

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton Power and Light Company for an Increase in its Electric Distribution Rates	)	Case No. 15-1830-EL-AIR
	)	
In the Matter of the Application of The Dayton Power and Light Company for Accounting Authority	)	Case No. 15-1831-EL-AAM
	)	
In the Matter of the Application of Dayton Power and Light Company for Approval of Revised Tariffs	)	Case No. 15-1832-EL-ATA
	)	

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**RETAIL ENERGY SUPPLY ASSOCIATION’S MOTION FOR A  
SUBPOENA DUCES TECUM DIRECTED TO  
THE DAYTON POWER AND LIGHT COMPANY**

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Under Ohio Administrative Code § 4901-1-25 , the Retail Energy Supply Association (“RESA”) respectfully moves the Public Utilities Commission of Ohio (the “Commission”), any commissioner, the legal director, the deputy legal director, or any attorney examiner to issue a subpoena duces tecum (“Subpoena”) directed to Dayton Power and Light Company (“DP&L”) that compels DP&L to produce a person(s) to attend and give testimony at the Public Utilities Commission of Ohio in Case No. 15-1830-EL-AIR, *et al.* on July 24, 2018 or another mutually agreed time.

Because RESA seeks expedited treatment, this motion and the subpoena were presented to the attorney examiner in person. See Ohio Administrative Code § 4901-1-25(A)(2). The executed subpoena is attached hereto as Exhibit A.

As described in the enclosed subpoena, RESA requests that the

Commission order DP&L to present testimony of the following witnesses, which provided prefiled testimony and supplemental testimony in the above-referenced proceeding.<sup>1</sup> Specifically, the following witnesses provided information, which has been referred to and relied upon by the Staff of the Commission in preparation of the Staff Report and the Staff's direct testimony responding to objections:

1. Barry Bentley;
2. Nathan Parke;
3. Tyler Tuescher;
4. Bruce Chapman;
5. Craig Forestall;
6. Emily Rabb;
7. Alan Felsenthal;
8. Yvonna Steadman;
9. Don Rennix;
10. Kurt Tornquist;
11. Claire Hale.

In the event that any of the above-named individuals is no longer employed by

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<sup>1</sup> See Ohio Administrative Code § 4901-1-25(D).

DP&L, RESA requests that DP&L provide a witness that may testify to the same subject matter. Each of the topics contained in the pre-filed testimony and discovery responses provided by the individuals identified above is relevant to the Commission's decision in this case. Moreover, the information that is within the witnesses' knowledge is not within RESA's control or custody. DP&L's Application, the Staff Report, Staff Testimony, and the Stipulation and Recommendation relies upon various components of the pre-filed testimony of these witnesses. Therefore, RESA has no other option than to call these witnesses at trial to evaluate and cross-examine the basis for their opinions. Testimony of these witnesses is necessary for the development of a full record in this case. For these reasons, and those set forth in the accompanying memorandum, RESA requests that this motion be granted.

Respectfully submitted,

/s/ Rebekah J. Glover

Mark A. Whitt (0067996)

Rebekah J. Glover (0088798)

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(Counsel willing to accept service by email)

ATTORNEYS FOR THE RETAIL ENERGY  
SUPPLY ASSOCIATION

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In the Matter of the Application of Dayton Power and Light Company for Approval of Revised Tariffs	)	Case No. 15-1832-EL-ATA
	)	

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**MEMORANDUM IN SUPPORT OF RETAIL ENERGY  
SUPPLY ASSOCIATION’S MOTION FOR A SUBPOENA  
DUCES TECUM DIRECTED TO THE DAYTON POWER AND  
LIGHT COMPANY**

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In this proceeding, DP&L filed an application requesting authority to increase its distribution rates. As part of its application, DP&L filed the testimony of several witnesses to support the application and schedules. The Staff Report of Investigation issued by the Staff relies upon this information, as well as discovery responses sponsored by DP&L witnesses.

On June 18, 2018, DP&L and other parties submitted a Stipulation and Recommendation attempting to resolve certain issues in the proceeding. On July 11, 2018, DP&L and the City of Dayton submitted a supplemental stipulation seeking to resolve additional issues.

In support of the Stipulation, DP&L intends to call one witness: Sharon Schroder. Ms. Schroder, however, simply speaks to whether the stipulation satisfies the three-prong test. Because Ms. Schroder has not been offered to support any portion of the

application, testimony, or discovery responses relied upon by the Staff Report or the Staff, Ms. Schroder's testimony alone will not allow for sufficient development of the record.

