

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	Case No. 11-346-EL-SSO
Columbus Southern Power Company and	)	Case No. 11-348-EL-SSO
Ohio Power Company for Authority to	)	
Establish A Standard Service Offer	)	
Pursuant to Section 4928.13, Revised	)	
Code, in the form of an Electric Security	)	
Plan	)	
In the Matter of the Application of the	)	Case No. 11-349-EL-SSO
Columbus Southern Power Company and	)	Case No. 11-350-EL-SSO
the Ohio Power Company for Approval of	)	
Certain Accounting Authority.	)	

PUCO

2011 JUN 20 PM 1:50

RECEIVED-DOCKETING DIV

---

**REPLY TO COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER  
COMPANY'S MEMORANDUM CONTRA ENERNOC, INC.'S MOTION TO  
INTERVENE  
BY  
ENERNOC, INC.**

---

**I. Introduction**

EnerNOC, Inc. ("EnerNOC") filed a Motion for Leave to file out of time and Motion to Intervene ("Motion" or "Motion to Intervene") in the above-captioned case on May 27, 2011. Columbus Southern Power Company and Ohio Power Company (collectively, "AEP Ohio") filed a joint memorandum contra EnerNOC's motion to intervene on June 8, 2011 ("Memo Contra"). EnerNOC submits this response to AEP's Memo Contra in the timeframes permitted by Ohio Adm. Code Rule 4901-1-05 and Ohio Adm. Code Rule 4901-1-12.

On January 27, 2011 AEP Ohio filed its Electric Security Plan ("ESP") Application. The Commission set a March 14, 2011 deadline for Motions to Intervene in this case. EnerNOC

This is to certify that the images appearing are an accurate reproduction of a case file as filed in the regular course of business. 11/27/2011 9/20/2011 Date Processed

along with three other parties filed motions to intervene after the March 14, 2011 deadline.

AEP Ohio argues in its Memo Contra that EnerNOC's Motion to intervene was late and should be denied for the following reasons: (1) granting EnerNOC's motion to intervene would be bad precedent;<sup>1</sup> (2) EnerNOC does not identify extraordinary circumstances for the late request to intervene;<sup>2</sup> (3) the Motion does not acknowledge that it is untimely;<sup>3</sup> (4) the request does not satisfy the general standard for intervention;<sup>4</sup> and (5) allowing EnerNOC to intervene at this stage will not contribute to the resolution of these cases and may delay the proceedings.<sup>5</sup> As addressed below, the Commission should accept EnerNOC's Motion to Intervene because EnerNOC has met the general standard for intervention, will not delay the proceedings, and there is both "good cause" under R.C. 4903.221(A) and extraordinary circumstances for granting EnerNOC's Motion to Intervene. Finally, the Commission has regularly granted such late interventions in the past.

## **II. Argument**

### **A. Commission precedent supports the granting of EnerNOC's out of time Motion to Intervene.**

AEP Ohio asserts in the conclusion of its Memo Contra that allowing EnerNOC's motion for leave out of time would "would set bad precedent."<sup>6</sup> AEP Ohio does not provide any support for this conclusion in its pleading. In fact, the Commission has regularly granted late filed motions to intervene where the intervenor was late and can satisfy R.C. 4903.221. Under R.C. 4903.221(A)(2) in part states:

---

<sup>1</sup> AEP Ohio Memo Contra at 3.

<sup>2</sup> Id. at 2.

<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id at 3.

The public utilities commission may, in its discretion, grant motions to intervene which are filed after the deadlines set forth in divisions (A)(1) and (2) of this section for good cause shown.

R.C. 4903.221(A)(1) states that a party must intervene by the specific deadline set by the Commission. R.C. 4903.221(A)(2) states that if no deadline is set by the Commission a party must intervene five days before the scheduled date of the hearing.

