

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Commission's Review of the | ) |                         |
| Alternative Rate Plan and Exemption Rules       | ) | Case No. 11-5590-GA-ORD |
| Contained in Chapter 4901:1-19 of the Ohio      | ) |                         |
| Administrative Code.                            | ) |                         |

**SUPPLEMENTAL COMMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

BRUCE J. WESTON  
CONSUMERS' COUNSEL

Larry S. Sauer, Counsel of Record  
Joseph P. Serio  
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel  
10 West Broad Street, 18<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-1312 (Sauer)  
(614) 466-9565 (Serio)  
sauer@occ.state.oh.us  
serio@occ.state.oh.us

September 4, 2012

## **TABLE OF CONTENTS**

|   | <b>Page</b> |
|---|-------------|
| I. PROCEDURAL HISTORY .....   | 1           |
| II. SUPPLEMENTAL COMMENTS.....  | 4           |
| A. The PUCO Staff’s proposed rules fail to provide adequate due process protections for consumer representatives and others to participate in cases where the framework will be determined for setting the prices that Ohioans pay for natural gas..... | 4           |
| 1. The proposed procedural rules for exit cases should be improved to require sufficient due process protection for consumers. ....   | 5           |
| 2. OCC’s proposals for due process—in cases involving Utility proposals to discontinue their historic sale of natural gas to Ohio consumers—are consistent with Executive Order 2011-01K. ....  | 6           |
| 3. The PUCO Staff’s proposed rules for exit cases should be changed to include the procedural protections for exemption cases. ....   | 7           |
| 4. The PUCO should modify the Proposed Rules in accordance with OCC’s recommended modifications.....  | 10          |
| III. CONCLUSION.....  | 13          |

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|   |   |                         |
|---|---|-------------------------|
| In the Matter of the Commission's Review of the | ) |                         |
| Alternative Rate Plan and Exemption Rules       | ) | Case No. 11-5590-GA-ORD |
| Contained in Chapter 4901:1-19 of the Ohio      | ) |                         |
| Administrative Code.                            | ) |                         |

**SUPPLEMENTAL COMMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**I. PROCEDURAL HISTORY**

On November 22, 2012, the Public Utilities Commission of Ohio ("Commission" or "PUCO") issued an Entry that included the PUCO Staff's recommended amendments to the rules ("Proposed Rules") contained in Ohio Adm. Code Chapter 4901:1-19. Those rules relate to three types of cases--alternative regulation, exemption and exit-the-merchant-function--that affect Ohioans' natural gas service.

The rules are of great importance to Ohio consumers, especially with regard to exit-the-merchant-function cases, because that type of case could result in a dramatic and complex change to the way that customers in Ohio purchase their natural gas.<sup>1</sup> The change, if allowed by the PUCO, would mean consumers no longer would have a standard service offer ("SSO") or standard choice offer ("SCO") that they could choose from their natural gas utility. In other words, a utility exit would limit customer choice.

---

<sup>1</sup> An exit the merchant function application, under the Proposed Rules, will involve the complete transfer of the obligation to supply default commodity sales service for choice-eligible customers from a natural gas company to retail natural gas suppliers without the occurrence of a competitive retail auction.

In recent years, consumers have been able to purchase natural gas from utilities that used a competitive auction to set the price of the natural gas. If the PUCO were to approve an application for the natural gas utility to cease its offer to sell natural gas, the consumers would only be supplied their natural gas commodity under individual contracts with competitive suppliers. For these reasons, the PUCO should design the rules with procedural processes to protect consumers and balance their interests with those of the natural gas company and the competitive retail natural gas suppliers (“CRNGS”).

For making its decisions about the rules, the PUCO initially sought Comments and Reply Comments on December 22, 2012 and January 23, 2012, respectively.<sup>2</sup> On December 2, 2011, Columbia Gas of Ohio, Inc. (“Columbia”) and the East Ohio Gas Company d/b/a Dominion East Ohio (“Dominion”) filed a Joint Motion (“Joint Motion”) seeking an extension of the established dates for filing Comments and Reply Comments in the above-captioned matter. In addition, Columbia and Dominion requested a technical conference “to clarify the proposed changes and to help [Columbia and Dominion] gain a better understanding of the reasoning behind the proposed changes.” On December 7, 2011, Duke Energy Ohio, Inc. (“Duke”) filed a Motion (“Duke Motion”) requesting an extension of the procedural schedule, and request for expedited treatment. OCC filed a letter on December 12, 2011 supporting the extension requests and the request for a technical conference.

