BOEHM, KURTZ & LOWRY
ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255

TELECOPIER (513) 421-2764

Via E-FILE

August 15, 2016

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 14-1297-EL-SSO

Dear Sir/Madam:

Please find attached the REHEARING BRIEF OF THE OHIO ENERGY GROUP e-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.
Cc: Certificate of Service

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter Of The Application Of The Ohio Edison Company, The Cleveland Electric Illuminating Company, And The Toledo Edison Company For Authority To Establish A Standard Service Offer Pursuant To R.C. §4928.143 In The Form Of An Electric Security Plan.	: : : : :	**Case No. 14-1297-EL-SSO**

REHEARING BRIEF OF THE THE OHIO ENERGY GROUP

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: mkurtz@BKLlawfirm.com
kboehm@BKLlawfirm.com
jkylercohn@BKLlawfirm.com

COUNSEL FOR THE OHIO ENERGY GROUP

August 15, 2016

TABLE OF CONTENTS

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter Of The Application Of The Ohio Edison Company, The Cleveland Electric Illuminating Company, And The Toledo Edison Company For Authority To Establish A Standard Service Offer Pursuant To R.C. §4928.143 In The Form Of An Electric Security Plan.	:	**Case No. 14-1297-EL-SSO**

REHEARING BRIEF OF THE
THE OHIO ENERGY GROUP

The Ohio Energy Group ("OEG") submits this Rehearing Brief in support of its recommendations to the Public Utilities Commission of Ohio ("Commission").

ARGUMENT

I. Revised Rider RRS Is A Reasonable Substitute For The Rate Stability Mechanism Already Approved By The Commission.

On March 31, 2016, the Commission approved with modifications the proposal by The Ohio Edison Company, The Toledo Edison Company, and The Cleveland Electric Illuminating Company's (collectively, "FirstEnergy" or "the Companies") to establish a Retail Rate Stability Rider ("Rider RRS"). The Commission's decision was sound. In accordance with R.C. 4928.143(B)(2)(d), the Commission-approved Rider RRS would have stabilized retail customer rates by creating a cost-based hedge to counterbalance market-based pricing. And by ensuring that several generating plants located in Ohio would continue to operate, that Rider would have also provided reliability, economic development, and fuel diversity benefits to customers.

However, on April 27, 2016, the Federal Energy Regulatory Commission ("FERC") effectively blocked the transaction.[1] By rescinding part of the waiver on affiliate transactions previously granted to FirstEnergy Solutions ("FES"), the FERC forced FirstEnergy to reevaluate and revise the Commission-approved Rider RRS so that the

[1] Order Granting Complaint, 155 FERC ¶61,101 (April 27, 2016).

costs flowed through that Rider would no longer be associated with a wholesale transaction between FirstEnergy and FES. On rehearing, FirstEnergy now proposes the following changes to the Commission-approved Rider RRS: 1) replacing actual costs with costs that are known and already evidence of record; 2) replacing actual generation output with a known measure of generation output that is already evidence of record; and 3) replacing actual capacity (MWs) cleared in the PJM capacity market with the capacity (MWs) projected to clear, which is already evidence of record.[2]

Like its predecessor, revised Rider RRS will provide rate stability to customers in furtherance of the objectives of R.C. 4928.143(B)(2)(d). The cost-based rates that FirstEnergy proposes to guarantee through revised Rider RRS are more stable than the volatile market pricing experienced in the PJM energy and capacity markets.[3] The revised Rider RRS results in a cumulative 19.7% increase in cost-based pricing over the seven full years 2017-2023, with an average annual increase of 3.0%.[4] In contrast, retail generation rates for shopping customers increased by 35% over the first four months after the polar vortex.[5] Allowing part of FirstEnergy's generating pricing to be set using these fixed cost-based rates would therefore help smooth out rates that could otherwise fluctuate significantly depending upon market conditions and modifications to PJM's administratively-determined and ever-changing market construct. The financial end result of approving revised Rider RRS is that customers would have generation rates comprised of approximately 40% at the guaranteed cost-based pricing and 60% at the federally-regulated market rate.[6]

In response to FirstEnergy's new proposal, Staff now recommends that the Commission reject revised Rider RRS. Staff notes that the revised Rider RRS proposal *"is no longer comprised of a PPA that is tied to specific power stations in the state."*[7] Consequently, Staff states that two of the categories of benefits cited by the

---

[2] OEG Exs. 4 and 5C (Rehearing Testimony of Stephen J. Baron) at 1:11-21.
[3] Id. at 5:7-8:15.
[4] Id. at 8:3-5.
[5] Company Ex. 146 (Rebuttal Testimony of Eileen M. Mikkelsen) at 4:15-17.
[6] OEG Exs. 4 and 5C at 8:1-3.
[7] Staff Ex. 15 (Rehearing Testimony of Hisham M. Choueiki, Ph.D., P.E.) at 13:15:16.

Commission in approving the original Rider RRS – fuel diversity benefits and economic benefits derived by maintaining the operation of the generating plants – would be eliminated under the revised proposal.[8]

While Staff raises legitimate and important concerns with respect to FirstEnergy's revised RRS proposal, approval of revised Rider RRS could still benefit customers since it would still provide rate stability. Therefore, and in accordance with its obligations under the Stipulations filed in this proceeding, OEG supports FirstEnergy's revised Rider RRS proposal.

II. Staff's Proposed Distribution Modernization Rider Addresses Valid Concerns And Is Lawful, But OEG Takes No Position At This Time With Respect To Whether The DMR Should Be Approved, Its Level, Or Its Term.

Staff proposes that the Commission establish a Distribution Modernization Rider ("DMR") to assist FirstEnergy in receiving more favorable terms when accessing the capital market, which Staff believes will enable the Companies to procure funds to jumpstart their distribution and grid modernization initiatives.[9] Staff also recommends that FirstEnergy Corp. ("FE") keep its corporate headquarters and nexus of operations in Akron, Ohio for the term of the Companies' current Electric Security Plan ("ESP") or that the proposed DMR be subject to refund, which gives the DMR an economic development component.[10] Staff calculates that the Companies' proportionate share of FE's operating revenue necessitates a fixed annual DMR charge to customers of $131 million.[11]

At this time OEG takes no position with respect to whether the Commission should approve or disapprove the proposed DMR, at what level, or for what period of time. But Staff raises valid concerns with respect to the continued location of FE's corporate headquarters as well as FirstEnergy's access to capital. Staff's proposed DMR is innovative and constructive. And the proposed mechanism is lawful under R.C. 4928.143(B)(2)(h) since it is both a single-issue ratemaking and incentive ratemaking provision regarding FirstEnergy's distribution service. The DMR will provide FirstEnergy sufficient capital to incentivize the Companies to make additional

[8] Id. at 13:7-18.
[9] Staff Ex. 15 at 14:9-16:2.
[10] Staff Ex. 13 at 7:7-14.
[11] Rehearing Tr. Vol. III (July 13, 2016) at 507:11-15.

investments in distribution infrastructure. The proposed DMR is also lawful under R.C. 4928.143(B)(2)(i) since maintaining FE's corporate headquarters in Ohio will implement economic development and job retention in the State. FE's corporate headquarters is a critical driver of the otherwise depressed economy of the City of Akron, providing $568 million of annual economic benefits.[12]

Some parties may argue that the proposed DMR would provide FirstEnergy with unlawful *"transition revenues"* contrary to the Supreme Court of Ohio's recent decisions with respect to AEP Ohio and Dayton Power & Light.[13] Such arguments misapply the Court's decisions. As an initial matter, the proposed DMR is authorized under entirely different provisions of the ESP statute than the charges struck down by the Court, which were authorized under R.C. 4928.143(B)(2)(d). And the proposed DMR is distinct from the charges recently struck down by the Court because it is a distribution-related charge rather than a generation-related charge. Moreover, even if the costs included in the proposed DMR could appropriately be considered *"transition revenue,"* the "*notwithstanding*" language of R.C. 4928.143(B) creates an exception from the prohibition against transition revenues for charges that may lawfully be authorized under the ESP statute, including charges such as the proposed DMR.[14]