The Commission precedent has been to grant late filed motions to intervene after Commission specified deadlines and requests made within five days of the hearing where the applicant meets the "good cause" criteria set forth in R.C. 4903.221(A)(2). EnerNOC's Motion to Intervene addressed the four prongs of R.C. 4903.221(A)(2). Recently, in the 2009 FirstEnergy Market Rate Offer ("MRO") Application case<sup>7</sup>, the Commission granted a motion to intervene from the Natural Resources Defense Council ("NRDC") that was filed a mere 11 days before the hearing<sup>8</sup> and the PJM Power Providers' motion to intervene that was filed on the first day of the hearing.<sup>9</sup> Both NRDC and the PJM Power Providers agreed to accept the docket as it stood and comply with the deadlines established by the Commission.

In conclusion, the Commission's precedent has been to allow a party the opportunity to intervene no matter when the intervention is requested if the party can establish good cause and that it will not unduly delay the proceeding. As discussed below, EnerNOC's request meets both

---

<sup>7</sup> In the Matter of the Application of Ohio Edison Company, The Cleveland Electric 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., Case No. 09-906-EL-SSO (filed October 20, 2009). ("First Energy MRO Proceeding")

<sup>8</sup> FirstEnergy MRO Proceeding, Second Amended Transcript I - for hearing date December 15, 2009 (January 5, 2010) at 15. (In support of the NRDC the Office of the Ohio Consumers' Counsel filed a reply brief that identified precedent where the Commission found late intervention appropriate where a party has met the conditions of R.C. 4903.221. See FirstEnergy MRO Proceeding, Reply to the FirstEnergy Memorandum Contra Motion to Intervene by the Office of the Ohio Consumers' Counsel at 3 (December 16, 2009).

<sup>9</sup> FirstEnergy MRO proceeding, Transcript III - for hearing date December 17, 2009 (January 4, 2010) at 310. (The Hearing Examiner grants intervention on the record.)

of those requirements.

**B. Good cause exists to grant the intervention of EnerNOC.**

AEP Ohio did not contest that EnerNOC's interests may be adversely affected by the outcome of this case. Instead, AEP Ohio states that the Commission's order setting the deadline for intervention and the administrative code "do not permit EnerNOC's untimely intervention".<sup>10</sup> AEP Ohio cites Ohio Adm. Code Rule 4901-1-11(D) for the position that "[a] motion to intervene which is not timely will be granted only under extraordinary circumstances."

As discussed in Section A, above, R.C. 4903.221(A)(2) requires that EnerNOC makes a showing of good cause. Ohio Adm. Code Rule 4901-1-11(F) which is relied upon by AEP Ohio, and which is subordinate to R.C. 4903.221(A)(2), creates a higher "under extraordinary circumstances" requirement. Under either standard, EnerNOC asserts that the timeframes established for AEP Ohio's ESP cases, the voluminous applications filed by AEP Ohio, and the number of peripheral cases that are potentially interrelated to AEP Ohio's ESP are enough to establish "good cause" and "extraordinary circumstances."

First, under the timeframes established it has been difficult to determine what AEP Ohio cases will affect EnerNOC's interests. AEP Ohio filed its ESP application in late January, 2011. Under the Commission's procedural schedule the parties had less than two months, March 14, 2011 to determine if intervention was appropriate. The tight timeframe makes sense under the statutory deadlines placed upon the Commission for issuing an order approving or rejecting the application under R.C. 4928.143(C), but obviously these deadlines make the decision making process more difficult on all parties.

As stated in the Motion to Intervene, one of EnerNOC's main concerns in these

---

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

proceedings is the nexus between AEP Ohio's ESP and AEP Ohio's 2010 application to amend its Emergency Curtailment Service ("ECS") Riders.<sup>11</sup> EnerNOC has actively filed comments in the ECS rider docket to advocate against AEP Ohio policies that may restrict or limit EnerNOC's demand response programs.<sup>12</sup> EnerNOC has also repeatedly stated that demand response opportunities offered by AEP Ohio should not provide competitive advantages or competitive disadvantages to any one party.

EnerNOC initially recognized there may be a need to intervene in AEP Ohio's ESP when the Industrial Energy Users of Ohio ("IEU-Ohio") filed a Motion to consolidate the ECS Rider cases (and other cases) with AEP Ohio's ESP on February 18, 2011. However, when AEP Ohio filed its memorandum contra to IEU-Ohio's motion on March 7, 2011, the internal decision was made to conserve resources and wait and see how the Commission ruled on the matter.<sup>13</sup> (Simply monitoring a case of the size and complexity of the AEP Ohio ESP will consume significant resources.) The Commission's ruling on IEU-Ohio's motion to consolidate has not been made to this date.

