BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

OHIO POWER COMPANY'S MOTION TO QUASH SUBPOENAS, REQUEST FOR EXPEDITED TREATMENT, AND, IN THE ALTERNATIVE, MOTION TO BIFURCATE THE HEARING

Under Ohio Administrative Code ("OAC") 4901-1-25(C), 4901-1-24(A), 4901-1-27, and 4901-1-12(C), Complainant Ohio Power Company ("AEP Ohio") respectfully moves the Commission to quash the October 18, 2022 subpoenas served by Respondent Nationwide Energy Partners, LLC ("NEP") on seven lower-level AEP Ohio employees[1] ("Employee Subpoenas") and on AEP Ohio as an organization ("Corporate Subpoena") seeking to compel their testimony hearing. As discussed in the attachment Memorandum in Support, these subpoenas are untimely, unnecessary, harassing, oppressive, unsupported by NEP's motions, and contrary to the rules. Each subpoena should be quashed.

In addition, because these eleventh-hour subpoenas would, if enforced, double the number of witnesses to be presented at the hearing scheduled to start less than two business days from now – and would require AEP Ohio and its counsel to spend significant effort to prepare

[1] The AEP Ohio employees named in the subpoenas are Checobia Crawford, Customer Services Account Representative; Angie Engle, Customer Services Account Representative Associate; Anthony Greve, Customer Account Manager Principal; Dean Hartzel, Senior Technician; Lisabeth Herzberg, Energy Efficiency & Consumer Program Coordinator; Stephen P. James, Advanced Meter Infrastructure Manager; and Erik Shaas, Customer Design Supervisor.

seven lower-level employees to testify for the first time, thereby distracting from AEP Ohio's preparation for its own presentation at the hearing – AEP Ohio respectfully requests as a matter of due process that the Commission enforce the existing requirement that NEP respond to this Motion by Friday, October 21, 2022, and that the Commission rule on this Motion prior to the start of the hearing on Monday, October 24, 2022. If the Commission enforces NEP's unreasonable and oppressive subpoenas over AEP Ohio's objection, however, AEP Ohio alternatively requests: (1) that the testimony of the subpoena recipients be limited in the manner discussed in the Memorandum in Support below, and (2) that the hearing be bifurcated into two phases, with the second phase being dependent upon a determination of necessity for each witness being made subsequently based on the record created in the first phase of the hearing and with the subpoenaed witnesses appearing during any needed second phase at least one week after the completion of the first (main) phase, so that AEP Ohio has sufficient time to prepare these lower-level employees and first-time witnesses for the oppressive and harassing ordeal to which NEP is attempting to subject them. At a bare minimum, AEP Ohio alternatively requests that the subpoenaed individuals only be questioned as a hostile fact witness and not be required to give any opinion testimony or testify on anything other than their own personal knowledge about the company records NEP seeks to introduce at the hearing.

A memorandum in support is attached.

Respectfully submitted,

/s/ Steven T. Nourse

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MEMORANDUM IN SUPPORT

Under OAC 4901-1-25(C), the Commission may quash any "unreasonable or oppressive" subpoena. The Commission also possesses wide discretion under OAC 4901-1-24 and 4901-1-27 to limit discovery and to limit the evidence to be presented at hearing to avoid unnecessary delay, prevent argumentative or irrelevant evidence, and to assure that the hearing proceeds in an orderly and expeditions manner, among other things. NEP's subpoenas are unreasonable and oppressive for numerous reasons and should be quashed, as discussed below.

I. Because NEP unreasonably delayed in seeking these subpoenas, the Commission should apply the 10-day deadline in OAC 4901-1-25(E), under which the subpoenas are untimely (and no good cause exists to waive this deadline).

Rule 4901-1-25(E) establishes deadlines for all "motions for subpoenas requiring the attendance of witnesses at a hearing." OAC 4901-1-25(E). The rule requires that all such hearing subpoena motions be filed "no later than ten days prior to the commencement of the hearing, or if expedited treatment is requested, no later than five days prior to the commencement of the hearing." *Id.* NEP filed the motions for subpoenas at issue here on October 18, 2022, five days before the hearing is scheduled to commence on October 24, 2022. Although NEP did not meet the 10-day deadline in Rule 4901-1-25(E), NEP asserts (Employee Subpoena Motion at 1, 3-4) that the motions are timely under the 5-day deadline because NEP "seeks expedited treatment of the motion."

