

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Aligning Electric	)	
Distribution Utility Rate Structure with	)	Case No. 10-3126-EL-UNC
Ohio's Public Policies to Promote	)	
Competition, Energy Efficiency, and	)	
Distributed Generation.	)	

---

**APPLICATION FOR REHEARING  
BY  
THE NATURAL RESOURCES DEFENSE COUNCIL, SIERRA CLUB,  
AND OHIO ENVIRONMENTAL COUNCIL**

---

The Natural Resources Defense Council, Sierra Club and the Ohio Environmental Council (collectively, the “Environmental Advocates”) now submit this Application for Rehearing<sup>1</sup> in response to the Public Utilities Commission of Ohio’s (“Commission”) Finding and Order issued in this proceeding on August 21, 2013. In the Finding and Order, the Commission stated that, based on comments filed and recent natural gas utility experiences, it “believes that [...] the rate structure that may best accomplish [the] policy goals [contained in Ohio Revised Code 4928.02] is the SFV [Straight-Fixed Variable] rate design.”<sup>2</sup> SFV requires that customers pay a single fixed charge for delivery of electricity to cover the utility’s fixed distribution costs. Generation energy is billed at a volumetric rate. The Commission “encouraged” electric utilities to file an SFV rate design as a part of their next rate case; for those utilities that do not propose such a

---

<sup>1</sup> The Environmental Advocates file this Application for Rehearing pursuant to R.C. 4903.10 and Ohio Adm. Code 4901-1-35.

<sup>2</sup> Finding and Order at 19 (August 21, 2013).

design, the Commission directed Staff “to include in its Staff Report an alternative rate design that includes SFV principles.”<sup>3</sup>

The Environmental Advocates now file for rehearing based on the following grounds:

1. The Commission’s Order is unreasonable because it is premature and does not allow the decoupling pilot programs currently in operation by Duke and AEP to be considered and evaluated, thereby denying interested parties the opportunity to evaluate the results in administrative proceedings.
2. The Commission’s Order is unlawful because it undermines the policies of Ohio Revised Code 4928.02 by diminishing the potential energy efficiency incentives to customers and discouraging distributed generation.
3. The Commission’s Order is unlawful because it fails to adequately explain its preference for a straight fixed variable (“SFV”) rate structure for electric distribution utilities.

The Environmental Advocates now request that the Commission consider the grounds for rehearing, as set forth in the accompanying Memorandum in Support, and abrogate or modify the Finding and Order.

Respectfully submitted,

/s/Christopher J. Allwein  
Christopher J. Allwein  
Williams Allwein & Moser, LLC  
1500 West Third Avenue Suite 330  
Columbus, OH 43214  
(614) 429-3092 - Office  
(614) 870-8896 - Fax  
[callwein@wamenergylaw.com](mailto:callwein@wamenergylaw.com)

---

<sup>3</sup> *Id.* at 20.

**Attorney for Natural Resources Defense Council  
Attorney for Sierra Club**

/s/Trent A. Dougherty

Trent A. Dougherty

Nolan Moser

Ohio Environmental Council

1207 Grandview Avenue, Suite 201

Columbus, Ohio 43212-3449

(614) 487-7506 - Office

(614) 487-7510 – Fax

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

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

**Attorneys for the Ohio Environmental Council**

## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	1
II. STANDARD OF REVIEW .....	3
III. ARGUMENT .....	4
A. The Commission’s Ruling is Unreasonable Because it is Premature and Does Not Allow the Decoupling Pilot Programs Currently in Operation by Duke and AEP to be Considered and Evaluated, Thereby Denying Interested Parties the Opportunity to Evaluate the Results in Administrative Proceedings. ....	4
B. The Commission’s Order is Unlawful Because it Undermines the Policies of Ohio Revised Code 4928.02 by Diminishing the Potential Energy Efficiency Incentives to Customers and Discouraging Distributed Generation. ....	7
C. The Commission’s Order is Unlawful Because it Fails to Adequately Explain its Preference for a Straight Fixed Variable Rate Structure for Electric Distribution Utilities. ....	9
IV. CONCLUSION.....	12

