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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Akron Thermal, Limited Partnership for Authority to Issue Three (3) Promissory Long-Term Notes.))))	Case No. 09-414- HT-AES
In the Matter of the Application of Akron Thermal, Limited Partnership for an Emergency Increase in its Rates and Charges for Steam and Hot Water Service.))))	Case No. 09-453-HT-AEM
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of Revised Tariffs.)))	Case No. 09-315-HT-ATA
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of an Arrangement with an Existing Customer.)))	Case No. 09-441-HT-AEC
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of a Modification to an Existing Arrangement.)))	Case No. 09-442-HC-AEC

**CITY OF AKRON MOTION REQUESTING ISSUANCE OF SUBPOENA
AND MEMORANDUM IN SUPPORT**

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July 14, 2009

Attorneys for the City of Akron


**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Akron Thermal, Limited Partnership for Authority to Issue Three (3) Promissory Long-Term Notes.))))	Case No. 09-414-HT-AIS
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In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of a Modification to an Existing Arrangement.)))	Case No. 09-442-HC-AEC

CITY OF AKRON MOTION REQUESTING ISSUANCE OF SUBPOENA

Pursuant to Rule 4901-1-25, Ohio Administrative Code, the City of Akron ("Akron") requests that the Attorney Examiner or the Legal Director sign and issue the subpoena attached to this Motion directing David Wehrle to appear at the offices of the Commission and give testimony on July 20, 2009.

Respectfully submitted,



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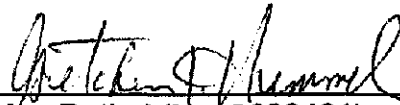
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In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of a Modification to an Existing Arrangement.)))	Case No. 09-442-HC-AEC

MEMORANDUM IN SUPPORT

Pursuant to Rule 4901-1-25, Ohio Administrative Code, Akron seeks to provide the testimony of Mr. David Wehrle, acting in his capacity as trustee of the Creditors' Trust, which was created for the benefit of unsecured creditors of Akron Thermal, Limited Partnership ("ATLP") pursuant to the Second Amended Plan of the Reorganization for ATLP. His testimony will be that of a fact witness. The subpoena will ensure the availability of such person to testify. Akron respectfully requests that the Attorney Examiner or the Legal Director sign and issue the attached subpoena.

Respectfully submitted,



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Cheri B. Cunningham (No. 0009433)

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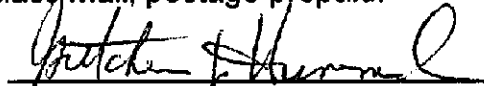
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Attorneys for City of Akron

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion Requesting Issuance of Subpoena* was served upon the following parties of record this 14th day of July 2009, via hand-delivery, electronic transmission, or first class mail, postage prepaid.


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Attorney Examiner

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA**

TO:

David M. Wehrle
1769 Holdens Arbor Run
Westlake, Ohio 44145-2039

Upon application of the City of Akron, you are hereby required to appear before the Public Utilities Commission of Ohio as a witness for the City of Akron in the following proceedings:

In the Matter of the Application of Akron Thermal, Limited Partnership for Authority to Issue Three (3) Promissory Long-Term Notes.)	Case No. 09-414-HT-AIS
)	
)	
)	
In the Matter of the Application of Akron Thermal, Limited Partnership for an Emergency Increase in its Rates and Charges for Steam and Hot Water Service.)	Case No. 09-453-HT-AEM
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In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of Revised Tariffs.)	Case No. 09-315-HT-ATA
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In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of an Arrangement with an Existing Customer.)	Case No. 09-441-HT-AEC
)	
)	
)	
In the Matter of the Application of Akron Thermal, Limited Partnership for Approval of a Modification to an Existing Arrangement.)	Case No. 09-442-HC-AEC
)	

You are to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio, on the 20th day of July, 2009, at 9:00 a.m. (EDST) in hearing room 11-C.

You shall bring with you the following:

Any documents prepared by you or subject to your control and associated with discussions or communications between you (either acting directly or through your counsel) acting as Trustee and Akron Thermal, Limited Partnership ("ATLP") that may involve ATLP's applications or positions taken in these PUCO cases.

Any documents prepared by you or subject to your control and associated with discussions or communications between you, acting as Trustee, and any of the unsecured

creditors that may involve ATLP's applications in these PUCO cases or your participation in such cases.

Any documents that identify your understanding of ATLP's Plan of Reorganization approved by the bankruptcy court as the effectiveness of such plan may depend upon PUCO approvals.

Any documents that identify the nature and extent of the forbearance identified in your motion to intervene or memorandum in support.

Any documents that identify compensation you have received in your capacity as Trustee or are currently owed for service in this capacity.

Dated at Columbus, Ohio, this 14th day of July, 2009.



Attorney Examiner

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.

In the Matter of the Application of Akron Thermal, Limited Partnership for Authority to Issue Three (3) Promissory Long-Term Notes.))))	Case No. 09-414-HT-AIS
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STATE OF OHIO :
COUNTY OF FRANKLIN : SS

_____, being duly sworn, say(s) that (s)he is not a party to this action and (s)he is over eighteen (18) years of age and that on July _____, 2009 at approximately ____ a.m./p.m. (s)he served the within subpoena on David Wehrle by delivering a copy thereof personally or to his place of residence at 1769 Holdens Arbor Run, Westlake, Ohio 44145-2039.

Sworn to and subscribed before me on this _____ day of July, 2009.

Notary Public