The Commission should apply the 10-day deadline in Rule 4901-1-25(E) to NEP's motions and determine that they are untimely. There must be a meaningful difference between the 10-day deadline and the 5-day deadline in the rule. It cannot be enough for a party simply to incant the magic words "expedited treatment," and thereby invoke the 5-day deadline. Rather, a party must put forward *reasons* why expedited treatment is merited.

Here, NEP merely recited the request for "expedited treatment" but did not even attempt to provide any *reasons* why it could not have filed these subpoena motions earlier (before the 10-day deadline). And there is absolutely no excuse since NEP has long held the documents. NEP's entire account of why expedited treatment is appropriate and the 5-day deadline should apply is the following phrase: "and seeks expedited treatment of the subpoena issuance." (Employee Subpoena Motion at 3-4; Corporate Subpoena Motion at 4.) There is no other part of NEP's motion that discusses timing. Surely that cannot be enough to invoke the 5-day deadline or else parties could invoke the 5-day deadline at their own whim and the 10-day deadline in Rule 4901-1-25(E) would be meaningless.[2] NEP's failure to show good cause in its own motion is fatal and cannot be cured by coming up with new reasons in its memo contra AEP Ohio's motion; rather, it is simply a fatal flaw that cannot be cured at this point. For that reason alone, NEP's filing is untimely under the unambiguous 10-day requirement of Rule 4901-1-25(E) and the subpoenas must be quashed.

In addition, as described in more detail below, *see infra* Part III, NEP's principal justification for subpoenaing seven AEP Ohio employees to give testimony at the hearing is its purported need to "authenticate certain email communications." (Employee Subpoena Motion at 1.) But discovery is long since over, and it has been months since AEP Ohio produced

[2] NEP's failure to provide reasons to support its request for expedited treatment should be contrasted with the fact that AEP Ohio *did* provide reasons for expedited treatment in its motions for a subpoena of NEP President T.J. Harper. AEP Ohio explained in its motions for subpoena for Mr. Harper: "Unlike NEP's request for a late addition to the deposition schedule, AEP Ohio has good cause for the last-minute addition. The contract and amendment signature dates (signatures of Mr. Harper) were recently rendered unclear through claims made by NEP counsel at 5:30pm on October 7, 2022 (at the very close of business last week). Further, NEP just announced its corporate deposition representative for the first time (despite numerous requests by AEP Ohio for that information) on Monday, October 10, 2022, so AEP Ohio was not able to assess the need for Mr. Harper to be deposed until now." Ohio Power Company's Motion for a Subpoena and Request for Expedited Treatment at 4 (Oct. 12, 2022); *see also* AEP Ohio Motion for a Subpoena for Hearing Testimony and Request for Expedited Treatment at 3-4 (Oct. 17, 2022) (incorporating the points made in the previous motion and noting that AEP Ohio cannot determine if it needs to compel the testimony of Mr. Harper at hearing until Mr. Harper's deposition, scheduled for October 21, 2022, occurs).

thousands of pages of emails in response to NEP's oppressive document requests. There is no reason why NEP needed to wait until the eleventh-hour, just before hearing, to subpoena these lower-level AEP Ohio employees – unless, as is likely, NEP's true purpose was to harass and oppress AEP Ohio and to distract the Commission from the true question presented in this case. *See infra* Parts V, VI.

Because NEP has utterly failed to explain *why* expedited treatment was necessary, the Commission should apply the 10-day deadline in Rule 4901-1-25(E). For the same reasons, the Commission should hold that NEP did not show "good cause" to waive the 10-day deadline. Showing "good cause" requires a party to give an account of why it could not follow the deadline, and why this explanation constitutes "good cause." Here, again, NEP offered no "cause" whatsoever for failing to seek the subpoenas earlier. And NEP should not be permitted to shore up its request with new reasons in opposition to this motion, as that would be an unfair "sandbagging" tactic. Rather, a subpoena motion itself must contain reasons for seeking expedited treatment (or good cause to waive the deadlines), and having failed to provide either, NEP's motions for subpoena should be denied under the 10-day deadline in Rule 4901-1-25(E).

II. NEP's corporate and individual subpoenas are an untimely and unreasonable attempt to continue discovery through the hearing.

