

**In the Matter of the Complaint of Interstate
Gas Supply, Inc. d/b/a IGS Energy,**

Complainant,

v.

**Santanna Natural Gas Corporation, d/b/a
Santanna Energy Services,**

Respondent,

Santanna Natural Gas Corporation, d/b/a)
Santanna Energy Services,)
Respondent,)

**MOTION TO COMPEL DISCOVERY AND MEMORANDUM IN SUPPORT OF
INTERSTATE GAS SUPPLY, INC.**

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Interstate Gas Supply, Inc. d/b/a IGS Energy,)	
)	
Complainant,)	
)	
v.)	Case No: 19-362-GE-CSS
)	
Santanna Natural Gas Corporation, d/b/a Santanna Energy Services,)	
)	
Respondent,)	

**MOTION TO COMPEL DISCOVERY AND MEMORANDUM IN SUPPORT OF
INTERSTATE GAS SUPPLY, INC.**

Pursuant to Ohio Administrative Code § 4901-1-16, 4901-1-19, 4901-1-20 and 4901-1-23, Interstate Gas Supply, Inc., d/b/a IGS Energy (“IGS”), hereby moves for an order compelling complete and responsive answers to specific interrogatories, requests for admissions, and requests to produce documents identified in IGS’ First Set of Discovery propounded upon Santanna Natural Gas Corporation, d/b/a Santanna Energy Services (“Santanna”). The reasons underlying this motion are detailed in the attached Memorandum in Support.

Respectfully submitted,

/s/ Michael Nugent

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Santanna Natural Gas Corporation d/b/a)
Santanna Energy Services,)
Respondent,)

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status of his or her contract, and eventually enroll with Santanna for its products and services. The Complaint further alleged that Santanna, and its agents, made representations regarding the customer's contract pricing, terms and conditions that were simply untrue. Santanna filed its Answer and Motion to Dismiss on February 21, 2019. Thereafter, on March 8, 2019 IGS filed a subsequent memorandum contra Santanna's motion to dismiss.

Prior to filing its memorandum contra, IGS also propounded upon Santanna its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents (the "Request"). IGS' Request sought to obtain specific information related to Santanna's telephonic and door-to-door sales, marketing, and enrollment practices. Included with the request were several interrogatories that asked Santanna to identify the telephonic and door-to-door sales agents it retained to solicit products and services on the company's behalf during a limited seven-month period. The intent of IGS' Request was to identify the door-to-door and/or telephonic sales agents that engaged in the misconduct alleged in the Complaint, so that IGS could determine the pervasiveness of the conduct and the extent of harm caused. IGS served its Request upon Santanna via email on March 4, 2019.

On March 25, 2019, IGS timely received Santanna's responses to its Request. IGS reviewed those responses and subsequently determined that several of Santanna's responses were either nonresponsive or incomplete. IGS, therefore, issued a written request to Santanna on April 9, 2019 that it clarify and/or supplement specific responses related to its telephonic and door-to-door sales, marketing, and customer enrollment processes – which are squarely at issue in IGS' Complaint. A deadline to respond was not provided.

In the twenty (20) days that followed, Santanna did not provide IGS with the supplemental responses requested, so it sent a second notice to Santanna on April 29, 2019. IGS' second notice

acknowledged that while it did receive the “Attachment A” Santanna referenced in its responses to IGS’ First Set of Discovery, Santanna had yet to supplement its responses to any of the interrogatories, requests for admissions, or requests for production of documents that IGS previously identified. The second notice also indicated that if Santanna failed to supplement its responses by 5:00 p.m. Friday, May 3, 2019, then IGS would file a motion to compel discovery. In a letter dated May 1, 2019, Santanna argued that its responses were complete and in full compliance with the PUCO’s rules regarding discovery. Santanna’s letter added that because IGS’ notices did not include a particularized discussion of each response that it listed as inadequate, Santanna is unable to determine with certainty IGS’ reasons for disputing the responses. The additional responses that Santanna did offer failed to answer any of IGS’ supplemental requests directly.

On May 10, 2019, IGS sent a third written request to Santanna to supplement its responses. IGS’ request was accompanied by a letter that not only detailed its concerns with Santanna’s responses, but also set forth a particularized discussion of each response at issue so that Santanna could determine with certainty IGS’ reasons for disputing each response listed, and, in doing so, respond appropriately to IGS’ Request.¹ The notice indicated that if Santanna did not supplement its responses within seven days then IGS would file a motion to compel discovery.

In a letter dated May 16, 2019, Santanna indicated that it will not supplement IGS’ Request because the information requested is irrelevant and beyond the scope of the Complaint. IGS’ believes that its Request is not only relevant to the Complaint, but also will lead to the discovery of admissible evidence. Therefore, IGS respectfully requests that the Commission compel

¹ See Exhibit 7 (IGS’ Response to Santanna’s letter of May 1, 2019).

Santanna to respond appropriately and produce the documents and information provided in the Request.

III. APPLICABLE LAW

The Commission's rules of discovery are meant to "encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings."² Both Ohio law and the Commission's rules permit discovery of any unprivileged matter relevant to the subject matter of the pending proceeding.³ The Commission's rules also permit discovery of information reasonably calculated to lead to the discovery of admissible evidence.⁴ There are a number of ways discovery may be obtained, including through interrogatories and requests for production of documents. A party submitting interrogatories and requests for production of documents may move for an order to compel discovery with respect to any objection, failure to answer, or failure to respond to a request.⁵ Pursuant to Ohio Adm. Code 4901-1-23, "an evasive or incomplete answer shall be treated as a failure to answer" a discovery request.

As a prerequisite to filing a motion to compel, the party seeking discovery must be able to demonstrate that it "has exhausted all other reasonable means of resolving any differences with the party or person from whom discovery is sought."⁶ To that end, IGS prepared this memorandum which sets forth "a brief explanation of how the information sought is relevant to the pending

² Ohio Administrative Code, hereinafter referred to as "OAC" 4901-1-16(A).

³ OAC 4901-1-16(A); Civ.R. 26(B).

⁴ OAC 4901-1-16(A).

⁵ OAC 4901-1-19(A); OAC 4901-1-20(C).

⁶ OAC 4901-1-23(C).

proceeding”⁷ and responds to the objections Santanna raised. This filing also includes copies of the parties’ responses and objections as well as an affidavit of counsel that sets forth the full extent of IGS’ effort to resolve this dispute with Santanna prior to filing this motion.⁸

IV. ARGUMENT

The Commission should grant this Motion to Compel because: (A) IGS took all reasonable measures to otherwise obtain this information from Santanna; and (B) the information IGS seeks in its Request is relevant and will lead to the discovery of admissible evidence in this proceeding.

(A) IGS took all reasonable measures to otherwise obtain the information requested from Santanna, but a direct response to its Request was never provided.

IGS properly served its First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents on Santanna. Responses to IGS’ Request were provided timely on March 25, 2019. Santanna’s responses to each Request contained several objections, and, in many cases, answers that were either evasive or incomplete. For that reason, IGS sent Santanna a written request on April 9, 2019 to clarify and/or supplement specific interrogatories, requests for admissions, and requests for production of documents. Included with IGS’ email was a document that cited the specific responses IGS deemed incomplete and in need of additional information.⁹

The applicable discovery responses that IGS initially requested Santanna supplement were:

- Interrogatories: 3, 4, 26, 27, 32, 33, 36, 37, 38, 39, 44 and 45.
- Request for Admissions: 8.

⁷ OAC 4901-1-23(C)(1)(b).

⁸ OAC 4901-1-23(C)(2); OAC 4901-1-23(C)(3).

⁹ See Exhibit 2 (IGS has since withdrawn its request for Santanna to Supplement Interrogatories 44 and 45).

- Request for Production of Documents: 4, 5, and 6.

The supplemental Request cited multiple interrogatories that asked Santanna to identify the door-to-door and telephonic sales agents that engaged in the misconduct alleged in the Complaint during a specific seven-month period. Additionally, IGS requested Santanna provide specific details and produce certain documents related to the enrollment of an IGS customer that it believes Santanna obtained through improper means. The Request also asked Santanna to identify the total number of electric and natural gas enrollments those agent(s) performed so that IGS can better assess the scope of the misconduct and identify the full extent of harm caused to its business and reputation.¹⁰

Since that time, the parties have addressed this dispute within the context of a settlement conference and exchanged multiple emails and letters regarding the specific discovery responses at issue. IGS' third and final attempt to resolve this dispute included a detailed 6-page letter that outlined the reasons for which IGS is entitled to receive supplemental responses to its Request. IGS' correspondence also indicated that if Santanna did not respond by May 17, 2019, then IGS would file a motion to compel discovery.

On May 16, 2019, counsel for Santanna provided a written response to IGS' letter in which it indicated that it would not supplement its responses as requested. Santanna argued that it is not required to supplement its responses because its objections "are properly lodged and rooted in Ohio law and Public Utilities Commission of Ohio's [sic] rules."¹¹ IGS disagrees.

¹⁰ See Exhibit 1 (Copy of IGS's First Set of Interrogatories, Request for Admissions, and Requests for Production of Documents).

¹¹ See Exhibit 7 (Santanna's Response to IGS' letter of May 10, 2019).

Throughout this process IGS has acted in good faith and provided Santanna with significant time and ample opportunity to address the responses IGS identified as evasive and incomplete. IGS provided Santanna with three separate opportunities over a two-and-a-half-month period to supplement its responses to the Request. Yet, Santanna continues to hide behind the objections it originally raised arguing that the information requested is irrelevant and beyond the scope of IGS' Complaint. Regrettably, Santanna's most recent response makes clear that despite IGS' best efforts there is no reasonable means to resolve this dispute absent Commission intervention.¹² IGS, therefore, respectfully requests the Commission compel discovery and require Santanna to respond fully to each of the interrogatories, requests for admissions, and requests for production of documents identified in this memorandum.

(B) The information IGS seeks in its Request is related to Santanna's telephonic and door-to-door sales, marketing, and customer enrollment processes, and is relevant to this proceeding;

IGS' Complaint defines the scope and subject matter of the proceeding. Paragraph 5 to IGS' Complaint provides that Santanna markets its products and services to Ohio consumers through door-to-door sales and telemarketing.¹³ Each cause of action set forth in IGS' Complaint incorporated Paragraph 5 by reference.

Santanna, however, argues that it is under no obligation to supplement its discovery because the Requests related to its door-to-door sales and marketing practices go beyond the scope of the Complaint and are therefore irrelevant. In support, Santanna asserts that because IGS' Complaint does not make any specific allegations regarding door-to-door solicitations or the

¹² See Exhibit 3.

¹³ *In the Complaint of Interstate Gas Supply, Inc., d/b/a IGS Energy, vs. Santanna Natural Gas Corporation, d/b/a Santanna Energy Services*, Case No. 19-362-GE-CSS (February 1, 2019).

enrollment of Jennifer White, IGS is prohibited from inquiring into, or obtaining information related to, those matters. Santanna's objections are meritless.

Under Ohio Admin. Code 4901-1-16, any party may obtain discovery that is relevant or reasonably calculated to lead to the discovery of admissible evidence. Contrary to Santanna's assertion, none of the information IGS' requested is outside the scope of the underlying Complaint. IGS' Complaint clearly states that suppliers like Santanna market products and services via door-to-door and telephonic solicitation. That statement is incorporated by reference throughout IGS' complaint. Furthermore, IGS has learned through discovery and its own internal investigation that Santanna's door-to-door agent(s) contacted IGS' customers and other Ohio consumers by phone and made certain representations that were in violation of Ohio law and the Commission's rules. Therefore, the conduct of Santanna's door-to-door agents may clearly lead to the discovery of admissible evidence.

The information requested does not constitute a "fishing expedition" as Santanna has alleged, but rather a narrowly tailored series of inquiries intended to lead to relevant and admissible information. In support, IGS has provided a detailed question by question analysis of the information it is requesting, the relevance of that information to the Complaint, and an explanation why Santanna's responses and objections are insufficient.

i. Interrogatories 3 and 4

Paragraph 8 of IGS' complaint alleges that Santanna's *sales representatives* improperly solicited customers by telephone. For that reason, IGS asked Santanna in Interrogatory 3 to identify all third-party agents or vendors it used to solicit electric and natural gas products door-to-door over a specific seven-month period. IGS' Interrogatory 4 asked Santanna to provide the principal place of business and telephone number associated with each entity it identified in the

preceding interrogatory. Santanna objected arguing that both interrogatories were irrelevant since IGS accuses Santanna of improperly soliciting customers over the phone.

Santanna mischaracterizes the form and substance of IGS' complaint. IGS' complaint is not limited to Santanna's telephonic *sales representatives* only. Instead, IGS' reference to Santanna's "sales representatives" should be read to include any individual Santanna retained to solicit products and services on its behalf. As stated previously, IGS has substantial basis to believe that Santanna's door-to-door agents contacted IGS' customers by telephone and engaged in the acts and practices alleged in the Complaint. Any information that Santanna has in its possession that relates to this claim—or any information that Santanna alleges contradicts this claim—is clearly relevant to the matter at hand.¹⁴

The identities of Santanna's door-to-door agent(s) is not only relevant in that it will assist IGS in determining which of Santanna's agents engaged in the alleged misconduct, but also is likely to lead to the discovery of admissible evidence since it will enable the parties to identify the scope of the misconduct and the extent of harm caused. Moreover, the discovery of this information will further permit IGS to evaluate any facts that Santanna has identified that it may assert as a defense to the misconduct.

