

FILE

**PUCO EXHIBIT FILING**Date of Hearing: September 20, 2019Case No. 19-957-GE-COI

**PUCO Case Caption:** In the Matter of the Commission's  
Investigation into PALMco Power OH, LLC d/b/a  
Indra Energy and PALMco Energy OH, LLC d/b/a  
Indra Energy's Compliance with the Ohio Administrative  
Code and Potential Remedial Actions for Non-Compliance.

**List of exhibits being filed:**OCC Exhibits 14, 18

PUCO

2019 OCT -4 PM 2:00

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**Reporter's Signature:** Carolyn M. Burke  
**Date Submitted:** 10/4/2019

**19-957-GE-COI**  
**OCC 2nd Set Interrogatories and Requests for Production**  
**PALMco Confidential Response**

INT-2-012. Assuming that “current” or “currently” means August 2, 2019, please respond to the following:

- a. How many natural gas customers is PALMco currently serving in Ohio, broken down by utility service area?
- b. How many electricity customers is PALMco currently serving in Ohio, broken down by utility service area?
- c. How many joint natural gas and electricity customers is PALMco currently serving in Ohio, broken down by utility service area?
- d. How many PALMco natural gas customers in Ohio are served under a fixed-rate contract in Ohio?
- e. How many electricity PALMco customers in Ohio are served under a fixed-rate contract in Ohio?
- f. What is PALMco’s current variable rate(s) being charged to residential natural gas customers in Ohio, by utility service area if the rates are different?
- g. What is PALMco’s current variable rate(s) being charged to residential electricity customers in Ohio, by utility service area if the rates are different?
- h. How are PALMco’s variable rates for both natural gas and electricity determined?
- i. What is PALMco’s current fixed rate(s) being charged to residential natural gas customers in Ohio, by utility service area if the rates are different?

- j. What is PALMco's current fixed rate(s) being charged to residential electricity customers in Ohio, by utility service area if the rates are different?

**RESPONSE:** PALMco objects that this interrogatory is overly broad and unduly burdensome to answer. Subject to and without waiving this objection, PALMco responds as follows:

- a. PALMco currently serves 8,372 natural gas accounts: Columbia – 2,700; Dominion – 4,015; Duke – 334; Vectren – 1,323.
- b. PALMco currently serves 6,629 electric accounts: AEP Ohio – 1,694; DP&L – 1,230; Duke – 477; FirstEnergy – 3,228.
- c. PALMco serves approximately 2,500 customers in Ohio with both electric and natural gas service. It is not possible to break down by service area.
- d. PALMco currently serves 634 natural gas accounts with fixed rate contracts: Columbia – 154; Dominion – 350; Duke – 26; Vectren – 104.
- e. PALMco currently serves 1,742 electric accounts with fixed rate contracts: AEP Ohio – 292; DP&L – 549; Duke – 188; FirstEnergy – 713.
- f. PALMco's weighted average variable rate by natural gas utility service area is as follows: Columbia – 1.27852; Dominion – 1.12725; Duke – 1.09522; Vectren – 1.21497.
- g. PALMco's weighted average variable rate by electric utility service area is as follows: AEP Ohio (CSP) – 0.12482; AEP Ohio (OP) – 0.12512; DP&L – 0.11879; Duke – 0.13249; CEI – 0.12528; TE – 0.13242; OE – 0.13034.
- h. As stated in PALMco's natural gas contracts: "You will pay a Variable Price for natural gas supply service that may vary from month to month as determined by [PALMco] in its sole discretion, based on the wholesale cost of natural gas to the Delivery Point, administrative and regulatory compliance costs, supply and agency functions that [PALMco] performs for you, and other prevailing business considerations and market conditions, plus [PALMco's] costs, expenses and margins. This list of factors is not exhaustive and no single factor will determine the rate." In its electric contracts: "You will pay a variable rate for electric supply service that may vary from month to month as determined by [PALMco] based on the wholesale market prices acquired for energy, any supply and agency functions that [PALMco] performs for you, line loss, certain transmission, capacity, ancillary, administrative and regulatory compliance costs incurred by [PALMco],

alternative and renewable energy requirements, market conditions, expenses and margins.”

- i. PALMco’s weighted average fixed rate by natural gas utility service area is as follows: Columbia – 0.73724; Dominion – 0.69649; Duke – 0.59079; Vectren – 0.68599.
- j. PALMco’s weighted average fixed rate by electric utility service area is as follows: AEP Ohio (CSP) – 0.08481; AEP Ohio (OP) – 0.08160; DP&L – 0.08845; Duke – 0.08695; CEI – 0.08339; TE – 0.08769; OE – 0.08557.



Deposition of:  
**Keenia Joseph**

*September 17, 2019*

In the Matter of:  
**The Commisions Investifation Into  
Palmco Power Oh**

Veritext Legal Solutions  
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In the MATTER of the Commission's  
Investigation into PALMco POWER OH, LLC  
d/b/a Indra Energy's Compliance with the  
Ohio Administrative Code and Potential  
Remedial Actions for Non-Compliance.  
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September 17, 2019

2:07 p.m.

Telephonic Deposition of KEENIA  
JOSEPH, taken by the Public Utilities  
Commission of Ohio, pursuant to the  
Amended Notice of Deposition, held at the  
offices of PALMco Energy, 8751 18th  
Avenue, Brooklyn, New York, before Linda  
A. Baranowski, a Notary Public of the  
State of New York.

<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 WHITT STURTEVANT, LLP 88 East Broad Street - Suite 1590 4 Columbus, Ohio 43215 On behalf of PALMco Power OH, 5 LLC, d/b/a Indra Energy, and PALMco Energy OH, LLC, d/b/a 6 Indra Energy BY: MARK A. WHITT, ESQ. 7 8 9 CARPENTER, LIPPS &amp; LELAND, LLP 280 North High Street - Suite 1300 Columbus, Ohio 43215 10 Outside Counsel for the Office of the Ohio Consumers' Counsel 11 BY: KIMBERLY W. BOJKO, ESQ. 12 13 DAVE YOST, ESQ. Attorney General 14 ROBERT EUBANKS, Esq. Assistant Attorney General 15 JODI J. BAIR, ESQ. Assistant Attorney General 16 PUBLIC UTILITIES SECTION 30 East Broad Street - 16 Floor 17 Columbus, Ohio 43215 On behalf of The Public 18 Utilities Commission of Ohio 19 20 TERRY L. ETTER, ESQ. Counsel of Record OFFICE OF THE OHIO CONSUMERS' COUNSEL 21 65 East State Street - 7th Floor Columbus, Ohio 43215 22 23 ** ** 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 taken before. 3 THE WITNESS: No. 4 MS. BOJKO: A telephonic 5 deposition is a little more 6 tricky. I'm going to ask you to 7 please refrain from 8 communicating, talking, passing 9 notes, texting, with any person 10 in the room and if that does 11 occur I ask the court reporter to 12 note in the record when those 13 communications do occur. Please 14 turn off all your electronic 15 devices to avoid communicating 16 with anyone inside or outside of 17 the conference room. 18 Also, Ms. Joseph, if you 19 need a break, please let me know, 20 but you first must answer a 21 pending question before we take a 22 break. 23 THE WITNESS: Okay. 24 MS. BOJKO: Also particularly 25 important with telephonic</p>
<p style="text-align: right;">Page 3</p> <p>1 2 KEENIA JOSEPH, 3 called as a witness, having been first 4 duly sworn by the Notary Public, was 5 examined and testified as follows: 6 MS. BOJKO: For the record, 7 this deposition is being taken 8 pursuant to the Amended Notice of 9 Deposition filed on August 2, 10 2019, in the matter of the 11 Commission's investigation into 12 palm Power Ohio, LLC, doing 13 business as Indra Energy, and 14 palm Energy Ohio, LLC's 15 compliance with administrative 16 code and potential remedial 17 action for noncompliance. 18 Before we get started it is 19 my understanding that Ms. Joseph 20 is in the room with Mr. Whitt. 21 Is there anybody else present in 22 the room? 23 MR. WHITT: No. 24 MS. BOJKO: Ms. Joseph, have 25 you ever had your deposition</p>	<p style="text-align: right;">Page 5</p> <p>1 2 depositions, is that you need to 3 make sure all your responses are 4 verbal. The court reporter 5 cannot take down a notation of 6 whether you nod or shake your 7 head. 8 Do you have any questions 9 before we begin? 10 THE WITNESS: No. 11 EXAMINATION BY 12 MS. BOJKO: 13 Q. Will you state your name, 14 please. 15 A. Keenia Joseph. 16 Q. And can you state your business 17 address for the record, please? 18 A. Indra Energy, 1515 Market 19 Street, Suite 1200, Philadelphia, 20 Pennsylvania 19102. 21 Q. What is your position with the 22 company? First of all, which company do 23 you work for? 24 A. Palm Administration. 25 Q. What is your position with palm</p>

