

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Ohio Power Company)	
)	
Complainant,)	
)	
v.)	Case No. 21-990-EL-CSS
)	
Nationwide Energy Partners, LLC)	
)	
Respondent.)	

NOTICE OF DEPOSITION TO OHIO POWER COMPANY
PURSUANT TO OAC 4901-1-21(F)

Please take notice that, pursuant to Rule 4901-1-21(F) of the Ohio Administrative Code (“O.A.C.”), Nationwide Energy Partners, LLC (“NEP”) will take the deposition of Ohio Power Company (“AEP Ohio”) on the following topics:

Rule 4901-1-21(F) Deposition Topics

1. The five apartment complexes at issue in this case, including, but not limited to, AEP Ohio’s:
 - a. Receipt of the work order and/or construction requests on behalf of the five apartment complex owners in October 2020 and August 2021.
 - b. Correspondence with NEP regarding the work order and/or construction requests on behalf of the five apartment complex owners.
 - c. The person or persons who made the decision to deny the requests to reconfigure the five apartment complexes.
 - d. The denial of the requests as evidenced by AEP Ohio’s September 24, 2021 denial letter.
 - e. The October 2021 submittal of requests to convert the five apartment complexes to master-metered configuration by Kris Richardson.

- f. The scheduling of AEP Ohio to convert the five apartment complexes to master-metered configuration.
- g. Meetings with NEP regarding the work order and/or construction requests on behalf of the five apartment complex owners.
- h. Progress on work orders and/or construction requests at the five apartment complexes.
- i. AEP Ohio's work on the work orders and/or construction requests at the five apartment complexes.
- j. Any financial analyses AEP Ohio did on the five apartment complexes, including, but not limited to, any loss of revenue if any of the complexes converted to master-metered configuration.
- k. AEP Ohio's work on the conversion of the five apartment complexes to master-metered configuration since the stay issued in this proceeding.

2. The financial analyses referred to in AEP Ohio's responses to NEP-INT-02-005 and NEP-INT-007.

3. The letters sent to various tenants similar in form to the letter attached as Exhibit D to NEP's Counterclaim in this proceeding, including but not limited to:

- a. Who authorized the sending of the letter.
- b. The decision to send the letter.
- c. The basis for sending the letter.
- d. Whether similar letters have been sent previously to multi-family properties other than the five apartment complexes.

4. AEP Ohio's claim that "[i]f AEP Ohio were forced to abandon service to the Apartment Complex Customers, AEP Ohio would also lose an opportunity to invest capital at the Apartment Complexes" stated at paragraph 74 of the Complaint.

5. AEP Ohio's status quo policy on master-meter conversions including but not limited to:

- a. Who approved the policy.
- b. The tariff provisions on which the policy is based.
- c. When the policy was put in place.
- d. The basis for the policy.

6. AEP Ohio's status quo policy on new master-meter construction including but not limited to:

- a. Who approved the policy.
- b. The tariff provisions on which the policy is based.
- c. When the policy was put in place.
- d. The basis for the policy.

7. AEP Ohio's tariff provisions in place as of September 24, 2021 regarding the resale of electricity.

8. AEP Ohio's tariff provision currently in place regarding the resale of electricity.

9. AEP Ohio's understanding of the changes in law and/or tariff that authorized AEP Ohio to change its prior practice of allowing multi-family properties to convert to master-metered service.

10. AEP Ohio's understanding of whether NEP is an "electric light company" under R.C. 4905.03(C).

11. Whether AEP Ohio acts as an agent of owners of multifamily residential communities.

12. AEP Ohio's understanding of agents of owners of multifamily residential communities and whether agents can act on behalf of those owners.

13. AEP Ohio's use of "agents" under its tariffs and/or use of agency agreements.

14. AEP Ohio's customer authorization form for third party representatives of AEP Ohio customers including but not limited to:

- a. The use of the form.
- b. The scope of authorization the form provides.
- c. The provision in AEP Ohio's tariff on which the form is based.

15. AEP customer authorization forms for the five apartment complexes designating NEP as a third party customer representative.

16. AEP Ohio's claims that NEP is "engaged in the business of supplying electricity" as stated at paragraph 50 of the Complaint.

17. How and from whom NEP allegedly "purchases" electric service.

18. How and to whom NEP allegedly "sells" electric service.

19. The statements in Angie Rybalt's December 17, 2021 affidavit, including that:

- a. NEP establishes its own address as the billing address for the account (§ 6).
- b. AEP Ohio's current practices concerning the provision of master-metered service to multifamily buildings (§ 7-12).

20. AEP Ohio's process for review of requests to purchase AEP infrastructure at multifamily properties, including but not limited to:

- a. The process for submitting and reviewing such requests.

- b. Any required approvals from management.
- c. Lost revenue considerations.

