BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan.	)))))))	Case No. 14-1297-EL-SSO

DUKE ENERGY OHIO'S APPLICATION FOR INTERLOCUTORY APPEAL AND MOTION FOR STAY

Pursuant to Rule 4901-1-15, Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) hereby files an Application for Review and Interlocutory Appeal of the June 2, 2015, Attorney Examiner ruling that denied the Company's motion to quash a subpoena duces tecum for proprietary information requested by Interstate Gas Supply (IGS). The ruling was unreasonable and prejudicial, contrary to precedent, and failed to properly balance IGS's need for the proprietary information against the substantial burden imposed on Duke Energy Ohio. Furthermore, Duke Energy Ohio moves for a stay of such of such ruling, pending the resolution of this appeal by the Public Utilities Commission of Ohio (Commission).

For the reasons explained in the memorandum in support attached hereto, Duke Energy Ohio respectfully requests that the Commission stay the attorney examiner's ruling and act on this Application for Review and Interlocutory Appeal, vacating the attorney examiner's entry and quashing the subpoena issued at the request of IGS.

Respectfully submitted,

Amy B. Spiller (Counsel of Record)
Deputy General Counsel
Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
(513) 287-4359 (telephone)
(513) 287-4385 (facsimile)
Amy.Spiller@duke-energy.com

Attorneys for Duke Energy Ohio, Inc.

MEMORANDUM IN SUPPORT

I. Background

This proceeding is one that was filed by Ohio Edison Company, The Cleveland Electric Illuminating company, and The Toledo Edison Company (collectively, FirstEnergy), seeking approval of their next electric security plans (ESPs). IGS is one of numerous intervenors in the proceeding, apparently opposing various aspects of the proposed ESPs.

Duke Energy Ohio had previously intervened, due to its interests in the outcome in this docket. However, when it became apparent that IGS was attempting to access confidential aspects of the work product of a consultant, Judah Rose, from prior engagements by other entities and that only non-parties would be protected from that effort, Duke Energy Ohio withdrew, regardless of its continuing interest in the case.

Nevertheless, IGS continued its relentless efforts to force Duke Energy Ohio to provide confidential, proprietary information[1] that IGS asserted would help it to undermine the credibility of Mr. Rose. As a non-party, Duke Energy Ohio was no longer subject to the typical modes of discovery, such as interrogatories, depositions, and requests for the production of documents; however, the attorney examiners assigned to this proceeding did allow IGS to obtain a subpoena for the desired information.

The Company moved to quash the subpoena, as the subpoenas for comparable information from other non-parties had been quashed in this case, and as the information sought under the subpoena is neither relevant, likely to lead to the discovery of relevant information, nor admissible.

[1] The information sought by IGS from Duke Energy Ohio is the confidential testimony of Mr. Rose, filed in *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service*, Case No. 11-3549-EL-SSO, *et al.* (Duke Energy Ohio 2011 ESP).

At a transcribed prehearing conference on June 2, 2015, the examiners denied the motion to quash, concluding that:

1. The requested confidential information is discoverable, based on IGS's demonstration of need.

2. Denial of the motion to quash places only a limited burden on Duke Energy Ohio, as:

    a. The Commission has "sufficient" procedures in place to protect the confidentiality of the information.

    b. The information is already in the hands of the Commission's docketing division.

    c. The information is already several years old.

    d. Duke Energy Ohio is no longer in the generation business.

II. Legal Requirements for the Filing of an Interlocutory Appeal

Rule 4901-1-15, O.A.C., addresses the right to appeal rulings issued in writing or orally by attorney examiners. The rule provides that an interlocutory appeal may immediately be taken to the Commission if one of several, identified procedural rulings is issued by an attorney examiner. Specifically, an immediate interlocutory appeal may be taken from, among other things, any ruling that refuses to quash a subpoena.[2]

The governing rule goes on to require that interlocutory appeals must begin with an application for review that is filed with the Commission within five days after the ruling is issued. The application must set forth the basis of the appeal and citations of authorities relied upon. A copy of the ruling, or the portion of the record that contains the ruling, must be attached to the application; however, if the record is unavailable, the application may "set forth the date the ruling was issued and must describe the ruling with reasonable particularity."[3]

[2] O.A.C. 4901-1-15(A)(3).
[3] O.A.C. 4901-1-15(C).

