FILF

RECEIVED-DOCKETING DIV

2008 NOV 21 PM 4:06

PUCO

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION	)	
OF OHIO EDISON COMPANY, THE	)	
CLEVELAND ELECTRIC ILLUMINATING	)	
COMPANY AND THE TOLEDO EDISON	)	
COMPANY FOR AUTHORITY TO ESTABLISH	)	Case No. 08-935-EL-SSO
A STANDARD SERVICE OFFER PURSUANT	)	
TO R.C. § 4928.143 IN THE FORM OF AN	)	
ELECTRIC SECURITY PLAN	)	

INITIAL BRIEF OF THE KROGER CO.

John W. Bentine, Esq. (0016388)
Counsel of Record
E-Mail: jbentine@cwslaw.com
Direct Dial: (614) 334-6121
Mark S. Yurick, Esq. (0039176)
Direct Dial: (614) 334-7197
Email: myurick@cwslaw.com
Matthew S. White (0082859)
E-Mail: mwhite@cwslaw.com
Direct Dial: (614) 334-6172
Chester, Willcox & Saxbe LLP
65 East State Street, Suite1000
Columbus, Ohio 43215-4213
(614) 221-4000 (Main Number)
(614) 221-4012 (facsimile)

ATTORNEYS FOR THE KROGER CO.

TABLE OF CONTENTS

I. INTRODUCTION

On July 31, 2008 the Ohio Edison Company, Cleveland Electric Illuminating and the Toledo Edison Company (collectively referred to herein as "FirstEnergy", "FE" or "the Company") filed this request for a rate increase pursuant to sections 4928.141 and 4928.143 of the Ohio Revised Code ("R.C."), enacted by amended substitute Senate Bill 221 ("S.B. 221). Under these sections, electric distribution utilities ("EDU's") are permitted to file an application to establish a standard service offer price for retail electric generation service that is delivered by the utility under an electric security plan ("ESP").

On August 5, 2008, a motion to intervene in this proceeding was filed by counsel for The Kroger Co. On September 16, 2008, the Commission issued an entry granting The Kroger Co.'s Motion to Intervene.

The Kroger Co. is one of the largest grocers in the United States. The Kroger Co. has 15 facilities served by Ohio Edison Company ("Ohio Edison") that collectively consume over 40 million kWh per year, and 18 facilities served by The Toledo Edison Company ("Toledo Edison") that collectively consume over 50 million kWh per year. The Kroger Co. does not have significant load in the service territory of Cleveland Electric Illuminating Company ("CEI").

An evidentiary hearing was held to consider the MRO application beginning on October 16, 2008.

II. SUMMARY

The Kroger Co. hereby submits this initial brief in the above-captioned proceeding and takes the following positions in connection with FE's application for approval of an ESP ("ESP") under S.B. 221:

(1) The overall impact of the generation rates that would be *experienced* in the years 2009-2011 under the proposal appears relatively modest, and may be reasonable in the context of the ESP evaluation framework. However, the proposal for additional deferred generation costs to be recovered at a later date is unsupportable. The Kroger Co. submits that the Commission must not accept the generation deferral provisions of the ESP as proposed by FE. The Kroger Co. further asserts that the Commission should modify the ESP to keep the overall rate increase attributable to increased generation charges as close as possible to the levels of 0.06 percent in 2009, 4.01 percent in 2010, and 5.79 percent in 2011, as indicated by FE on page 5 of its Application.

(2) FE's proposed new generation rate design would eliminate, without any justification or reasoning, all rate differentiation within customer classes based on load factor. As a result, the Company's new rate design would cause very substantial negative impacts on higher-load-factor, non-residential customers.

To remedy this problem, the Commission should modify the generation charge rate design for any rate schedule that has load-factor-differentiated generation rates. For affected rate schedules, the existing generation-related rate components should be amalgamated into a single generation charge. To this charge, a rate-schedule-specific percentage rider may be applied to recover the change in generation revenue authorized by the ESP.