<p style="text-align: right;">Page 6</p> <p>1</p> <p>2 Administration?</p> <p>3 A. My title is vice president of</p> <p>4 regulatory and compliance.</p> <p>5 Q. Can you explain what palm</p> <p>6 Administration is with relation to palm</p> <p>7 Energy Ohio and palm Power Ohio?</p> <p>8 A. I can't. Those are corporate</p> <p>9 records, which I don't own or manage.</p> <p>10 Q. In palm Administration do you</p> <p>11 provide services to all of the corporate</p> <p>12 entities named palm or Columbia Utilities?</p> <p>13 A. Yes.</p> <p>14 Q. How long have you held your</p> <p>15 current position?</p> <p>16 A. I started April 9, 2019.</p> <p>17 Q. Where were you before that?</p> <p>18 A. Calpine Corporation.</p> <p>19 Q. Were you provided with the</p> <p>20 Amended Notice of Deposition that was</p> <p>21 filed on August 2, 2019?</p> <p>22 A. I was.</p> <p>23 Q. Do you have a copy of that</p> <p>24 Notice in front of you?</p> <p>25 A. I do not.</p>	<p style="text-align: right;">Page 8</p> <p>1</p> <p>2 Q. Did you draft the discovery</p> <p>3 responses?</p> <p>4 A. I did not.</p> <p>5 Q. But you are designated as the</p> <p>6 person responsible for the discovery</p> <p>7 responses; correct?</p> <p>8 A. I didn't read the -- I didn't</p> <p>9 read the documents so I'm not sure about</p> <p>10 that.</p> <p>11 Q. Are you aware that the</p> <p>12 Consumers' Counsel, OCC, served five sets</p> <p>13 of discovery on PALMco?</p> <p>14 A. Yes.</p> <p>15 Q. Are you the witness that did or</p> <p>16 intends to verify the discovery responses?</p> <p>17 A. Yes.</p> <p>18 Q. Have you done that yet to date?</p> <p>19 A. Yes.</p> <p>20 Q. You verified discovery responses</p> <p>21 but you have not read the discovery</p> <p>22 responses?</p> <p>23 A. I thought you were speaking</p> <p>24 about the amended request that was filed</p> <p>25 by OCC.</p>
<p style="text-align: right;">Page 7</p> <p>1</p> <p>2 Q. Do you understand that this</p> <p>3 deposition was being taken pursuant to</p> <p>4 that Notice?</p> <p>5 A. Yes.</p> <p>6 Q. Were you aware that Keenia</p> <p>7 Joseph was identified as the person</p> <p>8 responsible for all the discovery</p> <p>9 responses and documents provided pursuant</p> <p>10 to discovery issued by the Office of the</p> <p>11 Ohio Consumers' Counsel?</p> <p>12 A. Can you repeat the question?</p> <p>13 Q. Were you aware that Keenia</p> <p>14 Joseph was identified as the person</p> <p>15 responsible for all of the discovery</p> <p>16 responses and documents provided pursuant</p> <p>17 to discovery requests issued by the Office</p> <p>18 of the Ohio Consumers' Counsel?</p> <p>19 A. Yes.</p> <p>20 Q. Are you the Keenia Joseph who</p> <p>21 was responsible for PALMco's responses to</p> <p>22 discovery requests served to PALMco by the</p> <p>23 Office of Consumers' Counsel or OCC?</p> <p>24 A. I was responsible for pulling</p> <p>25 the information together and providing it.</p>	<p style="text-align: right;">Page 9</p> <p>1</p> <p>2 Q. Okay. Let's back up.</p> <p>3 Are you the person responsible</p> <p>4 for the discovery responses and the</p> <p>5 documents provided by PALMco to OCC</p> <p>6 through discovery in this case?</p> <p>7 A. I'm sorry. Can you ask that</p> <p>8 question again.</p> <p>9 Q. Are you the person responsible</p> <p>10 for PALMco responses to discovery requests</p> <p>11 and documents provided by PALMco pursuant</p> <p>12 to discovery issued by the OCC?</p> <p>13 A. Yes.</p> <p>14 Q. Did you read the discovery</p> <p>15 responses provided by PALMco to OCC?</p> <p>16 A. Yes.</p> <p>17 Q. You reviewed those and you're</p> <p>18 verifying the truth and accuracy of those</p> <p>19 discovery responses?</p> <p>20 A. To the extent they were provided</p> <p>21 to me, yes, by internal parties, yes. I</p> <p>22 -- yes.</p> <p>23 Q. Are you stating that other</p> <p>24 people provided discovery responses to you</p> <p>25 from PALMco?</p>



<p style="text-align: right;">Page 10</p> <p>1</p> <p>2 A. Yes.</p> <p>3 Q. And you are not sure of the</p> <p>4 truth or accuracy of those discovery</p> <p>5 responses provided by other employees?</p> <p>6 MR. WHITT: Counsel, I guess</p> <p>7 to help move this along, we will</p> <p>8 stipulate and provide a signed</p> <p>9 verification by the witness that</p> <p>10 she is answering and verifying</p> <p>11 all of the discovery responses on</p> <p>12 behalf of the company.</p> <p>13 MS. BOJKO: I appreciate that</p> <p>14 and we'll look for that, but</p> <p>15 right now I'm asking for if she</p> <p>16 personally verified the discovery</p> <p>17 responses provided by other</p> <p>18 individuals in the company.</p> <p>19 MR. WHITT: That's not her</p> <p>20 duty. Under the rule of this</p> <p>21 Notice was issued under Section</p> <p>22 4901-1-21B which requires that</p> <p>23 discovery directed to an entity</p> <p>24 that the entity designate someone</p> <p>25 to verify the responses on behalf</p>	<p style="text-align: right;">Page 12</p> <p>1</p> <p>2 MS. BOJKO: That's fine. I</p> <p>3 just want to ask her a couple</p> <p>4 more questions which I am</p> <p>5 entitled to do. So we'll take</p> <p>6 your verification but I still</p> <p>7 would like Ms. Joseph to answer</p> <p>8 my last question, did she</p> <p>9 personally verify discovery</p> <p>10 responses that were provided to</p> <p>11 her by other employees within</p> <p>12 PALMco.</p> <p>13 Q. It's a yes or no question.</p> <p>14 A. I did not.</p> <p>15 Q. Do you have the discovery</p> <p>16 responses in front of you today, did you</p> <p>17 bring those with you?</p> <p>18 A. I don't have them in front of</p> <p>19 me.</p> <p>20 Q. Is it my understanding of what</p> <p>21 counsel just stated that you are here</p> <p>22 today to discuss PALMco's responses to</p> <p>23 discovery and the documents that were</p> <p>24 produced by PALMco; correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 11</p> <p>1</p> <p>2 of the party and the witness has</p> <p>3 done that based on information</p> <p>4 provided to her by the company</p> <p>5 and she is verifying the</p> <p>6 responses on behalf of the</p> <p>7 company.</p> <p>8 MS. BOJKO: I'd prefer not to</p> <p>9 have a legal argument but I</p> <p>10 disagree with your interpretation</p> <p>11 of the rule. 1340-901-1-15</p> <p>12 clearly says that every</p> <p>13 Interrogatory has to be signed by</p> <p>14 a responsible person or person</p> <p>15 that made that discovery</p> <p>16 response.</p> <p>17 MR. WHITT: That's not what</p> <p>18 it says. That's not what it</p> <p>19 says, but, again, to move this</p> <p>20 along, as we have said before,</p> <p>21 Ms. Joseph has verified the</p> <p>22 answers on behalf of the company.</p> <p>23 To the extent you have questions</p> <p>24 about any of the answers that's</p> <p>25 what she's here to talk about.</p>	<p style="text-align: right;">Page 13</p> <p>1</p> <p>2 Q. You said you saw the amended</p> <p>3 deposition Notice.</p> <p>4 Are you aware that the</p> <p>5 deposition Notice asked you to bring</p> <p>6 certain documents to the deposition?</p> <p>7 MR. WHITT: I will object.</p> <p>8 Given the recent ruling on</p> <p>9 the Notice itself in the various</p> <p>10 defects with that Notice.</p> <p>11 MS. BOJKO: Noted for the</p> <p>12 record. The witness can answer.</p> <p>13 A. Yes.</p> <p>14 Q. You did not file testimony in</p> <p>15 this case; is that correct?</p> <p>16 A. No.</p> <p>17 Q. The first couple items in that</p> <p>18 list do not apply, so let's go to item</p> <p>19 three in the list.</p> <p>20 Did you bring a copy of all</p> <p>21 documents that you used in answering OCC's</p> <p>22 discovery and/or the Commission's</p> <p>23 requests?</p> <p>24 A. No.</p> <p>25 Q. Did you bring a copy of all</p>