Santanna also objected to IGS' Interrogatories 3 and 4 arguing that the information sought is trade secret or otherwise confidential information, and that the production of that information would be unduly burdensome. This objection is meritless given that the parties executed a confidentiality agreement and non-disclosure certificate and, by doing so, agreed to protect certain information designated confidential by both parties. IGS has every intention of upholding its

¹⁴ Ohio Administrative Code ("OAC") 4901-1-16 (stating that any party may obtain discovery that is relevant and reasonably calculated to lead to admissible evidence).

obligation to protect information that Santanna deems confidential. IGS also disagrees with Santanna's assertion that the production of the information is unduly burdensome given the limited seven-month period for which information is being sought. The fact that Santanna recently provided the identities of its telephonic sales agents in Confidential "Attachment A" to IGS' Request also implies that the interrogatory is not nearly as unduly burdensome as Santanna suggests.

ii. Interrogatories 26 and 27

Interrogatory 26 asked Santanna to indicate whether it obtained Jennifer White's signature on a contract for competitive retail electric services.¹⁵ The subsequent interrogatory asked Santanna to indicate whether or not it retained the contract associated with that enrollment.¹⁶ Santanna objected arguing that both interrogatories are irrelevant, outside the scope of the Complaint, and seek information that is a trade secret or otherwise confidential information.¹⁷ Santanna added that it "acts in accordance with the Commission's rules," but never offered a direct response to the question(s) presented.

In its response to IGS' INT 01-26, Santanna indicated that Ms. White "was enrolled lawfully by direct solicitation;" therefore, to the extent that Santanna claims that it has evidence that the enrollment was lawful IGS should be entitled to evaluate it. The information requested is clearly relevant to the claims at issue, as they directly relate back to points raised in IGS' initial

¹⁵ See Exhibit 1.

¹⁶ *Id.*

¹⁷ See Exhibit 4.

complaint. Moreover, Santanna's responses are essential to determine whether provisions of Ohio law and the Commission rules were violated as IGS alleged.

Santanna's objection that the information requested is competitively sensitive is also meritless given that the parties executed confidentiality and non-disclosure certificates for the express purpose of sharing such information. Ms. White has also provided written authorization to disclose such information, so the objection raised is null.¹⁸

iii. Interrogatory 32

IGS asked Santanna in Interrogatory 32 to identify the third-party agent and vendor it retained to enroll Jennifer White for competitive retail electric services. Ms. White is an IGS customer, and IGS has substantial basis to believe that her enrollment with Santanna was improper. Interrogatory 32 is clearly relevant in that it will enable the parties to identify the Santanna agent and/or vendor that engaged in the acts and practices alleged in the Complaint. This Interrogatory is also likely to lead to the discovery of admissible evidence since it's unlikely that Ms. White was the only IGS customer affected by Santanna's misleading and deceptive sales tactics.

Santanna's objection that the identity of a single door-to-door agent constitutes a trade secret or is competitively sensitive information is also baseless and without merit.¹⁹ As stated previously, IGS and Santanna have entered into protective agreements to ensure such information remains confidential and secure. Moreover, IGS communicated to Santanna that it does not contract with third-parties to solicit products and services on its behalf. Santanna is fully aware that IGS exclusively uses its own employees to sell its products telephonically and door-to-door,

¹⁸ See Exhibit 5.

¹⁹ See Exhibit 4.

so IGS does not stand to obtain any sort of economic or competitive advantage through the disclosure of this information.

iv. Interrogatory 33

IGS asked Santanna in Interrogatory 33 to identify the total number of electric enrollments obtained on its behalf by the third-party agent and vendor identified in response to IGS' INT 32. Santanna objected arguing that the Interrogatory is irrelevant, outside the scope of the Complaint, seeks information that is trade secret or otherwise confidential information, and is unduly burdensome. Santanna did not provide any additional response to this interrogatory.

IGS has evidence to suggest that Santanna's enrollment of Ms. White and at least two other IGS customers were obtained through improper means; therefore, IGS has substantial basis to believe that other IGS customers may have been affected by Santanna's misleading and deceptive sales practices. The sales solicitation methods utilized by the agent identified in response to IGS' interrogatory 32 are clearly dubious and raise legitimate concerns that other electric and natural gas enrollments may have been obtained in violation of Ohio law and the Commission's rules. Accordingly, IGS should be permitted to determine the potential scope of the wrongdoing that occurred during the time frame alleged in the complaint.

Santanna's objection that the information requested is unduly burdensome is also without merit since the interrogatory requests little more than an accounting of the enrollments performed by one vendor during a brief seven-month period. IGS also does not stand to gain any sort of competitive or economic advantage through the disclosure of that agent's total number of electric enrollments, so any objection that the information constitutes a trade secret or competitively sensitive information is unfounded. Moreover, the confidentiality agreement and non-disclosure

certificates the parties executed limits the use of the information to the parties' attorneys, secretaries, legal assistants, and paralegals to protect that information from misuse.

v. Interrogatories Nos. 36, 37, 38, and 39

Interrogatories 36 thru 39 question whether Santanna obtained Ms. White's signature on the retail natural gas contract and associated acknowledgement form, and whether Santanna retained those documents. Santanna objected arguing that each interrogatory is irrelevant, outside the scope of the Complaint, and seeks information that is trade secret or otherwise confidential information.

Echoing the above arguments raised in support of Interrogatories 26 and 27, these interrogatories are relevant in that they are intended to provide IGS with the information it needs to properly determine whether Santanna's agents violated Ohio law and the Commission rules as IGS alleged.

As outlined above, Santanna's objection that the information requested is confidential and/or competitively sensitive is immaterial since the parties executed confidentiality and non-disclosure certificates, and possess written authorization forms from Ms. White authorizing the disclosure of certain information related to her electric and natural gas accounts.²⁰ The questions presented in Interrogatories 36-39 should require little more than a "yes" or "no" response; therefore, IGS respectfully requests that the Commission direct Santanna to respond affirmatively to the questions presented.

vi. Request for Admission 8

²⁰ Exhibit 5.

IGS asked Santanna in Request for Admission 8 to admit that its agent did not obtain a natural gas acknowledgement form signed by Ms. White. Santanna objected arguing that the request for admission is irrelevant, outside the scope of the Complaint, vague, and that Santanna is no longer in possession of the information requested. IGS' request is clearly relevant given that Ms. White was an IGS customer at the time of her enrollment with Santanna. Here again, IGS also has substantial basis to believe that Ms. White's enrolled was not performed via direct solicitation as Santanna contends.

Ohio Adm. Code 4901:1-29-06 requires a retail natural gas supplier enrolling customers through door-to-door solicitation to obtain a signed acknowledgement form from the customer at the time the enrollment is performed. IGS believes that Ms. White's enrollment with Santanna was performed telephonically, so an affirmative "yes" or "no" response to IGS' RFA 01-08 is relevant to determine whether Santanna's agents may have violated additional provisions of Ohio law and the Commission rules. Accordingly, the Commission should require Santanna to respond appropriately to IGS' Request for Admission No. 8.

vii. Request for Production of Documents 4, 5, and 6

IGS asked Santanna in IGS' Request for Production ("RFP") 01-04 to produce Ms. White's signed contracts for competitive retail electric and natural gas services, and in IGS' RFP 01-05 to provide the corresponding acknowledgement form associated with her natural gas enrollment. In IGS' RFP 01-06, Santanna was asked to produce the recording of the third-party verification associated with Ms. White's electric and natural gas enrollments. Santanna objected arguing that each request is irrelevant, outside the scope of the Complaint, vague, and that Santanna is no longer in possession of the documentation requested.

Again, IGS' complaint alleges that Santanna, and its agents, engaged in deceptive and misleading sales practices that adversely impacted IGS' customers, and violated Ohio law and the Commission's rules. IGS has substantial basis to believe that Ms. White's natural gas and electric enrollments with Santanna were improper. Therefore, IGS' request to produce Ms. White's signed natural gas and electric contracts is relevant to support its claim that Ms. White's enrollment was in violation of the Commission's rules and is highly likely to yield admissible evidence.

Ohio Admin. Code 4901:1-29-10 provides that a retail natural gas supplier must maintain copies of individual customer contracts for no less than two years after such contracts terminate. Similarly, Ohio Admin. Code 4901: 1-21-11 requires a CRES provider to retain its contracts for two years after contract termination. Ms. White terminated her electric and natural gas contracts with Santanna in January of 2018; therefore, by rule Santanna should have the documentation necessary to comply with the requests in IGS' RFP 01-04 and RFP 01-05.

IGS does acknowledge, however, that the Commission's rules do not require Santanna to retain the recording of the third-party electric and natural gas verifications referenced in RFP 01-06 for more than one year after contract termination. If Santanna is not in possession of this information, then IGS requests that the Commission direct Santanna provide it with the identity of the third-party verifier that performed the verifications referenced in IGS' RFP 01-06 so that IGS can attempt to obtain the recording from another source.

V. CONCLUSION

Having shown that the law requires Santanna to respond completely to IGS' First Set of Interrogatories, Request for Admissions, and Requests for Production of Documents - specifically those identified in Exhibit 2 - IGS hereby requests the Commission grant our Motion to Compel Discovery pursuant to Ohio Administrative Code 4901-1-23.

Respectfully submitted,

/s/ Michael Nugent_____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Compel Discovery and Memorandum in Support of IGS was served upon the following parties of record via electronic transmission this 7th day of June 2019.

/s/ **Michael Nugent**

Michael A. Nugent
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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Interstate)
Gas Supply, Inc., d/b/a IGS Energy, v.)
Santanna Natural Gas Corporation, d/b/a) Case No. 19-362-GE-CSS
Santanna Energy Services, for Actions in)
Violation of the Ohio Revised and)
Administrative Codes.)
)

**INTERSTATE GAS SUPPLY INC.'S FIRST SET OF INTERROGATORIES,
REQUESTS FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION OF
DOCUMENTS PROPOUNDED UPON SANTANNA NATURAL GAS CORPORATION**

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Interstate Gas Supply, Inc., d/b/a IGS Energy, hereby submits its interrogatories, requests for admissions, and requests for production of documents to Santanna Natural Gas Corporation, d/b/a Santanna Energy Services ("Santanna"), pursuant to Rule 4901:1-16, Ohio Administrative Code ("OAC"), Rule 4901:1-17, OAC, and Rule 4901:1-20, OAC. Please submit all responses to:

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DIRECTIONS

Please ensure that any responses comply with the directions provided below.

A. Definitions

The following definitions apply:

1. "Document" or "Documentation" when used in this discovery request, is used in its customary broad sense and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punch cards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars,

appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analysis, projections, transcripts, electronic mail, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, work papers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations/publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request or discovery concerning documents addressing, relating or referring to or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document

or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. "Communication" shall mean any transmission of information by oral, graphic, written, pictorial, electronic or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

3. "Person" includes any firm, corporation, joint venture, association, entity or group of persons unless the context clearly indicates that only an individual person is referred to.

4. Singular/Plural words expressing the singular number shall be deemed to also express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to also express the present tense; and vice versa.

5. "Santanna" means Santanna Natural Gas Corporation, its affiliate Santanna Energy Services, and any agents acting on its behalf.

6. "IGS" means Interstate Gas Supply, Inc. and its affiliate IGS Energy.

B. Instructions for Answering

1. Where an interrogatory calls for an answer in multiple parts, each part should be separate in the answer so that the answer is clearly understandable.

2. Answer each interrogatory separately and fully in writing under oath, unless it is objected to. Clearly state objections. Answers must be signed by the person making them, and objections must be signed by the attorney asserting the objection.
3. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
4. You are under a continuing duty to supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of any person expected to be called as a witness at trial, and the subject matter on which he or she is expected to testify and to correct any response which you know or later learn is incorrect or incomplete.
5. "You" and "your" or "yourself" refer to the party requested to respond to discovery or to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venture of such party.
6. "Identify," or "state the identity of," or "identified" means:
 - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation;
 - B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;
 - C. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto.

INTERROGATORIES

The following interrogatories are propounded upon Santanna in accordance with Ohio Adm. Code 4901-1-16(D)(5); therefore, IGS is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is made available.

- INT 01 Identify all third-party agents or vendors you retained to provide outbound telephonic retail electric and natural gas telemarketing services to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

- INT 02 Identify the principal place of business and telephone number associated with each party listed in response to INT 01.

RESPONSE

- INT 03 Identify all third-party agents or vendors you retained to solicit retail electric and natural gas services door-to-door to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

- INT 04 Identify the principal place of business and telephone number associated with each party listed in response to INT 03.

RESPONSE

INT 05 Please indicate whether you review and approve the sales and marketing scripts used by the parties identified in INT 01 and INT 03 to perform door-to-door and telephonic retail electric and natural gas sales and marketing.

RESPONSE

INT 06 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, have ever used the telephone number 1-800-429-5708 and extension 234 for any business-related purpose, including, but not limited to, telephonic or door-to-door enrollment for commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 07 If the answer to INT 06 is in the affirmative, please provide the audio recordings for all sales calls and verifications¹ initiated from the telephone number 1-800-429-5708.

RESPONSE

INT 08 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever operated under the business or trade name “Budget” or “Budget Energy” to telephonically solicit, conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

¹ “Verifications” means third-party verifications as used pursuant to OAC 4901:1-21-06 and 4901:1-29-06.

RESPONSE

INT 09 If the answer to INT 08 is in the affirmative, please identify the principal place of business and telephone number for “Budget Energy” or any entity that uses the trade name “Budget” that enrolls customers on your behalf.

RESPONSE

INT 10 If the answer to INT 08 is in the affirmative, please identify all customers that were enrolled with your service by the entity listed above.

RESPONSE

INT 11 Please provide the audio recordings of all third-party verification enrollments for any customer that enrolled with your company through the entity “Budget” or “Budget Energy.”

RESPONSE

INT 12 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever used the telephone number 1-708-283-0947 for any business-related purpose, including, but not limited to, telephonic or door-to-door enrollment for commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 13 If the answer to INT 12 is in the affirmative, please provide the audio recordings for all sales calls and verifications initiated from the telephone number 1-708-283-0947.

RESPONSE

INT 14 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever used the name “IDS,” or “IDS Energy,” during telephonic or door-to-door solicitation to otherwise conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 15 If the answer to INT 14 is in the affirmative, please provide all audio recordings for all sales calls and verifications that you have in your possession where such name(s) was used.

RESPONSE

INT 16 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, is aware of a retail electric or natural gas supplier that uses the name “IDS” or “IDS Energy” to transact business in Ohio.

