

June 8, 2009

By: *Hand-Delivery*

Reneé J. Jenkins, Secretary  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV  
2009 JUN -8 PM 2:35  
PUCO

RE: In the Matter of the Commission's Investigation into the Value of Continued Participation in  
Regional Transmission Organizations, Public Utilities Commission of Ohio,  
Case No. 09-90-EL-COI

Dear Ms. Jenkins:

Enclosed are an original and fifteen (15) copies of the Motion and Memorandum in Support of  
Buckeye Power, Inc. to be filed in connection with the above-referenced matter.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Very truly yours,



Carolyn S. Flahive

cc: Christine M.T. Pirik, Attorney Examiner  
Daniel Shields, PUCO Federal Energy Advocate

Enclosures

**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 6/8/2009

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Investigation     )  
into the Value of Continued Participation in         )  
Regional Transmission Organizations.             ) Case No. 09-90-EL-COI

**MOTION OF BUCKEYE POWER, INC.**

Buckeye Power, Inc. ("Buckeye") hereby requests that its Initial Comments, filed simultaneously herewith in response to the Entry issued in the above-captioned proceeding, be accepted by the Commission as timely filed. The basis for this Motion may be found in the attached Memorandum of Support.

Respectfully submitted,

BUCKEYE POWER, INC.

By: Carolyn S. Flahive  
Thomas E. Lodge (0015741)  
Kurt P. Helfrich (0068017)  
Carolyn S. Flahive (0072404)  
Ann B. Zallocco (0081435)

Thompson Hine LLP  
41 South High Street, Suite 1700  
Columbus, Ohio 43215-6101  
(614) 469-3200

Its Attorneys

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Investigation    )  
into the Value of *Continued Participation* in       )  
Regional Transmission Organizations.            ) Case No. 09-90-EL-COI

**MEMORANDUM IN SUPPORT OF MOTION**

BUCKEYE POWER, INC. ("Buckeye") is concurrently filing its Initial Comments ("Comments") in response to the Entry issued in the above-captioned proceeding regarding the value of continued participation in Regional Transmission Organizations ("RTOs"). Initial comments to the Entry were due May 25, 2009. However, Buckeye was not served with the Entry and became aware of it only after the deadline for submission of initial comments had passed. Buckeye respectfully requests that its Comments be accepted and considered timely filed.

Buckeye is an Ohio nonprofit corporation and the provider of wholesale electric power and energy and transmission services to the 25 electric distribution cooperatives providing retail electric service to approximately 380,000 member/consumers in 77 out of Ohio's 88 counties.<sup>1</sup> These retail consumers are primarily residential and small commercial loads located in rural areas in the State of Ohio. The load of these electric distribution cooperatives represents approximately 5% of the electric load in the State of Ohio. Buckeye and its members operate their electric utilities on a non-profit cooperative basis for the mutual benefit of their member/consumers.

---

<sup>1</sup> Buckeye's members are identified in its Comments.

Buckeye has particular interest in the Entry and this examination because, as discussed in its Comments, it is a member of both PJM Interconnection, L.L.C. ("PJM") and the Midwest Independent Transmission System Operator, Inc. ("MISO"), operates as both a load serving entity ("LSE") and an electric generator in those RTOs, and obtains open access transmission services from both RTOs.

Accordingly, Buckeye hereby requests that its Comments be considered timely filed. Buckeye further requests that it be included on all Public Utilities Commission of Ohio ("PUCO") service lists associated with all future PUCO initiated proceedings relating generally to the Ohio electric utility industry or Ohio electric utility consumers.

Respectfully submitted,

BUCKEYE POWER, INC.

By: 

Thomas E. Lodge (0015741)

Kurt P. Helfrich (0068017)

Carolyn S. Flahive (0072404)

Ann B. Zallocco (0081435)

Thompson Hine LLP

41 South High Street, Suite 1700


Columbus, Ohio 43215-6101

(614) 469-3200

Its Attorneys

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the forgoing has been served upon all parties listed on the attached Service List, by U.S. Mail delivery or, where indicated, also by electronic mail, this 8th day of June, 2009.

