

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Moraine Wind LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 21-516-EL-REN
)	
In the Matter of The Application of Rugby Wind LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 21-517-EL-REN
)	
In the Matter of The Application of Elm Creek II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 21-531-EL-REN
)	
In the Matter of The Application of Buffalo Ridge II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 21-532-EL-REN
)	
In the Matter of The Application of Barton Windpower 1 for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 21-544-EL-REN
)	
In the Matter of The Application of Barton Windpower, LLC for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility.)	Case No. 22-380-EL-REN

**RENEWED MOTION FOR SANCTIONS
BY
APPLICANTS MORAINE WIND LLC, RUGBY WIND LLC,
ELM CREEK WIND II LLC, BUFFALO RIDGE II LLC, BARTON WINDPOWER 1,
BARTON WINDPOWER, LLC, AND AVANGRID RENEWABLES, LLC**

Carbon Solutions Group, LLC (CSG) has demonstrated through its pattern of behavior that it simply has no intention of participating in these proceedings in good faith. For more than ten

months, Applicants Avangrid Renewables, LLC (Avangrid Renewables) and its wholly-owned subsidiaries, Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Barton Windpower 1, and Buffalo Ridge II Wind LLC and Barton Windpower (collectively, the Applicants), have been unable to secure substantive discovery responses from CSG. Despite being ordered twice by the Public Utilities Commission of Ohio (Commission) to respond to Applicants' discovery,¹ CSG continues to refuse to do so.

After their good faith efforts to resolve the ongoing discovery dispute were met with months of delay from CSG, the Applicants filed a Motion to Compel.² The Commission subsequently granted the Applicants' Motion to Compel, and directed CSG to "answer the interrogatories and provide the requested documents within two weeks."³ However, CSG again refused to do so. The Applicants made further good faith efforts to resolve the discovery dispute, and CSG responded with more denials and delays. As a result, the Applicants filed a Motion for Sanctions on July 11, 2022.⁴

The Commission offered CSG one final opportunity to comply with CSG's discovery obligations and to avoid the imposition of sanctions, but invited the Applicants to renew their Motion for Sanctions should CSG "fail to follow the attorney examiner's directive to provide answers and documents *yet again*."⁵ Unsurprisingly, despite an additional attempt by the

¹ See Entry at ¶ 27 (Apr. 5, 2022) ("Carbon Solutions should answer the interrogatories and provide the requested documents within two weeks."); Entry at ¶ 15 (Sept. 1, 2022) ("Carbon Solutions should provide substantive answers and documents in response to the pending discovery requests within seven days of this Entry.").

² See Motion to Compel Responses to Discovery (Feb. 1, 2022) (Motion to Compel).

³ See Entry at ¶ 27 (Apr. 5, 2022).

⁴ See Motion for Sanctions (July 11, 2022).

⁵ Entry at ¶ 15 (Sept. 1, 2022) (emphasis added).

Applicants to once again resolve the discovery dispute given the impending hearing,⁶ CSG continues to refuse to comply. To date, CSG has not provided Applicants with any meaningful discovery responses or produced any documents. CSG continues to ignore multiple direct orders of the Commission, which is prejudicial to the Applicants and the preparation of their case.

If a party disobeys a Commission order compelling discovery, Ohio Adm.Code 4901-1-23 authorizes the Commission to impose a number of sanctions.⁷ The Commission may prohibit the disobedient party from further participating in the pending proceedings;⁸ prohibit the disobedient party from supporting or opposing designated claims or defenses;⁹ or prohibit the disobedient party from introducing evidence or conducting cross-examination on designated matters, among other things.¹⁰

For the reasons set forth in the attached Memorandum in Support, the Applicants respectfully request that the Commission issue sanctions against CSG for continued, willful, bad-faith violations of the Commission's April 5, 2022 Entry and September 1, 2022 Entry. The Commission should prohibit CSG from further participating in these proceedings pursuant to Ohio Adm.Code 4901-1-23(F)(2). Alternatively, pursuant to Ohio Adm.Code 4901-1-23(F)(3), the Commission should prohibit CSG from presenting evidence, cross examining witnesses, or otherwise supporting its positions set forth in its testimony regarding the Commission's deliverability standards.