RESPONSE

INT 17 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings for the sales portion of all telephonic electric and natural gas enrollments that were made on behalf of commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 18 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings for the verification portion of all telephonic electric and natural gas enrollments that were made on behalf of commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 19 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings of all incoming and outbound telephone calls that were made from October 15, 2017 through April 30, 2018 and did not result in an electric or natural gas enrollment for a commercial or residential customer in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE

INT 20 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, employed or contracted with an individual that is named or uses an alias

“Kris White,” and/or “Chris White,” to telephonically solicit, conduct, promote, or advertise any business interest in Ohio.

RESPONSE

INT 21 If the answer to INT 20 is in the affirmative, please identify the total number of Ohio customers that were enrolled with Santanna for competitive retail electric and natural gas services by the individual listed above.

RESPONSE

INT 22 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, employed or contracted with an individual that is named or uses an alias “Kris White,” and/or “Chris White,” to solicit, conduct, promote, or advertise any business interest via direct solicitation in Ohio.

RESPONSE

INT 23 If the answer to INT 22 is in the affirmative, please identify the total number of Ohio customers that were enrolled with Santanna for competitive retail electric and natural gas services by the individual listed above.

RESPONSE

INT 24 Please indicate whether you enrolled Jennifer White on or around January 10, 2018 for competitive retail electric services at the property located at 1160 Grandview Avenue, Grandview, Ohio 43212-3436.

RESPONSE

INT 25 If the answer to INT 24 is in the affirmative, please identify whether that enrollment was performed via direct solicitation.

RESPONSE

INT 26 If the answer to INT 25 is in the affirmative, please indicate whether you obtained Ms. White's signature on the contract for competitive retail electric services.

RESPONSE

INT 27 If the answer to INT 26 is in the affirmative, please indicate whether you retained the original contract Ms. White signed for competitive retail electric services.

RESPONSE

INT 28 If the answer to INT 24 is in the affirmative, please identify whether that enrollment was performed telephonically.

RESPONSE

INT 29 If the answer to INT 28 is in the affirmative, please indicate whether a date and time stamped audio recording of the sales portion and verification of the electric contract's terms and conditions was made.

RESPONSE

INT 30 If the answer to INT 29 is in the affirmative, please indicate whether you retained the date and time stamped audio recording of Ms. White's enrollment and verification for competitive retail electric services.

RESPONSE

INT 31 If the answer to INT 24 is in the affirmative, please identify whether a third-party agent or vendor enrolled Ms. White on your behalf for competitive retail electric services.

RESPONSE

INT 32 Please identify the third-party agent and vendor you retained to enroll Ms. White for competitive retail electric services.

RESPONSE

INT 33 Please provide the total number of Ohio electric enrollments obtained on your behalf by the third-party agent and vendor identified in response to INT 32 from October 15, 2017 through April 30, 2018.

RESPONSE

INT 34 Please indicate whether you enrolled Jennifer White on or around January 10, 2018 for competitive natural gas services at the property located at 1160 Grandview Avenue, Grandview, Ohio 43212-3436.

RESPONSE

INT 35 If the answer to INT 34 is in the affirmative, please identify whether that enrollment was performed via direct solicitation.

RESPONSE

INT 36 If the answer to INT 35 is in the affirmative, please indicate whether you obtained Ms. White's signature on the contract for competitive natural gas services.

RESPONSE

INT 37 If the answer to INT 35 is in the affirmative, please indicate whether you retained the original contract Ms. White signed for competitive natural gas services.

RESPONSE

INT 38 If the answer to INT 35 is in the affirmative, please indicate whether you obtained Ms. White's signature on the natural gas acknowledgement form associated with her enrollment.

RESPONSE

INT 39 If the answer to INT 35 is in the affirmative, please indicate whether you retained the original acknowledgement form Ms. White signed as part of her natural gas enrollment.

RESPONSE

INT 40 If the answer to INT 34 is in the affirmative, please identify whether that enrollment was performed telephonically.

RESPONSE

INT 41 If the answer to INT 40 is in the affirmative, please indicate whether a date and time stamped audio recording of the sales portion of the natural gas enrollment was made.

RESPONSE

INT 42 If the answer to INT 41 is in the affirmative, please indicate whether you retained the date and time stamped audio recording of the sales portion of Ms. White's telephonic enrollment for competitive natural gas services.

RESPONSE

INT 43 If the answer to INT 34 is in the affirmative, please identify whether a third-party agent or vendor enrolled Ms. White on your behalf for competitive natural gas services.

RESPONSE

INT 44 Please identify the name of the third-party agent and vendor you retained to enroll Ms. White for competitive retail electric services.

RESPONSE

INT 45 Please provide the total number of Ohio natural gas enrollments obtained on your behalf by the third-party agent and vendor identified in response to INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE

INT 46 Please identify whether you retained signed contracts for all direct solicitation enrollments performed by the third-party agent identified in INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE

INT 47 Please identify whether you retained the sales portion of the call for all telephonic enrollments performed by the third-party agent identified in INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE

INT 48 Please identify the telephone number, if any, the sales agent that enrolled Ms. White used to contact customers.

RESPONSE

REQUESTS FOR ADMISSIONS

The following requests for admissions are propounded upon Santanna in accordance with Ohio Adm. Code 4901-1-16(D)(5); therefore, IGS is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is made available.

- RFA 01 Admit that you, or your agent and/or vendor, used the telephone number 1-800-429-5708 and extension 234 to perform outbound electric and natural gas solicitations and/or enrollments to commercial and residential customers in Ohio.

RESPONSE

- RFA 02 Admit that you, or your agent and/or vendor, contacted commercial and residential customers in Ohio via telephone and represented to those customers that you were calling on behalf of “IDS Energy.”

RESPONSE

- RFA 03 Admit that you, or your agent and/or vendor, intentionally misled customers into believing that you’re affiliated with IGS so that customers will call you to inquire about the status of his or her account, and ultimately enroll with your products and services.

RESPONSE

- RFA 04 Admit that Kris White and/or Chris White is/was your employee or agent and is/was performing telephonic retail natural gas and electric solicitations and enrollments to Ohio customers on your behalf.

RESPONSE

RFA 05 Admit that Jennifer White enrolled for competitive retail electric and natural gas services with Santanna on or around January 10, 2018.

RESPONSE

RFA 06 Admit that Jennifer White's enrollment for competitive retail electric and natural gas services with Santanna was performed via direct solicitation.

RESPONSE

RFA 07 Admit that the door-to-door agent and/or vendor that performed Jennifer White's enrollment for competitive retail electric and natural gas services on your behalf did not obtain Ms. White's consent to enrollment for either service.

RESPONSE

RFA 08 Admit that the door-to-door agent and/or vendor that performed Jennifer White's enrollment for competitive natural gas services did not obtain a signed acknowledgement form.

RESPONSE

RFA 09 Admit that Jennifer White's enrollment for competitive retail electric and natural gas services with Santanna was performed telephonically.

RESPONSE

RFA 10 Admit that a date and time stamped audio recording of the sales portion of Jennifer White's telephonic electric and natural gas enrollment was not made.

RESPONSE

REQUEST FOR PRODUCTION OF DOCUMENTS

The following requests for production of documents are propounded upon Santanna in accordance with Ohio Adm. Code 4901-1-16(D)(5); therefore, IGS is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is made available.

- RFP 1 Please produce a copy of each document you identified, consulted, referred to, or utilized in preparing your response to the foregoing interrogatories and requests for admission.
- RFP 2 Please produce all audio recordings where “IDS,” “IDS Energy,” or some variation thereof is used by you, or your agent and/or vendor, in performing retail electric and natural gas telemarketing services to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.
- RFP 3 Please produce all audio recordings of phone calls performed by “Kris White,” and/or “Chris White,” to telephonically solicit, conduct, promote, or advertise any business interest in Ohio.
- RFP 4 Please produce Jennifer White’s signed contracts for competitive retail electric and natural gas services with Santanna.
- RFP 5 Please produce the acknowledgement form Jennifer White executed as part of her enrollment for natural gas services with Santanna.

- RFP 6 Please produce the audio recordings of the telephonic verifications associated with Jennifer White's enrollment with Santanna for electric and natural gas services.
- RFP 7 Please produce all verifications, and/or requests for verification, that were initiated by a sales agent using the telephone number 1-708-283-0947.
- RFP 8 Please produce all audio recordings of the verifications referenced in RFP3.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Interrogatories, Requests for Admissions and Request for Production of Documents, Propounded Upon Santanna Natural Gas Corporation, *First Set*, has been served via electronic transmission upon the following parties of record this 4th day of March 2019.

/s/ Michael A. Nugent

Michael A. Nugent
Attorney for Complainant
Interstate Gas Supply, Inc.

SERVICE LIST

bojko@carpenterlipps.com
dressel@carpenterlipps.com

Discovery Responses at Issue

Interrogatories:

- INT-01-03;
- INT-01-04;
- INT-01-26;
- INT-01-27;
- INT-01-32;
- INT-01-33;
- INT-01-36;
- INT-01-37;
- INT-01-38;
- INT-01-39;
- INT-01-44; and
- INT-01-45

Requests for Admissions:

- RFA-01-08

Request for Production of Documents:

- RFP-01-04;
- RFP-01-05; and
- RFP-01-06

From: Brian Dressel <dressel@CarpenterLipps.com>
Sent: Thursday, May 16, 2019 6:10 PM
To: Michael Nugent <Michael.Nugent@igs.com>; Joe Olikier <Joe.Olikier@igs.com>
Cc: Kimberly W. Bojko <bojko@CarpenterLipps.com>
Subject: RE: Request to Clarify and/or Supplement Discovery Responses and Produce Documents / Case No. 19-362-GE-CSS / Second Request

[External Email]-

Mr. Nugent,

Please see the attached correspondence responding to IGS' letter of May 10, 2019. Please let us know if you have any questions.

Thank you,

Brian Dressel

Brian W. Dressel
CARPENTER LIPPS & LELAND LLP
Columbus ▪ New York ▪ Chicago
280 Plaza, Suite 1300
280 N. High Street
Columbus, OH 43215
(614) 365-4131
dressel@carpenterlipps.com

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From: Michael Nugent <Michael.Nugent@igs.com>
Sent: Friday, May 10, 2019 11:29 AM
To: Brian Dressel <dressel@CarpenterLipps.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>
Cc: Joe Olikier <Joe.Olikier@igs.com>
Subject: RE: Request to Clarify and/or Supplement Discovery Responses and Produce Documents / Case No. 19-362-GE-CSS / Second Request

Mr. Dressel,

Thank you for your email. IGS reviewed the letter included with your email and has provided its response in the attached.

We look forward to the receipt of your client's supplemental responses on or before May 17, 2019. In the event that you do not respond to our request by the stated deadline, IGS will file a motion to compel discovery.

Sincerely,

Mike Nugent

From: Brian Dressel <dressel@CarpenterLipps.com>

Sent: Wednesday, May 1, 2019 1:48 PM

To: Michael Nugent <Michael.Nugent@igs.com>; Kimberly W. Bojko <bojko@CarpenterLipps.com>

Cc: Joe Olikier <Joe.Olikier@igs.com>

Subject: RE: Request to Clarify and/or Supplement Discovery Responses and Produce Documents / Case No. 19-362-GE-CSS / Second Request

[External Email]-

Mr. Nugent,

Attached, please find Santanna's response to IGS' request to supplement discovery responses. This written response is being provided in addition to the discussion of this request at the April 9, 2019 settlement conference in this case. Please let us know if you have any questions.

Thank you,

Brian W. Dressel

CARPENTER LIPPS & LELAND LLP
Columbus ▪ New York ▪ Chicago
280 Plaza, Suite 1300
280 N. High Street
Columbus, OH 43215
(614) 365-4131
dressel@carpenterlipps.com

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From: Michael Nugent <Michael.Nugent@igs.com>

Sent: Monday, April 29, 2019 5:05 PM

To: Kimberly W. Bojko <bojko@CarpenterLipps.com>; Brian Dressel <dressel@CarpenterLipps.com>

Cc: Joe Olikier <Joe.Olikier@igs.com>

Subject: RE: Request to Clarify and/or Supplement Discovery Responses and Produce Documents / Case No. 19-362-GE-CSS / Second Request

Counsel,

This email is IGS' second request that Santanna clarify and/or supplement its responses to the interrogatories and requests for admissions identified in the attached word document.

Although your client has provided the Attachment A referenced throughout its responses to IGS' first set of discovery, it has yet to supplement its responses to any of the interrogatories, requests for admissions, or requests for production of documents that we identified in our initial dated April 9, 2019.

IGS, therefore, asks that Santanna supplement its responses to IGS first set of discovery **no later than 5:00 p.m. Friday, May 3, 2019**. Please be advised that if Santanna does not supplement its responses by the stated date and time, IGS will file a motion to compel discovery.

We look forward to hearing from you.

Sincerely,

Mike Nugent

From: Michael Nugent

Sent: Tuesday, April 9, 2019 8:31 AM

To: Kimberly W. Bojko <bojko@CarpenterLipps.com>; 'Brian Dressel' <dressel@CarpenterLipps.com>

Cc: Joe Olikier <Joe.Olikier@igs.com>

Subject: Request to Clarify and/or Supplement Discovery Responses and Produce Documents / Case No. 19-362-GE-CSS

Counsel,

Good morning.

IGS received your responses to its first set of discovery in the above-captioned matter on March 25. After a thorough review of the information provided, IGS has determined that several responses to its interrogatories, requests for admissions, and request for production of documents are either incomplete or nonresponsive.

IGS' complaint argues that your client violated Ohio law and the Commission's rules regarding retail electric and natural gas sales and marketing and customer enrollment. For that reason, IGS served its first set of discovery to obtain specific information related to your client's telephonic and door-to-door sales, marketing, and enrollment practices. The information sought is relevant to this proceeding and is reasonably calculated to lead to the discovery of admissible evidence because it is narrowly tailored to obtain information concerning your client's telephonic and door-to-door sales, marketing, and customer enrollment processes - which are squarely at issue in the Complaint.

