

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
 )  
 The Office of the Ohio Consumers' )  
 Counsel, et al. )  
 )  
 Complainants, )  
 )  
 v. )  
 )  
 Interstate Gas Supply d/b/a Columbia )  
 Retail Energy )  
 )  
 Respondent. )

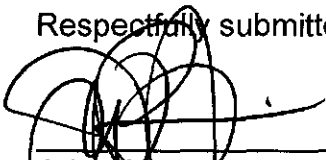
Case No. 10-2395-GA-CSS

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MOTION FOR PROTECTIVE ORDER

Pursuant to Ohio Administrative Code ("O.A.C.") Section 4901-1-24, Respondent Interstate Gas Supply, Inc. ("IGS") respectfully moves for a protective order prohibiting Complainant Northeast Ohio Public Energy Counsel ("NOPEC") from taking the depositions, *duces tecum*, of President of IGS Scott White and IGS witnesses authorized to testify on IGS' behalf. Pursuant to O.A.C. § 4901-1-24-(B), a copy of NOPEC's discovery request, and an affidavit of counsel are attached hereto as Attachments 1 and 2, respectively, to the accompanying Memorandum in Support.

Respectfully submitted,



John W. Bertine (0016388)  
 Email: jbertine@cwsllaw.com  
 Direct: (614) 334-6121  
 Sarah Dagget Morrison (0068035)  
 Email: smorisson@cwsllaw.com

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Telephone: (614) 221-4000  
Facsimile: (614) 221-4012

**Attorneys for IGS**

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

After having over a year to conduct discovery in this case and days before the continued hearing date of November 7, 2011, NOPEC has suddenly decided it wants to conduct broad discovery including depositions of Scott White, the President of IGS (who is not a witness in this proceeding), and other officers authorized to testify on IGS' behalf. On October 26, 2011, NOPEC filed with the Public Utilities Commission ("Commission") a Notice of Deposition, *Duces Tecum*, Upon Oral Examination of Interstate Gas Supply, Inc. Witnesses ("Notice"). In that Notice, NOPEC also seeks to obtain broad discovery from IGS, including all correspondence and documents pertaining to:

- (1) IGS' use of the trade name Columbia Retail Energy ("CRE");
- (2) IGS' discussions with staff at the Commission about using the trade name CRE;
- (3) the licensing agreement between IGS and NiSource regarding the use of the Columbia name and starburst logo;
- (4) CRE's marketing materials; and
- (5) IGS' communications with NiSource and the Commission Staff related to the use of the trade name CRE.

(NOPEC's Notice of Deposition, Attachment 1 hereto).

Because the Complainant's Notice of Deposition is on its face unreasonable and is in violation of the Commission's rules allowing twenty days to respond to requests for

production of documents, and because the deposition notice and document request will be an undue burden and expense on IGS if the deposition *duces tecum* goes forward, IGS respectfully requests a protective order prohibiting NOPEC's from taking the requested depositions and from seeking the documents identified in the Notice.

## II. ARGUMENT

As an initial matter, the Commission's Rules state that "[a]ny party desiring to take the deposition of any person upon oral examination shall give **reasonable** notice in writing to the deponent, to all parties, and to the commission." (emphasis added) O.A.C. § 4901-1-24(B). The timing of NOPEC's Notice of Deposition is patently unreasonable in violation of O.A.C. 4901-1-24(B). This case was filed by Complainants, including NOPEC, on October 21, 2010. It was originally set for hearing on October 4, 2011, and by Entry dated September 27, 2011 was continued to November 7, 2011. NOPEC has had more than ample time to conduct discovery, including depositions and did not do so.