⁶ See Affidavit Of Angela Paul Whitfield In Support Of Renewed Motion For Sanctions, attached hereto as Exhibit 1, Attachments A and C.

⁷ Ohio Adm.Code 4901-1-23(F).

⁸ Ohio Adm.Code 4901-1-23(F)(2).

⁹ Ohio Adm.Code 4901-1-23(F)(3).

¹⁰ *Id.*

Therefore, pursuant to Ohio Adm.Code 4901-1-12 and 4901-1-23, and the Commission's September 1, 2022 Entry, the Applicants hereby renew their Motion for Sanctions.

Respectfully Submitted,

/s/ Angela Paul Whitfield

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Moraine)
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Renewable Energy Resource Generating)
Facility.)

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Renewable Energy Resource Generating)
Facility.)

In the Matter of The Application of Barton)
Windpower 1 for Certification as an Eligible) Case No. 21-544-EL-REN
Ohio Renewable Energy Resource Generating)
Facility.)

In the Matter of The Application of Barton)
Windpower, LLC for Certification as an) Case No. 22-380-EL-REN
Eligible Ohio Renewable Energy Resource)
Generating Facility.)

MEMORANDUM IN SUPPORT

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I. INTRODUCTION

The Applicants issued their First Set of Discovery (Discovery Requests) to CSG on November 11, 2021 pursuant to their statutory right to discovery.¹¹ CSG failed to respond substantively to the Discovery Requests, instead responding to each and every Request with the same two unsupported objections. CSG did not raise any other objections or reserve its right to do so. After CSG refused to supplement their responses despite the Applicants' good faith efforts,¹² the Applicants were forced to file a Motion to Compel Responses to Discovery on February 1, 2022.¹³

The Commission granted the Motion to Compel, finding that:

Carbon Solutions' first objection no longer applies, as the proceeding has now been scheduled for hearing. But even before a hearing is scheduled, Ohio Adm.Code 4901-1-17(A) allows discovery to "begin immediately after a proceeding is commenced." As to the second objection, R.C. 4903.082 ensures "ample rights of discovery" and Ohio Adm.Code 4901-1-16(B) requires information to be produced "if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." The attorney examiner is persuaded that the discovery requests meet the lenient threshold of being reasonably calculated to lead to the discovery of admissible evidence. For these reasons, Carbon Solutions should answer the interrogatories and provide the requested documents within two weeks of the date of this Entry.¹⁴

CSG did not answer the interrogatories or provide the requested documents within two weeks. Instead, CSG responded by unlawfully raising *new* objections and submitting evasive

¹¹ See Motion to Compel Responses to Discovery and Memorandum in Support (Motion to Compel), Exhibit 1 (Affidavit of Angela Paul Whitfield in Support of Motion to Compel Responses to Discovery) (Feb. 1, 2022); *see also* Attachment A, Discovery Requests.

¹² See Motion to Compel at 1-4; *id.*, Exhibit 1 (Affidavit of Angela Paul Whitfield in Support of Motion to Compel Responses to Discovery).

¹³ See Motion to Compel.