As a transcript of the hearing is not yet available, the relevant portion of the June 2, 2015, ruling has been described in detail herein.

III. Discussion

A. The Ruling Was Contrary to Commission Precedent.

This is not a new issue in this case. IGS initially propounded discovery on FirstEnergy, seeking copies of:

- All forecasts of electric prices produced by Mr. Rose since 2009,
- All forecasts of commodity prices produced by Mr. Rose since 2009, and
- An unredacted version of the confidential testimony filed by Mr. Rose in the Duke Energy Ohio 2011 ESP proceeding.[4]

After disputing this discovery request with FirstEnergy, IGS filed a motion to compel, on December 10, 2014. IGS argued that information reflecting past forecasts by Mr. Rose is relevant, asserting that it would be "reasonable to test his forecast by comparing it [*sic*] other forecasts Mr. Rose has produced. A comparison will allow the Commission to determine the accuracy, consistency, and credibility of Mr. Rose's [*sic*]."[5]

At a prehearing conference on December 18, 2014, IGS argued vehemently for the ability to force non-parties to provide their proprietary information related to certain of Mr. Rose's prior forecasts.[6] After hearing opposition by both Duke Energy Ohio and FirstEnergy, the Attorney Examiners concluded that, "balancing the interests of IGS to obtain the information versus the interests of I don't know how many nonparties to this proceeding, . . . the Attorney Examiners

[4] IGS Motion to Compel, pp. 1-2.
[5] *Id.*, pp. 6-7.
[6] Transcript of Prehearing, held Dec. 18, 2014, pp. 38, *et seq.* (Jan. 5, 2015).

find that **the balance weighs in favor of the nonparties . . ..**"[7] Thus, the motion to quash the subpoena as to confidential information sought from non-parties was granted.

At that same prehearing, the Examiners directed IGS to propound discovery on Duke Energy Ohio, which was then a party, although they indicated that discovery-related motions would likely ensue. Duke Energy Ohio withdrew from the case a few minutes later, still during that prehearing. Thus, before IGS made any demand on Duke Energy Ohio for the release of confidential information, Duke Energy Ohio was in precisely the same position as the other nonparties.

The Examiners' ruling on December 18, 2014, in this case – precedent that is directly on point – must be determinative such that the Company – just like other non-parties – not be required to produce confidential information. Certainly rulings in a case should be equally applied, in order not to undermine the discovery process and to avoid exposing litigants and non-parties to prejudicial outcomes and uncertainty.

Despite the existing and factually identical precedent, IGS has failed to identify the existence of any other circumstance in which the Commission mandated the production of confidential information from one case in a subsequent case in which the information's owner is not even a party. IGS attempted to support its demand by citing to a 1996 Commission proceeding in which IGS asserts that the "Commission . . . determined that past testimony is relevant and compelled parties to produce discovery related to prior testimony and opinions."[8] Reliance on the cited "determination" is, however, of no avail; the situation under consideration in the 1996 proceeding was factually dissimilar and the ruling was non-precedential.

[7] *Id.*, pp. 53-54 (emphasis added).
[8] IGS Motion to Compel, pg. 6.

In a case relied on by IGS, one party had propounded discovery asking for information concerning the publications authored by a witness and for the case names, numbers, and filing dates for any prior testimony before utility regulatory bodies.[9] No claim was made by any party that the requested information was irrelevant, not discoverable, or confidential. Nor could there be. The requested information was basic background data on the witnesses and was, without a doubt, publicly available. In the entry addressing the motion to compel, the only discussion of these requests was that the response provided was incomplete.[10] There was absolutely no determination that "past testimony is relevant," as asserted by IGS. Furthermore, although IGS stated that the determination in question was made by the Commission, that is untrue. The cited entry was penned by the Attorney Examiner in the proceeding, leaving the precedential importance of the ruling in substantial question.