IGS also tendered a series of interrogatories, requests for admissions, and requests for production of documents related to your client's enrollment of Jennifer White for competitive retail electric and natural gas services to confirm whether those enrollments violated the Commission's rules. Your client indicated in INTs 01-25; 01-31; 01-35; and 01-43 that Jennifer White was enrolled with Santanna for competitive retail electric and natural gas services by a third-party door-to-door agent. However, your client's responses related to the identity of that third-party agent as well as the details surrounding Ms. White's enrollment are evasive and incomplete. Requests to produce Ms. White's signed electric and natural gas contracts as well as the natural gas acknowledgement form she would have been required to sign upon her enrollment were also overlooked. Similarly, any discovery associated with Ms. White's enrollment is relevant to determine whether the acts and practices alleged in the Complaint occurred.

On April 05, 2019, IGS executed a confidentiality agreement and non-disclosure certificate and, in doing so, agreed to protect certain information designated confidential by your client. To avoid running afoul of the Commission's rules regarding the disclosure of customer information, IGS also provided your client with forms signed by Jennifer White that authorize the release of certain electric and natural gas information associated with her account.

Accordingly, IGS would appreciate it if your client would clarify and/or supplement its responses to the interrogatories and requests for admissions identified in the attached as soon as practicable. The production of the documents

requested in RFPs 01-04; 01-05; and 01-06 is also very much appreciated. Additionally, Attachment A, which is referenced throughout your client's discovery responses, should be provided.

We would be happy to discuss these matters during our settlement conference this morning, and look forward to receipt of the information requested.

Sincerely,

Mike Nugent

Michael Nugent

Regulatory Counsel

Direct (614) 659 5065

Mobile (614) 284 5310

IGS Energy :: 6100 Emerald Parkway :: Dublin, OH 43016

www.IGS.com

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Interstate)	
Gas Supply, Inc., d/b/a IGS Energy, v.)	
Santanna Natural Gas Corporation, d/b/a)	Case No. 19-362-GE-CSS
Santanna Energy Services, for Actions in)	
Violation of the Ohio Revised and)	
Administrative Codes.)	
)	

**RESPONSES AND OBJECTIONS OF
SANTANNA NATURAL GAS CORPORATION
TO THE FIRST SET OF DISCOVERY REQUESTS AND REQUESTS FOR
ADMISSIONS PROPOUNDED BY INTERSTATE GAS SUPPLY INC.**

March 25, 2019

INTRODUCTION

Pursuant to Ohio Adm. Code 4901-1-16, 4901-1-17, 4901-1-18, 4901-1-19, 4901-1-20, and 4901-1-22, Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna), by and through counsel, hereby submits its Responses and Objections to Interstate Gas Supply, Inc., d/b/a IGS Energy's (IGS) First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents propounded upon Santanna in the above-captioned proceeding on March 4, 2019 (Discovery Requests).

Santanna's responses to these Discovery Requests are being provided subject to, and without waiver of, the general objections stated below and any specific objections provided in response to an individual interrogatory, document request, or admission. The general objections are hereby incorporated by reference, as if fully set forth, in the individual responses made to each Discovery Request. Santanna's responses to these Discovery Requests are submitted without

prejudice to, and without in any respect waiving, any general objections not expressly set forth herein.

The provision of any response below shall not waive Santanna's objections. The responses below, while based on diligent investigation and reasonable inquiry by Santanna and its counsel, reflect only the current state of Santanna's knowledge, understanding, and belief with respect to the matters about which the Discovery Requests seek information. Santanna's discovery and investigation are not yet complete and are continuing as of the date of the responses below. Santanna anticipates the possibility that it may discover additional information and/or documents, and without obligating itself to do so, Santanna reserves the right to continue its discovery and to modify or supplement the responses below with such pertinent information or documents as it may reasonably discover.

The responses below are made without prejudice to Santanna's right to rely upon or use subsequently discovered information or documents, or documents or information inadvertently omitted from the responses below as a result of mistake, error, or oversight. Santanna reserves the right to object, on appropriate grounds, to the use of such information and documents. The fact that Santanna, in the spirit of cooperation, has elected to provide information below in response to the IGS' Discovery Requests shall not constitute or be deemed to be a waiver of Santanna's objections. Santanna hereby fully preserves all of its objections to the Discovery Requests or the use of its responses to the Discovery Requests for any purpose whatsoever.

GENERAL OBJECTIONS

1. Santanna objects to each and every Discovery Request as improper, overly broad, harassing, and unduly burdensome to the extent that they purport to impose upon Santanna any obligations broader than those set forth in the Public Utilities Commission of Ohio's (Commission) rules or otherwise permitted by law. In part, the rules of discovery require that matters inquired into must be relevant to the subject matter of the proceeding, and must appear to be "reasonably calculated to lead to the discovery of admissible evidence." Ohio Adm. Code 4901-1-16(B) and 4901-1-24(A).

2. Santanna objects to each and every Discovery Request to the extent that it seeks information that is privileged by statute or common law, including privileged communications between attorney and client or attorney work product. Ohio Adm. Code 4901-1-16(B). Such material or information shall not be provided, and any inadvertent disclosure of material or information protected by the attorney-client privilege, the attorney work product doctrine, or any other privilege or protection from discovery is not intended and should not be construed to constitute a waiver, either generally or specifically, with respect to such information or material or the subject matter thereof.

3. Santanna objects to each and every Discovery Request to the extent that it improperly seeks or purports to require Santanna to provide documents and information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. Ohio Adm. Code 4901-1-20(A)(1).

4. Santanna objects to each and every Discovery Request to the extent that it improperly seeks or purports to require the production of documents or information, which is not

relevant to the subject matter of the proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B).

5. Santanna objects to each and every Discovery Request to the extent that it improperly seeks or purports to require production of documents in a form other than how the documents are maintained in the regular course of business.

6. Santanna objects to each and every Discovery Request insofar as it requests the production of documents or information that are publicly available or already in IGS' possession, custody, or control. Ohio Adm. Code 4901-1-16(G) and 4901-1-20(D).

7. Santanna objects to each and every Discovery Request that seeks to obtain "all," "each," or "any" document to the extent that such requests are overly broad and unduly burdensome and seek information that is not relevant to the subject matter of this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

8. Santanna objects to each and every Discovery Request to the extent that it is not limited to a stated time period or identifies a stated period of time that is longer than is relevant for purposes of this proceeding; as such discovery is overly broad and unduly burdensome.

9. Santanna objects to each and every Discovery Request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not properly defined for purposes of these discovery requests, or otherwise provides no basis from which Santanna can determine what information is sought.

10. Santanna objects to each and every Discovery Request to the extent that it seeks information that contains or discloses: (a) trade secrets, unpublished financial data, internal business or product plans or other commercially sensitive or anti-competitive information of a non-

public nature; (b) other proprietary research, development, marketing or commercial information;
or (c) other information of a confidential nature.

RESPONSES TO IGS' INTERROGATORIES

INT-01-01 Identify all third-party agents or vendors you retained to provide outbound telephonic retail electric and natural gas telemarketing services to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to INT-01-01 to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request on the grounds that it is overly broad and unduly burdensome. See General Objection Nos. 1 and 7.

Subject to, and without waiver of its objections, Santanna states as follows: See Attachment A (Confidential).

PREPARED BY: Counsel and Jessica Leiner

INT-01-02 Identify the principal place of business and telephone number associated with each party listed in response to INT 01.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to INT-01-02 to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request on the grounds that it is overly broad and unduly burdensome. See General Objection Nos. 1 and 7. Additionally, Santanna objects to the request to the extent it seeks information that is publicly available or already in the Companies' possession, custody, or control, or information that the Companies can easily obtain. See General Objection No. 6. Santanna also objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term "parties." There were no "parties" requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, see Attachment A (Confidential).

PREPARED BY: Counsel and Jessica Leiner

INT-01-03 Identify all third-party agents or vendors you retained to solicit retail electric and natural gas services door-to-door to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to INT-01-03 as it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request on the grounds that it is overly broad and unduly burdensome. See General Objection Nos. 1 and 7.

PREPARED BY: Counsel

INT-01-04 Identify the principal place of business and telephone number associated with each party listed in response to INT 03.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel

INT-01-05 Please indicate whether you review and approve the sales and marketing scripts used by the parties identified in INT 01 and INT 03 to perform door-to-door and telephonic retail electric and natural gas sales and marketing.

RESPONSE: As to INT-01-01: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, yes.

As to INT-01-03: Objection. See General Objections. Specifically, Santanna objects to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-06 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, have ever used the telephone number 1-800-429-5708 and extension 234 for any business-related purpose, including, but not limited to, telephonic or door-to-door enrollment for commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: As to INT-01-01: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not used this number for any business-related purpose during the period referenced in the request. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, to Santanna’s knowledge and belief, none of the identified telemarketing vendors authorized to act on Santanna’s behalf have used this number to enroll customers in Ohio on Santanna’s behalf during the period referenced in the request. See Attachment A (Confidential).

However, Santanna cannot possibly speak for the identified vendors or to all business-related purposes of businesses not owned or operated by Santanna.

As to INT-01-03: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna objects to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-03. Santanna further objects as the request is nonsensical. Door-to-door enrollment does not utilize phone numbers for enrollment purposes.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-07 If the answer to INT 06 is in the affirmative, please provide the audio recordings for all sales calls and verifications¹ initiated from the telephone number 1-800-429-5708.

RESPONSE: See response to INT-01-06 above.

PREPARED BY: Counsel

¹ “Verifications” means third-party verifications as used pursuant to OAC 4901:1-21-06 and 4901:1-29-06.

INT-01-08 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever operated under the business or trade name “Budget” or “Budget Energy” to telephonically solicit, conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01 or INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not operated under the business or trade name “Budget” or “Budget Energy” to telephonically solicit, conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, to Santanna's knowledge and belief, none of the identified telemarketing vendors authorized to act on Santanna's behalf have operated under the business or trade name "Budget" or "Budget Energy" to telephonically solicit, conduct, promote, or advertise any business interest to commercial and residential customers in Ohio on Santanna's behalf from October 15, 2017 through April 30, 2018. See Attachment A (Confidential). However, Santanna cannot possibly speak for the identified vendors or to whether any of the identified vendors have ever operated under the business or trade name "Budget" or "Budget Energy" for some other purpose. As to INT-01-03, see response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-09 If the answer to INT 08 is in the affirmative, please identify the principal place of business and telephone number for “Budget Energy” or any entity that uses the trade name “Budget” that enrolls customers on your behalf.

RESPONSE: See response to INT-01-08 above.

PREPARED BY: Counsel

INT-01-10 If the answer to INT 08 is in the affirmative, please identify all customers that were enrolled with your service by the entity listed above.

RESPONSE: See response to INT-01-08 above.

PREPARED BY: Counsel

INT-01-11 Please provide the audio recordings of all third-party verification enrollments for any customer that enrolled with your company through the entity “Budget” or “Budget Energy.”

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” or “any” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9. Further, this request for production is not a proper interrogatory.

Subject to, and without waiver of its objections, Santanna states as follows: Assuming that this request is referencing INT-01-08, INT-01-09, and INT-01-10, see response to INT-01-08 above.

PREPARED BY: Counsel

INT-01-12 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever used the telephone number 1-708-283-0947 for any business-related purpose, including, but not limited to, telephonic or door-to-door enrollment for commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: As to INT-01-01: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not used this number for any business-related purpose during the period referenced in the request. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, to Santanna’s knowledge and belief, none of the identified telemarketing vendors authorized to act on Santanna’s behalf have used this number to enroll customers in Ohio on

Santanna's behalf during the period referenced in the request. See Attachment A (Confidential). However, Santanna notes that it cannot possibly speak for the identified vendors or to all business-related purposes of businesses not owned or operated by Santanna.

As to INT-01-03: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks to obtain information on an "all," "each," "any," or "ever" basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna objects to the use of the term "parties." There were no "parties" requested or identified in response to INT-01-03. Santanna further objects as the request is nonsensical. Door-to-door enrollment does not utilize phone numbers for enrollment purposes.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-13 If the answer to INT 12 is in the affirmative, please provide the audio recordings for all sales calls and verifications initiated from the telephone number 1-708-283-0947.

RESPONSE: See response to INT-01-12 above.

PREPARED BY: Counsel

INT-01-14 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, has ever used the name “IDS,” or “IDS Energy,” during telephonic or door-to-door solicitation to otherwise conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01 or INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not operated under the business or trade name “IDS” or “IDS Energy” during telephonic or door-to-door solicitation to otherwise conduct, promote, or advertise any business interest to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01,

to Santanna's knowledge and belief, none of the identified telemarketing vendors authorized to act on Santanna's behalf have operated under the business or trade name "IDS" or "IDS Energy" during telephonic or door-to-door solicitation to otherwise conduct, promote, or advertise any business interest to commercial and residential customers in Ohio on Santanna's behalf from October 15, 2017 through April 30, 2018. See Attachment A (Confidential). However, Santanna notes that it cannot possibly speak for the identified vendors or to whether any of the identified vendors have ever operated under the business or trade name "IDS" or "IDS Energy" for some other purpose. As to INT-01-03, see response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-15 If the answer to INT 14 is in the affirmative, please provide all audio recordings for all sales calls and verifications that you have in your possession where such name(s) was used.

RESPONSE: See response to INT-01-14 above.

PREPARED BY: Counsel

INT-01-16 Please indicate whether you, and/or the parties identified in response to INT 01 and INT 03, is aware of a retail electric or natural gas supplier that uses the name “IDS” or “IDS Energy” to transact business in Ohio.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01 or INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: Santanna is not aware of a retail electric or natural gas supplier that uses the name “IDS” or “IDS Energy” to transact business in Ohio. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01 and INT-01-03, Santanna cannot possibly speak to the knowledge or lack of knowledge of the identified vendors.

PREPARED BY: Counsel and Jessica Leiner

INT-01-17 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings for the sales portion of all telephonic electric and natural gas enrollments that were made on behalf of commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, is unduly burdensome, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 9. Santanna also objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Responding further, Santanna objects to the request to the extent it seeks to obtain information on an "all," "each," "any," or "ever" basis as such requests are overly broad and unduly burdensome. See General Objection Nos. 1, 7, and 9. Santanna also objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, Santanna states as follows: Santanna creates and retains audio recordings verifying telephonic enrollments as required by the Commission's rules. See Ohio Adm. Code 4901:1-21-06(D)(2)(a) and (b)(ii) and 4901:1-29-06(E)(1) and (2)(b).

