

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison :
Company, The Cleveland Electric Illuminating : Case No. 08-936-EL-SSO
Company and The Toledo Edison Company for :
Approval of a Market Rate Offer to Conduct a :
Competitive Bidding Process for Standard Service :
Offer Electric Generation Supply, Accounting :
Modifications Associated with Reconciliation :
Mechanism, and Tariffs for Generation Service. :

RECEIVED-DOCKETING DIV
2008 OCT -6 PM 3:08
PUCO

**POST-HEARING BRIEF
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Sheryl Creed Maxfield
First Assistant Attorney General

Duane W. Luckey
Section Chief

William L. Wright
John H. Jones
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793
614.466.4397 (telephone)
614.644.8764 (fax)
william.wright@puc.state.oh.us
john.jones@puc.state.oh.us

**Attorneys for the Staff of
The Public Utilities Commission of Ohio**

October 6, 2008

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 TM Date Processed 10/16/2008

TABLE OF CONTENTS

Page

INTRODUCTION.....	1
BACKGROUND AND LAW.....	2
DISCUSSION	5
A. Staff Witness Joseph Buckley.....	5
B. Staff Witness Raymond Strom.....	6
C. Staff Witness Robert Fortney.....	7
D. Statutory Compliance.....	8
CONCLUSION	15
PROOF OF SERVICE	16

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio Edison	:	
Company, The Cleveland Electric Illuminating	:	Case No. 08-936-EL-SSO
Company and The Toledo Edison Company for	:	
Approval of a Market Rate Offer to Conduct a	:	
Competitive Bidding Process for Standard Service	:	
Offer Electric Generation Supply, Accounting	:	
Modifications Associated with Reconciliation	:	
Mechanism, and Tariffs for Generation Service.	:	

**POST-HEARING BRIEF
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

INTRODUCTION

This case focuses upon the market rate offer application (MRO) made by the FirstEnergy Operating Companies (FE or FirstEnergy) to establish a standard service offer for electric generation service through a competitive procurement process. This filing is made under R.C. 4928.142 and must meet a number of statutory requirements and comply with all applicable Commission rules. For the reasons that follow, the Staff believes that FE's MRO application does not meet all requirements and Staff therefore recommends that the Commission not approve it at this time.

BACKGROUND AND LAW

On July 31, 2008, the FirstEnergy Ohio Operating Companies¹ filed simultaneous applications under new S.B. No. 221. Under the new law, Ohio electric distribution utilities (EDUs) must, effective January 1, 2009, provide a standard service offer (SSO) that includes a firm supply of electricity. An SSO for electric generation service may be established either through a market rate offer (MRO) under R.C. 4928.142 or through an electric security plan (ESP) under R.C. 4928.143. An EDU may apply simultaneously under *both* statutes.² Under R.C. 4928.141(B) the Commission is empowered to establish a procedural and hearing schedule for each filing and to adopt rules governing the filings. Adjudicatory hearings were held over six days commencing on September 16, 2008, during which time extensive evidence, including testimony from numerous witnesses, was taken. Statutory deadlines created under R.C. 4928.142 dictated that the MRO filing be heard and adjudicated by the Commission first. This brief addresses only FE's MRO filing.

FE's MRO proposal is being advanced as a means for establishing market-based retail rates. Under the new law, a MRO shall be determined through a competitive bidding process that must provide for all of the following:

¹ These include Toledo Edison Company, The Cleveland Electric Illuminating Company, and Ohio Edison Company.

² Ohio Rev. Code Ann. § 4928.141 (Anderson 2008).