On December 12, 2012, the Commission issued an Entry and extended the opportunity to file Comments and Reply Comments concerning the Proposed Rules

---

<sup>2</sup> Entry at 2 (November 22, 2011). This Entry extended the procedural schedule established in the Entry of November 22, 2011, by thirty days.

contained in Ohio Adm. Code Chapter 4901:1-19 on January 23, 2012 and February 23, 2012, respectively.<sup>3</sup>

On January 23, 2012, OCC, Ohio Partners for Affordable Energy (“OPAE”), Vectren and Dominion (Jointly), Columbia, Duke, and the Ohio Gas Marketers Group (“OGMG”) filed Comments. On February 23, 2012, the same parties filed Reply Comments.

On July 2, 2012, the Commission issued its Entry in this proceeding. The Commission’s Entry contains three distinct sections: Attachment A: the PUCO Staff’s Recommendations and Summary of Comments; Attachment B: the Staff’s Proposed Rules; and Attachment C: Business Impact Analysis.<sup>4</sup>

On August 1, 2012, Columbia Gas of Ohio, Inc. (“Columbia”), Dominion East Ohio (“Dominion”), Duke Energy Ohio, Inc. (“Duke”) and Vectren Energy Delivery of Ohio (“Vectren”) (collectively the “Utilities”) jointly filed an Application for Rehearing. On August 10, 2012, OCC and OPAE filed a Memorandum Contra Application for Rehearing. On August 22, 2012, the Commission issued an Entry denying the Utilities’ Application for Rehearing,<sup>5</sup> but accepted their filing as Comments on the Staff’s revised recommended changes to the Commission’s rules.<sup>6</sup> In addition, the Commission offered other interested parties the opportunity to file additional comments on September 4, 2012 and reply comments on September 11, 2012.<sup>7</sup> Thus, OCC is filing these Comments.

---

<sup>3</sup> Entry at 2 (December 12, 2011). This Entry extended the procedural schedule established in the Entry of November 22, 2011, by thirty days.

<sup>4</sup> The Common Sense Initiative was established by Executive Order 2011-01K.

<sup>5</sup> Entry at 4 (August 22, 2012).

<sup>6</sup> Entry at 4 (August 22, 2012).

<sup>7</sup> Entry at 4 (August 22, 2012).

## II. SUPPLEMENTAL COMMENTS

### A. **The PUCO Staff's proposed rules fail to provide adequate due process protections for consumer representatives and others to participate in cases where the framework will be determined for setting the prices that Ohioans pay for natural gas.**

In its initial Comments, OCC advocated for adequate and minimum due process protections and procedural safeguards in cases where the natural gas company files an application to exit its merchant function.<sup>8</sup> The “exit” means that consumers would no longer be able to obtain natural gas through their natural gas utility, but would have to purchase natural gas from a marketer. In this scenario, consumers would no longer have a price from the utility to compare to the marketer’s offer. Consumers thus would be denied the ability to choose the lower of the utility’s price or a marketer’s price..

Previously, OCC recommended modifications to the Proposed Rules for a utility’s application to exit its merchant function. OCC recommended that the PUCO adopt procedures from “exemption” cases to use in “exit” cases.<sup>9</sup> (An exemption case is where an entity asks the PUCO to conduct an auction as a means to procure the natural gas commodity for its customers, with the result of the utility being exempted from the gas cost recovery regulations of R.C. 4905.302.)

Unfortunately for consumers, the PUCO denied some of the needed due process for considering exit cases. The PUCO’s Entry states that a distinct procedural rule for exit cases is not needed:

Staff finds that the language contained in OCC’s recommended Paragraph (A) is appropriate and should be incorporated into Rule 4901:1-19-05, O.A.C, as this language is also contained in the filing requirements for exemption applications in Rule 4901:1-19-

---

<sup>8</sup> OCC Comments at 21-22 (January 23, 2012).

<sup>9</sup> Ohio Adm. Code 4901:1-19-04.

