

In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018.)))	Case No. 18-1004-EL-RDR
In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2019.)))	Case No. 18-1759-EL-RDR
In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.)))	Case No. 20-167-EL-RDR

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, London Economic International LLC ("Auditor London Economics"), one after the other, beginning on March 30, 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 London Economics with knowledge and expertise regarding the Independent Audit of the Reconciliation Rider (regarding OVEC charges etc.) of AEP and Duke filed in the AEP case on September 16, 2020 and in the Duke case on October 21, 2020 (“Audit Reports”).

- b) An employee of Auditor London Economics with knowledge and expertise regarding whether the FirstEnergy Solutions bankruptcy impacted the charges paid by AEP customers; and
- c) An employee of Auditor London Economics with knowledge and expertise regarding London Economics' 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 London Economics was hired, as a consultant, by the PUCO to conduct an audit to assist the PUCO in the prudence and performance audit of AEP's and Duke's reconciliation rider (OVEC charges) for the period of January 1, 2018 through December 31, 2019 for AEP and January 1, 2019 through December 31, 2019 for Duke.¹ Through the reconciliation rider² AEP and Duke'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 September 16, 2020, Auditor London Economics filed its audit report in the AEP case and on October 21, 2020, it filed its audit report in the Duke case.

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 AEP customers; and (3) how the plants were committed into the PJM Day-Ahead Energy Market. These issues matter because AEP and Duke's customers are

¹ *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company*, Case No. 18-1004-EL-RDR Entry at 1 (Mar. 11, 2020); *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR Entry at 1 (Apr. 8, 2020).

² AEP and Duke's reconciliation rider was replaced on January 1, 2021 by a Legacy Generation Rider instituted under tainted H.B. 6.

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.

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 AEP and Duke'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

Christopher Healey (0086027)
Counsel of Record 18-1004-EL-RDR et al.
William J. Michael (0070921)
John Finnigan (0018689)

Angela D. O'Brien (0097579)
Counsel of Record 20-167-EL-RDR
John Finnigan (0018689)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Healey]: (614) 466-9571
Telephone [Michael]: (614) 466-1291
Telephone [Finnigan]: (614) 466-9585
Telephone [O'Brien]: (614) 466-9531
Christopher.healey@occ.ohio.gov
william.michael@occ.ohio.gov
john.finnigan@occ.ohio.gov
angela.obrien@occ.ohio.gov
(willing to accept service by e-mail)

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402)
(Counsel of Record)
Thomas V. Donadio (0100027)
Carpenter Lipps & Leland LLP
280 North High Street, Suite 1300
Columbus, Ohio 43215
Telephone: (614) 365-4100
bojko@carpenterlipps.com
donadio@carpenterlipps.com
(willing to accept service by e-mail)

*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:

SERVICE LIST

18-1004-EL-RDR et al.

kyle.kern@ohioattorneygeneral.gov
thomas.lindgren@ohioattorneygeneral.gov
mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
rdove@keglerbrown.com

Attorney Examiners:
sarah.parrot@puco.ohio.gov
greta.see@puco.ohio.gov

stnourse@aep.com
mpritchard@mcneeslaw.com
rglover@mcneeslaw.com
megan.wachpress@sierraclub.org
paul@carpenterlipps.com
bojko@carpenterlipps.com
donadio@carpenterlipps.com

20-167-EL-RDR

thomas.lindgren@ohioattorneygeneral.gov
kyle.kern@ohioattorneygeneral.gov
bojko@carpenterlipps.com
paul@carpenterlipps.com

rocco.dascenzo@duke-energy.com
Jeanne.kingery@duke-energy.com
Larisa.vaysman@duke-energy.com

Attorney Examiners:
Lauren.augostini@puco.ohio.gov
Nicholas.walstra@puco.ohio.gov

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Case No(s). 18-1004-EL-RDR, 18-1759-EL-RDR, 20-0167-EL-RDR

Summary: Notice Joint Notice to Take Depositions of the PUCO Auditor (Regarding OVEC Coal Plant Charges That AEP and Duke 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