

BOEHM, KURTZ & LOWRY ATTORNEYS AT LAW

36 EAST SEVENTH STREET SUITE 1510 CINCINNATI, OHIO 45202 TELEPHONE (513) 421-2255

TELECOPIER (513) 421-2764

<u>Via Telefax Transmission and</u> <u>Overnight Mail</u>

August 15, 2011

Public Utilities Commission of Ohio PUCO Docketing 180 E. Broad Street, 10th Floor Columbus, Ohio 43215

In re: Case No. 11-4304-EL-UNC

Dear Sir/Madam:

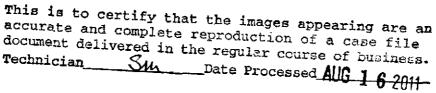
Please find enclosed an original and twenty (20) copies each of THE REPLY COMMENTS OF THE OHIO ENERGY GROUP fax-filed today in the above-referenced matter.

Please place this document of file.

Respectfully yours. Place Ń

David F. Boehm, Esq. Michael L. Kurtz, Esq. BOEHM, KURTZ & LOWRY

MLKkew Encl.



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FAX NO, 5134212764

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BEFORE THE

PUBLIC UTILITY COMMISSION OF OHIO

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In The Matter Of The Staff Proposal For An Economic Development Tariff

Case No. 11-4304-EL-UNC

REPLY COMMENTS OF THE OHIO ENERGY GROUP

The Ohio Energy Group¹ (OEG) filed Comments to the Staff's proposed Economic Development Program (EDP) tariff. OEG files the following in response to the Public Utility Commission of Ohio's (Commission) invitation to provide replies to the Comments of others.

<u>GENERAL</u>

OEG's initial comments consisted, in fact, of both comments and questions as it is our impression that the current draft leaves much to be clarified. Not surprisingly the comments of others did not answer any of those questions and it is our expectation that this will be done by the Staff. Until

¹ OEG is a non-profit entity organized to represent the interests of large industrial customers in electric and gas regulatory proceedings before the Public Utility Commission of Ohio. OEG's members consist of: Air Products & Chemicals, Inc., AK Steel Corporation, Aleris International, Inc., Alcoa Inc., Amsted Rail Company, Inc., ArcelorMittal USA, BP-Husky Refining, LLC, Cargill, Incorporated, Charter Steel, Chrysler LLC, E.I. DuPont de Nemours & Company, Ford Motor Company, GE Aviation, General Motors LLC, Johns Manville (Berkshire Hathaway), Linde, LLC, Materion Brush, Inc., North Star BlueScope Steel, LLC, Praxair, Inc., The Procter & Gamble Co., RG Steel, The Timken Company, Warren Steel Holdings, LLC and Worthington Industries, Inc.

these questions are answered, much remains open and our questions exceed our comments and our Reply Comments are few.

- 1. OEG observed that others also note that the discounts proposed by the tariff should be calculated from the market rate for power and not from the utilities SSO unless the SSO's were lower. This would ensure that the rate resulting from the application and its discount to the qualifying customer would be as low as possible. The concept is explained in some detail in the Comments of First Energy Solutions. It serves also to clarify OEG's comment that the competitive bidding process should allow the incumbent utility a "*right of first refusal*". That right should attach only to the incumbent-regulated utility and would involve serving the load from its native generating assets where the SSO is the same or lower than the best competitive bid. In other words, the rate to be discounted would be the lower of cost or market.
- 2. We agree that the definition of mercantile class is too broad and should only include manufacturing customers.

The OEG respectfully submits the above Reply Comments for your consideration. We thank the Commission for this opportunity to address this important issue.

Respectfully submitted,

David F. Boehm, Esq. Michael L. Kurtz, Esq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 Ph: (513) 421-2255 Fax: (513) 421-2764 E-Mail: <u>dboehm@BKLlawfirm.com</u> mkurtz@BKLlawfirm.com

COUNSEL FOR OHIO ENERGY GROUP

August 15, 2011

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FAX NO. 5134212764

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 15th day of August, 2011 to the following:

David F. Boehm, Esq. Michael L. Kurtz, Esq.

