

1 PUBLIC UTILITIES COMMISSION OF OHIO

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3 In the Matter of the Application :
4 Seeking Approval of Ohio Power :
5 Company's Proposal to Enter into : Case No.
6 an Affiliate Power Purchase : 14-1693-EL-RDR
7 Agreement for Inclusion in the :
8 Power Purchase Agreement Rider :

9 In the Matter of the Application :
10 of Ohio Power Company for : Case No.
11 Approval of Certain Accounting : 14-1694-EL-AAM
12 Authority :

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14 ATTEMPTED DEPOSITION

15 of a Direct Energy representative, taken before me,
16 Carolyn D. Ross, Registered Professional Reporter,
17 and a Notary Public in and for the State of Ohio, at
18 the offices of State of Ohio, Office of Consumers'
19 Counsel, 10 West Broad Street, 18th Floor, Columbus,
20 Ohio, on Tuesday, December 29, 2015, at 1:00 p.m.

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26 ARMSTRONG & OKEY, INC.
27 222 East Town Street, Second Floor
28 Columbus, Ohio 43215-4620
29 (614) 224-9481 - (800) 223-9481
30 FAX - (614) 224-5724

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ARMSTRONG & OKEY, INC., Columbus, Ohio (614) 224-9481

1 APPEARANCES:

2 Bruce E. Weston, Ohio Consumers' Counsel
3 By Mr. Kevin F. Moore
4 Assistant Consumers' Counsel
10 West Broad Street, Ste. 1800
Columbus, Ohio 43215-3485

5 On behalf of the Residential
6 Consumers of Ohio Power Company.

7 McNees, Wallace & Nurick, LLC
8 By Mr. Frank P. Darr (via speakerphone)
and Mr. Kevin Murray (via speakerphone)
21 East State Street, 17th Floor
Columbus, Ohio 43215

9 On behalf of the Industrial Energy Users
10 of Ohio.

11 Taft, Stettinius & Hollister, LLP
12 By Mr. Mark S. Yurick (via speakerphone)
65 East State Street, Ste. 1000
Columbus, Ohio 43215

13 On behalf of The Kroger Company.

14 Carpenter, Lipps & Leland, LLP
15 By Mr. Ryan P. O'Rourke (via speakerphone)
280 North High Street, Ste. 1300
16 Columbus, Ohio 43215

17 On behalf of the Ohio Manufacturers'
18 Association Energy Group.

19 ALSO PRESENT:

20 Mr. Craig Smith, Staff (via speakerphone).

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1 Tuesday Afternoon Session,
2 December 29, 2015.

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4 MR. MOORE: We're going on the record
5 real quick.

6 So my name's Kevin Moore. I am an
7 attorney with the Office of the Ohio Consumers'
8 Counsel. Our office timely filed and served a Notice
9 to Take Depositions and Requests for Production of
10 Documents on Direct Energy with the Public Utilities
11 Commission of Ohio on December 23rd, 2015, and In the
12 Matter of the Application Seeking Approval of Ohio
13 Power Company's Proposal to Enter into an Affiliate
14 Power Purchase Agreement for Inclusion in the Power
15 Purchase Agreement Rider, Case No. 14-1693-EL-RDR,
16 et al. The deposition was noticed for 1:00 p.m.,
17 Tuesday, December 29th, 2015, at OCC's offices, 10
18 West Broad Street, 18th Floor, Columbus, Ohio 43215.

19 I am currently at OCC's offices, and it
20 is now 1:04 p.m. A representative from Direct Energy
21 has failed to appear in accordance with the Notice of
22 Depositions. I am going to allow some time for
23 Direct Energy to make an appearance. During that
24 time, I will be down the hall in my office. I have
25 instructed the -- our secretary at the front desk to

1 notify me if Direct Energy does appear, and I will
2 come back at that time. I'm going to leave the phone
3 open and on mute during that period of time. I will
4 probably return in about 15 minutes to make another
5 statement if Direct Energy has not appeared.

6 All right. Let's go off the record.

7 (Discussion held off the record.)

8 MR. MOORE: All right. Let's go back on
9 the record.

10 This is Kevin Moore, attorney for the
11 Ohio Consumers' Counsel. It is now 1:20 p.m. No
12 representative from Direct Energy has appeared so
13 far. I will give them another 15 minutes, at which
14 time I will come back on the phone and come back on
15 the record.

16 All right. Thank you. We can go off
17 the record again.

18 (Discussion held off the record.)

19 MR. MOORE: All right. Everybody, we're
20 going to get started again. Let's go back on the
21 record.

22 Again, this is Kevin Moore, attorney
23 with the office of the Ohio Consumers' Counsel. As I
24 said previously, we are here to take the deposition
25 of a Direct Energy employee or a representative. The

1 deposition was noticed for 1:00 p.m., Tuesday,
2 December 29th, 2015, at OCC's offices. We are
3 currently at OCC's offices, and it is now 1:36 p.m.,
4 and a representative from Direct Energy has failed to
5 appear in accordance with the Notice of Depositions.

6 OCC reserves all of its rights regarding
7 Direct Energy's failure to appear and response to
8 OCC's properly noticed deposition and Request for
9 Production of Documents, including filing a motion
10 for sanctions.

11 Let's go off the record.

12 (Discussion held off the record.)

13 (Thereupon, the attempted deposition
14 concluded at 1:37 p.m.)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the attempted
deposition taken by me in this matter on Tuesday,
December 29, 2015, and carefully compared with my
original stenographic notes.

Carolyn D. Ross,
Registered Professional
Reporter and Notary
Public in and for the
State of Ohio.

My commission expires April 3, 2019.
(CDR-79939)

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/31/2015 10:31:40 AM

in

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

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