B. The Ruling Failed to Properly Weigh the Burden Imposed on Duke Energy Ohio.

As the Commission is aware, a ruling on a motion to compel must balance the respective interests of the party seeking discovery and the entity holding the information.[11] Indeed, the Attorney Examiners in this case have recognized the need for such a balance, even referencing their view of the balance in ruling – in December – that the burden on non-parties outweighed IGS's need for the information.

Nevertheless, at the prehearing on June 2, 2015, the Examiners either did not weigh the relevant interests, or did so inappropriately. Based on the points made when the Examiners denied the Company's Motion to Quash, they appear to have concluded that there was no

[9] *In the Matter of the Commission's Investigation into the Implementation of Section 276 of the Telecommunications Act of 1996 Regarding Pay Telephone Services*, Case No. 96-1310-TP-COI, Ameritech Ohio's Motion to Compel Discovery and Request for Expedited Ruling, attachment, interrogatories 9 and 10 (June 23, 2000).
[10] *Id.*, Attorney Examiner Entry, pg. 20 (June 1, 2001).
[11] *See* FirstEnergy Memorandum Contra IGS Energy's Motion to Compel, pp. 7-8, and cases cited therein.

meaningful burden on Duke Energy Ohio, because (1) the docketing division has this information already, (2) the information was created several years ago, (3) Duke Energy Ohio is no longer in the generation business, and (4) the Commission has sufficient protection for confidential information,. But this is wrong – both with regard to the identified burdens and with regard to the unidentified burdens.

As to the Examiners' four points:

1. How is any burden on Duke Energy Ohio minimized simply because the information was filed under seal in a prior proceeding? The concerns that motivate the Company to go to such lengths to protect its proprietary business information have nothing to do with copying a few pages of testimony and handing it to docketing personnel. Indeed, the Company has previously shared this confidential information only under very strict parameters. Now, after the fact, the Examiners would eliminate those parameters and allow that information to be discovered by parties to a case in which the Company is neither the applicant nor even a party. In balancing the need for the information against the burden on the non-party, the existence of the information in docketing's files has no discernable favorable impact on the non-party.

2. It is true that Mr. Rose's forecasts for Duke Energy Ohio were created in 2011, but that does not necessarily mean that the information is out of date. Indeed, Mr. Rose provided forecasted information for periods extending into 2021.

3. Duke Energy Ohio may no longer be in the generation business, but that has nothing to do with protecting the Company's proprietary business information. For example, the Company may have worked with Mr. Rose to develop appropriate assumptions for use in the forecasts, assumptions that might reflect business approaches in use today, whether in Ohio or elsewhere in its corporate family. In addition, there can be no dispute that Duke Energy Ohio has the right to seek approval of new generation facilities in Ohio,[12] thereby adding to its proprietary interest in this information.

4. If the Commission's protection of confidential information were truly sufficient, the Company's proprietary information, granted confidentiality in another case, would not now be at risk. The Commission's protection of proprietary business information has been recently eroded, such that no utility can be assured of any real safety. And the protective agreements among parties have similarly been watered down, following the Commission's unwarranted rewriting of previously used formats.

[12] *See* R.C. 4928.143(B)(2)(b) and (c).

The weighing of the onus on the Company versus IGS's need for the discovery also failed to account for other, very real and very negative impacts. This ruling undermines the integrity of every confidentiality agreement previously executed in the course of Commission proceedings. The inability to rely on the efficacy of such agreements will result in a chilling effect on what should be meaningful discussions of confidential, proprietary information.

As counsel for FirstEnergy argued at the prehearing on June 2, 2015, IGS has not made a substantial showing of need. FirstEnergy has already provided IGS with copies of multiple prior forecasts, the results of which can be investigated through cross-examination. Even more, those prior forecasts – already in the hands of IGS – are not compromised by the inclusion of input from Duke Energy Ohio. They are thus better fodder for IGS's efforts to discredit Mr. Rose's analysis. And, furthermore, it is critically important to recognize the significance of it being an expert opinion that IGS would discredit. IGS's concern should be with the methodology used by Mr. Rose, not with the specific, fact-based results reached in any particular prior situation. What has been provided by FirstEnergy is more than sufficient for IGS's needs.