In the Matter of Aligning Electric )  
Distribution Utility Rate Structure with ) Case No. 10-3126-EL-UNC  
Ohio’s Public Policies to Promote )  
Competition, Energy Efficiency, and )  
Distributed Generation. )

## I. INTRODUCTION

Accompanying this Entry were several questions regarding different types of cost recovery (i.e., decoupling mechanisms, SFV, and lost revenue recovery). The Commission requested comments on the questions “to aid the Commission in initially framing the issues that should be considered.”<sup>6</sup> Eleven interested parties filed motions to intervene,<sup>7</sup> and thereafter initial comments were filed – including those by the

<sup>7</sup> Ohio Energy Group (January 5, 2011); Ohio Environmental Council (“OEC”) (January 12, 2011); The Kroger Company (“Kroger”) (January 21, 2011); Sierra Club (February 2, 2011); OCC (February 4, 2011); The Neighborhood Environmental Coalition, The Empowerment Center of Greater Cleveland, United

Environmental Advocates as part of OCEA.<sup>8</sup> No reply comments were solicited.<sup>9</sup> In the Entry, “additional opportunities” for comment were promised but never provided.<sup>10</sup> On August 21, 2013 – over two years after initial comments were filed – the Commission issued a Finding and Order, in which it summarized the positions of the various interested parties.<sup>11</sup> The Commission also acknowledged in the Finding and Order decoupling pilots that it approved for both Duke and AEP Ohio following its receipt of comments in this proceeding.<sup>12</sup> Yet, without providing further opportunity to comment as was originally promised in the December 2010 Entry, or examining the two decoupling pilots already in progress, the Commission determined that a SFV design would “best accomplish” Ohio’s policy goals of competition, increased energy efficiency and encouraging distributed generation.<sup>13</sup> As described herein, if undertaken by the electric

---

Clevelanders Against Poverty, and The Consumers for Fair Utility Rates (collectively, “Citizens Coalition”) (February 7, 2011); Industrial Energy Users-Ohio (February 9, 2011); The Natural Resources Defense Council (“NRDC”) (February 9, 2011); Nucor Steel Marion, Inc. (“Nucor”) (February 11, 2011); Wal-Mart Stores East L.P. and Sam’s Club, Inc. (“Wal-Mart”) (February 11, 2011); and Ohio Manufacturers’ Association (February 11, 2011).

<sup>8</sup> Comments were filed by Ohio Consumer and Environmental Advocates (“OCEA”), which included OCC, Sierra Club, OEC, NRDC, Citizens Coalition, Ohio Poverty Law Center, Citizen Power and Greater Cincinnati Energy Alliance; Citizens Coalition, in addition to its participation in OCEA’s comments; Ohio Partners for Affordable Energy (“OPAE”); Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, “FirstEnergy”); Duke Energy Ohio, Inc.; Dayton Power and Light Company (“DP&L”); Columbus Southern Power Company and Ohio Power Company (“AEP Ohio”); Wal-Mart; and Kroger.

<sup>9</sup> Entry at 1.

<sup>10</sup> *Id.* at 5, which stated: “This **first round** of comments is **solely for the purpose** of having parties aid the Commission in determining the appropriate questions and data necessary to be considered in this review. The Commission, at a later date, will consider and **specify additional opportunities for input** into this review.” (Emphasis added).

<sup>11</sup> Finding and Order at 2-18.

<sup>12</sup> *Id.* at 18-19, referencing *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively, AEP Ohio) for an Increase in Electric Distribution Rates*, Case No. 11-351-EL-AIR, Opinion and Order (December 14, 2011) at 9-10; *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a Distribution Decoupling Rider*, Case No. 11-5905-EL-RDR, Finding and Order (May 30, 2012) at 3-4.

<sup>13</sup> *Id.* at 19.

distribution utilities (“EDUs”) in Ohio, the SFV mechanism will actually undermine these stated policy objectives.

