

FILE

**Meyers Roman**

Meyers, Roman, Friedberg & Lewis  
*A Legal Professional Association*

Sarah M. Duffy, ext. 191  
sduffy@meyersroman.com

May 29, 2009

Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

**Re: Renewable Energy Services of Ohio, LLC v. FirstEnergy Corp.**  
**Docket No. 09-429-EL-CSS**

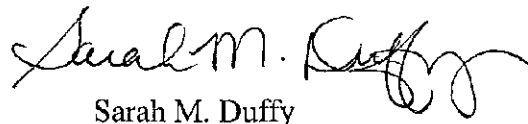
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Dear Sir or Madam:

Enclosed please find an original and one (1) copy of an Amended Complaint in connection with the above-named matter. Please note that we amended paragraphs 7-10 to refer to Ohio Administrative Code §4901:1-22-04. Please file the original with the Commission and return the time-stamped copy to our office in the self-addressed, stamped envelope provided.

If you have any questions, please feel free to contact me.

Yours very truly,



Sarah M. Duffy

Enclosures

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THE PUBLIC UTILITIES COMMISSION OF OHIO

RENEWABLE ENERGY SERVICES )  
OF OHIO, LLC, )  
1 Continental Way )  
Norwalk, Ohio 44857 )

Docket No. 09-429-EL-CSS

AMENDED COMPLAINT

vs. )

FIRSTENERGY CORP., )  
76 South Main Street )  
Akron, Ohio 44308 )

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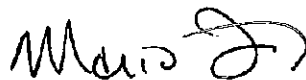
NOW COMES Renewable Energy Services of Ohio, LLC ("Renewable"), by and through its counsel, Meyers, Roman, Friedberg & Lewis, by Mario J. Fazio, and for its Amended Complaint states the following:

1. Renewable intends to develop a renewable energy project using landfill methane gas and converting it to electricity at a project located in Erie County, Ohio (the "Project").
2. In this regard, Renewable has entered into a Landfill Gas Purchase Agreement with Erie County, Ohio, dated December 20, 2007, and a Landfill Power Purchase Agreement with American Municipal Power Ohio, dated September 1, 2008.
3. Pursuant to Ohio Administrative Code §4901:1-22-04, Renewable submitted to FirstEnergy an application for interconnection services on May 12, 2008 for the Project, a copy of which is attached hereto as "Exhibit A."
4. Renewable has, in good faith, on numerous occasions endeavored to contact FirstEnergy to discuss its application for interconnection services.
5. FirstEnergy has delayed discussing the matter and has failed to provide any substantive written response to Renewable regarding its application.
6. FirstEnergy's inaction has caused serious delays in development of the Project and has resulted in monetary damages to Renewable and its owners.
7. FirstEnergy failed to comply with Ohio Administrative Code §4901:1-22-04(B)(1), because it did not process Renewable's application in a nondiscriminatory manner and in the order in which it was received. Despite having received Renewable's application over one (1) year ago, FirstEnergy has failed to process the application, nor has it

informed Renewable of any defects in the application. Renewable has made numerous inquiries of the status of the application and FirstEnergy has been non-responsive.

8. In this connection, FirstEnergy failed to comply with Ohio Administrative Code §4901:1-22-04(B)(3), which states that the public utility company “shall automatically provide each applicant with a written notice of [its] receipt of an application within three business days after the application has been received. The notice of receipt shall include the following: (a) a copy of the applicable review process; and (b) a target date for processing the application.” FirstEnergy failed to provide the requisite notice of receipt, and has failed to provide Renewable with a target completion date.
9. FirstEnergy further failed to comply with Ohio Administrative Code §4901:1-22-04(B)(4) because, if it has determined that Renewable’s application is incomplete, it has not provided to Renewable: (a) written notice of such incompleteness within ten (10) business days; (b) a checklist of information required to complete the application; and (c) a statement that processing cannot begin until the needed information is received.
10. Finally, FirstEnergy is in violation of Ohio Administrative Code §4901:1-22-04(B)(5) because, if it has determined that it cannot connect Renewable’s facility within the required timeframes, it has failed to notify Renewable of this fact within ten (10) business days after receipt of its application.

WHEREFORE, Renewable respectfully requests that the Commission: (a) direct FirstEnergy to promptly process Renewable’s application for interconnection services and enter into a fair and reasonable Interconnection Service Agreement with Renewable for the Project; and (b) grant Renewable any and all further relief that the Commission deems just and proper.



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Mario J. Fazio (Bar Reg. No. 0042284)  
MEYERS, ROMAN, FRIEDBERG & LEWIS  
28601 Chagrin Blvd., Suite 500  
Cleveland, Ohio 44122  
Phone: (216) 831-0042  
Fax: (216) 831-0542  
[mfazio@meyersroman.com](mailto:mfazio@meyersroman.com)  
*Counsel for Renewable Energy Services of Ohio, LLC*