*ORAHOOD, TERESA BRICKER & ECKLER LLP 100 SOUTH THIRD STREET COLUMBUS OH 43215-4291

O'BRIEN, THOMAS BRICKER & ECKLER LLP 100 SOUTH THIRD STREET COLUMBUS OH 43215-4291

*TEUSCHER, TYLER A. MR. THE DAYTON POWER AND LIGHT COMPANY 1065 WOODMAN DR. DAYTON OH 45432

OHIO PARTNERS FOR AFFORDABLE ENERGY RINEBOLT DAVID C 231 WEST LIMA ST. PO BOX 1793 FINDLAY OH 45839-1793 COLUMBUS SOUTHERN POWER SELWYN J. DIAS 850 TECH CENTER DRIVE GAHANNA OH 43230

DUKE ENERGY OHIO INC 139 EAST FOURTH STREET CINCINNATI OH 45202

INDUSTRIAL ENERGY USERS OF OHIO GENERAL COUNSEL SAMUEL C RANDAZZO 21 EAST STATE STREET, 17TH FLOOR COLUMBUS OH 43215 *WILLIAMS, NATALIE R MRS. THE DAYTON POWER AND LIGHT COMPANY 1065 WOODMAN DRIVE DAYTON OH 45432

*VOGEL, ANNE M AMERICAN ELECTRIC POWER SERVICE CORPORATION 1 RIVERSIDE PLAZA COLUMBUS OH 43215

*WATTS, ELIZABETH H MS. DUKE ENERGY OHIO, INC. 155 EAST BROAD STREET SUITE 2100 COLUMBUS, OH 43215

MOONEY, COLLEEN L ATTORNEY 231 WEST LIMA STREET FINDLAY OHIO 45840 OHIO MANUFACTURERS ASSN 33 N. HIGH ST COLUMBUS OH 43215

SPILLER, AMY DUKE ENERGY OHIO 139 E. FOURTH STREET, 1303-MAIN P O BOX 961 CINCINNATI OH 45201-0960 OHIO EDISON COMPANY VP & CONTROLLER HARVEY L WAGNER 76 SOUTH MAIN STREET AKRON OH 44308

OHIO HOSPITAL ASSOCIATION RICHARD L. SITES 155 E. BROAD STREET 15TH FLOOR COLUMBUS OH 43215-3620 OHIO POWER COMPANY SELWYN J. DIAS 850 TECH CENTER DRIVE GAHANNA OH 43230 *LANG, JAMES F MR. CALFEE HALTER & GRISWOLD LLP 1400 KEYBANK CENTER 800 SUPERIOR AVE. CLEVELAND OH 44114

OHIO PARTNERS FOR AFFORDABLE ENERGY MOONEY COLLEEN L 1431 MULFORD RD COLUMBUS OH 43212 OLIKER, JOSEPH E ATTORNEY 21 EAST STATE STREET, 17TH FLOOR COLUMBUS OH 43215

POLICY MATTERS OHIO ZACH SCHILLER 3631 PERKINS AVE STE 4-C EAST CLEVELAND OH 44114 TOLEDO EDISON COMPANY VP & CONTROLLER HARVEY L WAGNER 76 SOUTH MAIN STREET AKRON OH 44308

RETAIL ENERGY SUPPLY ASSOCIATION (RESA)*PETRICOFF, M HOWARDSTEPHEN HOWARDVORYS SATER SEYMOUR AND PEASE LLP52 E. GAY ST.52 E. GAY STREET P.O. BOX 1008COLUMBUS OH 43215COLUMBUS OH 43216-1008

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY VP & CONTROLLER HARVEY WAGNER 76 SOUTH MAIN ST AKRON OH 44308