

RECEIVED-DOCKETING DIV

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO 2008 DEC 12 PM 4:33

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Establish)
A Standard Service Offer Pursuant to)
Section 4928.143, Revised Code, in the)
Form of an Electric Security Plan.)

PUCO

Case No. 08-935-EL-SSO

REPLY BRIEF OF INDUSTRIAL ENERGY USERS-OHIO

Samuel C. Randazzo (Counsel of Record)
Lisa G. McAlister
Joseph M. Clark
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
lmcaster@mwncmh.com
jclark@mwncmh.com

December 12, 2008

Attorneys for Industrial Energy Users-Ohio

{C26873:6}

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Tm Date Processed 12/15/2008

**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)	
Section 4928.143, Revised Code, in the)	
Form of an Electric Security Plan.)	

REPLY BRIEF

I. INTRODUCTION

Pursuant to the briefing schedule established by the Attorney Examiners, Industrial Energy Users-Ohio ("IEU-Ohio") respectfully submits its Reply Brief for consideration by the Public Utilities Commission of Ohio ("Commission").

Ohio Edison Company ("OE"), The Cleveland Electric Illuminating Company ("CEI"), and The Toledo Edison Company ("TE") (collectively, "FirstEnergy" or "Companies") filed their applications for approval of a standard service offer ("SSO") under Sections 4928.143 and 4928.142, Revised Code, before the Commission on July 31, 2008. Specifically, FirstEnergy proposed an electric security plan ("ESP") with a three-year term, a four-month ESP, and a market rate offer ("MRO"). To date, the Commission has not accepted both the four-month ESP and the MRO.¹ Thus, the only application for an SSO that remains pending is the ESP that is the subject of this case.

¹ At the November 11, 2008 Commission meeting, the Commission stated that it was pulling the four-month ESP from the agenda, which effectively terminated it by its own terms. The Commission issued an Opinion and Order on the MRO case on November 25, 2008 stating that the MRO failed to meet all but one of the statutory threshold requirements in Section 4928.142, Revised Code, among others. See *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service Offer Electric Generation Supply, Accounting Modifications Associated with*

FirstEnergy is maintaining a posture that its as-filed ESP is a package that must be approved in totality, without modification.² By IEU-Ohio's count, there were 21 briefs representing at least 28 parties. Each of the parties, with the exception of FirstEnergy, argued that the ESP as filed is unreasonable and recommended that the Commission not approve the ESP without a wide range of modifications. IEU-Ohio identified the specific modifications it recommends in its Post Hearing Brief. However, and more importantly, IEU-Ohio recommended that without specifically accepting, modifying or rejecting the ESP application, the Commission should issue "an order" pursuant to Section 4928.143(C)(1), Revised Code, that finds that there is an insufficient record to evaluate the proposed ESP and to compare it to the expected outcome under Section 4928.142, Revised Code. IEU-Ohio urged the Commission to direct the Companies to promptly pursue compliance with the requirements of Amended Substitute Senate Bill 221's ("SB 221") portfolio obligations subject to cost recovery and to encourage the Companies to work with customers to promptly submit proposed reasonable arrangements and any "delta revenue" recovery mechanisms for the Commission's consideration. Finally, IEU-Ohio requested that the Commission find that Section 4928.141(A), Revised Code, determines the SSO that shall be in effect until an SSO is first authorized under either Sections 4928.142 or 4928.143, Revised Code.

If the Commission does not accept IEU-Ohio's recommendations and instead issues an order on the merits of the as-filed ESP, there is one outcome that is the most

Reconciliation Mechanism, and Tariffs for Generation Service, Case No. 08-936-EL-SSO, Opinion and Order (November 25, 2008) (hereinafter "MRO Order").

² For example, the Brief of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company in Support of their Electric Security Plan (hereinafter "FE Brief") concludes that the ESP "as a whole, clearly is more favorable than the expected results under an MRO and should, therefore, be approved." FE Brief at 74.

probable. Given the record evidence that demonstrates modifications to FirstEnergy's ESP are necessary and the fact that the Commission's ruling on FirstEnergy's MRO set precedent that it must respect in this case,³ the Commission cannot approve the ESP without modification. FirstEnergy's suggestion that its as-filed ESP must be approved without modification ignores these realities. However, if the Commission rejects the ESP or approves the ESP with modifications that FirstEnergy subsequently does not accept, there are significant ramifications that the parties, the Companies and the Commission must be prepared to address.