(1) The market-rate offer shall be determined through a competitive bidding process that provides for all of the following:

(a) Open, fair, and transparent competitive solicitation;

(b) Clear product definition;

(c) Standardized bid evaluation criteria;

(d) Oversight by an independent third party that shall design the solicitation, administer the bidding, and ensure that the criteria specified in division (A)(1)(a) to (c) of this section are met;

(e) Evaluation of the submitted bids prior to the selection of the least-cost bid winner or winners.³

S.B. 221 permits an EDU to file its MRO application prior to the effective date of Commission rules. This is what FE did. However, under R.C. 4928.142(B), the MRO application filing must still conform to final rules subsequently adopted by the Commission.⁴ The MRO application must also affirmatively demonstrate that:

(1) The electric distribution utility or its transmission service affiliate belongs to at least one regional transmission organization that has been approved by the federal energy regulatory commission; or there otherwise is comparable and non-discriminatory access to the electric transmission grid.

(2) Any such regional transmission organization has a market-monitor function and the ability to take actions to identify and mitigate market power or the electric distribution utility's market conduct; or a similar market monitoring function exists with commensurate ability to identify and monitor market conditions and mitigate conduct associated with the exercise of market power.

³ Ohio Rev. Code Ann. § 4928.142(A)(1) (Anderson 2008).

⁴ The Commission approved new rules on September 17, 2008 addressing standard service offer, corporate separation, reasonable arrangements, and other matters. *See In re Adoption of Rules*, Case No. 08-777-EL-ORD (Finding and Order) (September 17, 2008). The Staff requests that the Commission take administrative notice of its finding and order and the attached rules adopted in that docket.

(3) A published source of information is available publicly or through subscription that identifies pricing information for traded electricity on-and off-peak energy products that are contracts for delivery beginning at least two years from the date of the publication and is updated on a regular basis.⁵

The law directs that the Commission issue a determination on an MRO filing within 90 days of the application file date. Procedurally, if the Commission issues a “negative” finding on one or more requirements, the EDU is provided an opportunity to correct or cure the deficiency pursuant to instructions from the Commission. Alternatively, the EDU may withdraw its MRO filing at this point. Where, as here, the EDU has made a simultaneous filing and where the EDU also successfully cures any deficiencies in its application and obtains a positive finding from the Commission, a competitive bid may not be initiated until at least 150 days have elapsed from the filing date of the MRO application.⁶ Finally, upon completion of the competitive bid process, the Commission is empowered to select the least-cost bid winner(s) and, once converted to a retail price, that pricing shall serve as the EDU’s SSO unless the Commission finds, within three days of conclusion of the competitive bid process (CBP), that one or more of the following criteria were not met:

(1) Each portion of the bidding process was oversubscribed, such that the amount of supply bid upon was greater than the amount of the load bid out.

(2) There were four or more bidders.

⁵ *In re Adoption of Rules*, Case No. 08-777-EL-ORD (Finding and Order) (September 17, 2008).

⁶ Ohio Rev. Code Ann. § 4928.142(B)(3) (Anderson 2008).

(3) At least twenty-five per cent of the load is bid upon by one or more persons other than the electric distribution utility.

S.B. 221 establishes other requirements that also must be cleared before the Commission can ultimately approve FE's MRO filing. Again, the law requires that the MRO filing comport with all applicable Commission rules. The condensed time frame has only recently allowed the Commission to approve rules. The Staff believes that FE's MRO filing does not meet all requirements of the new rules adopted by the Commission recently in Case No. 08-777-EL-ORD. Additionally, the Staff believes that the record raises serious questions regarding compliance of FE's MRO filing with the requirements of R.C. 4928.142(B). Based upon the current record, the Staff cannot recommend, and it respectfully requests that the Commission not approve FE's MRO application at this time.

DISCUSSION

A. Staff Witness Joseph Buckley

Newly approved Chapter 4901:1-37 of the Ohio Administrative Code requires that each EDU file an updated corporate separation plan (CSP) application for Commission approval.⁷ Once approved, the utility is required to maintain a current version of its CSP on file with the Commission in its "TRF" docket.⁸ FE has not yet done this. Unless and

⁷ Prefiled Testimony of J. Buckley at 3; *see new* O.A.C. § 4901:1-37-05 (Anderson 2008), *In re Adoption of Rules*, Case No. 08-777-EL-ORD (Finding and Order) (September 17, 2008) (copy attached as Appendix A).

