

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 Establish a Standard ) Case No. 11-346-EL-SSO  
Service Offer Pursuant to §4928.143, Ohio Rev. ) Case No. 11-348-EL-SSO  
Code, in the Form of an Electric Security Plan. )

In the Matter of the Application of Columbus )  
Southern Power Company and Ohio Power ) Case No. 11-349-EL-AAM  
Company for Approval of Certain Accounting ) Case No. 11-350-EL-AAM  
Authority. )

---

**REPLY BRIEF**  
**BY**  
**DUKE ENERGY COMMERCIAL ASSET MANAGEMENT, INC.**  
**AND**  
**DUKE ENERGY RETAIL SALES, LLC**

---

Ohio Power Company (OP), in its brief in these proceedings, persists in its fallacious assertions that the Public Utilities Commission of Ohio (Commission) must seek “balance” in its consideration of an Electric Security Plan (ESP) under R.C. 4928.143. And it continues to err in its application of the legally mandated ESP test, especially in light of the newly established state capacity mechanism for Fixed Resource Requirement (FRR) entities.

The Commission’s recently issued order establishing a state capacity pricing mechanism reinforces the need to reject the application in these proceedings, as it is now impossible for OP’s proposal to meet the legal requirements for an ESP. Although Duke Energy Commercial Asset Management, Inc. (DECAM), and Duke Energy Retail Sales, LLC (DER), believe that numerous aspects of OP’s proposed ESP are illegal or inappropriate, this reply brief will be limited to the

most important issues of (1) the legal standards for adoption of an ESP, (2) the proper comparison of the proposed ESP to an MRO, and (3) the illegality of the proposed Retail Stability Rider (RSR).

### **Legal Standards for Adoption of an ESP**

OP correctly points to statutory provisions governing the Commission's consideration of an ESP. As OP states, an ESP must be found, by the Commission, to be better in the aggregate than a plan based on a Market Rate Offer (MRO). OP is also correct in noting that it ultimately may choose to accept or reject modifications made by the Commission.<sup>1</sup>

Unfortunately, following this accurate description of governing law, OP then attempts to argue for the adoption of various aspects of its proposal, applying entirely different standards, not based on any statutory provisions. Looking at the proposal overall, OP contends that the Commission should approve its plan on the grounds that the plan is "balanced," "reasonable," and "lawful." While it DER and DECAM do not dispute that the plan must be "lawful," nothing in Chapter 4928 of the Revised Code requires it to be "balanced." And the plan is only "lawful" if the charges it would impose cover nothing more than those items enumerated under R.C. 4928.143.<sup>2</sup>

OP seeks approval of this plan on the basis that the various provisions are either "reasonable" or "balanced." For example, OP argues that the RSR should be approved because it provides "financial stability" in exchange for "rate stability" and "other benefits."<sup>3</sup> The biggest "benefit" pointed to by OP is what it deems to be "highly discounted capacity pricing."<sup>4</sup> As will be discussed below, the Commission's recent order establishing a state capacity pricing

---

<sup>1</sup> OP Initial Post-Hearing Brief at 24-25.

<sup>2</sup> *In re Application of Columbus S. Power Co.*, 128 Ohio St.3d 512, 2011-Ohio-1788, at ¶¶ 32-35.

<sup>3</sup> OP Initial Post-Hearing Brief at 36.

<sup>4</sup> OP Initial Post-Hearing Brief at 34 (citing testimony of Witness Dias).

mechanism entirely negates this alleged benefit. Even if the cited rate stability and benefits were legitimately present in this proposal, which they are not, R.C. 4928.143 does not allow adoption of an ESP on the basis of such an exchange.

It is critically important to recognize that nothing in R.C. 4928.143 would allow imposition of the proposed RSR, a rider that would seek to guarantee OP's non-fuel generation revenues. Such a guarantee is not part of the legislative approach to competition in the supply of generation services and undeniably results in this plan not being "lawful."

### **Proper Comparison of the Proposed ESP to an MRO**

As the Commission is fully aware, Ohio law requires comparison of a proposed ESP to the expected results under an MRO.<sup>5</sup> OP's effort at a comparison fails, however, in one critically important way: OP calculates that its proposal provides a benefit quantifiable at almost a billion dollars on the premise that the capacity prices it proposes to charge to competitive retail electric service (CRES) providers are "discounted" as compared with the cost-based rates that it thinks it has the right to charge. This calculation is flawed, under any theory that might reasonably apply.

