

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MOTION FOR SUBPOENA DUCES TECUM
WITH EXPEDITED TREATMENT
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Ohio Consumers' Counsel ("OCC")¹ respectfully moves the Public Utilities Commission of Ohio ("PUCO"), any commissioner, the legal director, the deputy legal director, or any attorney examiner to issue a subpoena compelling the attendance of the persons identified herein at the hearing in this proceeding, scheduled to begin on Thursday, September 19, 2019, at 10:00 a.m., at the Offices of the PUCO, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio, 43215. The persons requested to attend and give testimony are:

1. Keenia Joseph, VP, Regulatory and Compliance, PALMco Energy OH, LLC.
2. Robert Palmese, President/Managing Member, PALMco Energy OH, LLC.
3. Adam Bashe, Vice President of Business Development and Chief Sales Officer, PALMco Energy OH, LLC.

¹ Pursuant to Rule 4901-1-25.

Said persons shall appear at 10:00 a.m. on September 19, 2019 and shall make themselves available from day to day during the hearing to provide testimony when called by OCC as a witness concerning this PALMco Energy OH, LLC d/b/a Indra Energy and PALMco Power OH, LLC d/b/a Indra Energy ("PALMco") proceeding in the above-captioned case.

The subpoena also compels the witnesses to bring with them, and provide to OCC at 9:30 a.m. on September 19, 2019:

- (1) All workpapers and documents utilized in preparing responses to discovery that were authored by the witness and/or documents that were provided to OCC by the witness or in consultation with the witness.

Under Ohio Adm. Code 4901-1-25, motions for subpoenas requiring attendance at hearings may be filed five days prior to the commencement of the hearing, where a party seeks expedited treatment. Given the impending hearing, OCC hereby seeks expedited treatment of its Motion for Subpoenas. Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

Bruce Weston (0016973)
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
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Terry.etter@occ.ohio.gov
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(willing to accept service by e-mail)

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280 North High Street, Suite 1300
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*Special Counsel for the
Office of the Ohio Consumers' Counsel*

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MEMORANDUM IN SUPPORT

Due to PALMco's unfair, misleading, deceptive, and unconscionable acts and practices in its marketing of electric and natural gas to Ohioans, the OCC seeks to protect consumers. The PUCO investigated PALMco's practices in marketing electric and natural gas services to Ohioans after receiving a high number of customer complaints (373 instances).² After investigating the numerous complaints, the Staff identified a pattern of unfair, misleading, deceptive and unconscionable activities being undertaken by PALMco that violated several PUCO rules.³

On July 31, 2019, the PUCO Staff and PALMco filed the Stipulation for settlement of this case. The settlement provided for, among other things, limited refunds to customers for over-charges. However, some of the customer refunds and a proposed forfeiture that PALMco would pay to the state of Ohio were made contingent on

² See PUCO Staff Report (May 10, 2019) at 3.

³ *Id.*

PALMco selling its customer contracts to another marketer.⁴ The Settlement agreement stops short of adopting the strong recommendations and findings of the Staff Report.

One of the key issues for the PUCO to decide is whether the settlement is reasonable and meets the PUCO's three-prong settlement standard. In this regard the PUCO must determine, among other things, that the settlement package benefits customers, is in the public interest and does not violate important policies and principles. The testimony adduced from these witnesses will be focused on whether the settlement meets these standards.

Under Ohio Adm. Code 4901-1-25, motions for subpoenas requiring attendance at hearings may be filed five days prior to the commencement of the hearing, where a party seeks expedited treatment. Additionally, the PUCO may issue a subpoena later than the five-day period for good cause shown.⁵ With the hearing scheduled for Thursday, September 19, OCC will have satisfied this standard.

OCC respectfully requests that the Attorney Examiner sign the attached subpoenas on an expedited basis so that Ms. Joseph, Mr. Palmese and Mr. Bashe will be compelled to appear and testify at the evidentiary hearing in this matter as set forth above.

⁴ Stipulation at 5-6.

⁵ Hearing Transcript, Case No. 19-0957, at 58-59.

