

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE OVEC
GENERATION PURCHASE RIDER AUDITS
REQUIRED BY R.C. 4928.148 FOR DUKE
ENERGY OHIO, INC., THE DAYTON
POWER AND LIGHT COMPANY, AND AEP
OHIO.

CASE NO. 21-477-EL-RDR

ENTRY

Entered in the Journal on July 7, 2023

I. SUMMARY

{¶ 1} The attorney examiner: (1) grants the unopposed motions to intervene filed by Ohio Consumers' Counsel, the Ohio Environmental Council, Sierra Club, and, jointly by Citizens' Utility Board of Ohio and Union of Concerned Scientists; (2) grants the motions for protective order filed by Staff, Duke Energy Ohio, Inc., The Dayton Power and Light Company d/b/a AES Ohio, and Ohio Power Company d/b/a AEP Ohio, regarding the audit report filed by London Economics International LLC; (3) grants, in part, and denies, in part, the motions to quash jointly filed by Duke Energy Ohio, Inc., The Dayton Power and Light Company d/b/a AES Ohio, and Ohio Power Company d/b/a AEP Ohio; (4) denies the motion for a subpoena duces tecum filed by Ohio Consumers' Counsel on November 14, 2022; and (5) establishes a procedural schedule.

II. DISCUSSION

A. *Procedural History*

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio), The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio), and Duke Energy Ohio, Inc. (Duke) (collectively, the Companies) are electric distribution utilities (EDUs), as defined by R.C.

4928.01(A)(6), and public utilities, as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4928.148, which became effective on October 22, 2019, required the Commission to (1) establish a replacement nonbypassable rate mechanism for the retail recovery of prudently incurred costs related to a legacy generation resource (LGR) for the period commencing January 1, 2020, and extending up to December 31, 2030, and (2) determine the prudence and reasonableness of the actions of EDUs with ownership interests in the LGR.

{¶ 4} By Entry issued on November 21, 2019, in Case No. 19-1808-EL-UNC, the Commission established the LGR Rider pursuant to R.C. 4928.148. *In re Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, Case No. 19-1808-EL-UNC, Entry (Nov. 21, 2019).

{¶ 5} In accordance with R.C. 4928.148(A)(1), the Commission is required to determine the prudence and reasonableness of the actions of EDUs with LGR ownership interests during years 2021, 2024, 2027, and 2030.

{¶ 6} To assist the Commission with the audit of the Companies' actions in regard to their LGR ownership for the period from January 1, 2020, through December 31, 2020, by Entry issued in this proceeding on May 5, 2021, the Commission directed Staff to issue a request for proposal for audit services.

{¶ 7} On July 14, 2021, the Commission selected London Economics International LLC (LEI) as the third-party auditor to assist with the prudence and reasonableness audit.

{¶ 8} On December 17, 2021, Staff filed in this docket the audit of the LGR for each of the Companies.

{¶ 9} By Entry issued April 7, 2023, the attorney examiner issued an Entry setting a comment period concerning the audit reports of the LGR for the Companies.

{¶ 10} On May 8, 2023, initial comments were timely filed by AEP Ohio, Duke, AES Ohio, Sierra Club, the Ohio Environmental Council (OEC), the Ohio Consumers' Counsel (OCC), the Ohio Manufacturers Association Energy Group (OMAEG), and jointly by the Citizens' Utility Board of Ohio and Union of Concerned Scientists (CUB/UCS).

{¶ 11} On May 23, 2023, reply comments were timely filed by AEP Ohio, AES Ohio, Duke, OEC, Sierra Club, OCC, OMAEG, and CUB/UCS.

B. Motions to Intervene

{¶ 12} To date, motions to intervene have been filed by CUB/UCS, Sierra Club, OCC, and OEC. No memoranda contra were filed in response to any of the motions to intervene. Upon review of each of the unopposed motions, as well as the supportive memoranda, the attorney examiner finds that they are reasonable and should be granted.