The Finding and Order should be abrogated or modified or because: it is premature in that it ignores the decoupling pilots currently in operation by two EDUs; it disregards the portion of the Commission’s Entry in this proceeding that stated additional opportunities for comment on these issues would be made available; it selects a rate design (SFV) that undermines the stated policy objectives of Ohio Revised Code 4928.02; and it violates principles of administrative law by failing to adequately explain the basis for its decision.

## II. STANDARD OF REVIEW

Applications for rehearing are governed by R.C. 4903.10. The statute allows that, within 30 days after issuance of a Commission order, “any party who has entered an appearance in person or by counsel in the proceeding may apply for rehearing in respect to any matters determined in the proceeding.” Each of the Environmental Advocates was granted intervention and was part of a joint submission of comments in this proceeding as part of the Ohio Consumer and Environmental Advocates (“OCEA”).<sup>14</sup>

R.C. 4903.10 requires that an application for rehearing must be “in writing and shall set forth specifically the ground or grounds on which the applicant considers the order to be unreasonable or unlawful.” In addition, Ohio Adm. Code 4901-1-35(A) states: “An application for rehearing must be accompanied by a memorandum in support, which shall be filed no later than the application for rehearing.”

---

<sup>14</sup> See OCEA Comments at 2.

In considering an application for rehearing, R.C. 4903.10 provides that “the commission may grant and hold such rehearing on the matter specified in such application, if in its judgment sufficient reason therefor is made to appear.” The statute also provides: “If, after such rehearing, the commission is of the opinion that the original order or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate or modify the same; otherwise such order shall be affirmed.” As shown herein, the statutory standard to abrogate or modify the Order is met.

### III. ARGUMENT

#### A. The Commission’s Ruling is Unreasonable Because it is Premature and Does Not Allow the Decoupling Pilot Programs Currently in Operation by Duke and AEP to be Considered and Evaluated, Thereby Denying Interested Parties the Opportunity to Evaluate the Results in Administrative Proceedings.

Before any conclusion is made on the appropriate rate structure for Ohio’s EDUs, the results of the Duke and AEP decoupling pilots that are currently underway should be evaluated by the Commission to determine the effects of the mechanisms employed. In the Finding and Order, the Commission describes the pilots. In acknowledging the AEP pilot, the Commission notes that the “revenue decoupling program” was established in a December 2011.<sup>15</sup> Also noted is the fact that parties were “directed to file a detailed proposal in this docket regarding the type of data proposed to be obtained, how data will be obtained, **and the metrics to evaluate the success of the pilot program.**”<sup>16</sup> This information was filed on June 14, 2012.<sup>17</sup>

---

<sup>15</sup> Finding and Order at 18-19.

<sup>16</sup> *Id.* (Emphasis Added)

<sup>17</sup> *Id.* at 20.



But the Finding and Order does not state whether the Commission obtained or reviewed the data on AEP's program, or whether the Commission attempted "to evaluate certain questions" about the program. No report or notice was placed on the docket indicating that any evaluation took place. None is mentioned in the Finding and Order in this case.

The Order also mentions the Duke pilot. This "decoupling rider" was approved on May 30, 2012.<sup>18</sup> As in the AEP case, the parties were again directed by the Commission to "prepare a detailed proposal regarding the type of data proposed to be obtained, how the data will be obtained, and **the metrics to evaluate the success of the pilot program.**"<sup>19</sup> The proposal was filed by Duke on November 9, 2012 – less than one year ago. As with the AEP pilot, there is no indication that any of the recommended data or metrics in the Duke case were gathered, reviewed or evaluated.

It is unreasonable for the Commission to cast aside these pilots. First, a significant amount of effort and resources were expended by various parties, including the Commission staff, to develop the two mechanisms in those cases. In order to forward the concept, significant time was spent preparing research and making presentations. Parties spent considerable time developing and negotiating the elements of the pilots, including time spent in cooperation with Commission staff to ensure the mechanism's viability and to ensure that it was a fair "test" of such a mechanism. It is not reasonable to issue an order selecting an entirely different rate mechanism, while ignoring the effort made by staff and parties in the development of these decoupling pilots.

