**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )

Energy Ohio, Inc. for Approval to Modify ) Case No. 17-0872-EL-RDR

Rider PSR. )

In the Matter of the Application of Duke )

Energy Ohio, Inc. for Approval to Amend ) Case No. 17-0873-EL-ATA

Rider PSR. )

In the Matter of the Application of Duke )

Energy Ohio, Inc. for Approval to Change ) Case No. 17-0874-EL-AAM

Accounting Methods. )

**NOTICE TO TAKE DEPOSITION OF PARTY DEPONENT**

**AND REQUEST FOR PRODUCTION OF DOCUMENTS**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

To: Amy B. Spiller

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Under Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Office of the Ohio Consumers’ Counsel (“OCC”) will take the oral deposition of Judah L. Rose, the Executive Director of ICF International. Mr. Rose is an expert witness testifying in this proceeding on behalf of Duke Energy Ohio, the applicant.

Duke Energy Ohio filed the testimony of Mr. Rose on March 31, 2017. Mr. Rose's testimony provides economic forecasts for Ohio Valley Electric Corporation's (OVEC's) two coal fired power plants. The economic forecasts presented by Mr. Rose

pertain to the request of Duke Energy Ohio to charge its customers the net costs associated with its contractual entitlement in OVEC.

OCC seeks to conduct the deposition of this party deponent upon oral examination on April 30, 2018 at or around 10:00 a.m. Eastern Standard Time at a location that is mutually agreeable to the parties. The deposition will continue, from day to day, except for holidays and weekends, until completed. The deponent will appear at the agreed upon place at the designated time and date with all requested documents (identified below) and remain present until the deposition is completed.

The deposition will be taken of the aforementioned party deponent on relevant topics within the scope of this proceeding, including but not limited to, the subject matter of the deponent’s pre-filed testimony (and errata) and the deponent’s knowledge and expertise regarding the economic forecasts ICF has conducted relating to the net costs of OVEC to Ohio electric distribution utilities with OVEC entitlements. The scope of the deposition shall also include the subject matter of deponent’s Expert Declaration filed *In re: FirstEnergy Solutions Corp., et al.*, United States Bankruptcy Court Case No. 18-50757 as it pertains to ICF''s more recent calculations of the cost of performing under the intercompany power purchase agreement with OVEC.

The deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions.

Under Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, the deponent is requested to produce, for OCC’s examination, at least 24 hours prior to his deposition:

1. All documents relating to the deponent's testimony (including errata) in Case No. 17-872-EL-RDR, including responses to parties' (including OCC) and PUCO Staff discovery that were authored by the deponent or were provided with input from the deponent.

2. All documents pertaining to the assertions (and the information and data underlying the assertions) in the deponent’s Expert Declaration, as it relates to the short and long term costs of the intercompany power purchase agreement with OVEC, filed *In re: FirstEnergy Solutions Corp., et al.*, United States Bankruptcy Court Case No. 18-50757.

3. All documents pertaining to the assertions (and the information and data underlying the assertions) in the deponent’s direct testimony filed on behalf of Duke Energy Ohio, Inc. on March 31, 2017.

4. All documents pertaining to the assertions (and the information and data underlying the assertions) in the deponent’s testimony errata, filed with the PUCO on July 24, 2017.

5. All documents pertaining to the results of any studies or analysis done for either of the proceedings (PUCO No. 17-872-EL-RDR and U.S. Bankruptcy Court Case No. 18- 50757) as it relates to the intercompany power purchase agreement with OVEC, and any backup documents, including raw data for such studies.

6. All documents relied upon or cited in the pre-filed testimony in Case No. 17-872-EL-RDR or in the Expert Declaration in Case No. 18-50757, as it relates to the intercompany power purchase agreement with OVEC, including the "initial analysis of the Executory PPAs in mid-2017" and updates "commencing in January 2018." Expert Declaration at ¶6.

7. All workpapers or back-up documents that support the deponent's pre-filed testimony in Case No. 17-872-EL-RDR or the deponent's Expert Declaration in Case No. 18-50757, as it relates to the intercompany power purchase agreement OVEC.

8. Any documents reflecting updates to ICF's calculations (presented in Mr. Rose's 3/31/17 testimony) of the short and long term costs of the OVEC entitlement for Duke Energy Ohio.

9. Copies of the contract through which ICF was retained to testify on behalf of Duke Energy Ohio, and copies of invoices issued by ICF to Duke for work performed in the PUCO proceeding.

Respectfully submitted,

BRUCE WESTON (#0016973)

OHIO CONSUMERS’ COUNSEL

*/s/ William J. Michael*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice to Take Deposition was served on the persons stated below via electronic transmission, this 6th day of April 2018.

*/s/ William J. Michael*\_\_\_

William J. Michael

Assistant Consumers’ Counsel

**SERVICE LIST**

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