

FILE

2009 JAN 20 PM 3:11  
PUCO

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of a Commission Investigation )  
Into the Reliability of the Electric ) Case No. 08-1299-EL-UNC  
Distribution Service Provided by Ohio's )  
Investor-Owned Electric Companies. )

---

**REPLY TO COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO  
POWER COMPANY'S  
MEMORANDUM CONTRA CONSUMERS FOR RELIABLE  
ELECTRICITY IN OHIO'S REQUEST FOR AN INVESTIGATION  
BY  
THE CONSUMERS FOR RELIABLE ELECTRICITY IN OHIO**

---

**I. INTRODUCTION**

On December 15, 2008, the Office of the Ohio Consumers' Counsel ("OCC"), AARP Ohio, Pro Seniors, Inc., the Edgemont Neighborhood Coalition, Appalachian People's Action Coalition, the May Dugan Center, the Ohio Farm Bureau Federation, the Ohio Farmers Union, the Northwest Ohio Aggregation Coalition, and the Citizens Coalition – comprised of Citizens for Fair Utility Rates, the Neighborhood Environmental Coalition, the Cleveland Housing Network, and the Empowerment Center for Greater Cleveland (collectively "Consumers for Reliable Electricity in Ohio" or "CREO"), on behalf of the 4.5 million residential households of Ohio's electric distribution utilities ("EDUs"), filed a Request for Investigation with the Public Utilities Commission of Ohio ("Commission" or "PUCO"). CREO did ask the Commission to order an investigation and conduct hearings regarding the reliability of the distribution service

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 Ann Date Processed 1/21/09

provided to customers by all of Ohio's electric utilities.<sup>1</sup> CREO did not ask the Commission to rewrite any pending rules on reliability.

On January 6, 2009, the Columbus Southern Power Company and Ohio Power Company (collectively "AEP Ohio" or "Companies") filed a Memorandum Contra CREO's Request for Investigation. CREO hereby replies to AEP Ohio's Memorandum Contra.<sup>2</sup>

## **II. AEP OHIO'S MEMORANDUM CONTRA DOES NOT ADDRESS THE MERITS OF CREO'S REQUEST FOR INVESTIGATION.**

### **A. The Magnitude Of The Outages Requires More Than A Business-As-Usual Response.**

The scope and duration of the outages experienced by customers (as CREO noted in its Request for Investigation) was excessive by any measure.<sup>3</sup> Approximately 700,000 of AEP Ohio's customers lost service as a result of the storm, and service was not restored for all customers for up to a week. Despite the magnitude of the outages and problems arising from the storms, AEP Ohio has responded with a business-as-usual approach that would sweep the problem under the rug, rather than embracing an overall review of the service quality and reliability offered to its customers.

That AEP Ohio does not take the situation seriously is exemplified by the fact that it is critical of the CREO's use of newspaper articles or editorials as a source for many of

---

<sup>1</sup> Request for an Investigation at 1.

<sup>2</sup> For purposes of this Reply, CREO consists of the Office of the Ohio Consumers' Counsel ("OCC"), AARP Ohio, Pro Seniors, Inc., the Edgemont Neighborhood Coalition, Appalachian People's Action Coalition, the May Dugan Center, the Ohio Farm Bureau Federation, the Northwest Ohio Aggregation Coalition, and the Citizens Coalition – comprised of Citizens for Fair Utility Rates, the Neighborhood Environmental Coalition, the Cleveland Housing Network, and the Empowerment Center for Greater Cleveland.

<sup>3</sup> Request for Investigation at 1.

the concerns spelled out in the Request for an Investigation.<sup>4</sup> Despite this criticism, it is noteworthy that AEP Ohio does not dispute the accuracy or magnitude of the problems identified in those twenty-one footnotes. Thus, rather than address the underlying issue or problems, AEP Ohio chose to obfuscate.

This pattern of obfuscation is further exemplified by its argument entitled “Failure to Recognize the Active Role of the Commission,” at pages 4-10 of the AEP Ohio Memorandum Contra. CREO does not deny that the Commission has an important active oversight role in ensuring the service quality and reliability of electric utilities. However, whereas AEP Ohio hides behind that role in an attempt to keep the issue in the background and out of the transparency of a Commission Investigation, CREO is requesting an overall and public review of AEP Ohio’s service reliability in order to ensure that reliability does not take a back seat to profits.