PREPARED BY: Counsel and Jessica Leiner

INT-01-18 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings for the verification portion of all telephonic electric and natural gas enrollments that were made on behalf of commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: See response to INT-01-17 above.

PREPARED BY: Counsel

INT-01-19 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, maintained call logs and retained audio recordings of all incoming and outbound telephone calls that were made from October 15, 2017 through April 30, 2018 and did not result in an electric or natural gas enrollment for a commercial or residential customer in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: See response to INT-01-17 above.

PREPARED BY: Counsel

INT-01-20 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, employed or contracted with an individual that is named or uses an alias “Kris White,” and/or “Chris White,” to telephonically solicit, conduct, promote, or advertise any business interest in Ohio.

RESPONSE: As to INT-01-01: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests, is not limited to Santanna enrollments and the Complaint. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not employed or contracted with an individual that is named or uses an alias “Kris White,” and/or “Chris White,” to telephonically solicit, conduct, promote, or advertise any business interest in Ohio during the period referenced throughout the Discovery Requests. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, Santanna is not aware of any individual employed or contracted by an identified vendor authorized to act on Santanna’s

behalf who is named or who uses an alias “Kris White,” and/or “Chris White’s to enroll customers in Ohio on Santanna’s behalf during the period referenced throughout the Discovery Requests. Of course, however, Santanna cannot speak for the identified vendors or their business or employment activities as those vendors are not owned or operated by Santanna.

As to INT-01-03: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests, and is not limited geographically. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna objects to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-21 If the answer to INT 20 is in the affirmative, please identify the total number of Ohio customers that were enrolled with Santanna for competitive retail electric and natural gas services by the individual listed above.

RESPONSE: See response to INT-01-20 above.

PREPARED BY: Counsel

INT-01-22 Please indicate whether you, and/or the parties identified in response to INT 01 or INT 03, employed or contracted with an individual that is named or uses an alias “Kris White,” and/or “Chris White,” to solicit, conduct, promote, or advertise any business interest via direct solicitation in Ohio.

RESPONSE: As to INT-01-01: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests, and is not limited to Santanna enrollments and the Complaint. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna further objects as to the use of the term “parties.” There were no “parties” requested or identified in response to INT-01-01.

Subject to, and without waiver of its objections, Santanna states as follows: No, Santanna has not employed or contracted with an individual that is named or uses an alias “Kris White,” and/or “Chris White,” to solicit, conduct, promote, or advertise any business interest via direct solicitation in Ohio during the period referenced throughout the Discovery Requests. Assuming that IGS is referring to the telemarketing vendors provided in response to INT-01-01, Santanna is not aware of any individual employed or contracted by an identified vendor authorized to act on

Santanna's behalf who is named or who uses an alias "Kris White," and/or "Chris White's to enroll customers in Ohio on Santanna's behalf during the period referenced throughout the Discovery Requests. Of course, however, Santanna cannot speak for the identified vendors or their business or employment activities as those vendors are not owned or operated by Santanna.

As to INT-01-03: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests, and is not limited geographically. Santanna also objects to the request to the extent it seeks to obtain information on an "all," "each," "any," or "ever" basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna also objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Santanna objects to the use of the term "parties." There were no "parties" requested or identified in response to INT-01-03.

Subject to, and without waiver of its objections, Santanna states as follows: See response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-23 If the answer to INT 22 is in the affirmative, please identify the total number of Ohio customers that were enrolled with Santanna for competitive retail electric and natural gas services by the individual listed above.

RESPONSE: See response to INT-01-22 above.

PREPARED BY: Counsel

INT-01-24 Please indicate whether you enrolled Jennifer White on or around January 10, 2018 for competitive retail electric services at the property located at 1160 Grandview Avenue, Grandview, Ohio 43212-3436.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of its objections, Santanna states as follows: Yes, Jennifer White was enrolled lawfully with Santanna on or around January 10, 2018, consistent with the Commission's rules, but then subsequently cancelled her enrollment.

PREPARED BY: Counsel and Jessica Leiner

INT-01-25 If the answer to INT 24 is in the affirmative, please identify whether that enrollment was performed via direct solicitation.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to INT-01-25 as it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests. See General Objection Nos. 1, 7, and 9.

Subject to, and without waiver of its objections, Santanna states as follows: Upon knowledge and belief, yes, Ms. White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules. See also response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-26 If the answer to INT 25 is in the affirmative, please indicate whether you obtained Ms. White's signature on the contract for competitive retail electric services.

RESPONSE: See response to INT-01-25 above. Subject to, and without waiver of its objections identified in responses to INT-01-25, Santanna further states that Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-27 If the answer to INT 26 is in the affirmative, please indicate whether you retained the original contract Ms. White signed for competitive retail electric services.

RESPONSE: See response to INT-01-26 above.

PREPARED BY: Counsel

INT-01-28 If the answer to INT 24 is in the affirmative, please identify whether that enrollment was performed telephonically.

RESPONSE: See responses to INT-01-24 and INT-01-25 above. Subject to, and without waiver of its objections identified in responses to INT-01-24 and INT-01-25, no. Ms. White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules.

PREPARED BY: Counsel and Jessica Leiner

INT-01-29 If the answer to INT 28 is in the affirmative, please indicate whether a date and time stamped audio recording of the sales portion and verification of the electric contract's terms and conditions was made.

RESPONSE: See response to INT-01-28 above. Subject to, and without waiver of its objections identified in responses to INT-01-28, Santanna further states that Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-30 If the answer to INT 29 is in the affirmative, please indicate whether you retained the date and time stamped audio recording of Ms. White's enrollment and verification for competitive retail electric services.

RESPONSE: See response to INT-01-29 above.

PREPARED BY: Counsel

INT-01-31 If the answer to INT 24 is in the affirmative, please identify whether a third-party agent or vendor enrolled Ms. White on your behalf for competitive retail electric services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of its objections, Santanna states as follows: Yes.

PREPARED BY: Counsel and Jessica Leiner

INT-01-32 Please identify the third-party agent and vendor you retained to enroll Ms. White for competitive retail electric services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

PREPARED BY: Counsel

INT-01-33 Please provide the total number of Ohio electric enrollments obtained on your behalf by the third-party agent and vendor identified in response to INT 32 from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9.

PREPARED BY: Counsel

INT-01-34 Please indicate whether you enrolled Jennifer White on or around January 10, 2018 for competitive natural gas services at the property located at 1160 Grandview Avenue, Grandview, Ohio 43212-3436.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of its objections, Santanna states as follows: Yes, Jennifer White was enrolled lawfully with Santanna on or around January 10, 2018, consistent with the Commission's rules, but then subsequently cancelled her enrollment.

PREPARED BY: Counsel and Jessica Leiner

INT-01-35 If the answer to INT 34 is in the affirmative, please identify whether that enrollment was performed via direct solicitation.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to INT-01-35 as it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, Santanna states as follows: Yes, Ms. White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules. See also response to INT-01-03 above.

PREPARED BY: Counsel and Jessica Leiner

INT-01-36 If the answer to INT 35 is in the affirmative, please indicate whether you obtained Ms. White's signature on the contract for competitive natural gas services.

RESPONSE: See response to INT-01-35 above. Subject to, and without waiver of its objections identified in responses to INT-01-35, Santanna further states that Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-37 If the answer to INT 35 is in the affirmative, please indicate whether you retained the original contract Ms. White signed for competitive natural gas services.

RESPONSE: See responses to INT-01-35 and INT-01-36 above.

PREPARED BY: Counsel

INT-01-38 If the answer to INT 35 is in the affirmative, please indicate whether you obtained Ms. White's signature on the natural gas acknowledgement form associated with her enrollment.

RESPONSE: See responses to INT-01-35 and INT-01-36 above.

PREPARED BY: Counsel

INT-01-39 If the answer to INT 35 is in the affirmative, please indicate whether you retained the original acknowledgement form Ms. White signed as part of her natural gas enrollment.

RESPONSE: See responses to INT-01-35 and INT-01-36 above.

PREPARED BY: Counsel

INT-01-40 If the answer to INT 34 is in the affirmative, please identify whether that enrollment was performed telephonically.

RESPONSE: See responses to INT-01-34 and INT-01-35 above. Subject to, and without waiver of its objections identified in responses to INT-01-34 and INT-01-35, no. Ms. White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules.

PREPARED BY: Counsel and Jessica Leiner

INT-01-41 If the answer to INT 40 is in the affirmative, please indicate whether a date and time stamped audio recording of the sales portion of the natural gas enrollment was made.

RESPONSE: See response to INT-01-40 above. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9.

Subject to, and without waiver of its objections identified herein and in responses to INT-01-40, Santanna further states that Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-42 If the answer to INT 41 is in the affirmative, please indicate whether you retained the date and time stamped audio recording of the sales portion of Ms. White's telephonic enrollment for competitive natural gas services.

RESPONSE: See response to INT-01-41 above.

PREPARED BY: Counsel

INT-01-43 If the answer to INT 34 is in the affirmative, please identify whether a third-party agent or vendor enrolled Ms. White on your behalf for competitive natural gas services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of its objections, Santanna states as follows: Yes.

PREPARED BY: Counsel and Jessica Leiner

INT-01-44 Please identify the name of the third-party agent and vendor you retained to enroll Ms. White for competitive retail electric services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

PREPARED BY: Counsel

INT-01-45 Please provide the total number of Ohio natural gas enrollments obtained on your behalf by the third-party agent and vendor identified in response to INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9.

PREPARED BY: Counsel

INT-01-46 Please identify whether you retained signed contracts for all direct solicitation enrollments performed by the third-party agent identified in INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9.

Subject to, and without waiver of its objections, Santanna states that Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-47 Please identify whether you retained the sales portion of the call for all telephonic enrollments performed by the third-party agent identified in INT 44 from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Responding further, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, and is unduly burdensome. See General Objection Nos. 1, 7, 9.

Subject to, and without waiver of its objections, Santanna states as follows: Santanna acts in accordance with the Commission's rules.

PREPARED BY: Counsel

INT-01-48 Please identify the telephone number, if any, the sales agent that enrolled Ms. White used to contact customers.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, Santanna states as follows: See responses to INT-01-25, INT-01-28, INT-01-35, and INT-01-40 above. Direct solicitation or door-to-door enrollment does not utilize phone numbers for enrollment purposes.

PREPARED BY: Counsel

REQUESTS FOR ADMISSIONS

RFA-01-01 Admit that you, or your agent and/or vendor, used the telephone number 1-800-429-5708 and extension 234 to perform outbound electric and natural gas solicitations and/or enrollments to commercial and residential customers in Ohio.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Responding further, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Denied as to Santanna, and, based upon Santanna’s knowledge and belief, denied as to the identified telemarketing vendors authorized to enroll customers in Ohio on Santanna’s behalf during the period referenced in the Data Requests.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-02 Admit that you, or your agent and/or vendor, contacted commercial and residential customers in Ohio via telephone and represented to those customers that you were calling on behalf of “IDS Energy.”

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3. Responding further, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Denied as to Santanna, and, based upon Santanna’s knowledge and belief, denied as to the identified telemarketing vendors authorized to enroll customers in Ohio on Santanna’s behalf during the period referenced in the Data Requests.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-03 Admit that you, or your agent and/or vendor, intentionally misled customers into believing that you're affiliated with IGS so that customers will call you to inquire about the status of his or her account, and ultimately enroll with your products and services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests. Santanna also objects to the request to the extent it seeks to obtain information on an "all," "each," "any," or "ever" basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Denied as to Santanna, and, based upon Santanna's knowledge and belief, denied as to the identified telemarketing vendors authorized to enroll customers in Ohio on Santanna's behalf during the period referenced in the Data Requests.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-04 Admit that Kris White and/or Chris White is/was your employee or agent and is/was performing telephonic retail natural gas and electric solicitations and enrollments to Ohio customers on your behalf.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests. Santanna also objects to the request to the extent it seeks to obtain information on an “all,” “each,” “any,” or “ever” basis as such requests are overly broad and unduly burdensome, contains no reasonable temporal restrictions, and is not limited to Santanna enrollments and the Complaint. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Denied as to Santanna, and, based upon Santanna’s knowledge and belief, denied as to the identified telemarketing vendors authorized to enroll customers in Ohio on Santanna’s behalf during the period referenced in the Data Requests.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-05 Admit that Jennifer White enrolled for competitive retail electric and natural gas services with Santanna on or around January 10, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10. Santanna further objects to the request to the extent it seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of its objections, Santanna states as follows: Admitted; Jennifer White was enrolled lawfully with Santanna on or around January 10, 2018, consistent with the Commission's rules, but then subsequently cancelled her enrollment.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-06 Admit that Jennifer White's enrollment for competitive retail electric and natural gas services with Santanna was performed via direct solicitation.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Admitted; Jennifer White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-07 Admit that the door-to-door agent and/or vendor that performed Jennifer White's enrollment for competitive retail electric and natural gas services on your behalf did not obtain Ms. White's consent to enrollment for either service.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: Denied as to Santanna, and, based upon Santanna's knowledge and belief, denied as to the vendors authorized to enroll customers in Ohio on Santanna's behalf during the period referenced in the Data Requests.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-08 Admit that the door-to-door agent and/or vendor that performed Jennifer White's enrollment for competitive natural gas services did not obtain a signed acknowledgement form.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-09 Admit that Jennifer White's enrollment for competitive retail electric and natural gas services with Santanna was performed telephonically.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4. Santanna further objects to the extent that IGS is inquiring into information that is confidential, trade secret, and/or competitively sensitive information. See General Objection No. 10.

Subject to, and without waiver of its objections, Santanna states as follows: Denied; Jennifer White was enrolled lawfully by direct solicitation as defined in the Ohio Adm. Code and consistent with the Commission's rules.

PREPARED BY: Counsel and Jessica Leiner

RFA-01-10 Admit that a date and time stamped audio recording of the sales portion of Jennifer White's telephonic electric and natural gas enrollment was not made.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-22 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of its objections, and after a reasonable inquiry, Santanna states as follows: the information known or readily obtainable to Santanna is insufficient to enable them to admit or deny this Request for Admission inasmuch as it is unclear what is meant by "sales portion" and Santanna has already stated that the enrollment was not conducted telephonically.

