

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING DIV
2011 DEC 23 PM 1:13
PUCO

In the Matter of the Application of Duke)
Energy Ohio for Authority to Establish a)
Standard Service Offer Pursuant to Section)
4928.143, Revised Code, in the Form of) Case No. 11-3549-EL-SSO
an Electric Security Plan, Accounting)
Modifications and Tariffs for Generation)
Service.)

In the Matter of the Application of Duke)
Energy Ohio for Authority to Amend its) Case No. 11-3550-EL-ATA
Certified Supplier Tariff, P.U.C.O. No. 20.)

In the Matter of the Application of Duke)
Energy Ohio for Authority to Amend its) Case No. 11-3551-EL-UNC
Corporate Separation Plan.)

DUKE ENERGY OHIO, INC.'S MEMORANDUM IN OPPOSITION
TO THE APPLICATION FOR REHEARING OF
COLUMBUS SOUTHERN POWER COMPANY AND OHIO POWER COMPANY

Comes now Duke Energy Ohio, Inc. (Duke Energy Ohio or Company), by and through counsel, and for its memorandum in opposition to the Application for Rehearing of Columbus Southern Power Company and Ohio Power Company (AEP Ohio) incorporates by reference its Motion to Strike said Application and further states as follows.

The Application for Rehearing is an unfortunate abuse of process and a blatant misrepresentation of the record. Indeed, AEP Ohio does not seek any relief in respect of the Stipulation and Recommendation approved by the Public Utilities Commission of Ohio (Commission) on November 22, 2011, in connection with the captioned proceedings (hereinafter

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 Am Date Processed 12/23/11

the Duke Energy ESP Stipulation). Rather, AEP Ohio is seeking to prematurely influence the Commission's review of a separate proceeding in which AEP Ohio is the applicant and Duke Energy Ohio not even a party of record.

AEP Ohio's filing – if given *any* consideration by the Commission – invites a significant financial debacle. Duke Energy Ohio's first standard service offer (SSO) load auction has been approved and suppliers are preparing to serve that load in less than two weeks' time. If the Duke Energy ESP Stipulation is to be reconsidered, there is the potential for modification to the settlement. And, consequently, there is the potential for Duke Energy Ohio to exercise its statutory right to reject a modified ESP. R.C. 4928.143(C)(2)(a). In such an instance, SSO suppliers will be left with partially unfilled contracts and the likely need to unwind hedges that will have become useless; Duke Energy Ohio will be forced to reposition itself to serve its SSO load; and, importantly, customers will be deprived of the approximate 17 percent rate reduction announced by the Commission. Further, Duke Energy Ohio believes that, if the Commission were to grant the Application for Rehearing, subsequent auctions would not likely result in as favorable rates for customers, as suppliers will price additional risk into future bids or even decide not to participate, thereby denying customers the full benefit of the competitive market that the Commission and others have worked so hard to encourage.

The Application for Rehearing must be denied as it is not supported by the relevant evidentiary record and reflects a self-serving attempt to ignore the statutory requirements for rehearing. Duke Energy Ohio's opposition is described in greater detail below.

I. AEP Ohio's Application for Rehearing reflects an abuse of process as AEP Ohio is not asking the Commission to reconsider the Opinion and Order issued on November 22, 2011.

It is axiomatic that an application for rehearing must "set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful."¹ Clearly, the order in this instance is the order that the applicant seeks to be reviewed and revised or modified.

Here, however, despite its posturing, AEP Ohio is not challenging the reasonableness or lawfulness of the Commission's November 22, 2011, Opinion and Order approving the Duke Energy ESP Stipulation in Case No. 11-3549-EL-SSO, *et al* (hereinafter the Duke Energy Ohio ESP Case). By its own admission, AEP states that it "does not necessarily desire to alter the overall outcome of the November 22 Opinion and Order adopting Duke's Stipulation."² AEP Ohio further emphasizes that it simply wants to "ensure that it receives equal treatment regarding the crucial matter of corporate separation..."³ AEP even recommends to the Commission that it modify the order in another case; namely, the order applicable to its ESP, as issued in Case No. 11-346-EL-SSO, *et al*. (hereinafter the AEP ESP Case). AEP Ohio is not asking the Commission to revise, modify, or alter the November 22, 2011, Opinion and Order and thus its request for rehearing on that Opinion and Order is improper.

