

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of the Power )  
Purchase Agreement Rider of Ohio Power ) Case No. 18-1004-EL-RDR  
Company for 2018. )

In the Matter of the Review of the Power )  
Purchase Agreement Rider of Ohio Power ) Case No. 18-1759-EL-RDR  
Company for 2019. )

---

**NOTICE TO TAKE DEPOSITION  
OF AEP  
AND REQUEST FOR PRODUCTION OF DOCUMENTS  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

---

Please take notice that the Office of the Ohio Consumers' Counsel ("OCC") will take the deposition of Ohio Power Company ("AEP") on the matters listed below, under O.A.C. 4901-1-21(F), which states:

A party may in the notice and in a subpoena name a corporation, partnership, association, government agency, or municipal corporation and designate with reasonable particularity the matters on which examination is requested. The organization so named shall choose one or more of its officers, agents, employees, or other persons duly authorized to testify on its behalf, and shall set forth, for each person designated, the matters on which he or she will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

The deposition will take place on December 20, 2021, at 10:00 a.m., or a date that is mutually agreeable between OCC and the deponent. The deposition will take place at the offices of American Electric Power, 1 Riverside Plaza, Columbus, Ohio 43215, or other location as mutually agreeable, or by Zoom or Microsoft Teams, as to be determined at a later date.

The deposition will continue day-to-day thereafter until complete. The deponent will make its designated representative(s) available for deposition and will remain present until the deposition is completed. The deposition will be taken upon oral examination (as upon cross-examination) before an officer authorized by law to take depositions.

Matters on which examination is requested

1. Any analysis showing the projected costs or revenues from the OVEC contract that Ohio Power Company would collect from or credit to consumers under the PPA Rider.
2. Any analysis showing any comparison between: (a) the projected costs or revenues from the OVEC contract that AEP would collect from or credit to consumers under the PPA Rider; and (b) projected PJM market prices.
3. Any analysis showing the actual costs or revenues from the OVEC contract that AEP has collected from or credited to consumers under the PPA Rider for 2018 and 2019.
4. Any analysis showing any comparison between: (a) the actual costs or revenues from the OVEC contract that Ohio Power Company has collected from or credited to consumers under the PPA Rider; and (b) actual PJM market prices for 2018 and 2019.
5. Any analysis of competitive bidding process that AEP used before selecting the OVEC contact to be provided for consumers under the PPA Rider.
6. Any analysis performed by AEP to show that the OVEC contract would be the least-cost resource available to serve consumers before selecting the OVEC contact to be provided for consumers under the PPA Rider.
7. Discussions at any OVEC board of directors meeting from January 1, 2018 through the present date where the retirement of the OVEC plants was discussed.
8. Discussions at any OVEC board of directors or operating committee meeting from January 1, 2018 through the present date where seasonal operation of the OVEC plants was discussed.
9. Any analysis showing the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules.

10. Any analysis showing the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Effluent Limitation Guideline rules.
11. Discussions at any OVEC board of directors meeting from January 1, 2019 through the present date involving the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules or Effluent Limitation Guideline rules.
12. Any resolution of the OVEC board of directors from January 1, 2019 through the present date approving capital investment for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules or Effluent Limitation Guideline rules.
13. Discussions at any OVEC board of directors meeting from January 1, 2018 through the present date involving the possible sale or transfer of any owner's ownership interest in OVEC or contractual entitlement under the Inter-Company Power Agreement.
14. The OVEC policy or procedure from January 1, 2018 through the present date relating to committing the OVEC plants into the PJM Day-Ahead Energy Market.
15. Discussions at any OVEC board of directors meeting or operating committee meeting from January 1, 2018 through the present date involving the OVEC policy or procedure relating to committing the OVEC plants into the PJM Day-Ahead Energy Market.
16. The policy or procedure relating to committing plants into the PJM or MISO Day-Ahead Energy Market that Ohio Power Company or any of its affiliates follows for any plants it owns in PJM or MISO.
17. Discussions with OVEC staff regarding the bid and offer strategies into the PJM or MISO Day-Ahead Energy Markets.
18. Discussions with OVEC staff regarding the bid and offer strategies into the PJM or MISO Capacity Markets.
19. Any financial analysis of projected PJM Energy Market revenues vs. OVEC variable operating cost plus shut-down and start-up costs that OVEC used to decide how to commit the OVEC plants into the PJM Day-Ahead Energy Market from January 1, 2018 through December 31, 2019.
20. Any financial analysis of projected PJM Energy Market revenues vs. OVEC variable operating cost plus shut-down and start-up costs that

