

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's       )  
Investigation of Ohio's Retail Electric    )  
Service Market.                                )    Case No. 12-3151-EL-COI

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**COMMENTS OF OHIO PARTNERS FOR AFFORDABLE ENERGY, AARP, THE OHIO  
POVERTY LAW CENTER, EDMONT NEIGHBORHOOD COALITION, PRO  
SENIORS, INC., SOUTHEASTERN OHIO LEGAL SERVICES, LEGAL AID SOCIETY  
OF COLUMBUS, LEGAL AID SOCIETY OF CLEVELAND, COMMUNITIES UNITED  
FOR ACTION, AND THE CITIZENS COALITION**

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**I. INTRODUCTION**

Ohio Partners for Affordable Energy; AARP; The Ohio Poverty Law Center; Edgemont Neighborhood Coalition; Pro Seniors, Inc.; Southeastern Ohio Legal Services; Legal Aid Society of Columbus; Legal Aid Society of Cleveland; Communities United for Action; and, The Citizens Coalition, ("Consumers"), hereby submit comments in the above-referenced docket in response to the Commission's June 5, 2013 Entry.

These organizations participated in the first round of Initial and Reply comments in this docket and remain concerned about the lack of a definition for the end-state that this proceeding seeks to achieve.

First, there is no discussion or identification of what the Commission means by its reference to seeking a "fully functional competitive retail electric market" in several of the questions. Nor does the Commission identify what is missing from the current market rules or market activities that would guide the public when providing input to the Commission in this matter. Ohio is already moving to a fully competitive market pursuant to the statutory policies and the regulatory framework created by Ohio law.

For example, FirstEnergy (“FE”) has been procuring electricity and capacity to provide the Standard Service Offer (SSO) required by Ohio law through a competitive auction process since 2006 because its generation is structurally separated from the Electric Distribution Utility (“EDU”). Duke Energy – Ohio (“Duke”), due to a recent settlement supported by consumer parties, is also procuring power for its SSO through a series of auctions in the competitive market. The Commission has authorized a glide path for Ohio Power (“OP”) to move to an auction process to secure power and capacity to provide its statutorily required SSO. And, the current litigation with The Dayton Power and Light Company (“DP&L”) revolves around corporate separation and the competitive sourcing of energy and capacity through an auction process to establish the price of SSO service. Ohio law requires EDUs to provide a SSO, and increasingly this is being provided through competition using staggered auctions for portions of the load. Soon competition will be setting prices for all customers throughout the territories of the major EDUs. As a result, all Ohio customers served by the SSO are receiving competitively acquired generation and capacity that reflects market prices pursuant to an approved portfolio of contract terms consistent with Ohio law.

Competitive Retail Electricity Suppliers (“CRES” or “marketers”) have achieved significant market shares in each EDU service territory. As clearly contemplated by the Ohio law that mandates that EDUs provide an SSO, CRES can offer a product that is either lower priced than the SSO or offer a product or service that is provided by the SSO. Marketers currently have the opportunity to offer competitive services to retail customers and are doing so in large numbers.

Furthermore, Ohio law has encouraged the development of governmental aggregation programs that have been very successful in bringing market prices to residential and commercial customers in those jurisdictions that have pursued this option. Overall, Ohio's retail electric service market reflects the rapidly developing wholesale and retail markets. Customers are benefiting from the low prices in the wholesale market when CRES bid to provide the SSO, serve governmental aggregations, or supply power to individual consumers through bilateral contracts.

Unfortunately, the rapid development of the retail market has not been accompanied by sufficient attention from the Commission to necessary consumer protections and more sophisticated education and outreach programs. As documented in OPAE's comments in the Commission's ongoing proceeding to review the current Gas and Electric retail market regulations (Case Nos. 925-GA-ORD and 12-1924-EL-ORD), there is a wealth of evidence to support the need for improvements in these regulations. OPAE's comments document a significant number of complaints from customers alleging unconscionable business practices by suppliers, yet the Commission does not regularly review this data and is not aggressively enforcing current rules. Among the many issues raised in those comments, OPAE documented a significant lack of transparency regarding CRES and CRNGS offers. Any competitive market must rely on knowledgeable consumers to make rational choices that will respond to their needs and values. The lack of price transparency for retail electric offers by many marketers, particularly with respect to variable priced contract offers, makes a rational and knowledgeable choice of a provider of essential electric service virtually impossible. For example, there is no publicly available information on

wholesale market prices, day-ahead hourly prices, and other components of generation service, which prevents consumers from evaluating prices for variable rate or time-of-use (“TOU”) contracts; consumers are shopping blind. If the Commission is truly interested in improving the retail market, Consumers urge the adoption of the reforms recommended in the pending rulemaking proceeding that will close this major loophole.