In the meantime the limited discovery responses that have become available to EnerNOC from AEP Ohio's ESP case in the last 30 days have made it clear that aspects of the ECS riders have been the subject of discovery requests. Therefore, even if AEP Ohio's objection to consolidating the ECS rider case turns out to be appropriate EnerNOC now recognizes that its intervention in the ESP case is necessary to adequately advocate for policies that will not restrict

---

<sup>11</sup> See In the Matter of the Application of [AEP Ohio] to amend its Emergency Curtailment Service Riders, Case Nos. 10-343-EL ATA and 10-344-EL-ATA, Application March 19, 2010. ("AEP Ohio ECS Rider Applications")

<sup>12</sup> AEP Ohio ECS Rider Applications, Comments of EnerNOC (May 28, 2010) and Comments on the amended Application (March 15, 2011).

<sup>13</sup> If the Commission granted IEU-Ohio's consolidation motion then presumably EnerNOC would be granted intervention in the case. Depending on when that decision is made EnerNOC's ability to catch-up with the AEP Ohio ESP case could be severely hampered.

or limit EnerNOC's demand response programs.

For these reasons, EnerNOC asks the Commission to consider the circumstances and grant intervention in these cases.

**C. EnerNOC's Motion to Intervene complies with the basic filing requirements for Intervention.**

AEP Ohio's Memorandum Contra makes a number of claims about EnerNOC's Motion to Intervene that are not supported and should be dismissed. First, AEP Ohio asserts that EnerNOC "does not even acknowledge that its filing is untimely."<sup>14</sup> A simple review of the title of EnerNOC's Motion to Intervene -- "*Motion for Leave to File Out of Time and Motion to Intervention and Memorandum in Support*" (emphasis added) -- contradicts AEP Ohio's assertion.

Moreover, AEP Ohio's Memo Contra states that the Motion to Intervene "does not even satisfy the general standard for intervention." AEP Ohio focuses on the assertion that EnerNOC's motion to intervene does not specifically address an interest by EnerNOC in AEP Ohio's ESP.<sup>15</sup> AEP Ohio supports its position by quoting a statement in the first paragraph of EnerNOC's motion that summarizes the remainder of the pleading, "Some of the programs proposed by AEP compete with or restrict programs offered in Ohio by EnerNOC."<sup>16</sup> AEP Ohio's argument appears to disregard the additional statements of interest made throughout EnerNOC's pleading that address EnerNOC's interest in this proceeding. In particular, the statements -- and testimony cited -- in the Memorandum of Support on page 4:

These cases involve demand response programs including issues that may pertain

---

<sup>14</sup> AEP Ohio Memo Contra at 2.

<sup>15</sup> Id.

<sup>16</sup> Id.

to the AEP's Emergency Curtailment Service ("ECS") Rider. [Footnote: see AEP testimony of David M. Rous at 5-6 (January 27, 2011).] .... The demand response opportunities offered by AEP should not provide competitive advantages or competitive disadvantages to any party.... EnerNOC's interests may be adversely affected by these cases because of the terms and conditions of the curtailment programs proposed by AEP Ohio.

As stated , and supported, in EnerNOC's Motion to Intervene, R.C. 4903.221(B) requires the Commission to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

AEP Ohio's argument should be dismissed because EnerNOC's memorandum in support of the Motion to Intervene addressed the grounds for the motion with enough specificity.

**D. Granting EnerNOC's Intervention in this case will not delay the proceedings.**

AEP Ohio asserted that EnerNOC's intervention "may delay the proceedings if EnerNOC seeks to extend the imminent testimony and discovery deadlines." Now that the deadlines for testimony and discovery have been continued these concerns are abated. As stated above, EnerNOC's role in this matter is limited to a few issues and EnerNOC has comparatively limited resources available to participate in these proceedings. EnerNOC was prepared to accept the original June discovery, testimony, and hearing deadlines that were set by the Commission. Further, EnerNOC agrees to abide by the new deadlines set by the Commission in the June 9,

2011 Entry.

For these reasons the Commission should permit EnerNOC to be a party to this proceeding for the purpose of fully participating in case activities from this point forward. EnerNOC's participation at this time will not prejudice AEP Ohio (or any other party) nor will it delay the proceedings.

