
20 failed to appear in accordance with the Notice of  
21 Depositions.

22 OCC reserves all rights regarding Sierra  
23 Club's failure to appear in response to OCC's  
24 properly-noticed deposition and request for  
25 production of documents, including the filing of a

1 motion for sanctions.

2 I have nothing else to add. Do you, Mark  
3 Yurick, have anything else to add?

4 MR. YURICK: No. Thank you.

5 MS. BAIR: And, I'm sorry, did we  
6 introduce in the beginning, are you here on behalf of  
7 Kroger in this deposition?

8 MR. YURICK: Yes.

9 MS. BAIR: Thank you.

10 MR. YURICK: Yes, I am.

11 MS. BAIR: Thank you. Okay. Well, we  
12 will come to an end then.

13 (Off the record at 1:27 p.m.)

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## CERTIFICATE

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I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Wednesday, December 30, 2015, and carefully compared with my original stenographic notes.

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Carolyn M. Burke, Registered  
Professional Reporter, and  
Notary Public in and for the  
State of Ohio.

My commission expires July 17, 2018.

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

**Commission of Ohio Docketing Information System on**

**12/31/2015 10:28:40 AM**

**in**

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

Summary: Transcript Transcript of Attempted Deposition of Sierra Club Filed by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Michael, William J. Mr.