The Commission has recently issued its order establishing a state capacity pricing mechanism applicable to FRR entities.<sup>6</sup> Finding jurisdiction under its general supervisory powers, entirely separate from Chapter 4928 that governs competitive services and ESPs, the Commission based its decision on capacity for CRES providers being a regulated service rather than a competitive service. The order provides that FRR entities, such as OP, are allowed to recover their embedded cost of capacity, although the price to be actually charged by OP to CRES providers is set at the final zonal capacity price in the unconstrained territory of PJM

---

<sup>5</sup> R.C. 4928.143(C)(1).

<sup>6</sup> As argued in their initial brief in this proceeding, DER and DECAM maintain that an FRR entity's capacity charges to CRES providers should be at auction-based rates.

Interconnection, LLC (PJM). The difference between the charge and the cost, according to the Commission's order in that proceeding, will be addressed in OP's ESP.

This new state capacity pricing mechanism directly impacts the calculation of whether an ESP is better than an MRO. There are several approaches that might be taken. First, and most appropriately, in light of the Commission's conclusion that capacity services provided for the benefit of shopping customers and their CRES suppliers are not competitive services, the charges for such services should be eliminated from the MRO comparison test. If the provision of capacity is not a competitive service, then it is outside the bounds of R.C. 4928.142 and 4928.143.

Without the inclusion of the capacity pricing "benefit," the MRO test fails. OP's testimony indicated that the ESP pricing, as compared to anticipated MRO pricing, was a benefit worth approximately \$256 million. The RSR, on the other hand, was described as having a "benefit" worth approximately a negative \$284 million. The capacity "benefit" – now irrelevant to the calculation – was valued at about \$989 million, resulting in an aggregate "benefit" of about \$961 million. Simply using OP's figures and deleting the capacity from the calculation leaves a net detriment from the OP ESP proposal, as compared to an MRO, of approximately \$28 million. The proposal fails the test and therefore must be rejected.

The second possible approach would be to include the capacity charge in the test, even though it is now declared to be a noncompetitive service. Under this approach, the Commission-allowed charge for capacity would be included, whether the standard service offer takes the form of an ESP or an MRO, since the capacity charges are mandated by the Commission under its establishment of the state capacity mechanism. OP's proposed ESP would offer no advantage to any customers beyond the mandate of that mechanism. This results, by definition, in there being

absolutely no advantage to the ESP on the basis of capacity pricing. Thus, again the alleged billion dollar “benefit” of “discounted” capacity does not help OP in the comparison of the proposal to the expected outcome under an MRO.

### **Illegality of the RSR**

As noted above, an ESP may only include items that are enumerated in the governing statute. The RSR is not such an item and, thus, must be rejected. OP attempts to justify the charge, arguing that the RSR’s purpose is to protect the financial integrity of OP.<sup>7</sup> OP, similarly, describes the RSR as being “tied to the total ESP package.” But protection of a utility’s finances and support of package deals are not included within any of the subsections of R.C. 4928.143. The section simply does not allow for such a provision.

OP also tries to argue that the RSR is a decoupling mechanism of some sort. While decoupling mechanisms are allowed under R.C. 4928.143, the true nature of the RSR is not that of decoupling. Rather, the RSR merely guarantees a particular dollar level of nonfuel generation revenues. The RSR is more akin to a make-whole payment than it is to traditional decoupling. OP’s self-serving nomenclature should not be considered.

The RSR must be rejected.

### **Conclusion**

DER and DECAM respectfully urge the Commission to conclude that the ESP, as proposed, must be entirely rejected as not passing the statutorily required test. Alternatively, the proposal must be substantially modified, as discussed in the initial brief filed by DER and DECAM. Critical in such modifications is the outright rejection of the proposed RSR.

---

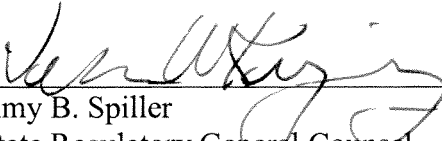
<sup>7</sup> OP Initial Post-Hearing Brief at 34.