---

<sup>18</sup> *Id.* at 20.

<sup>19</sup> Finding and Order at 20.

Second, the parties again exhausted considerable time and resources responding to the Commission's directives regarding the data to be obtained. This was accomplished through a cooperative effort between the staff, interested parties and the utilities. These efforts should not be ignored by the Commission. It is certainly unfair to require metrics to be provided and then decide not to review them.

Third, these pilots have not been in place for an extended period of time. In light of the facts that the parties, including Commission staff, spent considerable resources developing these pilots and evaluation metrics – all at the Commission's directive – it is requested that the Commission conduct a fair review of the mechanisms. This review would include how the pilots work, to what extent they eliminate the throughput incentive, and how they affect utility and customer participation in energy efficiency programs. Certainly a review of these pilots should commence before “encouraging” a wholesale shift to SFV – a mechanism that has not been tested by any electric utility in Ohio.

Finally, interested parties should have a chance to review the pilot results. The Environmental Advocates request that the Commission provide any review of the data and questions evaluated in each of these proceedings, and allow for stakeholder input. In the alternative, the evaluations could be presented in this proceeding. The Commission promised in its December 2010 Entry to provide further opportunity for input. That has not occurred.

Considering the time and effort invested to develop and commence these pilots, the decoupling pilot results should be discussed before the Commission makes any rulings encouraging a wholly different mechanism. Before any conclusions are drawn, it

would be wise to review the mechanisms already in place in Ohio (decoupling pilots and lost revenue adjustment) before declaring a preference for one that remains untested.

Until this promised opportunity is provided, the Commission should abrogate its Order.

B. The Commission's Order is Unlawful Because it Undermines the Policies of Ohio Revised Code 4928.02 by Diminishing the Potential Energy Efficiency Incentives to Customers and Discouraging Distributed Generation.

As outlined at length in OCEA's comments in this proceeding, the selection of SFV is actually inconsistent with the very policies that the Commission seeks to further.<sup>20</sup> Ohio Revised Code 4928.02 presents state policies that include ensuring "...reasonably priced electric service...", "...a diversity of supplies and suppliers...", "market access for cost-effective...demand side management..." and "...encouraging the use of ...energy efficiency programs."<sup>21</sup> The Commission noted in its Finding and Order that these are important goals.<sup>22</sup> But SFV is an inappropriate vehicle to advance and assist in the accomplishment of these goals.

The SFV rate design sends the wrong price signal to customers. Under SFV, the distribution fixed costs are assigned to each customer, with a corresponding reduction in the volumetric portion of the bill. SFV is problematic for a number of reasons which are specifically outlined in OCEA's comments in this proceeding.<sup>23</sup> <sup>24</sup> For example, this rate design diminishes the incentive for customers to participate in energy efficiency and demand-side management programs, as well as distributed generation – in direct

---

<sup>20</sup> OCEA Comments at 13-17.

<sup>21</sup> R.C. 4928.02(A), (C), (D) and (M).

<sup>22</sup> Finding and Order at 19.

<sup>23</sup> For a comprehensive treatment of this issue, *see* OCEA Comments at 13-17.

contravention of Ohio's stated policy goals which were explicitly highlighted in the Commission's Finding and Order.<sup>25 26</sup>

SFV is not the right mechanism for Ohio's EDUs. In another recent order, the Commission noted that "...energy efficiency resources generated by [EDU energy efficiency programs] are a valuable asset managed by the [EDUs] on behalf of ratepayers."<sup>27</sup> This value is created by utility administration combined with customer participation in programs. Potentially decreasing benefits to customers (and thus decreasing customer participation) would reduce the overall value of these programs, and diminish the programs' ability to assist with regional constraints, grid stress and obsolete generation plant closures. If the Commission is as committed to ensuring the success of energy efficiency programs as it claims to be, it should abrogate its order and instead review the EDUs' experiences with decoupling and reconsider the comments filed by OCEA and other intervenors in this proceeding.<sup>28</sup>

---

<sup>24</sup> FirstEnergy and Ohio Partners for Affordable Energy ("OPAE") also opposed the SFV in their comments, as referenced in the Finding and Order at 6-9.