First, the timing of NEP's motion for yet another corporate subpoena only underscores its unreasonableness. As the Commission is aware, the parties previously disputed the order of depositions, and NEP filed a motion to compel a corporate deposition under OAC 4901-1-21(F). The parties then reached a compromise in which, among other things, AEP Ohio withdrew a motion for sanctions, and the parties agreed that "one round of depositions will occur after the filing of testimony," and "[e]ach party, respectively, will nominate their corporate deponents, which may or may not be a witness in the case. . . . And if it is the witness, then it will be a two-

part or a two-purpose deposition; the witness will be the corporate deponent as well as the witness deponent." Transcript of July 28, 2022 Hearing at 6-7, Case No. 21-990-EL-CSS (counsel for AEP Ohio explaining the compromise agreement). Part of the agreement (for which AEP Ohio withdrew an open-and-shut request for sanctions against NEP for directly failing to comply with an order compelling NEP to comply with discovery requests) was NEP withdrawing its July 11, 2022 Motion to Compel. That NEP Motion was seeking to subpoena multiple corporate witnesses leading up to the then-scheduled hearing. It was the same issue and an agreement to resolve it was to conduct one corporate deposition – just because the hearing was rescheduled, that does not reset all of the procedural rights or discard compromise agreements on those issues that were reached on the eve of the original hearing date. It was the same inefficient approach NEP sought to engage in prior to the original hearing and the parties specifically reached an agreement to not engage in that approach. We agreed to do one corporate deposition. Regardless, NEP's reliance on Rule 25(F) here to obtain subpoenas for the hearing (versus a deposition) is procedurally improper, as further discuss below.

Second, the additional individual subpoenas are also flawed as further explained herein. It was also misleading and inappropriate for NEP to pursue the one subpoena (for Angie Rybalt) and portray the need for her personally to appear as its last ditch effort that was crucial – only to file a dramatically expanded additional request for another seven witnesses the very next day after obtaining a favorable ruling to proceed with the final extension of discovery. On the subject of sandbagging, since NEP put virtually no basis supporting its latest subpoena motion, NEP should not be permitted to file a memo contra that raises new arguments regarding the seven subpoenas – especially since the untimeliness of NEP's motion requires AEP Ohio to seek expedited rulings and precludes AEP Ohio from filing a reply. It would be unfair under these

circumstances for NEP to not raise their reasons in their motion for subpoenas and put all of its substantive arguments out for the first time in its memo contra motion to quash. If that does occur, AEP Ohio should be given a chance to address those matters orally at Monday's hearing prior to a decision on those subpoenas.

In reality, NEP will necessarily fail to demonstrate any good cause for why it waited so long after receiving the internal AEP Ohio correspondence to seek subpoenas. The truth is that there is no excuse and NEP has certainly offered none in obtaining the late subpoenas. It is undisputed that NEP has had the referenced emails for months and could have sought this information earlier in the case. NEP did not seek to depose these witnesses and therefore has no idea what they will say. It is also telling that NEP's latest maneuver come one day after AEP Ohio filed a motion to strike many of the same emails that were attached to NEP witness Ringenbach's testimony. Because NEP had long planned to rely on the Ringenbach testimony to try and improperly get the emails into evidence, this new effort is an untimely backup plan quickly developed to fix its prior miscalculation.

It is apparent that NEP is desperately trying to backfill its counterclaims with any possible evidence it can discover, even using the hearing process to continue discovery – even though it has already been afforded extensive and sweeping discovery rights in this case as has already been recognized by the Attorney Examiners. This is clearly just a fishing expedition and an unreasonable attempt to extend discovery not only beyond the discovery deadline but well into the hearing. And NEP is unfairly exploiting the Attorney Examiner's ruling this week regarding the subpoena of Angie Rybalt. "You gave them an inch and they took a mile." As should always be the case on the eve of a hearing, discovery is over and the Commission needs to cut NEP off.

III. NEP's subpoenas are unreasonable and oppressive because NEP's purported need to authenticate documents is a pretext for improperly continuing discovery activities into the hearing process; AEP Ohio was not previously asked to do so by NEP but will stipulate to the authenticity of Company documents produced in discovery.