The balance here weighs in favor of Duke Energy Ohio. The subpoena should have been quashed.

C. The Ruling Was Unreasonable and Prejudicial to the Interests of Duke Energy Ohio.

As discussed above, the Attorney Examiners in this case previously ruled that the burden on non-parties having to respond to subpoenas for confidential information outweighed IGS's need for that information. They did not ask whether the information had ever before been provided to the Commission. They did not inquire as to the age of the forecasts. They did not investigate the current or future business interests of those non-parties. And they did not consider the sufficiency of the Commission confidentiality protections.

But, with regard to Duke Energy Ohio only, they stood that ruling on its head. These issues became the basis for their contrary ruling, regardless of their merit and regardless of other, more consequential concerns. The Supreme Court of Ohio has made it entirely clear that the Commission is to respect its own precedent, only deviating from prior decisions where there is justification to do so.[13] Attorney Examiners, representing the interests of the Commission should be no different. Where these very same Examiners have already ruled on this issue, in this very same case, it is highly prejudicial and unreasonable – and indeed a violation of the Company's constitutional right to equal protection – to treat Duke Energy Ohio less favorably.

IV. Motion to Stay

The Examiners' ruling on June 2, 2015, required the Company to start immediate negotiations with IGS concerning the terms of a confidentiality agreement. Although the Company has provided a draft agreement to IGS, it seeks a stay of the ruling such that the Commission may consider the Company's arguments concerning the need to quash the IGS subpoena.

V. Conclusion

Duke Energy Ohio respectfully requests that, upon review, the Commission grant the Company's motion to stay and reverse the Attorney Examiners' denial of Duke Energy Ohio's motion to quash the IGS subpoena.

[13] *Cleveland Elec. Illum. Co. v. Pub. Util. Comm.*, 42 Ohio St. 2d 403, 431 (1975).

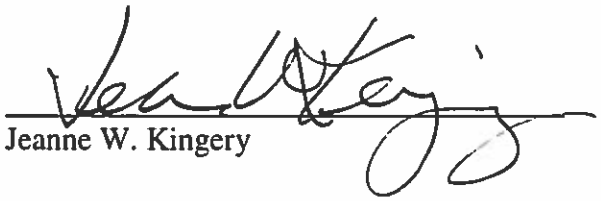
Respectfully submitted,

Amy B. Spiller (Counsel of Record)
Deputy General Counsel
Jeanne W. Kingery
Associate General Counsel
Duke Energy Business Services LLC
139 East Fourth Street
1303-Main
Cincinnati, Ohio 45202
(513) 287-4359 (telephone)
(513) 287-4385 (facsimile)
Amy.Spiller@duke-energy.com (e-mail)

Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal, or electronic mail, on this 8th day of June, 2015, to the parties listed below.



Jeanne W. Kingery

David A. Kutik
Jones Day
901 Lakeside Avenue
Cleveland, Ohio 44114
dakutik@jonesday.com

James F. Lang
N. Trevor Alexander
Calfee, Halter & Griswold LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
jlang@calfee.com
talexander@calfee.com

James W. Burk
Carrie M. Dunn
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
burkj@firstenergycorp.com
cdunn@firstenergycorp.com

Counsel for FirstEnergy Service Company

William Wright
Thomas McNamee
Thomas Lindgren
Ryan O'Rourke
Attorney General's Office
Public Service Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
William.wright@puc.state.oh.us
Thomas.mcnamee@puc.state.oh.us
Thomas.lindgren@puc.state.oh.us
Ryan.orourke@puc.state.oh.us

Gregory Price
Mandy Willey Chiles
Attorney Examiners
Public Service Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Gregory.price@puc.state.oh.us
Mandy.willey@puc.state.oh.us

