

Bart Snow, being duly sworn, states that he is over eighteen (18) years of age, and that on the 9<sup>th</sup> day of November 2021, at approximately 3:15 p.m., he served the within subpoena upon Ohio Valley Electric Corporation, c/o Statutory Agent, The Prentice-Hall Corporation System, Inc., 50 West Broad Street, Suite 1330, Columbus, Ohio 43215 by delivering a copy to the business address above and leaving a copy with Diane

McCormick, Intake Specialist.

MTL-Sum-Process Server  
Name

Subscribed and sworn to before me this 9th day of November 2021.

Debra Jo Bingham  
Notary Public



DEBRA JO BINGHAM  
Notary Public  
State of Ohio  
My Comm. Expires  
June 13, 2025

STATE OF OHIO

PUBLIC UTILITIES COMMISSION  
180 E. EAST BROAD STREET  
COLUMBUS OHIO 43266-0573

Michael DeWine  
GOVERNOR



PUBLIC UTILITIES COMMISSION OF OHIO  
SUBPOENA DUCES TECUM

PUCO

2021 NOV -9 PM 12:07

RECEIVED - OHIO PUBLIC UTILITIES COMMISSION

TO: Ohio Valley Electric Corporation  
c/o Statutory Agent  
The Prentice-Hall Corporation System, Inc.  
50 West Broad Street  
Suite 1330  
Columbus, Ohio 43215

Upon application of the Office of the Ohio Consumers' Counsel ("OCC"), the Ohio Valley Electric Corporation is hereby required to produce a designated representative to testify on the subject areas listed below and to produce a copy of the documents listed below at a deposition on December 15, 2021, at 10:00 a.m., at the offices of the Office of the Ohio Consumers' Counsel, 65 E. State Street, 7<sup>th</sup> Floor, Columbus, Ohio 43215-3793. The deposition is for cases pending before the PUCO styled: *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018*, Case No. 18-1004-EL-RDR; *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2019*, Case No. 18-1759-EL-RDR; *In the Matter of the Review of the Reconciliation Rider of The Dayton Power and Light Company*, Case No. 20-165-EL-RDR; *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR; and *In the Matter of the OVEC Generation Purchase Rider Audits Required by R.C. 4928.148 for Duke Energy Ohio, Inc., the Dayton Power and Light*

*Company, and AEP Ohio*, Case No. 21-477-EL-RDR. The deposition will commence on December 15, 2021 at 10:00 a.m. and continue day-to-day until completed.

The Ohio Valley Electric Corporation is directed to produce a witness or witnesses with knowledge of the following subject areas and to produce a copy of the documents listed below. The documents are requested to be produced at least 24 hours prior to the deposition.

**Documents to be produced:**

- A copy of the minutes of all OVEC Board of Director meetings for 2018 through the present date.
- A copy of any report prepared during 2019 or 2020 comparing OVEC's costs to PJM market prices on a monthly or annual basis.
- A copy of any OVEC financial forecast prepared during 2020 or 2021 of OVEC's costs per MWh.
- A copy of any OVEC financial forecast prepared during 2020 or 2021 of future PJM energy and capacity prices.
- A copy of any OVEC financial forecast prepared during 2020 or 2021 of the annual amounts of electricity it expects to sell in the PJM Day-Ahead Energy Market.
- A copy of any OVEC financial forecast prepared during 2020 or 2021 comparing OVEC's costs to PJM market prices on a monthly or annual basis.
- A copy of the total amount of OVEC's billings to Duke, AEP and AES for non-energy costs (such as debt service and a return on equity) for each year in 2018, 2019 and 2020.
- A copy of any written policy in effect from January 1, 2019 through the present date that governs how OVEC employees commit the plants into the PJM Day-Ahead Energy Market.
- A copy of any written policy in effect from January 1, 2019 through the present date that governs whether OVEC will run its own plants when OVEC's costs exceed market prices.
- The amount of OVEC's investments to date and planned in the future for compliance with U.S. EPA regulations on Coal Combustion Residuals and Effluent

Limitation Guidelines; the total cost of the investments; and the expected impact on OVEC's operating cost per MWh.

- A copy of any OVEC corporate resolution prepared at any time from January 1, 2019 through the present date approving OVEC's investments for compliance with U.S. EPA regulations on Coal Combustion Residuals and Effluent Limitation Guidelines.
- A copy of any notice that OVEC provided to the EPA or Ohio EPA that was required by October 13, 2021 regarding whether OVEC will comply with the generally applicable limits, the VIP limits, or whether OVEC will enroll in one of the subcategories established by the 2020 Steam Electric Effluent Limitation Guideline Reconsideration Rule.
- A copy of the amount of OVEC's investments to date and planned in the future for compliance with two initiatives recently announced by President Biden: (1) on January 27, 2021, President Biden signed an Executive Order entitled: "'Tackling the Climate Crisis at Home and Abroad.'" <sup>1</sup> The Executive Order provides for the U.S. to re-join the Paris Agreement of December 12, 2015 and to eliminate federal subsidies for fossil fuels, <sup>2</sup> and (2) on April 22, 2021, President Biden established a new target calling for a 50-52% reduction from 2005 levels in economy-wide net greenhouse gas pollution by 2030. <sup>3</sup> OCC seeks information from OVEC about the impact these initiatives will have on OVEC's revenues and operating costs, including per MWh cost.
- A copy of any analysis that was performed as to whether to make any of the capital expenditures for environmental compliance with CCR or ELG rules or President Biden's executive orders described above or, in the alternative, to retire the plants.
- A copy of any analysis of changing to seasonal operation for either of the coal plants.

Dated at Columbus, Ohio, this 9<sup>th</sup> day of November 2021.



Attorney Examiner

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<sup>1</sup> 86 FR 7619 (Feb. 1, 2021).

<sup>2</sup> *Id.*

<sup>3</sup> The White House, *Fact sheet: President Biden sets 2030 greenhouse gas pollution reduction target aimed at creating good-paying union jobs and securing U.S. leadership on clean energy technologies* (Apr. 22, 2021).

**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.

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**11/12/2021 10:32:06 AM**

**in**

**Case No(s). 18-1004-EL-RDR, 18-1759-EL-RDR, 20-0165-EL-RDR, 20-0167-EL-  
RDR, 21-0477-EL-RDR**

Summary: Correspondence Return of Service by Office of the Ohio Consumers'  
Counsel electronically filed by Ms. Deb J. Bingham on behalf of Finnigan, John