  
Ann B. Zallocco

616095.2

**SERVICE LIST**  
**CASE No. 09-090-EL-COI**

David F. Boehm Michael L. Kurtz Boehm, Kurtz & Lowry 36 East Seventh Street, Suite 1510 Cincinnati, OH 45202 <a href="mailto:dboehm@BKLLawfirm.com">dboehm@BKLLawfirm.com</a> <a href="mailto:mkurtz@BKLLawfirm.com">mkurtz@BKLLawfirm.com</a> Counsel for Ohio Energy Group	Jacqueline Lake Roberts, Counsel of Record Office of the Ohio Consumers' Counsel 10 W. Broad St., Suite 1800 Columbus, OH 43215 <a href="mailto:roberts@occ.state.oh.us">roberts@occ.state.oh.us</a>
Dan Dolan Vice President, Policy Research/Analysis Electric Power Supply Association 1401 New York Ave., N.W. 11th Floor Washington D.C. 20005	Glen Thomas PJM Power Providers Group 1060 First Avenue, Suite 400 King of Prussia, PA 19406
William L. Massey Covington & Burling, LLP 1201 Pennsylvania Avenue, NW Washington D.C. 20004-2401 Counsel for the COMPETE Coalition	Joseph P. Meissner Matthew D. Vincel The Legal Aid Society of Cleveland 1223 West 6th Street Cleveland, Ohio 44113 <a href="mailto:jpmessn@lasclev.org">jpmessn@lasclev.org</a> <a href="mailto:mvincel@lasclev.org">mvincel@lasclev.org</a> Counsel for Neighborhood Environmental Coalition, Consumers for Fair Utility Rates, Cleveland Housing Network and The Empowerment Center of Greater Cleveland
Lisa Weekly Coulter Frost Brown Todd LLC 10 West Broad Street, Suite 2300 Columbus, Ohio 43215 <a href="mailto:lcoulter@fbtlaw.com">lcoulter@fbtlaw.com</a> Counsel for the Midwest ISO	John W. Bentine Matthew S. White Chester, Willcox & Saxbe, LLP 65 E. State Street, Suite 1000 Columbus, OH 43215 <a href="mailto:jbentine@cwslaw.com">jbentine@cwslaw.com</a> <a href="mailto:mwhite@cwslaw.com">mwhite@cwslaw.com</a> Attorneys for American Municipal Power- Ohio, Inc.

Theodore S. Robinson Staff Attorney Citizen Power 2121 Murray Avenue Pittsburg, PA 15217	Randall V. Griffin Judi L. Sobecki Dayton Power and Light Company 1065 Woodman Dr. Dayton, OH 45432 <a href="mailto:randall.griffin@DPLinc.com">randall.griffin@DPLinc.com</a> <a href="mailto:judi.sobecki@DPLinc.com">judi.sobecki@DPLinc.com</a>
Steven T. Nourse Marvin I. Resnik American Electric Power Service Corporation 1 Riverside Plaza, 29th Floor Columbus, OH 43215 <a href="mailto:stnourse@aep.com">stnourse@aep.com</a> <a href="mailto:miresnick@aep.com">miresnick@aep.com</a> Attorneys for Columbus Southern Power Company and Ohio Power Company	M. Howard Petricoff Vorys, Sater, Seymour and Pease, LLP 52 East Gay St. P.O. Box 1008 Columbus, OH 43216 <a href="mailto:mhpetricoff@vorys.com">mhpetricoff@vorys.com</a> Attorney for Integrys Energy Services, Inc., Constellation NewEnergy, Inc., and Constellation Energy Commodities Group, Inc.
Samuel C. Randazzo Joseph M. Clark Lisa G. McAlister McNees Wallace & Nurick, LLC 21 East State Street, 17th Floor Columbus, OH 43215 <a href="mailto:sam@mwnchm.com">sam@mwnchm.com</a> <a href="mailto:jclark@mwncmh.com">jclark@mwncmh.com</a> <a href="mailto:lmcalister@mwncmh.com">lmcalister@mwncmh.com</a> Attorneys for Industrial Energy Users-Ohio	Amy B. Spiller, Associate General Counsel Elizabeth H. Watts, Assistant General Counsel Duke Energy Business Services, Inc. 221 East Fourth Street, 25 AT II Cincinnati, OH 45202 <a href="mailto:Amy.Spiller@duke-energy.com">Amy.Spiller@duke-energy.com</a> Counsel for Duke Energy Ohio, Inc.
William Whitehead Vice President, State Government Policy PJM Interconnection, LLC 955 Jefferson Avenue Valley Forge Corporate Center Horristown, PA 19403 <a href="mailto:whitew@pjm.com">whitew@pjm.com</a>	Michael R. Beiting Morgan E. Parke FirstEnergy Service Company 76 South Main Street Akron, Ohio 44308 <a href="mailto:beitingm@firstenergycorp.com">beitingm@firstenergycorp.com</a> <a href="mailto:mparke@firstenergycorp.com">mparke@firstenergycorp.com</a>