NEP's principal justification for subpoenaing seven AEP Ohio employees to give testimony at the hearing is its purported need to "authenticate certain email communications." (Employee Subpoena Motion at 1.) This justification is a transparent pretext that exposes NEP's true motivation to harass AEP Ohio and its employees and distract from the main question in this case – whether NEP is unlawfully acting as a public utility. NEP's motion was the first time that AEP Ohio had heard of any questions concerning the authenticity of AEP Ohio emails, and NEP *never* attempted to reach an agreement with AEP Ohio regarding the authenticity of these emails.

If NEP had contacted AEP Ohio concerning authenticity, it would have learned that AEP Ohio will not dispute the authenticity of a document that AEP Ohio produced in discovery, so long as it is a true and accuracy copy and contains the complete document as produced (*i.e.,* is not an excerpt). This reasonable approach to authenticity is standard practice in Commission proceedings and completely alleviates NEP's need to subpoena seven AEP Ohio employees in order to "authenticate certain email communications." (Employee Subpoena Motion at 1.)

Authenticity, of course, is not the same as admissibility, and AEP Ohio reserves the right to oppose the *admission* of (otherwise authentic) AEP Ohio emails on evidentiary grounds such as relevance, hearsay, prejudice, unduly delay, and the like – with the specific grounds depending on the document in question. NEP's purported need to authenticate documents, however, is irrelevant to these admissibility issues and is completely mooted by AEP Ohio's commitment regarding the authenticity of Company documents produced in discovery. NEP, moreover, does not need to subpoena seven AEP Ohio employees to make arguments concerning the admissibility of emails. These seven employees have nothing to offer with respect to purely

legal evidentiary issues such hearsay, prejudice, or undue delay. With respect to relevance, once authenticated (to which AEP Ohio agrees, as discussed above), the contents of emails speak for themselves, and NEP can make its case that an email is relevant based on the text of the email. Moreover, NEP provided absolutely *no explanation* in its motion for a subpoena for why any of these seven employees might somehow be needed for NEP to establish the admissibility of an email (as opposed to authenticity).

IV. NEP's subpoenas are unreasonable and oppressive because NEP's motion utterly fails to demonstrate how the testimony of these lower-level AEP Ohio employees is "important" to NEP's defenses and counterclaims.

NEP baldly claims (Employee Subpoena Motion at 3) that the testimony of seven lower-level AEP Ohio employees is somehow "important for the development of an evidentiary record in this case and to support NEP's defenses and counterclaims," but apart from the issue of authenticity (which is mooted by AEP Ohio's stipulation described above), NEP provides *no explanation* for *how* these lower-level AEP Ohio employees are "important" to NEP's "defenses and counterclaims." NEP fails even to explain what knowledge NEP believes these lower-level AEP Ohio employees have or what topics on which NEP expects to ask questions of these employees. Given how harassing and oppressive these eleventh-hour subpoenas are, NEP's failure to provide any explanation for how these lower-level employees fit into its case is incredible – and sufficient grounds on its own to quash the subpoenas. Again, furthermore, NEP should not be permitted to shore up its request with new reasons in opposition to this motion as that would be an unfair "sandbagging" tactic.

Moreover, NEP's purported need for these employees' testimony at hearing is completely undermined by the incredible volume of information that NEP's has already been granted access to in this case. NEP has had reems of discovery from AEP Ohio. AEP Ohio has already endured over 20 hours of NEP's depositions of just the witnesses who prefiled testimony for AEP Ohio

(with the additional deposition of Ms. Rybalt taking place today, October 20, 2022). At the hearing, furthermore, NEP will be able to cross-examine AEP Ohio witness Jon Williams, Managing Director of Customer Experience and Distribution Technology, concerning NEP's counterclaims. In addition, NEP has already been permitted (over AEP Ohio's objection) to subpoena and compel the hearing testimony of Angie Rybalt, AEP Ohio Director of Customer Experience, to continue its fishing expedition into its alleged counterclaims. This is more than enough opportunity for NEP to attempt substantiate its counterclaims.

Based on the proposed schedule received late yesterday afternoon, NEP actually plans to build its entire evidence presentation on the foundation of these new witnesses – none of which have filed testimony or been deposed to date. By itself, this maneuver smacks of desperation and is clearly untimely, but it is also absurd on the eve of the hearing to suggest their entire presentation needs to be built up from these subpoenaed witnesses first testifying. It is patently unreasonable and the subpoenas should be quashed.