<p style="text-align: right;">Page 14</p> <p>1</p> <p>2 documents upon which you based your</p> <p>3 knowledge of PALMco's current financial</p> <p>4 condition, the availability of funds that</p> <p>5 could be used by PALMco to provide</p> <p>6 restitution to PALMco's customers and</p> <p>7 forfeitures to the State of Ohio, the use</p> <p>8 of PALMco's corporate property and/or</p> <p>9 funds, and/or the manner in which funds</p> <p>10 are kept?</p> <p>11 MR. WHITT: We will stipulate</p> <p>12 the witness brought no documents</p> <p>13 with her to the deposition.</p> <p>14 Q. Let's talk about PALMco.</p> <p>15 You said you were an employee of</p> <p>16 PALMco Administration; correct?</p> <p>17 A. Yes.</p> <p>18 Q. As an employee of PALMco</p> <p>19 Administration you provide services to all</p> <p>20 of the PALMco entities; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And do you know how many</p> <p>23 entities are owned by the PALMco family?</p> <p>24 A. No.</p> <p>25 Q. Do you know in which states the</p>	<p style="text-align: right;">Page 16</p> <p>1</p> <p>2 PALMco Energy is the gas side of the</p> <p>3 business?</p> <p>4 A. Yes.</p> <p>5 Q. Each entity has a state name in</p> <p>6 it except for Columbia Utilities Power and</p> <p>7 Columbia Utilities, LLC; is that correct?</p> <p>8 A. I don't know.</p> <p>9 Q. Is it your understanding that</p> <p>10 Columbia Utilities Power and Columbia</p> <p>11 Utilities, LLC are two entities located in</p> <p>12 New York?</p> <p>13 A. I'm sorry. What two entities?</p> <p>14 Q. Columbia Utilities Power and</p> <p>15 Columbia Utilities, LLC.</p> <p>16 A. Yes.</p> <p>17 Q. Is it true that there's also a</p> <p>18 PALMco Energy New York and a PALMco Power</p> <p>19 New York?</p> <p>20 A. I don't know.</p> <p>21 Q. Assuming that PALMco Energy New</p> <p>22 York, as the name states, and PALMco Power</p> <p>23 New York are also located in New York, do</p> <p>24 you know what the distinction is of the</p> <p>25 four companies located in New York?</p>
<p style="text-align: right;">Page 15</p> <p>1</p> <p>2 PALMco entities exist?</p> <p>3 A. No.</p> <p>4 Q. Would you know why in 2016</p> <p>5 PALMco listed 26 entities but in 2018 they</p> <p>6 only listed 22 entities in the corporate</p> <p>7 family?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you know if Columbia</p> <p>10 Utilities, LLC is a parent company of the</p> <p>11 21 current companies?</p> <p>12 A. Can you repeat that question?</p> <p>13 Q. Sure.</p> <p>14 Do you know whether Columbia</p> <p>15 Utilities, LLC is the parent company of</p> <p>16 the 21 other companies in the family?</p> <p>17 A. I don't know.</p> <p>18 Q. It appears that there are two</p> <p>19 PALMco entities in state where PALMco</p> <p>20 operates.</p> <p>21 One is PALMco Power and one is</p> <p>22 PALMco Energy; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Is your understanding that</p> <p>25 PALMco Power is the electric side and</p>	<p style="text-align: right;">Page 17</p> <p>1</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know who are the current</p> <p>4 owners of the PALMco Energy?</p> <p>5 A. No, I don't know all of them.</p> <p>6 Q. Do you know some of them?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us the ones that</p> <p>9 you know, please?</p> <p>10 A. I'm familiar with the PALMco</p> <p>11 Ohio. That's about it.</p> <p>12 Q. Who are the current owners of</p> <p>13 PALMco Ohio?</p> <p>14 A. Actually let me take that back.</p> <p>15 I don't know because I don't know the</p> <p>16 names.</p> <p>17 Q. Do you know who the managing</p> <p>18 member is of PALMco Ohio?</p> <p>19 A. No.</p> <p>20 Q. Who is your direct report?</p> <p>21 A. Robert Palmese.</p> <p>22 Q. Is it your understanding that</p> <p>23 Rob Palmese is an owner, co-owner, of</p> <p>24 PALMco Energy?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 18</p> <p>1</p> <p>2 Q. You don't know whether Robert</p> <p>3 Palmese is the managing member of the</p> <p>4 PALMco entity?</p> <p>5 A. I'm sorry.</p> <p>6 Q. Do you know whether Robert</p> <p>7 Palmese is the managing member of the</p> <p>8 PALMco company?</p> <p>9 A. I don't.</p> <p>10 Q. Are you familiar that in Ohio</p> <p>11 there needs to be a certification</p> <p>12 application and a certification issued</p> <p>13 prior to doing business in Ohio with</p> <p>14 regard to certified retail electric</p> <p>15 service and certified retail natural gas</p> <p>16 service?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know whether PALMco Ohio,</p> <p>19 the two PALMco Ohio entities, PALMco Power</p> <p>20 and PALMco Energy have obtained such</p> <p>21 certificates?</p> <p>22 A. Yes.</p> <p>23 Q. Have you read those</p> <p>24 applications?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 20</p> <p>1</p> <p>2 employed here when it was filed.</p> <p>3 Q. Are you aware that there are</p> <p>4 continuing rules and obligations of</p> <p>5 companies to provide information or update</p> <p>6 information in their certificate</p> <p>7 proceedings if there are changes at the</p> <p>8 company?</p> <p>9 A. Yes.</p> <p>10 Q. You would be in charge of</p> <p>11 managing those; correct?</p> <p>12 A. Yes.</p> <p>13 Q. But you haven't reviewed the</p> <p>14 application to determine whether there has</p> <p>15 been a need to update the application or</p> <p>16 information provided pursuant to the</p> <p>17 application since you started in April?</p> <p>18 A. No.</p> <p>19 Q. There was a notice of a material</p> <p>20 change filed May 1, 2019 in the PALMco</p> <p>21 Power case.</p> <p>22 Would you have been involved in</p> <p>23 that filing?</p> <p>24 A. No.</p> <p>25 Q. Would you have managerial</p>
<p style="text-align: right;">Page 19</p> <p>1</p> <p>2 Q. Can you explain to me what your</p> <p>3 duties are for PALMco Administration?</p> <p>4 A. I manage regulatory and</p> <p>5 compliance functions for the company.</p> <p>6 Q. You would be the manager of the</p> <p>7 certifications issued in Ohio?</p> <p>8 A. For the application?</p> <p>9 Q. (No response).</p> <p>10 A. I'm not sure I understand the</p> <p>11 question.</p> <p>12 Q. I will rephrase.</p> <p>13 You are the manager of the</p> <p>14 certification proceedings and filings made</p> <p>15 by PALMco Ohio?</p> <p>16 A. No.</p> <p>17 Q. You explained to me that you</p> <p>18 managed compliance.</p> <p>19 What does that mean?</p> <p>20 A. It's looking at rules and seeing</p> <p>21 if the company is compliant.</p> <p>22 The license application, there's</p> <p>23 been none filed since I was employed here.</p> <p>24 So the answer to your question is I don't</p> <p>25 manage what was filed because I was not</p>	<p style="text-align: right;">Page 21</p> <p>1</p> <p>2 responsibilities for that filing?</p> <p>3 A. No.</p> <p>4 Q. Who would have managerial</p> <p>5 responsibilities for that filing?</p> <p>6 A. The former general counsel.</p> <p>7 Q. Is there a current general</p> <p>8 counsel?</p> <p>9 A. No.</p> <p>10 Q. When did the former general</p> <p>11 counsel part company?</p> <p>12 A. At the end of May.</p> <p>13 Q. You're familiar with the</p> <p>14 settlement that was filed in this case;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. In the filing where there's a</p> <p>18 reference to PALMco it's your</p> <p>19 understanding that those references are to</p> <p>20 PALMco Energy Ohio and PALMco Power so for</p> <p>21 both electric and gas entities; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. If I talk about PALMco, unless I</p> <p>25 specify otherwise, you'll understand me to</p>