---

[12] Company Ex. 205 at 4:8-10.
[13] *In re Application of Columbus S. Power Co.*, Slip Opinion No. 2016-Ohio-1608 (citing R.C. 4928.38); *In re Application of Dayton Power & Light Co.*, Slip Opinion No. 2016-Ohio-3490 (June 20, 2016).
[14] R.C. 4928.143(B) provides "*Notwithstanding any other provision of Title XLIX of the Revised Code to the contrary except division (D) of this section, divisions (I), (J), and (K) of section 4928.20, division (E) of section 4928.64, and section 4928.69 of the Revised Code:*

> *(2) The [electric security] plan may provide for or include, without limitation, any of the following:*
>
> *(h) Provisions regarding the utility's distribution service, including, without limitation and notwithstanding any provision of Title XLIX of the Revised Code to the contrary, provisions regarding single issue ratemaking, a revenue decoupling mechanism or any other incentive ratemaking, and provisions regarding distribution infrastructure and modernization incentives for the electric distribution utility....*
>
> *(i) Provisions under which the electric distribution utility may implement economic development, job retention, and energy efficiency programs, which provisions may allocate program costs across all classes of customers of the utility and those of electric distribution utilities in the same holding company system."*

III. If The Distribution Modernization Rider Is Approved, Then It Should Be Allocated To Customers On The Basis Of 50% Demand And 50% Distribution Revenues.

OEG's only recommendation with respect to the proposed DMR at this juncture concerns cost allocation and rate design, which Staff did not expressly address in its written testimony. The most appropriate cost allocation for the proposed DMR would be based entirely upon distribution revenues. As its nomenclature suggests, the DMR is primarily a distribution-related Rider since the revenues received by the Companies under that Rider are intended to incentivize increased investment in distribution modernization.[15] Additionally, the provision that Staff cites as legal authority for the proposed DMR (R.C. 4928.143(B)(2)(h)) specifically relates to distribution service.[16] A distribution allocation of a distribution charge also supports the argument that the DMR is lawful.

However, due to the unique nature of the proposed DMR, the Commission should take a different approach with respect to cost allocation. Because the DMR is also intended to incentivize FE to remain headquartered in Ohio, there is an economic development component to the Rider. Given that the Rider has both distribution and economic development components, the Commission should take a hybrid approach to cost allocation. The Companies should allocate DMR costs to rate schedules 50% on the basis of distribution revenues and 50% on the basis of demand (4 Coincident Peak).[17]

After the 50/50 cost allocation to the various rate schedules takes place, the Companies should collect the allocated DMR costs using a kWh charge calculated separately for each rate schedule.[18] This rate design, as opposed to a kW or kVa charge for the demand-metered rate schedules, would benefit low load factor customers at the expense of high load factor customers (including OEG members). Such an outcome is contrary to cost causation principles, but produces a balanced outcome in this instance. As OEG witness Baron explained:

---

[15] OEG Ex. 7 (Rebuttal Testimony of Stephen J. Baron) at 2:17-21.
[16] Staff Ex. 14 (Rehearing Testimony of Tamara S. Turkenton) at 2:8-13 (citing R.C. 4928.143(B)(2)(h)).
[17] OEG Ex. 7 at 3:1-9.
[18] OEG Ex. 7 at 4:1-5.

Q. Now, there is a kilowatt-hour or an energy component to your rate design, correct?

A. Yes.

Q. Okay. And you described how that is a balance between the high- and the low-load factor customers within the same rate schedule?

A. Correct. That's -- once the costs are allocated to the class, it would tend to balance the impact among various load factors within the class.

Q. And as opposed to a demand charge for demand-metered customers, what type of customer does a kilowatt-hour rate design help? The high-load factor or the low-load factor customers?

A. Because -- the answer is it would help the low-load factor customers. The very large manufacturing customers tend to have high-load factors and so those customers are going to -- all else being equal, they would be paying less under a pure demand allo -- recovery, rate recovery. And so an energy recovery within the class helps lower-load factor, typically smaller customers.

Q. And would you agree that this aspect of your rate design proposal actually hurts the OEG members who tend to be the higher-load factor customers within the rate schedules?

A. Yes. There's no question about it.

Q. And then why did you propose it?

A. Again, because it was -- we are -- I tried to come up with a method that was balanced, that recognized -- that considered tradeoffs of rate impacts and cost causation and all of the factors that I really discuss.[19]

None of the non-variable DMR costs of $131 million per year should be allocated to rate schedules on the basis of variable energy usage. There is no nexus between the fixed DMR expense and the volume of energy used by any given customer. Regardless of the amount of energy usage on the system, the $131 million per year remains a fixed distribution expense.

At the hearing, OEG witness Baron reinforced how allocating any distribution-related costs on the basis of energy would be directly counter to regulatory practice throughout the country:

Q. Okay. How many times have you testified?

A. I've testified in about 335 cases. I had to do the calculation the other day. It's been 40 years; it's not like last week.

Q. And how many of those cases involved cost of service revenue allocation type issues?

A. Well over 100.

Q. And those 100 cases, I assume this is across the country?

A. Yes.

[19] Rehearing Tr. Vol. VI (July 21, 2016) at 1319:8-1320:14.

> *Q. Over 20, 30 states or so?*
>
> *A. Yes. At least.*
>
> *Q. Okay. In those over 100 cases, in at least 20 to 30 states, have you ever seen a Commission allocate distribution costs on the basis -- basis of energy usage?*
>
> *A. No. I've never in my experience -- I have seen some proposals for that, but I've never seen -- I've never seen a utility propose it and I've never -- I am not aware of any regulatory Commission approving an allocation of distribution-related costs on the basis of energy. It's simply distribution costs -- first of all, they would only be assigned to the rate classes that use the distribution system. So a customer class like GT that takes service at transmission that does not use the distribution system wouldn't pay for secondary lines and primary lines and transformers and poles which are distribution-related costs. That's the grid -- that's the grid system that would tend to be modernized.*[20]

Mr. Baron's experience across 20-30 states over 40 years is not surprising given the position of the National Association of Regulatory Utility Commissioners ("NARUC"). NARUC's *Electric Utility Cost Allocation Manual* advises against allocating any distribution-related costs on the basis of energy, explaining *"[t]o ensure that [distribution] costs are properly allocated, the analyst must first classify each account as demand-related, customer-related, or a combination of both...Because there is no energy component of distribution-related costs, we need only consider the demand and customer components."*[21]

Allocating the non-variable DMR costs of $131 million per year on the basis of variable energy usage would also harm economic development in Ohio, contrary to one of the primary goals of establishing the proposed DMR. Adopting an energy-based allocation for the fixed DMR distribution expense would force large transmission voltage customers, who must compete both nationally and internationally and who would derive little benefit from additional distribution infrastructure modernization, to pay a disproportionate amount of DMR costs.[22] This outcome would be inconsistent with R.C. 4928.02(H)'s directive to "[f]*acilitate the state's effectiveness in the global economy."*

---

[20] Rehearing Tr. Vol. VI (July 21, 2016) at 1318:1-1319:7.

[21] National Association of Regulatory Utility Commissioners, *Electric Utility Cost Allocation Manual* (January 1992), *available at* https://efile.mpsc.state.mi.us/efile/docs/17689/0078.pdf at 89.

[22] OEG Ex. 7 at 3:11-23.