### **III. Conclusion**

The Commission should grant EnerNOC's Motion to Intervene. The Commission has regularly granted late interventions to parties who meet the criteria under R.C. 4903.221(B). AEP Ohio has not asserted that EnerNOC fails to meet these criteria. In addition, good cause exists under the specific facts of this case to justify granting EnerNOC's intervention request.

Respectfully submitted,



Gregory J. Poulos

EnerNOC, Inc.

101 Federal Street, Suite 1100

Boston, MA 02110

E-mail: [gpoulos@enernoc.com](mailto:gpoulos@enernoc.com)

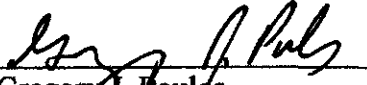
Phone: (614) 507-7377

Facsimile: (614) 245-4301



### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Reply to Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra EnerNOC, Inc.'s Motion to Intervene was served electronically to the persons listed below on this 20th day of June, 2011.

  
Gregory J. Poulos  
Manager, Regulatory Affairs

### **SERVICE LIST**

Columbus Southern Power Company  
& Ohio Power Company  
Steven T. Nourse  
Matthew J. Satterwhite  
American Electric Power  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)

Columbus Southern Power Company  
& Ohio Power Company  
Daniel R. Conway  
Porter Wright Morris & Arthur  
Huntington Center  
41 S. High Street  
Columbus, OH 43215  
[dconway@porterwright.com](mailto:dconway@porterwright.com)

American Electric Power Service  
Corporation  
Jay E. Jadwin  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215

Werner Margard  
John Jones  
Attorney General's Office  
Public Utilities Section  
180 E. Broad St., 9<sup>th</sup> Fl.  
Columbus, OH 43215  
[Werner.margard@puc.state.oh.us](mailto:Werner.margard@puc.state.oh.us)  
[John.jones@puc.state.oh.us](mailto:John.jones@puc.state.oh.us)

Industrial Energy Users-Ohio  
Samuel C. Randazzo  
Joseph E. Olikier  
Frank P. Darr  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Fl.  
Columbus, OH 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)

Sierra Club  
Natural Resources Defense Counsel  
Henry W. Eckhart  
Shannon Fisk  
1200 Chambers Road, Ste. 106  
Columbus, OH 43212  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

[jejadwin@aep.com](mailto:jejadwin@aep.com)

**Environmental Law & Policy Center**

**Tara C. Santarelli**

1207 Grandview Ave., Ste. 201

Columbus, OH 43212

[tsantarelli@elpe.org](mailto:tsantarelli@elpe.org)

**Douglas G. Bonner**

**Emma F. Hand**

**Sonnenschein Nath & Rosenthal LLP**

1301 K Street NW

Suite 600, East Tower

Washington, DC 20005

[Doug.bonner@snrdenton.com](mailto:Doug.bonner@snrdenton.com)

[Emma.hand@snrdenton.com](mailto:Emma.hand@snrdenton.com)

**Ohio Environmental Council**

**E. Camille Yancey**

**Nolan Moser**

**Trent A. Dougherty**

1207 Grandview Ave., Ste. 201

Columbus, OH 43212

[Camille@theoec.org](mailto:Camille@theoec.org)

[Nolan@theoec.org](mailto:Nolan@theoec.org)

[trent@theoec.org](mailto:trent@theoec.org)

**Retail Energy Supply Association**

**Stephen Howard**

**M. Howard Petricoff**

**Vorys, Sater, Seymour and Pease LLP**

52 E. Gay Street

P.O. Box 1008

Columbus, OH 43216

[smhoward@vorys.com](mailto:smhoward@vorys.com)

[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)

**Ohio Partners for Affordable Energy**

**Colleen Mooney**

**OMA Energy Group**

**Lisa G. McAlister**

**Matthew W. Warnock**

**Bricker & Eckler, LLP**

100 South Third Street

Columbus, OH 43215-4291

**The Ohio Energy Group**

**David F. Boehm**

**Michael L. Kurtz**

**Boehm Kurtz & Lowry**

36 East Seventh Street, Suite 1510

Cincinnati, OH 45202

[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)