<p style="text-align: right;">Page 22</p> <p>1</p> <p>2 be talking about both of the PALMco Ohio</p> <p>3 entities?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know whether the same</p> <p>6 individuals own the PALMco Ohio entities?</p> <p>7 A. Yes.</p> <p>8 Q. Do the same individuals own</p> <p>9 those two PALMco Ohio entities?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know who the officers,</p> <p>12 the current officers, of the PALMco Ohio</p> <p>13 entities are?</p> <p>14 A. Not off the top of my head, no.</p> <p>15 Q. Who is Indra?</p> <p>16 A. It's trade name. PALMco does</p> <p>17 business as Indra Energy.</p> <p>18 Q. PALMco in Ohio?</p> <p>19 A. Yes.</p> <p>20 Q. Is that true elsewhere as well</p> <p>21 in other states?</p> <p>22 A. Yes.</p> <p>23 Q. I think it's called Indra</p> <p>24 Energy; is that correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 24</p> <p>1</p> <p>2 companies.</p> <p>3 Q. Anybody else?</p> <p>4 A. Myself.</p> <p>5 Q. You're considered one of the</p> <p>6 management team?</p> <p>7 A. By title.</p> <p>8 Q. What does that mean, "by title"?</p> <p>9 A. I'm the supervisor for others so</p> <p>10 it would be me managing others.</p> <p>11 Q. Do you know whether Penny Guidi</p> <p>12 and Robert Palmese and yourself are also</p> <p>13 officers of the company?</p> <p>14 A. I'm not an officer.</p> <p>15 Q. What about Robert Palmese?</p> <p>16 A. Yes.</p> <p>17 Q. How about Penny?</p> <p>18 A. I don't know.</p> <p>19 Q. In response to discovery in this</p> <p>20 case the responses mentioned the PUCO</p> <p>21 staff report that was filed on May 10,</p> <p>22 2019.</p> <p>23 Are you familiar with the staff</p> <p>24 report?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1</p> <p>2 Q. Does Indra Energy do business</p> <p>3 for both the electric side and the gas</p> <p>4 side?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know who the current</p> <p>7 management team for PALMco Ohio company</p> <p>8 is?</p> <p>9 A. Yes.</p> <p>10 Q. Can you tell me who the current</p> <p>11 management team for PALMco Ohio is?</p> <p>12 A. Robert Palmese.</p> <p>13 Q. Anybody else?</p> <p>14 A. He is my direct manager.</p> <p>15 Q. Do you know if there are any</p> <p>16 other management team members in Ohio?</p> <p>17 A. Yes.</p> <p>18 Q. Who are the other management</p> <p>19 team members?</p> <p>20 A. It's Penny Guida, G-u-i-d-a.</p> <p>21 Q. What does Penny Guidi's role?</p> <p>22 A. She's director of operations.</p> <p>23 Q. For Ohio or all of the PALMco</p> <p>24 companies?</p> <p>25 A. For Ohio and other PALMco</p>	<p style="text-align: right;">Page 25</p> <p>1</p> <p>2 Q. And you would agree with me that</p> <p>3 generally speaking the staff report</p> <p>4 explains what staff reviewed, it lists</p> <p>5 applicable rules and it provides examples</p> <p>6 of how the rules were violated and then</p> <p>7 the staff report states conclusions from</p> <p>8 its investigation and makes</p> <p>9 recommendations to the Commission based on</p> <p>10 those conclusions from its investigation;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. The staff report also discusses</p> <p>14 the harm caused to customers from PALMco's</p> <p>15 rule violations; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Were you involved in the</p> <p>18 settlement negotiations that resulted in</p> <p>19 the stipulation that was filed in this</p> <p>20 case on July 31, 2018?</p> <p>21 A. No.</p> <p>22 Q. The stipulation is referenced in</p> <p>23 many of the discovery responses, so you</p> <p>24 are familiar with the stipulation;</p> <p>25 correct?</p>

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1  
2 A. Yes.  
3 Q. And were you responsible for  
4 answering the discovery questions that  
5 inquired into the terms and means of the  
6 stipulation that was filed?  
7 A. I collected the information and  
8 provided them to counsel.  
9 Q. You would agree that the  
10 stipulation addresses the rule violations  
11 and the harms that were in the staff  
12 report; correct?  
13 MR. WHITT: Objection.  
14 MS. BOJKO: You can answer.  
15 A. I'm sorry. Repeat the question.  
16 Q. You would agree that the  
17 stipulation addresses the rule violations  
18 and the harms that were set forth in the  
19 staff report?  
20 MR. WHITT: Same objection.  
21 A. Yes.  
22 Q. Let's discuss the re-rating that  
23 was addressed in the settlement.  
24 Are you familiar with the  
25 provisions of the settlement that re-rated

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1  
2 customers' accounts?  
3 A. Yes.  
4 Q. This was also discussed in  
5 response to OCC Interrogatory 2-15;  
6 correct?  
7 A. Yes.  
8 Q. Paragraph 3.1 of the stipulation  
9 talks about the fact that PALMco already  
10 re-rated customers to enroll between  
11 December 1, 2018 and April 15, 2019; is  
12 that correct?  
13 MR. WHITT: Counsel, would  
14 you like the witness to refer to  
15 the stipulation? We have your  
16 stack of documents here. Is the  
17 is the stipulation in that stack?  
18 MS. BOJKO: No, I didn't  
19 provide the stipulation. I  
20 assumed she was familiar with the  
21 stipulation since she answered  
22 the discovery with regard to it.  
23 MR. WHITT: Well, but now  
24 you're asking her -- you're  
25 making some characterization

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1  
2 about a specific paragraph and I  
3 think the witness is entitled to  
4 see what you're referring to to  
5 answer the question.  
6 MS. BOJKO: Mark, I don't  
7 mind if she looks at the  
8 stipulation. I didn't provide it  
9 because I frankly assumed that  
10 she would have brought the  
11 stipulation and responses with.  
12 I can rephrase. I was just to  
13 give her a context of the actual  
14 provision.  
15 MR. WHITT: Okay. Go ahead.  
16 Q. The stipulation states that  
17 PALMco has already re-rated customers  
18 enrolled between December 1, 2018 and  
19 April 15, 2019; correct?  
20 A. Yes.  
21 Q. It's your understanding that the  
22 stipulation approximates that re-rating to  
23 be about \$385,000; correct?  
24 A. Yes.  
25 Q. I believe the settlement states

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1  
2 that PALMco already reviewed informal  
3 complaints and has re-rated customers over  
4 the informal complaints; is that correct?  
5 A. Yes.  
6 Q. Do you know what amount that  
7 was, was it about \$55,000?  
8 A. Sorry. I don't have the  
9 documents but the answers were provided in  
10 response to one of the interrogatories so  
11 it would be what is provided there.  
12 Q. My question is, is the \$55,000  
13 in addition to the \$385,000 that's already  
14 been re-rated or is the \$55,000 apart of  
15 the \$385,000?  
16 A. Can you ask the initial question  
17 again then where you referenced the dollar  
18 amounts.  
19 Q. I was asking if the \$55,000  
20 referenced in the settlement were  
21 re-rating based on informal complaints is  
22 additive to the \$385,000 in the settlement  
23 where PALMco voluntarily re-rated  
24 customers who enrolled between December of  
25 2018 and April 15, 2019?

