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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Application of the )  
Northeast Ohio Public Energy Council and ) Case No. 09-903-EL-UNC  
Gexa Energy Ohio, LLC for Waivers or, in )  
the Alternative, that Waivers Are Unnecessary. )

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**JOINT APPLICANTS' REPLY  
TO THE OHIO CONSUMERS' COUNSEL'S  
MOTION TO INTERVENE AND COMMENTS**

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On October 20, 2009, the Ohio Consumers' Counsel ("OCC") filed a Motion to Intervene and Comments in this proceedings in which it supported the Northeast Ohio Public Energy Council's and Gexa Energy Ohio's (collectively "Joint Applicants") Joint Application in this proceeding, and encouraged the Public Utilities Commission of Ohio ("Commission") to approve the Joint Application promptly. OCC's support of the Joint Application was premised, in part, upon Joint Applicants confirmations' of their intent to comply with the substantive provisions of Chapters 4901:1-10 and 4901:1-21, Ohio Admin. Code, if the limited waiver were granted. By this reply, Joint Applicants expressly confirm that the requested limited waiver will not affect their compliance with the consumer safeguards contained in the cited chapters of the code. Joint Applicants do not object to OCC's intervention in this proceeding, or its request that the Commission include language in any order granting the waiver that Joint Applicants' proposed five-month offer will be subject to the substantive rules applicable to a governmental aggregation program.<sup>1</sup>

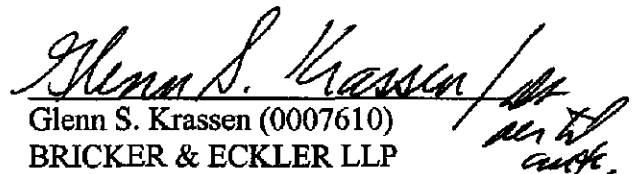
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<sup>1</sup> As stated in the Joint Application, Joint Applicants believe that they have complied with Rules 4901:1-10-1 and 4901:1-21-1, Ohio Admin. Code, and that no waiver is required. If the Commission agrees that no waiver is required, OCC's concern regarding the waiver's possible effect becomes moot.

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With this reply, the pleading cycle in this matter is complete and ripe for the issuance of a Commission order. Because of currently favorable wholesale electric supply market conditions, Joint Applicants renew their request for expedited consideration of this Joint Application in order that NOPEC aggregation customers may receive the most advantageous pricing possible for their electric service for the first five months of 2011.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Joint Applicants' Reply to the Ohio Consumers' Counsel's Motion to Intervene and Comments was served upon the following parties of record by Email and/or first class U.S. mail, postage prepaid, this 21<sup>st</sup> day of October, 2009.

  
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