

**FILE**  
**Sutherland**  
**Asbill &**  
**Brennan LLP**  
ATTORNEYS AT LAW

1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415  
202.383.0100  
fax 202.637.3593  
www.sablaw.com

PAUL F. FORSHAY  
DIRECT LINE: 202.383.0708  
Internet: pforshay@sablaw.com

January 12, 2001

Via Express Mail

Ms. Daisy Crockron  
Chief of Docketing  
Public Utilities Commission of Ohio  
180 East Broad Street  
10th Floor  
Columbus, OH 43215-3793

RECEIVED - DOCKETING DIV  
01 JAN 16 AM 11:08  
PUCO

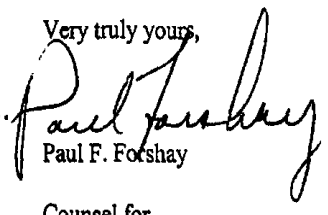
Re: Notice of Appeal of Shell Energy Services Company, L.L.C. from Public Utilities Commission of Ohio Case Nos. 99-1729-EL-ETP; 99-1730-EL-ETP.

Dear Ms. Crockron:

Enclosed for filing is an original and ten (10) copies of the Notice of Appeal from Commission orders of Shell Energy Services Co., L.L.C. ("Shell Energy"), which is being filed at the Supreme Court of Ohio. Also enclosed are two extra copies of the Notice of Appeal. Please date-stamp and return the two extra copies of Shell Energy's Notice of Appeal in the enclosed self-addressed postage pre-paid envelope. If, for any reason, the Commission will not certify the record in these cases to the Supreme Court within the time permitted, please contact me when you determine that the record will not be so timely certified.

Also, please contact me if you have any questions about this filing.

Very truly yours,



Paul F. Forshay

Counsel for  
Shell Energy Services Co., L.L.C.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician T.M.A. Date Processed 1-16-01

Enclosure

FILE

IN THE SUPREME COURT OF OHIO

RECEIVED-DOCKETING DIV  
01 JAN 16 AM 11:08

PUCO

Shell Energy Services Company, L.L.C., )	Appeal from the
)	Public Utilities Commission of Ohio
)	)
Appellant, )	)
)	Case No. <u>01-91</u>
v. )	)
)	)
The Public Utilities Commission of Ohio, )	Public Utilities Commission of Ohio
)	Case Nos. 99-1729-EL-ETP and
)	99-1730-EL-ETP
Appellee )	)

---

NOTICE OF APPEAL OF APPELLANT  
SHELL ENERGY SERVICES COMPANY, L.L.C.

---

Paul F. Forshay, Esq.  
Counsel of Record  
Keith R. McCrea, Esq.  
Daniel J. Oginsky, Esq.  
Sutherland Asbill & Brennan, LLP  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 383-0100  
Fax: (202) 637-3593

Betty D. Montgomery  
Attorney General of Ohio  
Duane W. Luckey (0033015)  
Chief, Public Utilities Section  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793  
(614) 466-4395  
Fax: (614) 644-8764

COUNSEL FOR APPELLANT,  
SHELL ENERGY SERVICES COMPANY, L.L.C.

COUNSEL FOR APPELLEE,  
PUBLIC UTILITIES  
COMMISSION OF OHIO

IN THE SUPREME COURT OF OHIO

Shell Energy Services Company, L.L.C., )	Appeal from the
)	Public Utilities Commission of Ohio
)	
Appellant, )	
)	Case No. _____
v. )	
)	
The Public Utilities Commission of Ohio, )	Public Utilities Commission of Ohio
)	Case Nos. 99-1729-EL-ETP and
)	99-1730-EL-ETP
Appellee )	

**NOTICE OF APPEAL OF APPELLANT  
SHELL ENERGY SERVICES COMPANY, L.L.C.**

Pursuant to Ohio Rev. Code §§ 4903.11 and 4903.13, appellant Shell Energy Services Company, L.L.C. ("Shell Energy") hereby gives notice of its appeal to the Supreme Court of Ohio, from an Opinion and Order of the Public Utilities Commission of Ohio ("Commission"), entered on September 28, 2000, and the Commission's Entry on Rehearing entered on November 21, 2000, in PUCO Case Nos. 99-1729-EL-ETP and 99-1730-EL-ETP.