IV. The Commission Could Also Adopt An Alternative Approach To DMR Cost Allocation To Lessen The Rate Impact On Residential Customers.

Although OEG supports its recommended DMR cost allocation methodology, a reasonable alternative exists. Under that alternative, DMR costs would first be allocated to *only* the residential class based 50% on demand and 50% on energy. Then, the residual DMR costs left over after that first step would be allocated to the remaining rate schedules as OEG recommends (50% on distribution revenues and 50% on demand). This would give the residential customers the cost allocation suggested by Staff witness Turkenton during cross examination.[23]

This alternative approach lessens the rate impact of the DMR on the residential class by $15.4 million per year, or 26% from OEG's primary cost allocation recommendation. The details of this alternative approach are shown on Attachment A, which was derived from OEG Ex. 8.

Allocating the residual revenue requirement (including the $15.4 million reduction to the residential class) among all other rate schedules based on 50% distribution/50% demand[24] increases the DMR rate on all non-residential rate schedules, but by an amount which is reasonable. OEG members have load on Rates GS, GP, GSU and GT, all of which would be negatively impacted by this compromise alternative. The results of adopting either OEG's primary recommendation or the compromise alternative are derived from OEG Ex. 8 and are set forth in Table 1 below. The results on Table 1 are on a consolidated FirstEnergy basis, instead of individually for each of the three operating companies.

[23] Rehearing Tr. Vol. II (July 12, 2016) at 431:4-13.
[24] OEG Ex. 8; *See also* Attachment A to this Brief.

TABLE 1

Allocation of $131 Million OE/CEI/TE Combined
50% on Distribution Revenue/50% on 4 CP Demands
versus Compromise Alternative --
Residential Allocation Per Staff 50% Energy/50% 4CP Demand with Residual to All Other Rate Schedules Per OEG Method

	OEG 50% on Dist. Rev. 50% on 4 CP Demand	Rate $/mWh	Compromise Alternative Residential per Staff Residual per OEG	Rate $/mWh
RS	$57,835,488	3.34	$42,454,667	2.45
GS	$43,914,248	2.91	$55,165,061	3.65
GP	$7,263,473	1.79	$8,843,194	2.18
GSU	$7,297,598	1.50	$7,889,161	1.62
GT	$12,299,790	1.07	$13,085,962	1.14
STL	$1,593,417	5.37	$2,417,811	8.15
POL	$744,371	7.37	$1,073,495	10.63
TRF	$51,615	1.46	$70,648	2.00
Total	$131,000,000	2.46	$131,000,000	2.46

Residential Typical Bill at 750 kWh per month	$2.50	$1.84

One final issue. The Commission needs to decide if each of the three operating companies will have a separate DMR by rate schedule; or whether there will be a uniform FirstEnergy DMR by rate schedule. A uniform FirstEnergy DMR by rate schedule, as shown on Table 1 above, would be easier to administer and would be more reasonable.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Commission should: 1) approve revised Rider RRS; or 2) if the DMR is approved, adopt OEG's primary or alternative cost allocation.

Respectfully submitted,

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: (513) 421-2255 Fax: (513) 421-2764
E-Mail: mkurtz@BKLlawfirm.com
kboehm@BKLlawfirm.com
jkylercohn@BKLlawfirm.com

August 15, 2016

COUNSEL FOR THE OHIO ENERGY GROUP

ATTACHMENT A

ATTACHMENT A

Compromise Allocation of $131 Million DMR
Residential Allocation per Staff
Residual Allocation Based on 50% Distribution Revenue/50% 4 CP Demands

Allocation to Companies	4 CP Demand[1]	MWh[1]	MWh Allocation	50% 4CP	50% Energy	Allocated Rev. Req.	Rate $/MWh
OE	45.58%	24,203,560	45.42%	29,854,900	29,749,701	59,604,601	2.46
CEI	36.02%	18,615,656	34.93%	23,593,100	22,881,353	46,474,453	2.50
TE	18.40%	10,469,830	19.65%	12,052,000	12,868,946	24,920,946	2.38
total	100.0%	53,289,046	100.00%	65,500,000	65,500,000	131,000,000	2.46

