

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Investigation into PALMco Power	)	Case No. 19-0957-GE-COI
OH, LLC dba Indra Energy and	)	
PALMco Energy OH, LLC dba Indra	)	
Energy's Compliance with the Ohio	)	
Administrative Code and Potential	)	
Remedial Actions for Non-	)	
Compliance.	)	

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**AMENDED NOTICE TO TAKE DEPOSITIONS  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Public Utilities Commission of Ohio (“PUCO”), acting on over 300 customer complaints in less than a year, has investigated the marketing practices of PALMco Power OH, LLC (“PALMco”) and found “a pattern of unfair, misleading, deceptive, and unconscionable activities” with issues that “appear to be systemic and demonstrate that the company’s management decisions inappropriately orchestrate a marketing program reliant upon misleading and deceiving customers, rather than in a manner that is fair, honest, and in compliance with Ohio laws and rules.”<sup>1</sup> PALMco’s reported misconduct against Ohioans shocks the conscience.

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<sup>1</sup> PUCO Staff Report at 2 (May 10, 2019).

To protect customers, in accordance with Ohio Adm. Code Section 4901-1-21(B), please take notice that the Office of the Ohio Consumers' Counsel ("OCC") will take the deposition upon oral examination of the following individuals:

1. Person(s) employed by PALMco Power OH, LLC dba Indra Energy and PALMco Energy OH, LLC dba Indra Energy ("PALMco") with knowledge and expertise regarding:
  - a. PALMco's current financial condition.
  - b. The availability of funds to PALMco that could be used by PALMco to provide restitution to PALMco customers.
  - c. The availability of funds to PALMco that could be used by PALMco to pay forfeitures to the State of Ohio.
  - d. PALMco's keeping of corporate records, the manner in which PALMco's funds are kept, and/or the use of PALMco's corporate property.
  - e. Service contracts, agreements, work orders, and/or other documents governing the transfer of funds, goods, and/or services between PALMco and its parent and subsidiary companies.
  - f. Collateral obligations and/or agreements PALMco has with respect to each Ohio gas and electric distribution utility pertaining to PALMco's supply of electric and gas competitive retail services in Ohio.
  - g. The Joint Stipulation and Recommendation filed at the PUCO on July 31, 2019 and the negotiations leading up to the Joint Stipulation and Recommendation.
2. All person(s) who will be called by PALMco to present testimony, including direct, rebuttal, surrebuttal, and any other form of testimony filed, or to be filed, in these proceedings.
3. All person(s) responsible for answering OCC's interrogatories, responding to requests for production of documents (including responses that state that no documents are responsive to a request to produce), and/or responding to requests for admissions regarding disconnection served in these proceedings upon PALMco.

4. All person(s) responsible for preparing Exhibits C-3 and C-5 to PALMco's Electric Renewal Certificate Application, filed before the Public Utilities Commission of Ohio in Case No. 10-139-EL-CRS on January 18, 2018.
5. All person(s) responsible for preparing Exhibits C-3 and C-5 to PALMco's Natural Gas Renewal Certificate Application, filed before the Public Utilities Commission of Ohio in Case No. 10-138-GA-CRS on January 16, 2018.

The deposition will be conducted at OCC's offices, 65 East State Street, 7<sup>th</sup> Floor, Columbus, Ohio, 43215, starting on August 13, 2019 at 10:00 a.m., or at another time and date agreed upon by OCC and PALMco, and will continue from day to day, except for holidays and weekends, until completed. The deponent(s) will appear at the designated time and date with all requested documents (identified below) and will remain present until deposed. Deponents will be deposed one after another.

The deposition will be taken of the aforementioned deponent(s) on relevant topics within the scope of this proceeding, including but not limited to, each deponent's knowledge and expertise with the subject matter of these proceedings. The deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions.

Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, OCC requests that each deponent produce, at least one day prior to the taking of his/her deposition, the following documents:

1. A copy of each deponent's testimony filed in this case;
2. A copy of all workpapers each deponent used in developing his/her testimony;
3. A copy of all documents each deponent used in answering OCC discovery and/or PUCO Staff data requests;

4. A copy of all documents upon which each deponent bases his/her knowledge of PALMco's current financial condition, the availability of funds that could be used by PALMco to provide restitution to PALMco's customers and forfeitures to the State of Ohio, the use of PALMco's corporate property and/or funds, and/or the manner in which funds are kept;
5. Exhibits C-3 and C-5 to PALMco's Electric Renewal Certificate Application, filed before the Public Utilities Commission of Ohio in Case No. 10-139-EL-CRS on January 18, 2018;
6. Exhibits C-3 and C-5 to PALMco's Natural Gas Renewal Certificate Application, filed before the Public Utilities Commission of Ohio in Case No. 10-138-GA-CRS on January 16, 2018;
7. A copy of all collateral agreements PALMco has entered into with Ohio electric and gas distribution utilities pertaining to its marketing of electric and gas service in Ohio;
8. Service contracts, agreements, work orders, and/or other documents governing the transfer of funds, goods, and/or services between PALMco and its parent and subsidiary companies; and
9. All documents and workpapers that support or are related to the Joint Stipulation and Recommendation filed at the PUCO on July 31, 2019.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ Terry L. Etter

Terry L. Etter (0067445), Counsel of Record  
Amy Botschner O'Brien (0074423)  
Assistant Consumers' Counsel

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*Outside Counsel for the  
Office of the Ohio Consumers' Counsel*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice to Take Deposition and Requests for Production of Documents was served on the persons stated below via electronic transmission this 2<sup>nd</sup> day of August 2019.

/s/ Terry L. Etter  
Terry L. Etter  
Assistant Consumers' Counsel

### **SERVICE LIST**

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

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**Case No(s). 19-0957-GE-COI**

Summary: Notice of Deposition Amended Notice to Take Depositions and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.