

In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc. ) Case No. 20-167-EL-RDR  
)

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Please take notice under Ohio Adm. Code 4901-1-21(B) that the Office of the Ohio Consumers' Counsel ("OCC") will take the oral depositions of the following individuals, one after the other, beginning on January 4, 2021 at 10:00 a.m. Eastern Time, or at a date and time as mutually agreed upon by OCC and Duke Energy Ohio, Inc. ("Duke"):

- a) A person with knowledge and expertise regarding Duke’s decision to purchase a share of the FirstEnergy Solutions’ (“FES”) OVEC entitlement after FES declared bankruptcy and repudiated its obligation to purchase its share (see Audit Report at pp. 13-14).

- b) A person with knowledge and expertise regarding the amount that Duke received from OVEC from the FES bankruptcy court settlement between OVEC and FES (i.e., the settlement relating to FES' attempt to repudiate its obligation to purchase power from the OVEC plants under the Amended and Restated Inter-Company Power Agreement ("OVEC Agreement")) (see Audit Report at p. 14).
- c) A person with knowledge and expertise as to the obligations of Duke under the OVEC Agreement, including any obligation to purchase another co-owner's share of the OVEC output if that co-owner has repudiated its purchase.
- d) A person with knowledge and expertise of the decision to designate the OVEC plants in the PJM market as must-run units as opposed to using economic dispatch.

The depositions will take place through a Zoom or Microsoft Teams conference or by telephone, as mutually agreeable to OCC and Duke. The deponents will appear at the agreed upon time and date and remain available until the deposition is completed.

The depositions will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including: (1) Duke's decision to purchase more of the output of the OVEC plants than it was obligated under the OVEC Agreement to purchase and charging its customers for such purchases; and (2) operating the OVEC plants as must-run units. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions.

Under Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20, each deponent is requested to produce prior to the deposition and to bring copies to the telephonic deposition, the following documents:

- 1. A copy of the deponent's resume and/or C.V.
- 2. All documents related to the deponent's knowledge or expertise of the subjects identified in the sub-paragraphs above.
- 3. A copy of the current OVEC agreement.
- 4. A copy of the Audit Report.

5. A copy of Duke's responses to data requests in this case.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ John Finnigan

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(willing to accept service by e-mail)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Notice to Take Deposition and Request for Production of Documents were served on the persons stated below via electric transmission this 23rd day of December 2020.

/s/ John Finnigan  
John Finnigan (0018689)  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

### **SERVICE LIST**

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**in**

**Case No(s). 20-0167-EL-RDR**

Summary: Notice of Deposition Notice to Take Depositions and Requests for Production of Documents by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Finnigan, John