Page 30	Page 32
<p>1</p> <p>2 A. I don't know.</p> <p>3 Q. Do you know what period the</p> <p>4 customers enrolled, those customers that</p> <p>5 received the re-rating, the \$55,000</p> <p>6 re-rating, due to informal complaints?</p> <p>7 A. No.</p> <p>8 Q. The stipulation also states that</p> <p>9 PALMco will continue to review informal</p> <p>10 complaints and issue refunds where</p> <p>11 appropriate; is that accurate?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know whether that</p> <p>14 re-rating will be in addition to the</p> <p>15 \$385,000 and the \$55,000 or is that part</p> <p>16 of the those numbers?</p> <p>17 A. In addition.</p> <p>18 Q. Do you know what period of time</p> <p>19 customers would have enrolled that may</p> <p>20 benefit from the continued review of those</p> <p>21 informal complaints?</p> <p>22 A. On the date of enrollment.</p> <p>23 Q. Do you know when those</p> <p>24 customers, what period of time, those</p> <p>25 customers would have been enrolled?</p>	<p>1</p> <p>2 A. One documents does.</p> <p>3 Q. Does one of your documents have</p> <p>4 yellow and red on it?</p> <p>5 A. No.</p> <p>6 Q. Does one of your documents have</p> <p>7 blue on it?</p> <p>8 A. No.</p> <p>9 Q. Let's look at the document you</p> <p>10 have in front of you that says Evelyn</p> <p>11 Hardy.</p> <p>12 Do you have that?</p> <p>13 A. Yes.</p> <p>14 Q. This document was issued in</p> <p>15 response to RTD-2-16; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. If you look at the last page of</p> <p>18 this document there's a grand total of the</p> <p>19 amount of refund at the end of it.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. How much does that say?</p> <p>23 A. \$85,585.10.</p> <p>24 Q. Of the \$85,000 do you know which</p> <p>25 provision of the settlement that this</p>
Page 31	Page 33
<p>1</p> <p>2 A. No.</p> <p>3 Q. In response to discovery you</p> <p>4 provided a document to RTD-2-16.</p> <p>5 MS. BOJKO: I did provide</p> <p>6 those to the court reporter.</p> <p>7 Court reporter, you please find</p> <p>8 two documents titled RTD-2-16 and</p> <p>9 please hand them to the witness.</p> <p>10 (Off the record).</p> <p>11 Q. Ms. Joseph, do you have in front</p> <p>12 f you what has been labeled RTD-2-16?</p> <p>13 A. I do.</p> <p>14 Q. Does one of the documents start</p> <p>15 with Brenda Burlyle?</p> <p>16 A. No.</p> <p>17 Q. Does one of the documents start</p> <p>18 with the name Evelyn Hardy?</p> <p>19 A. Yes.</p> <p>20 Q. What does the other one start</p> <p>21 with?</p> <p>22 A. LDC account NUM.</p> <p>23 Q. Do the two documents look like</p> <p>24 similar where it says account number,</p> <p>25 first name, last name, total refund?</p>	<p>1</p> <p>2 amount is directed towards?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether these</p> <p>5 amounts have already been refunded?</p> <p>6 A. I'd have to see the question for</p> <p>7 2-16 so I don't know.</p> <p>8 Q. You don't know what the \$85,000</p> <p>9 would equate to with regard to the</p> <p>10 settlement?</p> <p>11 A. No.</p> <p>12 Q. The other document that you have</p> <p>13 in front of you, the column itself says</p> <p>14 note and then peak?</p> <p>15 A. It does not say that.</p> <p>16 Q. Can you look at the last page?</p> <p>17 A. (Witness complies).</p> <p>18 Q. Is there a total refund, is</p> <p>19 there a number on the last column?</p> <p>20 A. \$355,772.24.</p> <p>21 Q. I think what happened is the</p> <p>22 version that you have is just printed out</p> <p>23 oddly.</p> <p>24 Do you know if there's a note</p> <p>25 section and it says peak, do you know what</p>

<p style="text-align: right;">Page 34</p> <p>1 2 that would mean? 3 A. No. 4 Q. Do you know what the \$355,772.24 5 equates do in the settlement? 6 A. No. 7 Q. Do you know in the settlement it 8 says that PALMco will continue to review 9 informal complaints and issue refunds 10 where appropriate? 11 Do you know what that amount 12 would be? 13 A. No. 14 MS. BOJKO: Court reporter, 15 do you have what has been labeled 16 as RTD-2-017. 17 MR. WHITT: There's one there 18 that says 2-17. 19 MS. BOJKO: Yes, 2-17, is 20 that what you're saying? 21 MR. WHITT: Yes. 22 Q. Does this document start with 23 Deborah Harlow? 24 A. It does. 25 Q. Can you turn to the last page of</p>	<p style="text-align: right;">Page 36</p> <p>1 2 A. No. 3 Q. Do you know whether the 4 settlement allows for certain customer 5 refunds to occur, re-rating of customer 6 and customer refunds to occur, only if 7 there is a sale that's contingent upon the 8 sale? 9 A. No. 10 Q. Do you know how many customers 11 would have been enrolled between October 12 1, 2018 and November 30, 2018? 13 A. No. 14 Q. Do you know, under all of the 15 re-rating scenarios of provisions listed 16 in the settlement, do you know if the 17 re-rating methodology is the same? 18 A. No. 19 Q. No, you don't know or, no, it's 20 not the same? 21 A. No, it's not the same. 22 Q. So the re-rating of customers 23 who enrolled between December 1, 2018 and 24 April 15, 2019 that were charged a 25 variable rate how were those customers</p>
<p style="text-align: right;">Page 35</p> <p>1 2 this and tell me what the total, grand 3 total, is of refunds in the last column? 4 A. \$826.88. 5 Q. And do you know which provision 6 of the settlement that this re-rating may 7 relate to? 8 A. No. 9 Q. Are you aware that in the 10 settlement there's a provision that 11 requires PALMco to re-rate all gas and 12 electric customers who enrolled between 13 October 1, 2018 and November 30, 2018 if 14 funds are realized from the assignment of 15 customer contract? 16 A. I'm sorry can you repeat that? 17 Q. Let me rephrase. 18 Are you aware that there's a 19 provision in the settlement that requires 20 PALMco to re-rate all gas and electric 21 customers who enrolled between October 1, 22 2018 and November 30, 2018 that were not 23 previously re-rated if there are funds 24 realized from the assignment of customer 25 contract?</p>	<p style="text-align: right;">Page 37</p> <p>1 2 re-rated? 3 A. If those customers were on 4 variable rates and they were enrolled they 5 were re-rated at the price -- the utility 6 price at the time for the term they were 7 enrolled. 8 Q. What usage, were they re-rated 9 based on actual usage or an average usage 10 under that scenario? 11 A. Actual usage. 12 Q. The second re-rating scenario we 13 talked about was a re-rating account in 14 response to informal complaints. 15 How was the re-rating 16 methodology for those re-rated accounts 17 completed? 18 A. The customers were enrolled 19 based upon time of enrollment, usage, 20 actual usage, and the utility rate known 21 at the time. 22 Q. That sounds like the same to me. 23 How are those two re-rating 24 methodologies different? 25 A. Well, then they're the same.</p>