Further, O.A.C. 4901-1-16, provides the purpose of the Commission's discovery rules is "... to encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparations for participation in Commission proceedings." NOPEC's late discovery is quite the opposite of "prompt and expeditious" and indeed disrupts IGS' "thorough and adequate preparation for ..." the November 7, 2011 hearing. Similarly, O.A.C. 4901-1-17 requires that discovery "... should be completed as expeditiously as possible." Here NOPEC served interrogatories upon IGS on March 11, 2011, and IGS responded on April 8, 2011. NOPEC has conducted no other discovery until it served the Notice at issue herein – a period of nearly seven (7)

months. Mr. White is not available on the date of the proposed deposition or any other date leading up to the hearing. To burden IGS' President, who is not even a witness in the case, with preparation and attendance at an eleventh hour deposition regarding a 51 paragraph, 81 page complaint and exhibits, and to interrupt IGS and its counsel's hearing preparations and other pressing business<sup>1</sup> is unfair and burdensome to Mr. White and IGS. The Commission should neither accommodate nor reward NOPEC's lack of diligence in preparation for hearing.

Additionally, while a notice of deposition may include a request for production of documents, it must be made "in compliance" with the Commission's rules governing the production of documents during discovery O.A.C. 4901-1-21(E). Specifically, O.A.C. § 4901-1-20(C) provides that a party who receives a request for production "... shall serve a written response within twenty days after the service of the request, or within such a shorter or longer time as the commission, the legal director, or an attorney examiner may allow." According to the Commission's Rules, IGS has, at a minimum, twenty days to respond to NOPEC's request. NOPEC filed the notice on October 26, 2011. Thus, even if the Notice was properly and timely served,, IGS has until November 15, 2011 to respond to NOPEC's request. However, the hearing in this case is set for November 7, 2011. NOPEC only provided five business days for IGS to comply with its request. For this reason alone, NOPEC should be prohibited from taking the depositions, *duces tecum*, of any IGS witnesses.

Moreover, NOPEC's failure to timely seek all of the discovery it wants operates as a waiver of its right to seek such discovery. NOPEC's notice is not a minor request for follow-up discovery seeking to tie up a few loose-ends before the hearing. Rather,

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<sup>1</sup> E.g. see Bentine Affidavit, Attachment 2 hereto..

NOPEC's request is broad and it seeks discovery related to all matters in the Complaint. NOPEC, which served the Notice electronically at 4:48 p.m. on October 26, 2011<sup>2</sup>, a scant seven (7) business days before hearing, is attempting to engage in a massive fact-collecting deposition pertaining to:

- (1) IGS' use of the trade name Columbia Retail Energy ("CRE");
- (2) IGS' discussions with staff at the Commission about using the trade name CRE;
- (3) the licensing agreement between IGS and NiSource regarding the use of the Columbia name and starburst logo;
- (4) CRE's marketing materials; and
- (5) IGS' communications with NiSource and the Commission Staff related to the use of the trade name CRE.

All of these matters could and should have been the subject of discovery earlier. (NOPEC's Notice of Deposition, Attachment 1 hereto).

Here, Mr. White has not been listed as a potential witness by IGS. (IGS' Disclosure of Witnesses, attached hereto as Attachment 3). NOPEC did not file a Witness Disclosure List in this case and OCC's witness list did not include Mr. White. As such, no party<sup>3</sup> will be calling Mr. White as a witness at the hearing. Deposing Mr. White at this point in the proceedings would only serve to create an undue burden on IGS.

With such limited time to appropriately respond to NOPEC's request and given the imminent hearing date, IGS would be unduly burdened and would face undue

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

<sup>3</sup> Mr. White was noticed as a possible witness on Stand's witness list, but no further notice or subpoena has been issued.

expense responding to NOPEC's deposition notice and request for production of documents. IGS and counsel for IGS are currently preparing for the upcoming hearing, and if NOPEC's last-minute request is permitted, IGS would be unduly burdened by the collection of documents and finding the appropriate IGS witnesses to respond to NOPEC's overly broad discovery request. IGS will be prejudiced as a result of the time and money spent complying with NOPEC's request, rather than preparing for the upcoming hearing.

IGS would also object to any request seeking to further delay the hearing to allow NOPEC time to conduct discovery. IGS' business interests continue to be adversely affected by the pendency of this case. It is time for hearing. Accordingly, IGS respectfully requests a protective order prohibiting the depositions, *duces tecum*, of Mr. White and other IGS witnesses authorized to testify on its behalf.