V. NEP's subpoenas are unreasonable and oppressive because they will force AEP Ohio to focus its time and resources in the days leading up to hearing (and during hearing) on preparing seven lower-level employees for their first time testifying before the Commission.

The seven subpoenaed AEP Ohio employees hold relatively lower-level positions at the Company, and they have not previously testified before the Commission. If the Commission does not quash NEP's untimely subpoenas, AEP Ohio's attorneys will be forced to spend considerable time preparing these employees for their testimony. This preparation will occur in the days before the hearing and must necessarily extend through the hearing itself. This will district AEP Ohio from preparing for the hearing in this proceeding, and is plainly harassing and oppressive.

Throughout these proceedings, NEP's main defense has been scorched earth litigation, motion after motion, dispute after dispute, and oppressive discovery. NEP now seeks to double the number of testifying witnesses and to compel seven relatively lower-level AEP Ohio employees to testify before the Commission – all on the eve of the hearing. NEP's strategic ploy in doing this is obvious: NEP wants to harass and distract AEP Ohio's witnesses and counsel in order to undermine AEP Ohio's presentation of evidence at hearing. This tactic is unfair, unjust, unreasonable, oppressive, and harassing, and it should not be tolerated by the Commission.

VI. NEP's subpoenas are unreasonable and oppressive because they are irrelevant to the principal question in this case – whether NEP is unlawfully operating as a public utility – and thus a continuation of NEP's strategic ploy to distract the Commission from answering that question.

NEP was originally granted leave to add its counterclaims to this case – over six months after AEP Ohio filed this complaint – because there was "little prejudice to AEP Ohio in granting leave to NEP to file these amendments." Entry ¶ 23 (Apr. 4, 2022). That prejudiced has since manifested in countless ways. Faced with an imminent reckoning on its unlawful business model, NEP is using its alleged counterclaims to kick up as much dust as possible and to distract the Commission from the paramount question of importance the Commission must answer in this case – namely, in accordance with the *Wingo* remand decision of the Supreme Court of Ohio, whether NEP is unlawfully operating as a public utility under Ohio law.

In sum, NEP improperly seeks to prop up its counterclaims through discovery *during the hearing.* NEP should not be allowed to continue to desperately fish for information to substantiate its unsupported counterclaims – to kick up more dust to evade the central question in this proceeding – without stating reasonable grounds to continue to pursue them. Consistent with the procedural schedule established in this case and with general tenets of due process,

discovery should be completed prior to starting a hearing and parties should be permitted time to organize their presentation and cross examination for the upcoming hearing.

As described above, NEP made no attempt to explain the "importance" of these AEP Ohio employees to its counterclaims (beyond the now-mooted issue of authentication), or why NEP failed to seek these employees' testimony during the discovery process in this case. These subpoenas are simply more NEP dust kicking. They must be quashed.

VII. NEP's subpoenas are unreasonable and oppressive because allowing NEP to go forward with these subpoenas would set a bad precedent in which parties to Commission proceedings may compel the testimony of lower-level Company employees for mere fishing expeditions during the evidentiary hearing.

It is customary in Commission proceedings for the Company to put forward witnesses who are able to speak on behalf of the Company and discuss a number of topics in their testimony. It is accepted that it would be wasteful and inefficient to require testimony from every possible Company employee with knowledge of an issue. As noted above, at the hearing here, NEP will be able to question two AEP Ohio leaders concerning all the topics NEP has raised in its counterclaim – Jon Williams, Managing Director, and Angie Rybalt, Director. This is consistent with the customary practice in Commission proceedings.

NEP, however, now seeks to go far beyond this customary practice by subpoenaing seven relatively lower-level employees, many of whom report to Mr. Williams and Ms. Rybalt. These employees are not AEP Ohio decisionmakers on the topics in question and are not authorized or qualified to speak on behalf of the Company on these topics. Their questioning by NEP will be hostile cross examination. NEP should not be allowed to intimidate and harass these non-management subpoenaed employees when there are Company management representatives who can answer NEP's questions on behalf of the Company. If NEP is allowed to do so, it would set a bad precedent. And consider how much longer Commission proceedings would take – and

how much of the Commission's and parties' resources would be needlessly wasted – if parties to Commission proceedings were permitted to double the number of witnesses on the eve of hearing by subpoenaing lower-level employees. Such a requirement should be avoided and the subpoenas here should be quashed.