This approach would ensure that each customer in the affected rate schedules would experience the same percentage change in generation rates. Such an approach is consistent with S.B. 221, is fundamentally fair and is essential to protect customers from the potentially disastrous impacts of FE's generation rate design proposal.

(3) FE states that as a condition of entering into a contract with FES for generation service, FE will require FES to commit to adding 1000 MW of capacity from January 1, 2007 through December 31, 2011. While The Kroger Co. neither supports nor opposes this particular aspect of FE's proposal, FE's recommended approach represents a missed opportunity for customers, in that FE could have proposed to meet capacity expansion needs by re-introducing some level of cost-based generation service for the benefit of its customers.

The Kroger Co. recommends that the Commission seek ways to encourage the introduction of some cost-based generation in the FE service territories. If the FE utilities are unwilling or unable to perform this function, perhaps the Commission should solicit interest from other parties to provide cost-based generation service in an appropriate venue, e.g., in an MRO competitive bidding solicitation.

(4) FE proposes a distribution rate freeze through the end of 2013. However, this would be accompanied by a provision through which the Company would defer for later recovery all distribution-related depreciation expense, property tax obligations, and post-in-service carrying charges on gross plant distribution capital investment placed in service after December 31, 2008, and which are made to improve reliability and/or enhance the efficiency of the distribution system. Although by itself, the distribution rate freeze has some obvious appeal for customers, the accompanying deferral of costs associated with new distribution investment raises concerns about the ultimate cost to customers. An open-ended deferral of this sort is an unwise application of single-issue ratemaking. A more reasonable approach would be to dispense with the

distribution rate freeze and the accompanying deferral of costs associated with new distribution investment and allow FE to apply to the Commission to recover distribution costs as appropriate.

(5) The Kroger Co. recommends that the Commission modify FE's ESP to eliminate the proposed Delivery Service Improvement ("DSI") rider. This proposed rider has no connection with any recovery of actual incurred costs. Instead, it is simply an additional award to FE for satisfactorily fulfilling its responsibilities to provide safe and reliable service.

III. ARGUMENT

The framework for the Commission's evaluation of any proposed ESP is set out in S.B. 221. According to the requirements of §4928.143 of the Ohio Revised Code, the Commission shall approve, or modify and approve, an application for an ESP if the Commission finds that the proposed ESP is more favorable in the aggregate than what the applicant utility would otherwise be expected to obtain under §4928.142 of the Revised Code. This latter section of the Revised Code describes the process of determining Standard Service Offer rates through a Market Rate Offer ("MRO").

Given this framework, The Kroger Co. recommends that the Commission modify the ESP as set forth below before approving it. The Kroger Co. does not address all aspects of the Company's proposal, but absence of comment on a particular feature of the proposal does not in any way convey support of that feature.

A. Generation Rates

FE's proposal for generation rates is summarized on pages 9-19 of its ESP Application. Specifically, in 2009, FE proposes an average generation charge of 6.75 cents/kWh, plus deferral of 0.75 cent/kWh plus interest for recovery starting January 1, 2011. According to the

Application, this proposed increase in generation charges would increase the average customer's total bill by 0.06 percent in 2009.

In 2010, the average generation charge would increase to 7.15 cents/kWh, plus deferral of 0.85 cent/kWh plus interest for recovery starting January 1, 2011. According to the Application, this increase in generation charges would increase the average customer's total bill another 4.01 percent in 2010.

In 2011, the average generation charge would increase to 7.55 cents/kWh, plus a deferral of 0.95 cent/kWh plus interest for recovery starting January 1, 2012. According to the Application, the increase in generation charges would increase the average customer's total bill another 5.79 percent in 2010. Additionally, FE proposes numerous generation-related riders.

The overall impact of the generation rates *experienced* in the years 2009-2011 is relatively modest, and therefore may be reasonable in the context of the ESP evaluation framework. However, the proposal for additional deferred generation costs to be recovered at a later date is unsupportable in the context of the Application.