¹⁴ See Entry at ¶ 27 (Apr. 5, 2022).

answers.¹⁵ CSG continues to make the strange argument that it “is unable to speak for its counsel.”¹⁶

Once again, the Applicants made good faith efforts to resolve the discovery dispute, reminding CSG’s counsel that the Commission had granted the Applicants’ Motion to Compel, and directed CSG to provide substantive responses.¹⁷ CSG’s counsel continued to refuse to comply. As such, the Applicants were left with no choice but to file a Motion for Sanctions against CSG.¹⁸

The Commission noted that it had already directed CSG to provide discovery responses, stating that “[i]t is important to first note that a motion to compel discovery of the requests at issue was granted on April 5, 2022.”¹⁹ The Commission further stated that CSG “had twenty days to file its objections to discovery requests, and those objections were considered and rejected by the attorney examiner,” and that while CSG was ordered to provide discovery, it was not afforded the opportunity to unlawfully submit additional objections.²⁰ Nevertheless, the Commission offered CSG an additional opportunity to comply with CSG’s discovery obligations and to avoid the imposition of sanctions:

[T]he attorney examiner finds that Carbon Solutions should provide substantive answers and documents in response to the pending discovery requests within seven days of this Entry. Additionally, the motion for sanctions should be deferred at this time. Should Carbon Solutions fail to follow the attorney examiner’s directive to provide answers and documents *yet again*, the attorney examiner invites Applicants

¹⁵ Motion to Compel, Exhibit 1, Attachment A, Supplemental Responses and Objections to First Set of Discovery at INT-01-017.

¹⁶ *Id.*

¹⁷ Motion for Sanctions and Memorandum in Support (Motion for Sanctions), Exhibit 1, Attachment B (July 11, 2022).

¹⁸ *See* Motion for Sanctions.

¹⁹ Entry at ¶ 15 (Sept. 1, 2022).

²⁰ *Id.*

to renew their motion for sanctions, at which time the attorney examiner may look upon the motion more favorably.²¹

As such, the Commission afforded CSG until September 8, 2022, to provide discovery as ordered in the Commission's April 5, 2022 Entry.

Instead, CSG filed a procedurally improper interlocutory appeal.²² In violation of Ohio Adm.Code 4901-1-15(A), CSG failed to file its appeal within five days of the April 5, 2022 Entry which granted the Motion to Compel, instead waiting nearly five months.²³ Furthermore, in violation of Ohio Adm.Code 4901-1-15(B), CSG failed to request certification for its appeal by "the legal director, deputy legal director, attorney examiner, or presiding hearing officer."²⁴

Significantly, CSG did not request a stay of the Commission's September 1, 2022 Entry in its improper interlocutory appeal.²⁵ Moreover Ohio Adm.Code 4901-1-15 does not impose a stay by operation of law upon filing of an interlocutory appeal, nor did the Commission grant a stay at its discretion. As such, CSG was still required to submit its discovery responses by September 8, 2022. Unsurprisingly, CSG failed to do so.

The Applicants once again attempted to resolve the dispute in good faith. Specifically, when CSG did not communicate in any way with the Applicants about the supplemental discovery and did not provide the required supplemental discovery, the Applicants sent CSG's counsel an email, reminding CSG's counsel that the September 8, 2022 had passed, that no stay had been issued in the case, and that CSG was still in violation of the Commission's April 5, 2022 Entry

²¹ Entry at ¶ 15 (Sept. 1, 2022) (emphasis added).

²² See Carbon Solutions Group, LLC's Interlocutory Appeal of the September 1, 2022 Entry (Sept. 6, 2022).

²³ See Memorandum Contra Carbon Solutions Group, LLC's Interlocutory Appeal of Barton Windpower, LLC and Moraine Wind LLC and Elm Creek Wind II LLC and Rugby Wind LLC and Buffalo Ridge II LLC and Barton Windpower LLC and Avangrid Renewables, LLC at 4-5 (Sept. 12, 2022).

²⁴ *Id.* at 3, 5.

²⁵ See *generally* Carbon Solutions Group, LLC's Interlocutory Appeal of the September 1, 2022 Entry (Sept. 6, 2022).

and September 1, 2022 Entry.²⁶ CSG's counsel had no interest in cooperating, and simply provided a snarky reply:: "Thanks for your opinion. Have you let the Commissioners know you've rendered a decision on their behalf?"²⁷ The Applicants brushed aside this unprofessional behavior, and further attempted to communicate with CSG's counsel. Once again, the Applicants sent an email reminding CSG's counsel that the deadline had passed with no supplemental responses and production provided, despite there being no stay in place.²⁸ CSG's counsel simply ignored the email.