VIII. There is no basis in the rules to subpoena an organization for hearing testimony on designated topics, and this alone is reason to quash the organization subpoena.

NEP's Corporate Subpoena lists "Ohio Power Company" as the subpoena recipient and recites four "topics" on which "NEP intends to call AEP Ohio to testify." (Corporate Subponea at 3-4.) This Corporate Subpoena should be quashed for the additional reason that there is no basis in the rules to subpoena an organization for *hearing* testimony and list *additional topics* beyond those in NEP's original 47-part corporate deposition notice.

NEP cites no rule under which it may subpoena an organization and list additional topics for the organization to testify about at hearing. Rather, the concept of organizational testimony is a *discovery* mechanism. Under Rule 4901-1-21(F), a party may name a "corporation" or other "organization" in a *deposition notice* and "designate with reasonable particularity the matters on which examination is requested." The organization must then designate one or more persons to give deposition testimony on the designated topics. Under Rule 4901-1-25(D), moreover, a party may compel such an organizational deposition by subpoena. But neither Rule 4901-1-21 (Depositions) or Rule 4901-1-25 (Subpoenas) contains any provision by which a party may compel the attendance of an organization *at hearing* to testify on designated topics. Rather, organizational testimony under Rule 4901-1-21(F) is a discovery tool meant to identify the appropriate witnesses at an organization to discuss a topic. The party taking the organizational deposition may then seek to subpoena the *individuals* that the corporation designated for

testimony at the hearing (if they are not already witness), but there is no "second bite at the apple" that allows the party to compel the organization to testify to new topics at the hearing.

Here, moreover, AEP Ohio has already taken full advantage of discovery depositions and deposed three organizational witnesses for depositions in response to NEP's 47-part (with numerous subparts) corporate deposition notice of AEP Ohio, and all three of these witnesses – AEP Ohio witnesses Williams, Mayhan, and Lesser – will be available for cross-examination by NEP at hearing. There is no basis in the rules for NEP to now designate *additional topics*, beyond its original 46-part deposition notice, for which AEP Ohio must designate witnesses to testify at *hearing*. Instead, as discussed above, *see supra* Part II, the corporate subpoena is merely NEP attempting to continue the discovery process through the hearing. The Commission should not allow this, and the corporate subpoena should be quashed.

IX. If the subpoenas are to be enforced at all despite the serious flaws, the hearing should be bifurcated into two phases, with these subpoenaed witnesses testifying (only if necessary) in a second phase.

If the Commission enforces NEP's unreasonable and oppressive subpoenas over AEP Ohio's objection, however, AEP Ohio alternatively requests that the hearing be bifurcated into two phases, with the second phase being dependent upon a determination of necessity for each witness being made subsequently based on the record created in the first phase of the hearing and with the subpoenaed witnesses appearing during any needed second phase at least one week after the completion of the first (main) phase, so that AEP Ohio has sufficient time to prepare these

lower-level employees and first-time witnesses for the oppressive and harassing ordeal to which NEP is attempting to subject them.

X. At a bare minimum, the testimony of each subpoenaed employee should be strictly limited to hostile cross examination and non-opinion, factual testimony only related to emails on which his or her name appears.

If the above rule requirements and violations are to be cast aside, AEP Ohio requests (at a bare minimum) that the subpoenaed individuals only be questioned as a hostile fact witness and not be required to give any opinion testimony or testify on anything other than their own personal knowledge about the company records NEP seeks to introduce at the hearing. AEP Ohio is not advocating or accepting this result given the numerous and serious flaws in the NEP's subpoena motion. And AEP Ohio reserves the ability to contest before the full Commission any requirement for the subpoenaed witnesses to appear.

CONCLUSION

For the foregoing reasons, AEP Ohio requests that each Employee Subpoena and the Corporate Subpoena be quashed or the alternative relief specified in the motions be granted.

Respectfully submitted,

/s/ Steven T. Nourse

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing was sent by, or on behalf of, the undersigned counsel to the following parties of record this 20th day of October 2022, via email.

/s/ Steven T. Nourse
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Summary: Motion Ohio Power Company's Motion to Quash Subpoenas, Request for Expedited Treatment and in the Alternative Motion to Bifurcate the Hearing electronically filed by Mr. Steven T. Nourse on behalf of Ohio Power Company