There may be precedent for deferring current generation expense on the FE system for future recovery in exceptional circumstances. While this practice may be appropriate on rare occasions, the general practice of deferring current generation expense for later recovery raises grave doubts as to the inter-generational equity of the proposal.[1] Taken as a whole, under FE's proposal, a portion of the generation expense incurred in 2009 could conceivably be recovered from customers as late as the year 2020. While the deferral therefore produces an obvious near-term benefit for today's customers, the Commission should not adopt a wide spread practice in

[1] Higgins Direct Testimony at p. 8, lines 1-3 (September 29, 2008); *see also* Transcript Vol. IV, Higgins at p. 67, lines 9-14 (October 21, 2008) (this deferral creates a situation where consumption occurs today, there are benefits that occur today and the costs of those benefits are left for perhaps some other party to pay at a later date).

which current customers accumulate very substantial unpaid future debts to FE, to be collected later with significant interest charges.

At the same time, if the proposed deferred generation costs were included to determine the rate impact in the year of deferral, the impact on customers would be much more significant than that identified by FE in its Application. This substantial increase in the level of adverse customer impact raises serious concerns about the basic reasonableness of FE's proposed ESP pricing.

The Commission should not accept the generation deferral provisions of the ESP as proposed by FE. The Commission should modify the ESP to keep the overall rate increase attributable to increased generation charges as close as possible to the levels of 0.06 percent in 2009, 4.01 percent in 2010, and 5.79 percent in 2011, as indicated by FE on page 5 of its Application. The deferral proposal amounts to a "smoke and mirrors" mechanism that attempts to conceal the true character and extent of FE's ESP rate proposals and confusing and opaque to most observers.

B. Generation Charge Rate Design

FE is also proposing to replace its current generation charges with a straight kilowatt-hour charge. The straight kilowatt-hour charge will also have a time-of-use ("TOU") variant.

There are major problems with this proposed rate design.[2] On page 9 of its Application, FE maintains that "[p]rice stability and predictability in the pricing of retail generation service are two of the cornerstones of the balanced approach taken in the Companies' Plan." FE also

[2] "Rate Design" refers to how an EDU would collect a revenue requirement that has been assigned to a particular class of customers. Id., at p. 74, lines 15-24. It is how an EDU collects money within a rate schedule and it has no interclass implications. Id., at page 75, lines 15-18. The changes in rate design proposed by The Kroger Co. therefore have no impact on residential customers and is revenue neutral to the EDU. Id., at p. 75, lines 19-22 and p. 26, lines 2-4.

emphasizes the moderate impacts on customer rates that would occur under the proposal – referencing the proposal's overall impacts.

However, when these "moderate" impacts are evaluated in the context of actual individual customers of differing load factors, a very different picture emerges.[3] When examined closely, it is clear that FE's proposed rate design will cause a substantial and unjustified negative impact on higher-load-factor customers within each rate schedule. For this reason, FE's proposed generation rate design should not be adopted as proposed.

For FE's major non-residential customer classes, the current suite of generation-related charges are designed using a combination of demand charges ($/kw-mo.) and hours-use charges (cents/kWh per kW or kVA block of billing demand). Both the demand charges and the hours-use charges take into account differing customer load factors. These rate components recognize that higher-load-factor customers use fixed assets relatively efficiently through relatively constant energy usage, and consequently, should pay lower average generation rates on a per-kWh basis than lower load factor customers.[4]

FE's proposed new generation rate design would eliminate, without any justification or explanation, any rate differentiation based on load factor.[5] As a result, FE's new rate design would cause significant and unwarranted negative impacts on higher-load-factor, non-residential customers.[6]

Consider, for example, the GP rate schedule in the Ohio Edison territory. In Schedule 1A of the Company's filing, FE indicates that the overall rate increase for this rate schedule would

[3] FE made no effort to quantify or mitigate the severe rate impacts of FE's proposal on individual customers or classes of customers. Transcript Vol. I, Warvell, at pp. 222-224 (October 17, 2008).
[4] Id., at pages 76-77; Transcript Vol. II, Warvell at p. 93, lines 22-24; p. 94 lines 1-25; p. 95, lines 1-6 (October 17, 2008).
[5] Higgins Direct Testimony at p. 10, lines 3-4 (September 29, 2008); *see also* Transcript, Vol. IV Higgins, at p. 77, lines 12-23 (FE proposes to "radically change" the rate design from existing tariffs).
[6] For all practical purposes, all non-residential rate schedules wit the exception of street lighting. Id., at p. 61, lines 19-25.

be 5.33 percent in 2009. However, the Company's Typical Bill Comparison[7] shows that a 500 kW customer with a monthly usage of 50,000 kWh (load factor of 14 percent) would experience a rate decrease of 38 percent in summer and a further decrease of 42 percent in winter, whereas the same size customer with monthly usage of 300,000 kWh (load factor of 83 percent) would experience a rate increase of 38 percent in summer and an further increase of 23 percent in winter! These tremendous swings in impact on either side of the 5.33 percent "overall" increase for the rate schedule reveal a dramatic flaw in the Company's ESP proposal – the wild differentiation in customer impacts caused by the abrupt and totally unexplained change in generation rate design.[8] This is not an isolated phenomenon of FE's approach. Tremendous swings in impact also occur for most other non-residential rate schedules for all three distribution utilities. FE partially mitigates these impacts only for the GT rate schedule through the combination of a demand charge with energy charge credit in Section D of its proposed Rider EDR. Higher load factor customers on the remaining non-residential rate schedule receive no such consideration. The severity of the rate impacts resulting from the proposed new generation charge rate design is a compelling reason to modify the design of this charge for the significantly-impacted rate schedules.[9]

FE's proposed TOU rates do not remedy this profound defect. The proposed TOU rates are designed using FE's proposed generation charge as a baseline, i.e., the TOU rates are designed "after the damage is done" to higher-load-factor customers. While TOU rates should be widely available, the TOU rate proposal put forward by FE does not remedy the severe adverse

[7] Provided in FE Response to OCC 1-RPD-9.

[8] Higgins Direct Testimony at p. 10, lines 7-17 (September 29, 2008); *see also* Transcript, Vol. IV, Higgins pp. 78-79 (FE's proposal is "grossly inconsistent" with the stated goals of "customer continuity" and the avoidance of rate shock).

[9] Further, the rate design proposed by FE would not promote the goals of promoting energy efficiency and peak demand reduction in that it does not provide any recognized value for generation capacity. Id. at page 80, lines 4-15.

impact on higher-load-factor customers that is inherent in the Company's generation rate proposal.

Instead, the Commission must modify the generation charge rate design for any rate schedule that currently incorporates load-factor-differentiated generation rates. For affected rate schedules, the existing generation-related rate components (Rate Stabilization Charges, Generation Charges, RTC[10]) could be combined into a single base generation charge.[11] To this combined charge, a rate-schedule-specific percentage rider ("ESP Generation rider") should be applied to recover the requisite change in generation revenue authorized by the ESP.[12] This approach would ensure that each customer in the affected rate schedules would experience an equitable change in generation rates.[13] Such an approach is essential for protecting customers from the potentially disastrous and unfair impacts of FE's generation rate design proposal, is inherently fair and is fully consistent with the provisions of S.B. 221.

C. Addition of New Generation Capacity

On page 17 of its Application, FE states:

> "As a condition of entering into a contract with FES for generation service, the Companies will require FES to commit to adding 1000 MW of capacity from January 1, 2007 through December 31, 2011 through (i) new or upgrading generation, which may include

[10] The Kroger Co. recognizes that RTC is a non-bypassable charge, and on those grounds, could be construed as not being generation-related. However, its origins are tied primarily to generation-related costs. Inclusion of RTC in this calculation would minimize the rate impact divergences among customers based on load factor and would have no bearing on the total generation revenue recovered. The sole purpose of including RTC in the calculation is to determine the percentage change in generation revenue needed to meet the ESP authorized generation revenue requirement for each affected rate schedule. In any event, the efficacy of this recommendation is not dependent on whether RTC is included or excluded from this calculation.

[11] For instances in which customers are migrating to a consolidated rate schedule from multiple current rate schedules, the single base generation charge should be constructed using the current rate schedule serving the greatest proportion of load to be served under the consolidated schedule.

[12] The requisite change in generation revenue would be determined by taking the difference between generation revenue authorized by the ESP and the generation revenue recovered by the amalgamated base generation charge.

[13] Higgins Direct Testimony at p. 11, lines 17-18, p. 12 lines 1-3 (September 29, 2008); see also Transcript, Vol. IV Higgins, at pp. 90-91 (this rate design proposal would not impose substantial increases on lower load factor customers within the customer class. It is true that this proposal would not grant lower load factor customers the sort of substantial double digit rate decreases as FE's proposal. However, the increase in rates on all customers would be modest).

renewable generation through contracts or otherwise; (ii) maintaining existing generation in service that would otherwise be shutdown pursuant to court order without installing environmental control equipment or repowering consistent with such order or decree; and/or (iii) additional generation."

FE claims that adding generating capacity through this provision will alleviate the burden of capacity constraints and will meet growing electricity demand, addressing statewide concerns over the lack of generating capacity.

The Kroger Co. neither supports nor opposes this aspect of FE's proposal. However, FE's recommended approach represents a missed opportunity, in that the Company could have proposed to meet capacity expansion needs by re-introducing cost-based generation service for the benefit of its customers. Cost-based generation service would provide a hedge for customers against sole reliance on sometimes volatile market (or affiliate) purchases.

The Commission should seek ways to encourage the introduction of some amount of cost-based generation in the FE service territories. If the FE utilities are unwilling or unable to take advantage of this opportunity, perhaps the Commission should solicit interest from other interested parties to provide cost-based generation service in an appropriate venue, e.g., in an MRO competitive bidding solicitation.

D. Distribution Rates

FE's proposal for distribution rates is summarized on pages 19-23 of its Application. The Company is proposing that its distribution rate case, Case No. 07-551-EL-AIR, be resolved through approval of revenue requirements increases for Ohio Edison of $75 million, CEI of $34.5 million, and Toledo Edison of $40.5 million, with the revenue increases to be spread in accordance with the revenue distribution and rate design stipulation entered in that proceeding.

While taking no position on any specific issue in that case here, The Kroger Company does generally support the revenue distribution and rate design stipulation in the distribution rate case.

FE proposes a distribution rate freeze through the end of 2013. However, this would be accompanied by a provision through which the Company would defer for later recovery all distribution-related depreciation expense, property tax obligations, and post-in-service carrying charges on gross plant distribution capital investment placed in service after December 31, 2008, and which are made to improve reliability and/or enhance the efficiency of the distribution system. In addition, there would be deferrals associated with storm damage expense and certain changes in line extension recovery costs.[14]

Although the distribution rate freeze has some obvious appeal for current customers, the accompanying deferral of costs associated with new distribution investment raises concerns about the ultimate cost to all customers. An open-ended deferral of this sort is an unwise application of single-issue ratemaking. A more reasonable approach would be to dispense with the distribution rate freeze and the accompanying deferral of costs associated with new distribution investment. If FE should find it necessary to file a distribution rate case, the Company is free to do so. At the same time, customers would not face a massive mounting deferral which must be paid to FE at some point with interest.

E. Rider DSI

FE is also proposing something called a Delivery Service Improvement ("DSI") rider. According to the Company, the DSI rider will help FE "manage" the increasing costs of providing distribution service, the need to expend capital for equipment far earlier than before, the need to train new employees or replace retirees, the need to replace components of an aging infrastructure, to ensure reliability, and the emergence of new technology.[15] The proposed DSI rider would be a non-bypassable distribution charge equal to 0.2 cents/kWh, subject to certain adjustments.

The Commission should modify the ESP to eliminate the DSI rider. This proposed rider has no connection with recovery of actual costs incurred.[16] Instead, it appears to be little more than a gratuitous payment to the utility for fulfilling its responsibilities to provide safe and reliable service.[17] Several of the components of the rider do not appear to be related in any way to future costs to be incurred by FE.[18] For example, when older senior employees choose to retire, generally those senior employees are replaced by younger, less experienced workers at a lower rate of pay. FE makes no effort to explain how this would result in a cost to the Company that would necessitate a recovery rider.[19]

IV. CONCLUSION

The Commission should modify FE's ESP proposal to provide for reasonable generation rates without excessive deferrals proposed by the Company. FE's generation charge rate design is inherently unfair, since it fails to account for customer load factor. The generation charge rate design should be modified to promote equitable impacts among customers and customer classes. The Commission should seek to encourage the introduction of cost-based generation service for the benefit of customers, to provide a hedge against sometimes volatile market purchases. Finally, Rider DSI should be disallowed, as their Rider bears no apparent relationship to any incurred cost.

---

[14] Higgins Direct Testimony at p. 14, lines 6-8 (September 29, 2008); *see also* Transcript, Vol. IV Higgins, at p. 99, lines 1-20 (the deferrals should be denied and FE should be able to file new distribution rate cases, as appropriate).
[15] Transcript Vol. III Schneider, p. 228-241 (October 20, 2008).
[16] Higgins Direct Testimony at p. 15, lines 7-10 (September 29, 2008).
[17] Id., at p. 15, lines 9-10.
[18] Transcript Vol. IV Gorman at p. 53 lines 15-20.

Respectfully submitted,

John W. Bentine, Esq. (0016388)
Counsel of Record
E-Mail: jbentine@cwslaw.com
Direct Dial: (614) 334-6121
Mark S. Yurick, Esq. (0039176)
Direct Dial: (614) 334-7197
Email: myurick@cwslaw.com
Matthew S. White (0082859)
E-Mail: mwhite@cwslaw.com
Direct Dial: (614) 334-6172
Chester, Willcox & Saxbe LLP
65 East State Street, Suite1000
Columbus, Ohio 43215-4213
(614) 221-4000 (Main Number)
(614) 221-4012 (facsimile)

ATTORNEYS FOR THE KROGER CO.

ND: 4827-5745-6387, v. 8

[19] Transcript Vol. IV Higgins, at pp. 104-106.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via electronic transmission, on November 21, 2008.

Mark S. Yurick

SERVICE LIST

John Jones
William Wright
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

Arthur Korkosz
FirstEnergy, Senior Attorney
76 South Main Street
Legal Department, 18th Floor
Akron, Ohio 44308-1890

James Burk
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308

Mark Hayden
FirstEnergy Corporation
76 South Main Street
Akron, Ohio 44308

Ebony L. Miller
FirstEnergy Corporation
76 South Main Street
Akron, OH 44038

Gregory Poulos
Jacqueline Roberts
Jeffrey Small
Office of the Ohio Consumers Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215

David F. Boehm
Michael Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OH 45202

Joseph Clark
Lisa McAlister
D. Neilsen
McNees Wallace & Nurick
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215

Samuel Randazzo
McNees Wallace & Nurick
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215

Colleen Mooney
David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839

Nolan Moser
Trent Dougherty
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

Lance M. Keiffer
Assistant Prosecuting Attorney
711 Adams St., 2nd Floor
Toledo, OH 43624-1680

M. Howard Petricoff
Stephen M. Howard
Vorys Sater Seymour and Pease, LLP
52 East Gay Street
P. O. Box 1008
Columbus, Ohio 43216-1008

