

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Commission's</b>	)	
<b>Investigation of Ohio's Retail Electric</b>	)	<b>Case No. 12-3151-EL-COI</b>
<b>Service Market</b>	)	

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**COMMENTS  
BY  
ADVANCED ENERGY ECONOMY OHIO**

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**I. Introduction**

On December 12th 2012 the Commission filed Case No. 12-3151-EL-COI. In the entry filed on that date the Commission requested stakeholder comments on a series of questions associated with market conditions in Ohio.

Advanced Energy Economy Ohio (AEEO) is a trade association with an expanding membership of companies operating in Ohio and focusing on the growing clean energy development and energy efficiency fields. Many members of AEEO develop distributed generation projects and are directly affected in the course of usual business by the PUCO's oversight of the competitive electric marketplace in Ohio which is the subject of the December 12<sup>th</sup> entry. AEEO has unique and valuable insight into the impact on business of current electric marketplace conditions, and to the various questions posed by the Commission in this case.

As mentioned in the entry, the Commission recognizes that Amended Substitute Senate Bill 221 (SB221) contained twin goals; the development of further deregulation for enhancing

customer choice, as well as the development and encouragement of alternative energy sources, demand-side management, time differentiated pricing, and energy efficiency.<sup>1</sup>

The Commission also recognizes the important and rapidly changing generation makeup of the state of Ohio, specifically focusing on the potential for insufficient generation capacity in Ohio.<sup>2</sup> AEEO shares these concerns; some stakeholders have contended that low natural gas prices and the recession have created a near generation surplus in Ohio – these contentions are false, misguided and ultimately counter-productive. Ohio faces serious generation capacity challenges, and if these challenges are not addressed carefully electricity prices in our state could climb out of control. In fact, the gaps emerging due to the closure of older central generation facilities are rapidly growing. Just this week, AEP announced the 2015 closure of its Muskingum River generation facility.<sup>3</sup> This means that Ohio will lose another 615 MW of capacity; potentially creating real price impacts for consumers that will be felt in the next capacity auction.<sup>4</sup>

This docket offers a clear opportunity to address this challenge, accelerating the development of cost effective distributed generation and price-suppressing energy efficiency beyond even those levels contemplated by SB 221. At this time, AEEO offers comment on several of the questions posed by the Commission, but not all.

## **II. Comments on Market Design Questions (a), (k), (i)2, (j)2 and (k)2**

AEEO offers comments on the market design questions (a), (k), (i)2, (j)2 and (k)2. (We note that the order seems to include a typo, including (i) (j) and (k) twice.) These comments are

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<sup>1</sup>*In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-315-EL-COI December 12<sup>th</sup> Entry at 1.

<sup>2</sup>Entry at 2.

<sup>3</sup>*The Columbus Dispatch*, AEP Won't Burn Coal at Three Plants by Mid-2015; Published Tuesday February 26<sup>th</sup> 2013.

<sup>4</sup> AEP plans to shutter unit 5 at the facility in 2015, which has a capacity of 615 MW.

generally focused on the elimination of market barriers to energy efficiency and load management tools for customers.

- (a) Does the existing retail electric service market design present barriers that prevent customers from obtaining, and suppliers from offering, benefits of a fully functional competitive retail electric service market? To the extent barriers exist, do they vary by customer class?**

AEEO believes that competition can ultimately lower prices and improve electricity system performance and supply delivery if and when a diverse mix of low cost resources have the ability to directly compete. Distributed generation and energy efficiency resources have more potential to lower retail prices, reduce the need for expensive centralized generation facilities and transmission and distribution upgrades, fill fast emerging generation capacity gaps, reduce peak prices, and improve grid reliability than any other investment in the field. Reform that looks to improve competition and remove market barriers will not be complete unless distributed generation and energy efficiency investment is directly competing with centralized generation in Ohio, and is alleviating and negating some of the command-and-control transmission and distribution investments of regulated utilities in our state.

Market barriers, particularly to the development of more energy efficiency and advanced energy products entering the marketplace, are a problem. Throughout these initial comments, AEEO seeks to resolve these barriers with specific suggestions for action for the Commission. As Ohio moves to a more competitive marketplace, the Commission should keep in mind – and work to resolve – the numerous market barriers that energy efficiency and load management face in that environment. The failure to address these market barriers will result in higher prices and high costs to customers to fill capacity gaps; energy efficiency is by far Ohio's cheapest supply option. If energy efficiency, load management, and distributed generation are not major parts of Ohio's competitive marketplace, then Ohio will suffer higher prices and costs.

The Commission should focus in on the following market barriers; specifically energy efficiency and load management in a competitive market atmosphere face a challenge because for a retail supplier, a kWh saved represents lost revenue – even if it is cheaper to procure than electric supply. Most often the goal for a retail supplier is the maximization of sales or profit or some combination of the two, making energy efficiency investment a competitive danger. Additionally long-term savings, particularly for large scale customers, may lose out to short-term costs or attractive short-term retail incentives for higher sales volumes. As the Commission reviews these market barrier questions, attention should be paid to resolving these clear barriers to low cost efficiency and load management resources.

**(k) What potential barriers, if any, are being created by the implementation of a provider’s smart meter plans? Should CRES suppliers be permitted to deploy smart meters to customers? Should the Commission consider standardizing installations to promote data availability and access?**

Smart meter development in Ohio has been limited by an absence of policy infrastructure which would create lower prices and improve market performance. Smart meters have the potential to provide these benefits; this policy failure constitutes a significant market barrier that can be eliminated or ameliorated by the Commission. AEEO urges action on this point; the Commission has already begun exploration of the necessary next steps in Case No. 12-150-EL-COI, *In the Matter of the Commission’s Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*. As part of that docket, AEEO’s predecessor organization, “The Ohio Business Council for a Clean Economy” offered detailed comments regarding the use of smart meters and the role Commission policy plays in ensuring the most beneficial and effective implementation of this technology on behalf of customers.<sup>5</sup> In response to question K

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<sup>5</sup> See Ohio Business Council for a Clean Economy Comments, Case No. 12-150-EL-COI, *In the Matter of the Commission’s Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*, Filed March 11<sup>th</sup> 2012.

posed by the Commission in this current proceeding, AEEO urges the Commission to embrace more dynamic pricing, encourage more storage capacity on the grid, working with CRES providers to provide more smart metering capacity and standardize and improve data sharing.

Just as importantly however, AEEO asks the Commission to act on its previous examination of this issue. In its initial entry in Case No. 12-150-EL-COI the Commission noted that it created that proceeding to examine dynamic pricing and integration of these pricing options with smart and advanced metering customers.<sup>6</sup> That entry was issued on January 11<sup>th</sup>, 2012. Since it was issued over a dozen parties have issued detailed comments and a workshop has been held; but the Commission has not issued an opinion or an order in association with that proceeding. AEEO urges the Commission to act in that case; failing that AEEO asks that the Commission take the opportunity posed by this proceeding to address and resolve the issues and questions posed by its January 11<sup>th</sup> 2012 entry in Case No. 12-150-EL-COI.

**Smart Metering can keep electricity costs down and improve competition if coupled with dynamic pricing, more storage capacity on the grid, and retail pricing options for customers with advanced and interval meters.**

Competition and functioning retail markets in Ohio need to allow for and encourage the development of dynamic pricing and grid storage capacity. The most effective way to achieve this important goal is to ensure that Ohio's existing and future customers with smart meter capacity are presented with and encouraged to participate in dynamic pricing programs.

Dynamic pricing offers a series of customer and utility benefits. Dynamic pricing allows customers to conserve energy more effectively, as well as shift usage to off-peak periods which improves demand profiles for the grid and lowers costs. A well designed dynamic pricing program allows customers in all classes to save money in exchange for participating in those

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<sup>6</sup>Case No. 12-150-EL-COI, *In the Matter of the Commission's Review of Time-Differentiated and Dynamic Pricing Options for Retail Electric Services*, January 11<sup>th</sup>, 2012 Entry at 1.

programs, and home, business, or industrial investments made by customers and utilities to make these programs more effective often result in the installation of advanced systems that support home and business automation, and more efficient industrial processes. At the most basic level, dynamic pricing allows consumers greater control over their energy bill and energy choices.

**Energy storage investments provide a wide range of important customer benefits.**

Specifically, these systems allow the rational deployment of generation assets to achieve load shifting and peak demand reduction goals, which are important objectives for the state memorialized in statute. Depending on the location and deployment strategies employed for these technologies, they can eliminate or reduce capital spending on costly generation and transmission and distribution projects. There are other benefits provided by the technology, energy storage increases reliability of the grid through voltage, frequency and power factor correction, as well as providing important price arbitrage opportunities in a dynamic pricing environment.

Energy storage devices allow for optimal grid performance and reliability, which directly compliments the effectiveness of dynamic pricing. Additionally, energy storage devices support dynamic pricing goals by providing the opportunity to shift load to peak periods, providing generation supply when it is needed most. Developing more energy storage capacity in Ohio is an important goal, which is highlighted by the drive of federal regulators for a more efficient transmission system and more effective regional electricity marketplace.

Energy storage development in Ohio provides a vehicle for compliance with FERC Order 137. Issued in October 2011, FERC Order 137 states that RTO's and ISOs must compensate frequency regulation resources based on the actual services provided. Energy storage devices act as fast-ramping resources to meet frequency regulation needs that accurately follow the dispatch

signals.<sup>7</sup> Integration of this technology concurrent with dynamic and time-differentiated pricing will be important as a foundational element for the successful implementation and maintenance of any effort to optimize the performance and potential of smart and advanced metering.

**CRES suppliers should be permitted and encouraged to deploy smart meters to customers.**

CRES providers should be encouraged to spread the deployment of advanced metering in Ohio. Advanced metering is essential to the most efficient provision of distributed power in our state; smart metering is also a tool for increasing customer choice and control over energy supply. The American Council for an Energy Efficient Economy (ACEEE) has estimated that smart meters coupled with specific utility and commission policy initiative would save customers substantially. Specifically, ACEEE reviewed the performance of smart meter energy management programs across the country and internationally; through that study they derived the following customer estimate benefits for the following measures. ACEEE estimates that coupling smart meters with enhanced billing programs saves customers 2-6% for a billing period, real-time pricing programs save customers a range 4.5 to 12%, and customer behavior focused programs save on average 6-18%.<sup>8</sup>

AEEEO believes that the proliferation of advanced metering technology in Ohio should be encouraged; and that investor owned utilities with the responsibility for preparing and implementing Ohio's energy efficiency programming should develop energy efficiency programs that capitalize on smart meter infrastructure and investment. Additionally, CRES providers should be encouraged by the Commission couple advanced metering with dynamic pricing; this

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<sup>7</sup>Frequency Regulation Compensation in the Organized Wholesale Power Markets, Federal Energy Regulatory Commission, Docket Nos. RM 11-7-000 and AD 10-11-000; Order No. 755; Order 137 at 35 (October 20, 2011)

<sup>8</sup> American Council for an Energy Efficient Economy, *Advanced Metering Initiatives and Residential Feedback Programs: A Meta-Review for Household Electricity-Saving Opportunities*, Report Number E105 June 2010 at 77.

option would increase customer choice and allow sophisticated customers further control their energy usage and costs.

**The Commission should standardize smart meter installations and data sharing.**

In order to facilitate the expansion of advanced metering infrastructure in Ohio, the Commission should create simple and clear paths for market participants to employ the technology, and install meters. As well, the Commission should ensure that data sharing among market participants is as open and wide as can be reasonably permitted in a competitive atmosphere.

The Commission should streamline and make uniform the process necessary for a customer or a CRES provider to work with a customer to install advanced metering technology. Right now there are seven electric distribution companies in the state of Ohio, and potentially seven different paths to navigate to fully optimize advanced metering. The Commission should streamline the process, ensuring that the entrepreneurs looking to deploy and optimize this technology do not have to focus excess energy on conflicting or confusing processes. As part of a Commission effort to streamline advanced metering installation, the Commission should keep in mind the value of data sharing for the development of the kinds of energy management products that will allow Ohio to play a leadership role in energy innovation. As AEEO has reinforced in other dockets, good data readily available to product developers makes a major difference.<sup>9</sup>

As the Commission looks to formalize advanced metering installation and create a better climate for deployment of the technology in Ohio, it should recognize the valuable role that data collection and availability play in product development and innovation.

**(i) 2 Should the Commission consider standardized billing for electric utilities?**

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<sup>9</sup> See AEEO Comments 12-2050



The Commission should consider standardizing and expanding billing systems and options for customers to improve competition and increase product options. AEEO has long been a proponent of providing more and better energy saving and production options to customers. One of the most promising and effective efficiency and distributed generation tools is on-bill repayment.

On-bill repayment allows and encourages customers to privately invest in energy saving measures and distributed generation at their home or business. In a functioning on-bill repayment system, customers receive financing and energy installation support from a third party, and then repay the cost of that support through their utility bill.

In this model there are limited to no costs to taxpayers or ratepayers, customers can be provided access to low-cost capital, and a variety of financing techniques for a program may be employed; including loans, leases, energy service agreements, and power purchase agreements. Most importantly, on-bill repayment options make investing in energy efficiency and distributed generation simple and easy for customers. Such a program also provides a key opportunity for leveraging the energy efficiency and renewable energy options provided by Ohio's electric distribution utilities as part of their energy efficiency, peak demand reduction, and distributed generation development goals. Accordingly, AEEO requests that as billing standardization be considered, the Commission work aggressively to ensure that billing systems can accommodate tools like on-bill repayment that allow increasing investment in energy efficiency and distributed generation in Ohio.

- (j) 2 Do third party providers of energy efficiency products, renewables, demand response or other alternative energy products have market access? If not, how could this be enhanced?**

Right now, third party providers of energy efficiency, renewable energy, and peak demand services need greater access to the market. The Commission can take clear steps to ensure that these important products, so essential to filling capacity gaps and keeping electricity prices low, can penetrate and compete in the marketplace. Specifically, the Commission needs to help foster through rules, workshops, and decision in rate case actions – the mechanisms that can help these resources gain greater access to the market.

**The Commission should provide more tools to third party energy efficiency, renewable energy, and peak demand providers to participate in Ohio’s retail electricity marketplace.**

Electric customers aren’t looking for electric supply when entering the retail marketplace; the real goal in shopping for these customers is end use; in residences that means light, a comfortable home, and functioning electronics. For commercial customers it means functioning business environments, for industrial customers it means effective manufacturing processes. Delivered electric power is one way to meet these needs; but it’s not the only way – energy efficiency, distributed generation and energy management tools can be just as effective methods to provide the end-uses that customers want, and in the case of energy efficiency – at a cost a fraction of electric power. Since these tools are just as if not more effective at helping provide the customer with the end use he or she wants, why are they not part of Ohio’s retail electric marketplace? Why aren’t they a bigger part of the package offered to customers in this marketplace?

The Commission needs to make sure that these services can compete effectively in Ohio’s retail electricity market. To ensure that they can, AEEO recommends that the Commission take the following actions to improve market conditions for the provision of a complete suite of customer options:

*As part of the approval process for transmission and distribution investments, ensure that lower-cost energy efficiency and load management investments are considered prior to issuance of approvals.* Electric distribution utility spending on transmission and distribution improvements, like those mentioned in the original entry in this case, are a means to an end, not an end in themselves.<sup>10</sup> They are intended to serve the needs of the regulated systems, which has a statutory obligation to provide service to customers at the lowest reasonable cost. For instance, the high levels of transmission and distribution spending referenced in the entry are designed to alleviate constraints in a particular portion of the state; as future constraints and grid challenges emerge in this era of shrinking generation capacity, the Commission should evaluate all solutions to the challenge before approving any particular transmission or distribution charge. Energy efficiency and load management has been a proven alternative to more expensive transmission and distribution charges to customers.<sup>11</sup> The Commission should require a review of these often lower cost options before approving any request for transmission and distribution charges; and should explicitly consider market-based energy efficiency or load management procurement mechanisms to relieve future transmission constraints and defer those expensive customer charges.

*Encourage energy efficiency bidding into PJM capacity markets by making PJM monitoring and verification requirements the state standard.* The Commission should take every opportunity to ensure that any party it has regulatory authority over employs the PJM approved energy efficiency monitoring and verification procedures. Right now, the measurement and verification standards associated with complying with Ohio's energy efficiency standards – both for utilities and for customers self-directing their own energy efficiency projects and

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<sup>10</sup> See Entry at 2.

<sup>11</sup>Regulatory Assistance Project, *US Experience with Efficiency As a Transmission and Distribution System Resource*; February 2012.

investments, do not match the requirements imposed by PJM. This creates unnecessary administrative difficulties, and results in far less participation in the PJM base residual auction by those with the potential to bid-in low cost energy efficiency resources that have been proven to lower market prices for all customers. The Commission should work to improve the operation of the PJM marketplace by utilizing its oversight of electric distribution utilities and other entities to ensure that as much energy efficiency as possible is bid into the PJM base residual auction, and ensuring that monitoring and verification standards are as uniform as possible. This is particularly important as various regions of the country move towards more uniform monitoring and verification standards.<sup>12</sup>

*The Commission should encourage the competitive sourcing of energy services.* As mentioned above, a customer wants building or business performance at the best price; an offer purely made up of power sales may not provide that. The Commission should start a review, a series of workshops, a separate case, or through the current docket; focused on the development of a competitive energy service market. Through such a market customers could provide clear information to energy service companies who could then respond with offers that include not just contracts for power sales, but support for energy efficiency and demand side management as part of a low-cost energy management contract. Right now, these resources are not being offered in the vast majority of retail energy sales; the Commission should investigate and act on this question, and work to build an infrastructure for the competitive sourcing of energy services.

**(k) 2 Does an electric utility have an obligation to control the size and shape of its native load so as to improve energy prices and reduce capacity cost?**

AEEO believes that electric utilities do have a clear statutory obligation to control the size and shape of its native load so as to improve energy prices and reduce costs to customers.

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<sup>12</sup> See State & Local Energy Efficiency Action Network, Priority Solutions and Action page, review through: <http://www1.eere.energy.gov/seeaction/evaluation.html> Accessed February 26th, 2013.

Specifically, we point to ORC 4928.11 and ORC 4928.02. Both these sections of the code make the intent of the legislature to impose upon regulated utilities a duty to consumers of the state of Ohio; that duty clearly includes controlling the size and shape of native load in a manner that lowers energy prices and reduces capacity costs. Specifically, ORC 4928.02 (A) states that it is the policy of Ohio to “Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service...” ORC 4928.02 (I) states that it is the policy of Ohio to “Ensure retail electric service consumers protection against unreasonable sales practices, market deficiencies, and market power...” Clearly, the Commission has been authorized by the Commission to build a competitive marketplace in Ohio that lowers costs to consumers, and ensure that utilities control the size and shape of load to improve energy prices and reduce capacity costs.

AEEO recommends that the Commission utilize this proceeding to ensure Ohio’s administrative code gives the Commission adequate oversight ability to ensure utilities shape native load in a manner that best serves customers.

### III. Conclusion

AEEO appreciates the Commission's creation of this docket, and the opportunity this docket provides to address the questions posed. AEEO may supplement these comments in the future, and looks forward to reviewing the comments of other stakeholders.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing *Comments* has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on March 1, 2013.

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