<p style="text-align: right;">Page 38</p> <p>1</p> <p>2 I'll correct that answer.</p> <p>3 Q. Was the re-rating done based on</p> <p>4 each customer distribution utility or was</p> <p>5 it done by service territory?</p> <p>6 A. I don't understand the</p> <p>7 distinction.</p> <p>8 Q. Sure. I'll rephrase.</p> <p>9 You stated that the re-rating</p> <p>10 was based on the default service rate.</p> <p>11 Was that default service rate</p> <p>12 determined by the local utility, the</p> <p>13 distribution utility?</p> <p>14 A. It was based on the local</p> <p>15 distribution utility.</p> <p>16 Q. So it would be different for</p> <p>17 each utility service territory?</p> <p>18 A. Yes.</p> <p>19 Q. One of responses mentioned was</p> <p>20 applicable billing period.</p> <p>21 What does applicable billing</p> <p>22 period in this context mean?</p> <p>23 A. It would be the billing period</p> <p>24 that's applicable to those customers.</p> <p>25 Q. Based on the local utility's</p>	<p style="text-align: right;">Page 40</p> <p>1</p> <p>2 any electric or natural gas customers in</p> <p>3 Ohio that were served by variable rate</p> <p>4 contracts before October 1, 2018?</p> <p>5 A. I don't know.</p> <p>6 Q. In one of the responses to the</p> <p>7 interrogatories you identified several</p> <p>8 third-party contractors that PALMco hired</p> <p>9 to market natural gas and electric</p> <p>10 services for customers in Ohio.</p> <p>11 Do you recall that?</p> <p>12 A. Yes.</p> <p>13 Q. In your response to one of the</p> <p>14 interrogatories you stated that PALMco had</p> <p>15 not audited these contractors for</p> <p>16 compliance of Commission rules in the past</p> <p>17 three years; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. How does PALMco ensure that its</p> <p>20 third-party contractors comply with the</p> <p>21 Ohio Commission rules?</p> <p>22 A. I relays the rules to the</p> <p>23 vendors and there is ongoing conversation</p> <p>24 with the vendors. Any issues are relayed</p> <p>25 to the vendors and discussed and action</p>
<p style="text-align: right;">Page 39</p> <p>1</p> <p>2 billing cycle?</p> <p>3 A. It's based on the customer's</p> <p>4 billing cycle.</p> <p>5 Q. Do you know whether it means one</p> <p>6 billing period or could it involve</p> <p>7 multiple billing periods?</p> <p>8 A. Depends on the customer.</p> <p>9 Q. During the December 2018 to</p> <p>10 April of 2019 period covered by the staff</p> <p>11 report in this case did PALMco use one</p> <p>12 variable rate for all variable rate</p> <p>13 natural gas customers or did it have</p> <p>14 multiple variable rates that were charged</p> <p>15 to different customers?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know whether PALMco had</p> <p>18 different rates depending on the local</p> <p>19 utility service territory?</p> <p>20 A. I don't know.</p> <p>21 Q. Would you also not know with</p> <p>22 regard to the electric service covered by</p> <p>23 the staff report period?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know whether PALMco had</p>	<p style="text-align: right;">Page 41</p> <p>1</p> <p>2 taken to whatever agent or whatever the</p> <p>3 problem is.</p> <p>4 Q. Does PALMco directly work with</p> <p>5 individual vendors or like a corporate</p> <p>6 person at a vendor?</p> <p>7 A. Can you repeat that question or</p> <p>8 clarify what you mean at the tail end?</p> <p>9 Q. I will rephrase.</p> <p>10 In your response you stated that</p> <p>11 PALMco relayed rules to the vendors and</p> <p>12 had ongoing conversations to the vendors.</p> <p>13 Are you talking about the vendor</p> <p>14 entity and the corporate person or are you</p> <p>15 talking about the individual sales</p> <p>16 third-party providers?</p> <p>17 A. A corporate entity.</p> <p>18 Q. In your discovery responses you</p> <p>19 state that upon request PALMco has access</p> <p>20 to the third-party verification reporting</p> <p>21 maintained by its contractors; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Except in your response to state</p> <p>25 utility commission investigations does</p>



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1  
2 PALMco periodically request third-party  
3 verification recording from its  
4 contractors?  
5 A. Yes.  
6 Q. How often does PALMco request  
7 the third-party verification records?  
8 A. I don't know.  
9 Q. Do you know who at PALMco would  
10 make that request?  
11 A. No, I don't.  
12 Q. Does PALMco have any of its own  
13 employees that market natural gas or  
14 electric services to Ohioans?  
15 A. No.  
16 Q. In response to an interrogatory  
17 you stated that PALMco sells its  
18 receivables to Duke Energy Ohio, Dominion,  
19 Veteran and Columbia gas; is that correct?  
20 A. Yes.  
21 Q. How much revenue does PALMco  
22 receive from each utility customer class  
23 for those purchase of receivables?  
24 A. I don't know.  
25 Q. In the staff report there's a

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1  
2 discussion about how PALMco billed a  
3 customer more than \$17 per thousand cubic  
4 feet of natural gas.  
5 Do you recall that?  
6 A. Yes.  
7 Q. Is that statement accurate that  
8 PALMco did bill the customer for more than  
9 \$17 per thousand cubic feet of natural  
10 gas?  
11 A. I don't know.  
12 Q. In the staff report there's an  
13 instance where the customer was told that  
14 PALMco shops the market to get the  
15 customer the best rate available at the  
16 time.  
17 How does PALMco determine what  
18 the best rate available is?  
19 A. I don't know.  
20 Q. Who would make that  
21 determination, the sales representative or  
22 a PALMco representative -- employee?  
23 A. A PALMco employee.  
24 Q. In the instance referenced in  
25 the staff report the best rate available

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1  
2 was almost four times the price compared;  
3 is that correct?  
4 A. I don't know.  
5 Q. There was another example where  
6 the customer was charged \$17.36 per MCS  
7 while the utility default rate was about  
8 \$3.00 per MCS.  
9 Is that correct?  
10 MR. WHITT: Objection.  
11 Go ahead.  
12 A. I was going to ask you to repeat  
13 it. I didn't hear the beginning. Sorry.  
14 Q. There was an instance depicted  
15 in the staff report where a customer was  
16 charged \$17.364 per MCS while the utility  
17 default rate was about \$3.00 per MCS.  
18 Is that correct?  
19 A. I don't know.  
20 Q. Are you aware that PALMco told  
21 staff that it made a business decision to  
22 increase variable rates to make up for  
23 lower than expected financial performance  
24 in 2018?  
25 MR. WHITT: Objection.

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1  
2 A. I don't know.  
3 Q. Did PALMco tell its customers  
4 that lower than expected financial  
5 performance would be one of the factors  
6 used in setting its variable rates?  
7 MR. WHITT: Objection.  
8 A. I don't know.  
9 Q. One of the footnotes in the  
10 staff report cites an e-mail from Briana  
11 Ashiotes.  
12 Do you know that person?  
13 A. Yes.  
14 Q. Is that person a PALMco  
15 employee?  
16 A. Former employee.  
17 Q. What was her position?  
18 A. She was the general counsel.  
19 Q. That was the same general  
20 counsel you referred to previously in our  
21 discussion that left in May?  
22 A. Yes.  
23 Q. Was she the general counsel  
24 during the period of December 1, 2018  
25 through April 15, 2019?

