

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Columbus Southern Power Company and	)	
Ohio Power Company for Authority to	)	Case No. 11-346-EL-SSO
Establish a Standard Service Offer Pursuant	)	Case No. 11-348-EL-SSO
to Section 4928.143, Revised Code, in the	)	
Form of an Electric Security Plan.	)	
 In the Matter of the Application of	 )	
Columbus Southern Power Company and	)	Case No. 11-349-EL-AAM
Ohio Power Company for Approval of	)	Case No. 11-350-EL-AAM
Certain Accounting Authority.	)	

**DIRECT TESTIMONY**

OF

**MARK FRYE,  
PRESIDENT OF PALMER ENERGY**

ON BEHALF OF  
**BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS  
(BASA)**

AND  
**OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS  
(OASBO)**

AND  
**OHIO SCHOOL BOARD ASSOCIATION (OSBA)**

AND  
**OHIO SCHOOLS COUNCIL (OSC)**

May 4, 2012

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**DIRECT TESTIMONY OF MARK FRYE**

**Q. Please state your name and business address.**

A. My name is Mark Frye. My business address is 241 N. Superior Street, Toledo, Ohio 43604.

**Q. What is your occupation?**

A. I am an energy consultant and the President of Palmer Energy Company in Toledo, Ohio.

**Q. Please describe your educational background and work experience.**

A. I have worked in the energy field for 26 years and for clients in 20 states. I earned a Bachelors of Science degree in Energy Technology from Pennsylvania State University's Capitol College. I currently consult on energy procurement and utilization matters for a number of industrial, commercial, educational, institutional and governmental clients.

**Q. On whose behalf are you testifying?**

A. I am testifying on behalf of the following school organizations: Buckeye Association of School Administrators ("BASA"), Ohio Association of School Business Officials ("OASBO"), Ohio School Boards Association ("OSBA") and Ohio Schools Council ("OSC"). The four organizations are collectively referred to as the "Schools" and are intervenors in this case.

The Schools are non-profit groups of public school administrators who seek to share best practices and information concerning the operation of educational institutions. The Schools' members include all of Ohio's 612 public school boards of education, as well as

1 55 educational service center boards and 49 career technical center boards. Among their  
2 services, the Schools offer their members group purchasing programs for a host of  
3 goods and services, including an electricity purchasing program, which operates  
4 throughout the state, including Ohio Power Company's ("AEP-Ohio")<sup>1</sup> service territory.

5 BASA, OASBO and OSBA initiated an electricity purchasing program commonly  
6 referred to as "SchoolPool" that has had over 300 Ohio public school districts as  
7 participants at one point of time or another. Similarly, OSC has operated an electricity  
8 purchasing program since 1998 as a consortium of 161 school districts, educational  
9 service centers, joint vocational districts and boards of developmental disabilities in 28  
10 northern Ohio counties.

11 The four organizations have combined their efforts to offer "Power4Schools" electricity  
12 purchasing programs to various school districts throughout Ohio, serving nearly  
13 600,000 school children. The Power4Schools program is designed to reduce the Schools'  
14 cost of electricity. Electricity is purchased and delivery arranged through a third party  
15 competitive retail electric supplier ("CRES") under a master contract and the savings  
16 are passed through to school district participants. To date, the Schools' electricity  
17 purchasing programs have saved participating schools an estimated \$20 million dollars  
18 since initiating third party power supplies.

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<sup>1</sup> Ohio Power Company and Columbus Southern Power Company merged effective December 31, 2011, with Ohio Power Company as the surviving entity, which will be referred to as "AEP-Ohio" or the "Company" in my testimony.

1    **Q.    Have you ever testified before the Public Utilities Commission of Ohio?**

2    A.    Yes. I have previously submitted direct testimony in several cases before the Public  
3           Utilities Commission of Ohio (“Commission” or “PUCO”), including FirstEnergy’s  
4           Electric Security Plan (“ESP”) Application [Case No. 08-935-EL-SSO], FirstEnergy’s Rate  
5           Stabilization Plan (“RSP”) Application [Case No.03-2144-EL-ATA], American Electric  
6           Power’s ESP Application [Case No. 08-917-EL-SSO], American Electric Power’s IGCC  
7           Application [Case No.05-376-EL-ATA], Dayton Power and Light’s ESP Application  
8           [Case No. 08-1094-EL-SSO] , FirstEnergy’s Second ESP Application [Case No. 09-906-  
9           EL-SSO] and American Electric Power’s Capacity Charge Application [Case No. 10-  
10          2929-EL-UNC] (“Capacity Charge Case”).

11   **Q.    What is the purpose of your testimony in this case?**

12   A.    My testimony addresses how certain aspects of AEP-Ohio’s modified ESP will  
13          negatively impact Ohio’s public schools if approved.

14   **Q.    What materials have you reviewed in preparation for your testimony?**

15   A.    I reviewed the filings in this case including the testimony, various PUCO website  
16          materials such as market monitoring reports, the Commission’s Opinion and Order in  
17          AEP-Ohio’s Electric Transition Plan, Case Nos. 99-1729-EL-ETP and 99-1730-EL-ETP  
18          (“ETP Case”), materials in AEP-Ohio’s current Capacity Charge Case, and billing  
19          information from various Ohio public school district accounts.  
20

1 I. SUMMARY AND RECOMMENDATIONS

2 Q. Please summarize your testimony and recommendations.

3 A. My testimony and recommendations conclude that:

- 4 1. The RSR is a thinly disguised, impermissible and  
5 unreasonable generation transition charge and should not be  
6 adopted.  
7 2. The two-tiered capacity charge is discriminatory and should  
8 not be adopted.