Appellant was and is a party of record in PUCO Case Nos. 99-1729-EL-ETP and 99-1730-EL-ETP, and timely filed its Application for Rehearing of the appellee's September 28, 2000 Opinion and Order in accordance with Ohio Rev. Code § 4903.10. Appellant's Application for Rehearing was denied, with respect to the issues on appeal herein, by the Commission's November 21, 2000 Entry on Rehearing.

Appellant complains and alleges that appellee's September 28, 2000 Opinion and Order, and appellee's November 21, 2000 Entry on Rehearing in PUCO Case Nos. 99-1729-EL-ETP

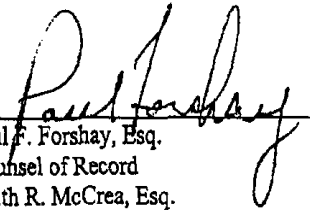
are unlawful, unjust and unreasonable in the following respects, as set forth in appellant's

Application for Rehearing:

1. The Commission acted unlawfully and unreasonably in approving the shopping credit structure contained in the Stipulation and Recommendation submitted on May 8, 2000 in PUCO Case Nos. 99-1729-EL-ETP and 99-1730-EL-ETP (hereinafter "the Stipulation"). The Commission's action in this regard violated Ohio Rev. Code §§ 4928.02, 4928.34 (A) (7), 4928.34 (A) (14), 4928.40 (A) and 4903.09, as well as Ohio Admin Code § 4901:1-20-03, App. E (A), (B) and (C).
2. The Commission acted unreasonably and unlawfully in approving the Stipulation's regulatory transition charge ("RTC") "incentives" during 2006-2007 for Ohio Power Company ("OPCO") customers that switch to competitive retail electric service providers. The Commission's action in this regard violated Ohio Rev. Code §§ 4928.37 (A) (1) (b) and 4928.37 (A) (3).
3. The Commission acted unreasonably and unlawfully, and in violation of Ohio Rev. Code § 4928.39, in uncritically adopting the Stipulation's inapt and understated valuation of Columbus Southern Power Company's ("CSP") and OPCO's generation transition charges.
4. The Commission acted unreasonably and unlawfully in rejecting Shell Energy's valuation of CSP/OPCO's generation assets, thereby denying ratepayers any share of the substantial market premiums identified by that valuation.
5. The Commission acted unreasonably and unlawfully in approving the Stipulation's distribution rate freeze through 2007 for CSP and through 2008 for OPCO.
6. The Commission acted unreasonably and unlawfully in approving the asset transfers and the unilateral authority to violate affiliate codes of conduct contained in the CSP and OPCO corporate separation plans.
7. The Commission acted unreasonably and unlawfully in adopting the Stipulation's supplier consolidated billing credit of \$1.00 per customer per month.
8. The Commission acted unreasonably and unlawfully in failing to modify the Stipulation to assure ratepayers a share of CSP/OPCO's off-system sales revenues during the Market Development Period.
9. The Commission acted unreasonably and unlawfully in failing to modify the Stipulation to prevent CSP/OPCO from realizing windfall returns through the collection of excess generation revenues.
10. The Commission acted unreasonably and unlawfully in determining that the Stipulation satisfied the standard of review applicable to proposed stipulations.

WHEREFORE, appellant respectfully submits that the appellee's September 28, 2000 Opinion and Order and appellee's November 21, 2000 Entry on Rehearing in PUCO Case Nos. 99-1729-EL-ETP and 99-1730-EL-ETP are unlawful, unjust and unreasonable with respect to the issues on appeal herein, and should be reversed. The case should be remanded to the appellee with instructions to correct the errors complained of herein.