Prior to undertaking any significant changes in market rules in this proceeding, Consumers urge the Commission to attach a primary priority to a revision of CRES regulations and send a clear signal that the Commission is committed to protecting customers by ensuring the benefits of an emerging competitive market. Absent strong consumer protections any move to modify market rules would be ill-advised. The following responses to the Commission’s questions set forth in the June 5<sup>th</sup> Order are predicated on the adoption of the important and vital reforms and consumer protections reflected in consumer comments in the pending rulemaking dockets.

## **II. MARKET DESIGN QUESTIONS**

- a. Comments were filed suggesting that the relationship between an incumbent electric distribution utility (EDU) and a customer should be neither terminated nor encouraged. Does this comment pertain to distribution service or to generation service?**

The intent or the implication of the parties that provided comments that are referenced in this question is not clear. However, at no point do Consumers recommend that the relationship between the distribution utility and the customer be severed. As part of its obligation under Ohio law, the distribution utility, in addition to retaining its primary obligation for reliable service, billing and collection, and customer services associated with these functions, must provide a

SSO to its customers who have not selected a CRES. This SSO function is regulated only to the extent that the Commission approves the portfolio of contracts, ensuring that SSO is procured in the wholesale market in a competitively neutral manner and SSO prices reflect the competitive wholesale market.

To the extent that the distribution utility has not yet sold or transferred its generation assets, the Commission has a heightened duty to prevent the abuse of market power. This Commission is in the process of implementing and enforcing the corporation separation provisions of Am. Sub. SB 3, passed in 1999. This will result in the separation of deregulated generation from regulated distribution services. This will not eliminate the ability of the management of the holding companies, which will still control both regulated and unregulated subsidiaries, to seek to favor the generation they own in the wholesale market. However, as the FE experience makes clear, the use of competitive auctions minimizes the potential for favoritism toward sister corporations by an EDU.

Another aspect of this issue that needs additional Commission attention is the market power at the retail level when the CRES affiliate of the distribution company markets to the distribution company's customers, particularly when it uses the same or a similar name. This is an area that is within the control of the Commission through its licensing and consumer protection regulations. Consumers urge the Commission to more closely regulate the conduct and marketing activities of affiliated CRES that rely on the name and logo of their parent distribution utility. The retail CRES that rely on the name and/or logo of

the parent company that has long been associated with electric service by customers creates a significant potential for market abuse that can eliminate competition in an unfair manner.

Both customers and marketers benefit from a relationship with an EDU. Customers benefit from the availability of SSO service and the continued interaction with their EDU concerning billing, collection, referrals for customer service, low income programs, and reliability of service. EDU tariffs also set the credit and operational requirements for CRES. Marketers benefit by relying on the EDU to bill and collect for their services. Consumers benefit from tariff provisions requiring CRES to post adequate credit and control how generation is delivered to customers. However, as stated above, Consumers urge the Commission to take a more proactive role in the oversight of marketers, complaints about marketers, and enforcement of the PUCO regulations concerning contract terms, disclosures, and marketing conduct. In this regard, relying on the EDU to enforce the Commission's licensing and consumer protection regulations is not appropriate or efficient, particularly when the largest marketer in terms of enrollments can be an affiliate of the EDU. We urge the Commission to focus on retail market abuses as a means to improve the retail electric market.

The EDU is a critical actor in the supply of electric service to customers and the relationship should not be eliminated or reduced. The relationship is a vital component of system reliability and provides a single point of contact that customers are accustomed to using to resolve service and billing problems. The

consumer/EDU relationship is critical to the effectiveness of a host of consumer protections including credit and disconnection rules, low income assistance programs, and energy efficiency and demand response, all of which are the responsibility of the distribution utility.