This magnitude of this problem is significant and justifies the call for some formal review of AEP Ohio’s reliability and the reasons underlying the problems experienced by customers. It because of this very result that an investigation of AEP Ohio’s overall service reliability is not only appropriate, but necessary. AEP Ohio’s customers have the right to know whether they are receiving the reliable service they pay for and are entitled to.

AEP’s Memorandum Contra does not address the need CREO documented for an investigation of its distribution system reliability in Ohio. While CREO’s Request for Investigation cited the windstorm of September 14, 2008 as a triggering event for the need for an investigation of electric reliability in Ohio, CREO emphasized that an

---

<sup>4</sup> AEP Ohio Memorandum Contra at 2.

investigation was overdue.<sup>5</sup> As clearly pointed out in CREO's Request for Investigation,<sup>6</sup> Ohio law requires that the Commission "shall review" electric distribution utilities' annual Electric Service and Safety Standards ("ESSS") compliance reports in a "proceeding initiated under division (B) of section 4928.16 of the Revised Code."<sup>7</sup> The annual reports referenced above are currently filed pursuant to Ohio Adm. Code 4901:1-10-26(A). AEP and Ohio's other electric distribution utilities have not been subject to such a proceeding -- and such a proceeding is long overdue to ensure the protection of consumers. CREO is not alone in its concerns regarding AEP's electric system distribution reliability. AEP Ohio's reliability is also being questioned in a formal complaint filed recently at the PUCO by a large industrial customer of the Companies.<sup>8</sup>

Finally, the Ohio General Assembly charged the PUCO with the responsibility to ensure that electric utilities provide "necessary and adequate" service to Ohio consumers and businesses.<sup>9</sup> An investigation into the reliability of the electric distribution service of AEP Ohio will assist in ensuring the public that the Company is providing such adequate service.

---

<sup>5</sup> Request for an Investigation at 2.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> R.C. 4928.11(B).

<sup>8</sup> In re the Complaint of E.I. DuPont de Nemours and Company v. Columbus Southern Power Company, Case No. 09-0013-EL-CSS, Complaint (January 8, 2009).

<sup>9</sup> R.C. 4905.22.

**B. The Request for An Investigation Does Not Attempt To Displace The Commission's Role As A Regulator Of Public Utilities.**

AEP Ohio Claims that the CREO Request for an Investigation is an attempt to displace the PUCO's role as a regulator of public utilities.<sup>10</sup> AEP Ohio could not be more wrong. CREO is emphasizing the PUCO's regulatory role. It is absurd to claim that CREO, by asking the PUCO to investigate AEP Ohio's service reliability, is somehow attempting to displace the Commission's role as a regulator of public utilities. In fact, the Request for an Investigation is premised on the Commission's role as a regulator of public utilities. CREO is simply asking the PUCO to do what AEP Ohio actually acknowledged -- to regulate a public utility -- in this case the electric distribution utilities ("EDU's") including AEP Ohio.

**III. THE REQUEST FOR AN INVESTIGATION IS NOT A COLLATERAL ATTACK.**

AEP Ohio's protestation aside, the CREO Request for an Investigation is not a collateral attack on Administrative Rules, for a number of reasons. First of all, the rules are a more generic approach to the issue of service reliability for all of the electric utilities in Ohio, and address all aspects of service reliability. CREO's Request for an Investigation is more focused on the specific reliability issues and problems identified by the wind storms and what steps -- if any -- could have and should have been taken to mitigate the impact of the storms on service reliability in the service territories of AEP Ohio and other EDU's.

---

<sup>10</sup> AEP Ohio Memorandum Contra at 1.