C. Motions for Protective Order Regarding LEI Audit Report

{¶ 13} On December 17, 2021, Staff, Duke, AES Ohio, and AEP Ohio each filed separate motions for a protective order with respect to the confidential version of LEI's audit report, claiming that the report contained highly sensitive financial information and that protection of the information is consistent with the Commission's prior actions in cases involving this type of information.

{¶ 14} No memoranda contra the motions for protective order were filed.

{¶ 15} R.C. 4905.07 provides that all facts and information in the possession of the Commission shall be made public, except as provided in R.C. 149.43, and as consistent with the purposes of Title 49 of the Revised Code. R.C. 149.43 specifies that the term "public records" excludes information that, under state or federal law, may not be released. The Ohio Supreme Court has clarified that the "state or federal law" exception is intended to

cover trade secrets. *State ex rel. Besser v. Ohio State*, 89 Ohio St.3d 396, 399, 732 N.E.2d 373 (2000).

{¶ 16} Similarly, Ohio Adm.Code 4901-1-24 allows the attorney examiner to issue an order to protect the confidentiality of information contained in a filed document, “to the extent that state or federal law prohibits release of the information, including where the information is deemed * * * to constitute a trade secret under Ohio law, and where nondisclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code.”

{¶ 17} Ohio law defines a trade secret as “information * * * that satisfies both of the following: (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, (2) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” R.C. 133.61(D).

{¶ 18} The attorney examiner has reviewed the information that is the subject of the motions for protective order, as well as the assertions set forth in the supportive memoranda. Applying the requirements that the information have independent economic value and be the subject of reasonable efforts to maintain its secrecy pursuant to R.C. 1333.61(D), as well as the six-factor test set forth by the Ohio Supreme Court¹, the attorney examiner finds that the redacted financial and other information contained in LEI’s audit report constitutes trade secret information. Its release is, therefore, prohibited under state law. The attorney examiner also finds that nondisclosure of this information is not inconsistent with the purposes of Title 49 of the Revised Code. Therefore, the attorney examiner finds that the unopposed motions for protective order with respect to the confidential information contained in LEI’s audit report are reasonable and should be granted.

¹ See *State ex rel. the Plain Dealer v. Ohio Dept. of Ins.*, 80 Ohio St.3d 513, 524-525, 687 N.E.2d 661 (1997).

{¶ 19} Ohio Adm.Code 4901-1-24(F) provides that, unless otherwise ordered, protective orders issued pursuant to Ohio Adm.Code 4901-1-24(D) automatically expire after 24 months. Therefore, confidential treatment shall be afforded for a period of 24 months from the date of this Entry. Until that date, the Commission's Docketing Division should maintain, under seal, the information filed confidentially on December 17, 2021.

{¶ 20} Ohio Adm.Code 4901-1-24(F) requires a party wishing to extend a protective order to file an appropriate motion at least 45 days in advance of the expiration date. If any party wishes to extend this confidential treatment, it should file an appropriate motion at least 45 days in advance of the expiration date. If no such motion to extend confidential treatment is filed, the Commission may release this information without prior notice.

D. Motions to Quash Subpoena for OVEC Representative

{¶ 21} On November 9, 2021, OCC filed a motion for a subpoena duces tecum for a representative of Ohio Valley Electric Corporation (OVEC) to testify at a deposition in these proceedings, as well as in four other pending cases, and to produce a number of designated documents in advance of the deposition. *In re the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018*, Case No. 18-1004-EL-RDR; *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co. for 2019*, Case No. 18-1759-EL-RDR; *In re the Review of the Reconciliation Rider of The Dayton Power and Light Co.*, Case No. 20-165-EL-RDR; *In re the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR. The subpoena was signed by an attorney examiner.