It remains clear that CSG and its counsel have no intent of cooperating in these proceedings. Their continued participation serves no end but to unduly delay REN certification and to unjustly prejudice the Applicants. Despite multiple, repeated efforts by the Applicants and multiple orders by the Commission, CSG has yet to provide substantive discovery responses. Nothing short of the relief requested in the Applicants' Motion for Sanctions will cure this behavior.

II. LAW AND ARGUMENT

A. CSG failed to cure any of the grounds for the Applicants' original Motion for Sanctions.

In its September 1, 2022 Entry, the Commission reiterated that it had already overruled CSG's two objections to the Applicants' Discovery Requests, granted the Applicants' Motion to Compel, and directed CSG to provide supplemental discovery.²⁹ The Commission had considered CSG's arguments and disposed of them in its April 5, 2022 Entry. However, like it ignored the April 5, 2022 Entry for several months, CSG has also ignored the September 1, 2022 Entry.

²⁶ See Exhibit 1, Attachment A.

²⁷ *Id.*, Attachment B.

²⁸ *Id.*, Attachment C.

²⁹ Entry at ¶ 15 (Sept. 15, 2022).

In their Motion for Sanctions,³⁰ and Reply in Support,³¹ the Applicants set forth extensive grounds supporting their request for sanctions against CSG. The Applicants noted that CSG continues to refuse to provide substantive responses to the Applicants' Discovery Requests without legal justification, instead attempting to provide evasive non-answers or additional objections in violation of the Commission's April 5, 2022 Entry and Ohio Adm.Code 4901-1-19(A), 4901-1-20(C), and 4901-1-23(B).³² The Applicants also noted that their repeated attempts to resolve this dispute have been met with nothing but delay from CSG.³³ Finally, the Applicants noted how CSG's continued stalling allows CSG to indefinitely delay these proceedings, unjustly prejudicing the Applicants.³⁴

After acknowledging all of these arguments,³⁵ the Commission deferred ruling on the Motion for Sanctions.³⁶ Instead, the Commission offered CSG one more week to comply with the Commission's April 5, 2022 Entry. CSG did not do so.

CSG has not submitted any supplemental discovery responses or document production following the Commission's September 1, 2022 Entry. CSG did not communicate its intent to withhold discovery with the Applicants. CSG did not respond to the Applicants' request that CSG comply with the order. CSG has not taken a single step to attempt to cure the discovery deficiencies noted in both the April 5, 2022 Entry and September 1, 2022 Entry.

³⁰ See Motion for Sanctions at 3-10.

³¹ See Reply In Support Of Motion For Sanctions By Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower 1, Barton Windpower LLC, and Avangrid Renewables, LLC (July 20, 2022) (Reply in Support).

³² Motion for Sanctions at 4-9; Reply in Support at 3-7.

³³ Motion for Sanctions at 9-10; Reply in Support at 7-8.

³⁴ Motion for Sanctions at 10; Reply in Support at 10.

³⁵ See Entry at ¶¶ 12-14 (Sept. 1, 2022).

³⁶ *Id.* at ¶ 15.

Moreover, CSG's filing of a procedurally improper and legally unsupported interlocutory appeal did not vacate this discovery deadline. As the Applicants noted in their memorandum contra, CSG failed to meet the procedural requirements of Ohio Adm.Code 4901-1-15 and did not demonstrate good grounds for an appeal.³⁷ At any rate, Ohio Adm.Code 4901-1-15 does not automatically impose a stay by operation of law upon filing of an interlocutory appeal and CSG did not even request a stay of the September 8, 2022 deadline.³⁸ Nor did the Commission grant a stay. Despite this, CSG simply ignored the deadline.

