

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Columbus Southern Power Company and</b>	)	<b>Case No. 11-346-EL-SSO</b>
<b>Ohio Power Company for Authority to</b>	)	<b>Case No. 11-348-EL-SSO</b>
<b>Establish a Standard Service Offer</b>	)	
<b>Pursuant to § 4928.143, Ohio Rev. Code,</b>	)	
<b>in the Form of an Electric Security Plan.</b>	)	
	)	
<b>In the Matter of the Application of</b>	)	
<b>Columbus Southern Power Company and</b>	)	<b>Case No. 11-349-EL-AAM</b>
<b>Ohio Power Company for Approval of</b>	)	<b>Case No. 11-350-EL-AAM</b>
<b>Certain Accounting Authority.</b>	)	

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**RESPONSES OF SUMMIT ETHANOL, LLC D/B/A POET BIOREFINING-LEIPSIC  
AND FOSTORIA ETHANOL, LLC D/B/A POET BIOREFINING-FOSTORIA TO  
OHIO POWER COMPANY’S FIRST SET OF INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

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NOW COME Summit Ethanol, LLC d/b/a POET Biorefining-Leipsic and Fostoria Ethanol, LLC d/b/a POET Biorefining-Fostoria (together, “Summit/Fostoria” or the “POET Plants”), and in response to Ohio Power Company’s (“Ohio Power” or “AEP Ohio”) First Set of Interrogatories and Request for Production of Documents, state as follows:

**GENERAL OBJECTIONS**

The POET Plants object to each and every interrogatory and document request on the following grounds:

1. The POET Plant object to the Definitions and Instructions to the extent they seek to impose burdens beyond those imposed by the Ohio Rules of Civil Procedure.

2. The POET Plants object to the Interrogatories and Document Requests to the extent that they seek information protected by the attorney-client privilege, the work product doctrine and/or any other privilege or immunity from disclosure.

3. The POET Plants object to these Interrogatories and Document Requests on the ground that they seek evidence that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

4. The POET Plants object to these Interrogatories and Document Requests on the ground that they are overly broad and unduly burdensome.

5. The POET Plants object to these Interrogatories and Document Requests to the extent they require the POET Plants to disclose trade secrets and/or proprietary, confidential or commercially sensitive information. To the extent such information exists and is discoverable, the POET Plants will provide such information upon entry of a Protective Order.

### **SPECIFIC OBJECTIONS AND RESPONSES**

1. Please identify each consultant that you have retained to assist you in the ESP proceeding.

- a) If the consultant is an organization, please identify each individual employed by the organization who is assisting you in the ESP proceeding.
- b) If you have not yet retained a particular consultant, please promptly identify the consultant (and the individuals employed by the consultant who are assisting you if the consultant is an organization) as soon as you do retain the consultant.

### **RESPONSE:**

Gary Swanson

2. For each consultant that you retain, please describe in detail the scope and purpose of the consultant's engagement, including the subject matters, issues, and positions regarding which the consultant will analyze and advise you. If you have not yet determined a particular subject matter, issue, or position regarding which the consultant will analyze and advise you, please promptly provide a description as soon as you have determined it.

**RESPONSE:**

The scope and purpose of Mr. Swanson's engagement is detailed in the Direct Testimony Of Gary A. Swanson Filed On Behalf Of Intervenors Summit Ethanol, LLC And Fostoria Ethanol, LLC In Opposition To AEP Ohio's Modified Electric Security Plan (the "Swanson Testimony"), which was previously filed in this matter.

3. Please identify each witness that you will present at the hearing for the ESP proceeding. To the extent that you do not yet know all of the witnesses whom you will present at the hearing, please promptly identify each witness as soon as you determine that you will present the witness at the hearing.

**RESPONSE:**

Summit/Fostoria intends to present Gary Swanson at the hearing of this matter. Summit/Fostoria has not completed its analysis to determine, at this time, whether it intends to present additional testimony.

4. For each witness that you identify in response to the previous Interrogatory, please describe in detail the and purpose of the witness's testimony, including the subject matters, issues, and positions regarding which the witness will present testimony on your behalf. If you have not yet identified a particular witness that you will present at the hearing, or if you have not yet determined the particular subject matter, issue, or position regarding which the witness will present testimony on your behalf, please promptly provide a description as soon as you have identified the witness, subject matter, issue, or position.

**RESPONSE:**

The purpose of Mr. Swanson's testimony can be discerned from the Swanson Testimony, which was previously filed in this matter.

5. Please identify any joint defense agreement that you have entered into with any other party to these proceedings, including the date of that joint defense agreement, the identities of the parties to the joint defense agreement, and the scope and duration of the joint defense agreement.

**RESPONSE:**

Summit/Fostoria has not entered into any joint defense agreements.

## **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Produce a copy of each document you identified, consulted, referred to, or utilized in preparing your responses to Interrogatories 1-5.

### **RESPONSE:**

Summit/Fostoria is not at this time aware of any documents responsive to this request. Summit/Fostoria is continuing its review of relevant information. To the extent any additional non-privileged responsive documents are identified, they will be turned over to Ohio Power. If the documents contain trade secrets and/or proprietary, confidential or commercially sensitive information, the POET Plants will provide such information upon entry of a Protective Order.

2. Please produce copies of your responses to all data requests or discovery requests that any other party submits to you.

### **RESPONSE:**

Summit/Fostoria is not at this time aware of any documents responsive to this request. Summit/Fostoria is continuing its review of relevant information. In the event that relevant and responsive documents are discovered, they will be promptly turned over to Ohio Power.

3. For each witness identified in response to Interrogatory No. 3, please produce copies of all workpapers and other backup documentation supporting that witnesses' testimony. Each workpaper should be identified in a manner that links it to the particular witness's testimony that it supports and to the particular issue addressed by, or to the specific schedule/exhibit attached to, that witness' testimony. Please produce the workpapers by no later than the time the testimony is filed.

### **RESPONSE:**

Summit/Fostoria is not at this time aware of any documents responsive to this request. Summit/Fostoria is continuing its review of relevant information. To the extent any additional non-privileged responsive documents are identified, they will be turned over to Ohio Power. If the documents contain trade secrets and/or proprietary, confidential or commercially sensitive information, the POET Plants will provide such information upon entry of a Protective Order.

4. For each witness who files testimony on your behalf in the ESP proceeding, please produce copies of all workpapers and other backup documentation supporting that witnesses' testimony. Each workpaper should be identified in a manner that links it to the particular witness's testimony that it supports and to the particular issue addressed by, or to the specific schedule/exhibit attached to, that witness' testimony. If these responses are provided prior to the filing of any testimony please supplement this filing to produce the workpapers at the same time as the testimony is filed in this case. If testimony is filed before these responses are provided please include workpapers preferably as soon as filing but no later than the date on which you respond to these requests.

**RESPONSE:**

Summit/Fostoria is not at this time aware of any documents responsive to this request. Summit/Fostoria is continuing its review of relevant information. To the extent any additional non-privileged responsive documents are identified, they will be turned over to Ohio Power. If the documents contain trade secrets and/or proprietary, confidential or commercially sensitive information, the POET Plants will provide such information upon entry of a Protective Order.

5. Please produce copies of any:
- a) Requests for proposals that you issue or have issued for the retention of any consultants for this proceeding.
  - b) Contracts that you enter or have entered into with any such consultant(s).
  - c) Submissions that you make or have made to the State Controlling Board to obtain approval of the contract(s) that you enter into with any such consultant(s).

**RESPONSE:**

Summit/Fostoria is not aware of any documents responsive to this request.

6. Please produce copies of all non-privileged documents in your possession, including any documents created or possessed by any of your employees, agents, or representatives, regarding the ESP proceeding.

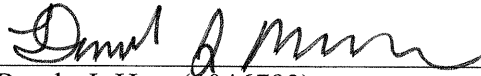
**RESPONSE:**

Summit/Fostoria is not at this time aware of any documents responsive to this request other than those produced or published by Ohio Power. Summit/Fostoria is continuing its review of relevant information. To the extent the POET Plants identify additional responsive documents that are not-privileged or subject to the work-product doctrine or otherwise protected from disclosure, will be produced to Ohio Power. If the documents contain trade secrets and/or proprietary, confidential or commercially sensitive information, the POET Plants will provide such information upon entry of a Protective Order.

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AS TO OBJECTIONS:



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Responses of Summit Ethanol, LLC d/b/a Poet Biorefining-Leipsic and Fostoria Ethanol, LLC d/b/a Poet Biorefining-Fostoria to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents was served via U.S. Mail this 18th day of May, 2012, on the persons included in the attached Service List.

  
\_\_\_\_\_  
David J. Michalski



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STATE OF MINNESOTA

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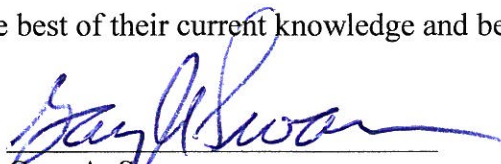
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**VERIFICATION**

COUNTY OF CARVER

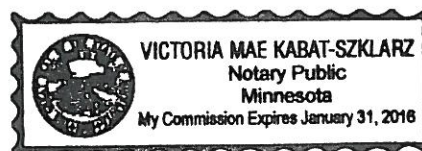
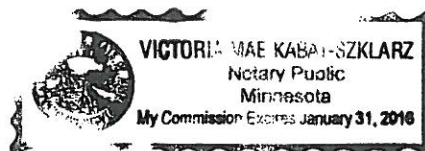
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Gary A. Swanson, being first duly sworn, deposes and says that he is President of Energy Management Solutions, Inc., which is a consultant to Intervenor Summit Ethanol, LLC ("Summit") and Fostoria Ethanol, LLC ("Fostoria"), and that in such capacity he has read the foregoing Responses to Ohio Power Company's First Set of Interrogatories to Summit and Fostoria; and that he has been authorized on behalf of Summit and Fostoria to represent that the information contained in the Responses is true to the best of their current knowledge and belief.

  
Gary A. Swanson

SWORN TO BEFORE ME and subscribed in my presence this 17<sup>th</sup> day of May, 2012.

  
Notary Public



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/18/2012 1:19:53 PM**

**in**

**Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM**

Summary: Response of Summit Ethanol, LLC d/b/a Poet Biorefining-Leipsic and Fostoria Ethanol, LLC d/b/a Poet Biorefining-Fostoria to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents electronically filed by Mr. David J Michalski on behalf of SUMMIT ETHANOL, LLC and FOSTORIA ETHANOL, LLC