Henry W. Eckhart
The Natural Resource Defense Council
50 West Broad Street #2117
Columbus Ohio 43215

Stephen M. Howard
Craig G. Goodman
National Energy Marketers Association
3333 K Street, NW, Suite 110
Washington, DC 20007

Garrett Stone
Michael Lavanga
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N. W.
8th Floor, West Tower
Washington D.C. 20007

Barth E. Royer
Langdon Bell
Bell & Royer LPA
33 S. Grant Avenue
Columbus, OH 43215

Leslie A. Kovacik
Senior Attorney
City of Toledo
420 Madison Ave., Suite 100
Toledo, OH 43604-1219

Joseph P. Meissner
Legal Aid Society of Cleveland
1223 West 6th St.
Cleveland, OH 44113

Richard L. Sites
General Counsel and Senior Director of Health Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620

Sean W. Vollman
David A. Muntean
Assistant Directors of Law
161 S. High Street, Suite 202
Akron, OH 44308

F. Mitchell Dutton
FPL Energy Power Marketing, Inc.
700 Universe Blvd.
Juno Beach, FL 33408

Bobby Singh
Integrys Energy Services, Inc.
300 West Wilson Bridge Road, Suite 350
Worthington, Ohio 43085

C. Todd Jones
Gregory H. Dunn
Christopher L. Miller
Andre T. Porter
Schottenstein Zox & Dunn Co., LPA
250 West St.
Columbus, OH 43215

Glenn S. Krassen
E. Brett Breitschwerdt
Bricker & Eckler, LLP
1375 E. Ninth St., Suite 1500
Cleveland, OH 44114

Larry Gearhardt
Ohio Farm Bureau Federation
280 N. High St.
P.O. Box 182383
Columbus, OH 43218-2383

Theodore S. Robinson
Citizen Power
2121 Murray Ave.
Pittsburgh, PA 15217

Damon E. Xenopoulos
Shaun C. Mohler
Brickfield, Burchette, Ritts & Stone, PC
1025 Thomas Jefferson St., NW
Eighth Floor, West Tower
Washington, DC 20007

Craig I. Smith
2824 Coventry Rd.
Cleveland, OH 44120

Steve Millard
The Council on Small Enterprises
The Higbee Building
100 Public Square, Suite 201
Cleveland, OH 44113

Douglas Mancino
McDermott, Will & Emery LLP
2049 Century Park East
Suite 3800
Los Angeles, CA 90067

Nicholas C. York
Tucker Ellis & West LLP
1225 Huntington Center
41 South High Street
Columbus, OH 43215

Eric D. Weldele
Tucker Ellis & West LLP
1225 Huntington Center
41 South High Street
Columbus, OH 43215

Dane Stinson, Esq.
Bailey Cavalieri LLC
One Columbus
10 West Broad Street, Suite 2100
Columbus, Ohio 43215

Grace C. Wung
McDermott Will & Emery LLP
600 Thirteenth Stteet, N.W,
Washington, DC 20005

Cynthia A. Fonner
David I. Fein
Constellation Energy Group, Inc.
550 West Washington Street, Suite 300
Chicago, IL 60661

Gary Jeffries
Dominion Retail
501 Martindale Street, Suite 400
Pittsburgh, PA 15212

Craig Goodman
National Energy Marketers Association
3333 K Street, N.W., Suite 110
Washington, D.C. 20007

Sally Bloomfield
Terrence O'Donnell
Bricker and Eckler LLP
100 South Third Street
Columbus, OH 43215

Kevin Schmidt
The Ohio Manufacturers Association
33 North High Street
Columbus, OH 43215

Gregory Lawrence
McDermott, Will and Emery LLP
28 East State Street
Boston, MA 02109

Mark A. Whitt
Andrew J. Campbell
Jones Day
325 John H. McConnell Blvd., Suite 600
Columbus, Ohio 43215-2673

ND: 4818-3568-0771, v. 1