**b. If predatory pricing or other market factors become a barrier to a fully functional competitive retail electric service market, can and should the Commission regulate predatory pricing or other market factors?**

It is not clear what the Commission means by “predatory pricing” in this question and whether this is referring to wholesale or retail market conditions. FERC regulates the wholesale market and we do not comment on the efficacy or efficiency of FERC’s enforcement activities herein. As a result, Consumers will focus their comments on predatory retail pricing that results when large suppliers decrease prices below market taking temporary losses that smaller providers cannot afford, drive out the smaller competitors, and are then free to increase prices in what becomes a non-competitive market. The retail market should be monitored for such anti-competitive conduct. The Ohio Commission plays an important role in the regulation of the retail market with respect to licensing CRES and establishing minimum consumer protection policies and obligations. However, to the extent that retail marketers violate traditional competitive business statutes, Consumers presume that the Ohio Attorney General is empowered to take action to prevent unfair trade practices, predatory pricing, collusion, and enforcement of anti-trust laws. The Commission is not the only entity charged with monitoring market behavior and regulating anti-competitive

and unfair practices. If there is perceived to be a question of whether the Commission or the Attorney General has jurisdiction over these issues, the Commission should urge the General Assembly to clarify the responsibilities of the Attorney General. When the Commission plays the role of advocate for competitive markets, its advocacy may be incompatible with monitoring market behavior and prohibiting unfair practices.

To the extent that this question relates to the bidding and pricing protocols associated with the SSO, the Commission should continue to utilize a consultant that has access to the confidential bidding and pricing information and advises the Commission that the resulting bids and prices are reasonable and not tainted by unfair practices or evidence of collusion. Similarly, the Maryland Public Service Commission appoints a Bid Monitor which has access to the entire bid process and results and can assure that “[t]he recommendation was based on the following points: (1) the winning prices were consistent with broader market conditions; (2) the RFP was sufficiently competitive; (3) the RFP was open, fair, and transparent; and (4) there were no violations of RFP rules or regulations.”<sup>1</sup>

Consumers continue to support the process by which SSO is obtained through a market-based approach and suggest that any reforms be designed to improve this practice and more closely monitor the behavior of CRES in the bilateral contract market. Consumers oppose any suggestion that the EDU's role in providing SSO should be eliminated or radically altered.

Predatory pricing is a real threat and without proper market structure, such as that which is afforded by the auction process in the SSO cases, predatory pricing

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<sup>1</sup> Maryland PSC, Case No. 9056, Order, April 27, 2012 (Standard Offer Rates for 2012), at 2.



and collusion among suppliers is inevitable.<sup>2</sup> One of the significant problems with anti-competitive pricing schemes is the ability to monitor and identify actual predatory pricing. Another potential threat in a competitive market is market collusion, which is even more difficult to identify. The PUCO is not a financial oversight institution so in order to monitor pricing behavior a third party monitor would have to be employed as it is in PJM and other wholesale and retail markets, under the authority of the Attorney General.

One component of this approach is to retain the SSO, which uses a market-based approach to protect against predatory pricing and collusion, along with a third-party market monitor. The policy of the State of Ohio is to substitute market forces for regulation when establishing market prices. The retention of a market-based mechanism to ensure the retail electricity market operates in a fair manner that provides customer benefits is appropriate. The SSO provides a market monitor with a benchmark by which it can evaluate the practices of individual market actors. Admittedly, there has been wide criticism of the PJM market monitor, and banking regulation is rife with examples of a failure of the traditional regulatory paradigm. However, the SSO provides an effective tool to ensure that collusion and predatory pricing do not occur, providing a market-based tool that the market monitor can use to help in the assessment of whether anti-competitive practices are occurring in the retail market.

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<sup>2</sup> Miller, Edyth S. and Warren J. Samuels, *An Institutional Approach to Public Utilities Regulation*, Michigan State University Press (2002).

**c. In a fully functional retail market, with no merchant or wholesale based default service, should the Commission and/or an independent market monitor have the ability to regulate market power?**

Consumers strongly object to any suggestion that default service in the form of SSO provided by the EDU can or should be eliminated in Ohio. The statute clearly mandates that the EDU provide SSO and we oppose any suggestion that it be eliminated. One of the important reasons to retain a SSO is that it provides a publicly available price against which consumers and regulators can compare CRES prices. No “market monitor” could substitute for this important function, though as noted above having a benchmark is a tool a market monitor can use to determine whether anti-competitive behavior is occurring. An SSO is consistent with a ‘fully competitive retail market.’

