

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|-------------------------------------------|---|-------------------------------|
| In the Matter of the Commission's |) | |
| Review of Time-Differentiated and |) | Case No. 12-150-EL-COI |
| Dynamic Pricing Options for Retail |) | |
| Electric Services |) | |

**MOTION TO FILE COMMENTS OUT OF TIME
BY THE
OHIO BUSINESS COUNCIL FOR A CLEAN ECONOMY**

The Ohio Business Council for a Clean Economy ("OBCCE" or "Business Council") respectfully requests the Public Utility Commission of Ohio ("PUCO" or "Commission") for leave to file Comments on the out of time.¹ Comments were due on Wednesday, April 11, 2012. OBCCE submitted its comments electronically on April 11, but after 5:30p.m. OBCCE states that due to internal error, it was unable to file these Comments prior to the 5:30p.m. close of business, and thus these Comments must be considered to be filed on April 12, the next business day.

For the reasons set forth in the accompanying Memorandum in Support, the Ohio Business Council for a Clean Economy moves the Public Utilities Commission of Ohio asks to accept the Business Council's submitted Comments out of time.

¹ Pursuant to Ohio Adm. Code 4901-1-12.

Respectfully submitted,

/s/ Christopher J. Allwein

Christopher J. Allwein, Counsel of Record (#0084914)

Williams, Allwein and Moser, LLC

1373 Grandview Ave., Suite 212

Columbus, Ohio 43212

Telephone: (614) 429-3092

Fax: (614) 670-8896

E-mail: callwein@wamenergylaw.com

Todd M. Williams

Williams, Allwein and Moser, LLC

Two Maritime Plaza

Third Floor

Toledo, Ohio 43604

Telephone: (567) 225-3330

E-mail: toddm@wamenergylaw.com

Attorneys for the Ohio Business Council for a Clean Economy

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|-------------------------------------------|---|-------------------------------|
| In the Matter of the Commission's |) | |
| Review of Time-Differentiated and |) | Case No. 12-150-EL-COI |
| Dynamic Pricing Options for Retail |) | |
| Electric Services |) | |

**MEMORANDUM IN SUPPORT OF MOTION TO FILE COMMENTS OUT OF TIME
BY THE
OHIO BUSINESS COUNCIL FOR A CLEAN ECONOMY**

The Business Council respectfully requests the Commission accept its submitted comments out of time. Business Council members have an expressed and demonstrated interest in assisting the Commission with the issues presented in this investigation. The Business Council filed a timely intervention in this proceeding.² Counsel for OBCCE and Business Council members attended the recent PUCO-sponsored workshop held on March 28, 2012. The Comments submitted by the Business Council are the result of a collaborative effort among several members to provide the Commission with important information that we believe will inform the Commission as it moves forward in this proceeding to address time-differentiated and dynamic pricing issues.

As noted in the Motion to Intervene, the OBCCE is an Ohio-based organization representing a wide range of advanced energy businesses, with some members involved directly in clean energy and related industries. OBCCE is the premier network of businesses and business leaders advancing renewable energy, energy efficiency and clean energy technology through effective communications, broad advocacy and business development.³ Business Council members have a financial interest in the development and expansion of the technology

² OBCCE filed its motion to intervene on February 2, 2012.

³ For more information, please see the OBCCE website at: <http://ohiobusinesscouncil.com/>

and equipment employed in time-differentiated and dynamic pricing. Therefore, the Business Council requests the Commission grant its motion and accept and consider its submitted comments out of time.

OBCCE states that due to internal error, it was unable to file these Comments prior to the 5:30p.m. close of business, and thus these Comments are considered as filed on April 12, the next business day. However, we believe that the Commission will agree that this delay will not prejudice nor burden any parties to this proceeding. As noted, these comments will add to the broad resources, opinions and ideas from which the Commission may chart a course of action as it moves forward in this investigation. With our apologies, therefore, the Business Council requests that the Commission accept the Business Council's submitted Comments out of time.

The Commission has recently granted motions of other parties to provide comments out of time in similar cases.⁴ This is consistent with the Commission's policy to "encourage the broadest possible participation" in its proceedings.⁵ Therefore, the OBCCE respectfully requests that its submitted comments, though filed out of time, be accepted and considered in this case.

CONCLUSION

For the foregoing reasons, the Ohio Business Council for a Clean Economy respectfully requests that their Motion to File Comments out of Time be granted, that the Comments submitted by OBCCE be considered and adopted by the Commission in this proceeding.

⁴ For example, the Commission approved the motions of American Electric Power Company and the Ohio Energy Group to file comments out of time in the 11-4304-EL-UNC case, where, similar to here, the Commission was seeking input of interested parties for a Commission proposal (Entry at ¶¶4 and 6, August 30, 2011).

⁵ See e.g. *In the Matter of the Application of The Dayton Power and Light Company*, 2009 WL 322883 at 1, Ohio PUC February 5, 2009 (Commission granted motion to intervene in light of policy to encourage participation, despite party's failure to file within the deadline).

Respectfully submitted,

/s/ Christopher J. Allwein

Christopher J. Allwein, Counsel of Record (#0084914)

Williams, Allwein and Moser, LLC

1373 Grandview Ave., Suite 212

Columbus, Ohio 43212

Telephone: (614) 429-3092

Fax: (614) 670-8896

E-mail: callwein@wamenergylaw.com

Todd M. Williams

Williams, Allwein and Moser, LLC

Two Maritime Plaza

Third Floor

Toledo, Ohio 43604

Telephone: (567) 225-3330

E-mail: toddm@wamenergylaw.com

**Attorneys for the Ohio Business Council for a Clean
Economy**

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Motion to File Comments out of Time* has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on April 12, 2012.

/s/ Christopher J. Allwein
Christopher J. Allwein

OHIO CONSUMERS' COUNCIL

Jeffrey L. Small, Counsel of Record
Assistant Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone: (614) 466-1292
small@occ.state.oh.us

OHIO ATTORNEY GENERAL

William Wright
Attorney General's Office
Public Utilities Commission of Ohio
180 E. Broad St., 6th Fl.
Columbus, OH 43215
William.wright@puc.state.oh.us

DIRECT ENERGY SERVICES, LLC AND DIRECT ENERGY BUSINESS, LLC

Joseph M. Clark
6641 North High Street, Suite 200
Worthington, Ohio 43085
Telephone: (614) 781-1896
Telecopier: (812) 492-9275

MARY KLOS

Mary Klos
Klos Energy Consulting
W404 County Road K
Brillion, WI 54110
mary.klos@klosenergy.com

DUKE ENERGY OHIO, INC.

Amy B. Spiller (0047277)
Deputy General Counsel
Elizabeth H. Watts (0031092)
Associate General Counsel
Duke Energy Shared Services, Inc.
155 East Broad Street, 21st Floor
Columbus, Ohio 43215
Phone: 614-222-1330
Fax: 614-222-1337
Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com

OHIO POWER COMPANY

Matthew. J. Satterwhite
Yazen Alami
American Electric Power Service Corp.
1 Riverside Plaza
Columbus, Ohio 43215
Telephone: (614) 716-1915
Fax: (614) 716-2950
mjsatterwhite@aep.com
yalami@aep.com

GRIDWISE ALLIANCE

James W. Morozzi, President and CEO
GridWise Alliance
1155 15th Street, NW, Suite 500
Washington, DC, 20005
Telephone: (202)-530-9740
jmorozzi@gridwise.org

Consumer Electronics Association

Elizabeth Merritts
Wilkinson Barker Knauer, LLP
1430 Wynkoop Street, Suite 201
Denver, CO 80211
Telephone: (303) 626-2322
EMerritts@wbklaw.com

DEMAND RESPONSE AND SMART GRID COALITION

Dan Delurey
1301 Connecticut Ave NW, Suite 350
Washington, DC 20036
202.296.1640
dan.delurey@drsgcoalition.org

OHIO PARTNERS FOR AFFORDABLE ENERGY

Colleen L. Mooney
231 West Lima Street
Findlay, OH 45840
Telephone: (419) 425-8860
FAX: (419) 425-8862
cmooney2@columbus.rr.com

RETAIL ENERGY SUPPLY ASSOCIATION

M. Howard Petricoff
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, OH 43215
614-464-5414
mhpetricoff@vorys.com

DAYTON POWER AND LIGHT COMPANY

Judi L. Sobecki
1065 Woodman Drive
Dayton, Ohio 45432
Judi.sobecki@DPLINC.com

FIRSTENERGY SERVICE COMPANY

Kathy J. Kolich
76 S. Main Street
Akron, OH 44308
kjkolich@firstenergycorp.com

NUCOR STEEL MARION, INC.

Owen J. Kopon
PHV #1055-2012
Brickfield, Burchette, Rlts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
(202) 342-0800 (Main Number)
(202) 342-0807 (Facsimile)
oik@bbrslaw.com

* Pending admission pro hac vice

FIRSTENERGY SOLUTIONS CORPORATION

Mark A. Hayden (0081077)
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
(330) 761-7735
(330) 384-3875 (fax)
haydenm@firstenergycorp.com

INTERSTATE GAS SUPPLY, INC.

Mark A. Whitt (Counsel of Record)
Melissa L. Thompson
WHITT STURTEVANT LLP
PNC Plaza, Suite 2020
155 East Broad Street
Columbus, Ohio 43215
Telephone: (614) 224-3911
Facsimile: (614) 224-3960
whitt@whitt-sturtevant.com
thompson@whitt-sturtevant.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/12/2012 10:27:11 AM

in

Case No(s). 12-0150-EL-COI

Summary: Motion to File Comments Out of Time electronically filed by Mr. Christopher J Allwein on behalf of The Ohio Business Council for a Clean Economy