[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)

**Exelon Generation Company, LLC**

**Sandy I. Grace**

**Exelon Business Services Company**

101 Constitution Avenue, N.W.

Suite 400 East

Washington, DC 20001

[Sandy.grace@exeloncorp.com](mailto:Sandy.grace@exeloncorp.com)

**Exelon Generation Company, LLC**

**Jesse A. Rodriguez**

300 Exelon Way

Kennett Square, PA 19348

[Jesse.rodriguez@exeloncorp.com](mailto:Jesse.rodriguez@exeloncorp.com)

**Exelon Generation Company, LLC**

**M. Howard Petricoff,**

**Vorys, Sater, Seymour and Pease LLP**

52 East Gay Street

P.O. Box 1008

Columbus, OH 43216-1008

[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)

**The PJM Power Providers Group**

**Glen Thomas**

231 West Lima Street  
Findlay, OH 45840  
[Cmooney2@columbus.rr.com](mailto:Cmooney2@columbus.rr.com)

The PJM Power Providers Group  
Laura Chapelle  
4218 Jacob Meadows  
Okemos, MI 48864  
[laurac@chapelleconsulting.net](mailto:laurac@chapelleconsulting.net)

City of Hilliard, Ohio  
Pamela A. Fox  
Christopher L. Miller  
Gregory H. Dunn  
Asim Z Haque  
Schottenstein Zox & Dunn Co., LPA  
250 West Street  
Columbus, OH 43215  
[pfox@hilliardohio.gov](mailto:pfox@hilliardohio.gov)  
[cmiller@szd.com](mailto:cmiller@szd.com)  
[gdunn@szd.com](mailto:gdunn@szd.com)  
[ahaque@szd.com](mailto:ahaque@szd.com)

City of Grove City, Ohio  
Gregory H. Dunn  
Stephen J. Smith  
Christopher L. Miller  
Asim Z Haque  
Schottenstein Zox & Dunn Co., LPA  
250 West Street  
Columbus, OH 43215  
[gdunn@szd.com](mailto:gdunn@szd.com)  
[ssmith@szd.com](mailto:ssmith@szd.com)  
[Cmiller@szd.com](mailto:Cmiller@szd.com)  
[ahaque@szd.com](mailto:ahaque@szd.com)

Association of Independent Colleges  
& Universities of Ohio  
Christopher L. Miller  
C. Todd Jones  
Gregory H. Dunn  
Asim Z Haque  
Schottenstein Zox & Dunn Co., LPA  
250 West Street  
Columbus, OH 43215

1060 First Avenue, Ste. 400  
King of Prussia, PA 19406  
[gthomas@gtpowergroup.com](mailto:gthomas@gtpowergroup.com)

The PJM Power Providers Group  
Stephen M. Howard, Attorney  
M. Howard Petricoff  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216  
[Mhpetricoff@vorys.com](mailto:Mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Distributed Wind Energy Association  
Terrence O'Donnell  
Christopher Montgomery  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215  
[todonnwll@bricker.com](mailto:todonnwll@bricker.com)  
[cmontgomery@bricker.com](mailto:cmontgomery@bricker.com)

Wal-Mart Stores East, LP  
Sam's East, Inc.  
Kenneth Kreider  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
[kpkreider@kmklaw.com](mailto:kpkreider@kmklaw.com)

Wal-Mart Stores East, LP  
Sam's East, Inc.  
Holly Rachel Smith, PLLC  
Hitt Business Center  
3803 Rectortown Road  
Marshall, VA 20115  
[holly@raysmithloaw.com](mailto:holly@raysmithloaw.com)

Wal-Mart Stores East, LP  
Sam's East, Inc.  
Steve W. Chriss  
Wal-Mart Stores, Inc.  
2001 SE 10<sup>th</sup> Street  
Bentonville, AR 72716

[cmiller@szd.com](mailto:cmiller@szd.com)  
[gdunn@szd.com](mailto:gdunn@szd.com)  
[ahaque@szd.com](mailto:ahaque@szd.com)

