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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

)	
)	
<u>MILLERSVILLE CONSTRUCTION</u>)	
Complainant,)	
)	
Vs.)	NO. <u>CASE NO. 14-366-TP-CSS</u>
)	
<u>FRONTIER NORTH INC.</u>)	
Respondent,)	
)	

MOTION TO COMPEL DISCOVERY
PURSUANT TO OAC 4901-1-23 SECTION (A) 1, 2, 4 AND (B),
COPY OF DISCOVERY REQUEST SUBJECT TO MOTION

MOTION TO COMPEL DISCOVERY

COMES NOW Complainant, Millersville Construction, and moves the Commission for an Order compelling response to Interrogatories and Request for Production of Documents directed to Respondent, and in support thereof would show unto the Commission as follows:

1. On or about August 04, 2014, Complainant filed Complainant's First Interrogatories, Request for Admissions, and Request for Production of Documents and Things Propounded to Defendant.
2. On August 25, 2014, without stating any Rule, Procedure, or Entry by the Commission, Respondent in bad faith failed to deliver their objections or answers to Interrogatories No. 1, 2, 3, 4, 5, 6, 7, 8, and 9 in a timely manner.
3. On August 25, 2014, without stating any Rule, Procedure, or Entry by the Commission, Respondent in bad faith failed to answer the Request for Production of Documents in a timely manner.
4. Pursuant to OAC 4901-1-22 Requests for admission (B), this matter of discovery is now considered "admitted," whereas the Respondent in bad faith failed to answer the Request for Admissions in a timely manner and therefore not compelled.

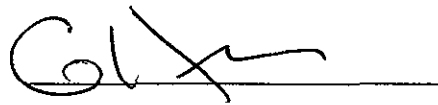
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5. In the matter to compel discovery pursuant to OAC 4901-1-23 Sec.3 (C), an affidavit is omitted with this motion whereas neither party raised any differences or objections.

6. Furthermore, in the matter to compel discovery, Complainant would show unto the Commission that the Interrogatories asked and the Request for Production of Documents are calculated to lead to the discovery of evidence, which is relevant to the issues raised by the claims set forth in this cause also pursuant to ORC 4927.06 Unfair or deceptive trade practices. Moreover, the Respondent's failure to respond to discovery is inappropriate.

WHEREFORE, PREMISES CONSIDERED, Complainant, moves this Court for an Order compelling the Respondent to respond to the aforementioned discovery.

Respectfully submitted, this the 02 day of September 2014.

A handwritten signature in black ink, appearing to be 'Colin', is written over a horizontal line. The signature is stylized and cursive.

Complainant

COPY OF DISCOVERY REQUEST SUBJECT TO MOTION

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<u>MILLERSVILLE CONSTRUCTION</u>)	
)	
Complainant,)	
)	
Vs.)	NO. <u>CASE NO. 14-366-TP-CSS</u>
)	
<u>FRONTIER NORTH INC.</u>)	
)	
Respondent,)	
)	

**COMPLAINANT'S FIRST SET OF INTERROGATORIES
REQUEST OF ADMISSIONS AND REQUEST
FOR PRODUCTION OF DOCUMENTS
AND THINGS PROPOUNDED TO RESPONDENT**

Comes now MILLERSVILLE CONSTRUCTION (Complainant) and propounds his First Set of Interrogatories, Request for Admissions, and Request for Production of Documents to FRONTIER NORTH INC. (Respondent), in accordance with Commission Entry (Findings 5).

INTERROGATORIES

1. State the date, time, including methodology, in which Frontier North Inc. solicited to Millersville Construction (MC) the Promotional agreement (account number 419-638-2202-031104-5).

2. State in detail all advertisement(s) Frontier North Inc. forwarded to MC (please include proof of service) prior the aforementioned agreement.

3. State the manner, in which Frontier North Inc. formalized the aforementioned agreement.
4. State anything formalized Frontier North Inc. knowingly copied and forwarded to MC (please include proof of service) to consummate the aforementioned agreement.
5. State in detail, including title of person, date, time, and subject matter of every telephone conversation Frontier North Inc. had with MC in lieu of the aforementioned agreement.
6. State in detail, including title of person, and date of all correspondences in lieu of the aforementioned agreement Frontier North Inc. sent by Email to MC.
7. State in detail, including title of person, and date of all correspondences in lieu of the aforementioned agreement Frontier North Inc. sent by United States or certified mail to MC.

8. Please list any person Frontier North Inc. intends to call as a witness at the hearing(s) of this case. For each expected witness, please state the witness's name, relationship to Frontier North Inc., and a short summary of the subject matter to which the witness shall testify.

9. State the name of any expert witness that Frontier North Inc. intends to call at the hearing(s) of this case and provide for each the following:

a. Qualifications;

b. The subject matter, which the expert will testify on;

c. The substance of the facts and opinion to which the expert is expected to testify;

and

d. The summary of the grounds of each opinion of each of the aforesaid experts.

REQUEST FOR ADMISSIONS
(Omitted)

PRODUCTION OF DOCUMENTS AND THINGS

1. Please produce copies of any formalized agreement(s) signed by MC, material to account number 419-638-2202-031104-5, in which the term(s) Promotion and Promotional pricing are define.
2. Please produce copies of any formalized agreement(s) signed by MC, material to the aforementioned account, in which the Basic Charges of \$64.99 and Optional Services of \$89.99 found on month-to-month billing statement(s) are stated.

Respectfully submitted,

BY: _____

CERTIFICATE OF SERVICE

I, _____, attorney for _____, do hereby certify that I have this date mailed, postage prepaid, a true and correct copy of the above and foregoing Plaintiff's First Set of Interrogatories, Request for Admissions, and Request for Production of Documents and Things to Complainant:

Glenn Kreais, Owner
Millersville Construction
925 CR72
Helena, Oh 43435

This the ____ day of _____ 20_____.