9 However, if the Commission were to adopt these charges, it should consider special rate  
10 treatment for Ohio's school. On the advice of counsel, such treatment has been  
11 provided and acknowledged previously by the Commission, the Ohio Legislature, and  
12 the Ohio Supreme Court. It is difficult for all customers to absorb rate increases;  
13 however, schools are in a unique position. Unlike business enterprises, schools cannot  
14 voluntarily increase their price for services to pass through rate increases to consumers.  
15 Instead, schools must rely on scarce taxpayer funds at the federal, state and local levels  
16 for support. Regrettably, Schools' witness Fleeter has shown that total funding losses  
17 from both State and federal sources over the 2012-2013 biennium will mean that Ohio  
18 school districts will receive about **\$2.8 billion** less in total State and federal funds over  
19 the two year period than they would have received under a continuation of fiscal year  
20 2011 funding levels. Approval of the RSR, coupled with drastically increased capacity  
21 charges will only add to the Schools' financial distress caused by the lack of traditional  
22 revenue sources, likely leading to funding cuts affecting the levels of teachers, staff,  
23 materials and programs. Specifically, the Schools' alternative recommendations are:

- 1           1.     If the Commission were to adopt the RSR, it should not be  
2                 applied to Ohio's schools, considering that the RSR charge  
3                 was created using a customer class average which Ohio's  
4                 public schools do not fit.
- 5
- 6           2.     If the proposed two-tiered capacity charge is adopted, the  
7                 Commission should ensure that Tier 1 pricing is available to  
8                 Ohio's public schools.

9           On the advice of counsel, the overriding standard of review in this proceeding is  
10           whether the ESP is more favorable in the aggregate than the alternative market rate  
11           option. The Commission may consider quantifiable and non-quantifiable ESP benefits  
12           in making its determination. An ESP that included these alternative recommendations  
13           would provide an enormous benefit to all consumers in AEP-Ohio's service territory,  
14           considering Ohio's public schools' current financial distress, the universal right to a  
15           public education for all Ohio children, and the benefits all Ohioans will receive from a  
16           well-educated work force.

## 17     **II. THE RSR IS AN IMPERMISSIBLE GENERATION TRANSITION CHARGE**

18     **Q.     What appears to be AEP-Ohio's overall objective in the modified ESP application as**  
19           **it applies to non-fuel generation revenues?**

20     A.     The Company's modified ESP provides for the Company to receive \$929 million per  
21           year for the three planning years beginning June 2012 and ending May 2015.

22     **Q.     What components does AEP propose using to provide this \$929 million in annual**  
23           **revenue?**

24     A.     In Exhibit WAA-6, AEP-Ohio witness Allen shows a combination of Retail Non-Fuel  
25           Generation Revenues, CRES Capacity Revenues, Auction Capacity Revenues, Credit for

Shopped Load and the Retail Stability Rider. The amount of the individual components in Exhibit WAA-6 change each year but the total annual revenues remain \$929 million.

**Q. How do the revenue projections change over the three year term according to Mr. Allen's Exhibit WAA-6?**

A. The net revenues really do not change, just the source where the revenue is derived. Mr. Allen assumes shopping to continue increasing over the term of the proposed ESP. As shopping increases he projects decreases to Retail Non-Fuel Generation Revenues and increases in CRES Capacity Revenues and the Credit for Shopped Load. While these increases are based upon projected changes to revenues, the Retail Stability Rider changes only to ensure that AEP-Ohio reaches its goal of \$929 million in annual revenues. I have recreated the table in Mr. Allen's Exhibit WAA-6 to illustrate:

<b>Estimate of Retail Stability Rider Revenues</b>				
	<b>PY 12/13</b>	<b>PY 13/14</b>	<b>PY 14/15</b>	<b>Total</b>
<b>Retail Non-Fuel Gen Revenues</b>	\$402.9 M	\$309.9 M	\$182.0 M	\$894.8 M
<b>CRES Capacity Revenues</b>	\$391.3 M	\$413.0 M	\$400.0 M	\$1,204.3 M
<b>Auction Capacity Revenues</b>	\$0.0 M	\$0.0 M	\$89.6 M	\$89.6 M
<b>Credit for Shopped Load</b>	\$90.7 M	\$103.3 M	\$120.2 M	\$314.2 M
<b>Subtotal</b>	\$884.9 M	\$826.1M	\$791.8M	\$2,502.9M
<b>Retail Stability Rider</b>	\$44.1 M	\$102.9 M	\$137.2 M	\$284.1 M
<b>TOTAL REVENUES</b>	<b>\$929.0M</b>	<b>\$929.0M</b>	<b>\$929.0M</b>	<b>\$2,787.0M</b>



1   **Q.   What concerns do you have with AEP's proposed structural arrangement?**

2   A.   The Company has indicated that its modified ESP filing demonstrates "AEP-Ohio's  
3       commitment to a reasonable transition to a competitive market" [AEP-Ohio witness  
4       Powers testimony, p. 4, lines 13 - 14]. AEP-Ohio witness Allen also characterizes the  
5       RSR as a "transitional rider" designed to recover the discounted portion of its capacity  
6       costs [AEP-Ohio witness Allen testimony, p.13, lines 1-15]. This "transitional rider" is  
7       neither permissible nor reasonable.