04(A), O.A.C. Staff does not recommend adoption of OCC's other proposed changes on the basis that Chapter 4901-1, O.A.C, already provides procedural rules and that OCC's proposal to implement additional procedural rules would be inconsistent with the goals to streamline processes in Executive Order 2011-OIK and Section 121.82, Revised Code. Further, as set forth in Staffs June 27, 2012, recommendation regarding Rule 4901:1-19-05(E), O.A.C, Staff does not recommend OCC's proposal that a separate procedural rule be implemented in Rule 4901:1-19-06 for applications to exit the merchant function.<sup>10</sup>

The PUCO Staff's rationale--for rejecting OCC's recommended changes to the Proposed Rules with regard to due process protections in exit-the-merchant-function case--is unsupportable for the following reasons:

- 1. The proposed procedural rules for exit cases should be improved to require sufficient due process protection for consumers.**

The Staff recommended against adoption of OCC's recommendation because *inter alia* "Chapter 4901-1 O.A.C. already provides procedural rules."<sup>11</sup> But the PUCO's Proposed Rules for exit cases lack requirements for due process. The Proposed Rule merely states:

The commission shall order such procedures as it deems necessary, consistent with these rules, in its consideration of an application to exit the merchant function.<sup>12</sup>

The existence of non-mandatory procedural rules elsewhere in the administrative code, as the PUCO Staff references, will not ensure due process protection. Furthermore, the Proposed Rules provide the Commission with the right to waive any requirement under

---

<sup>10</sup> Entry at 24 (July 2, 2012). (Emphasis added).

<sup>11</sup> Entry at Attachment A page 24. (July 2, 2012).

<sup>12</sup> PUCO Staff's Proposed Rule 4901-1-19-05(F).

the rules not mandated by statute.<sup>13</sup> This level of discretion leaves consumers vulnerable in proceedings where their due process rights can be compromised.

**2. OCC’s proposals for due process—in cases involving Utility proposals to discontinue their historic sale of natural gas to Ohio consumers—are consistent with Executive Order 2011-01K.**

Through its Comments, OCC sought adequate minimum due process protections and procedural safeguards in cases where the PUCO and others are confronted with unprecedented Utility proposals to discontinue their sale of natural gas to Ohioans. The PUCO Staff relied upon Executive Order 2011-01K as part of its rationale to reject OCC’s proposals for due process.<sup>14</sup> The PUCO’s Entry states: “OCC’s proposal to implement additional procedural rules would be inconsistent with the goals to streamline process in Executive Order 2011-01K and Section 121.82 revised Code.”<sup>15</sup>

But a review of Executive Order 2001-01K demonstrates that the focus<sup>16</sup> and objectives of its mandates<sup>17</sup> are intended to reduce the impacts that governmental regulations may have on **small** businesses. The Commission in its Business Impact Analysis identifies the natural gas companies defined by R.C. 4929.01(G) as the businesses impacted by the rules under review.<sup>18</sup>

---

<sup>13</sup> PUCO Staff’s Proposed Rule 4901-1-19-02 (D) “(D) The Commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute.”

<sup>14</sup> Entry at 24 (July 2, 2012). (Emphasis added).

<sup>15</sup> Entry at Attachment A, page 24 (July 2, 2012).

<sup>16</sup> Executive Order 2011-01K at 1 (“Whereas, small businesses are disproportionately impacted by regulations, \* \* \*. Small businesses are economic engine of the economy. The vast majority of businesses in Ohio, and throughout the country, are small businesses. Small businesses are a vital component in creating jobs and fostering innovation.”)

<sup>17</sup> Id. at 2 (“The Lieutenant Governor is granted authority to develop and implement the “Common Sense Initiative” a process for independently evaluating the economic impact of agency rules and regulations on small businesses in Ohio.)

<sup>18</sup> Entry at Attachment C, Provision No. 14.



It should be clear that the major natural gas companies are not small businesses. In fact, the major natural companies represent some of the largest businesses in Ohio and the nation. Therefore, the PUCO Staff's approach to protect huge utility companies from certain regulations is not a proper application of an Executive Order that has the well intended and limited scope of fostering the success of small businesses. It is consumers, more than large natural gas utilities, that need protection with regard to the PUCO processes under discussion in this case.

Finally, it should be pointed out that the Executive Order--that the PUCO Staff relied upon to avoid requiring a hearing process--is itself oriented toward public protection. The Executive Order states a very important objective: “\* \* \* Protecting the public is always first and foremost, \* \* \*.” The PUCO should change the rules to protect the public.