Finally, in accordance with O.A.C. 4901-1-24(B), counsel for IGS and NOPEC have discussed resolving these issues with no success.<sup>4</sup>

### **III. CONCLUSION**

For all the foregoing reasons, IGS respectfully requests that the Commission find:

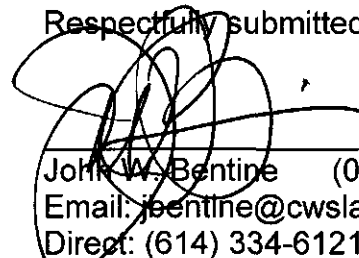
- 1) that NOPEC has not given reasonable notice for the depositions as required by O.A.C. 4901-1-24(B);
- 2) that NOPEC has not pursued discovery expeditiously as required by O.A.C. 4901-1-16;

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<sup>4</sup> See Bentine Affidavit.

- 3) that allowing the deposition at this late date would disrupt IGS' right to thorough and adequate preparation of its defense of this Complaint in violation of O.A.C. 4901-1-16; and
- 4) that granting IGS' motion for a protective order prohibiting NOPEC from taking the depositions, *duces tecum*, of Mr. White and other IGS witnesses authorized to testify on its behalf, is appropriate and order that depositions not be held.

Respectfully submitted,



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Direct: (614) 334-6121  
Sarah Dagget Morrison (0068035)  
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Zachary D. Kravitz (0084238)  
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CHESTER WILLCOX & SAXBE LLP  
65 East State Street, Suite 1000  
Columbus, Ohio 43215  
Telephone: (614) 221-4000  
Facsimile: (614) 221-4012

**Attorneys for IGS**



## CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Motion for Protective Order* was served this 1<sup>st</sup> day of November, 2011 by U.S. First Class Mail and electronic mail upon the following:

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Larry S. Sauer  
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Larry Gearhardt  
Chief Legal Counsel  
OHIO FARM BUREAU FEDERATION  
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\_\_\_\_\_  
John W. Bentine

# ATTACHMENT 1

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of the Office of the Ohio )  
Consumers' Counsel, Stand Energy Corporation, Border )  
Energy, Incorporated, Northeast Ohio Public Energy )  
Council, and Ohio Farm Bureau Federation )  
)  
Complainants, )  
)  
v. )  
)  
Interstate Gas Supply, Inc. )  
)  
Respondent. )

Case No. 10-2395-GA-CSS

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NOTICE OF DEPOSITION, DUCES TECUM, UPON ORAL EXAMINATION OF  
INTERSTATE GAS SUPPLY, INC. WITNESSES

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PLEASE TAKE NOTICE that, pursuant to Rule 4901-1-21(A) of the Ohio Administrative Code ("OAC"), counsel for the Northeast Ohio Public Energy Council ("NOPEC") will take the deposition of Scott White, President, Interstate Gas Supply, Inc., 6100 Emerald Parkway, Dublin, Ohio 43016.

Additionally, and pursuant to OAC 4901-1-21(F), IGS shall choose one or more of its officers, agents, employees, or other persons duly authorized to testify on its behalf, and shall set forth, for each person designated, the matters on which he or she will testify. The persons so designated shall testify as to matters known or reasonably available to IGS.


In accordance with OAC Rule 4901-1-21(E), NOPEC requests that the witness(es) subject to this deposition bring all documents and correspondence related to the matters that will be examined during the deposition. The deposition is requested to examine Mr. White, and any other persons duly authorized by IGS to testify on its behalf, on matters pertaining to: (1) IGS' use of the trade name Columbia Retail Energy; (2) IGS' discussions with staff at the Public Utilities Commission of Ohio

about using the trade name Columbia Retail Energy; (3) the licensing agreement between IGS and  
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NiSource regarding the use of the Columbia name and starburst logo; (4) Columbia Retail Energy's marketing materials; and (5) IGS' communications with NiSource and the Commission Staff related to the use of the trade name Columbia Retail Energy.

Such depositions will take place at 10:00 A.M. on November 3, 2011, at the offices of Bricker & Eckler LLP, 100 South Third Street, Columbus, Ohio 43215; or at an alternative time and place to be agreed upon by counsel, and will continue from day to day thereafter until completed. The depositions will be taken by a person authorized to administer oaths in the place where the depositions are taken.