⁸ Prefiled Testimony of J. Buckley at 3.

until FE conforms its MRO application to the new rules, the Staff recommends that the Commission not approve that application.

B. Staff Witness Raymond Strom

Staff witness Raymond Strom identified several examples of how FE's MRO application fails to fully comply with the new competitive bidding rules recently adopted in Case No. 08-777-EL-ORD.⁹ For example, the recently-adopted rules require the FE companies to provide detailed customer load information as part of the MRO application.¹⁰ FE has proposed to provide at least some of this information on their website data room but not until October 30, 2008 and likely after the Commission will have issued its order in this case.¹¹ Additionally, Mr. Strom pointed out that the new rules include provisions regarding matters described in R.C. 4928.02, including time-differentiated and dynamic retail pricing, as well as EDU participation in day-ahead or real-time balancing markets.¹² FE must supplement its MRO application filing to bring it into compliance with the new rules and with Ohio law. Thus, Mr. Strom recommends that the Commission reject FE's present MRO proposal at this time.¹³

⁹ Prefiled Testimony of R. Strom at 2-3.

¹⁰ See new Ohio Admin. Code § 4901:35-03(B)(2)(e) (Anderson 2008), *In re Adoption of Rules for SSO, CSP, etc.*, Case No. 08-777-EL-ORD (Finding and Order) (September 17, 2008) (copy attached as Appendix A).

¹¹ Prefiled Direct Testimony of J. Reitzes at 8 (referencing CBP Timetable in Exhibit H to FE application).

¹² Ohio Admin. Code § 4901:35-03(B)(2)(i) and (m) (Anderson 2008), *In re Adoption of Rules for SSO, CSP, etc.*, Case No. 08-777-EL-ORD (Finding and Order) (September 17, 2008) (copy attached as Appendix A).

¹³ Prefiled Testimony of R. Strom at 3.

C. Staff Witness Robert Fortney

Staff rates and tariffs expert Robert Fortney submitted testimony addressing and making recommendations regarding the cost-recovery true-up rider or “Rider CRT” proposed by FE and sponsored by its witness Kevin Norris. As proposed by FE, the rider would be adjusted quarterly to account for differences between generation revenues and costs during the preceding quarter.¹⁴ Expenses that FE proposes to recover through Rider CRT include: (1) any competitive bidding process expenses not recovered through the tranche fees paid by the supplier; (2) uncollectible amounts associated with generation service; and, (3) delta revenues associated with any economic development schedules, energy efficiency schedules, reasonable arrangements, governmental special contracts, and unique arrangements.¹⁵ The CRT Rider that CEI proposes also has a component to reflect the delta revenue resulting from previously-extended CEI special contracts.¹⁶ Additionally, FE proposes to recover future costs related to alternative energy resources through the rider.¹⁷ FE advocates that Rider CRT be unavoidable; that is, all customers should pay these costs regardless of who their generation supplier is.¹⁸

Factually, Staff submits that FE has failed to support the appropriateness of recovery for cost items (1) and 2) listed above. Beyond that, Mr. Fortney argues that recovery

¹⁴ Prefiled Testimony of R. Fortney at 2.

¹⁵ Prefiled Testimony of K. Norris at 5-6.

¹⁶ *Id.* at 6-7.

¹⁷ Prefiled Testimony of R. Fortney at 2.

¹⁸ *Id.* at 3.

of so-called delta revenue is not proper in this case. Instead, he recommends that delta revenue-related costs be removed from Rider CRT,¹⁹ and that delta revenue recovery be the subject of a separate FE application filed in accordance with the new O.A.C. Chapter 4901:1-38, Reasonable Arrangements rules. The Commission should determine the appropriate level of delta revenue recovery after review of FE's application in that case.²⁰

Additionally, Mr. Fortney recommends that the remaining costs proposed for recovery through Rider CRT, because they are all *generation*-related costs,²¹ should be *avoidable* for customers who take their generation service from an alternative, competitive supplier (*i.e.* a CRES provider).²² FE does not dispute this. Both FE witnesses Norris and Ridmann acknowledged that the CRT cost categories are generation-related, consistent with Mr. Fortney's determination.²³

In light of Mr. Fortney's recommendations, the Staff does not recommend Commission approval of FE's proposed MRO filing.

D. Statutory Compliance

R.C. 4928.142 requires that FE must demonstrate, among other things, that it or its transmission affiliate, American Transmission Systems, Inc. or "ATSI," belongs to a

¹⁹ Prefiled Testimony of R. Fortney at 3.

²⁰ Staff is unaware of any mechanism available under R.C. 4928.142 that would permit recovery of delta revenue as part of FE's MRO.

²¹ Tr. I at 208, 210.

²² Prefiled Testimony of R. Fortney at 3.

²³ Tr. I at 208, 210; Tr. V at 43.

FERC-approved regional transmission organization (RTO). ATSI belongs to the Midwest Independent Transmission System Operator (MISO) organization and thus meets this requirement. Under R.C. 4928.142(B)(2), FE must also demonstrate that:

(2) Any such regional transmission organization has a market-monitor function *and* the ability to take actions to identify and mitigate market power or the electric distribution utility's market conduct; or a similar market monitoring function exists with commensurate ability to identify and monitor market conditions and mitigate conduct associated with the exercise of market power.²⁴

Thus, under Ohio law, there must be both a market monitor function and it must be real – that is to say, the market monitor function must include the authority to act, both to identify and to mitigate market power or abusive market conduct by electric distribution utilities.

In its attempt to demonstrate compliance with this specific requirement, FE's Application at ¶ 13 provides in cursory, conclusory fashion:

MISO has a market monitor function and the ability to take actions to identify and mitigate market power or the electric distribution utility's market conduct. In the 2001 Order cited above, FERC found that the Midwest ISO's proposed market monitoring function met the requirements of FERC Order No. 2000. More recently, FERC found that Module D of the Midwest ISO Transmission and Energy Market Tariff dealing with the market monitoring function complied with the Commission's Policy Statement on Market Monitoring Units.²⁵

²⁴ Ohio Rev. Code Ann. § 4928.142(B)(2) (Anderson 2008) (emphasis added).

²⁵ *In re FirstEnergy Companies*, Case No. 08-936-EL-SSO (Application) (July 31, 2008).

Staff maintains that FE's MRO application falls short in meeting the requirements of R.C. 4928.142(B)(2) in that FE is sufficiently vague and ambiguous in delineating what entity (the Market Monitor or the RTO itself) is responsible for mitigating market power. Specifically, the application is unclear as to whether FE is asserting that the RTO has sole mitigation authority or whether mitigation is entrusted to the Market Monitor Unit (MMU) or both.

The Federal Energy Regulatory Commission (FERC) presently has an open case, Docket Nos. RM07-19 and AD07-7,²⁶ in which these and related issues may be decided. Until FERC issues its final decision in this case and resolves the attendant uncertainty regarding market monitor issues, Staff cannot recommend approval of FE's MRO application.

In the above-referenced investigation, FERC is proposing, among other things, to move mitigation authority from the MMU and place that responsibility solely with the RTO. FERC asserts that the operational activities affecting the market, including mitigation, are more properly performed by RTO's and ISO's themselves as part of their responsibility to administer their FERC-approved tariffs.²⁷ FERC asserts that MMUs should refrain from all of the following: tariff administration; participation in RTO/ISO market operation; and taking direct actions to influence the market. FERC contends that

²⁶ *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (Advance Notice of Proposed Rulemaking (ANOPR)) (June 22, 2007) and (Notice of Proposed Rulemaking (NOPR)) (February 22, 2008).

²⁷ *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (ANOPR at ¶ 119) (June 22, 2007).

MMU's should, instead, concentrate on their role of providing market evaluation, reports, and advice.²⁸ If FERC moves forward with its proposal on this matter, which it has set forth and affirmed through its Advanced Notice of Proposed Rulemaking (ANOPR) and a subsequent Notice of Proposed Rulemaking (NOPR), Staff maintains that it should be incumbent upon FE to amend its application to demonstrate thoroughly how the RTO can effectively impose mitigation on its member companies, that is to say, how it can effectively exercise the authority delineated in R.C. 4928.142(B)(2).

R.C. 4928.142 contemplates that the market monitor function will encompass both the authority to identify and *act* to mitigate market power abuses. To effectively carry out this responsibility, the market monitor function must be performed by a market monitor unit or "MMU," rather than MISO itself, which may be reluctant to police its own members. Staff is very concerned that this requirement cannot be met. This concern is not new. In a different FE case before the Ohio Commission, the Staff submitted comments that highlighted its concern on this subject.²⁹ In those comments, the Staff noted that ineffective FERC response to the market monitor unit's reports of market failures compromises the important need for MMUs to operate independently and with critically-needed full and free access to relevant data and information if the MMU function is to be effective.³⁰ The concern is heightened because the MMU derives its authority from

²⁸ *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (ANOPR at ¶ 119) (June 22, 2007).

²⁹ *In re FirstEnergy*, Case No. 07-797-EL-ATA (Staff Comments) (September 21, 2007).

³⁰ *Id.* at 15-16.

the tariffs developed by MISO and approved by the FERC as pointed out by IEU-Ohio witness Kevin Murray.³¹

The Ohio Commission has spoken on this subject through comments submitted in pending FERC dockets RM07-19 and AD07-7 on this matter. Those comments reflected, among other things:

- that the MMU should possess the authority to recommend remedies and/or sanctions to FERC regarding those manipulating or attempting to manipulate the market;³²
- that the MMU must be autonomous;³³
- that mitigation and referrals should occur under the MMU for each RTO or ISO;³⁴ and,
- that mitigation imposed by the MMU is appropriate because the ISO will not be expected to impose enforcement measures upon its market participant customers, which creates a potential conflict of interest.³⁵

In contrast, FE filed comments with FERC that support a shift of the market monitoring mitigation function to the RTO for enforcement, while reducing the MMU to an observer/reporter role, as follows:

³¹ Tr. III at 66-67, 71; *see also* Prefiled Testimony of K. Murray.

³² *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (Ohio Commission ANOPR Comments at 21) (September 14, 2007).

³³ *Id.* at 12.

³⁴ *Id.* at 20.

³⁵ *Id.* at 21.

- reviewing and reporting on the performance of the wholesale markets;³⁶
- identifying ineffective market rules and tariff provisions and recommending changes to both the RTO and to FERC staff;³⁷
- identifying and notifying the FERC staff of instances in which a market participant's behavior may require investigation;³⁸ and,
- that the role of the market monitor should be focused upon key market activities, and not expanded to tariff administration or enforcement of standards of conduct or conduct of conduct.³⁹

The Commission believes that removing the mitigation function from the MMU and placing it, instead, with the RTO would prove less effective than the market monitor performing this function and, Staff believes, would constitute a structure that likely falls short of compliance with Ohio law.

Alternatively, if FE's application was meant to reflect that the RTO (MISO) is currently entrusted with sole authority to impose mitigation, and not the Market Monitor, Staff recommends that the Commission require that the application be updated and modified to demonstrate systematically how the RTO will effectively impose mitigation upon its member company customers. Again, this result is compelled under R.C.