Thus, the Commission should require DP&L to present the requested witnesses at trial as described in the executed Subpoena attached to RESA's motion. RESA respectfully asks that the Commission grant this motion.

Dated: July 17, 2018

Respectfully submitted,

/s/ Rebekah J. Glover  
Mark A. Whitt (0067996)  
Rebekah J. Glover (0088798)  
WHITT STURTEVANT LLP  
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glover@whitt-sturtevant.com  
(Counsel willing to accept service by email)

ATTORNEYS FOR THE RETAIL ENERGY  
SUPPLY ASSOCIATION

## CERTIFICATE OF SERVICE

I certify that RESA's Motion for Subpoena Duces Tecum Directed to the Dayton Power and Light Company and Memorandum in Support was electronically served on the following parties this 17<sup>th</sup> day of July 2018:

michael.schuler@aes.com  
cfaruki@ficlaw.com  
djireland@ficlaw.com  
jsharkey@ficlaw.com  
fdarr@mwncmh.com  
mpritchard@mwncmh.com  
christopher.healey@occ.ohio.gov  
terry.etter@occ.ohio.gov  
bojko@carpenterlipps.com  
perko@carpenterlipps.com  
dboehm@bkllawfirm.com  
mkurtz@bkllawfirm.com  
jkylercohn@bkllawfirm.com  
paul@carpenterlipps.com  
sechler@carpenterlipps.com  
mfleisher@elpc.org  
jvickers@elpc.org  
rkelter@elpc.org  
kurt.helfrich@thompsonhine.com  
stephanie.chmiel@thompsonhine.com  
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swilliams@nrdc.org  
slesser@calfee.com  
jlang@calfee.com  
tallexander@calfee.com  
tdougherty@theoec.org  
jfinnigan@edf.org  
cmooney@ohiopartners.org  
thomas.jernigan.3@us.af.mil  
ejacobs@ablelaw.org  
joliker@igsenergy.com  
mnugent@igsenergy.com  
rick.sites@ohiohospitals.org  
dborchers@bricker.com  
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nicholas.walstra@puco.ohio.gov

/s/ Rebekah J. Glover  
\_\_\_\_\_  
Counsel for the Retail Energy Supply  
Association

**Exhibit A**

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**SUBPOENA DUCES TECUM**

TO: Michael Schuler  
The AES Corporation  
US Market Strategic Business Unit  
1065 Woodman Drive  
Dayton, OH 45432

Upon application of the Retail Energy Supply Association (“RESA”), the Dayton Power and Light Company is hereby required to present the following witnesses for cross-examination in the above-referenced proceeding before the Public Utilities Commission of Ohio in Case Nos. 15-1830-EL-AIR, *et al.*:

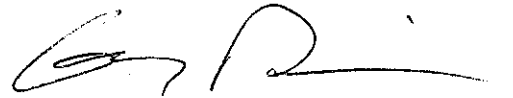
1. Barry Bentley;
2. Nathan Parke;
3. Tyler Tuescher;
4. Bruce Chapman;
5. Craig Forestall;
6. Emily Rabb;



7. Alan Felsenthal;
8. Yvonna Steadman;
9. Don Rennix;
10. Kurt Tornquist;
11. Claire Hale.

DP&L is required to present these person(s) or a person with comparable knowledge and expertise related to the content contained in prefiled testimony and discovery responses provided by these persons. This person(s) is required to attend and give testimony upon oral examination at the Commission on July 24, 2018 at 10:00a.m. ET or another mutually agreed time. The deponent(s) is required to attend from day-to-day until testimony is completed.

Dated at Columbus, Ohio this 17<sup>th</sup> day of July 2018.



\_\_\_\_\_  
Gregory Price or Patricia Schabo  
Attorney Examiner

**NOTICE:** If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fee 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.

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

**Commission of Ohio Docketing Information System on**

**7/17/2018 5:12:04 PM**

**in**

**Case No(s). 15-1830-EL-AIR, 15-1831-EL-AAM, 15-1832-EL-ATA**

Summary: Motion for Subpoena Duces Tecum Directed to the Dayton Power & Light Company electronically filed by Ms. Rebekah J. Glover on behalf of Retail Energy Supply Association