Respectfully submitted,



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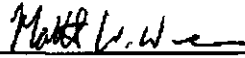
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tobrien@bricker.com

Attorneys for Northeast Ohio Public Energy Council

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following parties of record by regular U.S. mail or electronic mail, this 26<sup>th</sup> day of October 2011.

  
\_\_\_\_\_  
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Sarah Daggett Morrison  
Marks. Yurick  
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[egallon@porterwright.com](mailto:egallon@porterwright.com)

# ATTACHMENT 2

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Complaint of	)	
	)	
The Office of the Ohio Consumers'	)	
Counsel, et al.,	)	
	)	
Complainants,	)	
	)	Case No. 02-1683-GA-CRS
v.	)	
	)	
Interstate Gas Supply d/b/a Columbia	)	
Retail Energy,	)	
	)	
Respondent.	)	

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**AFFIDAVIT OF JOHN W. BENTINE**

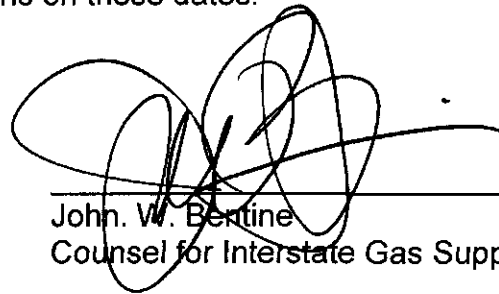
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John W. Bentine, being first duly sworn and cautioned according to law, does swear and depose that:

1. I, John W. Bentine, of the law firm Chester Willcox & Saxbe, LLP located at 65 E. State St., Columbus, Ohio 43215, am counsel for Interstate Gas Supply, Inc. ("IGS") in PUCO Case No. 10-2395-GA-CSS. I make this affidavit based on my own personal knowledge regarding the matters herein; and,
2. On October 26, 2011, Northeast Ohio Public Energy Council ("NOPEC") filed a Notice of Deposition, *duces tecum*, upon oral examination of Scott White, President of IGS, and other IGS witnesses authorized to testify on IGS' behalf. NOPEC scheduled the depositions for November 3, 2011. Notice was served electronically and received by me at 4:48 p.m. on October 26, 2011 (See Exhibit 1 hereto). The hearing in this matter is scheduled for November 7, 2011;

3. IGS and the undersigned determined that it was infeasible and impracticable to respond to such a broad discovery request so close to the date of the hearing, and to do so, would cause IGS undue burden and expense;
4. On October 28, 2011, my co-counsel, Zachary D. Kravitz, emailed counsel for NOPEC, Glenn Krassen, Matthew Warnock, and Thomas O'Brien to inform them of our objection to the notice of deposition and our intent to seek a protective order prohibiting NOPEC from taking the depositions;
5. On October 28, 2011, counsel for NOPEC responded to Mr. Kravitz via email to inform IGS that NOPEC would be seeking a motion to compel the depositions, *duces tecum*, upon oral examination of Scott White and other IGS' witnesses.
6. On October 31, 2011 I engaged in a discussion with Thomas O'Brien, co-counsel for NOPEC in response to an email from NOPEC co-counsel Matthew Warnock in an attempt to resolve our differences. That discussion was unsuccessful.
7. I am in New York City on business for another client on November 2, 3, and 4 and unable to attend depositions on those dates.

Further affiant sayeth naught.



John W. Bentine  
Counsel for Interstate Gas Supply, Inc.

STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

On this 31st day of October 2011, John W. Bentine appeared before me, a notary public for the State of Ohio, and subscribed and swore that the foregoing is true and accurate to the best of his knowledge and belief.