<sup>25</sup> *Id.*

<sup>26</sup> And while the Commission also notes the importance of furthering the Ohio Revised Code 4928.02 goal of competition, that element is not implicated in this proceeding because it applies to distribution electric utilities only, not generating utilities. See Finding and Order at 19.

<sup>27</sup> *In the Matter of the Application of The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Plans for 2013 through 2015*, Entry on Rehearing at 6 (July 17, 2013). The statement was specific to the FirstEnergy EDUs (those references were omitted), but should be applicable to all utility energy efficiency programs.

<sup>28</sup> The Environmental Advocates reiterate their support for a decoupling adjustment as the appropriate rate structure that would truly align utility performance with Ohio's desired public policy goals of competition, increased energy efficiency and the encouragement of distributed generation. The Commission notes the importance of these goals in its Finding and Order at p. 19.

C. The Commission's Order is Unlawful Because it Fails to Adequately Explain its Preference for a Straight Fixed Variable Rate Structure for Electric Distribution Utilities.

The Supreme Court of the United States, the Supreme Court of Ohio, and Ohio State Law have consistently required that administrative agencies adequately explain their decisions. The Supreme Court has repeatedly stated “. . . that an agency's explanation of the basis for its decision must include ‘a ‘rational connection between the facts found and the choice made.’”<sup>29</sup> The Supreme Court of Ohio confirms this requirement, acknowledging that “[t]he purpose of an explanation requirement is ‘to inform the parties and potentially a reviewing court of the basis for the commission's decision.’”<sup>30</sup> Ohio State Law further provides that in opinions filed by the Commission in all contested cases, “. . . a complete record of all of the proceedings shall be made, including a transcript of all testimony and of all exhibits, and 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.**”<sup>31</sup> Despite this clear directive, in its August 21, 2013 Finding and Order the Commission unilaterally selects SFV as the appropriate rate structure to align electric utility performance with Ohio's desired public policy objectives – while providing neither an adequate basis for this approach nor specific reference to the facts on record that prompted its decision. The Commission states that its preference for a SFV design is

---

<sup>29</sup> *Bowen v. American Hospital Assn.*, 476 U.S. 610, 626 (1986), citing *Motor Vehicle Mfrs. Assn. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

<sup>30</sup> *State ex rel. Ochs v. Industrial Comm'n*, 85 Ohio St. 3d 674, 675, 710 N.E.2d 1126, 1127 (1999), quoting *State ex rel. Yellow Freight Sys., Inc. v. Indus. Comm.*, 71 Ohio St. 3d 139, 142, 642 N.E.2d 378, 380 (1994).

<sup>31</sup> O.R.C. 4903.09 (emphasis added).

based on two elements: (1) the comments filed in this proceeding; and (2) recent experience by the natural gas utilities.<sup>32</sup> Because the Commission omits any explanation for how these elements informed its decision, the Order should be abrogated or modified.

The Commission claims to base its decision in part on the comments filed by intervenors in this proceeding, including those submitted by OCEA.<sup>33</sup> Rather than a clear preference for SFV, however, the referenced comments instead reflect a split on which rate structure is appropriate amongst the options proffered by the Commission in its December 2010 Entry (SFV, decoupling adjustment, lost revenue recovery adjustment, or some combination of these). As the Commission explicitly states in its Finding and Order, OCEA, FirstEnergy and OPAE opposed the SFV.<sup>34</sup> Nucor cautioned “that the Commission should not use this proceeding to adopt a one-size-fits-all cost recovery mechanism that would be applied to all electric utilities on a uniform basis.”<sup>35</sup> The Commission noted some support for SFV by Duke and Kroger.<sup>36 37</sup> And while AEP Ohio stated that it supported SFV generally,<sup>38</sup> the Commission noted AEP’s qualification that full implementation of the SFV “would be difficult due to the potential bill

---

<sup>32</sup> Finding and Order at 19.