{¶ 22} On December 1, 2021, a motion to quash the subpoena was filed jointly by Companies. In their motion, Companies argue that the Commission should not permit OCC, for purposes of deposing an OVEC representative, to consolidate separate proceedings that have distinct objectives and involve different companies, audit periods, and cost recovery mechanisms. According to Companies, the Commission's rules do not allow the scheduling of a single deposition to gather information for multiple,

unconsolidated proceedings. Companies add that, even if such a deposition were permitted, it would cause procedural and evidentiary problems, such as numerous relevance objections and difficulties in ensuring that the deposition transcript is sufficiently clear and comprehensible. Companies contend that, if OCC is permitted to question an OVEC representative for the various cases, OCC must conduct multiple depositions. Additionally, Companies assert that the Commission should protect OVEC from testifying on matters that are beyond the scope of each of the proceedings. Companies note that, in audit proceedings, the Commission has generally limited the scope of the review to the audit period and has not permitted discovery relating to matters outside of that period. Companies, therefore, argue that the OVEC representative should not be required to produce certain designated information that is outside of the audit period under review.

{¶ 23} On December 13, 2021, OVEC filed a motion to quash the subpoena served by OCC. In support of its motion, OVEC states that it incorporates the arguments asserted in the prior motions filed by Companies and separately by AES Ohio.

{¶ 24} On December 16, 2021, OCC filed a memorandum contra Companies' motion to quash. In its memorandum, OCC asserts that the Commission should deny Companies' motion to quash because Companies have not provided any specific grounds to establish that the OVEC deposition would be unreasonable or oppressive for them, as required under Ohio Adm.Code 4901-1-25(C). OCC adds that it has a right to take depositions under R.C. 4903.082 and the Commission's rules. Further, OCC argues that it seeks to obtain information that is relevant to whether OVEC's costs are reasonable and prudent, which constitutes information that is "relevant to the subject matter of the proceeding" or "reasonably calculated to lead to the discovery of admissible evidence" and, therefore, satisfies the requirements of Ohio Adm.Code 4901-1-16(B). Although OCC acknowledges that the Commission generally limits discovery to matters occurring during the audit period, OCC contends that any information that it seeks from outside the audit period is relevant to the present cases, because the Commission is concerned with OVEC's costs over the entire period from 2018 until the end of the LGR Rider in 2030. Additionally,

OCC contends that a party may notice a single deposition to be held in multiple proceedings if the discovery sought is relevant to each of the cases. Nonetheless, OCC states that, in light of Companies' opposition to a consolidated deposition, OCC will file separate notices of deposition in each of the audit cases, unless the Commission rules otherwise.

{¶ 25} Also on December 16, 2021, Kroger and OMAEG filed a joint memorandum contra Companies' motion to quash, arguing that Companies lack standing to challenge a subpoena served on OVEC, as well as the fact that the noticed deposition is a reasonable and ordinary use of the parties' discovery rights under R.C. 4903.082 and Ohio Adm.Code 4901-1-16(B) and is reasonably calculated to lead to the discovery of admissible evidence. Further, while Kroger and OMAEG acknowledge that information from outside of the audit period may be relevant for many purposes, they claim that Companies' contention that the subpoena seeks irrelevant information is overly simplified, is not based in Ohio law, and ignores the substantial overlap of the various cases. Finally, Kroger and OMAEG maintain that the Commission should reject Companies' argument that the parties are required to conduct multiple depositions of the same OVEC representative, which Kroger and OMAEG believe would be unreasonable, unduly burdensome, and wasteful of the time and resources of the parties.

{¶ 26} On December 20, 2021, Kroger and OMAEG filed a joint memorandum contra OVEC's motion to quash the subpoena. Kroger and OMAEG argue that OVEC's motion should be denied for similar reasons to those asserted in their memorandum contra Companies' motion to quash. Kroger and OMAEG contend that it was improper for OVEC to simply incorporate by reference Companies' arguments, as Companies do not have standing to challenge the subpoena. Kroger and OMAEG also reiterate that the noticed deposition is a reasonable and ordinary use of the parties' discovery rights and that the parties should not be required to conduct multiple depositions of the same OVEC representative.