Secondly, CREO's Request for an Investigation does not specifically challenge the rules that resulted from the pending rulemaking in PUCO Case No. 06-653-EL-ORD. Rather, the Request for Investigation questions how the utilities are performing under the ESSS and whether some rules should be amended pending the outcome of a Commission investigation. AEP Ohio alleges that the Request for an Investigation is a collateral attack on those rules. But that is not the case inasmuch as the rulemaking is still pending and no final rules have been issued or implemented.<sup>11</sup> In addressing collateral attacks, the Ohio Supreme Court has stated that "In our jurisprudence, there is a firm and longstanding principle that final judgments are meant to be just that—final."<sup>12</sup> In this instance the Commission granted Rehearing for the purpose of giving itself more time for further consideration.<sup>13</sup> Thus the rules have not been finalized by the PUCO. Accordingly the rules have not yet undergone review by the Joint Committee on Agency Rule Review ("JCARR"), which is necessary before the rules can become final.<sup>14</sup> Even if the rules were final, it is not unusual for the PUCO to entertain what might be considered collateral issues regarding its orders and rules. For example, in a recent case the PUCO allowed AT&T (and others) to contest the limitations on disconnection of customers' bundled telephone services for nonpayment of those services, which resulted in the PUCO changing its rule in favor of the utilities.<sup>15</sup>

---

<sup>11</sup> *In the Matter of the Commission's Review of Chapters 4901:1-9, 4901:1-10, 4901:1-21, 4901:1-22, 4901:1-23, 4901:1-24, 4901:1-25 of the Ohio Administrative Code*, Case No. 06-653-EL-ORD, Entry on Rehearing (December 17, 2008).

<sup>12</sup> *Ohio Pyro v. Ohio Dept. of Commerce* (2007), 115 Ohio St. 3d 375, 380-381.

<sup>13</sup> Case No. 06-653-EL-ORD, Entry on Rehearing at 1.

<sup>14</sup> Joint Committee on Agency Rules Review Procedures Manual (Revised January 8, 2008) at 17.

<sup>15</sup> *In re the Commission's Review of the Minimum Telephone Service Standards as Set Forth in Chapter 4901:1-5 of the Ohio Administrative Code*, Case No. 00-1265-TP-ORD et al., Finding and Order (November 5, 2008) at 2.

Third, the Request for an Investigation is not a collateral attack because it addresses the specific question of whether the damages caused by the wind storm were sufficiently mitigated by proper maintenance or whether AEP Ohio improperly cut back on necessary maintenance including vegetation management in order to maximize shareholders profits. The Request for an Investigation requests only that the PUCO consider amending certain of the pending the outcome of its investigation. The Request for an Investigation presents the Commission with an opportunity to address certain issues based on real world examples and implications rather than simple hypotheticals.

Moreover to the extent that AEP Ohio alleges that CREO is collaterally attacking the existing PUCO rules,<sup>16</sup> AEP Ohio is mischaracterizing the Request for an Investigation. For example on page 6 of the Request for an Investigation, CREO asked the PUCO to ensure that AEP Ohio has complied with the rules and not to review or rewrite them. On page 26 of the Request for an investigation, CREO asked the PUCO to ensure that AEP Ohio was in compliance with the rules and that the rules were able to address the type of damages and fallout actually experienced from the wind storm.

Fourth, AEP Ohio seems to ignore the distinction between a Commission Ordered Investigation and a Complaint pursuant to R.C. 4905.26.<sup>17</sup> The CREO Request for an Investigation is not an R.C. 4905.26 Complaint, although CREO does retain the right to file such a Complaint in the future if one is deemed to be appropriate. Moreover the Request for an Investigation is not asking the Commission to rewrite its rules. CREO is requesting the Commission to investigate the actions taken -- or perhaps more

---

<sup>16</sup> AEP Ohio Memorandum Contra at 3.

<sup>17</sup> AEP Ohio Memorandum Contra at 1.

appropriately -- the actions not taken by AEP Ohio to ensure service quality and reliability for customers as required by R.C. 4928.02(A).<sup>18</sup>

AEP Ohio further argues that because CREO in this case is a subset of the Ohio Consumer and Environmental Advocates (“OCEA”), the Request for an Investigation is a collateral attack.<sup>19</sup> AEP Ohio goes on to argue that the makeup of CREO is crucial because the group is similar to the coalition requesting changes to the structure of the rules in Case No. 06-653-EL-ORD.<sup>20</sup> Whether there is any overlapping membership among the groups that comprise OCEA and CREO is wholly irrelevant to the question of whether this proceeding is a collateral attack and such misdirection only seeks to obscure the true issue in dispute that forms the foundation of this filing.

#### **IV. THE REQUEST FOR AN INVESTIGATION IS NOT BARRED BY *RES JUDICATA*.**

AEP Ohio alleges that the Request for Investigation is barred by the doctrine of *res judicata*. However, AEP Ohio fails to list the elements of *res judicata* for the Commission’s consideration and provide any discussion of how the filing of the Request for Investigation meets the elements under Ohio law. AEP Ohio’s argument, and the lack of case law supporting the argument, does not support the Companies’ claim of *res judicata*. A review of the doctrine of *res judicata*, as established in Ohio case law and outlined below, clearly shows that the Request for Investigation is not barred.

The practical effect of *res judicata* is to prevent a plaintiff from suing the defendant a second time on any theory which is based on the same nucleus of facts. In

---

<sup>18</sup> Request for an Investigation at 5.

<sup>19</sup> AEP Ohio Memorandum Contra at 2.

<sup>20</sup> AEP Ohio Memorandum Contra at 2.



*Grava v. Parkman Township* (1995), 73 Ohio St. 3d 379, 382 the Supreme Court of Ohio held that “a valid, final judgment rendered upon the merits bars all subsequent actions based upon any claim arising out of the transaction or occurrence that was the subject matter of the previous action.” The four elements of claim preclusion in Ohio are: “(1) A prior, valid judgment rendered on the merits; (2) a second cause of action involving the same parties, or their privies, as the first; (3) a second cause of action raising claims that could have or were litigated in the first action; and (4) a second action arising out of the same transaction or occurrence as the first action.”<sup>21</sup>

In the Request for Investigation CREO asks the PUCO to conduct a “thorough review of the utilities’ response to the windstorm of September 14, 2008, that resulted in over 2.6 million electric customers enduring protracted outages in Ohio.”<sup>22</sup> *Res judicata* is inapplicable to this request because there has never been a prior decision rendered on the utilities’ response to the windstorm of September 14, 2008.

CREO also requests that the PUCO “conduct an investigation into the reliability of Ohio’s electric distribution companies over the last five years, including how their management decisions impacted both the ice storms in the winter of 2004-2005 and the recent wind storm in terms of the breadth and duration of these outages.”<sup>23</sup> Even though this request includes a review of the reliability of Ohio’s electric distribution companies over the last five years, this request is also not barred by *res judicata*.

The formal proceedings that AEP Ohio relies upon for its assertion that *res judicata* applies do not satisfy the elements that must be met for *res judicata* to apply.

---

<sup>21</sup> See *Felder, et al. v. Community Mut. Ins. Co.* (1997), 110 F.3d 63, 1997 WL 160373 [C.A.6(Ohio)].

<sup>22</sup> Request for an Investigation at 2.

<sup>23</sup> Request for an Investigation at 2.

First, AEP Ohio relies upon Case No. 03-2570-EL-UNC as a formal action concerning reliability that allegedly bars CREO's Request.<sup>24</sup> However, as AEP Ohio states in their Memorandum Contra, that case was resolved because of a settlement agreement between AEP Ohio and the Commission's staff.<sup>25</sup> AEP Ohio, in fact, failed to meet the terms of the Stipulation with the PUCO Staff in that case and its service performance declined in many of its circuits.<sup>26</sup> The claim of *res judicata* fails the test because it was never actually litigated. Moreover, the other case cited by AEP Ohio (Case No. 05-46-EL-UNC) was, as AEP Ohio states in its Memorandum Contra, dismissed by the Commission. This attempt by AEP Ohio to argue that CREO's Request is barred fails once again because AEP Ohio cites to a case that was never litigated. Accordingly, CREO's Request should not be dismissed because it is not barred by the doctrine of *res judicata* as outlined above.

## V. CONCLUSION

On behalf of residential customers in Ohio, CREO respectfully requests that the Commission reject the arguments put forth in the Company's Memorandum in Opposition. The Commission should ensure that the residential customers in 4.5 million

---

<sup>24</sup> AEP Ohio Memorandum Contra at 11.

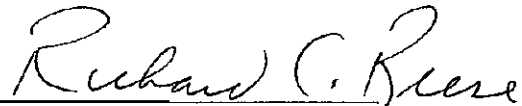
<sup>25</sup> Request for an Investigation at 1. "The Stipulation was the result of Staff discussions with the Companies to address concerns of the Staff regarding the Companies' provision of electric distribution service to certain rural areas within their service territories." No other parties participated in these "discussions" or in the settlement.

<sup>26</sup> *In the Matter of the Commission Consideration of a Settlement Agreement between the Staff of the PUCO and Columbus Southern Power and Ohio Power Company*, Case No. 03-2570-EL-UNC, Commission Ordered Investigative Report (April 17, 2006) ("*AEP Service Quality Case*") at 2.

Ohio households are receiving the reliable electric service they pay for and are entitled to, by granting CREO's Request for an Investigation.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

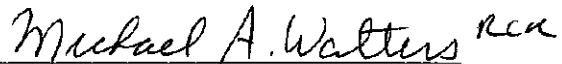


Jeffrey L. Small, Counsel of Record  
Joseph P. Serio  
Richard C. Reese  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
(614) 466-8574 (Telephone)  
(614) 466-9475 (Facsimile)  
[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[serio@occ.state.oh.us](mailto:serio@occ.state.oh.us)  
[reese@occ.state.oh.us](mailto:reese@occ.state.oh.us)



AARP Ohio  
Ron Bridges, Associate State Director  
Government Affairs & Advocacy  
17 S. High Street, #800  
Columbus, OH 43215  
Office: 614-222-1503  
Fax: 614-224-9801  
E-mail: [rbridges@aarp.org](mailto:rbridges@aarp.org)



Pro Seniors, Inc.  
Michael A. Walters  
Attorney-at-Law  
7162 Reading Road, Suite 1150  
Cincinnati, OH 45237  
(513) 458-5532  
E-mail: [mwalters@proseniors.org](mailto:mwalters@proseniors.org)

Ellis Jacobs *RA*

Edgemont Neighborhood Coalition  
Ellis Jacobs  
Legal Aid Society of Dayton  
333 West First Street, Suite 500  
Dayton, OH 45402  
E-mail: [ejacobs@ablelaw.org](mailto:ejacobs@ablelaw.org)

Michael Smalz *RA*

Appalachian People's Action Coalition  
Michael Smalz  
Senior Statewide Attorney  
Ohio State Legal Services Association  
555 Buttles Ave.  
Columbus, OH 43215-1137  
E-mail: [msmalz@oslsa.org](mailto:msmalz@oslsa.org)

Tim Walters *RA*

May Dugan Center  
Clevelanders United Against Poverty  
Tim Walters  
Community Organizer  
4115 Bridge Street  
Cleveland, OH 44113  
E-mail: [trane22222@aol.com](mailto:trane22222@aol.com)

Dale Arnold *RA*

Ohio Farm Bureau Federation  
Dale Arnold  
Director, Energy Services  
P.O. Box 182383  
Columbus, OH 43218  
E-mail: [darnold@ofbf.org](mailto:darnold@ofbf.org)

Leslie A. Kovacic *RA*

Leslie A. Kovacic  
Dept. of Law  
420 Madison Ave., 4<sup>th</sup> Fl.  
Toledo, OH 43604-1219  
E-mail: [leslie.kovacik@toledo.oh.gov](mailto:leslie.kovacik@toledo.oh.gov)

Lance M. Keiffer *RA*

Lance M. Keiffer, Asst. Prosecutor  
711 Adams Street, 2nd Floor  
Toledo, OH 43624-1680  
E-mail: [lkeiffer@co.lucas.oh.us](mailto:lkeiffer@co.lucas.oh.us)

On Behalf of the Northwest Ohio  
Aggregation Coalition

On Behalf of the Northwest Ohio  
Aggregation Coalition

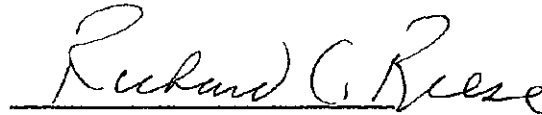
Joseph Meissner *RA*

Joseph Meissner,  
The Legal Aid Society of Cleveland  
1223 West 6<sup>th</sup> St.  
Cleveland, OH 44113  
E-mail: [jpmessn@lasclv.org](mailto:jpmessn@lasclv.org)

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

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Reply was served on the persons stated below via regular U.S. Mail Service, postage prepaid, this 20th day of January, 2009.