<sup>33</sup> *Id.* at 20.

<sup>34</sup> *Id.* at 6-9.

<sup>35</sup> *Id.* at 8.

<sup>36</sup> *Id.* at 8-9.

<sup>37</sup> While Duke indicated some support for SFV in its comments, as discussed herein it later implemented a decoupling pilot instead. *See generally In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of a Distribution Decoupling Rider*, Case No. 11-5905-EL-RDR, Finding and Order (May 30, 2012).

<sup>38</sup> Like Duke, AEP later implemented a decoupling pilot instead of SFV. *See generally In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively, AEP Ohio) for an Increase in Electric Distribution Rates*, Case No. 11-351-EL-AIR, Opinion and Order (December 14, 2011).

impacts.”<sup>39</sup> Despite this, the Commission offers no explanation for how it resolved this split, stating merely that it based its decision on the comments themselves. This is not a sufficient explanation.

The only other basis the Commission provides is “recent experience by the natural gas utilities” in adopting a modified SFV rate design.<sup>40</sup> However, it fails to provide any explanation for how the natural gas utilities’ experiences with SFV are in any way applicable to EDUs that have never tested this rate structure in Ohio. Moreover, the Commission disregards numerous comments filed in this proceeding that identify factual and policy considerations suggesting that electric distribution rate design should be construed differently from natural gas. For example, OCEA listed six distinctions,<sup>41</sup> FirstEnergy discussed five,<sup>42</sup> OPAE identified three<sup>43</sup> and Duke and DP&L each described two.<sup>44</sup> Yet the Commission nonetheless believes that the gas utilities’ experience with SFV *could* be applicable to electric utilities.<sup>45</sup> It makes no specific reference to any facts on record that prompted this novel application, however, and makes no attempt to controvert the comments by both utilities and consumer and environmental advocates identifying numerous key distinctions between electric and natural gas utilities.<sup>46</sup>

---

<sup>39</sup> *Id.* at 7-8.

<sup>40</sup> Finding and Order at 19.

<sup>41</sup> *Id.* at 4-5.

<sup>42</sup> *Id.* at 5.

<sup>43</sup> *Id.* at 6.

<sup>44</sup> *Id.* at 5-6.

<sup>45</sup> *Id.* at 20.

<sup>46</sup> While AEP Ohio said there were few considerations suggesting that electric distribution rate design should be construed differently from natural gas (*id.* at 5), the Commission similarly did not reference this comment as the basis for its preference for SFV.

Finally, as discussed above, the Commission omits any explanation of how a SFV rate structure is preferable for electric utilities that have never tested it, and who instead are already invested in decoupling pilots that the Commission itself encouraged the utilities to pursue. This lack of explanation falls below the standard dictated by the courts and Ohio State Law. Thus, the Commission's ruling should be abrogated or modified.

#### IV. CONCLUSION

For the reasons stated above, OCEA respectfully requests that the Commission abrogate its Finding and Order, or, at the very least, modify it to allow additional opportunities for comment by the intervening parties and review of the results of Duke and AEP's decoupling pilots before entering a final ruling on the rate structure most appropriate for Ohio's EDUs.

Respectfully submitted,

/s/Christopher J. Allwein  
Christopher J. Allwein  
Williams Allwein & Moser, LLC  
1500 West Third Avenue Suite 330  
Columbus, OH 43214  
(614) 429-3092 - Office  
(614) 870-8896 - Fax  
[callwein@wamenergylaw.com](mailto:callwein@wamenergylaw.com)

**Attorney for Natural Resources Defense Council**  
**Attorney for Sierra Club**

/s/Trent A. Dougherty  
Trent A. Dougherty  
Nolan Moser  
Ohio Environmental Council



1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
(614) 487-7506 - Office  
(614) 487-7510 – Fax  
[Nolan@theoec.org](mailto:Nolan@theoec.org)  
[Trent@theoec.org](mailto:Trent@theoec.org)

**Attorneys for the Ohio Environmental Council**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Application for Rehearing* was served by electronic mail to the persons listed below, on this 20<sup>th</sup> day of September 2013.