**d. Regarding government aggregation, should the Commission require public disclosure of any information in addition to commodity pricing, such as inducements or incentives related to commodity contracts? In general should the Commission require public disclosure of any information in addition to commodity pricing, such as inducements, incentives, or broker commission related to commodity contracts?**

The pricing offered by governmental aggregations should be as transparent as the SSO and CRES offers. This means that inducements or incentives, the price of which are embedded in the bid and affect the price ultimately paid by consumers, and the costs of the bid itself, including broker commissions and the cost of consultants, should be disclosed in a manner designed to ensure customers can compare the offer to others available in the marketplace. In a sense, this is no different than the disclosure requirements applied to CRES in a bilateral contract; if a potential customer can receive a toaster it is obviously

disclosed and if a governmental aggregation receives a contribution to upgrade a local park or even a cash payment, it should also be disclosed.

**e. Would a time-differentiated standard service (SSO) rate cause more shopping based upon customer preference for avoiding uncertainty?**

Consumers oppose any suggestion that SSO should be provided as a time-varying rate. The suggestion that the current rate design should be dramatically and radically changed as a means to stimulate retail competition is not only wrong, but potentially dangerous to retail competition. The SSO should remain a plain vanilla service that relies on fixed prices. The current tariff approach – a basically fixed price, though it may vary by season or usage level (declining block or inverted block rate) – is what customers consider to be a standard offer. Given the need for consumer protection and the affirmative responsibility to provide just and reasonable rates, this approach should be retained. The use of time-varying rates to force customers who want stable and fixed rates to leave the SSO and select a marketer would be an anti-consumer policy that Consumers strenuously oppose, and would not comply with the current statutory directives and policies. Every restructuring state other than Texas (which does not provide the essential consumer protection of a default service) has mandated that the EDU provide default service and that it reflect a flat priced, plain vanilla service.

Time-varying rates include time-of-use (TOU) rates, critical peak pricing (CPP), peak time rebates (PTR), and real time pricing (RTP), as well as variations and combinations of these rate designs. Each design provides a different degree of price volatility and uncertainty, and therefore presents both

positive and negative opportunities for customers. Ohio has been experimenting with dynamic rate designs in AEP, Duke, and FE.

It is unclear whether these rate designs are advantageous to customers or support other public policy goals. What is clear is that it is bad policy to implement a mandatory pricing program that will put some at risk, particularly those customers that are on fixed-incomes, low-incomes, and those persons that are unable to reduce their usage because they are already at minimum usage. These customers will not have a chance to see positive returns from such pricing schemes; they will only be hurt due to their inability to reduce or shift demand. Assuming such rate designs will necessitate infrastructure upgrades like smart meters, these same customers may be forced to pay for upgrades they cannot use.

This phenomenon will also occur in above-income households where there are people at home around the clock, particularly those with small children or elderly members in the family, as well as those too disabled to work. These households also will not benefit from time-varying rate designs.

Variable pricing approaches – the innovative products regularly referred to by CRES – should be the province of retail suppliers and left to the market with availability and design determined by customer demand. Such a blatant attempt to force customers off the SSO by turning it into a pricing scheme customers did not select, do not understand, and, based on a number of pilots, do not want, would undermine the purpose of the SSO to provide an option that has transparent pricing, terms and conditions.

**f. Are competitive retail electric service providers better positioned to manage uncertainty in a retail market than EDUs that offer a flat SSO rate?**

No. To the extent that the purpose of this question is to suggest that SSO should be eliminated and customers should rely entirely on CRES to provide electric service, Consumers oppose such a course of action. Ohio law requires that the EDU offer a SSO. Consumers oppose any suggestion that the statute be eliminated or ignored.

Wholesale market suppliers that bid and provide the SSO must assess risk and reflect that assessment in their bid prices as must CRES that market and sell retail services to hundreds or thousands of customers. In a retail market where there are a large number of CRES licensed to market to customers, it is inevitable that some will fail and others will succeed. This is an intrinsic component of competition and yet another justification for the continuation of the SSO. In some cases, the failures will be due to a marketer's inability to assess and manage risk. The Commission should monitor CRES conduct, including managerial and financial competence, through licensing, regulatory oversight, and appropriate enforcement actions to prevent adverse impacts on customers should a CRES fail or suddenly exit the market.

The SSO is a basic offer with the price set at auction. It is not the EDU that is required to manage uncertainty under this approach. Rather, it is the wholesale suppliers providing the SSO that evaluate the risks associated with the service and price they have contracted to supply. The prices charged for the SSO reflect those risks and are passed through to SSO customers.

**g. Is integrated resource planning compatible with a retail market construct? If yes, how can such planning be done, given the current construct of functionally separated business units? If no, how can investment in transmission, generation, and demand-management be co-optimized?**

The implementation of restructuring has, in most states, eliminated the state regulator's authority over investment in transmission and generation; such functions have been transferred to the wholesale market and FERC oversight. The state regulators remain in charge of the distribution function and local transmission not otherwise subject to federal jurisdiction.<sup>3</sup> Many restructuring states have adopted efficiency, renewable and demand response mandates and, in effect, authorized the distribution utilities to implement programs that are paid for by distribution customers but which are intended to have an impact on generation supply, capacity, and energy prices. Ohio has also followed this path.

In any effort to target the most cost effective and least cost solutions to meeting any efficiency, renewable, or demand response/peak load reduction mandates, Consumers recommend that the Commission require EDUs to undertake a modest version of integrated resource planning ("IRP"). A potential model for this approach was adopted in Delaware (a retail competition state) where the EDU must prepare and submit an IRP for public review and approval to the Delaware Public Service Commission.<sup>4</sup>

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<sup>3</sup>The exception to this is Texas, where the wholesale market is overseen by state regulators. The Texas experience makes clear that the lack of an SSO and the lack of independent oversight of the generation market is resulting in major reliability problems and a dysfunctional generation market. See generally, *Deregulated Electricity in Texas: A History of Retail Competition* (December 2012), available at <http://historyofderegulation.com> and <http://www.forbes.com/sites/christopherhelman/2013/06/19/will-summer-blackouts-doom-the-texas-boom/>

<sup>4</sup> The Delaware PSC has adopted regulations to describe the minimum content and purpose of the IRP. <http://regulations.delaware.gov/AdminCode/title26/3000/3010.pdf>

Integrated resource planning, long-range utility planning for meeting forecasted demand and energy within a defined geographic area through a combination of supply side resources and demand side resources, is a useful tool for the Commission when meeting its responsibility to provide reliable service because it should provide technical information on the operation of the electricity generation and transmission systems. An IRP can be a powerful impetus for energy efficiency and other demand management alternatives as well as renewable and alternative supplies. Senate Bill 221 created a form of IRP in a competitive market that complies with Ohio's legislative and regulatory framework.

In the event a distribution utility proposes intrastate transmission facilities, there should be a requirement that demand side resource and energy efficiency are evaluated as alternatives. In the area of demand side management, the Commission should ensure that EDUs meet the savings benchmarks in a cost-effective manner. This can be done with the same tools and approaches reflected in the traditional IRP analysis.

**h. Could integrated resource plans be done on a statewide basis? If so, how would such planning be accomplished? Could the Commission be helpful in facilitating this type of planning?**

It is not clear how an integrated resource plan could be done on a statewide basis or what the purpose of such a plan would be. If the intent of this question relates to meeting demand side management targets, the basic approach and analysis could be accomplished in a uniform manner and programs could be

uniformly designed and made available for some purposes, but likely not all. If the intent of this question relates to the procurement of SSO, the actual bids have to reflect the EDU-specific load shapes, customer profiles, and location due to the location-specific PJM pricing protocols. While the competitive bid or auction format and rules can be uniform, the actual bidding needs to reflect localized area profiles.

### **III. Corporate Separation**

#### **a. How can the Commission ensure that decisions made on behalf of the jurisdictional EDU are not providing preferential outcomes for non-regulated entities?**

The Commission should adopt requirements to ensure structural separation and enforce a Code of Conduct that ensures such separation is real and implemented properly. Compliance with the Code should be carefully and constantly monitored by the Commission.

#### **b. Is there a corporate structure that will ensure decisions made by non-EDU affiliates minimize costs to ratepayers of the EDU?**

A properly implemented structural separation will minimize the ability of decisions of the non-EDU affiliates from having an impact on the regulated EDU's revenues and rates. As noted above, the Commission must strengthen and vigorously enforce appropriate rules and Codes of Conduct.



**c. Since generation has been declared competitive in Ohio, should return on investment for EDU's be reduced in order to reflect lower risk?**

Consumers believe that ROI's should be as low as compatible with the need for the EDU to raise capital. The advent of the straight-fixed variable rate design for natural gas distribution utilities has resulted in a reduced risk which is reflected in the return on investment. However, under Ohio's regulatory framework, these decisions are made in rate cases based on an analysis of the individual factors that produce risk for a particular utility and the return on investment of comparable companies.

**d. Should the capital structure of EDUs be more heavily weighted toward debt in light of the reduced risk associated with a wires-only company?**

Capital structure should be evaluated through a rate case. Consumers do not agree that a 'one-size fits all' approach is appropriate.

**e. FERC Order 1000 requires and/or enables regional transmission organizations to consider non-transmission options and merchant transmission options in their planning processes. Would a statewide integrated resource plan or shadow plan provide the market with guidance on where and/or how to make investments in conjunction with the PJM planning process?**

FERC Order 1000 is a massive policy initiative addressing regional transmission planning processes that integrate public policy requirements, cost allocation reforms, and non-incumbent developer reforms. Order No. 1000 requires public utility transmission providers to amend their OATTs to describe procedures that provide for the consideration of transmission needs driven by reliability, economic, and public policy requirements. However, Order No. 1000

creates no obligation for any public utility transmission provider or its transmission planning processes to consider transmission needs driven by a public policy objective that is not specifically required by local, state or federal laws and regulations. The PUCO needs to be active in the evolution of and compliance requirements of FERC Order 1000. The Commission should issue an order clarifying what public policy requirements are to be included in transmission planning to provide guidance to the Ohio transmission utilities and to PJM for its regional planning mandate. S.B. 221 provides a state policy that could be recognized by the PUCO as the public policy requirements for the purposes of Order No. 1000. A state cannot dictate to PJM how to make transmission decisions; however, the PUCO can define state goals which will be included in the review of utility plans filed with PJM.

**f. How could a competitive process be developed to provide all transmission developers, including incumbent transmission owners, with a fair chance to bid a transmission solution to a reliability problem identified by PJM?**

This is not an issue over which the PUCO has jurisdiction. It should be addressed through PJM and FERC proceedings.

**g. Should competitive bidding for transmission construction be considered in order to ensure the lowest possible cost?**

Transmission planning processes are not the sole purview of the state. As a result of restructuring and FERC jurisdiction, transmission planning in Ohio occurs at the Regional Transmission Organization or PJM. PJM is actively

working to amend its Regional Transmission Expansion Plan (RTEP) to incorporate state public policy requirements. For any process to be effective, the PUCO must be actively engaged at PJM, representing the best interests of Ohio consumers and promoting least cost solutions that ensure reliability.

**h. Does the current treatment of capacity injection rights adequately address units that retire and are later reactivated?**

Consumers have no opinion regarding this issue.

**IV. Conclusion**

Ohio law and policy, as established by the General Assembly, requires there be a Standard Service Offer. Consumers oppose any effort to eliminate this requirement. Electricity is not like other network services or commodities. It is essential to modern life. Prices must be just and reasonable. The advantages of a SSO are numerous and critical to the effective and efficient operation of a retail electricity market -- it provides a benchmark by which consumers can compare other competitive options in the marketplace, and it reduces opportunities for predatory pricing and collusion. An opaque market only works to the advantage of sellers. The SSO is the key to market transparency.

In order to ensure an effectively competitive retail market, the Commission must adopt clear regulations to ensure appropriate conduct by CRES and consistently enforce those regulations. The Commission needs to ensure prices are transparent and make it easy for consumers to access and compare all publicly available offers. It needs to strengthen and enforce corporate separation rules and restrict the ability of

marketers affiliated with the EDU from trading on the utility name. The Attorney General should be engaged to police market activities to prevent predatory pricing and collusion, unfair business practices, and other activities that undermine the lawful operation of the competitive market.

Markets require effective regulation. The SSO is critical to ensure that the market operates fairly and transparently; it is a market-based enhancement to the regulatory oversight of deregulated markets. The Commission must police market participants and ensure customers have the tools necessary to navigate the retail marketplace. The SSO is critical to both.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of these Initial Comments was served on the persons stated below via electronic transmission this 8th day of July 2013.

/s/ Colleen L. Mooney

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Summary: Comments of Ohio Partners for Affordable Energy, AARP, The Ohio Poverty Law Center, Edgemont Neighborhood Coalition, Pro Seniors, Inc., Southeastern Ohio Legal Services, Legal Aid Society of Columbus, Legal Aid Society of Cleveland, Communities United for Action, and the Citizens Coalition electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy