**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. Oliker

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. Oliker

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]](#footnote-1) OP’s alternate proposal is to be compensated at $355/MW-day, and in return will offer a shopping credit to customers.[[2]](#footnote-2) OP claims that above-market capacity compensation is required so that it can avoid financial duress.[[3]](#footnote-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]](#footnote-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.”

**III. Arguments**

1. **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.

1. **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]](#footnote-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.

Respectfully Submitted,

/s/ Matthew R. Pritchard

Samuel C. Randazzo, Esq.

Frank Darr

Joseph E. Oliker

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

Elizabeth.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@BKLlawfirm.com

mkurtz@BKLlawfirm.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@ohiopovertylaw.org

jmaskovyak@ohiopovertylaw.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

lmcalister@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

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*

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.con

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

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

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

djmichalski@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 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.**

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**

1. Direct Testimony of William Allen at 6-9 (March 30, 2012). [↑](#footnote-ref-1)
2. *Id.* at 15-17. [↑](#footnote-ref-2)
3. *See* Direct Testimony of Robert Powers at 5, 10 (March 30, 2012) [↑](#footnote-ref-3)
4. IEU-Ohio entered into a confidentiality agreement with OP in this proceeding on February 9, 2011. [↑](#footnote-ref-4)
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). [↑](#footnote-ref-5)