**3. The PUCO Staff's proposed rules for exit cases should be changed to include the procedural protections for exemption cases.**

When considering an issue with the gravity and magnitude of the exit issue for consumers, the PUCO should do the things that facilitate consumer participation. Those things include notice to the public. For example, notice to the public was considered critical (under a law) when the telephone utilities were trying to transition (or migrate) customers from flat rate service to measured service.<sup>19</sup> That industry idea for telephone service didn't work, in part because customers didn't like it. The Staff's Proposed Rule governing procedures for exemption cases includes the requirement of notice,<sup>20</sup> and an

---

<sup>19</sup> *Committee Against MRT v. Pub. Util. Comm.* (1977) 52 Ohio St. 2d. 231, 1977 Ohio Lexis 490.

<sup>20</sup> PUCO Staff's Proposed Rule 4901-1-19-04 (B).

exit-the-merchant-function case should be governed by the same procedural requirements.

Also, there should be a rule requiring the availability of discovery for exit cases. Such a rule would be consistent with R.C. 4903.082, requiring ample discovery. And it would be consistent with Ohio Adm. Code 4901-1-16 through Ohio Adm. Code 4901-1-22. The Staff's Proposed Rule governing procedures for exemption cases includes a provision for discovery,<sup>21</sup> and an exit-the-merchant-function case should be governed by the same procedural requirements.

There should be a requirement for a hearing. As noted, the PUCO wants case outcomes to be based on the record.<sup>22</sup> Hearings are the most important element for testing possible outcomes. The Staff's Proposed Rule governing procedures for exemption cases includes a provision for a hearing,<sup>23</sup> and an exit-the-merchant-function case should be governed by the same procedural requirements.

Since the PUCO Staff believes a distinct procedural rule is not needed for "exit" cases, then the Proposed Procedural Rule for exemption cases -- Proposed Rule 4901-1-19-04 -- should be made applicable to exit cases also. The PUCO has emphasized that it needs to be basing its decisions on evidence of record.<sup>24</sup> That approach is consistent with

---

<sup>21</sup> PUCO Staff's Proposed Rule 4901-1-19-04(C).

<sup>22</sup> *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 11-346-EL-SSO, et al, Entry on Rehearing at 11 (February 23, 2012).

<sup>23</sup> PUCO Staff's Proposed Rule 4901-1-19-04(B). ("After notice and a period for public comment, the commission **shall** conduct a hearing upon an application by a natural gas company with fifteen thousand or more customers for an exemption of any commodity sales service or ancillary service.") (Emphasis added.)

<sup>24</sup> *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 11-346-EL-SSO, et al, Entry on Rehearing at 11 (February 23, 2012).

R.C. 4903.09, which requires “in all contested cases heard by the public utilities commission, a complete record of all of the proceedings shall be made, including a transcript of all testimony and of all exhibits. “ And, under R.C. 4903.09, “the commission shall file, with the records of such cases, findings of fact and written opinions setting forth the reasons prompting the decisions arrived at, based upon said findings of fact.” That should mean discovery and an evidentiary hearing are needed.

In sum, there is no justification for the Proposed Rules to include fewer procedures for an exit-the-merchant-function case than the procedures proposed for exemption cases (under proposed 4901:1-19-04) or for alternative rate plan cases (under proposed 4901:1-19-07). Customers in either scenario deserve the same level of due process protection—and that protection should be very high for consumers.

An application to exit the merchant function will result in a dramatic and complex change to the way that customers, in Ohio, purchase their natural gas.<sup>25</sup> The change, if allowed by the PUCO, means that consumers would no longer have the Gas Cost Recovery (“GCR”) mechanism as a standard service offer (“SSO”). And this change, if allowed by the PUCO, means that consumers would no longer have the auction for the standard choice offer (“SCO”) to determine the commodity price from the natural gas company. It is worth noting that the auction process, thus far, has provided very beneficial natural gas prices for customers in their choice of services.

It is important that the Staff’s Proposed Rules provide for adequate due process protections. The procedures for exemption cases require notice to the public, ample discovery and an evidentiary hearing. It seems only appropriate that, for what could be

---

<sup>25</sup> An exit the merchant function application, under the Proposed Rules, will involve the complete transfer of the obligation to supply default commodity sales service for choice-eligible customers from a natural gas company to retail natural gas suppliers without the occurrence of a competitive retail auction.

among the most significant changes ever made in the way Ohioans buy their natural gas, the PUCO would maximize its information for its decision-making by giving notice to the public, allowing ample discovery and holding a hearing. And the PUCO would want to maximize information for determining what outcome complies with the applicable state policy that includes “Promote the availability to consumers of ... reasonably priced natural gas services and goods.”<sup>26</sup> Therefore, the procedural rules included for Exemption Cases should be the same for Exit Cases, and notice, ample discovery rights and an evidentiary hearing should be required.

