

**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.)	

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

Please take notice that the Office of the Ohio Consumers' Counsel ("OCC"), on behalf of residential consumers in this investigation of the marketing practices of PALMco, will take the deposition upon oral examination of Mr. Robert Palmese, PALMco's President/Managing Member. OCC will also take the deposition upon oral examination of Mr. Adam Bashe, PALMco's Vice President of Business Development and Chief Sales Officer, or someone designated by PALMco who has considerable first-hand knowledge of PALMco's marketing, enrollment, and billing practices during 2018 and 2019.

The depositions will be conducted at OCC's offices, 65 East State Street, 7th Floor, Columbus, Ohio, 43215, starting on September 11, 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 depositions will occur one after another. The depositions may occur telephonically. The deponents will appear at the

designated time and date with all requested documents (identified below) and will remain present until deposed.

The deposition will be taken of Mr. Palmese on relevant topics within the scope of this proceeding, including but not limited to, the deponent's knowledge and expertise with regard to Paragraphs 1, 2, and 7 of the Stipulation and Recommendation filed at the PUCO on July 31, 2019 ("Stipulation"), including 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, the transfer of funds, goods, and/or services between PALMco and its parent and subsidiary companies. Additionally, the deponent will be deposed on PALMco's managerial capabilities discussed in Paragraph 8 of the Stipulation, as well as the complaints and enforcement actions taken against PALMco in all states in which PALMco does business as raised in the Staff Report resolved by the Stipulation.

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 Mr. Palmese produce, at least one day prior to the taking of his deposition, the following documents:

1. A copy of all documents he used in answering OCC discovery and/or PUCO Staff data requests, if applicable;
2. A copy of all documents upon which the deponent bases his 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 as discussed in Paragraphs 1, 2, and 7 of the Stipulation;

3. A copy of all collateral agreements PALMco has entered into with Ohio electric and gas distribution utilities pertaining to PALMco's marketing of electric and gas service in Ohio;
4. 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;
5. A copy of the final decision, such as a final order or a consent decree, regarding any and all complaints and/or investigations regarding PALMco's marketing and/or billing practices conducted by state utility commissions or state attorneys general since January 1, 2012; and
6. All documents and workpapers related to making the payment of customer refunds and a forfeiture contingent upon the sale of PALMco's Ohio business, as discussed in Paragraphs 7a., 7b., and 7c of the Stipulation.
7. A copy of the customer notice described in Paragraph 6 of the Stipulation.

The deposition of Mr. Bashe or PALMco's designee will be taken on relevant topics within the scope of this proceeding, including but not limited to, the deponent's knowledge and expertise with regard to the settlement filed in this proceeding, including the re-rating of customer accounts pursuant to Paragraphs 1 and 2 of the Stipulation, the agreement to not enroll new customers, but to continue to renew current customers under Paragraph 3 of the Stipulation, the assignment of customers pursuant to Paragraphs 5, 6, and 8 of the Stipulation, PALMco's marketing, enrollment, and billing practices and resolution of those issues raised by the Staff Report as discussed on page 3 of the Stipulation, information regarding PALMco's business operations in Ohio and the harm caused to customers as described on page 2 of the Stipulation, and complaints and enforcement actions taken against PALMco in all states in which PALMco does business as described in the Staff Report resolved by the Stipulation.

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 Mr. Bashe or PALMco's designee produce, at least one day prior to the taking of the deposition, the following documents:

1. A copy of all documents the deponent used in answering OCC discovery and/or PUCO Staff data requests concerning the investigation of PALMco's marketing, enrollment, and billing practices in Ohio, if applicable;
2. A copy of all documents regarding the harm caused by customers as described on page 3 of the Stipulation;
3. A copy of all documents upon which the deponent bases his knowledge of PALMco's marketing, enrollment, and billing practices;
4. A copy of all documents upon which the deponent bases his knowledge of PALMco's business operations in Ohio;
5. A copy of the final decision, such as a final order or a consent decree, regarding any and all complaints and/or investigations regarding PALMco's marketing and/or billing practices conducted by state utility commissions or state attorneys general since January 1, 2012; and
6. All documents and workpapers related to making the payment of customer refunds and a forfeiture contingent upon the sale of PALMco's Ohio business, as discussed in Paragraphs 7a., 7b., and 7c of the Stipulation.

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

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Etter]: (614) 466-7964
Telephone [Botschner O'Brien]: (614) 466-9575
Terry.etter@occ.ohio.gov
amy.botschner.obrien@occ.ohio.gov
(willing to accept service by e-mail)

Kimberly W. Bojko (0069402)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
bojko@carpenterlipps.com

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice to Take Depositions and Requests for Production of Documents was served on the persons stated below via electronic transmission this 9th day of September 2019.

/s/ Terry L. Etter

Terry L. Etter

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

SERVICE LIST

Jodi.bair@ohioattorneygeneral.gov

whitt@whitt-sturtevant.com

Glover@whitt-sturtevant.com

Jennifer Coleman

PALMco Energy OH, LLC,

dba Indra Energy

8751 18th Avenue

Brooklyn, NY 11214

regulatory@indraenergy.com

Attorney Examiners:

Stacie.Cathcart@puco.ohio.gov

Anna.Sanyal@puco.ohio.gov

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

Summary: Notice of Deposition Notice to Take Depositions and Requests for Production of Documents by The Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Etter, Terry L.