PREPARED BY: Counsel and Jessica Leiner

REQUEST FOR PRODUCTION OF DOCUMENTS

RFP-01-01 Please produce a copy of each document you identified, consulted, referred to, or utilized in preparing your response to the foregoing interrogatories and requests for admission.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to this request to the extent IGS is inquiring into information exempt from discovery under the trial preparation doctrine, work product doctrine, and/or the attorney client privilege. See General Objection No. 2. Santanna also objects to the extent that the request is overly broad, vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, 9. Furthermore, Santanna objects to the extent the request seeks to obtain “all,” “each,” or “any” document as such requests are overly broad and unduly burdensome. See General Objection No. 7. Santanna further objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4.

Subject to, and without waiver of, these objections, Santanna states as follows: See Attachment A (Confidential). Responding further, Santanna states that it has consulted or relied upon the following non-privileged, relevant information:

1. Ohio Revised Code
2. Ohio Administrative Code

PREPARED BY: Counsel

RFP-01-02 Please produce all audio recordings where “IDS,” “IDS Energy,” or some variation thereof is used by you, or your agent and/or vendor, in performing retail electric and natural gas telemarketing services to commercial and residential customers in Ohio from October 15, 2017 through April 30, 2018.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks to obtain “all,” “each,” or “any” document as such requests are overly broad and unduly burdensome. See General Objection No. 7. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: Upon knowledge and belief, none exist. See response to INT-01-14.

PREPARED BY: Counsel

RFP-01-03 Please produce all audio recordings of phone calls performed by “Kris White,” and/or “Chris White,” to telephonically solicit, conduct, promote, or advertise any business interest in Ohio.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks to obtain “all,” “each,” or “any” document as such requests are overly broad and unduly burdensome. See General Objection No. 7. Santanna also objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, unduly burdensome, and contains no reasonable temporal restrictions and is not limited to the context of the Complaint. See General Objection Nos. 1, 8, 9. Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint as it appears to be requesting any and all audio recordings of any and all phone calls a person named “Kris White” or “Chris White” has ever performed in any capacity with any business in Ohio to promote, advertise, or solicit any business interest in Ohio. See General Objection No. 4. Such a request is too broad to possibly answer. Santanna further objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: If IGS is intending to limit the request to recordings of phone calls performed by the named individual in the context of the Complaint case as referenced in INT-01-20, upon knowledge and belief, none exist. See response to INT-01-20.

PREPARED BY: Counsel

RFP-01-04 Please produce Jennifer White's signed contracts for competitive retail electric and natural gas services with Santanna.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: See responses to INT-01-24, INT-01-25, INT-01-26, INT-01-27, INT-01-34, INT-01-35, INT-01-36, and INT-01-37.

PREPARED BY: Counsel

RFP-01-05 Please produce the acknowledgement form Jennifer White executed as part of her enrollment for natural gas services with Santanna.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: See responses to INT-01-38 and INT-01-39.

PREPARED BY: Counsel

RFP-01-06 Please produce the audio recordings of the telephonic verifications associated with Jennifer White's enrollment with Santanna for electric and natural gas services.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint. See General Objection No. 4. Santanna further objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations, but are not defined for purposes of these Discovery Requests and contains no reasonable temporal restrictions. See General Objection Nos. 1, 7, 8, and 9. Santanna further objects to the extent that the request asks for information not in Santanna's possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

PREPARED BY: Counsel

RFP-01-07 Please produce all verifications, and/or requests for verification, that were initiated by a sales agent using the telephone number 1-708-283-0947.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks to obtain “all,” “each,” or “any” document as such requests are overly broad and unduly burdensome. See General Objection No. 7. Santanna also objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: Upon knowledge and belief, none exist. See response to INT-01-12.

PREPARED BY: Counsel

RFP-01-08 Please produce all audio recordings of the verifications referenced in RFP3.

RESPONSE: Objection. See General Objections. Specifically, Santanna objects to the extent the request seeks to obtain “all,” “each,” or “any” document as such requests are overly broad and unduly burdensome. See General Objection No. 7. Santanna also objects to the request to the extent that it is vague, ambiguous, uses terms that are subject to multiple interpretations but not defined for purposes of these discovery requests, unduly burdensome, and contains no reasonable temporal restrictions. See General Objection Nos. 1, 8, 9. Santanna objects to the extent the request seeks information that is not relevant to the subject matter of the Complaint filed in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm. Code 4901-1-16(B). Additionally, this request seeks information that is otherwise outside the scope of Ohio Adm. Code 4901-1-16 and the Complaint as it appears to be requesting any and all audio recordings of all verifications of any and all phone calls a person named “Kris White” or “Chris White” has ever made in any capacity with any business in Ohio. See General Objection No. 4. Santanna further objects to the extent that the request asks for information not in Santanna’s possession, custody, or control or could be more easily obtained through third parties or other sources. See General Objection No. 3.

Subject to, and without waiver of, these objections, Santanna states as follows: If IGS is intending to limit the request to recordings of verifications of phone calls performed by the named individual in the context of the Complaint case as referenced in INT-01-20, upon knowledge and belief, none exist. See response to INT-01-20.

PREPARED BY: Counsel

As to objections,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Brian W. Dressel (0097163)

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(willing to accept service by email)

Attorneys for Santanna Natural Gas Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on March 25, 2019 by electronic mail upon all parties of record in these proceedings.

/s/ Brian W. Dressel

Brian W. Dressel

SERVICE LIST

Michael A. Nugent
Joseph Olikier
Interstate Gas Supply, Inc.
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43106
(614) 659-5065
mnugent@igsenergy.com
joliker@igsenergy.com

**AUTHORIZATION TO RELEASE OHIO NATURAL GAS
CUSTOMER INFORMATION PURSUANT TO OHIO ADM.
CODE 4901:1-29-09(A)(1)**

I hereby authorize Interstate Gas Supply, Inc., d/b/a IGS Energy, and Santanna Natural Gas Corporation, d/b/a Santanna Energy Services, to disclose in good faith my name, address, telephone number, and natural gas service account number and other information that may be necessary to facilitate the free and open exchange of information necessary to help resolve the Complaint filed with the public utilities commission of Ohio in Docket Number 19-362-GE-CSS.

I realize that, under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow IGS Energy and Santanna Energy Services to release the information set forth above. By my signature, I freely give IGS Energy and Santanna Energy Services permission to release the information designated above.

Jennifer White
Signature

3/2/19
Date

Jennifer White
Print Name

[REDACTED]
Service Address

**AUTHORIZATION TO RELEASE OHIO ELECTRIC
CUSTOMER INFORMATION PURSUANT TO OHIO ADM.
CODE 4901:1-21-10**

I hereby authorize Interstate Gas Supply, Inc., d/b/a IGS Energy, and Santanna Natural Gas Corporation, d/b/a Santanna Energy Services, to disclose in good faith my name, address, telephone number, and electric service account number to facilitate the free and open exchange of information necessary to help resolve the Complaint filed with the public utilities commission of Ohio in Docket Number 19-362-GE-CSS.

I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow IGS Energy and Santanna Energy Services to release the information set forth above. By my signature, I freely give IGS Energy and Santanna Energy Services permission to release the information designated above.


Signature

3/26/19
Date

Jennifer White
Print Name


Service Address

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Interstate)	
Gas Supply, Inc. d/b/a IGS Energy,)	
)	
Complainant,)	
)	
v.)	Case No: 19-362-GE-CSS
)	
Santanna Natural Gas Corporation d/b/a)	<u>Affidavit of Counsel</u>
Santanna Energy Services,)	
)	
Respondent,)	


Michael Nugent, upon oath, deposes and states:

1. I am the Counsel of Record for Interstate Gas Supply Inc. ("IGS") in the above-captioned proceeding originally filed on February 1, 2019.
2. There is currently no hearing scheduled as of the date of this filing.
3. As part of the litigation process I sent to Respondent, on March 4th, the First Set of Interrogatories, Request for Admissions, and Requests for Production of Documents ("The Request"). A true and accurate copy is attached to IGS' Motion to Compel Discovery as Exhibit 1.
4. On March 22, 2019 IGS filed for a waiver of the Ohio Administrative Codes controlling natural gas customer data, in order to aid in the efficiency of the discovery process.
5. I emailed Respondent counsel on April 9th, prior to the first settlement conference, regarding deficiencies identified by IGS in Santanna's responses. At that time IGS requested supplemental discovery of specific sections outlined in a document attached to IGS Motion to Compel Discovery as Exhibit 2.
6. The first settlement conference was held on April 9, 2019, which I attended along with counsel for Santanna. During the conference, we discussed the identified discovery issues, but no resolution was reached.
7. On April 29, 2019, I sent counsel for Santanna a follow-up email asking that they respond to IGS' request for supplemental discovery no later than 5:00 p.m. on May 3, 2019. The referenced correspondence is attached to IGS Motion to Compel Discovery as Exhibit 3.

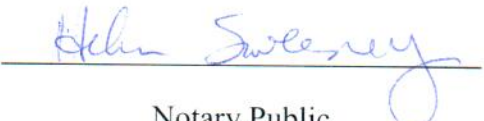
8. After receiving an unsatisfactory response from Santanna's counsel on May 1, 2019, I followed up with a detailed letter outlining our arguments for supplemental discovery. I asked that Santanna's counsel to respond no later than May 17, 2019.
9. On May 16, 2019, counsel for Santanna responded, indicating that it will not be supplementing its original discovery responses as requested. The referenced correspondence is attached to IGS Motion to Compel Discovery as Exhibit 3.
10. In my opinion, IGS has exhausted all other reasonable means of resolving any differences with Santanna regarding the discovery issues herein.

Further the Affiant sayeth nothing more.

Dated: 06/07/19


Michael A. Nugent




Notary Public

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WRITER'S DIRECT NUMBER:

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May 16, 2019

Michael A. Nugent
Interstate Gas Supply, Inc.
IGS Energy
6100 Emerald Parkway
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(614) 659-5065
mnugent@igsenergy.com

Re: IGS Request for Santanna to Supplement Discovery Responses

Dear Mr. Nugent:

Santanna Natural Gas Corporation d/b/a Santanna Energy Service (Santanna) is in receipt of your letter dated May 10, 2019. Upon review of that letter, Interstate Gas Supply Inc. d/b/a IGS Energy's (IGS) discovery requests, and IGS' Complaint in this proceeding, Santanna has determined that supplementation of the identified responses is not required as Santanna's objections to the scope of the identified discovery requests are properly lodged and rooted in Ohio law and Public Utilities Commission of Ohio's (Commission) rules.

Ohio Adm. Code 4901-1-16 allows parties to seek discovery "on any matter, not privileged, *which is relevant to the subject matter of the proceeding*" (emphasis added). As this proceeding is a complaint case, IGS' Complaint defines the scope and subject matter of the proceeding. IGS did not make any allegations regarding door-to-door solicitations in its Complaint, and, thus, that form of solicitation and allegations related thereto are not at issue in this case. The Commission's discovery rules do not allow IGS to file a complaint with the Commission based on nothing more than a purported "internal investigation" (which consisted of an IGS employee proactively contacting that agent and enrolling with a new supplier and making false statements to the third-party verifier to complete the enrollment), and then use that Complaint to broadly probe Santanna's entire Ohio operations for perceived wrongdoing that is not alleged in the Complaint. In short, the Commission's rules allow IGS to conduct discovery on the allegations made in the Complaint; they do not allow IGS to conduct its own investigation of a competing supplier based on vague and unsubstantiated allegations made in a letter to opposing counsel. Such discovery would constitute a gross abuse of the Commission's rules and unfairly subject Santanna to an extensive and burdensome process based on IGS' unverified, unfiled statements and promises that it can somehow prove wrongdoing that it did not allege in its Complaint.

Santanna has acted in good faith in responding to this Complaint in hopes of resolving the dispute amicably and fairly. At this time, however, Santanna must object to the continual

attempts to obtain responses to discovery, especially in light of the fact that IGS does not have clean hands in this proceeding. The Complaint misleads the Commission by combining purported facts from different alleged customer complaints and/or making assumptions of underlying complaints that do not exist. Further, IGS' general counsel proactively contacted a third-party agent and lured that person into enrolling his wife's accounts and then misled a third-party verifier, avoiding the checks and balances of the enrollment process and Commission rules put in place to protect suppliers from unlawful enrollments and/or rogue sales representatives.

The Complaint jumps to conclusions about Santanna and Santanna's business practices and misrepresents those practices to the Commission without any rational basis or substantiated documentation. Contrary to IGS' claims in its May 10, 2019 letter and even though Santanna requested the information through discovery, IGS has not produced any documentation to demonstrate that "Santanna's door-to-door agent(s) contacted IGS' customers by phone and made certain representations." In fact, IGS admitted that Jennifer White (an IGS customer) was never contacted by any agent via phone or otherwise. Instead, IGS admitted that its "internal investigation" consisted of IGS' general counsel (Mr. White) contacting a sales representative that has sold products for Santanna and misrepresenting and/or misleading that agent to enroll his wife's accounts in what IGS apparently now alleges was in an improper manner. Santanna has no idea what Mr. White said to the agent, which IGS now claims may have violated Commission rules. Nonetheless, a third-party verifier would have had to follow up with Mr. White to verify such enrollment. Had the enrollment not occurred correctly or the agent somehow violated a Commission rule, the enrollment would have never occurred as it would have been deemed to be invalid through the third-party verifier's process. The only way the enrollment would have been completed in the manner suggested by IGS would have required IGS' general counsel to be untruthful to the third-party verifier by falsely answering the required questions.

Despite the false premise of the Complaint and lack of documentation to support the Complaint, Santanna hereby discusses its discovery responses and objections to each of the discovery requests for which IGS requested supplementation.