**4. The PUCO should modify the Proposed Rules in accordance with OCC’s recommended modifications.<sup>27</sup>**

In its Initial Comments, OCC had proposed inserting additional language in the PUCO Staff’s Proposed Rules to establish a procedural process for an exit-the-merchant-function application.<sup>28</sup> The PUCO Staff rejected OCC’s proposal: “[f]urther, as set forth in Staffs June 27, 2012, recommendation regarding Rule 4901:1-19-05(E), O.A.C, Staff does not recommend OCC’s proposal that a separate procedural rule be implemented in Rule 4901:1-19-06 for applications to exit the merchant function.”<sup>29</sup> To address the Staff’s concern, OCC makes the following modified proposal--using a combined rule for exit and exemption cases instead of a separate rule for exit cases--to remedy the procedural deficiencies in the Staff’s Proposed Rules.

4901:1-19-04 Procedures for exemption and exit-the-merchant-function applications filed pursuant to section 4929.04 of the Revised Code.

(A) During the processing of the application, the commission may dismiss any

---

<sup>26</sup> R.C. 4929.02(A)(1).

<sup>27</sup> Additions are denoted by under-lining and deletions are denoted by strikethrough.

<sup>28</sup> OCC Comments at 21-22 (January 23, 2012).

<sup>29</sup> Entry at 24 (July 2, 2012). (Emphasis added).

application which does not substantially comply with the filing requirements of rules 4901:1-19-03 and 4901:1-19-05 of the Administrative Code.

- (B) After notice and a period for public comment, the commission shall conduct a hearing upon an application by a natural gas company with fifteen thousand or more customers for an exemption of any commodity sales service or ancillary service, or an application by a natural gas company to exit-the-merchant-function. The commission may, upon its own motion, conduct a hearing upon such an application by a natural gas company with fewer than fifteen thousand customers.
- (C) Discovery shall be served no later than twenty calendar days prior to hearing unless a different deadline has been specified in an order of the commission for the purposes of a specific proceeding.

4901:1-19-05 Filing requirements and procedures for applications to exit the merchant function filed pursuant to section 4929.04 of the Revised Code.

~~(A) During the processing of the application, the commission may dismiss any application which does not substantially comply with the filing requirements of rule 4901:1-19-05 of the administrative code.~~

- ~~(B)~~ A) Notice of intent  
The applicant shall notify the commission staff by letter addressed to the directors of the utilities department and the service monitoring and enforcement department of its intent to file an application at least thirty calendar days prior to the expected date of filing.

~~(C)~~ B) Form of an application

- (1) All testimony and exhibits supporting the application shall be filed with the application,
- (2) The applicant shall provide a copy of its application and supporting testimony to the office of the consumers' counsel and each party of record in its previous exemption proceeding. Such copies may be provided either in hard copy or by electronic service. The applicant shall keep at least one copy of the application at the applicant's principal business office and on its web page for public inspection.
- (3) The applicant shall provide or cause to be provided a copy of the application to any person upon request.

- (4) An exit-the-merchant-function application shall be designated by the commission's docketing division using the acronym EMF.

~~(D)~~ C) Exhibits to an exit-the-merchant-function application

- (1) The applicant shall demonstrate that the retail natural gas suppliers providing default commodity sales service to the natural gas company's choice-eligible customers have done so reliably for at least two consecutive heating seasons through a competitive retail auction process.
- (2) The applicant shall provide details of the proposed assignment and transfer of choice-eligible customers to retail natural gas suppliers for default commodity sales service.
- (3) The applicant shall provide an accounting of the costs to implement the exit-the-merchant-function plan.
- (4) The applicant shall provide a plan for customer education regarding the exit-the-merchant-function plan, which shall include efforts to encourage customers to choose retail natural gas suppliers before the company fully exits the merchant function.
- (5) The applicant shall demonstrate that the application satisfies section 4929.04 of the Revised Code, and is just and reasonable.

~~(E)~~ D) The applicant may request recovery of its reasonable costs of exiting the merchant function.