<p style="text-align: right;">Page 46</p> <p>1</p> <p>2 A. I don't know.</p> <p>3 Q. There was discussion in the</p> <p>4 staff report about an investigation into</p> <p>5 PALMco's marketing practices in</p> <p>6 Connecticut; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. As part of that investigation</p> <p>9 PALMco agreed to not do business in</p> <p>10 Connecticut and pay a \$5 million</p> <p>11 forfeiture; correct?</p> <p>12 A. Yes.</p> <p>13 Q. Was the payment of that</p> <p>14 forfeiture contingent on PALMco's selling</p> <p>15 its Connecticut business, it's customer</p> <p>16 contracts, in Connecticut?</p> <p>17 A. I don't know.</p> <p>18 Q. There's another paragraph in the</p> <p>19 staff report that discusses a lawsuit</p> <p>20 filed by the State of Illinois regarding</p> <p>21 PALMco's marketing practices; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. As a result of have lawsuit</p> <p>25 PALMco paid almost \$1 million in</p>	<p style="text-align: right;">Page 48</p> <p>1</p> <p>2 customers for gas and electric services?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know how many utilities</p> <p>5 they're serving?</p> <p>6 A. No, I don't know.</p> <p>7 Q. Are they serving all classes of</p> <p>8 customers residential, commercial and</p> <p>9 industrial?</p> <p>10 A. No.</p> <p>11 Q. What types of customers are they</p> <p>12 serving?</p> <p>13 A. Residential and small</p> <p>14 commercial.</p> <p>15 Q. Are they currently serving</p> <p>16 customers under variable contracts or</p> <p>17 fixed contracts?</p> <p>18 A. Both.</p> <p>19 Q. Are the rates that they're</p> <p>20 serving current customers available on the</p> <p>21 Apples to Apples website?</p> <p>22 A. No.</p> <p>23 Q. Where were the rates derived</p> <p>24 from to serve currently residential and</p> <p>25 small commercial customers?</p>
<p style="text-align: right;">Page 47</p> <p>1</p> <p>2 restitution to customers; is that</p> <p>3 accurate?</p> <p>4 A. Yes.</p> <p>5 Q. Was payment of any of the \$1</p> <p>6 million contingent upon PALMco selling any</p> <p>7 or all of its customer contracts in</p> <p>8 Illinois?</p> <p>9 A. I don't know.</p> <p>10 Q. You would agree with me that the</p> <p>11 definition of redress is a remedy</p> <p>12 restitution or compensation for a wrong or</p> <p>13 grievance?</p> <p>14 MR. WHITT: Objection.</p> <p>15 A. I don't know.</p> <p>16 Q. Do you know what redress means?</p> <p>17 Do you have your own definition?</p> <p>18 A. No.</p> <p>19 Q. Is PALMco currently serving</p> <p>20 customers in Ohio?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know how many customers</p> <p>23 PALMco is currently serving?</p> <p>24 A. No.</p> <p>25 Q. Do you know if they're serving</p>	<p style="text-align: right;">Page 49</p> <p>1</p> <p>2 A. I don't understand the question.</p> <p>3 Q. Do you know how the rates were</p> <p>4 set that you're offering current</p> <p>5 residential and small commercial</p> <p>6 customers?</p> <p>7 A. No.</p> <p>8 Q. Do you believe it's by contract?</p> <p>9 A. I don't know.</p> <p>10 Q. Over what period of time has</p> <p>11 PALMco agreed to not renew its electric</p> <p>12 and gas certificates in Ohio?</p> <p>13 A. I don't know off the top of my</p> <p>14 head.</p> <p>15 Q. Do you believe that there's a</p> <p>16 provision in the settlement that requires</p> <p>17 PALMco to not renew its contracts for a</p> <p>18 certain period of time?</p> <p>19 A. I don't know.</p> <p>20 Q. Do you, sitting here today, do</p> <p>21 not know of anything that was inaccurate</p> <p>22 listed in the staff report; correct?</p> <p>23 MR. WHITT: Objection.</p> <p>24 Calls for speculation.</p> <p>25 MS. BOJKO: I'm asking if the</p>

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1  
2 witness knows.  
3 You can answer.  
4 Q. Do you know --  
5 MR. WHITT: How can the  
6 witness know when she didn't  
7 write the report, but go ahead.  
8 MS. BOJKO: Does she know of  
9 any inaccuracies in the staff  
10 report.  
11 A. I don't know.  
12 Q. What is the Indra Energy Rewards  
13 Program?  
14 A. It's a promotion rewards  
15 program.  
16 Q. Can you explain that to me?  
17 A. Customers that sign up are  
18 awarded rewards for them to use to buy  
19 products of their choosing at various  
20 websites.  
21 Q. How are they rewarded, do they  
22 get dollars to purchase products or do  
23 they just get a percentage off certain  
24 products?  
25 A. They're awarded points and based

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1  
2 upon those points whatever the value of  
3 whatever widget the customer wants to  
4 obtain if they have enough points they can  
5 get whatever those widgets are.  
6 Q. How are point earned?  
7 A. I don't know.  
8 Q. Are they earned based on the  
9 dollar amount spent on their electric and  
10 gas services?  
11 A. I don't know.  
12 Q. Is it an ongoing program or is  
13 it a one-time enrollment perk?  
14 A. It's ongoing for active  
15 customers.  
16 Q. So every month a customer would  
17 receive reward dollars and they would be  
18 able to use those reward dollars at  
19 participating companies?  
20 A. I don't know if it's every  
21 month, but they're reward points not  
22 dollars.  
23 MR. WHITT: Kim, are you  
24 getting close to a spot where we  
25 can take a five-minute break?

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1  
2 MS. BOJKO: Sure. We can  
3 take five minutes.  
4 (Recess)  
5 Q. Ms. Joseph, you understand that  
6 with the application for certification of  
7 Ohio supplier has to file financial  
8 statements for review; is that correct?  
9 A. Correct.  
10 MS. BOJKO: Actually, Mark,  
11 we might want to put a  
12 confidential tag in the record  
13 right now as these are labeled  
14 confidential.  
15 MR. WHITT: Sure. I don't  
16 know that we need to break into  
17 confidential session necessarily,  
18 I'll see where you go in terms of  
19 specifics, but in preparation of  
20 the transcript it should be noted  
21 that 2-12 and 2-13 are marked  
22 confidential and are subject to  
23 the terms of the parties'  
24 protective agreement.  
25 MS. BOJKO: Mark, am I clear

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1  
2 if there's anybody on the phone  
3 that has not signed a  
4 confidentiality agreement you  
5 feel comfortable going forward?  
6 MR. WHITT: Yes.  
7 Q. Ms. Joseph, to your knowledge,  
8 these are the exhibits that would have  
9 been filed with the certification filing  
10 in Ohio; is that correct?  
11 A. Correct.  
12 Q. The 2016 compliance financials  
13 are for Columbia Utilities, LLC and  
14 PALMco, LLC; is that correct?  
15 A. Yes, correct.  
16 Q. Is it your understanding that  
17 these are combined entities so these  
18 include all 26 entities and that would  
19 include Ohio?  
20 A. I don't know.  
21 Q. Do you know in 2016 that the  
22 combined companies made \$10.2 million?  
23 A. I don't know.  
24 Q. Do you know in 2018 that the  
25 PALMco Power Ohio Company was projected to

Page 54	Page 56
<p>1 2 make almost \$800,000? 3 A. I don't know. 4 Q. Did you know in 2019 that the 5 PALMco Power Company was projected to make 6 \$1.9 million? 7 A. I don't know. 8 Q. Would your answer be the same 9 that you are not aware that in 2019 PALMco 10 Energy was projected to make \$130,000 11 approximate? 12 A. I don't know. 13 Q. Do you know what an indication 14 on the financials would mean when it 15 refers to less discount and allowances? 16 A. No. 17 Q. Do you know what discounts 18 PALMco provide to customers? 19 A. I don't know. 20 MS. BOJKO: Mark, I'm done 21 with the financial statements 22 given the answers. You can put 23 an indication that we're coming 24 out of our confidential session 25 if necessary.</p>	<p>1 2 rates in customers' contracts were set; is 3 that correct? 4 A. Correct. 5 Q. Who at PALMco sets rates? 6 A. Robert Palmese. 7 Q. Who oversees the rate setting 8 process? 9 A. Robert. 10 Q. Who oversees the vendors sales 11 with regard to telling customers which 12 rate they will be charged? 13 A. I'm sorry. I don't understand 14 the question. 15 Q. Mr. Palmese sets the rates and 16 then he provides those rates to the 17 vendors, is that accurate, that actual 18 sales representatives? 19 A. No. 20 Q. How is my statement inaccurate? 21 Who provides the rates to the 22 vendors? 23 A. Adam Bashe. 24 Q. Mr. Palmese sets the rates, 25 Mr. Adam Bashe provides the rates to the</p>
Page 55	Page 57
<p>1 2 Q. Ms. Joseph, you stated earlier 3 that you didn't participate in the 4 settlement process. 5 Who did from PALMco? 6 A. Robert. 7 Q. For the record, that's Robert 8 Palmese? 9 A. Correct. 10 Q. And Robert Palmese is an owner 11 of the PALMco entities? 12 A. Correct. 13 Q. Anybody else participate in the 14 settlement? 15 A. Mark. 16 Q. You're referring to Mr. Whitt, 17 your attorney? 18 A. I'm sorry. Yes. 19 MR. WHITT: For the record, 20 she looked right at me when she 21 said that. 22 And this is Mark Whitt, by 23 the way, W-h-i-t-t. 24 Q. You stated previously that you 25 didn't know how the variable electric</p>	<p>1 2 vendors and the sales representatives? 3 A. Yes. 4 Q. Then who oversees the offering 5 of those rates to customers? 6 A. I'm sorry. I don't understand 7 that part, what you're asking. 8 Q. How do you know that the sales 9 representatives are offering the correct 10 rates? 11 A. I don't know. 12 Q. Do you know whether the rates, 13 the variable rates, change? 14 A. Yes. 15 Q. That's true, right? 16 A. (No response). 17 Q. Okay. If the variable rates 18 change who provides the sales 19 representatives with the change in rates? 20 A. Adam Bashe. 21 Q. Does Adam Bashe oversee the 22 sales representatives to ensure that 23 they're charging or offering the correct 24 rate to the customers? 25 A. I don't know.</p>