21. The AEP Ohio customer for the accounts of existing buildings submetered by NEP as referenced in Angie Rybalt's December 17, 2021 affidavit.

22. The competitive retail electric supplier for the accounts of the existing buildings submetered by NEP as referenced in Angie Rybalt's December 17, 2021 affidavit.

23. AEP Ohio's submetering initiative as referenced in NEP-RPD-03-006 Attachment 1 at Page 18 of 968.

24. AEP Ohio's project team to convert multi-family submetered properties to AEP Ohio residential service.

25. AEP Ohio's provision of submetering services to multi-family complexes.

26. The document identified as NEP-RPD-01 Confidential Attachments, page 3 of 93 consisting of email communications.

27. The document that appears to be a powerpoint presentation starting at NEP-RPD-01-011 – Supplemental Attachment 1 – Confidential, Page 1072 of 1387.

28. The Angie Engle communication identified as NEP-RPD-03-006 Attachment 1, page 942 of 968 and the attachments following at page 943-947.

29. AEP Ohio's water metering pilot initiative referenced in a July 22, 2021 email from Laura McCabe to Michael Ganio and Checobia Crawford (NEP-RPD-03-006 Attachment 1 page 109 of 968).

30. AEP Ohio communications and meetings with the City of Columbus since October 2020 regarding electric and/or water metering including, but not limited to, the communication at NEP-RPD-03-006 Attachment 1, page 751 of 968.

31. Any financial analyses conducted by AEP Ohio regarding revenues from multi-family properties completed since January 1, 2020.

32. The document identified as NEP-RPD-02-003 Confidential, including but not limited to:

- a. When the document was prepared.
- b. Who prepared the document.
- c. Why was the document prepared.
- d. Who directed that the analysis in the document be conducted.
- e. Who directed that the document be prepared.

33. All goods and services that AEP Ohio provides to master-metered multi-family properties.

34. Any contracts executed by AEP Ohio in 2022 to allow multi-family properties to convert to master-metered service.

35. AEP Ohio's contracts with the multi-family residential communities regarding the reconfiguration of electric services in 2021 and 2022, including, but not limited to Oak Creek Apartments LLC (NEP-INT-04 Supplemental Attachment 1).

36. The correspondence and negotiations with multi-family residential communities in 2021 and 2022 regarding the reconfiguration of electric services, including, but not limited to Oak Creek Apartments LLC (NEP-INT-04 Supplemental Attachment 1).

37. The goods, services, and type and nature of equipment that AEP Ohio will provide to multifamily residential communities that reconfigure electric service to a master-meter configuration, including, but not limited to Oak Creek Apartments LLC (NEP-INT-04 Supplemental Attachment 1).

38. AEP Ohio's SWAT team including its formation, activities and goals.
39. Solicitations by AEP Ohio to properties considering master-metered configurations or that have existing master-metered configurations since September 1, 2021.
40. AEP Ohio's participation (or lack thereof) in proposed submetering legislation.
41. AEP Ohio's receipt of and process by which to approve or deny work orders, such as those work orders submitted on behalf of the five apartment complexes in October 2020.
42. AEP Ohio's work order system that houses, controls, and/or includes work orders, such as those work orders submitted on behalf of the five apartment complexes in October 2020.
43. AEP Ohio's communications (including communications by legal counsel) with any other electric distribution utility (including its legal counsel) including, but not limited to, Ohio Edison, the Toledo Edison Company, the Cleveland Electric Illuminating Company, AES Ohio, and Duke Energy of Ohio, between October 1, 2020 and the present date referring to or relating to submetering, master meter service, or NEP.
44. AEP Ohio's meter installation guidelines and requirements described in the document identified as NEP-RPD-03-006 Attachment 1, Page 81 of 968.

The deposition will take place at the offices of Vorys, Sater, Seymour and Pease LLP, 52 East Gay Street, Columbus, Ohio 43215. The deposition will be taken by a person authorized to administer oaths in the place where the deposition is taken. The deposition will commence at 9:00 a.m. on July 13, 2022 and will continue from day to day thereafter until completed.

Pursuant to O.A.C. 4901-1-21(E) and 4901-1-20, the deponent(s) named by AEP Ohio pursuant to O.A.C. 4901-1-21(F) is/are directed to produce at the time of the depositions all

documents relied upon in preparing for this deposition, including responses to discovery requests and any workpapers or backup documentation.

Respectfully submitted,

/s/ Michael J. Settineri

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on this 16th day of June, 2022 upon all persons listed below:

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/s/ Michael J. Settineri

Michael J. Settineri

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on
6/16/2022 11:38:00 AM**

in

Case No(s). 21-0990-EL-CSS

Summary: Notice of Deposition to Ohio Power Company Pursuant to OAC 4901-1-21(F) electronically filed by Mr. Michael J. Settineri on behalf of Nationwide Energy Partners, LLC