

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**REPLY IN SUPPORT
OF
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**

Respectfully Submitted,

/s/ Angela Paul Whitfield
Angela Paul Whitfield (0069402)
CARPENTER LIPPS & LELAND LLP
280 Plaza, Suite 1300
280 North High St.
Columbus, Ohio 43215
Telephone: (614) 365-4112
paul@carpenterlipps.com
(willing to accept service by email)

Counsel for Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower 1, Avangrid Renewables, LLC, and Barton Windpower LLC.

TABLE OF CONTENTS

I. INTRODUCTION..... 2

II. LAW AND ARGUMENT..... 4

A. CSG’s interlocutory appeal was untimely and procedurally deficient..... 4

B. An interlocutory appeal does not automatically stay the proceedings..... 8

C. CSG’s request to call a prehearing conference is procedurally improper, unnecessary, and prejudicial..... 9

D. CSG’s sanctionable behavior continues to prejudice the Applicants. 11

III. CONCLUSION 13

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Application of Moraine)
Wind LLC for Certification as an Eligible Ohio) Case No. 21-516-EL-REN
Renewable Energy Resource Generating)
Facility.)

In the Matter of The Application of Rugby)
Wind LLC for Certification as an Eligible Ohio) Case No. 21-517-EL-REN
Renewable Energy Resource Generating)
Facility.)

In the Matter of The Application of Elm Creek)
II for Certification as an Eligible Ohio) Case No. 21-531-EL-REN
Renewable Energy Resource Generating)
Facility.)

In the Matter of The Application of Buffalo)
Ridge II for Certification as an Eligible Ohio) Case No. 21-532-EL-REN
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.)

REPLY IN SUPPORT

I. INTRODUCTION

Carbon Solutions Group, LLC (CSG) argues that it “should not be forced to continue expending resources on *vague* discovery disputes, nor should the Attorney Examiner be forced to attempt to resolve them.”¹ 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) agree with this sentiment, and further note that there *is* no discovery dispute remaining for the Public Utilities Commission of Ohio (Commission) to resolve.

The Commission already ruled on this discovery dispute six months ago when it granted the Applicants’ Motion to Compel and directed CSG to “answer the interrogatories and provide the requested documents within two weeks.”² The only dispute remaining to be resolved is whether or not CSG will continue to “fail to follow the attorney examiner’s directive to provide answers and documents” and whether CSG should be sanctioned for wholly disregarding the Commission’s directives ordering CSG to respond to discovery and comply with prior Commission orders.³

CSG has emphatically stated, through its words and actions that it will, “yet again,” not adhere to the Commission’s directives.⁴ CSG seems to believe, or at least attempts to argue, that it is entitled to another bite at the apple to oppose the discovery ordered in the Commission’s April 5, 2022 Entry. Since CSG did not comply with that Entry, the Commission issued a subsequent Entry, reiterating the order, and directing CSG to provide discovery within seven days. After not appealing the first Entry, CSG filed a procedurally deficient interlocutory appeal of the second

¹ See Carbon Solutions Group, LLC’s Memorandum Contra Renewed Motion for Sanctions (Oct. 25, 2022) (CSG Memo Contra) (emphasis added).

² Entry at ¶ 27 (Apr. 5, 2022).

³ Entry at ¶ 15 (Sept. 1, 2022).

⁴ See *id.*

Entry. CSG argues that since the second Entry issued another ruling ordering CSG to produce the same discovery responses, CSG should be given a second chance to appeal.

The issue with CSG's position is that it rewards and encourages CSG's continued noncompliance. Unless sanctions are granted, CSG can simply continue to disobey the April 5, 2022 Entry and the September 1, 2022 Entry. Every time the Commission reminds CSG of its duty to respond and directs them again to do so, CSG can simply appeal the issue anew, and delay the proceedings further.

