

Karen O. Moury

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February 12, 2015

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Commonwealth of Pennsylvania, et al. v. Respond Power, LLC;
Docket No. C-2014-2427659 and
Pennsylvania Public Utility Commission, Bureau of Investigation v.
Respond Power LLC; Docket No. C-2014-2438640

Dear Secretary Chiavetta:

On behalf of Respond Power, LLC, I have enclosed for electronic filing the Application for Deposition by Written Questions of Respond Power LLC in the above-captioned matters.

Copies have been served on all parties as indicated in the attached certificate of service.

Very truly yours,



Karen O. Moury

KOM/bb
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Commonwealth of Pennsylvania, et al.	:	
	:	
v.	:	Docket No. C-2014-2427659
	:	
Respond Power LLC	:	
	:	
Pennsylvania Public Utility	:	
Commission, Bureau of Investigation	:	
and Enforcement	:	
	:	
v.	:	Docket No. C-2014-2438640
	:	
Respond Power LLC	:	

APPLICATION FOR DEPOSITION BY WRITTEN QUESTIONS

TO: ADMINISTRATIVE LAW JUDGES BARNES AND CHESKIS:

Respond Power LLC (“Respond Power”), by and through its counsel, Karen O. Moury, and Buchanan Ingersoll & Rooney PC, files this Application for Deposition by Written Questions, pursuant to Section 333(b) of the Public Utility Code, 66 Pa.C.S. 333(b) (“Code”), and Sections 5.322 and 5.345 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code §§ 5.322 and 5.345, and in connection therewith avers as follows:

1. Respond Power files this Application for Deposition by Written Questions (“Application”) requesting the issuance of an Order pursuant to Code Section 333(b) and Section 5.345 of the Commission’s regulations. This Application and the procedures set forth herein are submitted consistent with an informal agreement reached by the Office of Attorney General, the Office of Consumer Advocate, the Bureau of Investigation and Enforcement and Respond Power under Section 5.322 of the Commission’s regulations.

2. Code Section 333(b) authorizes parties to apply to the Administrative Law Judges (“ALJs) to take depositions by written questions for the purposes of discovering relevant, unprivileged information. 66 Pa.C.S. § 333(b).

3. Section 5.345 of the Commission’s regulations sets forth procedures that are normally followed in connection with taking depositions by written questions. 52 Pa. Code § 5.345.

4. Section 5.322 of the Commission’s regulations provides that the parties may informally agree to modify discovery or deposition procedures.

5. As there is insufficient time between now and the onset of evidentiary hearings scheduled for March 9-13, 2015, and in an effort to streamline the cross-examination of consumer witnesses during those hearings, the parties have informally agreed to modify the procedures in Section 5.345 of the Commission’s regulations, as described herein.

6. The parties have agreed to the attached draft letters to the consumer witnesses and the lists of written questions. The letter and written questions which would be addressed to witnesses presented by the OAG and OCA are included in Exhibit A, and the letter and written questions which would be addressed to witnesses presented by I&E are included in Exhibit B.

7. Under the parties’ informal agreement, Respond Power intends to mail the attached letters to the consumer witnesses within one to two business days after issuance of an order by the Administrative Law Judges approving this Application.

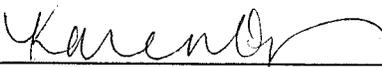
8. In addition, Respond Power will provide copies of responses to the parties on a rolling basis every three days, with final responses being forwarded by March 2, 2015, or the next business day for any responses that are received after the requested response date of February 27, 2015.

9. Further, Respond Power acknowledges that the parties will be able to object to these questions if they are asked at hearings.

WHEREFORE, on the basis of the foregoing, Respond Power LLC respectfully requests that the Administrative Law Judges issue an order granting this Application for Deposition by Written Questions consistent with the informal agreement of the parties.

Respectfully submitted,

Dated: February 12, 2015



Karen O. Moury
PA Attorney I.D. # 36879
BUCHANAN INGERSOLL & ROONEY PC
409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
(717) 237-4820

Attorneys for Respond Power LLC

EXHIBIT A

Karen O. Moury
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February __, 2015

Name of Deponent
Address of Deponent
XXXXXX
XXXXXX

Re: Commonwealth of Pennsylvania, et al. v. Respond Power LLC
Docket No. C-2014-2427659

Dear Ms. or Mr.:

You have submitted written direct testimony in the above-captioned matter which is pending at the Pennsylvania Public Utility Commission. Attached to this letter are Respond Power LLC's Questions to Consumer Witnesses in connection with that matter. As Respond Power LLC's counsel, I am requesting that you provide written answers to each of these questions and verify the responses with your signature on the last page.