OVEC currently uses to decide how to commit the OVEC plants into the PJM Day-Ahead Energy Market.

21. Any financial analysis of projected PJM or MISO Energy Market revenues vs. variable operating cost plus shut-down and start-up costs that Ohio Power Company or any of its affiliates currently use to decide how to commit plants into the PJM or MISO Day-Ahead Energy Market.
22. How much of the amounts collected by AEP from consumers under the PPA Rider in 2018 and 2019 relate to a return on equity and debt service.
23. How the OVEC plants or Inter-Company Power Agreement should be reflected in the AEP Sustainability Report.

Under O.A.C. 4901-1-21(E), the deponent is requested to produce and make available to OCC, at least one day prior to the deposition, the following documents:

Documents to be available during deposition

1. Any analysis showing the projected costs or revenues from the OVEC contract that AEP would collect from or credit to consumers under the PPA Rider.
2. Any analysis showing any comparison between: (a) the projected costs or revenues from the OVEC contract that AEP would collect from or credit to consumers under the PPA Rider; and (b) projected PJM market prices.
3. Any analysis showing the actual costs or revenues from the OVEC contract that AEP has collected from or credited to consumers under the PPA Rider for 2018 and 2019.
4. Any analysis showing any comparison between: (a) the actual costs or revenues from the OVEC contract that AEP has collected from or credited to consumers under the PPA Rider; and (b) actual PJM market prices for 2018 and 2019.
5. All documents relating to any competitive bidding process that AEP used before selecting the OVEC contact to be provided for consumers under the PPA Rider.
6. All documents relating to any analysis performed by AEP to show that the OVEC contract would be the least-cost resource available to serve consumers before selecting the OVEC contact to be provided for consumers under the PPA Rider

7. Any retirement study for the OVEC plants or analysis of retiring the OVEC plants during the past ten years.
8. Any depreciation study for the OVEC plants during the past ten years.
9. Any study of possible seasonal operation of the OVEC plants or analysis of seasonal operation of the OVEC plants during the past five years.
10. Copies of minutes from any OVEC board of directors meeting or operating committee meeting from January 1, 2018 through the present date where the retirement of the OVEC plants was discussed.
11. Copies of minutes from any OVEC board of directors meeting or operating committee meeting from January 1, 2018 through the present date where any depreciation study of the OVEC plants was discussed.
12. Copies of minutes from any OVEC board of directors meeting or operating committee meeting from January 1, 2018 through the present date where seasonal operation of the OVEC plants was discussed.
13. Any analysis showing the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules.
14. Copies of any analysis showing the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Effluent Limitation Guideline rules.
15. Copies of minutes from any OVEC board of directors meeting from January 1, 2019 through the present date where the directors discussed the cost for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules or Effluent Limitation Guideline rules.
16. Copies of any resolution of the OVEC board of directors from January 1, 2019 through the present date approving capital investment for improvements to the OVEC plants needed to comply with the U.S. EPA's Coal Combustion Residual rules or Effluent Limitation Guideline rules.
17. All documents relating to any discussions at any OVEC board of directors meeting from January 1, 2018 through the present date involving the possible sale or transfer of any owner's ownership interest in OVEC or contractual entitlement under the Inter-Company Power Agreement.
18. Copies of any OVEC policy or procedure from January 1, 2018 through the present date relating to committing the OVEC plants into the PJM Day-Ahead Energy Market.

