



objection to retail participation (as it also had done for the 2008-2009 planning year); notwithstanding AEP Ohio's objections to retail participation that were provided to PJM during the 2008-2009 planning year registration process, PJM confirmed the registration and permitted participation for 96 Ohio customers with a total demand of 66.3 MW. The Commission's pending decision in this case concerning retail participation is fully preserved and there are no new or changed circumstances that justify action by the Commission in response to the motion to cease and desist. AEP Ohio hereby files its memorandum contra the motion and request denial of Integrys' motion.

### **BACKGROUND**

AEP Ohio will not repeat here all of the merits supporting its position that the Commission should limit retail participation in the PJM Demand Response Program. *See* AEP Ohio Initial Brief (pp. 115-126) and Reply Brief (pp. 97-117). Suffice it to say in this context that the Companies remain committed to their position and respectfully reiterate that it is in the best interests of customers and the State of Ohio's demand response goals, as reflected in S.B. 221, to allow electric utilities to be the party directly providing retail demand response programs. The Companies' recommended approach will keep Ohio's demand response resources within the State of Ohio and foster win-win solutions using customer-sited capabilities in a manner consistent with the mercantile provisions of S.B. 221. Again, the full merit arguments were fully briefed in this case and should remain in the forefront of the discussion of any issues concerning PJM's Demand Response Programs.

AEP Ohio supports demand response generally, including the provisions within S.B. 221 as well as the existence of the PJM Demand Response Programs within the

wholesale market. AEP Ohio, however, believes that in states that have regulated rate regimes participation in the PJM programs should be limited to load-serving entities (LSEs) within PJM and should be incorporated into the demand response programs implemented by LSEs. In addition, as discussed in greater detail in its merit briefs, AEP Ohio submits that the mercantile provisions of S.B. 221 can be utilized to commit demand-side resources of retail customers toward benchmark compliance.

As part of their ESP proposal in these cases, Companies' witness Roush testified that AEP Ohio does not believe it is appropriate or contractually permitted for retail customers receiving regulated, standard service offer rates to resell utility power at market-based rates through PJM DR programs operated in the wholesale market. (Companies' Ex. 1, pp. 6-7). In order to address this issue, the Companies propose to add specific language in their terms and conditions of service tariffs to clarify that the prohibition on resale of energy in their current terms and conditions of service precludes customer participation, either directly or indirectly through a third party, in a wholesale demand response program offered by an RTO or other party. Mr. Roush sponsored this tariff clarification and supported it through testimony. (Companies' Ex. 1, pp. 6-7).

The FERC recently finalized its rules concerning the PJM demand response programs, clarifying that State commissions (such as the PUCO) get to decide whether their retail customers should participate in the programs. *Wholesale Competition in Regions with Organized Electric Markets* (Docket Nos. RM07-19-000 and AD07-7-000), 125 FERC ¶ 61,071 (October 17, 2008) ("Final Rule"). The Final Rule is contained in 18 CFR Part 35. The FERC's Final Rule explicitly only permitted participation by retail customers "unless the laws or regulations of the relevant electric retail regulatory

authority do not permit a retail customer to participate.” Final Rule at ¶ 154. *See also* 18 CFR 35.28(g)(1)(B)(3)(iii). AEP Ohio’s request, made as part of its July 31, 2008 ESP applications, is for the Commission to limit retail participation in the PJM Demand Response Programs per the FERC’s Final Rule.

### **INTEGRYS AND CONSTELLATION MAKE UNVERIFIED AND INACCURATE FACTUAL CLAIMS**

Integrys claims without any supporting affidavit or verification that AEP Ohio is “enforcing its unilateral and unauthorized ban against retail customers enrolling ... and to timely process the ILR registrations for the AEP PJM Zone.” Integrys Motion at 1. Integrys goes on to claim that AEP Ohio “is notifying ILR applicants that the Commission has addressed the issue and is unilaterally refusing to process applications for any of its standard service customers to enroll in the ILR program.” *Id.* Integrys also states that it “was informed by an AEP representative, in unequivocal terms, that AEP will not process applications for enrollment into the ILR programs.” *Id.* at 3. These statements do not accurately portray the facts concerning AEP Ohio’s actions, are without substantiation and are simply not true. AEP Ohio will set the record straight with verified factual information that rebuts the unsubstantiated and inaccurate allegations made in Integrys’ motion and echoed by Constellation. Beyond that, Integrys and Constellation fail to raise a claim within the Commission’s jurisdiction and otherwise fail to support the requested relief for a claim that may already be moot.