8   **Q.   Why is the RSR not permissible?**

9   A.   Although the RSR is not formally titled by the Company as a transition charge, it is a  
10       transition charge designed to recover a portion of its capacity costs for its generating  
11       assets. Based upon the advice of counsel and my years of consulting on Ohio  
12       regulatory issues, I'm generally familiar with the requirements of Senate Bill 3 now  
13       contained in Chapter 4928 of the Ohio Revised Code ["ORC"] and the collection of  
14       transition charges. The recovery of transition costs is no longer permitted. Electric  
15       retail competition began in Ohio on January 1, 2001 [ORC 4928.01], and AEP-Ohio was  
16       permitted to begin recovering transition costs on that date [ORC 4928.38]. Two types of  
17       transition costs could have been recovered, generation transition costs and regulatory  
18       transition costs. The costs for each were required to be collected by a certain date. [ORC  
19       4928.38, 4928.40.] AEP-Ohio was entitled to recover any generation transition costs by  
20       the end of the market development period, which was December 31, 2005. [ORC  
21       4928.38, 4928.40.] AEP-Ohio's operating companies were entitled to recover regulatory

1 transition costs by December 31, 2007, for Columbus Southern Power and December 31,  
2 2008, for Ohio Power. [ORC 4928.40; ETP Case (Order, September 20, 2000; Stipulation,  
3 May 8, 2000) .] The Commission allowed the Company to collect over \$616 million in  
4 regulatory transition charges. [Id., p 47, finding number 8]. Although AEP-Ohio  
5 initially sought to recover its alleged generation transition costs in the ETP Case, it  
6 agreed not to do so when stipulating a resolution to the case. See ETP Case, Stipulation,  
7 May 8, 2000, Section IV (“Neither [Columbus Southern Power Company nor Ohio  
8 Power Company] will impose any lost revenue charges (generation transition charges)  
9 on any switching customer.”) The Company cannot recover these generation transition  
10 costs now.

11 **Q. Are there other reasons why the RSR is not permissible?**

12 A. Yes. Retail electric generation is a competitive retail electric service. In his testimony,  
13 Mr. Allen acknowledges that the RSR is meant to recover a portion of AEP-Ohio’s  
14 capacity costs for its generating assets. [AEP-Ohio witness Allen testimony, p.13, lines  
15 9-15.] AEP-Ohio sells this competitive service to CRES, which bundle it in retail electric  
16 products for their customers. In paying the non-bypassable RSR, AEP-Ohio  
17 distribution customers would be subsidizing AEP-Ohio’s competitive service. Counsel  
18 advises that the policies of the State of Ohio prohibit such subsidies. [ORC 4928.02  
19 (H).]  
20

1 III. THE RSR IS UNREASONABLE

2 Q. If the Commission determines that an RSR may be permissible what concerns do you  
3 have regarding its reasonableness?

4 A. My overall concern is that the calculation of the RSR is too speculative. Mr. Allen's  
5 Exhibit WAA-6 shows a steady \$929 million in annual collections through the three year  
6 ESP period. Yet in my judgment the collections by the Company may exceed that by a  
7 significant amount. Mr. Allen states that AEP-Ohio would recognize a "\$3/MWh credit  
8 for shopped load related to possible energy margins that could be realized by AEP Ohio  
9 for reductions in SSO load." [AEP-Ohio witness Allen testimony, p. 13-14.] It is  
10 illogical that AEP would recognize a credit that it was not virtually certain to achieve. It  
11 is also important to realize that even a small \$1 per MWH increase in wholesale power  
12 market prices would add \$100 million to AEP's collections.

13 Another way for AEP to capture additional profit is to secure cost decreases in fuel as  
14 the Company sells the energy related to a previous SSO customer. AEP also has a  
15 retail arm that provides power supplies to customers in Ohio. To the extent AEP Retail  
16 can sell the power supplies at a margin in excess of \$3 per MWH compared to net cost  
17 then the Company profits further. These profits should be used to increase the credit  
18 for shopped load, and lower or eliminate the RSR.

19 In addition, the RSR is based upon projected continuing increases in shopping levels.  
20 However, no one knows what shopping levels will be in two years. Mr. Allen projects

1 increases to shopping load from March 1, 2012 to December 31, 2012 and through 2015,  
2 as follows:

Shopping Statistics as a Percentage of Annual kWh Sales		
	March 1, 2012	December 31, 2015
Residential	9.54%	65%
Commercial	48.09%	80%
Industrial	49.70%	90%

3  
4 See Allen Testimony, page 5, lines 5-6; Exhibit WAA-1. This aggressive switching  
5 projection becomes suspect when considering AEP-Ohio's Motion for Relief filed in  
6 Case No. 10-2929-EL-UNC on March 30, 2012. In support of the motion, the Company  
7 urged the Commission to adopt, on an interim basis, the two-tiered capacity charge  
8 proposed in this case to stop customers from leaving the standard service offer [Motion  
9 for Relief, p. 2]. If Tier 1 capacity charges are limited in the three years of the ESP (to  
10 21%, 31%, and 41%, respectively, of the load of each customer class), it is unreasonable  
11 to assume that shopping, under Tier 2 pricing, will reach 65%, 80% and 90% for the  
12 respective residential, commercial and industrial classes, considering that Tier Two  
13 pricing was designed to impair switching.

14 Finally, the RSR assumes that AEP-Ohio's requested capacity charges will be adopted  
15 by the Commission. The proper mechanism to determine the capacity charge and its  
16 level is the subject of current litigation in the separate Capacity Charge Case. The level

1 of the charge will not be known until the Commission enters its order in that case,  
2 which isn't likely before hearing begins in this proceeding. Thus, the level of the  
3 capacity revenues may be significantly understated, leading to a much higher RSR.

4 To put it simply, the variables used to calculate the RSR are so speculative as to make it  
5 unreasonable.

6 **IV. IF ADOPTED, THE RSR SHOULD NOT BE APPLIED TO SCHOOLS**

7 **Q. What other concerns do you have related to the RSR proposed by AEP-Ohio?**

8 A. The Company's request for the RSR is related to reductions in generation-related  
9 revenue due to higher shopping. According to AEP witness Roush, the RSR varies by  
10 customer class and was designed to "allocate the costs to customers classes based upon  
11 the class's average contribution to AEP Ohio's load during PJM's five highest peak  
12 loads." [AEP-Ohio witness Roush testimony, p. 12, lines 14-16]. My concern is that the  
13 Schools are being charged for a peak as part of a customer class when schools are  
14 recessed for summer vacation and during a time of day when schools, even if they were  
15 in session, would generally be shut down for the day. According to AEP-Ohio witness  
16 Roush [Exhibit DMR-3] the five peak hours in 2011 were as follows:

Date	Hour Ending (EDT)	OPC
7/22/11	15	10,023
7/21/11	17	10,148
7/20/11	17	9,506
7/19/11	17	9,366
6/8/11	17	9,330

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**Q. What conclusion do you draw from the information provided by AEP?**

A. That the Schools generally are recessed for summer vacation when a systems peak occurs and if they would be in session the time of day when the peak occurs is after the kids have left for the day. Since the RSR charge was created using a customer class average and schools do not fit that average customer class they should not be subject to the RSR if the Commission ultimately decides to approve it.