The Commission invited the Applicants to renew their July 11, 2022 Motion for Sanctions “[should] Carbon Solutions fail to follow the attorney examiner’s directive to provide answers and documents yet again...at which time the attorney examiner may look upon the motion more favorably.”⁵ The Commission noted “that a motion to compel discovery of the requests at issue was granted on April 5, 2022,” and that “[n]o party filed an interlocutory appeal of that ruling.”⁶ Unsurprisingly, CSG has failed, yet again, to comply with this clear and direct order. Instead, CSG filed an untimely and procedurally improper interlocutory appeal. With the hearing barely a month away, and the Applicants’ supporting testimony due in two weeks, CSG’s continued deliberate noncompliance creates significant prejudice to the Applicants. As such, the Applicants respectfully request that the Commission grant the relief requested in their July 11, 2022 Motion for Sanctions, and October 11, 2022 Renewed Motion for Sanctions.

⁵ Entry at ¶ 15 (Sept. 1, 2022).

⁶ *Id.*

II. LAW AND ARGUMENT

A. CSG's interlocutory appeal was untimely and procedurally deficient.

Through its improper September 6, 2022 interlocutory appeal, CSG attempts to further delay this proceeding and prejudice the Applicants by skirting its obligation to produce responsive discovery prior to the submittal of supplemental testimony, despite the fact that the whole reason for allowing supplement testimony was for the Applicants to incorporate information they learned from the discovery responses that the Commission ordered CSG to produce. As the Applicants noted in their Renewed Motion for Sanctions, CSG did not provide any supplemental discovery responses or document production following the Commission's September 1, 2022 Entry, and did not inform the Applicants that CSG would not serve the Commission-ordered discovery responses.⁷ Instead, CSG submitted an appeal, which failed to meet the procedural requirements of Ohio Adm.Code 4901-1-15 and did not demonstrate good grounds for an appeal.⁸ Although supplemental testimony is due in just two weeks, CSG still has not provided any documents or supplemental discovery responses as ordered to do so.

Additionally, although CSG filed its interlocutory appeal under Ohio Adm.Code 4901-1-15(A), the September 1, 2022 Entry did not rule on a motion to compel.⁹ The Commission granted the Applicants' Motion to Compel in April; Ohio Adm.Code 4901-1-15(A) requires an appeal within five days of such a ruling. CSG waited five months. Moreover, CSG failed to cite to Ohio Adm.Code 4901-1-15(B), to request certification from the attorney examiner, or to allege that the September 1, 2022 Entry presents a new or novel question or departs from past precedent.¹⁰ As

⁷ Renewed Motion for Sanctions at 7 (Oct. 11, 2022).

⁸ *Id.* at 8.

⁹ *See* Memorandum Contra Interlocutory Appeal at 4 (Sept. 12, 2022).

¹⁰ *Id.* at 5-6.

such, CSG has failed to identify any legal authority that warrants filing its appeal and its noncompliance with the Commission's directives.

CSG attempts, unsuccessfully, to argue that the Commission's September 1, 2022 Entry, which reprimanded CSG for failing to comply with the Commission's April 5, 2022 Entry, is akin to a ruling on a motion to compel.¹¹ CSG cannot, in good faith, argue that it gets another opportunity to appeal the Commission's order granting the Applicants' Motion to Compel each time that the Commission reprimands CSG for defying that order. Doing so rewards and incentivizes continued delays. As the Commission stated in its September 1, 2022 Entry, "[i]t is important to first note that a motion to compel discovery of the requests at issue was granted on April 5, 2022."¹² In that April Entry, the Commission held that:

Carbon Solutions had twenty days to file its objections to discovery requests, and those objections were considered and rejected by the attorney examiner. The attorney examiner clearly ordered Carbon Solutions to "answer the interrogatories and provide the requested documents within two weeks." Carbon Solutions does not get another bite at the apple by making additional objections after their first round of objections were rejected. To allow Carbon Solutions to do so would contradict Ohio Adm.Code 4901-1-19(A) and 4901-1-20(C) and would lengthen what is already proving to be a contentious discovery period. If Carbon Solutions had additional objections to the discovery requests, it should have made them within twenty days of receiving those requests.¹³

CSG's improper interlocutory appeal is nothing more than another attempt to take an additional bite at the proverbial apple. Despite arguing that it is appealing the September 1, 2022 Entry rather than the April 5, 2022 Entry, CSG continues to make the same arguments regarding

¹¹ See CSG Memo Contra at 5.