Appalachian Peace and Justice Network  
Michael R. Smalz  
Joseph V. Maskovyak  
Ohio Poverty Law Center  
555 Buttlers Avenue  
Columbus, OH 43215  
[msmalz@ohiopovertylaw.org](mailto:msmalz@ohiopovertylaw.org)  
[jmaskovyak@ohiopovertylaw.org](mailto:jmaskovyak@ohiopovertylaw.org)

Office of the Ohio Consumers' Counsel  
Terry L. Etter  
Michael E. Idzkowski  
Maureen R. Grady  
10 W. Broad Street  
Suite 1800  
Columbus, OH 43215  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)  
[idzkowski@occ.state.oh.us](mailto:idzkowski@occ.state.oh.us)  
[grady@occ.state.oh.us](mailto:grady@occ.state.oh.us)

FirstEnergy Solutions Corp.  
James F. Lang  
Laura C. McBride  
N. Trevor Alexander  
Calfee, Halter & Griswold LLP  
1400 Keybank Center  
139 E. Fourth Street  
800 Superior Avenue  
Cleveland, OH 44114  
[jlang@calfee.com](mailto:jlang@calfee.com)  
[lmcbride@calfee.com](mailto:lmcbride@calfee.com)  
[tallexander@calfee.com](mailto:tallexander@calfee.com)

FirstEnergy Solutions Corp.  
Mark A. Hayden  
First Energy Service Company  
76 South Main Street  
Akron, OH 44308  
[haydenm@firstenergycorp.com](mailto:haydenm@firstenergycorp.com)

FirstEnergy Solutions Corp.  
Norkhairani Baharuddin

[Stephen.Chriss@wal-mart.com](mailto:Stephen.Chriss@wal-mart.com)

Ohio Hospital Association  
Richard L. Sites  
155 East Broad Street, 15<sup>th</sup> Floor  
Columbus, OH 43215  
[ricks@ohanet.com](mailto:ricks@ohanet.com)

Ohio Hospital Association  
Thomas J. O'Brien  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

Paulding Wind Farm II LLC  
Terrence O'Donnell  
Christopher Montgomery  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215  
[todonnell@bricker.com](mailto:todonnell@bricker.com)  
[cmontgomery@bricker.com](mailto:cmontgomery@bricker.com)

Duke Energy Retail Services, LLC  
Dorothy K. Corbett  
Philip Sineneng  
1303 Main St  
Cincinnati, OH 45202  
[Dorothy.corbett@duke-energy.com](mailto:Dorothy.corbett@duke-energy.com)  
[philip.sineneng@thompsonhine.com](mailto:philip.sineneng@thompsonhine.com)

The Kroger Co.  
John W. Bentine  
Mark Yurick  
Chester Wilcox & Saxbe LLP  
65 E. State Street  
Suite 1000  
Columbus, OH 43215  
[jbentine@cwsllaw.com](mailto:jbentine@cwsllaw.com)  
[myurick@cwsllaw.com](mailto:myurick@cwsllaw.com)

341 White Pond Drive, A-WAC-BC  
Akron, OH 44320

The Kroger Co.  
Denis George  
1014 Vine Street  
Cincinnati, OH 45202

COMPETE Coalition  
William L. Massey  
Covington & Burling LLP  
1201 Pennsylvania Ave, NW  
Washington, DC 2004  
[wwmassey@cov.com](mailto:wwmassey@cov.com)

Dominion Retail Inc.  
Gary A. Jeffries  
501 Martindale Street  
Ste. 400  
Pittsburgh, PA 15212  
[Gary.A.Jeffries@dom.com](mailto:Gary.A.Jeffries@dom.com)

COMPETE Coalition  
M. Howard Petricoff  
Michael J. Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

Dominion Retail, Inc.  
Barth E. Royer  
Bell & Royer Co LPA  
33 South Grant Avenue  
Columbus, OH 43215-3927  
[BarthRoyer@aol.com](mailto:BarthRoyer@aol.com)

Constellation New Energy, Inc. &  
Constellation Energy Commodities  
Group, Inc.  
M. Howard Petricoff  
Michael J. Settineri  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)