4928.142(B)(2). As noted above, the Commission's comments to FERC regarding this matter reflect that mitigation should not be solely entrusted to the RTO because there is a

³⁶ *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (FirstEnergy Service Company Comments at 10) (April 18, 2008).

³⁷ *Id.*

³⁸ *Id.* at 6; *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (Ohio Commission ANOPR Comments at 21) (September 14, 2007).

³⁹ *Wholesale Competition in Regions with Organized Electric Markets*, FERC Docket Nos. RM07-19 and AD07-7 (FirstEnergy Service Company Comments at 4) (April 18, 2008).

potential conflict of interest by requiring the RTO to impose mitigation on its own member companies.⁴⁰ This conflict of interest is perhaps exacerbated in that membership in a particular RTO is optional. Consequently, the mere implied threat of a member company exiting could result in a less effective mitigation function if performed by the RTO itself.

At best, the pending FERC docket creates significant uncertainty as to what entity will eventually exercise mitigation and whether the authority to identify and address market conduct abuses can and will be carried out effectively. This, in turn, raises serious questions regarding whether FE's MRO application complies with Ohio statutory requirements that must be met for the Commission to approve it. The uncertainty is too great, and the stakes too high, for Staff to opine that FE's MRO meets this important statutory requirement.

Based upon the pendency of FERC Docket Nos. RM07-19 and AD07-7, the Staff is unable to conclude that FE's MRO application meets the requirements of R.C. 4928.142. Therefore, the Staff recommends that the Commission not approve the application at this time.

⁴⁰

Wholesale Competition in Regions with Organized Electric Markets, FERC Docket Nos. RM07-19 and AD07-7 (Ohio Commission ANOPR Comments at 20-27) (September 14, 2007); (Ohio Commission NOPR Comments at 25) (April 21, 2007)

CONCLUSION

Based upon the foregoing, the Staff respectfully recommends that the Commission not approve FE's MRO application at this time.

Sheryl Creed Maxfield
First Assistant Attorney General

Duane W. Luckey
Section Chief



William L. Wright

John H. Jones
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793
614.466.4397 (telephone)
614.644.8764 (fax)
william.wright@puc.state.oh.us
john.jones@puc.state.oh.us

Attorneys for the Staff of
The Public Utilities Commission of Ohio

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Post-Hearing Brief submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, hand-delivered, and/or delivered via electronic mail, upon the following parties of record, this 6th day of October, 2008.



John H. Jones
Assistant Attorney General

Parties of Record:

Jeffrey Small
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215
small@occ.state.oh.us

Langdon Bell
Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215-3900
barthroyer@aol.com
lbell33@aol.com

M. Howard Petricoff
Stephen Howard
Vorys Sater Seymour & Pease
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008
mhpetricoff@vssp.com
showard@vssp.com

James Burk
Arthur Korkosz
Mark A. Hayden
Ebony Miller
FirstEnergy Service Company
76 Main Street
Akron, OH 44308-1890
burkj@firstenergycorp.com
korkosza@firstenergycorp.com
haydenm@firstenergycorp.com
elmiller@firstenergycorp.com

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

Cynthia A. Fonner
David Fein
Constellation Energy Group, Inc.
550 West Washington Street
Suite 300
Chicago, IL 60661
david.fein@constellation.com
cynthia.a.fonner@constellation.com

David Rinebolt
Ohio Partners for Affordable Energy
P.O. Box 1793
Findlay, OH 45839-1793
drinebolt@aol.com

Lisa McAlister
Daniel J. Neilsen
Samuel C. Randazzo
Joseph M. Clark
McNees Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215-4228
lmcalister@mwncmh.com
dneilsen@mwncmh.com
srandazzo@mwncmh.com
jclark@mwncmh.com

Sheilah McAdams
City of Maumee
204 West Wayne Street
Maumee, OH 43537
sheilahmc@aol.com

Matthew S. White
Chester, Willcox & Saxbe
65 East State Street, Suite 1000
Columbus, OH 43215
mwhite@cwslaw.com