Richard C. Reese  
Assistant Consumers' Counsel

**SERVICE LIST**

David Boehm  
Michael Kurtz  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Ste. 1510  
Cincinnati, OH 45202-4454

Glenn Krassen  
E. Brett Breitschwerdt  
Thomas O'Brien  
Sally W. Bloomfield  
Bricker & Eckler, LLP  
100 South Third St.  
Columbus, OH 43215

John Bentine  
Mark Yurick  
Chester, Willcox & Saxbe LLP  
65 E. State St., Ste. 1000  
Columbus, OH 43215-4213

Garrett Stone  
Michael Lavanga  
Brickfield, Burchette, Ritts & Stone  
1025 Thomas Jefferson St., N.W.  
8<sup>th</sup> West Tower  
Washington, D.C. 20007

James Burk  
Arthur Korkosz  
Harvey L. Wagner  
Ebony Miller  
Mark Hayden  
FirstEnergy Corp.  
76 S. Main St.  
Akron, OH 44308

Sam Randazzo  
Lisa McAlister  
Joseph Clark  
Thomas Froehle  
McNees, Wallace & Nurick LLC  
21 E. State St., 17<sup>th</sup> Fl.  
Columbus, OH 43215

Dave Rinebolt  
Colleen Mooney  
Ohio Partners for Affordable Energy  
231 W. Lima St., P.O. 1793  
Findlay, OH 45839-1793

Trent Dougherty  
The Ohio Environmental Council  
1207 Grandview Ave., Ste. 201  
Columbus, OH 43212

Ron Bridges  
AARP  
17 S. High St., Ste. 800  
Columbus, OH 43215

Michael Smalz  
Ohio State Legal Service  
555 Buttles Ave.  
Columbus, OH 43215

Tim Walters  
The May Dugan Center  
Clevelanders United Against Poverty  
4115 Bridge Ave.  
Cleveland, OH 44113

Selwyn J.R. Dias  
American Electric Power Service Corp.  
88 E. Broad St., Ste. 800  
Columbus, OH 43215

Noel Morgan  
Communities United for Action  
Legal Aid Society of Southwest Ohio  
215 E. Ninth St., Ste. 200  
Cincinnati, OH 45202

Steven Millard  
COSE Group Services Inc.  
200 Tower City Center  
50 Public Square  
Cleveland, OH 44113

Gene Krebs  
Greater Ohio  
846 ½ E. Main St.  
Columbus, OH 43205

Ellis Jacobs  
Advocates for Basic Legal Equality, Inc.  
333 W. First St., Ste. 500B  
Dayton, OH 45402

Dane Stinson  
Buckeye Association of School  
Administrators  
10 W. Broad St., Ste. 2100  
Columbus, OH 43215

Leslie Kovacik  
City of Toledo  
420 Madison Ave., Ste. 100  
Toledo, OH 43604-1219

Marvin Resnik  
Steve Nourse  
American Electric Power Service Corp.  
1 Riverside Plaza, 29<sup>th</sup> Fl.  
Columbus, OH 43215

Brandi Whetstone  
Sierra Club Ohio Chapter  
131 N. High St., Suite 605  
Columbus, OH 43215

Jenna Johnson-Holmes  
Dona Seger Lawson  
Judi Sobecki  
Dayton Power & Light Co.  
1065 Woodman Dr.  
Dayton, OH 45432

Lance M. Keiffer,  
Asst. Prosecuting Attorney  
711 Adams St.  
Toledo, OH 43624

Rev. Mike Frank  
Neighborhood Environmental Coalition  
5920 Engle Ave.  
Cleveland, OH 44127

Joseph Meissner  
Citizens Coalition  
1223 W. Sixth St.  
Cleveland, OH 44113

Denis George  
The Kroger Company  
1014 Vine St., G07  
Cincinnati, OH 45202

Barth Royer  
Bell & Royer Co. LPA  
33 S. Grant Ave.  
Columbus, OH 43215-3927

Jack Shaner  
The Ohio Environmental Council  
1207 Grandview Ave., Ste. 201  
Columbus, OH 43212