**Q. What evaluation have you performed to support that position?**

A. I reviewed the academic calendars for a school district for the 2010-2011 and 2011-2012 academic year, which is attached as Exhibit MF-1. The calendar shows that academic years began in late August and ended in late May, and that the school was recessed for summer vacation when AEP-Ohio's system peaks occurred.

**Q. What other evaluations did you perform?**

A. The Schools attempted to get demand interval from AEP-Ohio through discovery; however, AEP-Ohio responded that it was unavailable. Lacking that information, and due to the expedited nature of this proceeding, I obtained the information from two AEP-Ohio served school districts, a large suburban district and a smaller rural district. I summarized the information below.

Month	Use	Demand
Apr-11	1,436,700	6,448
May-11	1,833,200	7,665
Jun-11	1,814,840	7,619
Jul-11	1,164,880	7,042
Aug-11	1,640,780	7,757
Sep-11	1,959,340	9,529
Oct-11	1,748,120	8,387
Nov-11	1,545,240	6,204
Dec-11	1,661,700	5,695
Jan-12	1,490,580	4,926
Feb-12	1,577,260	5,088
Mar-12	1,435,100	5,240

This table represents the sum of 24 school buildings (3 high schools, 4 middle schools and 17 elementary schools) that were provided to me and served by AEP-Ohio. As you can see, the sum of the monthly peak demands and maximum use occurs in September. The second highest monthly peak demand is in October. The second highest monthly use is in May.

**Q. Why does the peak demand for schools differ from the AEP system in your opinion?**

A. School buildings are not fully occupied until the children return from summer vacation. This tends to keep the demand and consumption lower than a more typical commercial office building or some other commercial consumer. While each school district schedules its own school year, my experience and general understanding is that public schools in Ohio start towards the end of August after the weather is starting to cool off.

1 Q. What would you expect to happen if there was a system peak when schools were in  
2 session?

3 A. The system peak is not coincident to when the buildings are fully occupied. Thus even  
4 if an AEP Ohio system peak occurred when schools were in session you can see from  
5 the 2011 peaks that these peaks tend to occur at 5 PM when the children have already  
6 been dismissed for the day.

7 **V. THE TWO-TIERED CAPACITY CHARGE IS DISCRIMINATORY**

8 Q. What other concerns about AEP-Ohio's modified ESP filing do you have?

9 A. It is my understanding that the Company's litigation position remains to be that it  
10 should be permitted to collect the \$355 per MW-day capacity charge as requested in the  
11 Capacity Charge Case; however, it has "discounted" that request in this case from \$355  
12 per MW-day to a two-tiered capacity charge offer of \$146 per MW-day for some  
13 shopping consumers and \$255 per MW-day for the remainder. My testimony in the  
14 Capacity Charge Case remains that the \$355 per MW-day charge is unreasonable and  
15 should not be adopted, considering that a 60% load factor high school could see its costs  
16 rise significantly by \$0.023 per kWh, and the 50% load factor elementary school could  
17 see its costs rise significantly by \$0.028 per kWh. A CRES that has a shopping customer  
18 should be required to pay AEP-Ohio for capacity at the Reliability Pricing Model  
19 ("RPM") established price. This is the price that AEP charged to CRES until January 1,  
20 2012 and it should be the charge in the future. If AEP is permitted to charge the \$355  
21 per MW-day, it would be devastating to schools and other consumers as the CRES will  
22 attempt to pass through those higher charges.



1    **Q.    What concerns do you have over the two-tiered capacity pricing proposed by the**  
2           **Company in this case?**

3    A.    The two tiered pricing is discriminatory.  Counsel advises that state law requires that  
4           consumers must be assured the availability of non-discriminatory, and reasonably  
5           priced retail electric service [ORC 4928.02(A)].

6    **Q.    How is a two-tiered charge billed by the Company to a CRES discriminatory for**  
7           **consumers?**

8    A.    The Company's capacity charges, while billed to the CRES, are ultimately reflected in  
9           the power supply prices offered by the CRES.  Regardless of the CRES name, be it AEP  
10          Retail, Constellation or FirstEnergy Solutions, these organizations are anticipating  
11          making a profit.  Charging any such organization \$255 per MW-day rather than \$146  
12          per MW-day will ultimately be borne by the shopping customer through higher power  
13          prices.

14         The Tier 2 capacity charge of \$255 per MW-day hinders shopping because it is passed  
15         through to consumers.  Customers subject to Tier 2 pricing will be discriminated  
16         against by paying the higher charge for the same service provided to customers in Tier  
17         1, or by being economically precluded from shopping.

18   **Q.    What impact could the difference in the tier capacity charges have on a school's**  
19           **power price?**

20   A.    A difference of \$109 per MW-day (\$255 - \$146) would increase a CRES capacity charge  
21          by 4.5 mills for a customer with a 100% load factor [(\$109 per MW-day\* 365 days per

1 year) / (8760 hours per year \* 1000 MW per kW)]. A large high school operating at a  
2 60% load factor would have a 7.6 mills or \$0.0076 per kWh higher cost to serve for the  
3 CRES at \$255 per MW-day than at \$146 per MW-day. A smaller elementary school  
4 operating at a 50% load factor would have a 9.1 mills or \$0.0091 per kilowatt-hour  
5 higher cost to serve for the CRES given AEP Ohio's request. These are large increases  
6 for schools

7 **Q. What impact could AEP-Ohio's modified ESP as proposed have on schools already**  
8 **shopping?**

9 A. At least for those schools already in the initial 21% of shopped load, CRES have paid  
10 AEP-Ohio for the capacity at RPM rates. That practice continues. CRES have relied  
11 upon the fact that they would be paying RPM for these customers. When that CRES  
12 contracted with the consumer it would have anticipated an RPM cost for that  
13 customer's capacity of approximately \$146 per MW-day beginning in June 2011,  
14 approximately \$20 per MW-day beginning in June 2012, and approximately \$34 per  
15 MW-day beginning in June 2013. If the Commission grants the Company's request to  
16 charge \$146 per MW-day rather than the RPM going forward, the CRES could trigger a  
17 clause in their supply agreement that is commonly called the regulatory provision. In  
18 an event where a regulatory body makes such a change the supplier can pass through  
19 the incremental costs to the consumer. Using the same methodology above, a CRES  
20 utilizing a regulatory pass through provision could increase a high school's power cost

1 by 8.8 mills or \$0.0088 per kWh in June 2012. The elementary school would see an  
2 increase of 10.5 mills or \$0.0105 per kWh in June 2012.

3 **Q. Explain the effect approval of AEP-Ohio's application would have on non-shopping**  
4 **schools.**

5 A. As I mentioned previously, AEP-Ohio's proposed capacity costs to a CRES will increase  
6 the CRES's price of service. Customers subject to Tier 2 pricing will pay higher charges  
7 for the same service provided to customers in Tier 1, or be precluded from shopping.

## 8 **VI. RECOMMENDATION**

9 **Q. What are your recommendations in this proceeding?**

10 A. To summarize:

- 11 1. The RSR is a thinly disguised, impermissible generation  
12 transition charge and should not be adopted.
- 13 2. The two-tiered capacity charge is discriminatory and should  
14 not be adopted.

15 If the Commission were to adopt these charges, it should consider special rate treatment  
16 for Ohio's schools. On the advice of counsel, such treatment has been provided and  
17 acknowledged previously by the Commission, the Ohio Legislature, and the Ohio  
18 Supreme Court. It is difficult for all customers to absorb rate increases; however,  
19 schools are in a unique position. Unlike business enterprises, schools cannot  
20 voluntarily increase their price for services to pass through rate increases to consumers.  
21 Instead, schools must rely on scarce taxpayer funds at the federal, state and local levels  
22 for support. According to Schools' witness Fleeter, under the Fiscal Year 2012/2013  
23 Ohio Biennial State Budget, Ohio's public school districts received \$1.593 **billion** less in

1 funding than they would have, had fiscal year 2011 general purpose funding levels  
2 been maintained for these two additional years.

3 Over the course of the fiscal year 2012-2013 biennium, Ohio's public school districts  
4 received about \$1.225 billion less in federal funds (exclusive of the loss of the federal  
5 Foundation stimulus money) than they would have received had fiscal year 2011  
6 federal funding been maintained for fiscal year 2012 and fiscal year 2013.

7 Total funding losses from both State and federal sources over the biennium will mean that Ohio  
8 school districts will receive about \$2.8 billion less in total State and federal funds over the two  
9 year period than they would have received under a continuation of fiscal year 2011 funding  
10 levels.

11 Approval of the RSR, coupled with drastically increased capacity charges will only add  
12 to the Schools' distress caused by the lack of traditional revenue sources, likely leading  
13 to funding cuts affecting the levels of teachers, staff, materials and programs.

14 Specifically, the Schools' alternative recommendations are:

- 15 2. If the Commission were to adopt the RSR, it should not be  
16 applied to Ohio's public schools considering that the RSR  
17 charge was created using a customer class average which  
18 Ohio's public schools do not fit.
- 19 II. If the proposed two-tiered charge is adopted, the  
20 Commission should ensure that Tier 1 pricing is available to  
21 Ohio's public schools.  
22

23 **Q. Are these alternative recommendations reasonable?**

1 A. Yes. On the advice of counsel, the overriding standard of review in this proceeding is  
2 whether the ESP is more favorable in the aggregate than the alternative market rate option.  
3 The Commission may consider quantifiable and non-quantifiable ESP benefits in making its  
4 determination. The alternative recommendations would provide an enormous benefit to all  
5 consumers in AEP-Ohio's service territory, considering Ohio's public schools' current financial  
6 distress, the universal right to a public education for all Ohio children, and the benefits all  
7 Ohioans will receive from a well-educated work force.

8 **Q. Does this conclude your testimony?**

9 A. Yes.

10

11

# Dublin City Schools 2010-11 Calendar

Revised 5/28/10

S	M	T	W	T	F	S
<b>AUGUST</b>						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

8/17-18 Professional development days for staff

8/19-20 In-service days for staff

8/23 First day for students

8/23-25 Kindergarten phase in days

8/30 First day for preschool

S	M	T	W	T	F	S
<b>DECEMBER</b>						
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

12/23-1/3 No School, Winter Break

S	M	T	W	T	F	S
<b>SEPTEMBER</b>						
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

9/6 No School, Labor Day

S	M	T	W	T	F	S
<b>JANUARY</b>						
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

1/3 No School, Winter Break

1/13 End of first semester

1/14 No School, Teacher work day

1/17 No School, MLK Jr. Day

S	M	T	W	T	F	S
<b>APRIL</b>						
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

4/22 No School, Teacher conference time or conference comp day

S	M	T	W	T	F	S
<b>OCTOBER</b>						
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

10/15 No School, Teacher conference time or conference comp day

10/26 End of first nine weeks

S	M	T	W	T	F	S
<b>FEBRUARY</b>						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

2/9 Healthy Community/Healthy Youth

2/21 No School, Presidents' Day

2/28 End of second elementary trimester

S	M	T	W	T	F	S
<b>JUNE</b>						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

S	M	T	W	T	F	S
<b>NOVEMBER</b>						
		1	2	3	4	5
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

11/10 Healthy Community/Healthy Youth

11/16 End of first elementary trimester

11/24-26 No School, Thanksgiving Break

S	M	T	W	T	F	S
<b>MARCH</b>						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

3/18 End of third nine weeks

3/21-25 No School, Spring Break

For the 2010-2011 school year the state of Ohio is allowing school districts three (3) calamity days. Any calamity days beyond MUST be made up. To allow for this, we are designating May 31 and June 1,2,3, and 6 as contingency days.



(possible make up days for calamity days)



# Dublin City Schools | 2011-2012 CALENDAR

Exhibit MF-1  
Page 2 of 2

Revised 7/21/11

AUGUST 2011						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

19, 22 Professional development days for staff  
23, 24 In-service days for staff  
25 First day for students  
25, 26, 29 Kindergarten phase in days

FEBRUARY 2012						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

17 No School, Staff professional development day  
20 No School, Presidents' Day

SEPTEMBER 2011						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

1 First day for preschool  
5 No School, Labor Day

MARCH 2012						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

2 End of second elementary trimester  
14 Healthy Community/Healthy Youth Family Night  
16 End of third nine weeks  
19-23 No School, Spring Break

OCTOBER 2011						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

27 End of first nine weeks  
28 No School, Teacher conference time or conference comp time

APRIL 2012						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

6 No School, Teacher conference time or conference comp time

NOVEMBER 2011						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

9 Healthy Community/Healthy Youth Family Night  
18 End of first elementary trimester  
23-25 No School, Thanksgiving Break

MAY 2012						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

24 Last day for preschool  
28 No School, Memorial Day  
31 Last day for students & staff

DECEMBER 2011						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

22-30 No School, Winter Break

JUNE 2012						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

2 Graduation  
1, 4-7 Contingency days (possible make-up days for calamity days)

JANUARY 2012						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

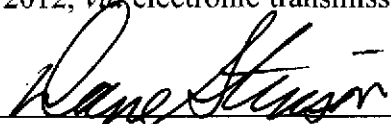
2 No School, Winter Break  
12 End of first semester  
13 No School, Teacher work day  
16 No School, MLK Jr. Day  
17 No School, Staff professional development day

Contingency days - If allotted calamity days are exceeded, make-up days are June 1, 4-7.

Graduation at Schottenstein Center on June 2, 2012:  
1:00pm - Scioto  
4:00pm - Coffman  
7:00pm - Jerome

**Certificate of Service**

I hereby certify that a copy of the foregoing *Direct Testimony of Mark Frye* was served upon the following parties of record this 4<sup>th</sup> day of May 2012, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.

  
\_\_\_\_\_  
Dane Stinson

Matthew J. Satterwhite  
Steven T. Nourse  
Anne M. Vogel  
American Electric Power Service Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
mjsatterwhite@aep.com  
stnourse@aep.com  
amvogel@aep.com

Daniel R. Conway  
Christen M. Moore  
Porter Wright Morris & Arthur  
41 S. High Street  
Columbus, OH 43215  
dconway@porterwright.com  
cmoore@porterwright.com

David F. Boehm  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street Suite 1510  
Cincinnati, OH 45202  
dboehm@BKLawfirm.com  
mkurtz@BKLawfirm.com

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

Dorothy K. Corbett  
Amy B. Spiller  
Jeanne W. Kingery  
139 East Fourth Street  
1303-Main  
Cincinnati, OH 45202  
Dorothy.Corbett@duke-energy.com  
Amy.spiller@duke-energy.com  
Jeanne.kingery@duke-energy.com

Robert A. McMahon  
Eberly McMahon LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, OH 45206

Rocco D'Ascenzo  
Elisabeth Watts  
Duke Energy Ohio, Inc.  
139 East Fourth Street - 1303-Main  
Cincinnati, OH 45202  
Elisabeth.watts@duke-energy.com  
Rocco.d'ascenzo@duke-energy.com

Kyle L. Kern  
Terry L. Etter  
Maureen R. Grady  
Office of the Ohio Consumers' Counsel  
10 W. Broad Street, 18<sup>th</sup> Floor  
Columbus, OH 43215-3485  
kern@occ.state.oh.us  
etter@occ.state.oh.us  
grady@occ.state.oh.us



Richard L. Sites  
General Counsel & Senior Director of Health  
Policy  
Ohio Hospital Association  
155 East Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215-3620  
[ricks@ohanet.org](mailto:ricks@ohanet.org)

Thomas J. O'Brien  
BRICKER & ECKLER, LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

Terrence O'Donnell  
Christopher Montgomery  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[todonnell@bricker.com](mailto:todonnell@bricker.com)  
[cmontgomery@bricker.com](mailto:cmontgomery@bricker.com)

Mark S. Yurick  
Zachary D. Kravitz  
Taft Stettinius & Hollister  
65 East State Street, Suite 1000  
Columbus, OH 43215  
[myurick@taftlaw.com](mailto:myurick@taftlaw.com)  
[zkravitz@taftlaw.com](mailto:zkravitz@taftlaw.com)

Mark A. Hayden  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
[haydenm@firstenergycorp.com](mailto:haydenm@firstenergycorp.com)

Michael R. Smalz  
Joseph V. Maskovyak  
Ohio Poverty Law Center  
555 Buttles Avenue  
Columbus, OH 43215  
[msmalz@ohiopoveritylaw.org](mailto:msmalz@ohiopoveritylaw.org)  
[jmaskovyak@ohiopoveritylaw.org](mailto:jmaskovyak@ohiopoveritylaw.org)

James F Lang  
Laura C. McBride  
N. Trevor Alexander  
CALFEE, HALTER & GRISWOLD LLP  
1400 KeyBank Center  
800 Superior Ave.  
Cleveland, OH 44114  
[jl原因@calfee.com](mailto:jl原因@calfee.com)  
[lmcbride@calfee.com](mailto:lmcbride@calfee.com)  
[talexander@calfee.com](mailto:talexander@calfee.com)

Lisa G. McAlister  
Matthew W. Warnock  
Thomas O'Brien  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[lmcalister@bricker.com](mailto:lmcalister@bricker.com)  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

David A. Kutik  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114  
[dakutik@jonesday.com](mailto:dakutik@jonesday.com)

Jay E. Jadwin  
American Electric Power Service Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
[jejadwin@aep.com](mailto:jejadwin@aep.com)

Allison E. Haedt  
Jones Day  
P.O. Box 165017  
Columbus, OH 43216-5017  
[aehaedt@jonesday.com](mailto:aehaedt@jonesday.com)

Glen Thomas  
1060 First Avenue, Ste. 400  
King of Prussia, PA 19406  
[gthomas@gtpowergroup.com](mailto:gthomas@gtpowergroup.com)

John N. Estes III  
Paul F. Wight  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Ave., N.W.  
Washington, DC 20005  
[jestes@skadden.com](mailto:jestes@skadden.com)  
[paul.wight@skadden.com](mailto:paul.wight@skadden.com)

M. Howard Petricoff  
Stephen M. Howard  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay Street  
P.O. Box 1008  
Columbus, OH 43215-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

William L. Massey  
Covington & Burling, LLP  
1201 Pennsylvania Ave., NW  
Washington, DC 20004  
[wmassey@cov.com](mailto:wmassey@cov.com)

Joel Malina  
Executive Director  
COMPLETE Coalition  
1317 F Street, NW  
Suite 600  
Washington, DC 20004  
[malina@wexlerwalker.com](mailto:malina@wexlerwalker.com)

Laura Chappelle  
4218 Jacob Meadows  
Okemos, MI 48864  
[laurac@chappelleconsulting.net](mailto:laurac@chappelleconsulting.net)

Henry W. Eckhart  
1200 Chambers Road, Suite 106  
Columbus, OH 43212  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

Christopher J. Allwein  
Williams, Allwein and Moser, LLC  
1373 Grandview Ave., Suite 212  
Columbus, OH 43212  
[callwein@williamsandmoser.com](mailto:callwein@williamsandmoser.com)

Gary A Jeffries  
Assistant General Counsel  
Dominion Resources Services, Inc.  
501 Martindale Street, Suite 400  
Pittsburgh, PA 15212-5817  
[Gary.A.Jeffries@aol.com](mailto:Gary.A.Jeffries@aol.com)

Michael J. Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

David I. Fein  
Vice President, Energy Policy – Midwest  
Constellation Energy Group, Inc.  
Cynthia Fonner Brady  
Senior Counsel  
Constellation Energy Resources LLC  
550 West Washington Blvd., Suite 300  
Chicago, IL 60661  
[david.fein@constellation.com](mailto:david.fein@constellation.com)  
[cynthia.brady@constellation.com](mailto:cynthia.brady@constellation.com)

Barth E. Royer (Counsel of Record)  
Bell & Royer Co., LPA  
33 South Grant Avenue  
Columbus, OH 43215-3927  
[BarthRoyer@aol.com](mailto:BarthRoyer@aol.com)

Tara C. Santarelli  
Environmental Law & Policy Center  
1207 Grandview Ave., Suite 201  
Columbus, OH 43212  
[tsantarelli@elpc.org](mailto:tsantarelli@elpc.org)

Sandy I-ru Grace  
Assistant General Counsel  
Exelon Business Services Company  
101 Constitution Ave., NW  
Suite 400 East  
Washington, DC 20001  
[sandy.grace@exeloncorp.com](mailto:sandy.grace@exeloncorp.com)

David M. Stahl  
Eimer Stahl Klevorn & Solberg LLP  
224 South Michigan Avenue, Suite 1100  
Chicago, IL 60604  
[dstahl@eimerstahl.com](mailto:dstahl@eimerstahl.com)

Jeanine Amid Hummer  
Thomas K. Lindsey  
*City of Upper Arlington*

Pamela A. Fox  
*City of Hilliard*

C. Todd Jones,  
Christopher L. Miller,  
Gregory H. Dunn  
Asim Z. Haque  
Ice Miller LLC  
250 West Street  
Columbus, OH 43215  
[pfox@hillardohio.gov](mailto:pfox@hillardohio.gov)  
[christopher.miller@icemiller.com](mailto:christopher.miller@icemiller.com)  
[gregory.dunn@icemiller.com](mailto:gregory.dunn@icemiller.com)  
[asim.haque@icemiller.com](mailto:asim.haque@icemiller.com)  
[jhummer@uaoh.net](mailto:jhummer@uaoh.net)  
[tlindsey@uaoh.net](mailto:tlindsey@uaoh.net)

Nolan Moser  
Trent A. Dougherty  
Camille Yancy  
Cathryn Loucas  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, OH 43212-3449  
[nolan@theoec.org](mailto:nolan@theoec.org)  
[trent@theoec.org](mailto:trent@theoec.org)  
[camille@theoec.org](mailto:camille@theoec.org)  
[cathy@theoec.org](mailto:cathy@theoec.org)

Robert Korandovich  
KOREnergy  
P.O. Box 148  
Sunbury, OH 43074  
korenergy@insight.rr.com

Jay L. Kooper  
Katherine Guerri  
Hess Corporation  
One Hess Plaza  
Woodbridge, NJ 07095  
jkooper@hess.com  
kguerri@hess.com