You may object to these questions and you are not required to provide responses. However, you may be asked these questions at the evidentiary hearings scheduled for March 9-13, 2015. If you elect to provide responses now, please do so by February 27, 2015. You may provide them by regular mail to me in the enclosed self-addressed postage-prepaid envelope or by emailing them to me at karen.moury@bipc.com.

If you have any questions regarding this matter, please contact me.

Sincerely,

Karen O. Moury

cc: Office of Attorney General
Office of Consumer Advocate

Question No. 5: Have you ever been adjudicated as an incompetent?

Question No. 6: Please list every variably-priced product and service you have purchased or subscribed to within the past five years.

Question No. 7: Please identify each and every electric generation supplier from which you have taken service during the past five years.

Question No. 8: Please list all the dates of communications between you and the Pennsylvania Office of Attorney General and/or the Pennsylvania Office of Consumer Advocate regarding electric service in the past five years.

Question No. 9: Do you have any notes or other writings memorializing the communications between you and the Pennsylvania Office of Attorney General and/or the Pennsylvania Office of Consumer Advocate regarding electric service in the past five years. If the answer is "yes," please describe the contents of all such notes or other documents (use additional sheet if necessary). In the alternative, you may answer this question simply by enclosing copies of the memoranda or notes with your other answers.

EXHIBIT B

Karen O. Moury
717 237 4820
karen.moury@bipc.com

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Harrisburg, PA 17101-1357
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www.buchananingersoll.com

February __, 2015

Name of Deponent
Address of Deponent
XXXXXX
XXXXXX

Re: Bureau of Investigation and Enforcement. v. Respond Power LLC
Docket No. C-2014-2438640

Dear Ms. or Mr.:

You have submitted written direct testimony in the above-captioned matter which is pending at the Pennsylvania Public Utility Commission. Attached to this letter are Respond Power LLC's Questions to Consumer Witnesses in connection with that matter. As Respond Power LLC's counsel, I am requesting that you provide written answers to each of these questions and verify the responses with your signature on the last page.

You may object to these questions and you are not required to provide responses. However, you may be asked these questions at the evidentiary hearings scheduled for March 9-13, 2015. If you elect to provide responses now, please do so by February 27, 2015. You may provide them by regular mail to me in the enclosed self-addressed postage-prepaid envelope or by emailing them to me at karen.moury@bipc.com.

If you have any questions regarding this matter, please contact me.

Sincerely,

Karen O. Moury

cc: Bureau of Investigation and Enforcement

Question No. 6: Please list every variably-priced product and service you have purchased or subscribed to within the past five years.

Question No. 7: Please identify each and every electric generation supplier from which you have taken service during the past five years.

Question No. 8: Please list all the dates of communications between you and the Pennsylvania Office of Attorney General and/or the Pennsylvania Office of Consumer Advocate regarding electric service in the past five years.

Question No. 9: Do you have any notes or other writings memorializing the communications between you and the Pennsylvania Office of Attorney General and/or the Pennsylvania Office of Consumer Advocate regarding electric service in the past five years. If the answer is "yes," please describe the contents of all such notes or other documents (use additional sheet if necessary). In the alternative, you may answer this question simply by enclosing copies of the memoranda or notes with your other answers.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
INVESTIGATION AND ENFORCEMENT :

v.

RESPOND POWER LLC

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Docket No. C-2014-2438640

VERIFICATION

I hereby state that the responses set forth above are true and correct to the best of my knowledge, information and belief. I understand that the statements here are made subject to the penalties of 18 Pa.C.S. § 4904.

Date

Signature

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Commonwealth of Pennsylvania, et al.	:	
	:	
v.	:	Docket No. C-2014-2427659
	:	
Respond Power LLC	:	
	:	
Pennsylvania Public Utility	:	
Commission, Bureau of Investigation	:	
and Enforcement	:	
	:	
v.	:	Docket No. C-2014-2438640
	:	
Respond Power LLC	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Via Email and First Class Mail

Elizabeth H. Barnes
Joel H. Cheskis
Administrative Law Judges
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Dated this 12th day of February, 2015.



Karen O. Moury, Esq.