Dale Arnold  
Ohio Farm Bureau Federation Inc.  
P.O. Box 182383  
Columbus, OH 43218

Richard L. Sites  
Ohio Hospital Association  
155 E. Broad St., 15<sup>th</sup> Fl.  
Columbus, OH 43215-3620

M. Howard Petricoff  
Vorys, Sater, Seymour & Pease  
52 E. Gay St., P.O. Box 1008  
Columbus, OH 43216

The Ohio Cast Metals Assoc.  
2969 Scioto Place  
Columbus, OH 43221

The Ohio Aggregates & Industrial Minerals  
Assoc.  
162 North Hamilton Rd.  
Gahanna, OH 43230

Randell J. Corbin  
AMP-Ohio  
2600 Airport Dr.  
Columbus, OH 43219

Melissa Mullarkey  
Recycled Energy Development LLC.  
740 Quail Ridge Dr.  
Westmont, IL 60559

Jerry Klenke  
Richard Lewis  
David Varda  
8050 N. High St., Ste. 150  
Columbus, OH 43235-6486

Tommy Temple  
Whitfield A. Russell  
Ormet Primary Aluminum Corp.  
4232 King St.  
Alexandria, VA 22302

Rebecca Stanfield  
Senior Energy Advocate  
Natural Resources Defense Council  
101 N. Wacker Dr., Ste. 609  
Chicago, IL 60606

Joseph Logan  
Ohio Farmers Union  
20 S. Third St., Ste. 130  
Columbus, OH 43215

Amy Gomberg  
Environment Ohio - Environmental  
Advocate  
203 E. Broad St., Suite 3  
Columbus, OH 43215

Gregory E. Hitzhusen, MDiv, Ph.D.  
Executive Director,  
Ohio Interfaith Power and Light  
P.O. Box 26671  
Columbus, OH 43226

Leigh Herington  
Executive Director  
NOPEC  
31320 Solon Rd., Ste. 20  
Solon, OH 44139

Theodore Robinson  
Staff Attorney and Counsel  
Citizen Power  
2121 Murray Ave.  
Pittsburgh, PA 15217

Robert J. Triozzi  
Steven L. Beeler  
City of Cleveland  
Cleveland City Hall  
601 Lakeside Avenue, Room 206  
Cleveland, OH 44114-1077

Amy Spiller  
Elizabeth Watts  
Duke Energy Ohio, Inc.  
155 E. Broad St., 21st Floor  
Columbus, OH 43215

Steve Lesser  
Public Utilities Commission of Ohio  
180 E. Broad St., 12<sup>th</sup> Floor  
Columbus, OH 43215

Nolan Moser  
Air & Energy Program Manager  
The Ohio Environmental Council  
1207 Grandview Ave., Ste. 201  
Columbus, OH 43212-3449

Amy Ewing  
Greater Cincinnati Health Council  
2100 Sherman Ave., Ste. 100  
Cincinnati, OH 45212-2775

Wendy B. Jaehn  
Executive Director  
Midwest Energy Efficiency Alliance  
645 N. Michigan Ave., Ste. 990  
Chicago, IL 60611



Jason B. Keyes  
Interstate Renewable Energy Council  
Keyes & Fox, LLP  
1721 21<sup>st</sup> Avenue East  
Seattle, WA 98112

Duane Luckey  
Attorney General's Office  
Public Utilities Section  
180 East Broad St., 9<sup>th</sup> Fl.  
Columbus, OH 43215-3793

Albert E. Lane  
7200 Fair Oaks Dr.  
Cincinnati, OH 45237-2922

Ned Ford  
The Sierra Club, Ohio Chapter  
3006 Auten Avenue  
Cincinnati, OH 53213

Theodore O. Finnarn  
Attorney at Law  
421 Public Square  
Greenville, OH 45331

Attorney for Ohio Farmers Union

Michael A. Walters  
Pro Seniors, Inc.  
7162 Reading Road, Suite 1150  
Cincinnati, OH 45237