

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV
2009 MAY -6 PM 4:05
PUCO

In the Matter of the Application of Ormet)
Primary Aluminum Corporation for) Case No. 09-119-EL-AEC
Approval of a Unique Arrangement with)
Ohio Power Company and Columbus)
Southern Power Company.)

**NOTICE TO TAKE DEPOSITIONS UPON ORAL EXAMINATION
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Ohio Adm. Code Rule 4901-1-21(B), please take notice that the Office of the Ohio Consumers' Counsel ("OCC") seeks to take the oral deposition of the following individuals no later than one week prior to the presentation of Ormet witness(es) for cross examination at the to-be scheduled hearing:

- 1) All witnesses presenting "rebuttal" testimony in this case;
- 2) All individuals, including employees or persons engaged on behalf of Ormet, with knowledge or expertise as to the derivation of the \$38 per MWh rate proposed by Ormet in the unique arrangement application;
- 3) All individuals, including employees and persons engaged on behalf of Ormet, with knowledge or expertise as to the derivation of the \$34 per MWh rate proposed by Ormet in the amended unique arrangement application;

- 4) All individuals, including employees and persons engaged on behalf of Ormet, with knowledge or expertise as to status of the U.S. District court proceeding filed by Ormet against Glencore Ltd. Inc. and its impact upon the unique arrangement applications before the PUCO;
- 5) All individuals, including employees and persons engaged on behalf of Ormet, with knowledge or expertise as to the relationship of the U.S. District Court proceeding filed by Ormet against Glencore Ltd. Inc and the \$34 per MWh and \$38 per MWh prices contained in the original and amended applications of Ormet; and
- 6) All individuals, including employees and persons engaged on behalf of Ormet, with knowledge or expertise as to the tolling agreement between Ormet and Glencore Ltd. Inc.

The depositions will take place at the offices of OCC, 10 West Broad Street, 18th Floor, Columbus, Ohio and will begin at such times as are mutually agreed upon by Ormet and the OCC, notwithstanding the fact that depositions will be taken no later than one week prior to the appearance of Ormet witnesses at the to-be-scheduled evidentiary hearing. Deponents will appear at the mutually agreed time with documents described below, and remain present until depositions are completed. Parties are invited to attend and cross-examine.

The deposition will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including but not limited to, the subject matter of the deponent's testimony or the deponent's knowledge and expertise with respect to the

\$38 per MWh and \$34 per MWh prices in the original and amended applications. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions and will continue from day to day, except for holidays and weekends, until completed.

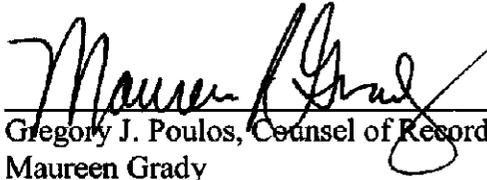
Pursuant to Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, the deponents are requested to produce three hours prior to the time of his scheduled deposition all documents relating to his testimony or the deponent's knowledge and expertise with respect to the \$38 per MWh and \$34 per MWh prices in the original and amended application, and/or the deponent's responses to discovery, including, but not limited to:

- 1) The tolling agreement, with redactions consistent with any claim of proprietary information;
- 2) All documents that pertain to the derivation of the \$38 per MWh price quoted in the original application of Ormet;
- 3) All documents that pertain to the derivation of the \$34 per MWh price quoted in the amended application of Ormet;
- 4) All documents pertaining to the impact of the U.S. District Court proceeding filed by Ormet against Glencore Ltd. Inc. on the unique arrangement applications;
- 5) All documents pertaining to the status of the U.S. District Court proceeding filed by Ormet against Glencore Ltd. Inc.; and
- 6) All documents referenced in, underlying, or pertaining to the "rebuttal testimony" including workpapers, and documents relied

upon in preparation of said testimony, along with the results of any studies, including cash flow analysis, done to support the \$34 per MWh and \$38 per MWh proposed by Ormet.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

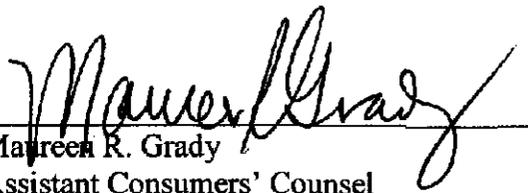


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Depositions was served via electronic transmittal to the persons listed below on this 6th day of May, 2009.


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