

RECEIVED-REGISTRATION DIV
2007 OCT 12 PM 4:04

PUCO

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|---|---|------------------------|
| In the Matter of the Application of the |) | |
| Ohio Edison Company, the Cleveland |) | |
| Electric Illuminating Company, and the |) | |
| Toledo Edison Company for Approval of |) | |
| a Competitive Bidding Process for |) | Case No. 07-796-EL-ATA |
| Standard Service Offer Electric |) | Case No. 07-797-EL-ATA |
| Generation Supply, Accounting |) | |
| Modifications Associated with |) | |
| Reconciliation Mechanism and Phase In, |) | |
| and Tariffs for Generation Service. |) | |

**REPLY COMMENTS
OF
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

Jeffrey L. Small, Counsel of Record
Ann M. Hotz
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (Telephone)
small@occ.state.oh.us
hotz@occ.state.oh.us

October 12, 2007

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed 10/12/07

TABLE OF CONTENTS

| | Page |
|---|-------------|
| I. INTRODUCTION | 1 |
| II. REPLY COMMENTS | 5 |
| A. FirstEnergy Should Attempt to Obtain Rates Resulting from an Effective Competitive Bid to Test The Market Before The Commission Determines That The Market Is Not Competitive Enough to Obtain Rates From A Competitive Bid Under 4928.14(B) | 5 |
| B. If the Reverse Auction Does Not Result In Rates That Are Market-Based Then FirstEnergy Should Proceed With A Sealed Bid. | 7 |
| C. The Commission Should Modify FirstEnergy's Proposal So That It Will Be More Likely To Result In Market-Based Rates. | 8 |
| 1. Bidders should not be permitted to share with FirstEnergy any pricing information prior to the auction because such sharing will give the appearance of collusion and may result in collusion. | 8 |
| 2. No supplier should be permitted to provide more than 50% of the bid. | 9 |
| 3. FirstEnergy should not retain declining block rates in an increasing cost industry in which expensive fuels are used at the margins. | 9 |
| 4. The 29 and 41 month blocks of the bid should be retained because such laddering will better eliminate volatility. | 10 |
| 5. Under R.C. 4928.14(A) the Standard Service Offer suppliers should be on the same playing field as Competitive Retail Electric Service providers so that both SSO suppliers and CRES suppliers should either recover increases in the MISO costs or both CRES and SSO suppliers should have to absorb the increases in MISO costs. | 11 |

TABLE OF CONTENTS cont'd.

| | Page |
|---|-------------|
| D. FirstEnergy's Proposed Time Of Use Rates Are Designed to Fail and The Commission Should Revise FirstEnergy's Time of Use Rates In a Manner In Which Customers Will Benefit And Respond to Price Signals. | 11 |
| 1. FirstEnergy's Time of Use Rates Do Not Provide Sufficient Price Differentiation and Are Designed to Be More Expensive Than Necessary and Not Useful To Customers | 11 |
| 2. FirstEnergy should be required to provide educational programs on time of use rates for residential customers, particularly because there appears to be serious misperceptions about the level of inconvenience that time of use and advanced metering will bring to residential customers. | 13 |
| III. CONCLUSION..... | 14 |
| CERTIFICATE OF SERVICE | 15 |

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|---|---|------------------------|
| In the Matter of the Application of the |) | |
| Ohio Edison Company, the Cleveland |) | |
| Electric Illuminating Company, and the |) | |
| Toledo Edison Company for Approval of |) | |
| a Competitive Bidding Process for |) | Case No. 07-796-EL-ATA |
| Standard Service Offer Electric |) | Case No. 07-797-EL-ATA |
| Generation Supply, Accounting |) | |
| Modifications Associated with |) | |
| Reconciliation Mechanism and Phase In, |) | |
| and Tariffs for Generation Service. |) | |

**REPLY COMMENTS
OF
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

The Public Utilities Commission of Ohio ("PUCO" or "Commission") must ensure in this case that consumers have adequate and reasonably priced retail electric service. The FirstEnergy electric utilities in Ohio (being Ohio Edison, Cleveland Electric and Toledo Edison) must provide a standard service offer ("SSO") through a competitive bid under R.C. 4928.14(B) and a market-based standard service offer under R.C. 4928.14(A) to their approximately 1.9 million customers. On behalf of FirstEnergy's residential electricity consumers, the Office of the Ohio Consumers' Counsel ("OCC") replies to certain of the comments filed in these cases.

Adequate power is available in the Electricity Cooperative Agreement for Reliability ("ECAR") region.¹ The Federal Energy Commission has determined that

¹ ECAR projected a capacity reserve margin as a percent of 14.3% for 2007, 14% for 2008, 12.7% of 2009 and 11.9% for 2010. *Assessment of ECAR-Wide Capacity Margins 2005-2014*, 05-GRP-57 (August 2005) at 21.

there is no market power in the Midwest Independent Transmission System Operator (“MISO”) territory.² There is no legitimate reason that consumers should be faced with wholesale monopoly-priced generation. There is no reason that a competitive bid should result in the incumbent EDU providing 75% of their generation sources from their generation affiliate, especially when that EDU’s electric rates have consistently exceeded the state, regional and national average. Moreover, there is no reason that the incumbent EDU should be providing 100% of its generation through an arbitrarily set rate plan that the Commission and other parties must negotiate under the threat that the EDU’s affiliate can take its generation elsewhere. And yet, the Commission Staff proposes that the rates be set in such a manner.³

The only possible reasons that the FirstEnergy affiliates should provide 75%-100% of the generation, is that something is wrong with the competitive bid process or that the incumbent utility system or processes are not facilitating entry into the market. Rather than discount beforehand the possibility that wholesale competition can produce lower rates, the Commission should continue to attempt to improve upon the design of the bidding process so as to achieve the desired level of competition. If one attempt does not produce a competitive rate, the Commission should attempt another process.

Only after it is clear that carefully designed processes cannot provide a competitively bid rate that is within a range of market prices, should the Commission rely upon a negotiated rate. Such negotiated “market-based” rates are not preferable to competitively bid rates, which reflect the true market costs and rates. The “market-

² *Midwest Independent Transmission System Operator*, Case No. ER07-1372-000, Affidavit of David B. Patton, PH.D. (September 14, 2007) at ¶ 45.

³ Staff Comments (September 21, 2007).

based” or negotiated rates resulting from the approach in the rate stabilization plans toward satisfying R.C. 4928.14(A) were arbitrarily set because they were designed through a negotiation process largely between the Commission and the Company, with the Company having much greater access to relevant information. And now because FirstEnergy’s affiliate owns all of the generation assets that were used to serve FirstEnergy customers, FirstEnergy has even greater leverage than it did previously in negotiating rates with the Commission under the RSP.

First and foremost, S.B. 3 charged the Commission in exercising the discretion it granted PUCO with ensuring:

The availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service.⁴

In order to make headway toward that goal, S.B. 3 directed each electric distribution utility in Ohio to make available to customers:

An option to purchase competitive retail electric service the price of which is determined through a competitive bidding process.⁵

Additionally, S.B. 3 directed each electric distribution company utility in this state to offer customers:

On a comparable and nondiscriminatory basis within its certified territory, a market-based standard service offer of all competitive retail electric services necessary to maintain essential electric service to consumers, including a firm supply of electric generation service.⁶

While the legislation allows the Commission some discretion in providing only one of the two options, the statute presupposes that providing both options would be preferable.

⁴ R.C. 4928.02(A).

⁵ R.C. 4928.14(A).

⁶ R.C. 4928.14(B).

OCC is the state agency with the responsibility under law to advocate for the residential consumers of the FirstEnergy utilities. On September 5, 2007, OCC filed comments to FirstEnergy's proposal for a competitive bid. OCC recommended changes to *inter alia*, ensure that residential consumers of the FirstEnergy utilities receive adequate service at reasonable rates as required by R.C. 4928.14, 4909.18 and R.C. 4928.02(A).

By September 5, 2007, OCC and the following persons filed comments: Cleveland Foundation ("CF"), Strategic Energy ("Strategic"), Constellation NewEnergy, Inc and Constellation Energy Commodities Group, Inc. ("Constellation"), the Northwest Ohio Aggregation Coalition ("NOAC"), Integrys Energy Services, Inc ("Integrys"), The Northeast Ohio Public Energy Council ("NOPEC"), Columbus Southern Power Company and Ohio Power Company (together "AEP"), The Ohio Partners for Affordable Energy ("OPAE"), the Ohio Energy Group ("OEG"), Industrial Energy Users-Ohio ("IEU"), Nucor Steel, Marion, Inc ("Nucor"), PJM Power Providers Group ("PJMPPG"), and Direct Energy Services, L.L. The PUCO Staff was due to file comments on September 14, 2007, but the Commission granted the Staff a week extension to file comments on September 21, 2007. Pursuant to the Commission's week extension for the filing of Reply Comments, OCC submits the following in reply to comments submitted by others.

II. REPLY COMMENTS

A. **FirstEnergy Should Attempt to Obtain Rates Resulting from an Effective Competitive Bid to Test The Market Before The Commission Determines That The Market Is Not Competitive Enough to Obtain Rates From A Competitive Bid Under 4928.14(B).**

The PUCO Staff's Comments inappropriately presume without the experience of a competitive bid trial that the market is not sufficiently competitive to go forward with a competitive bid ("CBP"). Without any competitive market test, without any market analysis, the Staff has concluded that the electric market is not competitive. Rather than address the components and design of FirstEnergy's competitive bid proposal, the Staff resolves that it should not happen. Rather than address FirstEnergy's proposal, the Staff identifies numerous theoretical and anecdotal indications that the competitive market does not exist. To make matters worse, many of the observations that the Staff relies upon to show that the market is not competitive are observations about the PJM system, not the MISO system, in which FirstEnergy functions.

Most significantly, the Staff fails to discuss comparisons of actual prices, which should be considered in determining whether competition is present or not present in a service territory. For example, in Case No. 04-1371-EL-ATA, FirstEnergy did conduct a competitive bid to provide service but the Commission did not approve the resulting CBP rate because the Commission felt the CBP rate was too much higher than the rate FirstEnergy projected that it would charge through its rate stabilization plan. The projected rates stabilization plan was based upon estimated rather than actual fuel costs.⁷

⁷ 04-1371-EL-ATA, The Confidential Version of the Post-Auction Report for the FirstEnergy Competitive Bid Process Auction (December 8, 2004) at 6.

Recently, FirstEnergy filed for the recovery of actual fuel costs for the period of January 2006-May of 2007.⁸ The Staff should compare the actual fuel rates that FirstEnergy customers must pay to those fuel rates that were estimated when FirstEnergy's rate stabilization plan was compared to the CBP rate that resulted from the competitive bid that the Commission rejected.⁹ Because the Commission now has the opportunity to find out if the RSP actually did result in lower rates than the CBP would have produced for customers, the PUCO Staff should make a comparison between the actual RSP rate and the CBP rates resulting from the CBP rate in Case No. 04-1371-EL-ATA. Although the final actual rates of FirstEnergy's rate stabilization plan will not be known until the end of 2008, such a comparison will be far more educational than was the comparison of the projected RSP rates to the competitive bid rates.

The PUCO Staff recommends only that the Commission reject the CBP. The Staff provides no positive suggestion as to how prices should be set in the post-2008 time period. The implication is that the Commission continue with its "market-based" rates and negotiations as the purported means to satisfy R.C. 4928.14(A) with regard to FirstEnergy even though the Commission would have to negotiate again with FirstEnergy with inferior information and with even less leverage than it had when FirstEnergy still

⁸ *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Modify Certain Accounting Practices and for Tariff Approvals*, Case No. 07-1003-EL-ATA and Case No. 1004-EL-ATA, Application on Remand (September 10, 2007).

⁹ *In The Matter Of The Application Of Ohio Edison Company, The Cleveland Electric Illuminating Company And The Toledo Edison Company For Approval Of A Competitive Bid Process To Bid Out Their Retail Electric Load*, Case No. 04-1371-GA-UNC, Post Auction Report for the FirstEnergy Competitive Bid Process Auction (December 8, 2004) at 7.

had ownership of its generation assets. Such claimed “market-based” rates can only result in arbitrary monopoly rates.

Instead the Commission should proceed with FirstEnergy’s R.C. 4928.14(B) competitive bid proposal under R.C. 4928.14(B), with adjustments that have been recommended by the interested parties who have submitted comments. If the Commission cannot obtain alternative supplies at a rate that is reasonably comparable to market indices, than the Commission should require FirstEnergy to test the market further with the sealed bid that was ultimately successful in Illinois.¹⁰ Only as a last resort should the Commission negotiate a rate with FirstEnergy who will always have the upper hand in such negotiations.

B. If the Reverse Auction Does Not Result In Rates That Are Market-Based Then FirstEnergy Should Proceed With A Sealed Bid.

OEG expresses reasonable and sufficiently clear concerns about FirstEnergy’s proposed reverse auction process to suggest that an alternative approach such as the sealed bid process OEG recommends would be preferable. OEG’s description of the failure of the Illinois reverse auction process is instructive.¹¹ Through the Illinois reverse auction process, rates increased 25% to 100%, which led to allegations that the incumbent generation suppliers, ComEd and Ameren engaged in price manipulation. Ultimately those allegations and public outcry led to a settlement between the Illinois Attorney General and Com Ed and Ameren that provided for a \$1 billion Rate Relief

¹⁰ OEG Comments at 3.

¹¹ Id..

Reform Package and a replacement of the reverse auction with a sealed bid/negotiation process run by an independent state agency.¹²

C. The Commission Should Modify FirstEnergy's Proposal So That It Will Be More Likely To Result In Market-Based Rates.

- 1. Bidders should not be permitted to share with FirstEnergy any pricing information prior to the auction because such sharing will give the appearance of collusion and may result in collusion.**

OEG further points out that because FirstEnergy's affiliate has market power in its service territory and that its proposal would allow the affiliate to provide up to 75% of the generation, FirstEnergy's affiliate can artificially raise the market-clearing price. The affiliate could manage the market-clearing price by simply pulling tranches out of the auction to artificially bring supply and demand in line.¹³ This kind of manipulation would lead to the same failure experienced in Illinois. Moreover, it would allow the few other bidders (who would provide the 25% of generation) sufficient profits from those sales to quiet any complaints that the process is not fair.

OEG is especially concerned that requiring potential bidders to provide FirstEnergy indicative offers prior to the auction may allow FirstEnergy's affiliate the opportunity to manipulate the market-clearing price.¹⁴ OCC agrees and believes that at the very least the indicative offers should not be provided and that a sealed competitive bid may be more effective due to FirstEnergy's affiliate's domination in the market.

¹² Id.

¹³ Id. at 2.

¹⁴ Id.

2. No supplier should be permitted to provide more than 50% of the bid.

OPAE, OEG, Nucor, and the Cleveland Foundation¹⁵ doubt that the proposal will result in a competitive price because FirstEnergy has market power in its service territory. OEG suspects that this may be because FirstEnergy does not have sufficient transmission in its service territory to allow for the influx of alternative power sources needed for a competitive rate.¹⁶ Additionally IEU, OPAE and Staff argue that the competitive bid program proposed is illegal.¹⁷

Of particular concern is the market power that FirstEnergy's affiliate will be able to assert in the competitive bidding process combined with FirstEnergy's proposal that any one bidder can serve up to 75% of the load.¹⁸ Because of FirstEnergy's market power, no bidder should be permitted to serve more than 50% of the load.

3. FirstEnergy should not retain declining block rates in an increasing cost industry in which expensive fuels are used at the margins.

IEU argued that the declining block rates not be discontinued as proposed in the FirstEnergy plan.¹⁹ IEU cannot provide justification for this except that it will work "against the interest of larger and high load factor customers."²⁰ FirstEnergy's elimination of declining block rates is consistent with basic economic theory and makes

¹⁵ OPAE Comments at 2, OEG Comments at 3, Nucor at 8, and the Cleveland Foundation Comments at 2.

¹⁶ OEG Comments at 7.

¹⁷ IEU Comments at 9, OPAE Comments at 2 and Staff Comments at 1-2.

¹⁸ OPAE at 2, OEG at 3-5, Nucor Marion at 8, Cleveland Foundation at 2.

¹⁹ IEU Comments at 7.

²⁰ Id.

eminent sense in an industry where marginal costs are greater than average costs now and in the foreseeable future (given projected fuel cost increases and Greenhouse Gas legislation). This is the case in FirstEnergy's market in which less efficient peakers (running on natural gas) meet demands at the peak. Accordingly, the declining block rates give consumers the wrong price signal and should not be reinstated.

4. The 29 and 41 month blocks of the bid should be retained because such laddering will better eliminate volatility.

OEG and Direct Energy argue²¹ that FirstEnergy should bid out only 17-month blocks of wholesale power, rather bidding out blocks of 17 months, 29 months and 41 months. OEG and Direct Energy are concerned that the longer term blocks are too risky and will result in too high of a price for customers. On the other hand, the longer term blocks of power, averaged into the shorter term will provide stability to the rates that a 17-month block will not provide. The longer term blocks would be too costly if generation shortages were predicted for the next 41 months but shortages are not predicted and suppliers may be eager to have a guaranteed buyer for that length of time. But most importantly the laddered purchases will ensure that rates will not be volatile and therefore FirstEnergy's proposal to bid out three different lengths of blocks should be retained.

²¹ OEG at 8 and Direct Energy at 15.

5. **Under R.C. 4928.14(A) the Standard Service Offer suppliers should be on the same playing field as Competitive Retail Electric Service providers so that both SSO suppliers and CRES suppliers should either recover increases in the MISO costs or both CRES and SSO suppliers should have to absorb the increases in MISO costs.**

NOPEC legitimately complained that the SSO suppliers should not get recovery of increases in MISO costs through the Revenue Variance Rider because Competitive Retail Electric Service (“CRES”) providers have to assume the risk of such costs.²² All residential customers whether shopping or not must pay the Revenue Variance Rider, which would include increases to the cost of MISO. If the CRES provider has to pay an increase in the cost of MISO, the CRES provider would likely pass that cost through to the residential customer. In that case, shopping customers would have to pay increases in the cost of MISO twice. The result is discriminatory and anticompetitive and would be contrary to R.C. 4928.14(A) and R.C. 4928.02(G).

D. FirstEnergy’s Proposed Time Of Use Rates Are Designed to Fail and The Commission Should Revise FirstEnergy’s Time of Use Rates In a Manner In Which Customers Will Benefit And Respond to Price Signals.

1. **FirstEnergy’s Time of Use Rates Do Not Provide Sufficient Price Differentiation and Are Designed to Be More Expensive Than Necessary and Not Useful To Customers.**

Nucor reasonably pointed out that FirstEnergy’s proposed time of use rates are too limited and recommended that they be expanded to provide for more price differentiation and that a super/critical peak time be incorporated.²³ FirstEnergy’s proposed time of use rates for residential customers are designed to fail. FirstEnergy not

²² OPEC at 6.

²³ Nucor Comments at 10.

only offers only two different price periods but insists that customers be required to rely upon the most expensive communication system, a dedicated telephone line, when other available communication options such as a wireless networks are much less expensive in geographically concentrated deployments. Because affordable technology is currently available to not just permit but to also automate the customers' responses to prices, FirstEnergy should be required to provide a reasonable residential demand response program that includes an off-peak, shoulder, peak, and critical peak components in its time of use rate.

FirstEnergy's failure to provide a meaningful time of use pricing option constitutes a failure on FirstEnergy's part to provide adequate service under R.C. 4933.83(B). Customers who do not use generation during peak hours should not be required to pay the costs of providing service during peak hours. Moreover, customers who must pay for peak power through averaged rates when they do not use peak power are paying unjust and unreasonable rates under R.C. 4928.14, 4928.02(A) and 4909.18. Such rates are prohibited. And FirstEnergy's failure to provide service that is better reflective of cost or market is not excusable given widely available technology. Therefore, FirstEnergy should be required to make available dynamic critical peak rates in this case and the needed infrastructure, to the extent it is cost effective, which will be determined for each utility through the Advanced Metering Infrastructure Commission Ordered Investigation, Case No. 07-646-EL-ORD.

2. **FirstEnergy should be required to provide educational programs on time of use rates for residential customers, particularly because there appears to be serious misperceptions about the level of inconvenience that time of use and advanced metering will bring to residential customers.**

The Cleveland Foundation expressed concerns that residential customers will have difficulty adjusting to time of use rates and encouraged the Commission to provide educational programs on time of use rates for residential customers.²⁴ Educational programs will be necessary in assisting customers to cut their utility costs on time of use rates.

Of particular concern is that the levels of inconvenience residential customers will experience with time of use rates and smart meters have been misrepresented. On September 20, 2007 at the AMI Workshop, the presenter from NETL Modern Grid stated that customers should be permitted to respond to price signals as do the utilities. He reported that programmable thermostats are readily available to customers that can turn air-conditioners on and off automatically during peak or critical peak times. He also noted that there are thermostats currently available that communicate with price signals from the utility company and that will automatically reduce use once a threshold price is reached. Therefore, time of use price signals and meters are not as inconvenient as some perceive.

Time of use rates are not about waking up in the middle of the night to do chores. Currently available technology allows residential customers to easily respond to price signals. Time of use rates are necessary for efficient allocation of electric generation resources. Residential customers cannot buy efficiently so as to meet their own needs and interests if they do not get price signals before they purchase.

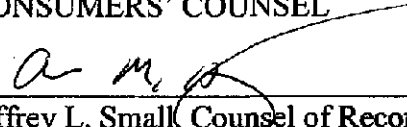
²⁴ Columbus Foundation Comments at 7.

III. CONCLUSION

OCC submits its Reply Comments to those of other parties in order to assist the Commission in the review of FirstEnergy's application. OCC appreciates the opportunity to provide its Reply Comments for the Commission's review and consideration. OCC's Reply Comments are directed at, *inter alia*, ensuring that Ohio's approximately 1.9 million residential consumers of the FirstEnergy electric utilities are provided adequate and reasonably priced generation as contemplated under S.B. 3.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Jeffrey L. Small, Counsel of Record
Ann M. Hotz
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (Telephone)
small@occ.state.oh.us
hotz@occ.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Reply Comments of the Office of the Ohio Consumers' Counsel* was served by first class United States Mail, postage prepaid, to the persons listed below, on this 12th day of October, 2007.


Ann M. Hotz
Assistant Consumers' Counsel

PERSONS SERVED

James W. Burk
Mark A. Hayden
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

Duane Luckey
Attorney General's Office
Public Utilities Commission of Ohio
180 East Broad Street, 9th Floor
Columbus, OH 43215

Richard L. Sites
General Counsel
Ohio Hospital Association
155 East Broad Street, 15th Fl.
Columbus, OH 43215-3620

David F. Boehm
Michael L. Kurtz
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Ste. 1510
Cincinnati, OH 45202

Attorney for Ohio Hospital Association

Attorneys for Ohio Energy Group

Trent A. Dougherty
1207 Grandview Ave., Ste. 201
Columbus, OH 43212

Marvin L. Resnik
Steven T. Nourse
AEP Service Corporation
1 Riverside Plaza, 29th Fl.
Columbus, OH 43215

Attorney for Ohio Environmental Council

Rick Giannantonio
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

Sally W. Bloomfield
Thomas J. O'Brien
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215-4291

Attorneys for Ohio Manufacturers'
Association

Samuel C. Randazzo
Lisa G. McAlister
Daniel J. Neilsen
Joseph M. Clark
McNees Wallace & Nurick LLC
21 East State Street, 17th Fl.
Columbus, OH 43215

Richard T. Stuebi
The Cleveland Foundation
1422 Euclid Ave., Ste. 1300
Cleveland, OH 44115

Attorneys for Industrial Energy Users-Ohio

Glenn S. Krassen
Bricker & Eckler LLP
1375 East Ninth St., Ste. 1500
Cleveland, OH 44115

William M. Ondrey Gruber
2714 Leighton Road
Shaker Heights, OH 44120

Attorney for Citizen Power

Attorney for Northeast Ohio Public Energy
Council

Leslie A. Kovacik
Kerry Bruce
420 Madison Ave., Ste. 100
Toledo, OH 43604-1219

Lance M. Keiffer
Assistant Prosecuting Attorney
711 Adams St., 2nd Fl.
Toledo, OH 43624-1680

Attorneys for the City of Toledo

Attorney for Lucas County

M. Howard Petricoff
Stephen M. Howard
Vorys, Sater, Seymour & Pease
P.O. Box 1008
Columbus, OH 43216-1008

Cynthia A. Fonner
Constellation Energy Group, Inc.
550 West Washington Blvd., Ste. 300
Chicago, IL 60661

Attorneys for Constellation NewEnergy,
Inc. and Constellation Energy
Commodities Group, Inc.

Divesh Gupta
Constellation Energy Group, Inc.
111 Market Place, Ste. 500
Baltimore, MD 21202

David C. Rinebolt
Colleen L. Mooney
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839-1793

Attorneys for Ohio Partners for Affordable
Energy

Stephen L. Huntoon
Senior Attorney
FPL Energy Power Marketing, Inc.
801 Pennsylvania Avenue, N.W.
Suite 220
Washington, D.C. 20004

David Applebaum
Director, Regulatory Affairs
FPL Energy Power Marketing, Inc.
21 Pardee Place
Ewing, NJ 08628

John Foreman
FPL Energy Power Marketing, Inc.
2 Ashleaf Court
Hockessin, DE 19707

Sean Boyle
FPL Energy Power Marketing, Inc.
700 Universe Boulevard
Juno Beach, FL 33408

Joseph P. Meissner
The Legal Aid Society of Cleveland
1223 West 6th Street
Cleveland, OH 44113

Andrew L. Ott
Susan M. Kelly
PJM
955 Jefferson Ave.
Norristown, PA 19403

Attorney for Neighborhood Environmental
Coalition, Consumers for Fair Utility Rates
Cleveland Housing Network and
The Empowerment Center of
Greater Cleveland