II. ARGUMENT

A. MRO Order Precedent

As noted above, FirstEnergy filed three separate SSO proposals. Many aspects of the plans were similar if not the same. For example, in all three SSO proposals, FirstEnergy proposed generation tariffs that are based solely on per kilowatt hour ("kWh") charges as opposed to the existing tariffs, which include demand charges and a declining block structure. When the Commission issued its Order rejecting the MRO, it addressed provisions within the MRO that are substantially similar or the same as those in the ESP that is now before the Commission. For the same reasons identified in the MRO Order and the record and initial briefs in this case, the Commission should respect its precedent and modify the ESP as described below.

As with the MRO proposal, FirstEnergy's generation rate design is based upon per kWh charges.⁴ As the Commission stated in its MRO Order:

³ For example, to be consistent with the MRO Order, the Commission would necessarily be required to reject the kWh-based generation rate design FirstEnergy has also proposed under the ESP.

⁴ Company Exhibit 9A at 10.

...there also is nothing in Section 4928.142, Revised Code, which diminishes the Commission's existing authority over rate design or duty to ensure the availability of reasonably priced electric service. Section 4928.142, Revised Code, simply provides a new mechanism for the determination of the amount of generation rates and expressly authorizes the Commission to prescribe retail rates; it does not speak to how such rates are designed or allocated among customers.

MRO Order at 24. Citing the policy of the State in Section 4928.02, Revised Code, which requires the Commission to ensure the availability of unbundled and comparable retail electric service that provides customers with the supplier, term, price, conditions, and quality options they elect to meet their respective needs, the Commission found that FirstEnergy failed to demonstrate that its proposed rate design advances the State policies and held that the proposed rate design should not be approved. *Id.* For these reasons and those identified in IEU-Ohio's Post Hearing Brief, the Commission should modify FirstEnergy's ESP such that the generation rider rates are structured as a two-part rate consisting of both demand and energy components.

Similarly, while the MRO proposal did not include any information regarding how FirstEnergy would comply with the portfolio requirements in SB 221, the ESP proposal includes placeholders at best. The ESP Application identifies that the Companies will commit to providing \$5 million each year from 2009 through 2013 for investment in customer energy efficiency/demand-side improvements made after January 1, 2009,⁵ and the direct testimony of Gregory F. Hussing mentions the proposed demand-side management and energy efficiency rider.⁶ However, the ESP proposal does not provide the Commission with enough information to make an informed comparison on

⁵ Company Exhibit 9A at 26.

⁶ Company Exhibit 4 at 10-11.

how SB 221 requirements to meet alternative energy resource, demand-response, energy efficiency and peak demand requirements will be achieved.

In the MRO Order, the Commission found that FirstEnergy's MRO Application could not be approved in the absence of a proposal by the Companies for compliance with the energy efficiency and peak demand reduction requirements of Section 4928.66, Revised Code. MRO Order at 29. As the ESP proposal does not contain enough information to make any qualitative or quantitative analysis, IEU-Ohio recommends that the Commission abide by its precedent and require FirstEnergy to supplement its Application to provide additional specificity on how customer-sited resources will be accommodated under its ESP.

B. Default Outcome

Should the Commission reject or modify any aspect of the ESP Application, the Companies may withdraw the Application thereby terminating it according to Section 4928.143(C)(2)(a), Revised Code, after having satisfied the Section 4928.141, Revised Code, obligation to make at least one ESP application filing. Under these circumstances, Section 4928.143(C)(2)(b), Revised Code, requires the Commission to issue an order continuing the provisions, terms and conditions of the most recent rate plan, until a subsequent SSO is authorized under Section 4928.142, Revised Code. Further, Section 4928.141(A), Revised Code, states that until an SSO is established under either Section 4928.142 or 4928.143, Revised Code, "... the rate plan of an electric distribution utility shall continue for the purpose of the utility's compliance ..." with Section 4928.141, Revised Code. "Rate plan" is defined as "the standard service

offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly.”⁷

SB 221 is clear. FirstEnergy’s rate plan in place on July 31, 2008 must continue until an SSO is established under either Section 4928.142 or 4928.143, Revised Code. This outcome is one that occurs as a matter of law and not because the Commission is exercising any authority under either Section 4928.142 or 4928.143, Revised Code. Therefore, the Commission does not have any authority to modify the SSO in place on July 31, 2008 until such time as the Commission approves a new SSO pursuant to Sections 4928.142 or 4928.143, Revised Code.