## **VERIFIED FACTUAL CORRECTIONS BY AEP OHIO**

**There is no unilateral ban by AEP Ohio –customer load data needed for program registration has been provided by AEP Ohio**

Integrys is flat wrong in stating that AEP Ohio “is notifying ILR applicants that the Commission has addressed the issue and is unilaterally refusing to process applications for any of its standard service customers to enroll in the ILR program.” In this regard, Integrys also claims that “even though the Commission has yet to rule on the issue, AEP has now taken matters into its own hands and seeks to preempt the Commission’s decision.” Motion at 4. Similarly, Constellation claims that “AEP has unilaterally, and without notice to the Commission or the parties in this proceeding, refused to verify the demand of its Ohio standard service customers for purposes of enrolling in the PJM ILR program.” Constellation Memorandum at 2. Constellation concludes that “actions taken by AEP over the course of the past week though threaten to make the Commission’s decision moot as it relates to the 2009-2010 planning year.” *Id.* As demonstrated below, AEP Ohio’s position and practices have remained consistent not only throughout the current registration process but also remain substantively the same as the 2008-2009 planning year registration. None of AEP Ohio’s actions undermine the outcome of the pending decision or amount to a “unilateral ban” by AEP Ohio.

Though Integrys and Constellation suggest that AEP Ohio’s efforts to preserve its position is nefarious, the Companies’ existing terms and conditions do prohibit resale of energy by a retail customer and the Commission has not ruled on the matter. As the record in this case reflects, AEP Ohio raised concerns regarding the ability of retail customers to participate in the PJM demand response programs “from day one” – prior to

the first customer attempting to participate and since then in response to multiple other opportunities. (Tr. IX, pp. 211-212). The prohibition on resale of service has been in the Companies' tariffs since prior to the inception of the PJM Demand Response Programs. (Tr. IX, p. 212). These tariffs were approved by the Commission long ago and no party should be surprised or claim that they have acted in reliance on the PJM programs. (Tr. III, p. 24).

Contrary to Integrys' and Constellation's unsubstantiated and unverified claims about what AEP Ohio is telling customers, AEP Ohio has documented its communications in this regard and is presenting them here through a sworn affidavit. Customers inquiring with AEP Ohio about registration for 2009-2010 planning year participation received a "form" customer letter from AEP Ohio, a sample of which is appended to the attached affidavit of Mark Gundelfinger. Gundelfinger Affidavit at ¶ 4. The letter clearly indicates several pertinent points that are in direct conflict with Integrys' portrayal of events:

- AEP Ohio acknowledges the PJM registration deadline and responds to each request for customer load data needed for registration.
- AEP Ohio informs the customer that it is not agreeing to retail participation in the programs and responsibly discloses to the customer the pertinent fact that resolution of that issue is pending before the Commission.
- **AEP Ohio provides the requested customer load data needed for the registration process.**
- AEP Ohio cooperatively informs the customer about the potential need for metering equipment and indicates how that can be arranged.

Gundelfinger Affidavit, Attachment A. Further, as Mr. Gundelfinger also verifies, AEP Ohio has clarified to customers during some informal inquiries that the purpose of the language in the customer letters was not to undermine registration but to achieve full disclosure of the current uncertainties associated with registration and to ensure that AEP

Ohio does not waive its position when cooperatively facilitating the registration process. Gundelfinger Affidavit at ¶ 8.