Respectfully submitted,

Bruce Weston (0016973)
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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bojko@carpenterlipps.com
(willing to accept service by e-mail)

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion for Subpoena was served on the persons stated below via electronic transmission this 13th 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

Attorney Examiners:

Anna.Sanyal@puco.ohio.gov

Greg.price@puco.ohio.gov

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Michael DeWine
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM

To: Sonya L. Cordell, Assistant VP
CSC-Lawyers Incorporating Service (Corporation Service Company)
50 West Broad Street, Suite 1800
Columbus, OH 43215

Upon application of the Ohio Consumers' Counsel, and consistent with R.C. 4928.09(A)(1)(a)(b), Keenia Joseph, VP, Regulatory and Compliance, PALMco Energy OH, LLC, shall appear before the Public Utilities Commission of Ohio as a witness in the following proceeding:

Case No. 19-0957-GE-COI

Case Title: In the Matter of the Commission's Investigation into PALMco Power 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.

Ms. Joseph is to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, on Thursday, September 19, at 10:00 a.m. in the hearing room designated for this proceeding, and be available to testify at the hearing from day to day thereafter until called by the Office of the Ohio Consumers' Counsel and completing her testimony.

Ms. Joseph shall bring with her to the hearing all workpapers and documents utilized in preparing responses to discovery that were authored by the witness and/or documents that were provided to OCC by the witness or in consultation with the witness.

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Michael DeWine
GOVERNOR

Dated at Columbus, Ohio, this 13th day of September 2019.

BY:
TITLE: Attorney Examiner

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

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Remedial Actions for Non-)	
Compliance.)	

RETURN OF SERVICE

State of Ohio)
) ss.
County of Franklin)

_____, being duly sworn, states that he/she is over eighteen (18) years of age, and that on September ____, 2019, at approximately _____p.m., he/she served the within subpoena on _____ by delivering a copy thereof to _____ at _____.

Subscribed and sworn to before me this ____ day of September 2019.

Notary Public

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Michael DeWine
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
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To: Sonya L. Cordell, Assistant VP
CSC-Lawyers Incorporating Service (Corporation Service Company)
50 West Broad Street, Suite 1800
Columbus, OH 43215

Upon application of the Ohio Consumers' Counsel, and consistent with R.C. 4928.09(A)(1)(a)(b), Robert Palmese, President/Managing Member PALMco Energy OH, LCC, shall appear before the Public Utilities Commission of Ohio as a witness in the following proceeding:

Case No. 19-0957-GE-COI

Case Title: In the Matter of the Commission's Investigation into PALMco Power 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.

Mr. Palmese is to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, on Thursday, September 19, at 10:00 a.m. in the hearing room designated for this proceeding, and be available to testify at the hearing from day to day thereafter until called by the Office of the Ohio Consumers' Counsel and completing his testimony.

Mr. Palmese shall bring with him to the hearing all workpapers and documents utilized in preparing responses to discovery that were authored by the witness and/or documents that were provided to OCC by the witness or in consultation with the witness.

**STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573**

Michael DeWine
GOVERNOR

Dated at Columbus, Ohio, this 13th day of September 2019.

BY: 

TITLE: Attorney Examiner

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To: Sonya L. Cordell, Assistant VP
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50 West Broad Street, Suite 1800
Columbus, OH 43215

Upon application of the Ohio Consumers' Counsel, and consistent with R.C. 4928.09(A)(1)(a)(b), Adam Bashe, Vice President of Business Development and Chief Sales Officer, PALMco Energy OH, LCC, shall appear before the Public Utilities Commission of Ohio as a witness in the following proceeding:

Case No. 19-0957-GE-COI

Case Title: In the Matter of the Commission's Investigation into PALMco Power 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.

Mr. Bashe is to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, on Thursday, September 19, at 10:00 a.m. in the hearing room designated for this proceeding, and be available to testify at the hearing from day to day thereafter until called by the Office of the Ohio Consumers' Counsel and completing his testimony.

Mr. Bashe shall bring with him to the hearing all workpapers and documents utilized in preparing responses to discovery that were authored by the witness and/or documents that were provided to OCC by the witness or in consultation with the witness.

Dated at Columbus, Ohio, this 13th day of September 2019.

BY: *Corey R.*

TITLE: *Attorney General*

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

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Subscribed and sworn to before me this ____ day of September 2019.

Notary Public

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/13/2019 3:50:54 PM

in

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

Summary: Motion Motion for Subpoena Duces Tecum With Expedited Treatment by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Patricia J Mallarnee on behalf of Etter, Terry Mr.