Respectfully submitted,

DUKE ENERGY COMMERCIAL ASSET  
MANAGEMENT, INC.

and

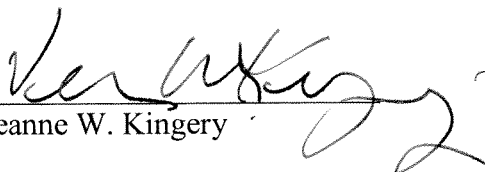
DUKE ENERGY RETAIL SALES, LLC



Amy B. Spiller  
State Regulatory General Counsel  
Jeanne W. Kingery (Counsel of Record)  
Associate General Counsel  
139 East Fourth Street  
1303-Main  
Cincinnati, Ohio 45202  
(513) 287-4359 (telephone)  
[Amy.Spiller@duke-energy.com](mailto:Amy.Spiller@duke-energy.com)  
[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

## CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 9<sup>th</sup> day of July, 2012, to the following:

  
Jeanne W. Kingery

Daniel R. Conway  
Porter Wright Morris & Arthur  
Huntington Center  
41 S. High Street  
Columbus, Ohio 43215  
[dconway@porterwright.com](mailto:dconway@porterwright.com)  
  
Counsel for Columbus Southern Power  
Company and Ohio Power Company

Steven T. Nourse  
Matthew J. Satterwhite  
Ann M. Vogel  
American Electric Power Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, Ohio 43215-2373  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)  
[amvogel@aep.com](mailto:amvogel@aep.com)  
  
Counsel for Columbus Southern Power  
Company and Ohio Power Company

Samuel C. Randazzo  
Joseph E. Olikier  
Frank P. Darr  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17th Floor  
Columbus, OH 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
  
Counsel for Industrial Energy Users-Ohio

David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[dboehm@BKLawfirm.com](mailto:dboehm@BKLawfirm.com)  
[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
  
Counsel for the Ohio Energy Group

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

Counsel for Ohio Hospital Association

Terry L Etter  
Maureen R. Grady  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)  
[grady@occ.state.oh.us](mailto:grady@occ.state.oh.us)

Ohio Consumers' Counsel

David A. Kutik  
Allison E. Haedt  
Jones Day  
901 Lakeside Ave  
Cleveland OH 44114  
[dakutik@jonesday.com](mailto:dakutik@jonesday.com)  
[aehaedt@jonesday.com](mailto:aehaedt@jonesday.com)

Counsel for FirstEnergy Solutions Corp.

Mark A. Hayden  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, OH 44308  
[haydenm@firstenergycorp.com](mailto:haydenm@firstenergycorp.com)

Counsel for FirstEnergy Solutions Corp.

Richard L. Sites  
OHIO HOSPITAL ASSOCIATION  
155 East Broad Street, 15th Floor  
Columbus, OH 43215-3620  
[ricks@ohanet.org](mailto:ricks@ohanet.org)

Counsel for Ohio Hospital Association

David C. Rinbolt  
Colleen L Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, OH 45839-1793  
[cmoonev2@columbus.rr.com](mailto:cmoonev2@columbus.rr.com)  
[drinebolt@ohiopartners.org](mailto:drinebolt@ohiopartners.org)

Counsel for Ohio Partners for Affordable Energy

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](mailto:jlang@calfee.com)  
[lmcbride@calfee.com](mailto:lmcbride@calfee.com)  
[talexander@calfee.com](mailto:talexander@calfee.com)

Counsel for FirstEnergy Solutions Corp.

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

Counsel for Paulding Wind Farm II LLC



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

Counsel for the Appalachian Peace and  
Justice Network

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

Counsel for AEP Retail Energy  
Partners LLC

M. Howard Petricoff  
Stephen M. Howard  
Michael J. Settineri  
Lija Kaleps-Clark  
Benita Kahn  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay St  
Columbus, OH 43215  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[lkalepsclark@vorys.com](mailto:lkalepsclark@vorys.com)  
[bakahn@vorys.com](mailto:bakahn@vorys.com)

Counsel for The PJM Power Providers  
Group; Constellation NewEnergy, Inc.  
and Constellation Energy Commodities  
Group, Inc.; COMPETE Coalition; Retail  
Energy Supply Association; and, Exelon  
Generation Company, LLC