{¶ 27} On December 20, 2021, Companies filed a reply in support of their motion to quash. As to whether a single OVEC deposition is appropriate and permitted for multiple proceedings, Companies note that the issue is now moot, in light of OCC's agreement to take separate depositions of an OVEC representative in the respective cases. With respect to whether Companies have standing to contest the subpoena, Companies claim that any party affected by a subpoena may move to quash it under Ohio Adm.Code 4901-1-25(C) and that, in any event, this issue is also moot, because OVEC filed its own motion to quash in which it joined Companies' motion. As a final matter, Companies reiterate that the Commission's audit proceedings generally focus on matters occurring during the audit period and that discovery relating to matters outside the audit period is generally prohibited. Companies, therefore, request that OCC be prohibited from seeking information that relates to a point in time after the audit period at issue in each proceeding and that is otherwise beyond the scope of discovery.

{¶ 28} On December 21, 2021, in Case No. 18-1004-EL-RDR, the attorney examiner determined that motions to quash subpoenas against OVEC in that case should be granted, in part, and denied as moot, in part. *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co. for 2018*, Case No. 18-1004-EL-RDR, Entry (Dec. 21, 2021). Further, in Case No. 20-167-EL-RDR, the attorney examiner similarly ruled that the motions to quash should be granted, in part, and denied as moot, in part. *In re the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR, Entry (Mar. 4, 2022). And lastly, in Case No. 20-165-EL-RDR, the attorney examiner also ruled that the motions to quash should be granted, in part, and denied as moot, in part. *In re the Review of the Reconciliation Rider of The Dayton Power and Light Co. d/b/a AES Ohio*, Case No. 20-165-EL-RDR, Entry (Apr. 14, 2023) at ¶ 38.

{¶ 29} Consistent with the determinations in the cases cited above, the attorney examiner has reviewed the motions to quash filed by Companies and OVEC. Regarding the question of standing, the attorney examiner is not persuaded by the arguments of OCC, Kroger, and OMAEG, as Ohio Adm.Code 4901-1-25(C) permits any party to move to quash

a subpoena on the grounds that it is unreasonable or oppressive. As to whether OCC should be permitted to conduct a single OVEC deposition in multiple, unconsolidated proceedings, the attorney examiner finds that the issue is moot, in light of OCC's agreement to conduct separate depositions in each of the cases. Additionally, with respect to the timing of when such a deposition can occur in this case, the attorney examiner also finds that this issue is moot in light of OCC's agreement to pursue a deposition in this case at a later date. Finally, with respect to the scope of the documents designated to be produced by the subpoena, the attorney examiner notes that OCC seeks to obtain reports, forecasts, policies, and other information that pertains to years falling beyond the period under review in these proceedings – January 1, 2020, through December 31, 2020. The attorney examiner finds that this information is not relevant to the subject matter of these cases or reasonably calculated to lead to the discovery of admissible evidence. Ohio Adm.Code 4901-1-16. Accordingly, consistent with these findings, the motions to quash should be granted, in part, and denied as moot, in part.

E. Motion For Subpoena Duces Tecum for AEP Inc. Documents

{¶ 30} On November 14, 2022, OCC moved to subpoena copies of subpoenas that American Electric Power Inc. (AEP Inc.) received from the Securities and Exchange Commission (SEC) in May 2021 and August 2022, along with any other subpoenas received by any AEP entity relating to Ohio House Bill 6 (2019) (HB 6). According to OCC, AEP Inc. first disclosed its receipt of the May 2021 subpoena in its July 2021 Form 10-Q, and the receipt of its August 2022 subpoena in its October 2022 Form 10-Q. OCC avers that the subpoenas, as described in AEP Inc.'s October 2022 Form 10-Q, "seek[] various documents, including documents relating to the passage of HB 6 and documents relating to AEP's policies and financial processes and controls." OCC contends that the Commission's discovery rules are meant to be construed liberally, allowing any party to a Commission proceeding to "obtain discovery of any matter, not privileged, which is relevant to the

subject matter of the proceeding.” Ohio Adm.Code 4901-1-16. The subpoena was never signed by the attorney examiner.

{¶ 31} On November 29, 2022, AEP Ohio, on behalf of AEP Inc, filed a memorandum contra OCC’s motion for subpoena duces tecum. According to AEP Ohio, the documents that OCC has moved to subpoena are irrelevant to this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. AEP Ohio argues OCC has similarly sought discovery regarding AEP Ohio’s establishment of the PPA Rider in 2016. AEP Ohio opines that, in that case, the Commission granted its motion for a protective order against that discovery as the requested “[i]nformation regarding the basis for AEP Ohio’s decision to include the OVEC PPA in the PPA Rider is * * * beyond the scope of these proceedings, as the Commission has already authorized the OVEC agreement’s inclusion in the rider in the PPA Rider Case [Case Nos. 14-1693-EL-RDR, et al.] and, more recently, approved the continuation of the rider in the ESP 4 Case [Case Nos. 16-1852-EL-SSO, et al.].” *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co. for 2018*, Case Nos. 18-1004-EL-RDR, Entry at ¶ 15 (Dec. 23, 2021). AEP Ohio asserts that OCC’s motion in this proceeding should be denied for the same reason, as the statute that directed the Commission to adopt the LGR Rider went into effect in October 2019 and the Commission established the LGR Rider in November 2019. See *In re Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, Case No. 19-1808-EL-UNC, Entry ¶ 38 (Nov. 21, 2019). Thus, AEP Ohio asserts the scope of this proceeding is statutorily set, with R.C. 4928.148(A)(1) directing the Commission to review “the prudence and reasonableness of the actions of electric distribution utilities with ownership interests in the legacy generation resource * * * during calendar year 2020.” However, if the Commission does grant the motion for a subpoena duces tecum, AEP Ohio asks that the Commission allow AEP Inc. to produce the subpoenaed documents confidentially.

{¶ 32} On December 6, 2022, OCC filed a reply memorandum in support of its motion for a subpoena duces tecum to AEP Inc. OCC first alleges that AEP Ohio has no

standing to oppose OCC's request and that AEP Inc. is the only entity that could legally do so. Even if AEP Ohio had the requisite standing, OCC further argues that it chose not to invoke the correct procedure to oppose the motion, pursuant to Ohio Adm.Code 4901-1-25. The correct procedure, according to OCC, included filing a motion to quash or a motion for protective order, which AEP Ohio has failed to do. Even if the memorandum contra was not procedurally deficient, OCC argues that the Commission should, nonetheless, find that these documents are reasonably calculated to lead to the discovery of admissible evidence, as the "documents relating to the passage of HB 6" might include documents relating to the OVEC plants, including prudence of how the OVEC plants were operated.²

{¶ 33} The purpose of this proceeding is to determine the prudence and reasonableness of the actions of EDUs with ownership interests in OVEC during the calendar year 2020. Entry (May 5, 2021) at ¶¶ 3, 5. While the attorney examiner agrees with OCC that AEP Ohio is not the correct party to lodge opposition against the subpoena, and there is some dispute as to whether the appropriate mechanism to oppose the motion for subpoena has been invoked, these facts are immaterial to the attorney examiner's analysis as to whether the subpoenaed documents appropriately fall within the scope of this proceeding.³ Notably, Ohio Adm.Code 4901-1-25(D) provides that a "subpoena may require a person, other than a member of the commission staff, to attend and give testimony at a deposition, and to produce designated books, papers, documents, or other tangible things within the scope of discovery set forth in Ohio Adm.Code 4901-1-16." OCC has

² In its reply memorandum, OCC cites the change in frequency of prudence reviews over OVEC operations resulting from H.B. 6 and how the requested "documents relating to the passage of HB 6" could include internal discussions related to the audits of the OVEC plants or OVEC plant-related information.