/s/Christopher J. Allwein

Christopher J. Allwein

## SERVICE LIST

William Wright  
Assistant Attorney General  
Chief, Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215-3793  
[William.wright@puc.state.oh.us](mailto:William.wright@puc.state.oh.us)

Nolan Moser  
Trent A. Dougherty  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449

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

Henry W. Eckhart  
1200 W. Chambers Rd., #106  
Columbus, Ohio 43212  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

David F. Boehm  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)  
[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)

Mark S. Yurick  
Taft Stettinius & Hollister, LLP  
65 East State Street, Suite 1000  
Columbus, Ohio 43215  
[myurick@taftlaw.com](mailto:myurick@taftlaw.com)

Ted Robinson  
Staff Attorney  
Citizen Power  
2121 Murray Avenue  
Pittsburgh, PA 15217  
[robinson@citizenpower.org](mailto:robinson@citizenpower.org)

Joseph Meissner  
Matthew D. Vincel  
1223 West 6th St.  
Cleveland, OH 44113  
[meissnerjoseph@yahoo.com](mailto:meissnerjoseph@yahoo.com)

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

Tom Hodges  
Greater Cincinnati Energy Alliance  
200 W 4th St, Suite 500  
Cincinnati, OH 45202  
[tom@jthlaw.com](mailto:tom@jthlaw.com)

David A. Meyer  
Kenneth P. Kreider  
Keating Muething & Klekamp PEL  
One East Fourth Street, Suite 1400  
Cincinnati, OH 45202  
[dmeyer@kmklaw.com](mailto:dmeyer@kmklaw.com)  
[kpkreider@kmklaw.com](mailto:kpkreider@kmklaw.com)

J. Thomas Siwo  
Matt Warnock  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[tsiwo@bricker.com](mailto:tsiwo@bricker.com)  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

Matthew. J. Satterwhite  
Yazen Alami  
Erin C. Miller  
AEP Service Corporation  
1 Riverside Plaza  
Columbus, OH 43215  
[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)  
[yalami@aep.com](mailto:yalami@aep.com)

Elizabeth A. Watts  
Duke Energy Ohio, Inc.  
139 East Fourth Street, 25 Atrium II  
Cincinnati, OH 45202  
[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

Samuel C. Randazzo  
Joseph E. Olikier  
Frank P. Darr  
McNees Wallace & Nurick LLC  
21 East State Street, 17th Floor  
Columbus, OH 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)

Judi L. Sobecki  
Randall V. Griffin  
Dayton Power & Light Company  
1065 Woodman Drive  
Dayton, OH 45432  
[judi.sobecki@aes.com](mailto:judi.sobecki@aes.com)  
[Randall.griffin@dplinc.com](mailto:Randall.griffin@dplinc.com)

James W. Burk  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
[burkj@firstenergycorp.com](mailto:burkj@firstenergycorp.com)

Michael K. Lavanga  
Brickfield, Burchette, Ritts & Stone,  
P.C.  
1025 Thomas Jefferson Street, N.W.  
8th Floor, West Tower  
Washington, D.C. 20007  
[Mike.Lavanga@bbrslaw.com](mailto:Mike.Lavanga@bbrslaw.com)

Terry L. Etter, Counsel of Record  
Assistant Consumers' Counsel  
**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Phone: 614-466-7964 (Etter direct)  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)

**Ohio Partners for Affordable Energy**  
Colleen L. Mooney, Counsel of Record  
Ohio Partners for Affordable Energy  
231 West Lima Street  
Findlay, Ohio 45840  
Telephone: (419) 425-8860  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)



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

**Commission of Ohio Docketing Information System on**

**9/20/2013 5:16:28 PM**

**in**

**Case No(s). 10-3126-EL-UNC**

Summary: Application for Rehearing electronically filed by Mr. Christopher J. Allwein on behalf of Natural Resources Defense Council and THE SIERRA CLUB and Ohio Environmental Council