As such, the original grounds for granting the Motion for Sanctions remain compelling. CSG has ignored and will continue to ignore multiple requests by the Applicants and orders by the Commission that it substantively respond to the Applicants' Discovery Requests. Nothing short of an entry granting sanctions against CSG will bring this recalcitrant behavior to an end.

B. CSG's continued violations cause substantial prejudice for the Applicants.

Since the Applicants submitted their Motion to Compel, CSG's pattern of behavior has exacerbated the undue delays and substantial prejudice imposed on the Applicants. The September 1, 2022 Entry further continued the evidentiary hearing in these proceedings.³⁹ CSG further requested that the Commission vacate this schedule, despite the fact that as a practical matter, it is unlikely that the case could be rescheduled to an earlier date at this point.⁴⁰

Moreover, rather than provide the required supplemental discovery responses, CSG filed a procedurally improper and legally unsupported interlocutory appeal, causing further delay in these

³⁷ See Memorandum Contra Carbon Solutions Group, LLC's Interlocutory Appeal of Barton Windpower, LLC and Moraine Wind LLC and Elm Creek Wind II LLC and Rugby Wind LLC and Buffalo Ridge II LLC and Barton Windpower LLC and Avangrid Renewables, LLC (Sept. 12, 2022).

³⁸ See generally *id.*

³⁹ Entry at ¶ 27 (Sept. 1, 2022).

⁴⁰ See Carbon Solutions Group, LLC's Interlocutory Appeal of the September 1, 2022 Entry at 15 (Sept. 6, 2022).

proceedings. As the Applicants explained in their memorandum contra the interlocutory appeal⁴¹ and the Commission explained in its September 1, 2022 Entry,⁴² the Commission ordered CSG to provide supplemental discovery more than five months ago, in April. CSG waited until September to appeal the discovery order, despite the fact that a party must file an interlocutory appeal within five days of a decision.⁴³ The fact that the Commission reprimanded CSG for ignoring a discovery order for five months does not give them the right to appeal that order out of time. Moreover, CSG failed to follow the requirements of Ohio Adm.Code 4901-1-15(B), by failing to cite to the correct rule and failing to request certification. CSG's appeal is so procedurally deficient that it cannot be said to serve any purpose beyond further delay.

Although the (rescheduled) evidentiary hearing and supplemental testimony deadlines are rapidly approaching, Applicants still do not have the necessary and required information from CSG. Without these responses and documents, the Applicants will not have a meaningful opportunity to prepare supplemental testimony or develop cross-examination of CSG's witnesses.

Moreover, CSG's repeated refusals to comply with the Commission's multiple direct orders has already resulted in the evidentiary hearing in these proceedings being delayed. But further delays in the procedural schedule will only reward CSG and further prejudice the Applicants. The Applicants have already lost millions of dollars in revenue due to the delays in REC certification and spent thousands of dollars defending against frivolous and unnecessary litigation.

⁴¹ Memorandum Contra Carbon Solutions Group, LLC's Interlocutory Appeal of Barton Windpower, LLC and Moraine Wind LLC and Elm Creek Wind II LLC and Rugby Wind LLC and Buffalo Ridge II LLC and Barton Windpower LLC and Avangrid Renewables, LLC at 5(Sept. 12, 2022).

⁴² Entry at ¶ 15 (Sept. 1, 2022).

⁴³ Ohio Adm.Code 4901-1-15(C).

As such, CSG's delay tactics continue to unjustly prejudice the Applicants. After nearly two years, CSG should not be rewarded for continuing this behavior. Instead, the Commission should condemn such behavior and strategies and award sanctions. Again, it is clear that nothing short of sanctions against CSG will end their bad-faith misconduct in this certification process.