~~(F) — The commission shall order such procedures as it deems necessary, consistent with these rules, in its consideration of an application to exit the merchant function.~~

~~(G)~~ E) Review of the application

- (1) The burden of proof shall be on the applicant to show that the application satisfies section 4929.04 of the Revised Code, and is just and reasonable.
- (2) Any party opposing an exit-the-merchant-function plan may present evidence to the Commission that the application to exit the merchant function does not meet the criteria in division (G)(1) of this rule. Any such showing of a failure to meet the criteria shall rebut the presumption that permitting an applicant to exit the merchant function satisfies the requirements of division (G)(1) of this rule, and no exit from the merchant function shall be granted.

OCC's proposal makes Ohio Adm. Code 4901:1-19-04 consistent in its applicability to both exemption applications (Ohio Adm. Code 4901:1-19-03) and exit-the-merchant-function applications (Ohio Adm. Code 4901:1-19-05). That approach addresses the Staff's concerns regarding including a separate procedural rule for exit-the-merchant-function applications.

In addition, OCC's recommendation promotes transparency, consistency and predictability under the Staff's Proposed Rules governing applications filed pursuant to R.C. 4929.04 regardless of whether an application is filed for an exemption or an exit-the-merchant-function. The procedures, as outlined in Ohio Adm. Code 4901:1-19-04 (as modified by OCC), under both types of applications, provide for notice (Provision A), a hearing (Provision B) -- which is required for exemption cases, but discretionary under Staff's Proposed Rules for an exit-the-merchant-function case -- and ample discovery rights -- which are provided for in exemption cases, but discretionary under Staff's Proposed Rules for an exit-the-merchant-function case (Provision C).

### **III. CONCLUSION**

The PUCO Staff's Proposed Rules should be modified in accordance with OCC's Comments above. OCC's proposed modifications are consistent with Executive Order 2001-01K that states "Protecting the public is always first and foremost" and are consistent with state policy.

Respectfully submitted,

BRUCE J. WESTON  
CONSUMERS' COUNSEL

/s/ *Larry S. Sauer*

Larry S. Sauer, Counsel of Record

Joseph P. Serio

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 West Broad Street, 18<sup>th</sup> Floor

Columbus, Ohio 43215

(614) 466-1312 (Sauer)

(614) 466-9565 (Serio)

sauer@occ.state.oh.us

serio@occ.state.oh.us



## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing  
*Supplemental Comments* has been served upon the below-named counsel via electronic service  
this 4th day of September 2012.

/s/ Larry S. Sauer

Larry S. Sauer  
Assistant Consumers' Counsel

## **SERVICE LIST**

Brooke E. Leslie  
Stephen B. Seiple  
Columbia Gas of Ohio, Inc.  
200 Civic Center Drive  
P.O. Box 117  
Columbus, Ohio 43216-0117  
[bleslie@nisource.com](mailto:bleslie@nisource.com)  
[sseiple@nisource.com](mailto:sseiple@nisource.com)

Amy B. Spiller  
Jeanne W. Kingery  
Duke Energy Ohio, Inc.  
139 East Fourth Street 1301-Main  
P.O. Box 960  
Cincinnati, Ohio 45201-0960  
[Amy.spiller@duke-energy.com](mailto:Amy.spiller@duke-energy.com)

M. Howard Petricoff  
Stephen M. Howard  
Vorys, Sater, Seymour and Pease  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)

Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, Ohio 45840  
[cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

Mark A. Whitt  
Carpenter Lipps & Leland LLP  
280 Plaza, Suite 1300  
280 North High Street  
Columbus, Ohio 43215  
[whitt@carpenterlipps.com](mailto:whitt@carpenterlipps.com)

William Wright  
Chief, Public Utilities Section  
Public Utilities Commission of Ohio  
180 East Broad Street 6<sup>th</sup> Floor  
Columbus, Ohio 43215  
[William.wright@puc.state.oh.us](mailto:William.wright@puc.state.oh.us)

Eric B. Gallon  
Christen M. Moore  
Porter Wright Morris & Arthur LLP  
Huntington Center  
41 South High Street  
Columbus, Ohio 43215  
[egallon@porterwright.com](mailto:egallon@porterwright.com)  
[cmoore@porterwright.com](mailto:cmoore@porterwright.com)

AE: [Mandy.willey@puc.state.oh.us](mailto:Mandy.willey@puc.state.oh.us)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/4/2012 3:05:04 PM**

**in**

**Case No(s). 11-5590-GA-ORD**

Summary: Comments Supplemental Comments by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.