Further, as discussed in greater detail below, AEP's sought-after revision of the AEP ESP Stipulation is misplaced. The Commission has yet to issue an order on AEP Ohio's corporate separation as that request is currently pending in another docket, Case No. 11-5333-EL-UNC (hereinafter the AEP Ohio Corporate Separation Case). Thus, AEP Ohio's Application for Rehearing must be interpreted as an attempt to pressure the Commission into prematurely and

¹ R.C. 4903.10. See also, *Disc. Cellular, Inc. v. PUC*, (2007), 112 Ohio St.3d 360, 859 N.E.2d 957.

² Application for Rehearing at 5.

³ *Id.*

blindly forming a decision in respect of AEP Ohio's pending request to transfer its generating assets.

Despite AEP Ohio's misguided urging, the Commission should not, and does not, summarily regulate public utilities with a "one size fits all" mentality. Rather, as the Commission is accustomed to doing, its decision must be predicated upon a deliberate review of the relevant evidence in the individual case at bar. The Commission thoroughly reviewed the record and issued a detailed Opinion and Order in connection with the Duke Energy ESP Stipulation. Notably, however, the Commission has yet to receive all relevant evidence in connection with AEP Ohio's Corporate Separation Case and thus has not issued a decision in that case.

AEP Ohio's abuse of process is alarming and its arguments both intentionally misleading and self-serving. This is not a case of the Commission being inconsistent in its review of identical or even substantially similar cases, as AEP Ohio suggests. The facts, circumstances, and terms of the Duke Energy ESP Stipulation are remarkably different than those in the AEP ESP Stipulation. Indeed, the Duke Energy ESP Stipulation includes detailed terms and conditions regarding asset transfer, as were negotiated between all of the parties, including AEP Ohio and its retail affiliate, AEP Retail. If AEP Ohio's tactic is entertained by the Commission, every Commission decision will be subject to second-guessing because of subsequent, factually dissimilar filings. No stipulation would be final, with customers forever exposed to rate modifications, suppliers subject to contractual interference, and utilities unable to effectively operate their businesses.

II. AEP Ohio's Application for Rehearing improperly seeks to introduce "evidence" that was not admitted into the record during the hearing applicable to the captioned proceedings.

AEP Ohio is not challenging the evidentiary record upon which the Commission based its Opinion and Order relative to the Duke Energy ESP Stipulation. Instead, AEP Ohio's Application for Rehearing is a procedurally flawed attempt to have the Commission reconsider its Opinion and Order relative to the AEP ESP Stipulation. But the Commission's December 14, 2011, Opinion and Order in the AEP ESP Case is not evidence in the Duke Energy Ohio ESP Case and the attachment of said order to an application for rehearing does not cure this fact. And the Commission's December 14, 2011, Opinion and Order thus cannot be used to disrupt its prior Opinion and Order in the Duke Energy Ohio ESP Case.

III. AEP Ohio's Application for Rehearing reflects a gross misrepresentation of the facts and ignores the procedural dissimilarities between the ESP Stipulations.

AEP Ohio boldly contends that the Duke Energy ESP Stipulation was a *mirror image* of the AEP Ohio ESP Stipulation in respect of corporate separation. The fact that AEP Ohio filed an application to amend its corporate separation plan weeks after it filed its ESP Stipulation clearly confirms otherwise. Further, even a cursory review of the two Stipulations demonstrates AEP Ohio's intentional disregard for accuracy.

For example, with specific regard to generation asset transfer and corporate separation, the Duke Energy ESP Stipulation made express provision for the following:

- Value of the generating assets upon transfer;
- Commission audit;
- Staff access to books and records;

- Restrictions upon the generating assets to ensure no competitive advantage was provided to an affiliate that may participate in Duke Energy Ohio's SSO load auctions;
- Contractual undertakings, with specific requirements applicable to Duke Energy Ohio upon the signing of the stipulation;
- Financial restrictions applicable to Duke Energy Ohio and its affiliates and subsidiaries;
- Waiver of the Commission rules; and
- Agreement that the transfer was in the public interest.

The two stipulations also included numerous other substantive differences that may have played important roles in the Commission's determinations, such as capacity prices and caps on switching.

The AEP ESP Stipulation included none of these provisions related to the generation assets. In fact, there was no substantive detail provided in the AEP ESP Stipulation regarding asset transfer, with the focus instead on a procedural timeline for activity at the Federal Energy Regulatory Commission. Now, however, AEP Ohio seeks identical treatment for what it describes as identical filings. The filings are not identical and AEP Ohio even contemplated the shortcomings of its ESP Stipulation by initiating the AEP Ohio Corporate Separation Case.

And it is in the AEP Ohio Corporate Separation Case that the Commission can appropriately entertain requests for waivers of rules, consider asset value upon transfer, and determine the appropriate terms and conditions that should be placed upon AEP Ohio and its affiliates to maintain the integrity of the competitive markets in Ohio. The Commission can also

ascertain whether a market study will be required. Neither Duke Energy Ohio's ESP Case nor AEP Ohio's ESP Case is the proper docket for consideration of these issues.

AEP Ohio may eventually arrive at the same place as Duke Energy Ohio insofar as generating asset transfers are concerned. But to suggest now that the Commission truncate a pending case and blindly impose upon AEP Ohio the same terms and conditions as stipulated by parties in another case is absurd. The proceedings applicable to the AEP Ohio Corporate Separation Case should run their course, consistent with the Commission's normal case management. The Duke Energy ESP Stipulation must remain undisturbed, with SSO suppliers confident that their contracts will not be terminated prematurely and customers afforded substantial rate reductions. Further, to the extent there are challenges to the Commission's Opinion and Order relevant to the AEP Ohio ESP Stipulation, those can properly be filed in the right case – Case No. 11-346-EL-SSO, *et al.*

IV. AEP Ohio's Application for Rehearing ignores the express prohibition against using one stipulation as precedent in any other proceeding.

It is well settled that approval of one stipulation cannot compel the Commission to rule a particular way in any other case. In fact, both the Duke Energy ESP Stipulation and the AEP Ohio ESP Stipulation recognize that parties cannot dictate the Commission's actions and that the respective stipulations would not serve as precedent in any other case.⁴ AEP Ohio now, however, disregards the express content of both Stipulations and this long-standing practice in an attempt to have the Commission to apply limited provisions of the Duke ESP Stipulation to its own situation. Consistent with the Commission's own finding that neither its November 22, 2011, Opinion and Order nor its December 15, 2011, Opinion and Order serve as precedent in any

⁴ See Duke Energy Ohio ESP Case, Stipulation and Recommendation, Section IX.BB, at pg. 41. See also, AEP ESP Case, Stipulation and Recommendation, Section VI, at pg. 28.

other proceeding,⁵ AEP Ohio cannot now use the Duke Energy ESP Stipulation to modify its own.

The rationale behind this practice is made abundantly clear by AEP's argument. AEP Ohio, by seeking to apply the results of one stipulation to an unrelated proceeding, seems to imply that this issue was presented to the Commission in a vacuum. However, the issues related to corporate separation with respect to any Ohio utility are necessarily intertwined with many related issues, such as corporate structure, corporate conduct, recent related audits, etc. Even more importantly, the issue of corporate separation in the context of Duke Energy Ohio's ESP application was no doubt one that the intervenors in its proceeding regarded as significant in negotiations. Each of the intervenors would likely have evaluated its own position with respect to this issue in the context of how it meshed with other important issues in the case and each intervenor likely reached individually tailored conclusions. The signatory parties in AEP Ohio's ESP proceeding recommended their unique positions to the Commission for its consideration. These various individual issues and recommendations to the Commission, in the form of a Stipulation, included a recommendation as to how the Commission should address corporate separation for AEP Ohio. That the Commission's conclusion was different from that submitted in this Duke Energy Ohio proceeding is not at all surprising or difficult to understand. The facts supporting each Company's Application are different, the Stipulations are different and the Commission's Opinion is therefore different.

To the extent AEP Ohio believes it can merely seek modification of its ESP Stipulation to have that which was provided for in the Duke ESP Stipulation, AEP Ohio is wrong. Its ESP proceeding was not one in which the terms and conditions applicable to an asset transfer were

⁵ See Duke Energy Ohio ESP Case, Opinion and Order, at pg. 51. See also, AEP ESP Case, Opinion and Order, at 67.

provided. And, just as it is improper for AEP Ohio to seek to introduce new evidence into the Duke Energy ESP Case, it is improper for AEP Ohio to seek to unilaterally expand the evidentiary record to include matters that are undeniably before the Commission in another, contested matter. To the extent AEP Ohio wants to petition the Commission for terms and conditions that protect the competitive markets, advance state policy by ensuring no cross subsidization, and implement Commission audits, AEP Ohio can do so in its Corporate Separation Case.

V. State policy in Ohio is not threatened by the current disposition of ESP cases, as the AEP ESP Stipulation did not provide detail regarding asset transfer.

Resorting to scare tactics, AEP Ohio essentially argues that state policy will be undermined should AEP Ohio have to prosecute its Corporate Separation Case. Such a statement is illogical. And a comparison of the ESP stipulations confirms that there are sufficient protections in place in the Duke Energy ESP Stipulation to guard against any competitive advantage flowing to an affiliate of Duke Energy Ohio and to ensure consistency with state policy.

Duke Energy Ohio's transfer of generating assets will be done consistent with the terms and conditions to which it consented and as detailed in the Duke Energy ESP Stipulation. Unlike the AEP Ohio generating assets, Duke Energy Ohio's generating assets cannot be used in the auctions applicable to its SSO load. Duke Energy Ohio must sell the energy from its generating assets into the market, or pursuant to bilateral contracts. There is no similar prohibition applicable to AEP Ohio or its affiliates.

Duke Energy Ohio will be subject to Commission audit and ongoing records review by Commission Staff insofar as its asset transfer is concerned. The AEP ESP Stipulation is silent on this point. Duke Energy Ohio is subject to specific requirements concerning financial interaction

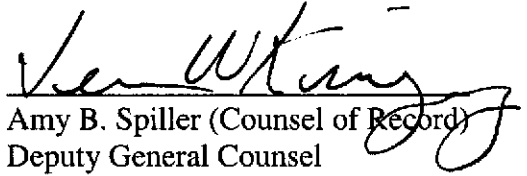
with the affiliate or subsidiary to which its generating assets are transferred. Again, the AEP ESP Stipulation imposes no similar requirement on AEP Ohio.

As the Signatory Parties to the Duke Energy ESP Stipulation agreed – and the Commission approved – the transfer of Duke Energy Ohio’s generating assets in a manner consistent with specifically stated terms and conditions was in the public interest and the overall settlement is consistent with state policy. AEP Ohio will have opportunity to similarly demonstrate that its corporate separation will do the same. But in this regard, it is not unreasonable to require AEP Ohio to prosecute its Corporate Separation Case and not borrow from what it describes as a favorable ruling for another utility.

VI. Conclusion

AEP Ohio’s Application for Rehearing is unfortunate. Unable (or neglecting) to incorporate similar terms pertaining to corporate separation into its own Stipulation, AEP Ohio now wants to turn the focus from its own shortcomings toward the Commission and the preposterous contention that the Commission is discriminatory in its rulings. But there has been no “disparate application” of the Commission’s review and no prejudice to AEP Ohio. Indeed, the Commission has yet to issue an order, based upon the developed evidentiary record, in the case filed by AEP Ohio to address its corporate separation. And as even AEP Ohio admits that it is not seeking to alter the overall outcome of Duke Energy Ohio’s ESP, as approved by the Commission on November 22, 2011, its Application for Rehearing must be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Amy B. Spiller', is written over a horizontal line.

Amy B. Spiller (Counsel of Record)

Deputy General Counsel

Elizabeth H. Watts

Associate General Counsel

Rocco O. D'Ascenzo

Associate General Counsel

Jeanne W. Kingery

Associate General Counsel

139 E. Fourth Street, 1303-Main

P.O. Box 961

Cincinnati, Ohio 45201-0960

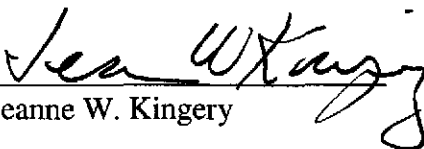
(513) 287-4359 (telephone)

(513) 287-4385 (facsimile)

Amy.Spiller@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 23rd day of December, 2011, to the following parties.


Jeanne W. Kingery

Steven Beeler
John Jones
Assistant Attorney Generals
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Steven.beeler@puc.state.oh.us
John.jones@puc.state.oh.us

**Counsel for Staff, Public Utilities
Commission of Ohio**

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
tobrien@bricker.com

Counsel for the City of Cincinnati

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikier
McNees Wallace & Nurick LLC
21 E. State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

Counsel for Industrial Energy Users-Ohio

Jody Kyler
David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com
jkyler@bkllawfirm.com

Counsel for Ohio Energy Group

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com

**Counsel for Ohio Partners for
Affordable Energy**

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, Ohio 45202
dhart@douglasshart.com

**Counsel for The Greater Cincinnati
Health Council**

Trent A. Dougherty
Nolan Moser
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
trent@theoec.org
nolan@theoec.org

**Counsel for the Ohio Environmental
Council**

Mary Christensen
Christensen & Christensen, LLP
8760 Orion Place, Suite 300
Columbus, OH 43240
mchristensen@columbuslaw.org

**Counsel for People Working
Cooperatively, Inc.**

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

Counsel for the Retail Energy Supply Association

Jeffrey L. Small
Joseph P. Serio
Melissa R. Yost
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
small@occ.state.oh.us
serio@occ.state.oh.us
yost@occ.state.oh.us

**Counsel for the Office of the Ohio Consumers'
Counsel**

Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
lmcalister@bricker.com
mwarnock@bricker.com

Counsel for Ohio Manufacturers Association

Mark S. Yurick, Esq.
Zachary D. Kravitz, Esq.
Chester, Wilcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215-4213
myurick@cwsllaw.com
zkravitz@cwsllaw.com

Counsel for the Kroger Company

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Ave., Suite 201
Columbus, Ohio 43212
tsantarelli@elpc.org

Counsel for the Environmental Law & Policy Center

David I. Fein
Vice President, Energy Policy- Midwest
Constellation Energy Group, Inc.
550 West Washington Blvd, Ste 300
Chicago, IL 60661
David.fein@constellation.com

For Constellation Energy Group, Inc.

Matthew Satterwhite
Erin Miller
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus OH 43215
mjsatterwhite@aep.com
ecmiller1@aep.com

Counsel for Columbus Southern Power Company and Ohio Power Company

Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

Counsel for FirstEnergy Solutions Corporation

M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O.Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
misettineri@vorys.com

Counsel for Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.

Cynthia Fonner Brady
Constellation Energy Resources, LLC
550 West Washington Blvd, Ste 300
Chicago, IL 60661
Cynthia.brady@constellation.com

For Constellation NewEnergy, Inc. and Constellation Energy Commodities Group, Inc.

Allison Haedt
Jones Day
325 John H McConnell Blvd, Ste 600
Columbus OH 43215-2673
aehaedt@jonesday.com

Counsel for FirstEnergy Solutions Corporation

David A. Kutik
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
dakutik@jonesday.com

Counsel for FirstEnergy Solutions Corporation

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com

Counsel for FirstEnergy Solutions Corporation

Gregory Poulos
EnerNOC, Inc.
101 Federal Street, Suite 1100
Boston, MA 02110
gpoulos@enernoc.com

Counsel for EnerNOC, Inc.

Joseph M. Clark
Vectren Retail, LLC d/b/a Vectren Source
6641 North High Street, Suite 200
Worthington, OH 43085
jmclark@vectren.com

Counsel for Vectren Retail, LLC d/b/a Vectren Source

Glen Thomas
GT Power Group
1060 First Ave, Ste 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

For PJM Power Providers Group

Ann M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus OH 43215
amvogel@aep.com

Counsel for AEP Retail Energy Partners LLC

Douglas E. Hart
441 Vine Street, Suite 4192
Cincinnati, Ohio 45202
dhart@douglasshart.com

Counsel for Eagle Energy, LLC

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

Counsel for PJM Power Providers Group

Laura Chappelle
Chappelle Consulting
4218 Jacob Meadow
Okemos, MI 48864
laurac@chappelleconsulting.net

For PJM Power Providers Group

Dane Stinson
Bailey Cavalieri LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
Dane.Stinson@BaileyCavalieri.com

Counsel for Direct Energy

Teresa Ringenbach
Senior Manager - Government and Regulatory Affairs
(Midwest)
Direct Energy, LLC
9605 El Camino Lane
Plain City, OH 43064
teresa.ringenbach@directenergy.com

For Direct Energy

M. Howard Petricoff
Special Assistant Attorney General
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpeticoff@vorys.com

**Counsel for Miami University and the
University of Cincinnati**

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Ave., NW
Washington, DC. 20004
wmassey@cov.com

Counsel for COMPETE Coalition

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpeticoff@vorys.com

Counsel for COMPETE Coalition

Joel Malina
Executive Director
COMPETE Coalition
1317 F Street, NW, Suite 600
Washington, DC 20004
malina@wexlerwalker.com

Counsel for COMPETE Coalition

Andrew J. Sonderman
Margeaux Kimbrough
Kegler Brown Hill & Ritter LPA
Capitol Square, Suite 1800
65 East State Street
Columbus, Ohio 43215
asonderman@keglerbrown.com
mkimbrough@keglerbrown.com

**Counsel for Duke Energy Retail Sales,
LLC**

John W. Bentine
Chester Wilcox and Saxbe LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
jbentine@cwsllaw.com

**Counsel for
American Municipal Power, Inc.**

Vincent Parisi
Matthew White
Interstate Gas Supply, Inc
6100 Emerald Parkway
Dublin OH 43016
vparisi@igsenergy.com
mswhite@igsenergy.com

Counsel for Interstate Gas Supply, Inc.

M. Howard Petricoff
Lija Kaleps- Clark
Vorys, Sater, Seymour, and Pease, LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com

Counsel for Exelon Generation Company, LLC

David Stahl
Scott Solberg
Arin Aragona
Eimer Stahl Klevorn & Solberg LLP
224 S Michigan Ave, Ste 1100
Chicago, IL 60604
dstahl@eimerstahl.com
ssolberg@eimerstahl.com
aaragona@eimerstahl.com

Counsel for Exelon Generation Company, LLC

Anastasia O'Brien
Vice President and Deputy General Counsel
10 South Dearborn St, 49th Floor
Chicago, IL 60603
Anastasia.obrien@exeloncorp.com

Counsel for Exelon Generation Company, LLC

Christopher Allwein
Williams, Allwein and Moser, LLC
1373 Grandview Ave., Suite 212
Columbus, Ohio 43212
callwein@williamsandmoser.com

Counsel for the Natural Resources Defense Council

Jesse Rodriguez
Public Policy & Affairs Manager
Exelon Generation Company, LLC
300 Exelon Way
Kennett Square, PA 19348
Jesse.rodriguez@exeloncorp.com

For Exelon Generation Company, LLC

Sandy I-ru Grace
Exelon Business Services Company
101 Constitution Ave NW
Washington DC 20001
Sandy.grace@exeloncorp.com

Counsel for Exelon Generation Company, LLC

Kevin Osterkamp
Roetzel & Andress LPA
155 East Broad Street, 12th Floor
Columbus, Ohio 43215
kosterkamp@ralaw.com

Counsel for Wal-Mart Stores East, LP and Sam's East, Inc.

Rick D. Chamberlain
Behrens, Wheeler, & Chamberlain
6 N.E. 63rd Street, Suite 400
Oklahoma City, OK 73105
Rdc_law@swbell.net

**Counsel for Wal-Mart Stores East, LP
and Sam's East, Inc.**

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale St, Suite 400
Pittsburgh, PA 15212-5817
Gary.A.Jeffries@dom.com

Counsel for Dominion Retail, Inc.

Jouette Brenzel
221 E Fourth St, 103-1280
Cincinnati, OH 45202
jouett.brenzel@cinbell.com

Counsel for Cincinnati Bell Inc.

Sharon M. Hillman
Executive Vice President
10 South Riverside Plaza
Suite 1800
Chicago, IL 60606
sharonhillman@mc2energyservices.com

Counsel for RESA

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
BarthRoyer@aol.com

Counsel for Dominion Retail, Inc.

Douglas Hart
441 Vine St, Suite 4192
Cincinnati, OH 45202
dhart@douglasshart.com

Counsel for Cincinnati Bell Inc.

Tammy Turkenton
Public Utilities Commission of Ohio
Accounting & Electricity Div., Utilities Dept.
180 East Broad Street
Columbus, Ohio 43215
Tammy.turkenton@puc.state.oh.us

Matthew R. Cox
McDonald Hopkins of Counsel
41 South High Street
Suite 3550
Columbus, OH 43215
mcox@mcdonaldhopkins.com

Counsel for Small Enterprises