C. The Commission should impose sanctions against CSG.

For the reasons stated in the Applicants July 11, 2022 Motion for Sanctions and July 20, 2022 Reply in Support, and as further explained above, the Commission should impose sanctions against CSG pursuant to Ohio Adm.Code 4901-1-23 and the Commission's September 1, 2022 Entry. The Applicants are left with no reasonable means of resolving this ongoing discovery dispute in order to adequately prepare for the evidentiary hearing in these proceedings. Furthermore, CSG has signaled its intent to continue violating the Commission's April 5, 2022 Entry. Allowing CSG to continue to do so does nothing but waste time, money, and judicial resources.

The Commission may impose a number of sanctions pursuant to Ohio Adm.Code 4901-1-23 when a party that disobeys a Commission directive compelling discovery, as CSG continues to do so here.⁴⁴ The Commission may prohibit the disobedient party from further participating in the pending proceeding;⁴⁵ prohibit the disobedient party from supporting or opposing designated claims or defenses;⁴⁶ or prohibit the disobedient party from introducing evidence or conducting cross-examination on designated matters.⁴⁷

⁴⁴ Ohio Adm.Code 4901-1-23(F).

⁴⁵ Ohio Adm.Code 4901-1-23(F)(2).

⁴⁶ Ohio Adm.Code 4901-1-23(F)(3).

⁴⁷ Ohio Adm.Code 4901-1-23(F)(3).

As the Applicants stated in their original Motion for Sanctions,⁴⁸ the Commission should issue sanctions against CSG for continued, willful, bad-faith violation of multiple Commission Entries. The Applicants respectfully request that the Commission prohibit CSG from further participating in these proceedings pursuant to Ohio Adm.Code 4901-1-23(F)(2). Alternatively, pursuant to Ohio Adm.Code 4901-1-23(F)(3), the Commission should prohibit CSG from presenting evidence, cross examining witnesses, or otherwise supporting its positions set forth in its testimony regarding the Commission's deliverability standards.

III. CONCLUSION

CSG continues to exhibit a flagrant disregard for the Commission's rules regarding discovery and the Commission's April 5, 2022 Entry and September 1, 2022 Entry. Despite the fact that the Commission granted the Applicants' Motion to Compel more than five months ago, CSG has refused to engage in further discovery supplementation and document production and continues to introduce new stalling tactics to further unduly delay these proceedings, and to prevent the Applicants from adequately preparing for the evidentiary hearing. It is clear that CSG has no intent of complying, and that nothing short of sanctions will bring these proceedings to a just and expeditious resolution. As such, the Applicants respectfully renew their Motion for Sanctions and request that the Commission impose the relief requested therein.

⁴⁸ See Motion for Sanctions at 11-14.

Respectfully Submitted,

/s/ Angela Paul Whitfield

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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 hereby certifies that a copy of the foregoing document also is being served via electronic mail on October 11, 2022 upon the parties listed below.

/s/ Angela Paul Whitfield

Angela Paul Whitfield (0069402)

Counsel for Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Buffalo Ridge II Wind LLC, Barton Windpower I, Avangrid Renewables, LLC, and Barton Windpower LLC.

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Eligible Ohio Renewable Energy Resource)
Generating Facility.)

EXHIBIT 1

**AFFIDAVIT OF ANGELA PAUL WHITFIELD IN SUPPORT OF
RENEWED MOTION FOR SANCTIONS**

I, Angela Paul Whitfield, attorney for Avangrid Renewables, LLC (Avangrid Renewables) and its wholly-owned subsidiaries, Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek II Wind LLC, Barton Windpower 1, Barton Windpower LLC, and Buffalo Ridge II Wind LLC

(collectively, the Applicants) in the above-captioned cases, being first duly sworn, depose and state that, based on knowledge and information, the following efforts have been made to resolve the discovery dispute with Carbon Solutions Group, LLC (CSG):

1. On February 1, 2022, the Applicants filed a Motion to Compel Responses to Discovery and Memorandum in Support (Motion to Compel). On January 25, 2022, I signed an Affidavit in Support of the Motion to Compel, which the Applicants attached as Exhibit 1 to the Motion to Compel. I hereby incorporate the statements made in the January 25, 2022 Affidavit in Support of the Motion to Compel herein.