Of course, FirstEnergy is not foreclosed from pursuing the MRO option through a new MRO application or a new/revised ESP proposal. However, until the Commission approves a new SSO, the existing rate plan must remain in effect.

C. Federal Law

As IEU-Ohio noted in its Post Hearing Brief, as a practical matter, the Commission may be constrained by its obligation to respect determinations made by the Federal Energy Regulatory Commission (“FERC”) on the power supply agreement between the Companies and FirstEnergy Solutions (“FES”) because the Companies do not own or control generation assets with which to serve the SSO customers and, thus, must purchase power to serve the SSO load. The Companies have recognized the possibility for this outcome. For example, in their brief on the four-month ESP, the Companies stated:

Consequently, if an acceptable ESP order is not issued before the 150-day deadline in violation of the statute, then, absent a Short Term ESP,

⁷ SB 221 became effective on July 31, 2008. Section 4928.01(A)(33), Revised Code, defines “rate plan.”

the Companies will have no option but to purchase competitive market power and pass their costs on to customers. See R.C. § 4928.142; *Entergy La., Inc. v. La. PSC*, 539 U.S. 39, 47 (2003). If the Commission fails to act and the Companies are forced to buy power at market prices and the Companies' rates do not immediately reflect the market costs, very negative financial consequences could arise even in the best of times - let alone in the financially turbulent, credit-constrained times we are now in. Under these circumstances, ignoring the statutorily mandated timelines would represent a perverse disregard of a known risk. Accordingly, if the Commission were to shirk its statutory responsibilities, it would be doing so in a wanton and reckless manner knowing that such conduct in all probability would result in injury to the Companies.

See Brief of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company in Support of Their Short-Term ESP Offer, Note 3 at 3 (October 31, 2008).

As an electric distribution utility ("EDU") without generating assets, the Companies must obtain the supply to serve the SSO requirements and it is not known whether such supply may be obtained at the same price, terms and conditions as the supply purchased to serve the SSO load for the period of the preceding rate plan. Also, given the timing of this case and FirstEnergy's FERC waiver request,⁸ it appears likely that the Companies may need to purchase power in the competitive market at market prices after January 1, 2009 in order to provide generation service to Ohio customers. IEU-Ohio recommends the Commission recognize this possibility and, if this scenario occurs, direct the Companies to supplement the record in this proceeding with its plan for procuring power, including the projected effects of such purchases on total costs and revenues.

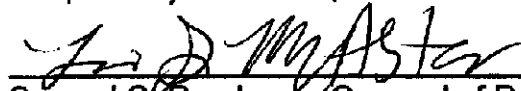
⁸ See *FirstEnergy Solutions Corp., et al.*, FERC Docket Nos. ER09-134-000, ER09-135-000, ER09-136-000, ER09-137-000, Amendments to Market-Based Rate Tariffs Waiving Affiliate Restrictions in Ohio at 9 (October 28, 2008).

III. CONCLUSION

For the reasons discussed herein, IEU-Ohio respectfully requests that the Commission issue an order that finds:

- 1) there is insufficient information available in the record to evaluate the proposed ESP and to compare it to the expected outcome under Section 4928.142, Revised Code;
- 2) the Commission is not accepting, modifying or rejecting the ESP application;
- 3) a specific and identified process is necessary for FirstEnergy to furnish the information necessary for the Commission to prudently fulfill its duties under Section 4928.02, Revised Code;
- 4) the rate plan as of July 31, 2008 shall be in effect until an SSO is first authorized under either Sections 4928.142 or 4928.143, Revised Code;
- 5) the Companies shall promptly pursue compliance with the requirements of SB 221's portfolio obligations subject to approval of a proposal to address the costs of compliance;
- 6) the Companies must address the consequences of any end to Commission-approved reasonable arrangements;
- 7) reasonable arrangements are available when approved by the Commission to address specific needs and circumstances and SB 221 also provided a means for EDUs to address "delta revenue"; and,
- 8) the Companies shall supplement the record in this proceeding with their plan for procuring power, including the projected effects of such purchases on total costs and revenues.

Respectfully submitted,



Samuel C. Randazzo (Counsel of Record)
Lisa G. McAlister
Joseph M. Clark
McNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215

Attorneys for Industrial Energy Users-Ohio

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Reply Brief of Industrial Energy Users-Ohio* was served upon the following parties of record this 12th day of December 2008, via electronic transmission, hand-delivery or first class mail, postage prepaid.