¹² Entry at ¶ 15 (Sept. 1, 2022).

¹³ *Id.*

relevance¹⁴ that the Commission rejected six months ago.¹⁵ If CSG took issue with that ruling, it should have appealed six months ago.

Moreover, the Commission has specifically rejected the argument that an “attorney examiner’s ruling is akin to the granting of a motion to compel or denial of a motion for protective order” for purposes of Ohio Adm.Code 4901-1-15(A) simply because the ruling makes some statement on the scope of discovery.¹⁶ Where “the Entry was limited to the narrow discovery issues presented,” the ruling is not akin to ruling on a motion to compel or motion for protective order.¹⁷ In this case, the September 1, 2022 Entry was limited to the narrow discovery issues of reiterating the April 5, 2022 ruling and restating the obvious rule that CSG cannot raise additional objections months after the fact.

Finally, CSG spends the bulk of its memorandum contra attempting, again incorrectly, to make a distinction between an order of the Commission and an order of the Attorney Examiner. CSG argues that it cannot be sanctioned for violating the order of the Attorney Examiner.¹⁸ CSG simply ignores that R.C. 4909.18 expressly enables attorney examiners to “administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, examine witnesses, receive evidence, certify to official acts, and perform such other duties as are prescribed by the commission.” Moreover,

¹⁴ CSG Memo Contra at 7-8 (“Why do the Applicants believe they are entitled to what they’ve asked for?”).

¹⁵ Entry at ¶ 27 (Apr. 5, 2022) (“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.”).

¹⁶ *In the Matter of the Complaint of Ohio Power Company v. Nationwide Energy Partners, LLC*, Case No. 21-990-EL-CSS, Entry at ¶ 28 (July 26, 2022).

¹⁷ *Id.* at ¶ 32.

¹⁸ CSG Memo Contra at 6 (“Moreover, even if the Commission affirms the September 1 Entry or dismisses it on procedural grounds, CSG cannot be sanctioned for “violating” an “order of the commission” that has not yet been issued.”).

the Commission has expressly granted through the Ohio Administrative Code, as well as precedent, the attorney examiner the authority to rule in its place “upon any procedural motion or other procedural matter,”¹⁹ and to “regulate the course of the hearing and the conduct of the participants...without limitation” unless otherwise provided by law.²⁰ The Commission has ruled that R.C. 4909.18 and Ohio Adm.Code 4901-1-27(b) specifically authorize “attorney examiners to take such actions as are necessary to assure that the hearing proceeds in an orderly and expeditious manner” including ruling on motions on behalf of the Commission.²¹

CSG incorrectly relies upon the “order of the Commission” language in Ohio Adm.Code 4901-1-23. The purpose of this language is not, as CSG argues, to distinguish between a ruling by an attorney examiner and the Commission. In a rulemaking case addressing that rule, the Commission specifically stated the purpose of the language:

[Ohio Adm.Code 4901-1-23(E)] provides that if an aggrieved party does not file an interlocutory appeal, an order to compel discovery “becomes the order of the commission” whereas Rule 15(F) provides that a party adversely affected by a procedural ruling and elects not to appeal may still raise the issue on brief...Rule 16(A) states, in part, that the Commission’s discovery rules are intended to “encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings.” It would not be appropriate, therefore, to permit a party to argue after a hearing and without having made an interlocutory appeal that the party should not have been required to produce the information that was the subject of the motion to compel.²²

The purpose of this language, therefore, has nothing to do with whether or not CSG is obligated to comply with the order. Rather, by not appealing at the time the Commission granted

¹⁹ Ohio Adm.Code 4901-1-14.

²⁰ Ohio Adm.Code 4901-1-27(B).