³ The attorney examiner notes a similar process has been utilized in other cases in which a motion for subpoena has been filed and the subpoena remained unsigned during the general pleading cycle that applies to motions, pursuant to Ohio Adm.Code 4901-1-12. See, e.g., *In re the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR, Entry (Mar. 4, 2022); *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co. for 2018*, Case Nos. 18-1004-EL-RDR, et al., Entry (Jan. 6, 2022). In those cases, involved parties, including OCC, did not object to the method chosen to oppose the subpoenas. However, this issue is again irrelevant and does not impact the attorney's examiner's analysis as to whether the requested documents fall within the scope of this proceeding.

moved to subpoena copies of subpoenas that AEP Inc. received from the SEC in May 2021 and August 2022, relating to the passage of HB 6 in 2019. Similar to the discussion above pertaining to the subpoena for an OVEC representative, the attorney examiner notes that this proceeding is limited to reviewing the prudence and reasonableness of the actions of EDUs with ownership interests in OVEC during calendar year 2020, rather than the events leading up to the creation and implementation of the LGR mechanism that occurred in 2019. See *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co. for 2018*, Case No. 18-1004-EL-RDR, Entry (Dec. 23, 2021) at ¶ 15. As such, the attorney examiner finds that the documents OCC has moved to subpoena are not reasonably calculated to lead to the discovery of admissible evidence. Moreover, as to OCC's request for information related to the actions of AEP Ohio's parent company, the attorney examiner emphasizes that similar subpoenas relating to a parent company or affiliate have been granted in prior cases only to the extent that the regulated company, which in this case is AEP Ohio, has the information within its possession, custody, or control and if the information pertains to the audit period under review. *In re the Review of the Power Purchase Agreement Rider of Ohio Power Co.*, Case No. 18-1004-EL-RDR, et al., Entry (Dec. 23, 2021) ¶ 15. Accordingly, the motion for a subpoena duces tecum will be denied.

F. Procedural Schedule

{¶ 34} Upon review of the submitted comments in response to the April 7, 2023 Entry, the attorney examiner finds it appropriate to establish the following procedural schedule:

- a. Any additional motions to intervene shall be filed by July 21, 2023.
- b. Testimony on behalf of the Companies shall be filed by October 3, 2023.
- c. Testimony on behalf of Staff and intervenors shall be filed by October 10, 2023.

- d. An evidentiary hearing shall commence on October 17, 2023, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

{¶ 35} It is, therefore,

{¶ 36} ORDERED, That the motions to intervene filed by Sierra Club, OCC, CUB Ohio, and OEC be granted. It is, further,

{¶ 37} ORDERED, That the motions for protective order regarding the confidential information contained in LEI's audit report be granted. It is, further,

{¶ 38} ORDERED, That the motions to quash filed by Companies and OVEC be granted, in part, and denied as moot, in part. It is, further,

{¶ 39} ORDERED, That the motion for a subpoena duces tecum filed by OCC be denied. It is, further,

{¶ 40} ORDERED, That the procedural schedule set forth in Paragraph 34 be adopted. It is, further,

{¶ 41} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Megan J. Addison

By: Megan J. Addison
Attorney Examiner

JSA/dr

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Case No(s). 21-0477-EL-RDR

Summary: Attorney Examiner Entry granting the motions to intervene filed by Sierra Club, OCC, CUB Ohio, and OEC; granting the motions for protective order regarding the confidential information contained in LEI's audit report; granting, in part, and denying as moot, in part, the motions to quash filed by Companies and OVEC; denying the motion for a subpoena duces tecum filed by OCC; and establishing the following procedural schedule: additional motions to intervene shall be filed by July 21, 2023; testimony on behalf of the Companies shall be filed by October 3, 2023; testimony on behalf of Staff and intervenors shall be filed by October 10, 2023; and an evidentiary hearing shall commence on October 17, 2023, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793 electronically filed by Debbie S. Ryan on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio.