

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

**INDUSTRIAL ENERGY USERS-OHIO'S
MOTION TO COMPEL DISCOVERY RESPONSES AND
MEMORANDUM IN SUPPORT**

Samuel C. Randazzo, Esq.
Frank P. Darr
Joseph E. Olikier
Matthew R. Pritchard
MCNEES WALLACE & NURICK LLC
21 East State Street, Suite 1700
Columbus, OH 43215-4228
Telephone: 614-469-8000
Telecopier: 614-469-4653
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com
mpritchard@mwncmh.com

May 17, 2012

Attorneys for Industrial Energy Users-Ohio

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

MOTION TO COMPEL DISCOVERY RESPONSES

On March 23, 2011, Industrial Energy Users-Ohio ("IEU-Ohio") was granted intervention in the above-captioned matters. On April 26, 2012, IEU-Ohio served its First Set of Interrogatories ("IEU-Ohio's First Set of Discovery") (Attachment A) upon AEP Retail Energy Partners LLC ("AEP Retail"). On May 14, 2012, seven days after AEP Retail's responses were due, AEP Retail responded to IEU-Ohio's First Set of Discovery with general and specific objections and responses (Attachment B). Particularly, in response to IEU-Ohio's Interrogatory 1, AEP Retail objected to the question on grounds of relevance and answered half of IEU-Ohio's Interrogatory (Attachment B). AEP Retail referenced its response to IEU-Ohio Interrogatory 1 for its remaining 3 responses.

IEU-Ohio followed up with AEP Retail by e-mail explaining that AEP Retail had only answered part of the discovery request, which prompted AEP Retail to supplement its responses on May 15, 2012 (Attachment C). AEP Retail's supplemental response,

however, is still incomplete. IEU-Ohio notified AEP Retail on May 15, 2012 that it would file a motion to compel if it had not been provided a full discovery response by noon on May 16, 2012. IEU-Ohio has not yet received a full discovery response to IEU-Ohio's First Set of Discovery and therefore submits this motion to compel.

Respectfully submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo, Esq.

Frank Darr

Joseph E. Olikier

Matthew R. Pritchard

MCNEES WALLACE & NURICK LLC

21 East State Street, Suite 1700

Columbus, OH 43215-4228

Telephone: (614) 719-2840

Fax: (614) 469-4653

sam@mwncmh.com

fdarr@mwncmh.com

joliker@mwncmh.com

mpritchard@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

MEMORANDUM IN SUPPORT

I. STATEMENT OF FACTS AND PROCEDURAL BACKGROUND

On January 23, 2011, Ohio Power Company ("OP", also referred to as "AEP Ohio") initiated this proceeding seeking to establish an electric security plan ("ESP") for the next several years. Ultimately, the original application evolved into a new ESP as part of a Stipulation and Recommendation ("Stipulation") filed with the Commission on September 7, 2011. The Stipulation was ultimately rejected on February 23, 2012. The current version of OP's ESP ("the Modified ESP") was filed with the Commission on March 30, 2012.

As part of the Modified ESP, OP is requesting above-market compensation for the generation portion of its business. OP has requested that the above-market compensation take one of two forms. First, OP has requested it be compensated at two different tiers, the higher tier at \$255/megawatt-day ("MW-day"), the lower tier at

\$146/MW-day.¹ OP's alternate proposal is to be compensated at \$355/MW-day, and in return will offer a shopping credit to customers.² OP claims that above-market capacity compensation is required so that it can avoid financial duress.³

II. DISCOVERY STANDARDS

Rule 4901-1-16(B), Ohio Administrative Code ("O.A.C."), contains the Commission's rules regarding discovery. That Rule provides:

any party to a commission proceeding may obtain discovery of any matter, not privileged, which is relevant to the subject matter of the proceeding. ... It is not a ground for objection that the information sought would be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may be obtained through interrogatories, requests for the production of documents and things or permission to enter upon land or other property, depositions, and requests for admission.

Thus, the Commission's rules do not allow a party to avoid discovery on grounds that the information sought is confidential.⁴ The Rule allows a party to conduct discovery through a request for production so long as the information is not privileged and "appears reasonably calculated to lead to the discovery of admissible evidence."

Additionally, Rule 4901-1-20, O.A.C., provides that, subject to the scope of discovery in Rule 4901-1-16, O.A.C., a party may request another party to "produce for inspection, *copying*, sampling, or testing any tangible things which are in the possession, control, or custody of the party upon whom the request is served."

¹ Direct Testimony of William Allen at 6-9 (March 30, 2012).

² *Id.* at 15-17.

³ See Direct Testimony of Robert Powers at 5, 10 (March 30, 2012)

⁴ IEU-Ohio entered into a confidentiality agreement with OP in this proceeding on February 9, 2011.

III. ARGUMENTS

A. IEU-Ohio First Set of Discovery is Reasonably Calculated to Lead to the Discovery of Admissible Evidence

As briefly discussed above, OP is seeking a two-tiered above-market capacity charge in this proceeding. Revenue that would flow to OP from the above-market two-tiered capacity charges will inevitably make their way to American Electric Power Co., Inc. ("AEP"), OP's parent company and sole shareholder. Another of AEP's subsidiaries, AEP Retail, actively competes as a competitive retail electric service ("CRES") provider throughout Ohio.

AEP Retail operates inside and outside AEP Ohio's service territory. Competing as a CRES provider, AEP Retail must supply generation service to the customers it serves and must obtain that generation somewhere. IEU-Ohio's First Set of Discovery seeks to uncover the sources of AEP Retail's generation supply (either self-owned or through contractual rights). AEP Retail's contractual rights to capacity are relevant inasmuch as OP has made the price and supply of capacity one of the core issues of this proceeding. AEP Retail is a competitor inside and outside of OP's service territory. Accordingly, AEP Retail's contractual rights to generating capacity are relevant or may lead to the discovery of relevant information in this proceeding.

AEP Retail's initial response, which was seven days late, simply stated it did not own any generation. The next day, AEP Retail supplemented its response to answer the portion of IEU-Ohio Interrogatory 1 seeking information on contractual rights, and stated that it "does not own a generation facility or have a tolling agreement related to a generation facility." AEP Retail has still not responded to the interrogatory, inasmuch as a tolling agreement is only one of many contractual rights AEP Retail might have.

B. AEP Retail Asserts Several General Objections That Are Not Applicable

AEP Retail objected to IEU-Ohio's First Set of Discovery based on the specific relevance objection as well as nine general objections.⁵ The general objections are contained in Attachments B & C and do not apply to IEU-Ohio's First Set of Discovery. IEU-Ohio has entered into a confidentiality agreement with AEP Retail; does not seek legal conclusions, and has not asked AEP Retail to produce any of its contracts, therefore limiting any burden on AEP Retail. AEP Retail's remaining general objections are in fact not objections, *e.g.* reserving the right to challenge relevance at the hearing or reserving the right to supplement its responses.

IV. CONCLUSION

As discussed above, AEP Retail has not asserted any appropriate grounds for not responding to IEU-Ohio's First Set of Discovery. IEU-Ohio has been more than accommodating; IEU-Ohio notified AEP Retail by e-mail that it had forgotten to timely respond to discovery, and IEU-Ohio twice notified AEP Retail that it had provided less than complete discovery responses. Because IEU-Ohio's discovery is reasonably calculated to lead to the discovery of admissible evidence, because IEU-Ohio has a confidentiality agreement with AEP Retail, and because IEU-Ohio has tried to reach a reasonable solution outside of filing this motion, the Commission should grant IEU-Ohio's motion to compel AEP Retail and order AEP Retail to respond to all outstanding discovery requests.

⁵ In fact, AEP Retail stated, "AEP Retail Energy Partners LLC objects to the Interrogatory because it seeks information that is [not] relevant to the instant matter..." [sic] (Attachment B).

Respectfully Submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo, Esq.

Frank Darr

Joseph E. Olier

Matthew R. Pritchard

MCNEES WALLACE & NURICK LLC

21 East State Street, Suite 1700

Columbus, OH 43215-4228

Telephone: (614) 719-2840

Fax: (614) 469-4653

sam@mwncmh.com

fdarr@mwncmh.com

joliker@mwncmh.com

mpritchard@mwncmh.com

Attorneys for Industrial Energy Users-Ohio

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Motion to Compel Discovery Responses and Memorandum in Support* was served upon the following parties of record this 17th day of May 2012, *via* electronic transmission.

/s/ Matthew R. Pritchard

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

**ON BEHALF OF COLUMBUS SOUTHERN POWER
COMPANY AND OHIO POWER COMPANY**

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

ON BEHALF OF DUKE ENERGY OHIO, INC.

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

Philip B. Sineneng
Thompson Hine LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
Philip.Sineneng@thompsonhine.com

**ON BEHALF OF DUKE ENERGY RETAIL SALES, LLC
AND DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.**

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

ON BEHALF OF THE OHIO ENERGY GROUP

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

ON BEHALF OF ENERNOC, INC.

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

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

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

OH BEHALF OF OHIO HOSPITAL ASSOCIATION

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

ON BEHALF OF THE KROGER CO.

Terrence O'Donnell
Christopher Montgomery
Matthew W. Warnock
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
todonnell@bricker.com
cmontgomery@bricker.com
mwarnock@bricker.com

ON BEHALF OF PAULDING WIND FARM II LLC

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

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

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

Allison E. Haedt
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
aehaedt@jonesday.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
paul.wight@skadden.com

ON BEHALF OF FIRSTENERGY SOLUTIONS CORP.

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 43215
msmalz@ohiopoveritylaw.org
jmaskovyak@ohiopoveritylaw.org

**ON BEHALF OF THE APPALACHIAN PEACE AND
JUSTICE NETWORK**

Lisa G. McAlister
J. Thomas Siwo
Thomas O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
tsiwo@bricker.com
tobrien@bricker.com

ON BEHALF OF OMA ENERGY GROUP

Jay E. Jadwin
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
jejadwin@aep.com

**ON BEHALF OF AEP RETAIL ENERGY PARTNERS
LLC**

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
smhoward@vorys.com

**ON BEHALF OF PJM POWER PROVIDERS GROUP
AND THE RETAIL ENERGY SUPPLY ASSOCIATION**

Glen Thomas
1060 First Avenue, Ste. 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

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

ON BEHALF OF PJM POWER PROVIDERS GROUP

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
mjsettineri@vorys.com

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

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

ON BEHALF OF THE COMPETE COALITION

Henry W. Eckhart
1200 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

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

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

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

**ON BEHALF OF CONSTELLATION NEWENERGY,
INC., CONSTELLATION ENERGY COMMODITIES
GROUP, INC. , DIRECT ENERGY SERVICES, LLC**

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

ON BEHALF OF DOMINION RETAIL, INC.

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
cynthia.brady@constellation.com

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

Jeanine Amid Hummer
Thomas K. Lindsey
City of Upper Arlington
C. Todd Jones,
Christopher L. Miller,
Gregory H. Dunn
Asim Z. Haque
Ice Miller LLC
250 West Street
Columbus, OH 43215
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
asim.haque@icemiller.com
jhummer@uaoh.net
tlindsey@uaoh.net

**ON BEHALF OF THE CITY OF GROVE CITY, OHIO
AND THE ASSOCIATION OF INDEPENDENT COLLEGES
AND UNIVERSITIES OF OHIO, THE CITY OF UPPER
ARLINGTON, THE CITY OF HILLSBORO, OHIO**

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

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

David M. Stahl
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

ON BEHALF OF EXELON GENERATION COMPANY

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

**ON BEHALF OF WAL-MART STORES EAST, LP AND
SAM'S EAST, INC.**

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

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

**ON BEHALF OF THE ENVIRONMENTAL LAW &
POLICY CENTER**

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

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

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

ON BEHALF OF KORENERGY

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, 26th Floor
San Francisco, CA 94105-2708
arthur.beeman@snrdenton.com

ON BEHALF OF ORMET PRIMARY ALUMINUM CORPORATION

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

ON BEHALF OF HESS CORPORATION

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

ON BEHALF OF CPower, Inc., Viridity Energy, Inc., EnergyConnect Inc., Comverge Inc., Enerwise Global Technologies, Inc., and Energy Curtailment Specialists, Inc.

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

ON BEHALF OF OHIO CABLE TELECOMMUNICATIONS ASSOCIATION

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

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

ON BEHALF OF INTERSTATE GAS SUPPLY, INC.

Dane Stinson
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

ON BEHALF OF THE OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL BOARDS ASSOCIATION, THE OHIO SCHOOLS COUNCIL AND THE BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS

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.

ON BEHALF OF THE OHIO FARM BUREAU FEDERATION

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

**ON BEHALF OF THE OHIO CONSTRUCTION
MATERIALS COALITION**

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

ON BEHALF OF OHIO RESTAURANT ASSOCIATION

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

**ON BEHALF OF THE DAYTON POWER AND LIGHT
COMPANY**

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

**ON BEHALF OF THE OHIO AUTOMOBILE DEALERS
ASSOCIATION**

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

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

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

**ON BEHALF OF THE OHIO BUSINESS COUNCIL FOR
A CLEAN ECONOMY**

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

**ON BEHALF OF THE COUNCIL OF SMALLER
ENTERPRISES (COSE)**

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

**ON BEHALF OF BORDER ENERGY ELECTRIC
SERVICES, INC.**

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

**ON BEHALF OF SUMMIT ETHANOL, LLC AND
FOSTORIA ETHANOL, LLC**

Robert Burke
Braith Kelly
Competitive Power Ventures, Inc.
8403 Colesville Road, Ste. 915
Silver Spring, MD 20910
rburke@cpv.com
bkelly@cpv.com

Larry F. Eisenstat
(Counsel of Record)
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

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

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

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

Jack D'Aurora
The Behal Law Group LLC
501 South High Street
Columbus, OH 43215
jdaurora@behallaw.com

ON BEHALF OF THE UNIVERSITY OF TOLEDO

Roger P. Sugarman
Kegler, Brown, Hill & Ritter
65 East State Street, Suite 1800
Columbus, OH 43215
rsugarman@keglerbrown.com

ON BEHALF OF NFIB/OHIO

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

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

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

ATTORNEY EXAMINERS

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

**INDUSTRIAL ENERGY USERS-OHIO'S INTERROGATORIES UPON
AEP RETAIL ENERGY PARTNERS LLC
(MODIFIED ELECTRIC SECURITY PLAN)
FIRST SET
APRIL 26, 2012**

Samuel C. Randazzo, Esq.
Frank P. Darr
Joseph E. Olikier
MCNEES WALLACE & NURICK LLC
21 East State Street, Suite 1700
Columbus, OH 43215-4228
Telephone: 614-469-8000
Telecopier: 614-469-4653
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

April 26, 2012

Attorneys for Industrial Energy Users-Ohio

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

**INDUSTRIAL ENERGY USERS-OHIO'S INTERROGATORIES UPON
AEP RETAIL ENERGY PARTNERS LLC
(MODIFIED ELECTRIC SECURITY PLAN)
FIRST SET
APRIL 26, 2012**

Industrial Energy Users-Ohio ("IEU-Ohio") in the above-captioned proceeding before the Public Utilities Commission of Ohio ("Commission") submits the following Interrogatories pursuant to Rules 4901-1-16, 4901-1-17, 4901-1-18, 4901-1-19, and 4901-1-20, Ohio Administrative Code ("O.A.C."), for response from AEP Retail Energy Partners LLC. All responses should be directed to:

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikier
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
(614) 469-8000 (T)
(614) 469-4653 (Fax)
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

Additionally, AEP Retail Energy Partners LLC must follow the instructions provided herein in responding to the inquiries. As required by Rule 4901-1-16, O.A.C., responses must be subsequently supplemented.

DEFINITIONS

As used herein, the following definitions apply:

1. "Document" or "Documentation" when used herein, is used in its customary broad sense and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punch cards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analysis, projections, transcripts, electronic mail, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, work papers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles,

advertisements, circulars, press releases, graphic records or representations/publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic, mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. "Communication" shall mean any transmission of information by oral, graphic, written, pictorial, electronic or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or

logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.

3. The "substance" of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.

4. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.

5. "You" and "your" or "yourself" refer to the party requested to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venture of such party.

6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.

7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

8. "Person" includes any firm, corporation, joint venture, association, entity or group of persons unless the context clearly indicates that only an individual person is referred to.

9. "Identify," or "state the identity of," or "identified" means as follows:

A. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;

B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;

C. When used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.) and its present or last known location and custodian;

D. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;

E. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.

10. "Commission" or "PUCO" means the Public Utilities Commission of Ohio.

11. "Company" means AEP Retail Energy Partners LLC.

INSTRUCTIONS FOR ANSWERING

1. Where an interrogatory calls for an answer in more than one part, each part should be separate in the answer so that the answer is clearly understandable.

2. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections are to be signed by the attorney making them.

3. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.

4. You are under a continuing duty to supplement your responses with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, the identity of any person expected to be called as a witness at trial, and the subject matter on which he or she is expected to testify and to correct any response which you know or later learn is incorrect.

INTERROGATORIES

1. Does AEP Retail Energy Partners LLC own or have contractual rights to any generating capacity?

RESPONSE:

2. If the answer to Interrogatory No. 1 is affirmative, identify which generating assets AEP Retail Energy Partners LLC owns or has contractual rights to capacity and the megawatts of its ownership or contractual rights.

RESPONSE:

3. For any generating assets identified in response to Interrogatory No. 2, is the portion of the assets owned by AEP Retail Energy Partners LLC a Capacity Resource as that term is defined in PJM's Reliability Assurance Agreement for any delivery year?

RESPONSE:

4. If the answer to Interrogatory No. 3 is affirmative, please identify which assets or contractual entitlements are Capacity Resources, the associated quantity of Capacity Resources and the delivery year.

RESPONSE:

Certificate of Service

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Interrogatories Upon AEP Retail Energy Partners LLC, (Modified Electric Security Plan), First Set* was served upon the following parties of record this 26th day of April, 2012, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.

/s/ Joseph E. Olikier

Joseph E. Olikier

Jay E. Jadwin
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
jejadwin@aep.com

**ON BEHALF OF AEP RETAIL ENERGY PARTNERS
LLC**

Matthew J. Satterwhite
Steven T. Nourse
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th 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

**ON BEHALF OF COLUMBUS SOUTHERN POWER
COMPANY AND OHIO POWER COMPANY**

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

**ON BEHALF OF DUKE ENERGY RETAIL SALES, LLC
AND DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.**

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

ON BEHALF OF DUKE ENERGY OHIO, INC.

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

ON BEHALF OF THE OHIO ENERGY GROUP

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

ON BEHALF OF ENERNOC, INC.

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

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

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

OH BEHALF OF OHIO HOSPITAL ASSOCIATION

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister
65 East State Street, Suite 1000
Columbus, OH 43215
myurick@taftlaw.com
zkravitz@cwsllaw.com

ON BEHALF OF THE KROGER CO.

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

ON BEHALF OF PAULDING WIND FARM II LLC

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

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

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

Allison E. Haedt
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
aehaedt@jonesday.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
paul.wight@skadden.com

ON BEHALF OF FIRSTENERGY SOLUTIONS CORP.

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttlers Avenue
Columbus, OH 43215
msmalz@ohiopoveritylaw.org
jmaskovyak@ohiopoveritylaw.org

**ON BEHALF OF THE APPALACHIAN PEACE AND
JUSTICE NETWORK**

Lisa G. McAlister
Matthew W. Warnock
Thomas O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com
tobrien@bricker.com

ON BEHALF OF OMA ENERGY GROUP

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
smhoward@vorys.com

**ON BEHALF OF PJM POWER PROVIDERS GROUP
AND THE RETAIL ENERGY SUPPLY ASSOCIATION**

Glen Thomas
1060 First Avenue, Ste. 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

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

ON BEHALF OF PJM POWER PROVIDERS GROUP

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
mjsettineri@vorys.com

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

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

ON BEHALF OF THE COMPETE COALITION

Henry W. Eckhart
1200 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

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

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

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

**ON BEHALF OF CONSTELLATION NEWENERGY,
INC., CONSTELLATION ENERGY COMMODITIES
GROUP, INC., DIRECT ENERGY SERVICES, LLC**

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

ON BEHALF OF DOMINION RETAIL, INC.

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
cynthia.brady@constellation.com

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

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
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
asim.haque@icemiller.com
jhummer@uaoh.net
tlindsey@uaoh.net

**ON BEHALF OF THE CITY OF HILLIARD, OHIO, THE
CITY OF GROVE CITY, OHIO AND THE ASSOCIATION
OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
OHIO, THE CITY OF UPPER ARLINGTON**

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

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

David M. Stahl
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

**ON BEHALF OF EXELON GENERATION COMPANY,
LLC**

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

**ON BEHALF OF WAL-MART STORES EAST, LP AND
SAM'S EAST, INC.**

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

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

**ON BEHALF OF THE ENVIRONMENTAL LAW &
POLICY CENTER**

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

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

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

ON BEHALF OF KOREENERGY

Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum
Clinton A. Vince
Daniel D. Barnowski
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

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

**ON BEHALF OF ORMET PRIMARY ALUMINUM
CORPORATION**

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

ON BEHALF OF HESS CORPORATION

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

**ON BEHALF OF CPOWER, INC., VIRIDITY ENERGY,
INC., ENERGYCONNECT INC., COMVERGE INC.,
ENERWISE GLOBAL TECHNOLOGIES, INC., AND
ENERGY CURTAILMENT SPECIALISTS, INC.**

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

**ON BEHALF OF OHIO CABLE
TELECOMMUNICATIONS ASSOCIATION**

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

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

ON BEHALF OF INTERSTATE GAS SUPPLY, INC.

Dane Stinson
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

**ON BEHALF OF THE OHIO ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL
BOARDS ASSOCIATION, THE OHIO SCHOOLS
COUNCIL AND THE BUCKEYE ASSOCIATION OF
SCHOOL ADMINISTRATORS**

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.

**ON BEHALF OF THE OHIO FARM BUREAU
FEDERATION**

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

**ON BEHALF OF THE OHIO CONSTRUCTION
MATERIALS COALITION**

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

ON BEHALF OF OHIO RESTAURANT ASSOCIATION

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

**ON BEHALF OF THE DAYTON POWER AND LIGHT
COMPANY**

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

**ON BEHALF OF THE OHIO AUTOMOBILE DEALERS
ASSOCIATION**

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

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

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

**ON BEHALF OF THE OHIO BUSINESS COUNCIL FOR
A CLEAN ECONOMY**

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

**ON BEHALF OF THE COUNCIL OF SMALLER
ENTERPRISES (COSE)**

Carolyn S. Flahive
Philip B. Sineneng
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
Carolyn.Flahive@ThompsonHine.com
Philip.Sineneng@ThompsonHine.com

**ON BEHALF OF BORDER ENERGY ELECTRIC
SERVICES, INC.**

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

**ON BEHALF OF SUMMIT ETHANOL, LLC AND
FOSTORIA ETHANOL, LLC**

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

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

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

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

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

ATTORNEY EXAMINERS

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

**AEP RETAIL ENERGY PARTNERS LLC'S RESPONSES TO
THE INDUSTRIAL ENERGY USERS-OHIO'S FIRST SET OF INTERROGATORIES
SERVED UPON AEP RETAIL ENERGY PARTNERS LLC
(MODIFIED ELECTRIC SECURITY PLAN)**

AEP Retail Energy Partners LLC ("AEP Retail") hereby submits its Objections and its responses to the Industrial Energy Users-Ohio's ("IEU-Ohio") First Set of Interrogatories in the above referenced matter ("Discovery Requests"), as follows:

AEP Retail's responses to these Discovery Requests are being provided subject to, and without waiver of, the general objections stated below and any specific objections posed in response to an individual interrogatory or data request. The general objections are hereby incorporated by reference, as if fully set forth, into the individual responses made to each data request. AEP Retail's responses to these Discovery Requests are submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth herein. AEP Retail hereby fully preserve all of its objection as well as the use of its responses to the Discovery Requests for any purpose whatsoever.

GENERAL OBJECTIONS

1. AEP Retail objects to IEU-Ohio's Discovery Requests to the extent that they improperly seek or purport to require access to competitively sensitive and proprietary business information and/or trade secrets belonging to AEP Retail.
2. AEP Retail objects to IEU-Ohio's Discovery Requests to the extent that they purport to require AEP Retail to provide documents that are subject to any obligation of confidentiality owed to a third party by AEP Retail, and also to the extent that they seek or purport to require the disclosure of information protected by the attorney-client privilege, attorney work-product doctrine or any other applicable privilege or doctrine.
3. AEP Retail objects to each and every IEU-Ohio Interrogatory that seeks to obtain "all" "each," or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is neither relevant nor material to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.
4. AEP Retail reserves the right to supplement or amend its responses and objections to these Discovery Requests.
5. AEP Retail objects to these discovery requests to the extent that they seek a legal conclusion.
6. AEP Retail objects on the basis that Discovery Requests are vague, unclear, overly broad or unduly burdensome.

7. AEP Retail objects to any and all Discovery Requests that either individually or collectively are oppressive, or would require an undue burden or expense to respond.
8. AEP Retail reserves its right to challenge the relevancy, materiality, and admissibility at trial, or in any subsequent proceeding, of any information it produces in response to the Discovery Requests.
9. AEP Retail objects to the Discovery Requests to the extent they seek to impose obligations greater than, or otherwise inconsistent with, those imposed by Commission's Rules.

INTERROGATORIES

1. Does AEP Retail Energy Partners LLC own or have contractual rights to any generating capacity?

RESPONSE:

Objection, in addition to the General Objections, AEP Retail Energy Partners LLC objects to the Interrogatory because it seeks information that is relevant to the instant matter and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, AEP Retail Energy Partners LLC does not own a generation facility. Prepared by: Counsel.

2. If the answer to Interrogatory No. 1 is affirmative, identify which generating assets AEP Retail Energy Partners LLC owns or has contractual rights to capacity and the megawatts of its ownership or contractual rights.

RESPONSE:

Objection. See response to Interrogatory 1. Prepared by: Counsel.

3. For any generating assets identified in response to Interrogatory No. 2, is the portion of the assets owned by AEP Retail Energy Partners LLC a Capacity Resource as that term is defined in PJM's Reliability Assurance Agreement for any delivery year?

RESPONSE:

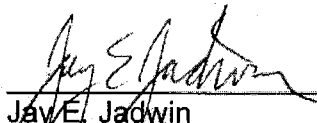
Objection. See response to Interrogatory 2. Prepared by: Counsel.

4. If the answer to Interrogatory No. 3 is affirmative, please identify which assets or contractual entitlements are Capacity Resources, the associated quantity of Capacity Resources and the delivery year.

RESPONSE:

Objection. See response to Interrogatory 3. Prepared by: Counsel.

Respectfully submitted,

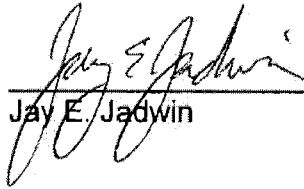


Jay E. Jadwin
AEP Retail Energy Partners LLC
455 W. Nationwide Blvd., Suite 500
Columbus, OH 43215-3422
(614) 583-7634 (telephone)
(614) 583-1602 (fax)
jejadwin@aep.com

Attorney for AEP Retail
Energy Partners LLC

Certificate of Service

I hereby certify that a copy of the foregoing responses to the First Set (Modified Electric Security Plan) of Interrogatories Propounded upon AEP Retail Energy Partners LLC by the Industrial Energy Users-Ohio (*Modified Electric Security Plan*), was served upon the following parties of record this 14th day of May, 2012, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.



Jay E. Jadwin

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikar
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
(614) 469-8000 (T)
(614) 469-4653 (Fax)
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

ON BEHALF OF INDUSTRIAL ENERGY USERS- OHIO

Matthew J. Satterwhite
Steven T. Nourse
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th 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

**ON BEHALF OF COLUMBUS SOUTHERN POWER
COMPANY AND OHIO POWER COMPANY**

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

**ON BEHALF OF DUKE ENERGY RETAIL SALES, LLC
AND DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.**

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

ON BEHALF OF DUKE ENERGY OHIO, INC.

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

ON BEHALF OF THE OHIO ENERGY GROUP

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

ON BEHALF OF ENERNOC, INC.

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

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

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

OH BEHALF OF OHIO HOSPITAL ASSOCIATION

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister
65 East State Street, Suite 1000
Columbus, OH 43215
myurick@taftlaw.com
zkravitz@cwsllaw.com

ON BEHALF OF THE KROGER CO.

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

ON BEHALF OF PAULDING WIND FARM II LLC

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

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
tallexander@calfee.com

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

Allison E. Haedt
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
aehaedt@jonesday.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
paul.wight@skadden.com

ON BEHALF OF FIRSTENERGY SOLUTIONS CORP.

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 43215
msmalz@ohiopoveritylaw.org
jmaskovyak@ohiopoveritylaw.org

**ON BEHALF OF THE APPALACHIAN PEACE AND
JUSTICE NETWORK**

Lisa G. McAlister
Matthew W. Warnock
Thomas O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com
tobrien@bricker.com

ON BEHALF OF OMA ENERGY GROUP

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
smhoward@vorys.com

**ON BEHALF OF PJM POWER PROVIDERS GROUP
AND THE RETAIL ENERGY SUPPLY ASSOCIATION**

Glen Thomas
1060 First Avenue, Ste. 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

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

ON BEHALF OF PJM POWER PROVIDERS GROUP

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com

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

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

ON BEHALF OF THE COMPETE COALITION

Henry W. Eckhart
1200 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

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

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

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

**ON BEHALF OF CONSTELLATION NEWENERGY,
INC., CONSTELLATION ENERGY COMMODITIES
GROUP, INC., DIRECT ENERGY SERVICES, LLC**

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

ON BEHALF OF DOMINION RETAIL, INC.

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
cynthia.brady@constellation.com

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

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
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
asim.haque@icemiller.com
jhummer@uaoh.net
tlindsey@uaoh.net

**ON BEHALF OF THE CITY OF HILLIARD, OHIO, THE
CITY OF GROVE CITY, OHIO AND THE ASSOCIATION
OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
OHIO, THE CITY OF UPPER ARLINGTON**

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

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

David M. Stahl
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

**ON BEHALF OF EXELON GENERATION COMPANY,
LLC**

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

**ON BEHALF OF WAL-MART STORES EAST, LP AND
SAM'S EAST, INC.**

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

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

**ON BEHALF OF THE ENVIRONMENTAL LAW &
POLICY CENTER**

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

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

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

ON BEHALF OF KOREENERGY

Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum
Clinton A. Vince
Daniel D. Barnowski
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

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

**ON BEHALF OF ORMET PRIMARY ALUMINUM
CORPORATION**

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

ON BEHALF OF HESS CORPORATION

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

**ON BEHALF OF CPOWER, INC., VIRIDITY ENERGY,
INC., ENERGYCONNECT INC., COMVERGE INC.,
ENERWISE GLOBAL TECHNOLOGIES, INC., AND
ENERGY CURTAILMENT SPECIALISTS, INC.**

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

**ON BEHALF OF OHIO CABLE
TELECOMMUNICATIONS ASSOCIATION**

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

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

ON BEHALF OF INTERSTATE GAS SUPPLY, INC.

Dane Stinson
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

**ON BEHALF OF THE OHIO ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL
BOARDS ASSOCIATION, THE OHIO SCHOOLS
COUNCIL AND THE BUCKEYE ASSOCIATION OF
SCHOOL ADMINISTRATORS**

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.

**ON BEHALF OF THE OHIO FARM BUREAU
FEDERATION**

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

**ON BEHALF OF THE OHIO CONSTRUCTION
MATERIALS COALITION**

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

ON BEHALF OF OHIO RESTAURANT ASSOCIATION

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

**ON BEHALF OF THE DAYTON POWER AND LIGHT
COMPANY**

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

**ON BEHALF OF THE OHIO AUTOMOBILE DEALERS
ASSOCIATION**

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

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

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

**ON BEHALF OF THE OHIO BUSINESS COUNCIL FOR
A CLEAN ECONOMY**

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

**ON BEHALF OF THE COUNCIL OF SMALLER
ENTERPRISES (COSE)**

Carolyn S. Flahive
Philip B. Sineneng
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
Carolyn.Flahive@ThompsonHine.com
Philip.Sineneng@ThompsonHine.com

**ON BEHALF OF BORDER ENERGY ELECTRIC
SERVICES, INC.**

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

**ON BEHALF OF SUMMIT ETHANOL, LLC AND
FOSTORIA ETHANOL, LLC**

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

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

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

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

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

ATTORNEY EXAMINERS

**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)	Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. 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.)	

**AEP RETAIL ENERGY PARTNERS LLC'S SUPPLEMENTAL RESPONSES TO
THE INDUSTRIAL ENERGY USERS-OHIO'S FIRST SET OF INTERROGATORIES
SERVED UPON AEP RETAIL ENERGY PARTNERS LLC
(MODIFIED ELECTRIC SECURITY PLAN)**

AEP Retail Energy Partners LLC ("AEP Retail") hereby submits its Objections and its supplemental responses to the Industrial Energy Users-Ohio's ("IEU-Ohio") First Set of Interrogatories in the above referenced matter ("Discovery Requests"), as follows:

AEP Retail's responses to these Discovery Requests are being provided subject to, and without waiver of, the general objections stated below and any specific objections posed in response to an individual interrogatory or data request. The general objections are hereby incorporated by reference, as if fully set forth, into the individual responses made to each data request. AEP Retail's responses to these Discovery Requests are submitted without prejudice to, and without in any respect waiving, any general objections not expressly set forth herein. AEP Retail hereby fully preserve all of its objections as well as the use of its responses to the Discovery Requests for any purpose whatsoever.

GENERAL OBJECTIONS

1. AEP Retail objects to IEU-Ohio's Discovery Requests to the extent that they improperly seek or purport to require access to competitively sensitive and proprietary business information and/or trade secrets belonging to AEP Retail.
2. AEP Retail objects to IEU-Ohio's Discovery Requests to the extent that they purport to require AEP Retail to provide documents that are subject to any obligation of confidentiality owed to a third party by AEP Retail, and also to the extent that they seek or purport to require the disclosure of information protected by the attorney-client privilege, attorney work-product doctrine or any other applicable privilege or doctrine.
3. AEP Retail objects to each and every IEU-Ohio Interrogatory that seeks to obtain "all" "each," or "any" document to the extent that such requests are overbroad and unduly burdensome and seek information that is neither relevant nor material to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.
4. AEP Retail reserves the right to supplement or amend its responses and objections to these Discovery Requests.
5. AEP Retail objects to these discovery requests to the extent that they seek a legal conclusion.
6. AEP Retail objects on the basis that Discovery Requests are vague, unclear, overly broad or unduly burdensome.

7. AEP Retail objects to any and all Discovery Requests that either individually or collectively are oppressive, or would require an undue burden or expense to respond.
8. AEP Retail reserves its right to challenge the relevancy, materiality, and admissibility at trial, or in any subsequent proceeding, of any information it produces in response to the Discovery Requests.
9. AEP Retail objects to the Discovery Requests to the extent they seek to impose obligations greater than, or otherwise inconsistent with, those imposed by Commission's Rules.

INTERROGATORIES

1. Does AEP Retail Energy Partners LLC own or have contractual rights to any generating capacity?

RESPONSE:

Objection, in addition to the General Objections, AEP Retail Energy Partners LLC objects to the Interrogatory because it seeks information that is relevant to the instant matter and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objections, AEP Retail Energy Partners LLC does not own a generation facility or have a tolling agreement related to a generating facility. Prepared by: Counsel.

2. If the answer to Interrogatory No. 1 is affirmative, identify which generating assets AEP Retail Energy Partners LLC owns or has contractual rights to capacity and the megawatts of its ownership or contractual rights.

RESPONSE:

Objection. See response to Interrogatory 1. Prepared by: Counsel.

3. For any generating assets identified in response to Interrogatory No. 2, is the portion of the assets owned by AEP Retail Energy Partners LLC a Capacity

Resource as that term is defined in PJM's Reliability Assurance Agreement for any delivery year?

RESPONSE:

Objection. See response to Interrogatory 2. Prepared by: Counsel.

4. If the answer to Interrogatory No. 3 is affirmative, please identify which assets or contractual entitlements are Capacity Resources, the associated quantity of Capacity Resources and the delivery year.

RESPONSE:

Objection. See response to Interrogatory 3. Prepared by: Counsel.

Respectfully submitted,

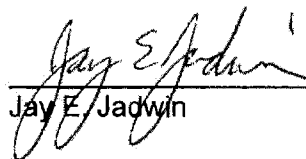


Jay E. Jadwin
AEP Retail Energy Partners LLC
155 W. Nationwide Blvd., Suite 500
Columbus, OH 43215-3422
(614) 583-7634 (telephone)
(614) 583-1602 (fax)
jejadwin@aep.com

Attorney for AEP Retail
Energy Partners LLC

Certificate of Service

I hereby certify that a copy of the foregoing supplemental responses to the First Set (Modified Electric Security Plan) of Interrogatories Propounded upon AEP Retail Energy Partners LLC by the Industrial Energy Users-Ohio (*Modified Electric Security Plan*), was served upon the following parties of record this 15th day of May, 2012, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.


Jay E. Jadwin

Samuel C. Randazzo
Frank P. Darr
Joseph E. Olikar
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
(614) 469-8000 (T)
(614) 469-4653 (Fax)
sam@mwncmh.com
fdarr@mwncmh.com
joliker@mwncmh.com

ON BEHALF OF INDUSTRIAL ENERGY USERS- OHIO

Matthew J. Satterwhite
Steven T. Nourse
Anne M. Vogel
American Electric Power Service Corporation
1 Riverside Plaza, 29th 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

**ON BEHALF OF COLUMBUS SOUTHERN POWER
COMPANY AND OHIO POWER COMPANY**

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

**ON BEHALF OF DUKE ENERGY RETAIL SALES, LLC
AND DUKE ENERGY COMMERCIAL ASSET
MANAGEMENT, INC.**

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

ON BEHALF OF DUKE ENERGY OHIO, INC.

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

ON BEHALF OF THE OHIO ENERGY GROUP

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

ON BEHALF OF ENERNOC, INC.

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

**ON BEHALF OF THE OFFICE OF THE OHIO
CONSUMERS' COUNSEL**

Richard L. Sites
General Counsel & Senior Director of Health
Policy
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

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

OH BEHALF OF OHIO HOSPITAL ASSOCIATION

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister
65 East State Street, Suite 1000
Columbus, OH 43215
myurick@taftlaw.com
zkravitz@cwsllaw.com

ON BEHALF OF THE KROGER CO.

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

ON BEHALF OF PAULDING WIND FARM II LLC

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

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

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

Allison E. Haedt
Jones Day
P.O. Box 165017
Columbus, OH 43216-5017
aehaedt@jonesday.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
paul.wight@skadden.com

ON BEHALF OF FIRSTENERGY SOLUTIONS CORP.

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 43215
msmalz@ohiopovertylaw.org
jmaskovyak@ohiopovertylaw.org

**ON BEHALF OF THE APPALACHIAN PEACE AND
JUSTICE NETWORK**

Lisa G. McAlister
Matthew W. Warnock
Thomas O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com
tobrien@bricker.com

ON BEHALF OF OMA ENERGY GROUP

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
smhoward@vorys.com

**ON BEHALF OF PJM POWER PROVIDERS GROUP
AND THE RETAIL ENERGY SUPPLY ASSOCIATION**

Glen Thomas
1060 First Avenue, Ste. 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

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

ON BEHALF OF PJM POWER PROVIDERS GROUP

M. Howard Petricoff
Michael Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
P.O. Box 1008
Columbus, OH 43215-1008
mhpeticoff@vorys.com
mjsettineri@vorys.com

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

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

ON BEHALF OF THE COMPETE COALITION

Henry W. Eckhart
1200 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

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

**ON BEHALF OF THE NATURAL RESOURCES
DEFENSE COUNCIL AND THE SIERRA CLUB**

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

**ON BEHALF OF CONSTELLATION NEWENERGY,
INC., CONSTELLATION ENERGY COMMODITIES
GROUP, INC., DIRECT ENERGY SERVICES, LLC**

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

ON BEHALF OF DOMINION RETAIL, INC.

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
cynthia.brady@constellation.com

**ON BEHALF OF CONSTELLATION NEWENERGY, INC.
AND CONSTELLATION ENERGY COMMODITIES
GROUP, INC.**

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
christopher.miller@icemiller.com
gregory.dunn@icemiller.com
asim.haque@icemiller.com
jhummer@uaoh.net
tlindsey@uaoh.net

**ON BEHALF OF THE CITY OF HILLIARD, OHIO, THE
CITY OF GROVE CITY, OHIO AND THE ASSOCIATION
OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
OHIO, THE CITY OF UPPER ARLINGTON**

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

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

David M. Stahl
Eimer Stahl Klevorn & Solberg LLP
224 South Michigan Avenue, Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

**ON BEHALF OF EXELON GENERATION COMPANY,
LLC**

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

**ON BEHALF OF WAL-MART STORES EAST, LP AND
SAM'S EAST, INC.**

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

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

**ON BEHALF OF THE ENVIRONMENTAL LAW &
POLICY CENTER**

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

**ON BEHALF OF THE OHIO ENVIRONMENTAL
COUNCIL**

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

ON BEHALF OF KOREENERGY

Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum
Clinton A. Vince
Daniel D. Barnowski
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

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

**ON BEHALF OF ORMET PRIMARY ALUMINUM
CORPORATION**

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

ON BEHALF OF HESS CORPORATION

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

**ON BEHALF OF CPOWER, INC., VIRIDITY ENERGY,
INC., ENERGYCONNECT INC., COMVERGE INC.,
ENERWISE GLOBAL TECHNOLOGIES, INC., AND
ENERGY CURTAILMENT SPECIALISTS, INC.**

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

**ON BEHALF OF OHIO CABLE
TELECOMMUNICATIONS ASSOCIATION**

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

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

ON BEHALF OF INTERSTATE GAS SUPPLY, INC.

Dane Stinson
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, OH 43215

**ON BEHALF OF THE OHIO ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL
BOARDS ASSOCIATION, THE OHIO SCHOOLS
COUNCIL AND THE BUCKEYE ASSOCIATION OF
SCHOOL ADMINISTRATORS**

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

**ON BEHALF OF THE OHIO FARM BUREAU
FEDERATION**

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

**ON BEHALF OF THE OHIO CONSTRUCTION
MATERIALS COALITION**

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

ON BEHALF OF OHIO RESTAURANT ASSOCIATION

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

**ON BEHALF OF THE DAYTON POWER AND LIGHT
COMPANY**

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

**ON BEHALF OF THE OHIO AUTOMOBILE DEALERS
ASSOCIATION**

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

**ON BEHALF OF DIRECT ENERGY SERVICES, LLC
AND DIRECT ENERGY BUSINESS, LLC**

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

**ON BEHALF OF THE OHIO BUSINESS COUNCIL FOR
A CLEAN ECONOMY**

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

**ON BEHALF OF THE COUNCIL OF SMALLER
ENTERPRISES (COSE)**

Carolyn S. Flahive
Philip B. Sineneng
THOMPSON HINE LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
Carolyn.Flahive@ThompsonHine.com
Philip.Sineneng@ThompsonHine.com

**ON BEHALF OF BORDER ENERGY ELECTRIC
SERVICES, INC.**

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

**ON BEHALF OF SUMMIT ETHANOL, LLC AND
FOSTORIA ETHANOL, LLC**

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

ON BEHALF OF CPV POWER DEVELOPMENT, INC.

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

**ON BEHALF OF THE PUBLIC UTILITIES COMMISSION
OF OHIO**

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

ATTORNEY EXAMINERS

AFFIDAVIT OF JOSEPH E. OLIKER

State of Ohio : S.S.

County of Franklin :


I, Joseph E. Olikar, counsel for the Industrial Energy Users-Ohio ("IEU-Ohio"), in the above-captioned case, being first duly sworn, depose and say:

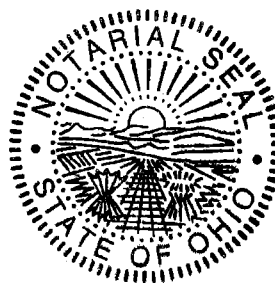
1. That, on May 9, 2012, I contacted counsel for AEP Retail Energy Partners ("AEP Retail") and requested that AEP Retail respond to IEU-Ohio's First Set of Interrogatories that that were served upon on April 26, 2012.
2. That, on May 10, 2012, I contacted counsel for AEP Retail via telephone and indicated that IEU-Ohio would file a motion to compel if AEP Retail failed to respond to IEU-Ohio's First Set of Interrogatories.
3. That, on May 10, 2012, counsel for AEP Retail contacted IEU-Ohio and indicated that AEP Retail would respond to IEU-Ohio's First Set of Interrogatories.
4. That, on May 14, 2012, AEP Retail provided an incomplete response to IEU-Ohio's First Set of Interrogatories.
5. That, on May 14, 2012, I contacted counsel for AEP Retail via e-mail and indicated that AEP Retail had failed to provide a complete response to IEU-Ohio's First Set of Interrogatories and that IEU-Ohio would file a motion to compel if AEP Retail failed to update its response.
6. That, on May 14, 2012, counsel for AEP Retail indicated that it would re-review its response and provide a further update.
7. That, on May 15, 2012, AEP Retail provided a supplemental response to IEU-Ohio's First Set of Interrogatories but the response was again incomplete.
8. That, on May 15, 2012, I contacted counsel for AEP Retail and indicated that AEP Retail's response to IEU-Ohio First Set of Interrogatories was incomplete.
9. That, on May 16, 2012, counsel for AEP Retail objected to providing the information requested in IEU-Ohio's First Set of Interrogatories, that the requested information was competitively sensitive, and that AEP Retail would not provide the information requested in IEU-Ohio's First Set of Interrogatories.

10. That, on May 16, 2012, I contacted AEP Retail's counsel and explained that the information requested in IEU-Ohio's First Set of Interrogatories is relevant to this proceeding and it must be produced. I explained that IEU-Ohio would enter into a confidentiality agreement if it is required to facilitate the transfer of the information. I explained that if AEP Retail failed to produce the requested information, IEU-Ohio would move to compel production of the information.
11. That AEP Retail failed to produce the information requested in IEU-Ohio's First Set of Interrogatories.
12. That IEU-Ohio has made reasonable attempts to secure the requested materials from AEP Retail. Considering AEP Retail's objections and failure to respond to IEU-Ohio's First Set of Interrogatories, I believe that AEP Retail does not intend to transmit responses to the above-referenced discovery requests without action by the Commission that compels AEP Retail's responses.
13. That currently the hearing in this matter is scheduled to commence on May 14, 2012, with the first witness to be called on May 17, 2012.


Joseph E. Olier

Sworn before me and subscribed in my presence this 17th day of May 2012.


Notary Public
State of Ohio



LILLIAN RENÉE GANNON
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 10/7/15

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/17/2012 9:45:28 AM

in

Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM

Summary: Motion to Compel Discovery Responses electronically filed by Mr. Matthew R. Pritchard on behalf of Industrial Energy Users-Ohio