<p style="text-align: right;">Page 58</p> <p>1</p> <p>2 Q. You told me earlier that you</p> <p>3 worked at Calpine; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Which Calpine entity did you</p> <p>6 work for?</p> <p>7 A. North American Power.</p> <p>8 Q. What was your role at Calpine</p> <p>9 North American Power?</p> <p>10 A. Director of regulatory and</p> <p>11 compliance.</p> <p>12 Q. For which states, or all states?</p> <p>13 A. All states.</p> <p>14 Q. How long did you hold that</p> <p>15 position?</p> <p>16 A. Six years.</p> <p>17 Q. And what does Calpine North</p> <p>18 American Power do?</p> <p>19 A. They're a retail energy</p> <p>20 supplier.</p> <p>21 Q. Did they offer energy supplies</p> <p>22 in Ohio?</p> <p>23 A. Yes.</p> <p>24 Q. Did they offer natural gas and</p> <p>25 electric services?</p>	<p style="text-align: right;">Page 60</p> <p>1</p> <p>2 you if there's a customer complaint for</p> <p>3 PALMco?</p> <p>4 A. Yes.</p> <p>5 Q. In the Commission certification</p> <p>6 process you have to list a regulatory</p> <p>7 contact and you also have to list a</p> <p>8 contract for customer complaints.</p> <p>9 Which one are you, if any?</p> <p>10 A. I don't know how I'm listed on</p> <p>11 the application, sorry.</p> <p>12 Q. Does the Commission call you for</p> <p>13 regulatory compliance issues or does the</p> <p>14 Commission call you for customer</p> <p>15 complaints?</p> <p>16 A. Both.</p> <p>17 Q. At Calpine did you have the</p> <p>18 opportunity or were you responsible for</p> <p>19 filing the certification applications and</p> <p>20 renewal applications necessary for making</p> <p>21 Calpine certificates in Ohio?</p> <p>22 A. Yes.</p> <p>23 Q. For PALMco are you responsible</p> <p>24 for the regulatory compliance and customer</p> <p>25 contracts in other states?</p>
<p style="text-align: right;">Page 59</p> <p>1</p> <p>2 A. Yes.</p> <p>3 Q. You oversaw that process at the</p> <p>4 Public Utilities Commission of Ohio?</p> <p>5 A. The regulatory function?</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. Did you handle customer</p> <p>9 complaints?</p> <p>10 A. Yes.</p> <p>11 Q. Were you the contact for Calpine</p> <p>12 North American Power with regard to PUCO?</p> <p>13 A. For regulatory matters, yes.</p> <p>14 Q. If they received a customer</p> <p>15 complaint you were the regulatory contact</p> <p>16 listed in the application for</p> <p>17 certification?</p> <p>18 A. No. Those are two different</p> <p>19 things.</p> <p>20 Q. Is your role at PALMco similar</p> <p>21 to your role at Calpine?</p> <p>22 A. Yes.</p> <p>23 Q. Are you not the regulatory</p> <p>24 contact listed in the application for</p> <p>25 certification that the Commission calls</p>	<p style="text-align: right;">Page 61</p> <p>1</p> <p>2 A. Yes.</p> <p>3 Q. All of PALMco's states or which</p> <p>4 states are you responsible?</p> <p>5 A. All states.</p> <p>6 Q. Were you involved in any of the</p> <p>7 settlement negotiations in the other</p> <p>8 states surrounding compliance issues?</p> <p>9 A. No.</p> <p>10 MS. BOJKO: Can you just give</p> <p>11 me two minutes to check my notes.</p> <p>12 MR. WHITT: Sure.</p> <p>13 (Recess)</p> <p>14 Q. Do you know whether PALMco has</p> <p>15 audited financials for 2017?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know whether PALMco has</p> <p>18 corporate officer certified financials for</p> <p>19 2017?</p> <p>20 A. I don't know.</p> <p>21 Q. Would you also not know whether</p> <p>22 either of those documents exist for 2018?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you know who at the company</p> <p>25 would know about the audited financials</p>

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1	1 CONTENTS
2 with regard to the questions I asked here	2
3 today?	3
4 A. Robert Palmese.	4 Examination by Ms. Bojko Page 5
5 Q. Do you know who Christina	5
6 Palmese is?	6
7 A. I'm sorry. Who?	7 Exhibits
8 Q. Christina Palmese.	8
9 A. No.	9 Exhibit 2-12 Financial Statements -Confidential
10 Q. Do you know who Ronald Palmese,	10 Exhibit 2-13 Financial Statements -Confidential
11 Junior is?	11 Exhibit 2-16 Account List
12 A. No.	12 Exhibit 2-17 Account List
13 Q. Do you know who Ronald Palmese,	13
14 Senior is?	14
15 A. Yes.	15
16 Q. Who is Ronald Palmese, Senior?	16
17 A. Robert Palmese's father.	17
18 Q. What role does he have in the	18
19 PALMco company?	19
20 A. I don't know.	20
21 Q. Do you know who Stephone Palmese	21
22 is?	22
23 A. No.	23
24 MS. BAIR: Those are all the	24
25 questions that I have.	25
Page 63	Page 65
1	1 CERTIFICATION
2 Thank you, Ms. Joseph, for	2
3 your time and, again, we	3 I, LINDA A. BARANOWSKI, a
4 apologize for the delay in	4 Shorthand Reporter and Notary Public, do
5 starting the deposition.	5 hereby certify that the foregoing witness,
6 THE WITNESS: Thank you.	6 KEENIA JOSEPH, was duly sworn on the date
7 MR. WHITT: Thank you.	7 indicated, and that the foregoing is a
8 (Time noted: 3:46 p.m.)	8 true and accurate transcription of my
9	9 stenographic notes.
10	10 I further certify that I am not
11	11 employed by nor related to any party to
12	12 this action.
13	13
14	14
15	15 
16	16
17	17 LINDA A. BARANOWSKI
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25

1 Mark Whitt, Esq.  
whitt@whitt-sturtevant.com

2

3 September 18, 2019

4 RE In The Matter Of The Commisions Investifation Into Palmco

5 9/17/2019, Keenia Joseph (#3524795)

6 The above-referenced transcript is available for

7 review.

8 Within the applicable timeframe, the witness should

9 read the testimony to verify its accuracy. If there are

10 any changes, the witness should note those with the

11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of

13 Deponent and Errata and return to the deposing attorney.

14 Copies should be sent to all counsel, and to Veritext at

15 cs-midatlantic@veritext.com

16

17 Return completed errata within 30 days days from

18 receipt of testimony.

19 If the witness fails to do so within the time

20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 In The Matter Of The Commisions Investifation Into Palmco Power

2 Keenia Joseph (#3524795)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Keenia Joseph, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 \_\_\_\_\_

12 Keenia Joseph Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

16

17

18 \_\_\_\_\_

19 NOTARY PUBLIC

20

21

22

23

24

25

1 In The Matter Of The Commisions Investifation Into Palmco Power

2 Keenia Joseph (#3524795)

3 E R R A T A S H E E T

4 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

5 \_\_\_\_\_

6 REASON \_\_\_\_\_

7 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

8 \_\_\_\_\_

9 REASON \_\_\_\_\_

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11 \_\_\_\_\_

12 REASON \_\_\_\_\_

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15 REASON \_\_\_\_\_

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18 REASON \_\_\_\_\_

19 PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

20 \_\_\_\_\_

21 REASON \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Keenia Joseph Date

25

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