Interrogatory Nos. 3 and 4

IGS' objection to Santanna's response to Interrogatory Nos. 3 and 4 is symptomatic of the broader misconception that IGS has concerning the permissible scope of discovery in this proceeding. Under IGS' view, discovery in any complaint proceeding would be effectively limitless, as any complainant would be permitted to discover information about the entirety of a respondent's business in hopes of finding a violation of Commission rules. This is, of course, a reversal of the appropriate framework for a complaint. If a complainant has evidence of wrongdoing, it should allege as much in the complaint, and then conduct discovery to substantiate the allegation. Complainants cannot file a complaint without basis and then use that complaint and the discovery procedures that go along with it to search for wrongdoing unrelated to that which was alleged in the complaint.

As IGS states in its letter regarding Interrogatory Nos. 3 and 4, it alleged that Santanna improperly solicited customers over the phone, an allegation which Santanna denied. Contrary to IGS' letter, at no point did Santanna claim that "any enrollments within the alleged timeframe

were conducted through door-to-door [sic] sales.” Nonetheless, IGS claims that “[c]onsequently, in IGS INT 03, Santanna was asked to identify third-party agents or vendors it used to solicit electric and natural gas products door-to-door over a specific seven month period.” But a denial of an allegation made in a Complaint does not authorize IGS to then probe other areas of Santanna’s business under the guise of claiming that this is “contradictory evidence” that Santanna may present at hearing. Santanna’s door-to-door business is not support for or “evidence” that contradicts IGS’ claims that Santanna improperly solicited customers over the phone. In fact, it is not proof at all in a case about telephonic solicitations conducted on behalf of Santanna.

For these reasons, and the reasons previously identified, Santanna declines to supplement its response to Interrogatory Nos. 3 and 4.

Interrogatory Nos. 26 and 27

Here again, IGS reaches beyond the scope of the Complaint and attempts to conduct its own investigation of Santanna’s routine business practices. In its Complaint, IGS did not allege that Santanna unlawfully solicited or enrolled customers via direct solicitation or that the enrollment of Jennifer White (or any other specific customer for that matter) was unlawful. IGS is not entitled to “evaluate” whether a specific enrollment (of the wife of IGS’ general counsel or the general counsel himself) by a method that is not the subject of the Complaint is lawful. Despite IGS’ attempts to insert Ms. White and her enrollment into this proceeding when it did not allege any defect in her enrollment—or even mention her at all—in its Complaint, this information is still not relevant to the allegations made in the Complaint, which is the document controlling the scope of this proceeding. Specifically, Ms. White was not included in the Complaint as Ms. White was not solicited via telephone by Santanna or its third-party agents. Therefore, Ms. White’s enrollment is not the subject of the Complaint and is, thus, not relevant.

For these reasons, and the reasons previously identified, Santanna declines to supplement its response to Interrogatory Nos. 26 and 27.

Interrogatory No. 32

Interrogatory No. 32 is also beyond the scope of the Complaint. IGS’ statement that an issue may or may not be “at the crux of IGS’ complaint” is not relevant to a determination of the subject matter of the Complaint. The subject matter of the Complaint is easily ascertained by the text of the Complaint that IGS filed with the Commission. As explained previously, that Complaint does not mention Jennifer White (or any specific customer) and does not mention door-to-door sales. Again, in its Complaint, IGS did not allege that Santanna unlawfully solicited or enrolled customers via direct solicitation or that the enrollment of Ms. White (or any other specific customer for that matter) was unlawful. Absent allegations related to Interrogatory No. 32 in the Complaint, that request is beyond the scope of the proceeding.

For these reasons, and the reasons previously identified, Santanna declines to supplement its response to Interrogatory No. 32.

Interrogatory No. 33

Interrogatory No. 33 refers to the third-party vendors who allegedly enrolled Jennifer White. Again, Ms. White, the wife of IGS' general counsel was not solicited via telephone by Santanna or its third-party agents. In fact, upon information and belief, Ms. White was not solicited at all to switch her energy supplier. Instead, Ms. White's husband, IGS' general counsel, contacted a third-party vendor to proactively engage and inquire into switching suppliers and the enrollment process. This enrollment was not completed by *telephonic solicitation*. Therefore, information concerning the third-party agents or vendors who purportedly enrolled Ms. White is not material to this proceeding as it is defined by IGS' Complaint. Accordingly, it is not the proper subject of discovery under Ohio Adm. Code 4901-1-16.

For these reasons, and the reasons previously identified, Santanna declines to supplement its response to Interrogatory No. 33.

Interrogatory Nos. 36-39

Interrogatory Nos. 36-39 again refer to the enrollment of Jennifer White, which, as discussed above, is beyond the scope of the Complaint as no solicitation occurred. Moreover, IGS did not allege any wrongdoing with regard to the Commission's rules for retaining copies of contracts. IGS is again fishing for a violation of Commission rules in waters where it has not alleged that any wrongdoing occurred.

Accordingly, and for the reasons previously stated, Santanna declines to supplement its responses to Interrogatory Nos. 36-39.

Request for Admission No. 8

Similar to the requests discussed above, IGS, in Request for Admission No. 8, is requesting an admission concerning an allegation relating to the enrollment of Jennifer White via door-to-door solicitation. Again, IGS has not alleged wrongdoing in door-to-door solicitations or the enrollment of Ms. White. In fact, Ms. White was never even solicited. IGS has also not alleged wrongdoing with regard to the Commission's rules concerning acknowledgement forms. Accordingly, this request is beyond the scope of this proceeding.

For these reasons, and the reasons previously identified, Santanna declines to supplement its response to Request for Admission No. 8.

Request for Production Nos. 4-6

These requests again relate to solicitations that are not alleged to be wrongful in the Complaint and compliance with Commission rules that IGS has not alleged Santanna violated. As such, and for the reasons previously identified, Santanna declines to supplement its responses to Requests for Production Nos. 4-6.

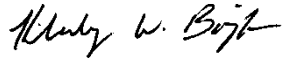
May 16, 2019

Page **5** of **5**

In conclusion, Santanna continues to oppose this attempt by IGS to use this Complaint as a vehicle for investigating one of its competitors for wrongdoing that does not exist and is not even alleged in the Complaint. Accordingly, Santanna maintains that discovery on the Complaint should be limited to issues that are actually placed at issue by the Complaint and not an unfettered investigation of Santanna's entire business and its practices.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly W. Bojko".

Kimberly W. Bojko

Counsel for Santanna

cc: Joseph Olikier, Esq.

May 10, 2019

Ms. Kimberly W. Bojko
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215

Re: Interstate Gas Supply Inc.'s Request for Santanna Natural Gas Corporation to Supplement its
Discovery Responses / Case No. 19-362-GE-CSS

Dear Ms. Bojko,

Thank you for your letter dated May 1, 2019 in which you replied to our request for Santanna Natural Gas Corporation, d/b/a Santanna Energy Services ("Santanna"), to supplement its responses to Interstate Gas Supply Inc.'s, d/b/a IGS Energy ("IGS"), First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents ("Discovery").

IGS reviewed the responses you provided and determined that those responses are insufficient. IGS also disagrees with your assertion that Santanna does not have any additional documents or information to provide, and that our request for your client to supplement its responses to our first set of discovery was addressed during an April 9, 2019 settlement conference.

While IGS does agree with your contention that Ohio law and the Commission's rules permit your client to assert objections to our discovery requests; any suggestion that the law and the Commission's rules similarly require IGS to provide a particularized discussion of each response that it identified as inadequate is simply untrue.

However, in the spirit of continuing to conduct discovery in good faith and in compliance with the Commission's rules, IGS has provided a detailed question by question analysis of the information we're requesting and how we found your client's responses insufficient. Our expectation is that the information provided below will enable Santanna to determine with certainty IGS' reasons for disputing each response listed, and, in doing so, allow your client to appropriately respond to IGS' first set of discovery. Please be advised that if your client does not provide supplemental responses to the discovery requests identified below by Friday, May 17, 2019, IGS will file a Motion to Compel Discovery.

Interrogatory Nos. 3 and 4

IGS' complaint alleges that Santanna improperly solicited customers by phone. In response, Santanna claimed that no such improper solicitations occurred and that any enrollments within the alleged timeframe were conducted through door-to-door sales. Consequently, in IGS' INT 03, Santanna was asked to identify the third-party agents or vendors it used to solicit electric and natural gas products door-to-door over a specific seven-month period. In IGS' INT 04,

Santanna was asked to provide the principal place of business and telephone number associated with each entity identified in the preceding interrogatory. Your client objected arguing that both interrogatories were irrelevant since IGS' complaint accuses Santanna of improperly soliciting customers by phone. Santanna's argument rings hollow, given that it alleges that it has contradictory evidence, while simultaneously refusing to produce said evidence.

IGS' complaint is based upon facts and information available to it at the time the pleading was filed on February 1, 2019. IGS has learned through discovery and its own internal investigation that Santanna's door-to-door agent(s) contacted IGS' customers by phone and made certain representations that were in violation of Ohio law and the Commission's rules. IGS shared this information with Santanna during the April 9, 2019 settlement conference. Any information that Santanna has in its possession that relates to this claim—or any information that Santanna alleges contradicts this claim—is relevant to the matter at hand.

Ohio Admin. Code 4901-1-16 provides that any party may obtain discovery that is relevant and reasonably calculated to lead to the discovery of admissible evidence. The identities of Santanna's door-to-door agent(s) is not only relevant in that it will assist IGS in determining which agents engaged in the acts and practices alleged in the complaint, but also is likely to lead to the discovery of admissible evidence since it will enable the parties to identify the scope of the misconduct and the extent of harm caused. It will further permit IGS to evaluate any facts that Santanna has identified that it may assert as a defense.

Your client also objected to IGS' INTs 03 and 04 arguing that the information sought is trade secret or otherwise confidential information, and that the production of that information would be unduly burdensome. As you know, the parties executed a confidentiality agreement and non-disclosure certificate and, by doing so, agreed to protect certain information designated confidential by both parties. IGS entered into that agreement to facilitate the free and open exchange of discovery and has every intention of upholding its obligation to protect information that Santanna deems confidential. IGS also disagrees with your client's assertion that the production of the information is unduly burdensome given the limited seven-month period for which the information is sought. The fact that Santanna recently provided the identities of its telephonic sales agents also implies that our request is not as unduly burdensome as your client suggests. Therefore, IGS asks that Santanna respond appropriately to IGS' INTs 03 and 04.

Interrogatory Nos. 26 and 27

IGS asked Santanna in IGS' INT 26 to indicate whether it obtained Jennifer White's signature on the contract for competitive retail electric services, and in IGS' INT 27 to indicate whether it retained that contract. Your client objected arguing that both interrogatories are irrelevant, outside the scope of the Complaint, and seek information that is trade secret or otherwise confidential information. Santanna responded further that it "acts in accordance with the Commission's rules," but never responded to either interrogatory directly.

Your client indicated in its response to IGS' INT 25 that Jennifer White "was enrolled lawfully by direct solicitation. . . ." To the extent that Santanna claims that it has evidence that the enrollment was lawful, IGS is entitled to evaluate it, given that it is relevant to the claims at issue.

in the proceeding. For that reason, IGS contends that INTs 26 and 27 are relevant to determine whether Santanna's agents may have violated certain provisions of Ohio law and the Commission rules as alleged in IGS' complaint.

Your objection that the information requested is confidential or competitively sensitive is immaterial since the parties executed confidentiality and non-disclosure certificates and possess written authorization forms from Jennifer White to disclose certain information related to her electric and natural gas accounts. The questions presented in INTs 26 and 27 should require little more than a "yes" or "no" response. Therefore, IGS asks that Santanna provide an affirmative response to IGS' INTs 26 and 27.

Interrogatory No. 32

IGS asked Santanna in INT 32 to identify the third-party agent and vendor it retained to enroll Jennifer White for competitive retail electric services. Here again, your client objected arguing that the interrogatory is irrelevant, outside the scope of the Complaint, and seeks information that is trade secret or otherwise confidential information. Santanna did not provide any additional information in response to the interrogatory.

The crux of IGS' complaint is that Santanna, and its agents, engaged in deceptive and misleading sales practices that adversely impacted IGS' customers, and violated Ohio law and the Commission's rules. Jennifer White is an IGS customer. IGS' INT 32 is relevant in that it will enable both IGS and Santanna to determine the Santanna agent and vendor that engaged in the acts and practices alleged in the Complaint. This interrogatory is also likely to lead to the discovery of admissible evidence since Ms. White is unlikely to have been the only IGS customer adversely impacted by Santanna's misleading and deceptive sales tactics. In short, IGS' INT 32 will enable the parties to narrow the scope of the misconduct and identify the full extent of harm caused.

Your objection that the identity of the agent and vendor that performed the enrollment constitutes a trade secret or is competitively sensitive information is misplaced, given that IGS is entered into a protective agreement to ensure that any proprietary information is not misused for business purposes. Moreover, the objection is without merit since IGS does not contract with third-parties to solicit products and services on its behalf. IGS exclusively uses its own employees to sell its products both telephonically and door-to-door, so we do not stand to obtain any sort of economic or competitive advantage through the disclosure of this information. Accordingly, IGS asks that Santanna respond appropriately to Interrogatory 32.

Interrogatory No. 33

IGS asked Santanna in INT 33 to identify the total number of electric enrollments obtained on its behalf by the third-party agent and vendor identified in response to IGS' INT 32. Your client objected arguing that the interrogatory is irrelevant, outside the scope of the Complaint, seeks information that is trade secret or otherwise confidential information, and is unduly burdensome. Santanna did not provide any additional information in response to this interrogatory.

IGS respectfully disagrees with your contention that the total number of electric enrollments performed by the agent and vendor identified in response to IGS' INT 32 is irrelevant. IGS can prove that the enrollment of Jennifer White and at least one other IGS customer was obtained through improper means; therefore, we have reason to believe that other IGS customers may have been adversely impacted by Santanna's misleading and deceptive sales practices. The sales solicitation methods utilized by the agent identified in response to IGS' INT 32 are clearly dubious and, therefore, raise legitimate concerns that other enrollments may have been obtained in violation of Ohio law and the Commission's rules. IGS should be permitted to determine the scope of the wrongdoing that occurred during the time frame alleged in the complaint.

Your objection that the information requested is unduly burdensome is also without merit since the interrogatory requests an accounting of the enrollments performed by one vendor during a brief seven-month period. IGS does not stand to gain any sort of competitive or economic advantage through the disclosure of that agent's total number of electric enrollments, so any objection that the information constitutes a trade secret or competitively sensitive information cannot be justified. Accordingly, IGS asks that Santanna respond appropriately to Interrogatory 33.