Integrus' claim that AEP Ohio "is notifying ILR applicants that the Commission has addressed the issue" is also incorrect, given that the customer letters plainly state that "AEP Ohio currently has a request pending" and that it "anticipates that the PUCO will address the request in the first quarter of 2009." Gundelfinger Affidavit, Attachment A. Moreover, in direct conflict with Integrus' allegation that AEP Ohio "is unilaterally refusing to process applications for any of its standard service customers to enroll in the ILR program," the customer letters indicate that AEP Ohio "recognizes" the registration upcoming deadline and states up front in the letter that AEP Ohio "is responding to your request for Peak Load Contribution Data (PLC) on that basis." *Id.* Most importantly, the customer letters provide the customer's actual PLC data needed for registration. *Id.* Finally in this regard, the customer letters close by stating that "I hope this information will assist you as you prepare for PJM's demand response program. However, if you have any further questions, please do not hesitate to call [the customer's service representative]." As Mr. Gundelfinger states, AEP Ohio was not aware of any customer complaining that PLC data had not been provided. Gundelfinger Affidavit at ¶ 7. As Mr. Gundelfinger further states, AEP Ohio has not withheld PLC data in any instance. *Id.* at ¶ 6.

Concerning enrollment for the 2009-2010 planning period, Companies' witness Baker testified during the evidentiary hearing in these cases as follows:

The implication I believe in Mr. Wolfe's testimony is the customers should continue to be able to do this because they may have made investments in their facilities which allows them to participate currently. In my view those customers were fully aware that AEP is opposed to the participation

through RTOs. We've been opposing it at a state level. We've been opposing it at a FERC level and a decision to make that investment was a risk that those customers chose to take that at some point that may no longer be available to them. So I don't see that as a reason specifically to take a position by the Commission in 2009 that those customers could participate in a 2009-2010 planning year.

(Tr. I at 180). Mr. Baker further suggested that interested customers not sign up but wait until there is an order in this case. (Tr. I, p. 183). Hence, because prospective enrollees for the upcoming 2009-2010 planning year have long been on notice that AEP has opposed participation by retail customers, they would enroll at their own risk pending resolution of the issue by the Commission in this case. The customer letters used by AEP Ohio are entirely consistent with Mr. Baker's testimony where the same concept was communicated directly to the Commission during the public hearing.

In short, AEP Ohio has properly placed the issue of retail participation before the Commission and, through its communications with customers regarding PJM registration process, has merely preserved its position and responsibly notified customers of the impending decision. In light of the clear language contained in the form letter, Integrys' statements regarding AEP Ohio are highly suspect and seem to reflect a desperate attempt to manufacture a false conflict and distract the Commission from deliberating upon retail participation based on the parties' merit briefs. Moreover, contrary to the claims of Integrys and Constellation, AEP Ohio did not change its process or approach during the entire registration period for the 2009-2010 planning year. Gundelfinger Affidavit at ¶ 9. Integrys' and Constellation's unverified and unsubstantiated allegations are false and must be ignored.



**AEP Ohio has electronically processed customer applications in a timely manner**

Not only were the cooperative and full disclosure statements made and the customer-specific load data provided in the customer letters, the representations match up directly with AEP Ohio's actions in electronically interfacing with PJM during the registration process. As verified by the affidavit of David Roush, AEP Ohio has processed registration applications for the 2009-2010 planning year in a timely manner. Roush Affidavit at ¶ 4. Specifically, AEP Ohio confirmed the customer's PLC data and transmitted the required information to PJM to facilitate the customer's registration. *Id.* In processing those applications and including the information on PJM's electronic interface, AEP Ohio has fulfilled its responsibility as a member of PJM and in its capacity as an "electric distribution company" and a "load serving entity" as those terms are used by PJM. Roush Affidavit at ¶ 5.

It is not surprising or unexpected that AEP Ohio, in its capacity as PJM member, also provided comments to PJM that it did not accept the registration based on its longstanding position against retail participation. The "Comments" provided by AEP Ohio refer to its resale prohibition in its tariffs and indicates that AEP Ohio addressed the matter in greater detail within PUCO Case No. 08-918-EL-UNC. Roush Affidavit Attachment A. As Mr. Roush verifies, AEP Ohio similarly recommended denial last year – *and PJM proceeded to confirm and accept customer registrations.* Roush Affidavit at ¶ 8, ATTACHMENT B. The space in the electronic interface is limited and any ambiguity in the language used there would be clarified through AEP Ohio's more extensive and explanatory customer letters.