Christine L. Schulenberg  
Notary Public



Christine L. Schulenberg  
Notary Public, State of Ohio  
My Commission Expires on 10/24/12




**AFFIDAVIT  
EXHIBIT 1**

**John W. Bentine**

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**From:** Orahood, Teresa [TORah@BE.BRICKER.COM]  
**Sent:** Wednesday, October 26, 2011 4:48 PM  
**To:** Zachary D. Kravitz; JOE SERIO; LARRY SAUER; lgearhardt@ofbf.org; John M. Dosker; brian@mcintoshlaw.com; whitt@carpenterlipps.com; thompson@CarpenterLipps.com; dconway@porterwright.com; Gallon, Eric; tmrodgers@nisource.com; sseiple@nisource.com; bleslie@nisource.com; vparisi@igsenergy.com; John W. Bentine; Sarah D. Morrison  
**Cc:** Krassen, Glenn; Warnock, Matthew; O'Brien, Thomas  
**Subject:** OCC, et al. v. IGS, PUCO Case No. 10-2395-GA-CSS  
**Attachments:** Memo Contra.PDF; Notice of Dep.PDF

Attached is a copy of NOPEC's Memo Contra and Notice of Deposition which were filed today, October 26, 2011 in the above referenced proceeding.

 <p><b>Bricker &amp; Eckler</b> ATTORNEYS AT LAW</p>	<p><b>Teresa Orahood</b> Senior Paralegal</p> <p>Direct Dial 614.227.4821 <a href="mailto:torahood@bricker.com">torahood@bricker.com</a></p> <p><a href="#">V-CARD</a> <a href="#">Website</a></p>	<p><b>Bricker &amp; Eckler LLP</b> 100 South Third Street Columbus, OH 43215-4291</p> <p>Main 614.227.2300 Fax 614.227.2390 <a href="http://www.bricker.com">www.bricker.com</a></p>
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# ATTACHMENT 3

FILE

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of )  
 )  
The Office of the Ohio Consumers' )  
Counsel, et al., )  
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Complainants, )  
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v. )  
 )  
Interstate Gas Supply d/b/a Columbia )  
Retail Energy, )  
 )  
Respondent. )

Case No. 10-2395-GA-CSS

PUCO

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**INTERSTATE GAS SUPPLY, INC.'S DISCLOSURE OF WITNESSES**

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Pursuant to the Attorney Examiner Entry issued on June 16, 2011, Interstate Gas Supply, Inc. ("IGS") hereby reserves the option to call the following persons as witnesses at the hearing held in the above-captioned matter:

1. Vincent Parisi  
General Counsel  
Interstate Gas Supply, Inc.  
6100 Emerald Parkway  
Dublin, Ohio 43016

Mr. Parisi is anticipated to testify regarding: IGS' use of the trade name Columbia Retail Energy; IGS's discussions with PUCO staff about using the trade name Columbia Retail Energy; IGS' confidential agreement with NiSource to use the trade name Columbia Retail Energy; and Columbia Retail Energy's marketing materials.

2. Bruce Hayes (as on cross-examination)  
Senior Regulatory Analyst  
The Office of the Ohio Consumers' Counsel (OCC)  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215

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Mr. Hayes is anticipated to testify about: the OCC's investigation and analysis of IGS' use of the trade name Columbia Retail Energy; OCC's practice of comparing fixed rate natural gas rates to variable rate natural gas rates; the deregulation of natural gas markets in Ohio; the practices and procedures at the former OCC call center; the procedures for obtaining a competitive retail natural gas marketer certificate; IGS' and Columbia Retail Energy's marketing solicitations; and all other matters raised by OCC in the pleadings in this case.

3. Leigh Herington (as on cross-examination)  
NOPEC Executive Director  
NOPEC  
31320 Solon Road, Suite 20  
Solon, Ohio, 44139

Mr. Herington is anticipated to testify regarding: NOPEC's investigation and analysis of IGS' use of the trade name Columbia Retail Energy; NOPEC's practice for comparing fixed and variable natural gas rates; NOPEC's call centers operated by Dominion Energy Solutions and First Energy Solutions; and all matters raised by NOPEC in the pleadings in this case.

4. Mark Ward (as on cross-examination)  
Vice-President of Regulatory Affairs  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, Ohio 45202.

Mr. Ward is anticipated to testify regarding Stand Energy Corporation's investigation and analysis of IGS' use of the trade name Columbia Retail Energy; Stand Energy Corporation's practice of comparing fixed and variable natural gas rates; Stand Energy Corporation's operations as a competitive retail natural gas supplier; deregulation of the natural gas markets in Ohio; and all matters raised by Stand Energy Corporation in the pleadings in this case.