²¹ *Ohio Power Co. v. Nationwide Energy Partners, LLC*, Case No. 21-990-EI-CSS Entry at ¶¶ 32, 40 (July 27, 2022).

²² *In the Matter of the Commission's Review of Chapters 4901-1, Rules of Practice and Procedure; 4901-3, Commission Meetings; 4901-9, Complaint Proceedings; and 4901: 1-1, Utility Tariffs and Underground Protection, of the Ohio Administrative Code*, Case No. 11-776-AU-ORD, Finding and Order at ¶ 51 (Jan. 22, 2014).

the motion to compel, the order becomes non-appealable after five days. CSG is attempting to challenge the Motion to Compel after six months. Contrary to CSG’s claims, the purpose of this language is to prevent parties from arguing, after the fact, “that the party should not have been required to produce the information that was the subject of the motion to compel.”²³ Yet that is exactly what CSG is attempting to do here. The Commission granted the Motion to Compel in April. CSG cannot continue to challenge the Motion to Compel indefinitely.

B. An interlocutory appeal does not automatically stay the proceedings.

As the Applicants noted above and in their Renewed Motion for Sanctions, the Commission ordered CSG to provide supplemental discovery, as required by the April 5, 2022 Entry, by September 8, 2022.²⁴ CSG did not do so and has not complied with the directive to date. Instead, CSG’s counsel asserted that CSG has no duty to do so.²⁵ However, an interlocutory appeal does not stay the proceedings automatically, CSG did not request a stay, and the Commission did not grant one at its discretion.

Generally, Ohio law disfavors interlocutory appeals.²⁶ Ohio Adm.Code 4901-1-15 provides for narrow exceptions in the event of certain rulings. It does not, however, provide for automatic stays. CSG attempts to argue that an interlocutory appeal must grant an automatic stay, “otherwise, the Commission’s options to affirm, reverse or modify the ruling would always come too late for the party appealing it.”²⁷

²³ *In the Matter of the Commission's Review of Chapters 4901-1, Rules of Practice and Procedure; 4901-3, Commission Meetings; 4901-9, Complaint Proceedings; and 4901: 1-1, Utility Tariffs and Underground Protection, of the Ohio Administrative Code*, Case No. 11-776-AU-ORD, Finding and Order at ¶ 51 (Jan. 22, 2014).

²⁴ Renewed Motion to Compel at 8 (Oct. 11, 2022).

²⁵ *See id.*, Exhibit 1, Attachment B.

²⁶ *See* R.C. 2505.02.

²⁷ CSG Memo Contra at 2.

This is simply incorrect. While CSG correctly notes that the Commission's September 1, 2022 Entry only gave CSG seven days to respond, the reason for this abbreviated time frame was the fact that CSG had repeatedly violated the Commission's previous discovery orders and supplemental testimony was ordered. Had CSG timely filed an interlocutory appeal of the discovery order back in April, it would not have been faced with a seven-day deadline.

Additionally, the absence of an automatic stay in the Commission's rules or the Ohio Revised Code does not preclude CSG from filing a motion for stay, or the Commission from granting a stay at its discretion. However, in this case, neither event occurred.²⁸ Typically, if a party to a proceeding files an interlocutory appeal, that party also files a motion to stay.²⁹ CSG has not identified any instances where the Commission has ruled that an interlocutory appeal automatically stays the proceedings.

As such, no stay is in place by operation of law or by Commission discretion. Therefore, the September 8, 2022 deadline for CSG's supplemental production remains in force. CSG continues to willfully violate this deadline, and should be sanctioned for doing so.

C. CSG's request to call a prehearing conference is procedurally improper, unnecessary, and prejudicial.

CSG again attempts to hide a procedural motion inside a briefing on another motion. Presumably due to its inability to coherently respond to the legal arguments presented by the Applicants, CSG resorts to begging the Commission for a moratorium on further pleadings.³⁰ CSG

²⁸ See generally Carbon Solutions Group, LLC's Interlocutory Appeal of the September 1, 2022 Entry (Sept. 6, 2022); see also Renewed Motion for Sanctions at 5 (Oct. 11, 2022).