Kevin R. Schmidt
88 East Broad Street, Suite 1770
Columbus, Ohio 43215
schmidt@sppgrp.com

Counsel for the Energy Professionals of Ohio

Kimberly W. Bojko
Jonathan A. Allison
Rebecca Hussey
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
Bojko@carpenterlipps.com
Allison@carpenterlipps.com
Hussey@carpenterlipps.com

Counsel for the Ohio Manufacturers' Association Energy Group (OMAEG)

Joseph M. Clark
Direct Energy
21 East State Street, 19th Floor
Columbus, Ohio 43215
joseph.clark@directenergy.com

Counsel for Direct Energy Services, LLC, Direct Energy Business, LLC and Direct Energy Business Marketing, LLC

Michael L. Kurtz
Kurt J. Boehm
Jody M. Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
mkurtz@BKLlawfirm.com
kboehm@BKLlawfirm.com
jkylercohn@BKLlawfirm.com

Counsel for the Ohio Energy Group

Joseph Oliker
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com

Counsel for Interstate Gas Supply, Inc.

Gerit F. Hull
Eckert Seamans Cherin & Mellot, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, DC 20006
ghull@eckertseamans.com

Counsel for Direct Energy Services, LLC, Direct Energy Business, LLC and Direct Energy Business Marketing, LLC

Samuel C. Randazzo
Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

Counsel for Industrial Energy Users-Ohio

Christopher J. Allwein
Kegler Brown Hill & Ritter Co., LPA
65 East State Street, Suite 1800
Columbus, Ohio 43215
callwein@keglerbrown.com

Counsel for the Sierra Club

Larry S. Sauer
Michael J. Schuler
Kevin F. Moore
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Larry.sauer@occ.ohio.gov
Michael.schuler@occ.ohio.gov
Kevin.moore@occ.ohio.gov

Counsel for Ohio Consumers' Counsel

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney@ohiopartners.org

Counsel for Ohio Partners for Affordable Energy

Steven T. Nourse
Matthew J. Satterwhite
Yazen Alami
American Electric Power Service Corporation
1 Riverside Plaza 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
mjsatterwhite@aep.com
yalami@aep.com

Counsel for Ohio Power Company

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291
tobrien@bricker.com

Counsel for the Ohio Hospital Association

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, Ohio 43215-3620
ricks@ohanet.org

Counsel for Ohio Hospital Association

Barth E. Royer
Barth E. Royer, LLC
2740 East Main Street
Bexley, Ohio 43209
BarthRoyer@aol.com

Counsel for The Cleveland Municipal School District

Craig I. Smith
15700 Van Aken Blvd, Suite 26
Shaker Heights, Ohio 44140
wttpmlc@aol.com

Counsel for Material Sciences Corporation

Michael K. Lavanga
Garrett Stone
Owen Kopon
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
mkl@bbrslaw.com
gas@bbrslaw.com
ojk@bbrslaw.com

Counsel for Nucor Steel Marion

Adrian Thompson
Taft Stettinius & Hollister, LLP
200 Public Square, Suite 3500
Cleveland, Ohio 44114-2302
athompson@taftlaw.com

Counsel for The Cleveland Municipal School District

C. Todd Jones
Christopher L. Miller
Gregory H. Dunn
Jeremy M. Grayem
Ice Miller LLP
250 West Street
Columbus, Ohio 43215
Christopher.Miller@icemiller.com
Gregory.Dunn@icemiller.com
Jeremy.Grayem@icemiller.com

Counsel for AICUO

Derrick Price Williamson
Spilman Thomas & Battle, PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com

Lisa M. Hawrot
Spilman Thomas & Battle, PLLC
Century Centre Building
1233 Main Street, Suite 4000
Wheeling, WV 26003
lhawrot@spilmanlaw.com

Carrie M. Harris
Spilman Thomas & Battle, PLLC
310 First Street, Suite 1100
PO Box 90
Roanoke VA 24002
charris@spilmanlaw.com

Counsel for Wal-Mart Stores East, LP and Sam's East, Inc.