Douglas G. Bonner  
Emma F. Hand  
Keith C. Nusbaum  
Clinton A. Vince  
Daniel D. Barnowski  
James Rubin  
Thomas Millar  
SNR Denton US LLP  
1301 K Street NW  
Suite 600, East Tower  
Washington, DC 20005  
doug.bonner@snrdenton.com  
emma.hand@snrdenton.com  
keith.nusbaum@snrdenton.com  
clinton.vince@snrdenton.com  
daniel.barnowski@snrdenton.com  
james.rubin@snrdenton.com  
thomas.millar@snrdenton.com

Arthur Beeman  
SNR Denton US LLP  
525 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 941-5-2708  
arthur.beeman@snrdenton.com

Kenneth P. Kreider  
David A. Meyer  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
kpkreider@kmmklaw.com  
dmeyer@kmmklaw.com

Holly Rachel Smith  
Holly Rachel Smith, PLLC  
Hitt Business Center  
3803 Rectortown Road  
Marshall, VA 20115  
holly@raysmithlaw.com

Steve W. Chriss  
Manager, State Rate Proceedings  
Wal-Mart Stores, Inc.  
Bentonville, AR 72716-0550  
Stephen.Chriss@wal-mart.com

Allen Freifeld  
Samuel A. Wolfe  
Viridity Energy, Inc.  
100 West Elm Street, Suite 410  
Conshohocken, PA 19428  
afreifeld@viridityenergy.com  
swolfe@viridityenergy.com

Jacqueline Lake Roberts,  
Counsel of Record  
101 Federal Street, Suite 1100  
Boston, MA 02110  
jroberts@enernoc.com

Benita Kahn  
Lija Kaleps-Clark  
Vorys Sater, Seymour and Pease LLC  
52 East Gay Street, P.O. Box 1008  
Columbus, OH 43216-1008  
bakahn@vorys.com  
lkalepsclark@vorys.com

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

Mark A. Whitt  
Melissa L. Thompson  
Whitt Sturtevant LLP  
PNC Plaza, Suite 2020  
155 East Broad Street  
Columbus, OH 43215  
whitt@whitt-sturtevant.com  
thompson@whitt-sturtevant.com

Chad A. Endsley  
Chief Legal Counsel  
Ohio Farm Bureau Federation  
280 North High Street, P.O. Box 182383  
Columbus, OH 43218-2383  
cendsley@ofbf.org.

Brian P. Barger  
Brady, Coyle & Schmidt, LTD  
4052 Holland-Sylvania Rd.  
Toledo, OH 43623  
bpbarger@bcslawyers.com

Diem N. Kaelber  
Robert J Walter  
10 West Broad Street, Suite 1300  
Columbus, OH 43215  
kaelber@buckleyking.com  
walter@buckleyking.com

Judi L. Sobecki  
Randall V. Griffin  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, OH 45432  
Judi.sobecki@dplinc.com  
Randall.griffin@dplinc.com

Sara Reich Bruce  
Ohio Automobile Dealers Association  
655 Metro Place South, Suite 270  
Dublin, OH 43017  
sbruce@oada.com

Joseph M. Clark  
Direct Energy Services LLC  
And Direct Energy Business LLC  
6641 North High Street, Suite 200  
Worthington, OH 43085  
jmclark@vectren.com

Todd M. Williams  
Williams Allwein and Moser, LLC  
Two Maritime Plaza-Third Floor  
Toledo, OH 43604  
toddm@wamenergylaw.com

Matthew R. Cox  
Matthew Cox Law, Ltd.  
4145 St. Theresa Blvd.  
Avon, OH 44011  
matt@matthewcoxlaw.com

Carolyn S. Flahive  
Stephanie M. Chmiel  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, OH 43215  
Carolyn.Flahive@ThompsonHine.com  
Stephanie.Chmiel@ThompsonHine.com

Randy J. Hart  
Rob Remington  
David J. Michalski  
200 Public Square, Suite 2800  
Cleveland, OH 44114-2316  
rhart@hahnlaw.com  
rremington@hahnlaw.com  
djnichalski@hahnlaw.com

Larry F. Eisenstat  
Richard Lehfelddt  
Robert L. Kinder, Jr.  
Dickstein Shapiro LLP  
1825 Eye St. NW  
Washington, DC 20006  
eisenstatl@dicksteinshapiro.com  
lehfeldtr@dicksteinshapiro.com  
kinderr@dicksteinshapiro.com

Sue A. Salamido  
Kristin Watson  
Cloppert, Latanick, Sauter & Washburn  
225 East Broad Street, 4<sup>th</sup> Floor  
Columbus, OH 43215  
ssalamido@cloppertlaw.com  
kwatson@cloppertlaw.com

Robert L. Kinder, Jr.  
Dickstein Shapiro LLP  
1825 Eye St. NW  
Washington, DC 20006  
kinder@DicksteinShapiro.com

Mary W. Christensen  
Christensen Law Offices  
8760 Orion Place, Suite 300  
Columbus, OH 43240  
mchristensen@columbuslaw.org

Samuel C. Randazzo  
Joseph E. Olikier  
Frank P. Darr  
McNees Wallace & Nurick LLC  
21 East State Street, 17th Floor  
Columbus, OH 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)  
[rdarr@mwncmh.com](mailto:rdarr@mwncmh.com)

Greta See  
Jon Tauber  
Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, OH 43215

William Wright  
Werner Margard  
Thomas Lindgren  
John H. Jones  
Assistant Attorneys' General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, OH 43215  
[john.jones@puc.state.oh.us](mailto:john.jones@puc.state.oh.us)  
[werner.margard@puc.state.oh.us](mailto:werner.margard@puc.state.oh.us)  
[thomas.lindgren@puc.state.oh.us](mailto:thomas.lindgren@puc.state.oh.us)  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)