Interrogatory Nos. 36, 37, 38, 39

IGS asked Santanna in IGS' INT 36 to indicate whether it obtained Jennifer White's signature on the contract for competitive retail natural gas services, and in IGS' INT 37 to indicate whether it retained that contract. As a corollary, IGS asked Santanna in IGS' INT 38 to indicate whether it obtained Jennifer White's signature on the corresponding natural gas acknowledgement form, and in IGS' INT 39 whether it retained that acknowledgement form. Your client objected arguing that each interrogatory is irrelevant, outside the scope of the Complaint, and seeks information that is trade secret or otherwise confidential information. Santanna did not provide any additional information in response to this interrogatory.

As it did in response to the interrogatory regarding Ms. White's electric enrollment, your client indicated that Jennifer White was enrolled for natural gas lawfully by direct solicitation. Here again, IGS has direct evidence to the contrary. Accordingly, INTs 36, 37, 38, and 39 are relevant to determine whether Santanna's agents may have violated additional provisions of Ohio law and the Commission rules other than those alleged in IGS' complaint.

As outlined above, your objection that the information requested is confidential or competitively sensitive is immaterial since the parties executed confidentiality and non-disclosure certificates and possess written authorization forms from Jennifer White to disclose certain information related to her electric and natural gas accounts. The questions presented in IGS' INTs 36, 37, 38, and 39 should require little more than a "yes" or "no" response. Therefore, IGS asks that Santanna provide an affirmative response to IGS' INTs 36, 37, 38, and 39.

Interrogatory No. 44

IGS withdraws its request for Santanna to supplement its response to IGS' INT 44 because the request contains a typo and is therefore duplicative. To clarify, IGS intended to ask Santanna

to identify the agent and or vendor it used to enroll Jennifer White for competitive *natural gas* services rather than competitive retail electric services as provided in its initial discovery request. As written, IGS' INT 44 is duplicative and is withdrawn.

Interrogatory No. 45

IGS also withdraws its request for Santanna to supplement its response to IGS' INT 45. IGS' INT 45 contains a direct reference to IGS' INT 44; therefore, IGS' INT 45 is also withdrawn.

Request for Admission No. 8

IGS asked Santanna in IGS' RFA 01-08 to admit that its agent did not obtain a natural gas acknowledgement form signed by Jennifer White. Your client objected arguing that the request for admission is irrelevant, outside the scope of the Complaint, vague, and that Santanna is no longer in possession of the information requested. Santanna did not provide any additional information in response to this interrogatory.

IGS' complaint alleges that Santanna, and its agents, engaged in deceptive and misleading sales practices that adversely impacted IGS' customers, and violated Ohio law and the Commission's rules. Jennifer White is an IGS customer. Your client indicated in its response to IGS' INT 35 that Jennifer White enrolled with Santanna for natural gas services via door-to-door solicitation.

Ohio Adm. Code 4901:1-29-06 requires a retail natural gas supplier enrolling customers through door-to-door solicitation to obtain a signed acknowledgement form from the customer at the time the enrollment is performed. Evidence suggests that Jennifer White's enrollment with Santanna was improper, so an affirmative "yes" or "no" response to IGS' RFA 01-08 is relevant to determine whether Santanna's agents may have violated additional provisions of Ohio law and the Commission rules other than those alleged in IGS' complaint. Therefore, IGS asks that Santanna respond appropriately to Request for Admission No. 8.

Request for Production Nos. 4, 5, and 6

IGS asked Santanna in IGS' RFP 01-04 to produce Jennifer White's signed contracts for competitive retail electric and natural gas services, and in IGS' RFP 01-05 to provide the corresponding acknowledgement form associated with her natural gas enrollment. In IGS' RFP 01-06, Santanna was asked to produce the recording of the third-party verification associated with Jennifer White's electric and natural gas enrollments. Your client objected arguing that each request is irrelevant, outside the scope of the Complaint, vague, and that Santanna is no longer in possession of the documentation requested.

Again, IGS' complaint alleges that Santanna, and its agents, engaged in deceptive and misleading sales practices that adversely impacted IGS' customers, and violated Ohio law and the Commission's rules. Jennifer White is an IGS customer, and IGS can prove that her natural gas and electric enrollments with Santanna were improper. IGS' request to produce the signed natural

gas and electric contracts is relevant to support its claim that Ms. White's enrollment was improper and in violation of the Commission's rules.

Ohio Admin. Code 4901:1-29-10 provides that a retail natural gas supplier must maintain copies of individual customer contracts for no less than two years after such contracts terminate. Similarly, Ohio Admin. Code 4901: 1-21-11 requires a CRES provider to retain its contracts for two years after contract termination. Ms. White terminated her electric and natural gas contracts with Santanna in January of 2018; therefore, Santanna should have the documentation necessary to comply with the requests in IGS' RFP 01-04 and IGS' RFP 01-05.

IGS, however, acknowledges that the Commission's rules do not require Santanna to retain the recording of the third-party electric and natural gas verifications referenced in RFP 01-06 for more than one year after contract termination. If Santanna is not in possession of this information, then IGS requests that Santanna provide it with the identity of the third-party verifier that performed the verifications referenced in IGS' RFP 01-06 so that it can attempt to obtain the recording from another source.

If, after reviewing the information provided above, you have any additional questions or concerns, please do not hesitate to contact me by email or telephone.

Sincerely,

Michael A. Nugent

cc: Brian Dressel

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May 1, 2019

Michael A. Nugent
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Re: *Interstate Gas Supply, Inc. v. Santanna Natural Gas Corporation*
Case No. 19-362-GE-CSS

Dear Mr. Nugent:

This letter is in response to your email correspondence dated April 9, 2019 and April 29, 2019 regarding Santanna Natural Gas Corporation d/b/a Santanna Energy Service's (Santanna) responses to Interstate Gas Supply, Inc., d/b/a IGS Energy's (IGS) First Set of Interrogatories, Requests for Admissions, and Requests for Production of Documents (First Set of Discovery), which were served on IGS on March 25, 2019 in redacted form and March 26, 2019 in unredacted form. Santanna notes that, contrary to your assertions in an email dated April 29, 2019, Santanna addressed IGS' April 9, 2019 email at the settlement conference that took place that same day and explained that there were no other documents or additional information to supplement Santanna's responses. Nonetheless, Santanna hereby responds in writing to IGS' email correspondence regarding these issues.

Under Ohio law and, more specifically, Ohio Adm. Code 4901-1-16, 4901-1-17, 4901-1-18, 4901-1-19, 4901-1-20, and 4901-1-22, Santanna is entitled to assert objections to IGS' requests. Santanna availed itself of that right in responding to objectionable requests from IGS. For the most part, your email correspondence does not question these objections and does not dispute the propriety of those objections. Therefore, those objections must stand.

For example, Santanna disputes IGS' attempt to redefine the scope of this proceeding to encompass activity beyond that which IGS alleged in its Complaint. At no point in IGS' Complaint did IGS allege any sort of misconduct related to a door-to-door sale by Santanna, its representatives, its agents, or its third-party contractors. Accordingly, Santanna deemed attempts by IGS to force Santanna to expend time and resources providing information unrelated to the Complaint's allegations to be irrelevant and objected to such requests as such. Similarly, the identities of third-party agents or representatives who engaged in solicitations that are not at issue in this proceeding are also irrelevant.

Santanna's responses to IGS' First Set of Discovery were complete and in full compliance with the rules of the Public Utilities Commission of Ohio (Commission) governing discovery in Commission proceedings when served. Your email correspondence included general objections to Santanna's responses, but not a particularized discussion of each response that IGS listed as inadequate. As such, Santanna cannot determine with certainty IGS' reasons for disputing each response listed in the attachment to your email. Nonetheless, by means of this letter, Santanna hereby responds to the general points raised in your email and then attempts to respond to each discovery response that IGS challenges as best that it is able given IGS' lack of explanation for challenging those responses.

Interrogatory Nos. 3 and 4

As explained above, IGS' Complaint does not allege misconduct on the part of Santanna (or anyone) related to door-to-door sales. Although IGS' Complaint does not identify any specific individuals or IGS customers that were contacted and solicited via telephone, IGS accuses Santanna of improperly soliciting customers *over the phone* and even includes specific phone numbers that were allegedly used by Santanna's alleged representatives to act improperly. Accordingly, Santanna objected that these requests were irrelevant. Santanna further objected to the extent that IGS was seeking trade secret or otherwise confidential information and that requiring the production of the names of all agents of all vendors used by Santanna for door-to-door solicitation was unduly burdensome. IGS has not responded to either of these objections.

Interrogatory Nos. 26 and 27

Santanna is unclear as to why these responses were included on IGS' list of disputed responses. In response to Interrogatory No. 26, Santanna referenced the prior response as to the process used to enroll Ms. White and added that Santanna complied with the Commission rules in doing so. Then, in Interrogatory No. 27, Santanna referred to that answer in responding to a request concerning the retention of the contract with Ms. White. Both of these responses are responsive to IGS' requests and Santanna has nothing further to add to either response.

Interrogatory No. 32

Although Ms. White is not mentioned in the Complaint as being a victim to any alleged conduct and Ms. White was not identified as the individual who was contacted and solicited via telephone by the referenced telephone numbers, Santanna, in good faith, answered several interrogatories about Ms. White. As indicated throughout the discovery, upon information and belief, Santanna stated that Ms. White was enrolled for competitive retail electric services via door-to-door solicitation. Again, as discussed above, IGS has not alleged misconduct by Santanna related to door-to-door solicitation or any alleged conduct specific to Ms. White. As such, Santanna objected to requests to identify the vendor who enrolled Ms. White as irrelevant. Additionally, Santanna objected to the extent that IGS was seeking confidential, trade secret, and/or competitively sensitive information. IGS has not responded to this objection.

Interrogatory No. 33

This request pertains to the vendor about whom information was sought in Interrogatory No. 32. For the reasons stated above, that vendor is not relevant to this proceeding. Moreover, to the extent that it requests information about the enrollment of customers who had not previously been enrolled with IGS, Santanna also notes that the request is further irrelevant as IGS has not alleged (nor would it have standing to allege) that Santanna is acting improperly with regard to the solicitation of other suppliers' customers. Furthermore, the request is unduly burdensome as it requests information concerning enrollments going back to October 15, 2017, even though IGS' Complaint explicitly alleges that Santanna's purportedly unlawful conduct began in January 2018.

Interrogatory Nos. 36, 37, 38, 39

These requests are similar to Interrogatory Nos. 26 and 27, discussed above. Again, Santanna is unclear as to why these responses were included on IGS' list of disputed responses. Santanna referenced the prior interrogatory regarding the process used to enroll Ms. White and stated that it complied with the Commission rules in doing so. Then, in Interrogatory Nos. 37-39, Santanna referred to that answer in responding to a request concerning the retention of the contract with Ms. White and the use of an acknowledgement form as part of her enrollment, reaffirming that Santanna complied with Commission rules in obtaining Ms. White's enrollment. These answers are responsive to IGS' requests and Santanna has nothing further to add to either answer. Furthermore, Ms. White is not mentioned in the Complaint as being a victim to any alleged conduct and Ms. White was not identified as the individual who was contacted and solicited via telephone by the referenced telephone numbers; therefore, any requests regarding Ms. White are irrelevant.

Interrogatory No. 44

As indicated throughout the discovery, Ms. White was enrolled for competitive retail electric services via door-to-door solicitation. As discussed above, IGS has not alleged misconduct by Santanna related to door-to-door solicitation or any alleged conduct specific to Ms. White. As such, Santanna objected to requests to identify the vendor who enrolled Ms. White as irrelevant. Additionally, Santanna objected to the extent that IGS was seeking confidential, trade secret, and/or competitively sensitive information. IGS has not responded to this objection.

Interrogatory No. 45

This request pertains to the vendor about whom information was sought in Interrogatory No. 44. For the reasons stated above, that vendor is not relevant to this proceeding. Moreover, to the extent that it requests information about the enrollment of customers who had not previously been enrolled with IGS, Santanna also notes that the request is further irrelevant as

May 1, 2019

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IGS has not alleged (nor would it have standing to allege) that Santanna is acting improperly with regard to the solicitation of other suppliers' customers. Furthermore, the request is unduly burdensome as it requests information concerning enrollments going back to October 15, 2017, even though IGS' complaint explicitly alleges that Santanna's purportedly unlawful conduct began in January 2018.

Request for Admission No. 8

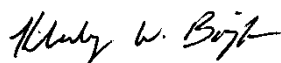
Santanna objected to this request for reasons that are similar to those stated for various requests discussed above. Specifically, it requests information about door-to-door solicitations and Ms. White's enrollment when such solicitations are not the subject of IGS' Complaint. Santanna also raised several additional objections to this request, none of which IGS has addressed. For instance, IGS has not addressed Santanna's objection that the request is vague, or that it seeks information not within Santanna's possession, custody or control. Pursuant to Ohio Adm. Code 4901-1-22, Santanna is permitted to respond to requests for admission by raising objections to those requests in writing within 20 days of the receipt of such request. Santanna properly did so here, and, especially given IGS' lack of response to many of these objections, Santanna affirms its objections stated in reply to this request for admission.

Request for Production Nos. 4, 5, and 6

These requests relate to many of the interrogatories discussed above. Accordingly, Santanna reaffirms that these requests are not relevant to the Complaint, as they concern door-to-door solicitations and Ms. White's enrollment, which were not alleged to be improper in IGS' Complaint. Moreover, IGS has not responded to objections in addition to relevance that Santanna asserted. Santanna affirms the objections stated.

Santanna looks forward to the continuation of a fair and amicable discovery process conducted in good faith and governed by Ohio law and the Commission's rules. Please do not hesitate to contact me with any questions.

Sincerely,



Kimberly W. Bojko

Counsel for Santanna

cc: Joseph Olikier

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Case No(s). 19-0362-GE-CSS

Summary: Motion to Compel Discovery electronically filed by Mr. Michael A Nugent on behalf of Interstate Gas Supply, Inc.