19. Copies of any minutes from any OVEC board of directors meeting or operating committee meeting from January 1, 2018 through the present date involving any discussion of the OVEC policy or procedure relating to committing the OVEC plants into the PJM Day-Ahead Energy Market.
20. Copies of communications with OVEC staff regarding the bid and offer strategies into the PJM or MISO Day-Ahead Energy Markets.
21. Copies of communications with OVEC staff regarding the bid and offer strategies into the PJM or MISO Capacity Markets.
22. Copies of the policy or procedure relating to committing plants into the PJM or MISO Day-Ahead Energy Market that Ohio Power Company or any of its affiliates follows for any plants it owns in PJM or MISO.
23. Copies of any financial analysis of projected PJM Energy Market revenues vs. OVEC variable operating cost plus shut-down and start-up costs that OVEC used to decide how to commit the OVEC plants into the PJM Day-Ahead Energy Market from January 1, 2018 through December 31, 2019.
24. A sample copy of any financial analysis of projected PJM Energy Market revenues vs. OVEC variable operating cost plus shut-down and start-up costs that OVEC currently used to decide how to commit the OVEC plants into the PJM Day-Ahead Energy Market.
25. A sample copy of any financial analysis of projected PJM or MISO Energy Market revenues vs. variable operating cost plus shut-down and start-up costs that Ohio Power Company or any of its affiliates currently use to decide how to commit plants into the PJM or MISO Day-Ahead Energy Market.
26. All documents reflecting how much of the amounts collected by AEP from consumers under the PPA Rider in 2018 and 2019 relate to a return on equity and debt service.
27. All documents and communications from January 1, 2019 through the present date relating to how the OVEC plants or Inter-Company Power Agreement should be reflected in the AEP Sustainability Report
28. A copy of the annual report for OVEC for 2021.
29. A copy of the re-offering circular of Ohio Air Quality Development Authority bonds relating to OVEC dated September 16, 2021.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

/s/ John Finnigan  
Christopher Healey (0086027)  
Counsel of Record  
William Michael (0070921)  
John Finnigan (0018689)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Healey]: (614) 466-9571  
Telephone [Michael]: (614) 466-1291  
Telephone [Finnigan]: (614) 466-9585  
[christopher.healey@occ.ohio.gov](mailto:christopher.healey@occ.ohio.gov)  
[william.michael@occ.ohio.gov](mailto:william.michael@occ.ohio.gov)  
[john.finnigan@occ.ohio.gov](mailto:john.finnigan@occ.ohio.gov)  
(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice to Take Deposition was provided electronically to the persons listed below this 19th day of November 2021.

/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**

[kyle.kern@ohioAGO.gov](mailto:kyle.kern@ohioAGO.gov)  
[thomas.lindgren@ohioAGO.gov](mailto:thomas.lindgren@ohioAGO.gov)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

Attorney Examiners:  
[sarah.parrot@puco.ohio.gov](mailto:sarah.parrot@puco.ohio.gov)  
[greta.see@puco.ohio.gov](mailto:greta.see@puco.ohio.gov)

[stnourse@aep.com](mailto:stnourse@aep.com)  
[mpritchard@mcneeslaw.com](mailto:mpritchard@mcneeslaw.com)  
[rglover@mcneeslaw.com](mailto:rglover@mcneeslaw.com)  
[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)  
[megan.wachpress@sierraclub.org](mailto:megan.wachpress@sierraclub.org)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[donadio@carpenterlipps.com](mailto:donadio@carpenterlipps.com)  
[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**11/19/2021 11:45:07 AM**

**in**

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

Summary: Notice of Deposition Notice to take Deposition of AEP and Request for Production of Documents by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J. Greene on behalf of Finnigan, John