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**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
WITH EXPEDITED TREATMENT
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

PUCO

2019 SEP 13 PM 4:35

RECEIVED-BOOKETING DIV

In an Entry issued on April 17, 2019, the Public Utilities Commission of Ohio ("PUCO") ordered an investigation to be performed by Staff into the alleged unfair, deceptive, or unconscionable acts or practices in this state by PALMco Energy OH, LLC d/b/a Indra Energy and PALMco Power OH, LLC d/b/a Indra Energy ("PALMco Power OH LLC" or "PALMco").¹ Consistent with the procedural scheduled established in the April 17 Entry, a Staff Report was filed on May 10, 2019.² Under Ohio Adm. Code 4901-1-28(E), the Staff Report shall be deemed admitted into evidence at the time of its filing at the PUCO. Further under this rule, if a hearing is scheduled in the case in which the Staff Report is filed, any person making or contributing to the Staff Report may be subpoenaed to testify at the hearing in accordance with Ohio Adm. Code 4901-1-25(A).

¹ Entry at ¶¶ 1, 10 (April 17, 2019) ("April 17 Entry").

² *Id.* at ¶ 11.

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A hearing in this case is scheduled for September 19, 2019.³ Based on information and belief, Mr. Fadley and Ms. Bossart made or contributed to the Staff Report of Investigation. As such Mr. Fadley and Ms. Bossart are persons who may be subpoenaed under Ohio Adm. Code 4901-1-28(E).

Accordingly, the Ohio Consumers' Counsel ("OCC")⁴ respectfully moves the 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. Barbara Bossart - Chief, Reliability and Service Analysis Division, Service Monitoring and Enforcement Department
2. Robert Fadley, Director, Service Monitoring and Enforcement Department

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 Power OH, LLC proceeding in the above-captioned case.

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

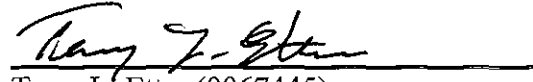
³ Entry at ¶ 10 (August 14, 2019) (The hearing scheduled for September 18, 2019 in this Entry was subsequently rescheduled to September 19, 2019 during a prehearing conference held on September 11, 2019). See Prehearing Conference Tr. at 67-68 (September 11, 2019).

⁴ Pursuant to Ohio Adm. Code 4901-1-28(E) and 4901-1-25.

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



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

Office of the Ohio Consumers' Counsel

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

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In the Matter of the Commission's)	
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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, 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).⁵ After investigating the complaints the Staff identified a pattern of unfair, misleading, deceptive and unconscionable activities being undertaken by PALMco that violated several PUCO rules.⁶

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 overcharges. However, some of the customer refunds and a proposed forfeiture that PALMco would pay to the state of Ohio were made contingent on

⁵ See PUCO Staff Report (May 10, 2019) at 3.

⁶ *Id.*

PALMco selling its customer contracts to another marketer.⁷ The Settlement agreement stops short of 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.

In an Entry issued on April 17, 2019, the PUCO ordered an investigation to be performed by Staff.⁸ On May 10, 2019, the Staff report was filed. Under Ohio Adm. Code 4901-1-28(E), the report shall be deemed admitted into evidence at the time of its filing at the PUCO. Further under this rule, if a hearing is scheduled in the case in which the report is filed, any person making or contributing to the report may be subpoenaed to testify at the hearing, in accordance with Ohio Adm. Code 4901-1-25(A). A hearing in this case is scheduled for September 19, 2019. Based on information and belief, Mr. Fadley and Ms. Bossart made or contributed to the Staff Report of Investigation. As such, Mr. Fadley and Ms. Bossart are persons who may be subpoenaed under the PUCO's rules.

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

⁷ Stipulation at 5-6.

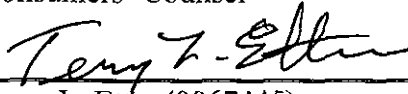
⁸ *In the Matter of the Commission's Investigation into PALMco Power OH, LLC dba Indra Energy and PALMco Energy OH, LLC dba Indra Energy's Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 19-0957, Entry (April 17, 2019).

seeks expedited treatment. Additionally, the PUCO may issue a subpoena later than the five-day period for good cause shown.⁹ 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 Mr. Fadley and Ms. Bossart will be compelled to appear and testify at the evidentiary hearing in this matter as set forth above.

Respectfully submitted,

Bruce Weston (0016973)
Consumers' Counsel



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

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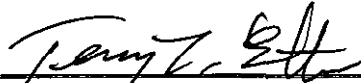
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bojko@carpenterlipps.com
(willing to accept service by e-mail)

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

⁹ Transcript of Prehearing Conference (September 11, 2019) at 58.

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.



Terry L. Etter
Assistant Consumers' Counsel

SERVICE LIST

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

Michael DeWine
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

To: Mr. Robert Fadley
Director, Service Monitoring and Enforcement Dept.
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Upon application of the Ohio Consumers' Counsel, YOU ARE HEREBY
COMMANDED TO: 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.

You are 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 your testimony.

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

BY: _____

A handwritten signature in dark ink, appearing to be "G. R.", is written over a horizontal line.

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.

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

Michael DeWine
GOVERNOR

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

To: Ms. Barbara Bossart
Service Monitoring and Enforcement Dept.
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215


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COMMANDED TO: appear before the Public Utilities Commission of Ohio as a witness
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Case No. 19-0957-GE-COI

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LLC dba Indra Energy and PALMco Energy OH, LLC dba Indra Energy's Compliance
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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 your testimony.

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

BY: 

TITLE: *A Horney 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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Notary Public