Rate Class Allocation	4CP[1]	MWh[1]	Distribution Revenue Allocation[3]	50% 4CP	50% kwh / Dist. Rev	Allocated Rev. Req.	
OE							
RS	37.34%	9,274,426	62.450%	11,147,820	11,399,621	22,547,440	2.43
Residual for Allocation				18,707,080	18,350,080	37,057,161	
GS	33.31%	6,592,253	26.210%	9,944,667	12,808,405	22,753,072	3.45
GP	10.95%	2,630,586	5.030%	3,269,112	2,458,080	5,727,192	2.18
GSU	3.49%	978,431	1.400%	1,041,936	684,157	1,726,093	1.76
GT	14.86%	4,554,538	2.700%	4,436,438	1,319,447	5,755,885	1.26
STL	0.00%	122,532	1.390%	-	679,271	679,271	5.54
POL	0.00%	36,054	0.760%	-	371,400	371,400	10.30
TRF	0.05%	14,740	0.060%	14,927	29,321	44,248	3.00
total	100.0%	24,203,560	100.000%	29,854,900	29,749,701	59,604,601	2.46
CEI							
RS	29.09%	5,535,410	47.550%	6,863,233	6,803,825	13,667,058	2.47
Residual for Allocation				16,729,867	16,077,528	32,807,395	
GS	41.90%	6,536,798	39.140%	9,885,509	11,997,606	21,883,115	3.35
GP	2.21%	445,966	0.580%	521,408	177,788	699,195	1.57
GSU	18.38%	3,778,472	5.485%	4,336,412	1,681,320	6,017,732	1.59
GT	8.40%	2,120,383	1.895%	1,981,820	580,875	2,562,696	1.21
STL	0.00%	125,007	3.530%	-	1,082,053	1,082,053	8.66
POL	0.00%	55,212	1.790%	-	548,690	548,690	9.94
TRF	0.02%	18,408	0.030%	4,719	9,196	13,915	0.76
total	100.0%	18,615,656	100.000%	23,593,100	22,881,353	46,474,453	2.50
TE						-	
RS	26.20%	2,507,876	57.18%	3,157,624	3,082,545	6,240,169	2.49
Residual for Allocation				8,894,376	9,786,401	18,680,777	
GS	25.16%	1,965,008	32.80%	3,032,283	7,496,591	10,528,874	5.36
GP	10.75%	987,134	4.91%	1,295,590	1,121,217	2,416,807	2.45
GSU	1.00%	116,054	0.11%	120,520	24,816	145,336	1.25
GT	36.88%	4,832,776	1.41%	4,444,778	322,604	4,767,381	0.99
STL	0.00%	49,050	2.87%	-	656,487	656,487	13.38
POL	0.00%	9,702	0.67%	-	153,406	153,406	15.81
TRF	0.01%	2,230	0.05%	1,205	11,280	12,485	5.60
total	100.0%	10,469,830	100.00%	12,052,000	12,868,946	24,920,946	2.38
Ohio Total		53,289,046		65,500,000	65,500,000	131,000,000	2.46

[1] JMS-2

[2] Case No. 07-0551, Schedule E-4

[3] Stipulation, Case No. 07-0551, Schedule A (TE adjusted to remove negative allocation to Contract class)

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 15th day of August, 2016 to the following:

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.