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

Counsel for OMA Energy Group

Jay L Kooper  
Katherine Guerry  
Hess Corporation  
One Hess Plaza  
Woodbridge, NJ 07095  
[jkooper@hess.com](mailto:jkooper@hess.com)  
[kguerry@hess.com](mailto:kguerry@hess.com)

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

Robert Korandovich  
KOREnergy  
PO Box 148  
Sunbury, OH 43074  
[korenergy@insight.rr.com](mailto:korenergy@insight.rr.com)

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

Cynthia Fonner Brady  
David Fein  
Constellation Energy Group  
550 West Washington Blvd, Suite 300  
Chicago IL 60661  
[Cynthia.a.fonner@constellation.com](mailto:Cynthia.a.fonner@constellation.com)  
[David.fein@constellation.com](mailto:David.fein@constellation.com)

Allen Freifeld  
Samuel A. Wolfe  
Viridity Energy, Inc.  
100 West Elm St, Suite 410  
Conshohocken PA 19428  
[afreifeld@viridityenergy.com](mailto:afreifeld@viridityenergy.com)  
[swolfe@viridityenergy.com](mailto:swolfe@viridityenergy.com)

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

Counsel for the COMPETE Coalition

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

Henry W. Eckhart  
2100 Chambers Road, Suite 106  
Columbus, Ohio 43212  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

Counsel for Natural Resources Defense  
Council and Sierra Club

Pamela A. Fox  
Christopher L. Miller  
Gregory H. Dunn  
Asim Z. Haque  
Ice Miller  
250 West Street  
Columbus, Ohio 43215

Sandy I-ru Grace  
Exelon Business Services Company  
101 Constitution Avenue N.W.  
Suite 400 East  
Washington, DC 20001  
[Sandy.grace@exeloncorp.com](mailto:Sandy.grace@exeloncorp.com)

Counsel for Exelon Generation Company,  
LLC

[christopher.miller@icemiller.com](mailto:christopher.miller@icemiller.com)  
[gregory.dunn@icemiller.com](mailto:gregory.dunn@icemiller.com)  
[asim.haque@icemiller.com](mailto:asim.haque@icemiller.com)

Counsel for the city of Grove City, Ohio;  
and, AICUO

Jesse A. Rodriguez,  
Exelon Generation Company, LLC  
300 Exelon Way  
Kennett Square, PA 19348  
[Jesse.rodriguez@exeloncorp.com](mailto:Jesse.rodriguez@exeloncorp.com)

Counsel for Exelon Generation Company,  
LLC

Kenneth P. Kreider  
David A. Meyer  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202  
[kpkreider@kmklaw.com](mailto:kpkreider@kmklaw.com)  
[dmeyer@kmklaw.com](mailto:dmeyer@kmklaw.com)

Counsel for Wal-Mart Stores East, LP  
and Sam's East, Inc.

Holly Rachel Smith  
Hitt Business Center  
3803 Rectortown Rd  
Marshall, VA 20115  
[holly@raysmithlaw.com](mailto:holly@raysmithlaw.com)

Counsel for Wal-Mart Stores East, LP  
and Sam's East, Inc.

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

Counsel for Dominion Retail, Inc.

Gregory M Poulos  
EnerNOC  
101 Federal St Suite 1100  
Boston, MA 02110  
[gpoulos@enernoc.com](mailto:gpoulos@enernoc.com)

Counsel for ENERNOC, Inc.

Steve W. Chriss  
Wal-Mart Stores, Inc  
2001 SE 10<sup>th</sup> St  
Bentonville, AR 72716  
[Stephen.chriss@wal-mart.com](mailto:Stephen.chriss@wal-mart.com)

Barth E. Royer  
BELL & ROYER CO., LPA  
33 South Grant Avenue  
Columbus, Ohio 43215-3927  
[BarthRoyer@aol.com](mailto:BarthRoyer@aol.com)

Counsel for Dominion Retail, Inc.

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

Counsel for the Environmental Law &  
Policy Center

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

Counsel for OEC

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

Counsel for the Kroger Co.

David M. Stahl  
Arin C. Aragona  
Scott C. Solberg  
Eimer Stahl Klevorn & Solberg LLP  
224 South Michigan Ave, Suite 1100  
Chicago IL 60604  
[dstahl@eimerstahl.com](mailto:dstahl@eimerstahl.com)  
[aaragona@eimerstahl.com](mailto:aaragona@eimerstahl.com)  
[ssolberg@eimerstahl.com](mailto:ssolberg@eimerstahl.com)

Counsel for Exelon Generation Company,  
LLC

Diem N. Kaelber  
Robert Walter  
10 West Broad St, Suite 1300  
Columbus OH 43215  
[kaelber@buckleyking.com](mailto:kaelber@buckleyking.com)  
[walter@buckleyking.com](mailto:walter@buckleyking.com)

Counsel for Ohio Restaurant Association

Emma F Hand  
Douglas G. Bonner  
SNR Denton  
1301 K Street NW  
Suite 600, East Tower  
Washington, DC 20005  
[emma.hand@snrdenton.com](mailto:emma.hand@snrdenton.com)  
[doug.bonner@snrdenton.com](mailto:doug.bonner@snrdenton.com)

Counsel for Ormet Primary Aluminum  
Corporation

Shannon Fisk

2 North Riverside Plaza, Suite 2250  
Chicago, IL 60606  
[sfisk@nrdc.org](mailto:sfisk@nrdc.org)

Brian P. Barger  
4052 Holland-Sylvania Road  
Toledo, Ohio 43623  
[bpbarger@bcslawyers.com](mailto:bpbarger@bcslawyers.com)

Counsel for the Ohio Construction  
Materials Coalition

Chad Endsley  
Ohio Farm Bureau Federation  
280 North High Street  
P.O. Box 182383  
Columbus, OH 43218-2383  
[cendsley@ofbf.org](mailto:cendsley@ofbf.org)

Counsel for Ohio Farm Bureau Federation

Matthew White  
Interstate Gas Supply, Inc.  
6100 Emerald Parkway  
Dublin, Ohio 43016  
[mwhite@igsenergy.com](mailto:mwhite@igsenergy.com)

Counsel for Interstate Gas Supply, Inc.

Joseph M. Clark  
6641 North High Street, Suite 200  
Worthington, Ohio 43085  
[jmclark@vectren.com](mailto:jmclark@vectren.com)

Counsel for Direct Energy Services, LLC  
and Direct Energy Business, LLC

Dane Stinson  
BAILEY CAVALIERI LLC  
10 West Broad Street, Suite 2100  
Columbus, Ohio 43215  
[Dane.stinson@baileycavalieri.com](mailto:Dane.stinson@baileycavalieri.com)

Counsel for The Ohio Association of School Business Officials, The Ohio School Boards Association, The Buckeye Association of School Administrators and The Ohio Schools Council

Mark A. Whitt  
Melissa L. Thompson  
Whitt Sturtevant LLP  
PNC Plaza, Suite 2020  
155 East Broad Street  
Columbus, Ohio 43215  
[whitt@whitt-sturtevant.com](mailto:whitt@whitt-sturtevant.com)  
[thompson@whitt-sturtevant.com](mailto:thompson@whitt-sturtevant.com)

Counsel for Interstate Gas Supply, Inc.

Matthew R. Cox  
Matthew Cox Law, Ltd.  
4145 St. Theresa Blvd.  
Avon, OH 44011  
[matt@matthewcoxlaw.com](mailto:matt@matthewcoxlaw.com)

Counsel for the Council of Smaller Enterprises (COSE)

Arthur Beeman  
SNR Denton US LLP  
525 Market Street, 26th Floor  
San Francisco, CA 94105-2708  
[arthur.beeman@snrdenton.com](mailto:arthur.beeman@snrdenton.com)

Counsel for Ormet Primary Aluminum  
Corporation

Jeanine Amid Hummer  
Thomas K. Lindsey  
[jhummer@uaoh.net](mailto:jhummer@uaoh.net)  
[tlindsey@uaoh.net](mailto:tlindsey@uaoh.net)

Law Director; and, First Assistant City  
Attorney for the City of Upper Arlington

Christopher L. Miller  
Gregory J. Dunn  
Asim Z. Haque  
[Christopher.Miller@icemiller.com](mailto:Christopher.Miller@icemiller.com)  
[Gregory.Dunn@icemiller.com](mailto:Gregory.Dunn@icemiller.com)  
[Asim.Haque@icemiller.com](mailto:Asim.Haque@icemiller.com)

Ice Miller LLP  
250 West Street  
Columbus, Ohio 43215

Counsel for the City of Upper Arlington,  
Ohio; and, Counsel for the City of Hillsboro,  
Ohio

Randy J. Hart  
Rob Remington  
David J. Michalski  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114-2316

[rjhart@hahnlaw.com](mailto:rjhart@hahnlaw.com)  
[djmichalski@hahnlaw.com](mailto:djmichalski@hahnlaw.com)  
[rrremington@hahnlaw.com](mailto:rrremington@hahnlaw.com)

Counsel for Summit Ethanol, LLC and  
Fostoria Ethanol, LLC

Jack D'Aurora  
The Behal Law Group LLC  
501 S. High Street  
Columbus, OH 43215  
[jdaurora@behallaw.com](mailto:jdaurora@behallaw.com)

Counsel for the University of Toledo  
Innovation Enterprises Corporation

Judi L. Sobecki  
Randall V. Griffin  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, OH 45432  
[Judi.sobecki@DPLINC.com](mailto:Judi.sobecki@DPLINC.com)  
[Randall.griffin@DPLINC.com](mailto:Randall.griffin@DPLINC.com)

Counsel for The Dayton Power and Light Company

Steven Beeler  
John Jones  
Assistant Attorney Generals  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
[Steven.beeler@puc.state.oh.us](mailto:Steven.beeler@puc.state.oh.us)  
[John.jones@puc.state.oh.us](mailto:John.jones@puc.state.oh.us)

Counsel for Staff, Public Utilities Commission of Ohio

Carolyn S. Flahive  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, OH 43215  
[Carolyn.Flahive@ThompsonHine.com](mailto:Carolyn.Flahive@ThompsonHine.com)  
[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

Counsel for Border Energy Electric Services, Inc.

Todd M. Williams  
Counsel of Record  
Williams Allwein and Moser, LLC  
Two Maritime Plaza, 3rd Fl.  
Toledo, Ohio 43604  
[toddm@wamenergylaw.com](mailto:toddm@wamenergylaw.com)  
[callwein@wamenergylaw.com](mailto:callwein@wamenergylaw.com)  
Counsel for the Ohio Business Council for a Clean Economy

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

Larry F. Eisenstat  
Counsel of Record  
Richard Lehfeltdt  
Robert L. Kinder, Jr.  
Dickstein Shapiro LLP  
1825 Eye St. NW  
Washington, DC 20006  
[eisenstatl@dicksteinshapiro.com](mailto:eisenstatl@dicksteinshapiro.com)  
[lehfeldtr@dicksteinshapiro.com](mailto:lehfeldtr@dicksteinshapiro.com)  
[kinderr@dicksteinshapiro.com](mailto:kinderr@dicksteinshapiro.com)

Counsel for CPV Power Development, Inc.

Sue A. Salamido  
Kristin Watson  
Cloppert, Latanick, Sauter & Washburn  
225 E. Broad Street, 4<sup>th</sup> Floor  
Columbus, OH 43215  
[ssalamido@cloppertlaw.com](mailto:ssalamido@cloppertlaw.com)  
[kwatson@cloppertlaw.com](mailto:kwatson@cloppertlaw.com)

Counsel for IBEW Local 1466

Sara Reich Bruce  
Staff Counsel  
Ohio Automobile Dealers Association  
655 Metro Place South, Suite 270  
Dublin, OH 43017  
[sbruce@oada.com](mailto:sbruce@oada.com)  
Counsel for The Ohio Automobile Dealers Association

Brian P. Barger  
4052 Holland-Sylvania Road  
Toledo, Ohio 43623  
[bpbarger@bcslawyers.com](mailto:bpbarger@bcslawyers.com)

Counsel for the Ohio Construction  
Materials Coalition

Roger P. Sugarman  
Kegler, Brown, Hill & Ritter  
A Legal Professional Association  
65 East State Street, Suite 1800  
Columbus, OH 43215  
[rsugarman@keglerbrown.com](mailto:rsugarman@keglerbrown.com)

Counsel for NFIB/Ohio