

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the )  
Reconciliation Rider of The Dayton Power ) Case No. 20-165-EL-RDR  
and Light Company. )

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**JOINT NOTICE TO TAKE DEPOSITIONS OF THE PUCO AUDITOR  
(REGARDING OVEC COAL PLANT CHARGES THAT DP&L CUSTOMERS PAY)  
AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL  
AND  
OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP**

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Please take notice under Ohio Adm. Code 4901-1-21(B) that the Office of the Ohio Consumers' Counsel ("OCC") and the Ohio Manufacturers' Association Energy Group ("OMAEG") will take the oral depositions of the following individuals from the Independent Auditor, Vantage Energy Consulting, LLC ("Auditor Vantage"), one after the other, beginning on March 29, 2021 at 10:00 a.m. Eastern Time, or at a date and time as mutually agreed upon by OCC and Staff of the Public Utilities Commission of Ohio ("PUCO Staff"):

- a) An employee of Auditor Vantage with knowledge and expertise regarding the Independent Audit of the Reconciliation Rider (regarding OVEC charges etc.) of Dayton Power and Light ("DP&L") filed in this case on October 1, 2020 ("Audit Report");
- b) An employee of Auditor Vantage with knowledge and expertise regarding whether the FirstEnergy Solutions bankruptcy impacted the charges paid by DP&L customers; and
- c) An employee of Auditor Vantage with knowledge and expertise regarding Vantage's audit of the commitment and bidding of the OVEC plants into the PJM Day-Ahead Energy Market.

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

Auditor Vantage was hired, as a consultant, by the PUCO to conduct an audit to assist the PUCO in the prudency and performance audit of Dayton Power & Light Company's reconciliation rider (OVEC charges) for the period of November 1, 2018 through December 31, 2019.<sup>1</sup> Through the reconciliation rider<sup>2</sup> DP&L's customers were made by the PUCO to subsidize the operations of two OVEC plants – one in Indiana and one in Ohio (prior to the passage of House Bill 6 by the Ohio legislature). On October 7, 2020, Auditor Vantage filed its audit report. Unlike the audit reports filed in AEP's and Duke's OVEC audits,<sup>3</sup> Vantage did not address DP&L's strategy for bidding into the PJM energy market.

The depositions will be taken of the aforementioned deponents on relevant topics within the scope of these proceedings, including: (1) the Audit Report; (2) whether the FirstEnergy Solutions bankruptcy impacted DP&L customers; and (3) how the plants were committed into the PJM Day-Ahead Energy Market. These issues matter because DP&L's customers are entitled to just and reasonable rates. The depositions will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions.

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<sup>1</sup> Entry (Mar. 11,2020).

<sup>2</sup> DP&L's reconciliation rider was replaced on January 1, 2021 by a Legacy Generation Rider instituted under tainted H.B. 6.

<sup>3</sup> *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company*, Case No. 18-1004-EL-RDR Audit Report at 9 (Sept. 16, 2020); *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR Audit Report at 10 (Oct. 21, 2020).

Under Ohio Adm. Code Rules 4901-1-21(E) and 4901-1-20 (which is referenced in Rule 212(E), each deponent is requested to produce to OCC and OMAEG prior to the deposition and to also bring copies to the 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, drafts of the Audit Report, and the progress report required under the PUCO's Request for Proposal.
5. A copy of DP&L's written responses to PUCO Staff's data requests, the Auditor's data requests and other Parties' discovery in this case.
6. A complete set of working papers associated with supporting information as referenced in the Request for Proposal approved by the PUCO

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ John Finnigan  
William J. Michael (0070921)  
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*Counsel for the Ohio Manufacturers'  
Association Energy Group*

**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 17th day of March 2021.

/s/ John Finnigan  
John Finnigan  
Assistant Consumers' Counsel

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

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**Case No(s). 20-0165-EL-RDR**

Summary: Notice Joint Notice to Take Depositions of the PUCO Auditor (Regarding OVEC Coal Plant Charges That DP&L Customers Pay) and Requests for Production of Documents by Office of the Ohio Consumers' Counsel and Ohio Manufacturers' Association Energy Group electronically filed by Ms. Deb J. Bingham on behalf of Finnigan, John