²⁹ See, e.g., *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case Nos. 14-1297-EL-SSO, et al., Joint Motion to Stay the Procedural Schedule (June 14, 2016); *id.*, Third Entry on Rehearing at ¶ 32 (July 6, 2016).

³⁰ See CSG Memo Contra at 7-8.

does not attempt to explain *why* good cause exists for this ridiculous request, besides complaining that it “should not be forced to continue expending resources.”³¹ If CSG is concerned about the costs of responding to pleadings, it could simply comply with the Commission’s repeated rulings on discovery, as the Applicants have done. No one is forcing CSG to make its baseless claims in this case or to ignore directives by the Commission. However, CSG’s proposal would cause additional prejudice for the Applicants, as it would substantially limit their ability to defend their Applications and to respond to CSG’s unsubstantiated arguments.

Moreover, this improper request is yet another example of CSG’s flagrant disregard for the Commission’s rules and the Attorney Examiner’s rulings. Previously, the Attorney Examiner reprimanded CSG for attempting to slip procedural motions into briefings responsive to other motions. In a previous Entry, “[t]he attorney examiner [noted] that any future requests should be filed as a motion and not buried in a reply brief.”³² While CSG buries this request in a memorandum contra, rather than a reply brief, the effect is the same. CSG attempts to avoid the onus of filing and defending its own motions, instead limiting the ability of the opposing party to reply to it within the shortened time frame (as opposed to being able to file a memorandum contra). Had CSG properly filed a motion, the Applicants would have had 15 days to respond; since CSG buried it in a memorandum contra, the Applicants only have 7 days, while also responding to other issues.

Nonetheless, CSG has not demonstrated good grounds for a prehearing conference. It merely seeks to improperly limit the Applicants’ pleadings and prevents Applicants from properly defending their applications by arbitrarily preventing them from exercising their rights under Ohio

³¹ CSG Memo Contra at 8.

³² Entry at ¶ 17 (June 28, 2022).

Adm.Code 4901-1-12. This attempt to further prejudice the Applicants and to bury another motion in briefings demonstrates further why sanctions against CSG are entirely necessary.

D. CSG’s sanctionable behavior continues to prejudice the Applicants.

This proceeding is now less than six weeks from an evidentiary hearing. For more than six *months*, CSG has flagrantly ignored the Commission’s April 5, 2022 Entry, which compelled CSG to respond to discovery. CSG has engaged in prejudicial delay tactics throughout this proceeding. Its refusal to comply with the Commission’s September 1, 2022 Entry is yet another example of this sanctionable behavior.

In its Memorandum Contra, CSG alleges that the Applicants face “many real challenges” in supporting their “faulty request through flawed legal ‘arguments.’”³³ However, as the Applicants have pointed out for the past year, CSG has yet to explain its reasoning for these alleged ‘many legal challenges,’ or even fully articulate what these challenges are.³⁴ CSG has utterly refused to respond to discovery requests from the Applicants, impairing their ability to prepare

³³ CSG Memo Contra at 2.

³⁴ See Reply in Support of Motion for Leave to File, Instantner, Memorandum Contra and Motion to Consolidate at 10 (Aug. 30, 2021) (“To date, CSG has not offered any evidence or argument about ‘whether the [Applicants] meet the certification requirements.’”); Reply Comments of Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower LLC, and Avangrid Renewables, LLC at 13 (Dec. 8, 2021) (“CSG now has its opportunity to file comments and present evidence. Instead of using that opportunity to articulate an alternative deliverability test or present evidence contradicting the current application of the Koda Test, CSG instead claims it would do so at a hearing.”); Motion to Compel at 6-7 (Feb. 1, 2022) (“CSG has raised a number of arguments regarding the Koda Test, power flow studies, the REN certification process, and the basic structure and operation of the electric grid. Many of these statements contradict information contained in the Staff Review and Recommendation filed in each of the Avangrid Renewables REN cases, the Expert Report sponsored by the Applicants, and other sources. However, CSG declined, repeatedly, to present any data, analysis, documents, or other information supporting its claims.”) (citations omitted); Reply in Support of Motion to Compel at 2 (Feb. 23, 2022) (“CSG, on the other hand, has provided insults and promises to provide evidence in some future proceeding, but, to date, they have provided no evidence and they refuse to provide this so called evidence in discovery. After nearly a year, it is clear that CSG has no intention of cooperating in this case until the Public Utilities Commission of Ohio (Commission) orders them to do so.”); Motion for Sanctions at 11 (July 18, 2021) (“Despite this costly and significant delay, CSG has yet to actually provide any sort of substantive arguments, yet CSG continues to benefit from the increased price of RECs.”); Renewed Motion for Sanctions at 9 (Oct. 11, 2022) (“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.”).

supplemental testimony and cross examination of CSG’s witnesses, and causing extreme prejudice.

Instead of participating in this proceeding in good faith, CSG continues to ignore Ohio laws, Commission rules, Commission orders, and the basic facts of this case. For example, CSG falsely claims that the Applicants “still refuse to explain...[w]hat makes the responses evasive or incomplete.”³⁵ This is simply untrue, and CSG knows it. The Applicants have repeatedly provided this information, going as far as to provide a chart which explained the specific deficiencies with each discovery response and provided a specific description of the information needed to correct each deficiency.³⁶ Since the Applicants provided this chart, CSG has simply ignored it—repeating the falsehood that it does not know what discovery it needs to provide, while refusing to provide any.

CSG’s continued, flagrant disregard for Ohio law, Commission rules, Commission orders, and the facts of this case has caused and will continue to cause undue delay and substantial prejudice to the Applicants. Any further delays in the certification process will continue to harm the Applicants while financially rewarding CSG for its noncompliance. The Commission should put an end to this mockery of the legal system.

³⁵ CSG Memo Contra at 8.

³⁶ See Motion for Sanctions, Exhibit 1, Attachment F (July 18, 2022).

III. CONCLUSION

CSG continues to ignore the Commission's April 5, 2022 Entry and September 1, 2022 Entry. Six months after the Commission granted the Applicants' Motion to Compel, CSG still pretends to have no understanding of its obligation to produce discovery. With the supplemental testimony due in two weeks and the evidentiary hearing commencing in six weeks, CSG's bad-faith delay tactics place extreme prejudice on the Applicants. CSG's words and actions demonstrate that nothing short of sanctions will force it to comply. Therefore, in order to facilitate a just and expeditious resolution of these proceedings, the Applicants respectfully request that the Commission grant their Motion for Sanctions and Renewed Motion for Sanctions, and request that the Commission impose the relief requested therein.

Respectfully Submitted,

/s/ Angela Paul Whitfield
Angela Paul Whitfield (0069402)
CARPENTER LIPPS & LELAND LLP
280 Plaza, Suite 1300
280 North High St.
Columbus, Ohio 43215
Telephone: (614) 365-4112
paul@carpenterlipps.com
(willing to accept service by email)

Counsel for Applicants Moraine Wind LLC, Rugby Wind LLC, Elm Creek Wind II LLC, Buffalo Ridge II LLC, Barton Windpower 1, Avangrid Renewables, LLC, and Barton Windpower LLC

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 November 1, 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.

cahill@whitt-sturtevant.com

whitt@whitt-sturtevant.com

fykes@whitt-sturtevant.com

bojko@carpenterlipps.com

wygonski@carpenterlipps.com

blittle@nisource.com

Christopher.miller@icemiller.com

Nicole.woods@icemiller.com

nbagnell@reedsmith.com

Stuart.siegfried@puc.state.oh.us

David.hicks@puco.ohio.gov

Jacqueline.St.John@puco.ohio.gov

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

11/1/2022 4:01:04 PM

in

**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: Reply In Support of Renewed Motion for Sanctions electronically filed by Mrs. Angela Whitfield on behalf of Avangrid Renewables, LLC and 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