

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Vectren Energy Delivery of Ohio, Inc., for)
Authority to Amend its Filed Tariffs to) Case No. 07-1080-GA-AIR
Increase the Rates and Charges for Gas)
Services and Related Matters.)

In the Matter of the Application of)
Vectren Energy Delivery of Ohio, Inc., for)
Approval of An Alternative Rate Plan for)
a Distribution Replacement Rider to)
Recover the Costs of a Program for the) Case No. 07-1081-GA-ALT
Accelerated Replacement of Cast Iron)
Mains and Bare Steel Mains and Service)
Lines, a Sales Reconciliation Rider to)
Collect Difference Between Actual and)
Approved Revenues, and Inclusion in)
Operating Expense of the Costs of Certain)
Reliability Programs.)

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MOTION FOR
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Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25 and 4901-1-28(E), hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena *duces tecum* compelling Don Marshall of Eagle Energy, L.L.C., to appear and provide oral testimony as on cross-examination on Tuesday, August 19, 2008, at 10:00a.m., and attend the hearing from day to day until called to testify by the OCC at the Commission offices

(180 East Broad Street, 11th Floor, Columbus, Ohio 43215) concerning the witness' understanding of the following:

- Financial Audit Report of Eagle Energy, filed in the above-captioned proceedings as an attachment to the staff report of June 16, 2008.

The subpoena should also compel Mr. Marshall to bring with him for delivery to the OCC at the hearing on the date and at the time specified above the following documents and provide testimony related thereto:

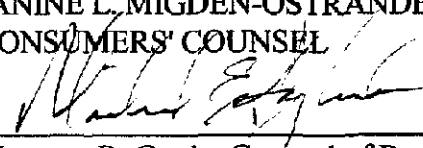
- All supporting documents to the Financial Audit Report of Eagle Energy (all forms, including hard copies of information stored on electronic media) including but not limited to financial records and statements, including balance sheets, income statements and other financial reports, policy and procedure documents, correspondence, transactional records, transactional data and information, accounting and financial agreements, records and correspondence related to accounting treatment and/or the interpretations of accounting entries for the recording in financial records, discovery requests and responses, and raw data.

The witness should be knowledgeable in the aforementioned matters.

Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Maureen R. Grady, Counsel of Record
Joseph P. Serio
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Lines, a Sales Reconciliation Rider to)	
Collect Difference Between Actual and)	
Approved Revenues, and Inclusion in)	
Operating Expense of the Costs of Certain)	
Reliability Programs.)	

MEMORANDUM IN SUPPORT

The OCC requests a subpoena *duces tecum*, pursuant to Ohio Adm. Code 4901-1-25 and 4901-1-28(E), to command Don Marshall of Eagle Energy, L.L.C., to appear and provide testimony as on cross-examination on August 19, 2008, at 10:00a.m., and attend the hearing from day to day until called by OCC to testify at the offices of the Commission (180 East Broad Street, 11th Floor, Columbus, Ohio 43215) in the above-captioned proceedings.

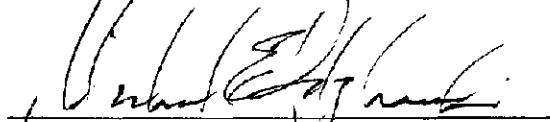
As indicated by the Staff of the PUCO, Don Marshall is qualified and knowledgeable to answer questions regarding the Eagle Energy, L.L.C. Financial Audit

Report filed in the above-captioned proceedings as an attachment to the staff report dated June 16, 2008. Don Marshall can be compelled to testify at the hearing in this case because of his contribution to the staff report. *See* Ohio Adm. Code 4901-1-28(E). Furthermore, in accordance with Ohio Adm. Code 4901-1-25(F), OCC has deposited a check, payable to Don Marshall, with the Commission to cover the required witness fees and mileage expenses for one day's attendance.

The documents sought to be compelled in this case contain information and evidence that are relevant and necessary to the resolution of the issues in this proceeding. Therefore, the witness's full participation in the examination and the requested documents will facilitate a full and complete development of these cases before the PUCO, including the ultimate record upon which the Commission will base its decision.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

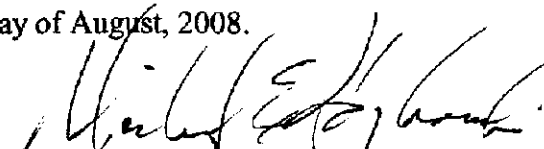


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Motion for Subpoena Duces Tecum and Memorandum in Support* was provided to the persons listed below via first class U.S. Mail, postage prepaid, this 14th day of August, 2008.



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Assistant Consumers' Counsel

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STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43215-3793

Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA

TO: Don Marshall, Eagle Energy, LLC
4465 Bridgetown Road
Suite 1
Cincinnati, OH 45211

Upon application of the Office of the Ohio Consumers' Counsel ("OCC"), you are hereby required to appear before the Public Utilities Commission of Ohio as a witness for Vectren Energy Delivery of Ohio, Inc., in the following proceeding:

Case No. 07-1080-GA-AIR; Case Title: *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Authority to Amend its Filed Tariffs to Increase the Rates and Charges for Gas Services and Related Matters.*

Case No. 07-1081-GA-ALT; Case Title: *In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc., for Approval of An Alternative Rate Plan for a Distribution Replacement Rider to Recover the Costs of a Program for the Accelerated Replacement of Cast Iron Mains and Bare Steel Mains and Service Lines, a Sales Reconciliation Rider to Collect Difference Between Actual and Approved Revenues, and Inclusion in Operating Expense of the Costs of Certain Reliability Programs.*

You are to appear at the offices of the Commission, 180 E. Broad Street, 11th Floor, Columbus, Ohio, 43215, on the 19th day of August, 2008, at ten o'clock a.m. and attend the hearing from day to day until called by OCC to testify. The witness shall submit to oral testimony by cross examination by the OCC and provide documents concerning certain provisions. You shall bring with you the following:

- All supporting documents to the Financial Audit Report of Eagle Energy (all forms, including hard copies of information stored on electronic media) including but not limited to financial records and statements, including balance sheets, income statements and other financial reports, policy and procedure documents, correspondence, transactional records, transactional data and information, accounting and financial agreements, records and correspondence related to accounting treatment

and/or the interpretations of accounting entries for the recording in financial records,
and raw data.

The witness should be knowledgeable in the aforementioned matters.

Dated at Columbus, Ohio, this 14 day of August, 2008.

BY:

Jeffrey R. Jones

TITLE:

Attorney at Law

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.