Lisa G. McAlister

James W. Burk, Counsel of Record
Arthur Korkosz, Senior Attorney
Mark A. Hayden, Attorney
Ebony L. Miller, Attorney
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

**ON BEHALF OF THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, OHIO EDISON COMPANY
AND THE TOLEDO EDISON COMPANY**

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

ON BEHALF OF OHIO ENERGY GROUP

Janine L. Migden-Ostrander
Consumers' Counsel
Jeffrey L. Small, Counsel of Record
Jacqueline Lake Roberts
Richard C. Reese
Gregory J. Poulos
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485

**ON BEHALF OF OFFICE OF THE OHIO CONSUMERS'
COUNSEL**

John W. Bentine
Mark S. Yurick
Matthew S. White
Chester, Willcox & Saxbe LLP
65 East State Street, Suite 1000
Columbus, OH 43215-4213

ON BEHALF OF THE KROGER CO.

Barth E. Royer, Counsel of Record
Bell & Royer Co. LPA
33 South Grant Avenue
Columbus, OH 43215-3927

Nolan Moser
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

Trent A. Dougherty
Staff Attorney
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449

ON BEHALF OF THE OHIO ENVIRONMENTAL COUNCIL

David C. Rinebolt, Trial Attorney
Colleen L. Mooney
Ohio Partners for Affordable Energy
PO Box 1793
Findlay, OH 45839-1793

**ON BEHALF OF OHIO PARTNERS FOR AFFORDABLE
ENERGY**

John W. Bentine, Counsel of Record
Mark S. Yurick
Chester, Willcox & Saxbe LLP
65 East State Street, Suite 1000
Columbus, OH 43215-4213

Garrett A. Stone
Michael K. Lavanga
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, NW
8th Floor, West Tower
Washington, DC 20007

ON BEHALF OF NUCOR STEEL MARION, INC.

Leslie A. Kovacik, Lead Counsel for NOAC
Counsel for Toledo
420 Madison Avenue, Suite 100
Toledo, OH 43604-1219

Lance M. Keiffer, Lead Counsel for NOAC
Assistant Prosecuting Attorney
Counsel for Lucas County
711 Adams Street, 2nd Floor
Toledo, OH 43624-1680

Sheilah H. McAdams, Law Director
Counsel for Maumee
Marsh & McAdams
204 West Wayne Street
Maumee, OH 43537

Brian J. Ballenger, Law Director
Counsel for Northwood
Ballenger & Moore
3401 Woodville Road, Suite C
Northwood, OH 43619

Paul S. Goldberg, Law Director
Counsel for Oregon
6800 W. Central Avenue
Toledo, OH 43617-1135

James E. Moan, Law Director
Counsel for Sylvania
4930 Holland-Sylvania Road
Sylvania, OH 43560

Paul Skaff, Asst. Village Solicitor
Counsel for Holland
353 Elm Street
Perrysburg, OH 43551

Thomas R. Hays, Solicitor
Counsel for Lake Township
3315 Centennial Road, Suite A-2
Sylvania, OH 43560

**ON BEHALF OF NORTHWEST OHIO AGGREGATION
COALITION ("NOAC")**

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

Cynthia A. Fonner
Constellation Energy Group, Inc.
550 West Washington Blvd., Suite 300
Chicago, IL 60661

David I. Fein
VP, Energy Policy—Midwest
Constellation Energy Group, Inc.
550 West Washington Blvd., Suite 300
Chicago, IL 60661

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

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

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC,
THE NATIONAL ENERGY MARKETERS AND INTEGRYS
ENERGY SERVICES, LLC**

Craig G. Goodman
President
National Energy Marketers Association
3333 K Street, N.W., Suite 110
Washington, DC 20007

**ON BEHALF OF THE NATIONAL ENERGY MARKETERS
("NEM")**

Bobby Singh
IntegrYS Energy Services, Inc.
300 West Wilson Bride Road, Suite 350
Worthington, OH 43085

ON BEHALF OF INTEGRYS ENERGY SERVICES, INC.

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927

Gary A. Jeffries
Senior Counsel
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212-5817

ON BEHALF OF DOMINION RETAIL, INC.

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

ON BEHALF OF OHIO HOSPITAL ASSOCIATION

Henry W. Eckhart
50 W. Broad Street, #2117
Columbus, OH 43215

**ON BEHALF OF THE SIERRA CLUB AND THE
NATIONAL RESOURCES DEFENSE COUNCIL
("NRDC")**

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

ON BEHALF OF THE CITY OF AKRON

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

**ON BEHALF OF THE NEIGHBORHOOD
ENVIRONMENTAL COALITION, CONSUMERS FOR FAIR
UTILITY RATES, UNITED CLEVELANDERS AGAINST
POVERTY, CLEVELAND HOUSING NETWORK AND THE
EMPOWERMENT CENTER OF GREATER CLEVELAND
("CITIZENS COALITION")**

Langdon D. Bell
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3927

Kevin Schmidt
The Ohio Manufacturers' Association
33 North High Street
Columbus, OH 43215-3005

**ON BEHALF OF THE OHIO MANUFACTURERS'
ASSOCIATION ("OMA")**

Glenn S. Krassen
Bricker & Eckler LLP
1375 East Ninth Street, Suite 1500
Cleveland, OH 44114

E. Brett Breitschwerdt
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215

**ON BEHALF OF NORTHEAST OHIO PUBLIC ENERGY
COUNCIL ("NOPEC") AND THE OHIO SCHOOLS
COUNCIL ("SCHOOLS")**

Larry Gearhardt
Chief Legal Counsel
Ohio Farm Bureau Federation
280 North High Street
PO Box 182383
Columbus, OH 43218-2383

**ON BEHALF OF THE OHIO FARM BUREAU
FEDERATION ("OFBF")**

Robert J. Triozzi, Director of Law
Steven Beeler, Assistant Director of Law
City of Cleveland
Cleveland City Hall
601 Lakeside Avenue, Room 106
Cleveland, OH 44114-1077

Gregory H. Dunn, Counsel of Record
Christopher L. Miller
Andrew T. Porter
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215

ON BEHALF OF THE CITY OF CLEVELAND

Dane Stinson
Bailey Cavalieri LLC
One Columbus
10 West Broad Street, Suite 2100
Columbus, OH 43215

F. Mitchell Dutton
Senior Attorney
FPL Energy Power Marketing, Inc.
700 Universe Boulevard
CTR/JB
Juno Beach, FL 33408

**ON BEHALF OF FPL ENERGY POWER MARKETING,
INC. ("PMI") AND GEXA ENERGY HOLDINGS, LLC
("GEXA") (COLLECTIVELY "PMI/GEXA")**

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

ON BEHALF OF CITIZEN POWER, INC.

Damon E. Xenopoulos
Shaun C. Mohler
Brickfield, Birchette, Ritts & Stone, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, Wets Tower
Washington, DC 20007

ON BEHALF OF OMNISOURCE CORPORATION

Craig I. Smith
2824 Coventry Road
Cleveland, OH 44120

ON BEHALF OF MATERIALS SCIENCE CORPORATION

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

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

ON BEHALF OF COUNCIL OF SMALLER ENTERPRISES

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

**ON BEHALF OF AMERICAN WIND ENERGY
ASSOCIATION, WIND ON THE WIRES, AND OHIO
ADVANCED ENERGY**

Douglas M. Mancino
McDermott Will & Emery LLP
2049 Century Park East, Suite 3800
Los Angeles, CA 90067-3218

Gregory K. Lawrence
McDermott Will & Emery LLP
28 State Street
Boston, MA 02109

ON BEHALF OF MORGAN STANLEY CAPITAL GROUP

Douglas M. Mancino
McDermott Will & Emery LLP
2049 Century Park East, Suite 3800
Los Angeles, CA 90067-3218

Grace C. Wung
McDermott Will & Emery, LLP
600 Thirteenth Street, NW
Washington, DC 20005

**ON BEHALF OF WAL-MART STORES EAST LP AND
SAM'S CLUB EAST, LP, MACY'S INC., AND BJ'S
WHOLESALE CLUB, INC. (THE "COMMERCIAL
GROUP")**

C. Todd Jones
General Counsel, AICUO
Christopher L. Miller (Counsel of Record)
Gregory H. Dunn
Andre T. Porter
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215

**ON BEHALF OF THE ASSOCIATION OF INDEPENDENT
COLLEGES AND UNIVERSITIES OF OHIO ("AICUO")**

John Jones
William Wright
Assistant Attorneys General
Public Utilities Section
180 East Broad Street
Columbus, OH 43215

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

Christine Pirik
Gregory Price
Public Utilities Commission of Ohio
180 East Broad Street
Columbus OH 43215

ATTORNEY EXAMINERS