James W. Burk, Counsel of Record
Carrie M. Dunn
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, Ohio 44308
burkj@firstenergycorp.com
cdunn@firstenergycorp.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

David A. Kutik
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
dakutik@jonesday.com

COUNSEL FOR OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY THE TOLEDO EDISON COMPANY

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

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

COUNSEL FOR THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

Christopher J. Allwein, Counsel of Record
Nolan M. Moser
Williams Allwein and Moser, LLC
1500 West Third Ave., Suite 330
Columbus, Ohio 43212
callwein@wamenergylaw.com
nmoser@wamenergylaw.com

Michael Soules
Earthjustice
1625 Massachusetts Ave. NW #702
Washington, DC 20036
msoules@earthjustice.org

Shannon Fisk
Earthjustice
1617 John F. Kennedy Blvd., #1675
Philadelphia, PA 19103
sfisk@earthjustice.org

Tony G. Mendoza
Sierra Club
Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105-3459
Tony.mendoza@sierraclub.org

COUNSEL FOR THE SIERRA CLUB

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
barthroyer@aol.com

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

COUNSEL FOR CLEVELAND MUNICIPAL SCHOOL DISTRICT

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

Gerit F. Hall
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Ave., N.W., 12th Fl.
Washington, D.C. 20006
ghull@eckertseamans.com

COUNSEL FOR DIRECT ENERGY SERVICES, LLC, DIRECT ENERGY BUSINESS, LLC AND DIRECT ENERGY BUSINESS MARKETING, LLC

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

COUNSEL FOR OHIO PARTNERS FOR AFFORDABLE ENERGY

Joseph E. Oliker, Counsel of Record
IGS Energy
6100 Emerald Parkway
Dublin, Ohio 43016
joliker@igsenergy.com

COUNSEL FOR IGS ENERGY

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

COUNSEL FOR THE KROGER CO.

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

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

COUNSEL FOR OHIO HOSPITAL ASSOCIATION

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

COUNSEL FOR IBEW LOCAL 245

Michael K. Lavanga
Garrett A. Stone
Owen J. 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, INC.

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

COUNSEL FOR THE CITY OF CLEVELAND

Kimberly W. Bojko
Jonathon 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 OMAEG

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

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

COUNSEL FOR WAL-MART STORES EAST, LP AND SAM'S EAST, INC.

Joseph P. Meissner, Esq.
1223 W. 6th Street – 4th Floor
Cleveland, Ohio 44113
meissnerjoseph@yahoo.com

COUNSEL FOR CITIZENS COALITION, CONSUMER PROTECTION ASSOCIATION, CLEVELAND HOUSING NETWORK, AND THE COUNCIL FOR ECONOMIC OPPORTUNITIES IN GREATER CLEVELAND

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

COUNSEL FOR LUCAS COUNTY

Leslie Kovacik
Counsel for the City of Toledo
420 Madison Avenue
Toledo, Ohio 43604
lesliekovacik@toledo.oh.gov

COUNSEL FOR THE CITY OF TOLEDO

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

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

COUNSEL FOR NORTHEAST OHIO PUBLIC ENERGY COUNCIL; OHIO SCHOOLS COUNCIL; AND, POWER4SCHOOLS

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.

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

COUNSEL FOR THE COUNCIL OF SMALLER ENTERPRISES

Trent Dougherty, Counsel of Record
Madeline Fleisher
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
tdougherty@theOEC.org
mfleisher@elpc.org

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

COUNSEL FOR THE OHIO ENVIRONMENTAL COUNCIL AND ENVIRONMENTAL DEFENSE FUND

M. Howard Petricoff
Michael J. Settineri
Gretchen L. Petrucci
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43216-1008
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

COUNSEL FOR EXELON GENERATION COMPANY, LLC AND CONSTELLATION NEWENERGY, INC.; PJM POWER PROVIDERS GROUP; THE ELECTRIC POWER SUPPLY ASSOCIATION; AND, RETAIL ENERGY SUPPLY ASSOCIATION

Cynthia Brady
Exelon Business Services
4300 Winfield Rd.
Warrenville, Illinois 60555
Cynthia.brady@exeloncorp.com

David I. Fein
Exelon Corporation
10 South Dearborn Street – 47th Fl.
Chicago, Illinois 60603
David.fein@exeloncorp.com

Lael E. Campbell
Constellation NewEnergy, Inc. and Exelon Corporation
101 Constitution Ave., NW
Washington, DC 20001
Lael.campbell@exeloncorp.com

ON BEHALF OF EXELON GENERATION COMPANY, LLC AND CONSTELLATION NEWENERGY, INC.