2. On April 5, 2022, the Attorney Examiners issued an Entry, granting the Applicants' Motion to Compel and holding that CSG should answer the interrogatories and provide the requested documents within two weeks.

3. After CSG failed to provide substantive responses and requested documents, and after attempting without success to get CSG to cure its failure, the Applicants filed a Motion for Sanctions. I signed an Affidavit in Support of the Motion for Sanctions, which the Applicants attached as Exhibit 1 to the Motion for Sanctions. I hereby incorporate the statements made in the July 11, 2022 Affidavit in Support of the Motion for Sanctions herein.

4. On September 1, 2022, the Attorney Examiners issued an Entry, ordering CSG to provide substantive discovery responses and document production within seven days and deferring a ruling on the Applicants' Motion for Sanctions. The Entry further stated that if CSG failed to provide substantive discovery responses and document production within seven days, the Applicants were welcome to renew their Motion for Sanctions.

5. CSG failed to provide any supplemental discovery responses or documents by September 8, 2022. CSG did not request a stay of the discovery deadline, or communicate its intent with me in any way.

6. In a good-faith effort to resolve the discovery dispute, I sent an email to CSG's counsel, reminding them of the discovery deadline from the September 1, 2022 Entry and requesting CSG supplement their responses and document production pursuant to that deadline. A copy of that email, dated September 14, 2022, is attached hereto as Attachment A.

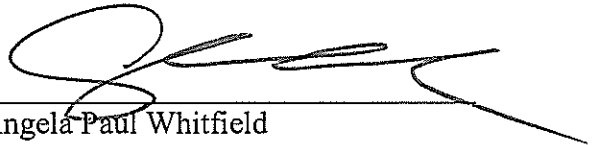
7. CSG's counsel once again responded with an unprofessional email, ignoring the request to supplement discovery, and stating "Thanks for your opinion. Have you let the Commissioners know you've rendered a decision on their behalf?" A copy of that email, dated September 14, 2022, is attached hereto as Attachment B.

8. Once again, I attempted to work with CSG in good faith, and sent CSG's counsel an email stating that CSG had not requested a stay in this case, and had no grounds to continue to ignore the Commission's discovery orders. CSG did not respond or supplement its discovery responses. A copy of that email, dated September 14, 2022, is attached hereto as Attachment C.

9. To date, CSG has not supplemented its discovery responses as directed by the Commission.

10. As set forth above, despite the Applicants' reasonable efforts to resolve this discovery dispute, CSG continues to disobey the Commission's April 5, 2022 Entry and September 1, 2022 Entry.

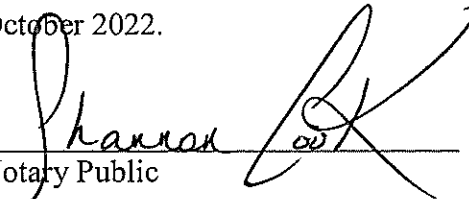
FURTHER AFFIANT SAYETH NAUGHT.


Angela Paul Whitfield

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

The undersigned, being of lawful age and duly sworn on oath, hereby certifies, deposes and state the following:

Subscribed and sworn to before me this 11th day of October 2022.


Notary Public



Shannon Cook
Notary Public, State of Ohio
My Commission Expires 03-08-2026

From: Angela Paul Whitfield
Sent: Wednesday, September 14, 2022 11:02 AM
To: whitt@whitt-sturtevant.com
Subject: Avangrid REN Certifications, Case Nos. 21-516, et al.