Barbara A. Langhenry
Harold A. Madorsky
Kate E. Ryan
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114-1077
blanghenry@city.cleveland.oh.us
hmadorsky@city.cleveland.oh.us
kryan@city.cleveland.oh.us

Counsel for The City of Cleveland

Kenneth Kreider
Keating Muething & Klekamp PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
kpkreider@kmklaw.com

Daniel W. Wolff
Richard Lehfeldt
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
dwolf@crowell.com
rlehfeldt@crowell.com

Counsel for CPV Shore, LLC

Joseph P. Meissner
Attorney Joseph Patrick Meissner and Associates
5400 Detroit Avenue
Cleveland, OH 44102
meissnerjoseph@yahoo.com

Counsel for Citizens Coalition Consumer Protection Association Cleveland Housing Network, and The Council for Economic Opportunities in Greater Cleveland.

Michael D. Dortch
Richard R. Parsons
Kravitz, Brown & Dortch, LLC
65 East State Street, Suite 200
Columbus, Ohio 43215
mdortch@kravitzllc.com
rparsons@kravitzllc.com

Counsel for Dynegy, Inc.

Trent Dougherty
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
tdougherty@theOEC.org

Counsel for the Ohio Environmental Council and Environmental Defense Fund

Thomas R. Hays
8355 Island Lane
Maineville, Ohio 45039
trhayslaw@gmail.com

Counsel for City of Toledo, Lucas County Board of Commissioners, City of Perrysburg, Lake Township Board of Trustees, City of Maumee, City of Oregon, City of Northwood, Village of Waterville, Village of Ottawa Hills, Perrysburg Township and Village of Holland

Marilyn L. Widman
Widman & Franklin, LLC
405 Madison Avenue, Suite 1550
Toledo, Ohio 43604
Marilyn@wflawfirm.com

Attorney for IBEW Local 245

Terrence O'Donnell
Dickinson Wright PLLC
150 East Gay Street, Suite 2400
Columbus, Ohio 43215
todonnell@dickinsonwright.com

Counsel for Mid-Atlantic Renewable Energy Coalition

John Finnigan
128 Winding Brook Lane
Terrace Park, Ohio 45174
jfinnigan@edf.org

Counsel for the Ohio Environmental Council and Environmental Defense Fund

Leslie Kovacik
420 Madison Avenue

LeslieKovacik@toledo.oh.gove

Counsel for City of Toledo, Lucas County Board of Commissioners, City of Perrysburg, Lake Township Board of Trustees, City of Maumee, City of Oregon, City of Northwood, Village of Waterville, Village of Ottawa Hills, Perrysburg Township and Village of Holland

Matthew R. Cox
Matthew Cox Law, Ltd.
88 East Broad Street, Suite 1560
Columbus, Ohio 43215
matt@matthewcoxlaw.com

Counsel for Smaller Enterprises

Glenn S. Krassen
Bricker & Eckler, LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, Ohio 44114
gkrassen@bricker.com

Counsel for Northeast Ohio Public Energy Council

Dane Stinson
Dylan Borchers
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291
dstinson@bricker.com
dborchers@bricker.com

Counsel for Northeast Ohio Public Energy Council

Madeline Fleisher
Environmental Law & Policy Center
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212
mfeisher@elpc.org

Counsel for Environmental Law & Policy Center

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

Counsel for Exelon Generation LLC and Constellation NewEnergy Inc.

David C. Rineholt
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, Ohio 45840
drinebolt@ohiopartners.org

Counsel for Ohio Partners for Affordable Energy

F. Mitchell Dutton
700 Universe Blvd.
Mitch.dutton@fpl.com

Counsel for NextEra Energy Power Marketing, LLC

Mark S. Yurick
Zachary D. Kravitz
Taft Stettinius & Hollister LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
myurick@taftlaw.com
zkravitz@taftlaw.com

Summary: Application Duke Energy Ohio's Application for Interlocutory Appeal and Motion for Stay electronically filed by Carys Cochern on behalf of Kingery, Jeanne W Ms.