In any case, applications are processed with the comments made by AEP Ohio to preserve its position. Contrary to Integrys' suggestion, this approach has not resulted in rejection of any registrations—as evidenced by use of similar language and recommended denials last year. AEP Ohio is entitled to assert its views to PJM and preserve a favorable outcome based on its position. The 2009-2010 planning year registration date has been in place for a long time; nothing of substance has changed from AEP Ohio's electronic application process used for the 2008-2009 planning year registrations. Contrary to the unsupported and unverified allegations of Integrys and Constellation, there simply is no new development or urgent conflict to be addressed by the Commission.

**INTEGRYS HAS NOT RAISED A MATTER WITHIN THE COMMISSION'S JURISDICTION AND PROVIDES NO BASIS SUPPORTING ITS REQUEST**

Whatever complaints Integrys may have about AEP Ohio's internal practices in processing electronic registrations under the PJM Demand Response Programs, they are not matters within the Commission's jurisdiction under Title 49 of the Ohio Revised Code. AEP Ohio's actions relate solely to implementation of PJM's tariffs and are undertaken through AEP Ohio's role as PJM member and in its capacity as an "electric distribution company" and a "load serving entity" as those terms are used by PJM. Roush Affidavit at ¶ 5. These are matters for PJM and the FERC, not the Commission. Thus, while the Commission clearly has authority to veto retail participation (the sole issue raised by AEP Ohio in its ESP proposals), it cannot take over the PJM program and police any disputes concerning implementation of PJM tariffs (such as the allegations raised in Integrys' Motion).

Integrys' own merit brief in these cases directly undercuts its current position that the Commission has jurisdiction over its claims. In its merit brief, Integrys extensively

argued that the Commission lacked jurisdiction over PJM Demand Response Program participation. Integrys Brief at 9-14. In support of that assertion, Integrys asserted that “the FERC clearly occupies this field” and that federal preemption would prevent any state from interfering with the Regional Transmission Organization program.” *Id.* at 9 (citations omitted). Integrys’ new jurisdiction position set forth in its motion, although convenient for its present purposes, directly conflicts with its position on brief. As a matter of equitable estoppel, Integrys’ present jurisdictional argument should not be permitted. In any case, it is evident that the Commission lacks jurisdiction over detailed implementation matters relating to administration of PJM’s tariff—those are FERC matters (while the Commission does have jurisdiction to decide whether retail participation should be permitted in Ohio).

Even if the Commission were to assert jurisdiction over this PJM tariff implementation matter and even if the Commission accepted Integrys’ unverified and unsubstantiated allegations in the face of AEP Ohio’s verified corrections, the entire issue presented by Integrys’ motion appears to be moot absent an extension of the registration deadline (currently set to expire March 2, 2009).<sup>2</sup> As such, it would be an academic exercise to rule on Integrys’ motion. The Commission should not expend its valuable resources addressing such matters.

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<sup>2</sup> PJM has requested that the deadline for registration be moved back to May 1, 2009.

## CONCLUSION

For the foregoing reasons, Integrys' motion should be denied.

Respectfully submitted,



Marvin I. Resnik, Counsel of Record  
Steven T. Nourse  
American Electric Power Service Corporation  
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[dconway@porterwright.com](mailto:dconway@porterwright.com)

Counsel for Columbus Southern Power  
Company and Ohio Power Company

**AFFIDAVIT OF MARK GUNDELFINGER**

State of Ohio :  
: ss  
County of Franklin :

Mark Gundelfinger, being first duly sworn according to law, deposes and says:

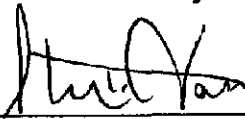
1. I am the Manager of Customer Services for AEP Ohio, which includes Columbus Southern Power Company and Ohio Power Company.
2. I have job responsibilities that include communicating with commercial and industrial customers of AEP Ohio.
3. In connection with demand response programs offered by PJM Interconnection ("programs"), I have sent out standardized or "form" letters to customers that have registered for the 2009-2010 planning year of the programs.
4. A true and accurate sample of a customer letter concerning the 2009-2010 planning year program registration is appended to my affidavit as "ATTACHMENT A."
5. While customer-specific data has been redacted from the sample letter and varies, the main part of the letter is the same and has been transmitted to each customer that has registered for the 2009-2010 planning year of the programs.
6. AEP Ohio has provided (or is actively in the process of providing) peak load contribution data and other necessary data for every customer that has registered for the programs.
7. I am not aware of any customer complaining that the needed load data was not provided by AEP Ohio.