5. Larry Freeman (as on cross-examination)  
Executive Vice-President  
Stand Energy Corporation  
1077 Celestial Street, Suite 110  
Cincinnati, Ohio 45202.

Mr. Freeman is anticipated to testify regarding Stand Energy Corporation's investigation and analysis of IGS' use of the trade name Columbia Retail Energy; Stand Energy Corporation's practice of comparing fixed and

variable natural gas rates; Stand Energy Corporation's operations as a competitive retail natural gas supplier; deregulation of the natural gas markets in Ohio; and all matters raised by Stand Energy Corporation in the pleadings in this case.

6. Dale Arnold (as on cross-examination)  
Director, Energy Policy  
Ohio Farm Bureau Federation  
280 North High Street  
P.O. Box 182383  
Columbus, Ohio 43218-2382

Mr. Arnold is anticipated to testify regarding the Ohio Farm Bureau Federation's investigation and analysis of IGS' use of the trade name Columbia Retail Energy; the Ohio Farm Bureau Federation's practice of comparing fixed and variable natural gas rates; deregulation of the natural gas markets in Ohio; and all matters raised by Stand Energy Corporation in the pleadings in this case.

7. Maria Durban (as on cross-examination)  
Consumer Services Division Manager  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Durban is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

8. Anitta Bolin, Compliance Analyst (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Bolin is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

9. Brian Bayless, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Mr. Bayless is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

10. Angela Butler, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Butler is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

11. Lisa Cain (Van Meter), Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Cain is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

12. Beatrice deCourtivron, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. DeCourtivron is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

13. Jeana Deletra, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Deletra is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

14. **Laura Galleger, Compliance Analyst (as on cross-examination)**  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Galleger is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

15. **Matthew Jones, Team Leader (as on cross-examination)**  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Mr. Jones is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

16. **Kim Lee, Compliance Investigator (as on cross-examination)**  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Lee is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

17. **Barbara Mullins, Compliance Investigator (as on cross-examination)**  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Mullins is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

18. **Jackie Stevens, Compliance Investigator (as on cross-examination)**  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215



Ms. Stevens is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

19. Radames Torres, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Mr. Torres is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

20. Brian Vogt, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Mr. Vogt is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

21. Anitra Wheeler, Compliance Investigator (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Wheeler is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

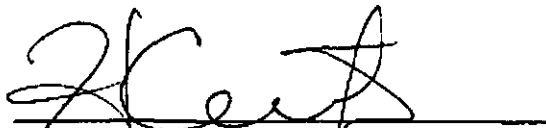
22. Maria Rodriguez, Temp (as on cross-examination)  
Consumer Services Division  
The Office of the Ohio Consumers' Counsel  
10 W. Broad St., Suite 1800  
Columbus, Ohio 34215

Ms. Rodriguez is anticipated to testify regarding any and all consumer calls regarding IGS' use of the trade name Columbia Retail Energy and all aspects of the OCC's call center as raised in the pleadings in this case.

Further, IGS reserves the right to call:

23. Other persons identified through further discovery or investigation with knowledge of the claims and defenses alleged in this matter, or whose testimony IGS may yet determine to be relevant.
24. All lay and expert witnesses listed on the witness lists of other parties, or called by another party at any hearing or trial of this matter, as upon cross-examination, and any witness necessary to rebut the witnesses of other parties.
25. Expert witnesses to testify regarding any issues that it may determine are appropriate for expert testimony.

Respectfully submitted,



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**Attorneys for Interstate Gas Supply, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of *Interstate Gas Supply, Inc.'s Disclosure of Witnesses* was served this 13<sup>th</sup> day of September, 2011 by electronic mail upon the following:

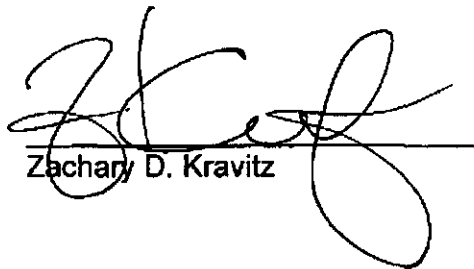
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