Mark:

As you know, on September 1, 2022, the Attorney Examiner issued an Entry that CSG must “provide substantive answers and documents in response to the pending discovery requests within seven days of this Entry.” See Entry, at ¶ 15. As such, the supplemental answers and document productions were due on or before September 8, 2022. Despite the clear order from the Commission, CSG failed to comply again. As of this writing, we have not received a single supplemental answer or a single document as required by the Entry. To be clear, your filing of an interlocutory appeal does not provide an automatic stay of the Entry. In any event, the appeal is procedurally improper inasmuch as the Commission noted in the September 1st Entry that it ordered discovery based on the motion to compel granted back in April. As such, any appeal of that should have happened back in April, but as the Commission noted, no interlocutory appeal was filed then. Thus, CSG is again in violation of the Commission Entry.

Angie

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paul@carpenterlipps.com

ATTACHMENT

A

From: Mark Whitt <whitt@whitt-sturtevant.com>
Sent: Wednesday, September 14, 2022 3:24 PM
To: Angela Paul Whitfield
Subject: Re: Avangrid REN Certifications, Case Nos. 21-516, et al.

Thanks for your opinion. Have you let the Commissioners know you've rendered a decision on their behalf?

Mark A. Whitt

whittsturtevant LLP

The KeyBank Building
88 E. Broad Street, Suite 1590
Columbus, Ohio 43215
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614.804.6034 (mobile)

whitt@whitt-sturtevant.com



From: Angela Paul Whitfield <paul@CarpenterLipps.com>
Date: Wednesday, September 14, 2022 at 11:01 AM
To: Mark Whitt <whitt@whitt-sturtevant.com>
Subject: Avangrid REN Certifications, Case Nos. 21-516, et al.

ATTACHMENT

B

Mark:

As you know, on September 1, 2022, the Attorney Examiner issued an Entry that CSG must “provide substantive answers and documents in response to the pending discovery requests within seven days of this Entry.” See Entry, at ¶ 15. As such, the supplemental answers and document productions were due on or before September 8, 2022. Despite the clear order from the Commission, CSG failed to comply again. As of this writing, we have not received a single supplemental answer or a single document as required by the Entry. To be clear, your filing of an interlocutory appeal does not provide an automatic stay of the Entry. In any event, the appeal is procedurally improper inasmuch as the Commission noted in the September 1st Entry that it ordered discovery based on the motion to compel granted back in

April. As such, any appeal of that should have happened back in April, but as the Commission noted, no interlocutory appeal was filed then. Thus, CSG is again in violation of the Commission Entry.

Angie

Angela Paul Whitfield
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From: Angela Paul Whitfield
Sent: Wednesday, September 14, 2022 4:40 PM
To: Mark Whitt
Subject: RE: Avangrid REN Certifications, Case Nos. 21-516, et al.

Mark:

With all due respect, you missed the point of my email. CSG was ordered to provide supplemental answers and documents productions by September 8th. CSG failed to do so. You did not seek a stay of the Entry so your appeal does not release CSG from that obligation. Again, CSG is in direct violation of a Commission order.

Angie

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ATTACHMENT

C



From: Angela Paul Whitfield <paul@CarpenterLipps.com>
Date: Wednesday, September 14, 2022 at 11:01 AM
To: Mark Whitt <whitt@whitt-sturtevant.com>
Subject: Avangrid REN Certifications, Case Nos. 21-516, et al.

Mark:

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Angie

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Case No(s). 21-0516-EL-REN, 21-0517-EL-REN, 21-0531-EL-REN, 21-0532-EL-REN, 21-0544-EL-REN, 22-0380-EL-REN

Summary: Motion For Sanctions electronically filed by Mrs. Angela Whitfield on behalf of Moraine Wind LLC and Rugby Wind LLC and Elm Creek Wind II LLC and Buffalo Ridge II LLC and Barton Windpower, LLC and Barton Windpower LLC and Avangrid Renewables, LLC