Glen Thomas
1060 First Avenue, Suite 400
King of Prussia, Pennsylvania 19406
gthomas@gtpowergroup.com

Laura Chappelle
201 North Washington Square - #910
Lansing, Michigan 48933
laurac@chappeleconsulting.net

ON BEHALF OF PJM POWER PROVIDERS GROUP

Andrew J. Sonderman
Kegler Brown Hill and Ritter LPA
65 East State Street – 1800
Columbus, Ohio 43215
asonderman@keglerbrown.com

COUNSEL FOR HARDIN WIND LLC, CHAMPAIGN WIND LLC AND BUCKEYE WIND LLC

Todd M. Williams
Williams Allwein & Moser, LLC
Two Maritime Plaza, 3rd Fl
Toledo, Ohio 43604
toddm@wamenergylaw.com

Jeffrey W. Mayes
Monitoring Analytics, LLC
2621 Van Buren Avenue, Suite 160
Valley Forge Corporate Center
Eagleville, Pennsylvania 19403
Jeffrey.mayes@monitoringanalytics.com

COUNSEL FOR INDEPENDENT MARKET MONITOR FOR PJM

Sharon Theodore
Electric Power Supply Association
1401 New York Ave. NW 11th fl.
Washington, DC 20001
stheodore@epsa.org

ON BEHALF OF THE ELECTRIC POWER SUPPLY ASSOCIATION

F. Mitchell Dutton
NextEra Energy Power Marketing, LLC
700 Universe Blvd.
Juno Beach, Florida 33408-2657
Mitch.dutton@fpl.com

COUNSEL FOR NEXTERA ENERGY POWER MARKETING, LLC

Andrew J. Sonderman
Kegler Brown Hill and Ritter LPA
65 East State Street – 1800
Columbus, Ohio 43215
asonderman@keglerbrown.com

COUNSEL FOR HARDIN WIND LLC, CHAMPAIGN WIND LLC AND BUCKEYE WIND LLC

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

COUNSEL FOR THE ENERGY PROFESSIONALS OF OHIO

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 THE ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF OHIO

Craig I. Smith
Material Sciences Corporation
15700 Van Aken Blvd. – Suite 26
Shaker Heights, Ohio 44120
wttpmlc@aol.com

COUNSEL FOR MATERIAL SCIENCES CORPORATION

Joel E. Sechler
Carpenter Lipps & Leland
280 N. High Street, Suite 1300
Columbus, Ohio 43215
sechler@carpenterlipps.com

Gregory J. Poulos
EnerNOC, Inc.
471 E. Broad Street – Suite 1520
Columbus, Ohio 43054
gpoulos@enernoc.com

COUNSEL FOR ENERNOC, INC.

Cheri B. Cunningham
Director of Law
161 South High Street, Suite 202
Akron, OH 44308
CCunningham@Akronohio.gov

COUNSEL FOR THE CITY OF AKRON

Thomas McNamee
Thomas Lindgren
Ryan O'Rourke
Attorney General's Office
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43215
thomas.mcnamee@ohioattorneygeneral.com
thomas.lindgren@ohioattorneygeneral.com
ryan.o'rourke@ohioattorneygeneral.com

COUNSEL FOR THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO

Samuel C. Randazzo
Frank P. Darr (Reg. No. 0025469)
Matthew R. Pritchard (Reg. No. 0088070)
MCNEES WALLACE & NURICK LLC
21 East State Street, 17TH Floor
Columbus, OH 43215
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

COUNSEL FOR INDUSTRIAL ENERGY USERS-OHIO