Lance Keiffer
Lucas County Commissioners
711 Adams 2nd Floor
Toledo, OH 43624
lkeiffer@co.lucas.oh.us

Henry Eckhart
Attorney at Law
50 West Broad Street
Suite 2117
Columbus, OH 43215-3301
henryeckhart@aol.com

Brian J. Ballenger
Ballenger & Moore Co.
3401 Woodville Road
Suite C
Toledo, OH 43619
ballengerlawbjb@sbcglobal.net

Craig Goodman
National Energy Marketers Assn.
3333 K Street N.W. Suite 110
Washington, D.C. 20007
cgoodman@energymarketers.com

Garrett Stone
Brickfield, Burchette, Ritts & Stone
1025 Thomas Jefferson Street, N.W.
8th Floor West Tower
Washington, D.C. 20007
gas@bbrslaw.com

John Bentine
Mark Yurick
Chester, Willcox & Saxbe
65 East State Street, Suite 1000
Columbus, OH 43215-4213
jbentine@cwslaw.com
myurick@cwslaw.com

Damon E. Xenopoulos
Brickfield, Burchette, Ritts & Stone
1025 Thomas Jefferson Street N.W.
8th Floor West Tower
Washington, D.C. 20007
dex@bbrslaw.com

Douglas M. Mancino
McDermott Will & Emery
2049 Century Park East, Suite 3800
Los Angeles, CA 90067
dmancino@mwe.com

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620
ricks@ohanet.org

David A. Muntean
Sean W. Vollman
Max Rothal
161 South High Street, Suite 202
Akron, OH 44308
munteda@ci.akron.oh.us
vollmse@ci.akron.oh.us

Gregory K. Lawrence
McDermott Will & Emery
28 State Street
Boston, MA 02109
glawrence@mwe.com

Steve Millard
Council of Smaller Enterprises
100 Public Square
Suite 201
Cleveland, OH 44113
smillard@cose.org

Leslie A. Kovacik
City of Toledo
Department of Law
420 Madison Avenue, 4th Floor
Toledo, OH 43604-1219
leslie.kovacik@toledo.oh.gov

Craig I. Smith
2824 Coventry Road
Cleveland, OH 44120
wis29@yahoo.com

Glenn Krassen
E. Brett Breitschwerdt
Bricker & Eckler
1375 East Ninth Street, Suite 1500
Cleveland, OH 44114-1718
gkrassen@bricker.com
ebreitschwerdt@bricker.com

Gregory H. Dunn
Andre T. Porter
Christopher Miller
Schottenstein Zox & Dunn
250 West Street
Columbus, OH 43215
gdunn@szd.com
cmiller@szd.com
aporter@szd.com

Nicholas C. York
Eric D. Weldele
Tucker Ellis & West
1225 Huntington Center
41 South High Street
Columbus, OH 43215
nicholas.york@tuckerellis.com
eric.weldele@tuckerellis.com

Theodore S. Robinson
Citizen Power
2121 Murray Avenue
Pittsburgh, PA 15217
robinson@citizenpower.com

F. Mitchell Dutton
FPL Energy Power Marketing, Inc.
700 Universe Boulevard
CTR/JB
Juno Beach, FL 33408
mitch.dutton@fpl.com

Larry R. Gearhardt
Ohio Farm Bureau Federation
280 North High Street
P.O. Box 182383
Columbus, OH 43218-2383
lgearhardt@ofbf.org

Joseph P. Meissner
Legal Aid Society of Cleveland
1223 West 6th Street
Cleveland, OH 44113
jpmessn@lasclev.org

Nolan Moser
Air & Energy Program Manager
The Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, OH 43212-3449
nolan@theOEC.org

Dane Stinson
Bailey Cavalieri
10 West Broad Street, Suite 2100
Columbus, OH 43215-3422
dane.stinson@baileycavalieri.com