

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Certification of	)	Case No. 00-2317-EL-GAG
Northeast Ohio Public Energy Council as	)	
Governmental Aggregator	)	

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**NOTICE OF ADJOURNMENT OF DEPOSITION OF NORTHEAST OHIO PUBLIC  
ENERGY COUNCIL PURSUANT TO O.A.C. 4901-1-21(F) PENDING RESOLUTION  
OF DISCOVERY ISSUES**

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On November 17, 2022, Dynegy Marketing and Trade, LLC (“Dynegy Marketing & Trade”) filed and served an amended notice pursuant to O.A.C. 4901-1-21(F), of Dynegy Marketing and Trade’s intention to take the deposition of Northeast Ohio Public Energy Council (“NOPEC”) on November 18, 2022, beginning at 9:00 am EST at the offices of Bricker & Eckler LLP, 1350 Euclid Avenue, Suite 650, Cleveland, Ohio.

The deposition of NOPEC’s corporate representative, Charles Keiper, commenced on the morning of November 18, 2022 as noticed. However, the deposition was not concluded, but rather was adjourned and will continue at a later date and time to be noticed by Dynegy Marketing and Trade, pending the resolution of certain discovery issues and potential production by NOPEC of additional documents sought in discovery in this case. As referenced in the Entry dated November 18, 2022, there are pending discovery issues and disputes that may require resolution by the presiding attorney examiners, as described in paragraphs 22 and 23 of that Entry, including issues relating to NOPEC’s assertion of a common interest privilege.

In addition, at the deposition, NOPEC’s counsel instructed NOPEC’s witness not to answer many questions on the grounds of privilege, effectively barring testimony on several designated topics. As one example, NOPEC refused to provide any testimony about why NOPEC did not attempt to match SSO prices, which is one of the topics in the deposition notice. Dynegy

Marketing & Trade may move to compel answers to questions where privilege was improperly invoked.

Accordingly, Dynegy Marketing and Trade intends to continue the deposition of NOPEC's corporate representative on a date and time to be set by subsequent notice, to the extent NOPEC is compelled to produce additional information or documents that may be part of the deposition.

Dated: November 28, 2022

Respectfully submitted,

/s/ David F. Proaño

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**Willing to Accept Service by Email**

***COUNSEL FOR DYNEGY MARKETING AND  
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## CERTIFICATE OF SERVICE

I certify on this 28th day of November, 2022, that the foregoing document was filed using the Commission's Docketing Information System and was served by electronic mail on the following:

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**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 00-2317-EL-GAG**

Summary: Notice NOTICE OF ADJOURNMENT OF DEPOSITION OF  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL PURSUANT TO O.A.C. 4901-1-  
21(F) PENDING RESOLUTION OF DISCOVERY ISSUES electronically filed by Mr.  
David F. Proano on behalf of Dynegy Marketing and Trade, LLC