8. During informal discussions with customers that have inquired about language used in the customer letter, AEP Ohio personnel have clarified that the purpose of the language in the customer letters was not to undermine registration but to achieve full disclosure of the current uncertainties associated with registration and to ensure that AEP Ohio does not waive its position when cooperatively facilitating the registration process.
9. AEP Ohio has taken the same approach during the entire period of the 2009-2010 planning year process.

FURTHER AFFIANT SAYETH NAUGHT.

  
Mark Gundelfinger

Sworn to before me and subscribed in my  
presence this 2<sup>nd</sup> day of March, 2009.

  
\_\_\_\_\_  
Notary Public

JOHN T. FURBER, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 14703.02

# **ATTACHMENT A**

American Electric Power  
701 Hardin Drive  
Chillicothe, OH 43601



AEP: America's Energy Partner™

February 13, 2009

Mr. David C. Schenkel  
Interstate Cold Storage  
2400 Setterlin Drive  
Columbus, OH 43228-9794

Dear Mr. Schenkel:

AEP Ohio recognizes that the PJM Interconnection, LLC (PJM) Interruptible Load for Reliability demand response program has a March 2, 2009 deadline for registration for the 2009-2010 planning year and is responding to your request for Peak Load Contribution (PLC) data on that basis. In responding to your request for PLC data, however, AEP Ohio is not agreeing to your participation in PJM demand response programs, or otherwise waiving its position that retail participation in those programs is not appropriate where AEP Ohio provides generation service to the retail customer. AEP Ohio has maintained since its participation in the PJM RTO that AEP Ohio's retail tariff provisions which prohibit sales for resale also do not permit retail customer participation in PJM demand response programs. On October 17, 2008, the Federal Energy Regulatory Commission issued Order No. 719 in Docket Nos. RM07-19-000 and AD07-7-000 regarding Wholesale Competition in Regions with Organized Wholesale Markets, providing that retail customers can participate in RTO/ISO demand response programs "unless the laws or regulations of the relevant electric regulatory authority do not permit a retail customer to participate." AEP Ohio currently has a request pending before the Public Utilities Commission of Ohio (PUCO) to clarify that participation by retail customers in the PJM demand response programs is not permissible and AEP Ohio anticipates that the PUCO will address the request in the first quarter of 2009. Consequently, any prospective registrant for the PJM demand response programs submitted at this time should be aware that its registration may subsequently be impacted by the PUCO's decision concerning AEP Ohio's filing.

With regard to the PLC data you requested, the following are for your respective accounts with AEP Ohio:

Account No.	Metered 5CP	Load Adjustment Factor	Capacity Loss Factor	PLC
1060390421	790.65	1.0116	1.0542	843.17
1097361831	540.29	1.0116	1.0897	595.59

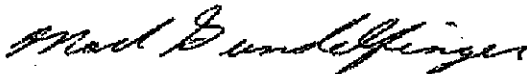


It is our understanding that many of the Curtailment Service Providers may require customers to have pulse metering available. If that is the case with any of these accounts and you need to make arrangements to have it installed, please contact Janet Phan at (740) 883 - 7932.

In addition, AEP Ohio must have a means to validate the date, time and capacity of demand reductions submitted to us by PJM. This is typically achieved with Interval Data Recorder (IDR) metering. Please be advised that AEP Ohio has the right to require participating accounts to have an IDR installation and we reserve the right to install IDR metering and bill you for all associated costs, at a later date should any of the above accounts not have it.

I hope this information will assist you as you prepare for PJM's demand response program. However, if you have any further questions, please do not hesitate to call Janet Phan.

Sincerely,

A handwritten signature in cursive script that reads "Mark Gundelfinger".

Mark Gundelfinger, P.E.  
Manager - Customer Services

C: Energy Curtailment Specialist, Inc. - John Ludka

**AFFIDAVIT OF DAVID M. ROUSH**


State of Ohio               :  
                                      : ss  
County of Franklin       :

David M. Roush, being first duly sworn according to law, deposes and says:

1.     I am employed by American Electric Power Service Corporation (AEPSC) as  
Manager –Regulated Pricing and Analysis.
2.     I have job duties that include coordinating the electronic registration process for  
demand response programs offered by PJM Interconnection (“programs”) through  
AEPSC on behalf of operating companies including AEP Ohio.
3.     AEP Ohio provides peak load contribution (PLC) data and other necessary data  
for each customer that registers for a program that requires such information.
4.     AEP Ohio has processed registrations for the 2009-2010 planning year of the  
programs (as it has in prior years) in a timely manner in accordance with PJM’s  
tariff and business rules, including verification of the customer’s PLC data and  
transmitting the required information to PJM to facilitate the customer’s  
registration.
5.     These activities are undertaken in accordance with PJM’s tariff by AEP Ohio as a  
member of PJM and in its capacity as an “electric distribution company” and  
“load serving entity” as those terms are used by PJM.
6.     A true and accurate sample of an electronic registration concerning the 2009-2010  
planning year program registration is appended to my affidavit as  
“ATTACHMENT A.”

7. The "Comments" provided to PJM by AEP Ohio reflected in "ATTACHMENT A" refer to its resale prohibition in its tariffs and indicate that AEP Ohio addressed the matter in greater detail within PUCO Case No. 08-918-EL-UNC.
8. A true and accurate sample of an electronic registration concerning the 2008-2009 planning year program registration is appended to my affidavit as "ATTACHMENT B." Although the language inserted in the "Comments" section last year did not refer to Case No. 08-918-EL-UNC, the same basic position was taken regarding the 2008-2009 planning year. As reflected in the example in "ATTACHMENT B," the customer's registration was confirmed by PJM notwithstanding AEP Ohio's comments preserving its objection.
9. The "Comments" reflected in "ATTACHMENT A" for the 2009-2010 planning year continued AEP Ohio's established practice and were intended to preserve AEP Ohio's position that the retail electric service provided by AEP Ohio at regulated prices is for the sole use of the retail customer. Based upon last year's experience I would expect that the "Comments" would not cause PJM to act in a manner different from last year and deny registration for any customer that has otherwise met PJM's registration conditions.

FURTHER AFFIANT SAYETH NAUGHT.

  
David M. Roush

Sworn to before me and subscribed in my  
presence this 2<sup>nd</sup> day of March, 2009.

  
Notary Public

STEVEN T. MOURSE, Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
00000000000000000000

# **ATTACHMENT A**

## Load Response Registration

Registration ID: **[REDACTED]**  
 Curtailment Service Provider: **[REDACTED]** pc.  
 Submitted Date: 02/16/2009

Registration Status: Denied by EDC  
 Effective Date:

Planning Period: 2009-2010  
 Terminate Date: 08/01/2010

### Customer Data

Detail End Use Customer Name: **[REDACTED]**  
 Reason:

EDC Account Number: **[REDACTED]**

End Use Customer Zip Code: **[REDACTED]**

Customer State: **[REDACTED]**

EDC: **[REDACTED]**

Zone: **[REDACTED]**

Aggregate: **[REDACTED]**

Program Option: **[REDACTED]**

Metering Requirement: **[REDACTED]**

**Reduction Detail**  
 Peak Hourly Load: **[REDACTED]** kW  
 Load Reduction: **[REDACTED]** kW  
 Load Reduction Method: **[REDACTED]**  
 Energy Loss Factor: **[REDACTED]**

### Contract Information

Customer Energy Supplier (USE):

Contract Type:

Retail Rate (S&T):

Description:

Appalachian Power Company (AEP Generation)  
 Other

Rate details not important for

### Status History

User's Name	Status Change	Timestamp	Comments
[REDACTED]	Denied by EDC	02/25/2009 03:08:54 EST	<p>In accordance with the Ohio Power Company (OPC) tariff, the applicant receives its requirements service at average embedded costs and does not take title to any capacity or energy. The applicant is only obligated and entitled to purchase capacity and energy that it uses to meet its specific load, and is not authorized to resell the capacity or energy. The relationship between OPC and the applicant is governed by tariffs in effect and approved by the Public Utilities Commission of Ohio. The question of whether OPC customers can participate in PJM DR programs was addressed in Case No. 08-918-EL-UNIC. An order in that case is expected shortly.</p> <p>Given these circumstances, AEP does not accept that the applicant is eligible to participate in PJM's Emergency Program.</p>
[REDACTED]	Pending EDC/LSE	02/16/2009 07:15:36 EST	

# **ATTACHMENT B**

## Load Response Registration

Registration ID: [REDACTED]  
 Current Service Provider: [REDACTED]  
 Submitted Date: 02/27/2008

Registration Status: Confirmed by PJM  
 Effective Date: 03/03/2008

Planning Period: 2008-2009  
 Terminate Date: 06/01/2009

### Customer Data

End Use Customer Name: [REDACTED]  
 EDC Account Number: [REDACTED]  
 End Use Customer Zip Code: [REDACTED]  
 Customer State: OH  
 EDC: Appalachian Power Company (AEP Transmission)  
 Zone: AEP  
 Aggregate: Emergency  
 Program Option: EDC Meter  
 Metering Requirement:

Reduction Detail:  
 Peak Hourly Load: [REDACTED] kW  
 Load Reduction: [REDACTED] kW  
 Load Reduction Method: [REDACTED]  
 Energy Loss Factor: [REDACTED]

### Contract Information

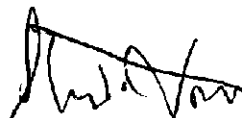
Customer Energy Supplier (LES): Appalachian Power Company (AEP Generation)  
 Contract Type: Other  
 Retail Rate (\$/kWh): 0.0 cents/kWh  
 Description: Rate blank, not important for [REDACTED]

### Status History

User's Name	Status Change	Timestamp	Comments
[REDACTED]	Denied by EDC	02/29/2008 03:59:25 EST	AEP acknowledges the receipt from PJM of the request to participate in PJM's Emergency Program as a Load Reduction Resource. The applicant is a retail customer of Ohio Power Company (OPC), a subsidiary of AEP. The facility, located in Ohio, receives service according to OPC's state-approved, regulated retail tariffs.  In accordance with the tariff, the applicant receives its requirements service at average embedded costs and does not have title to any capacity or energy. The applicant is only obligated and entitled to purchase capacity and energy that it uses to meet its specific load, and is not authorized to resell the capacity or energy. The relationship between OPC and the applicant is governed by tariffs in effect and approved by the Public Utilities Commission of Ohio.  Given these circumstances, AEP does not accept that the applicant is eligible to participate in PJM's Emergency Program.
[REDACTED]	Pending EDC/LES	02/27/2008 03:06:07 EST	

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra Integrys Energy Services, Inc.'s Motion for Order Requiring AEP to Cease and Desist and Request for Expedited Ruling was served by electronic mail upon the individuals listed below this 2<sup>nd</sup> day of March, 2009.



Steven T. Nourse

sbaron@jkenn.com  
lkollen@jkenn.com  
charlieking@snavely-king.com  
mkurtz@bkllawfirm.com  
dboehm@bkllawfirm.com  
grady@occ.state.oh.us  
etter@occ.state.oh.us  
roberts@occ.state.oh.us  
idzkowski@occ.state.oh.us  
stnourse@aep.com  
dconway@porterwright.com  
jbentine@cwslaw.com  
myurick@cwslaw.com  
mwhite@cwslaw.com  
khiggins@energystrat.com  
barthroyer@aol.com  
gary.a.jeffries@dom.com  
nmoser@theOEC.org  
trent@theOEC.org  
henryeckhart@aol.com  
nedford@fuse.net  
rstanfield@nrdc.org  
dsullivan@nrdc.org  
ed.hess@puc.state.oh.us  
thomas.lindgren@puc.state.oh.us  
werner.margard@puc.state.oh.us  
john.jones@puc.state.oh.us  
sam@mwncmh.com  
lmcaster@mwncmh.com  
jclark@mwncmh.com  
drinebolt@aol.com

jmaskovyak@oslsa.org  
ricks@ohanet.org  
tobrien@bricker.com  
david.fein@constellation.com  
cynthia.a.fonner@constellation.com  
mhpeticoff@vssp.com  
smhoward@vssp.com  
cgoodman@energymarketers.com  
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