Respectfully submitted,

By: 

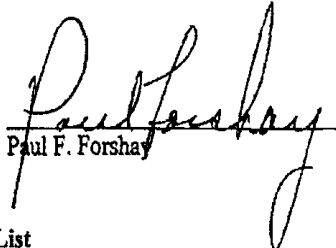
Paul F. Forshay, Esq.  
Counsel of Record  
Keith R. McCrea, Esq.  
Daniel J. Oginsky, Esq.  
Sutherland Asbill & Brennan, LLP  
1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 383-0100  
Fax: (202) 637-3593

Counsel For Appellant,  
Shell Energy Services Company, L.L.C.

January 12, 2001

**CERTIFICATE OF SERVICE**

I certify that a copy of this Notice of Appeal was sent by ordinary U.S. mail to all parties of record this 12<sup>th</sup> day of January, 2001.

  
Paul F. Forshay

**Service List**

Betty D. Montgomery  
Attorney General of Ohio  
Duane W. Luckey  
Chief, Public Utilities Section  
PUC of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

Marvin I. Resnik  
American Electric Power  
1 Riverside Plaza  
Columbus, OH 43215

Daniel R. Conway  
Mary Ryan Fenlon  
Porter, Wright, Morris & Arthur  
41 South High Street  
Columbus, OH 43215

James B. Gainer  
John J. Finnigan  
Cinergy Corporation  
139 East Fourth St.  
P.O. Box 960  
Cincinnati, OH 45201-0960

Paul Colbert  
Cincinnati Gas & Electric Co.  
155 East Broad St., 21<sup>st</sup> Floor  
Columbus, OH 43215

Jeffrey L. Small  
Chester, Willcox & Saxbe  
17 South High Street  
Suite 900  
Columbus, OH 43215

Ellis Jacobs  
Legal Aid Society of Dayton  
333 W. First Street, Suite 500  
Dayton, OH 45402

Association for Hosp. & Health  
Richard L. Sites  
155 East Broad St.  
Columbus, OH 43215-3620

John W. Bentine  
Chester, Willcox & Saxbe  
17 S. High Street  
Suite 900  
Columbus, OH 43215

Sally W. Bloomfield  
Elizabeth H. Watts  
Bricker & Eckler  
100 South Third Street  
Columbus, OH 43215

Paul L. Horstman  
Faruki, Gilliam & Ireland  
600 Courthouse Plaza, S.W.  
10 North Ludlow St.  
Dayton, OH 45402

Athan A. Vinolus  
Dayton Power & Light Co.  
1065 Woodman Drive  
Dayton, OH 45432

Richard D. Reid  
Dayton Power & Light Co.  
P.O. Box 8825  
Dayton, OH 45401

M. Howard Petricoff  
Joseph Blasko  
Philip Downey  
Vorys, Sater, Seymour & Pease  
52 E. Gay St.  
P.O. Box 1008  
Columbus, OH 43216-1008

Janine L. Migden  
Enron Corp.  
400 Metro Place North  
Dublin, OH 43107-3375

Arthur E. Korkosz  
FirstEnergy Corp.  
76 South Main Street  
Akron, OH 44308

Langdon D. Bell  
Bell, Royer & Sanders  
33 South Grant Ave.  
Columbus, OH 43215-3927

Kimberly J. Wile  
Samuel Randazzo  
Gretchen Hummel  
McNees Wallace & Nurick  
Fifth Third Center  
21 East State St., Suite 1700  
Columbus, OH 43215

Joelle Kay Ogg  
John & Hengerer  
1200 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20036-3013

Jodi M. Elsass-Locker  
77 S. High St., 29<sup>th</sup> Floor  
Columbus, OH 43215

Vicki L. Deisner  
Ohio Environmental Council  
1207 Grandview Ave.  
Room 201  
Columbus, OH 43212-3449

William M. Ondrey Gruber  
2714 Leighton Rd.  
Shaker Heights, OH 44120

David C. Rinebolt  
Ohio Partners for Aff. Energy  
P.O. Box 1793  
Findlay, OH 45839-1793

Robert P. Mone  
Scott A. Campbell  
Thompson, Hine and Flory  
10 West Broad St.  
Suite 700  
Columbus, OH 43215

Gregory K. Lawrence  
McDermott, Will & Emery  
600 Thirteenth St., N.W.  
Washington, D.C. 20005

Wanda M. Schiller  
Strategic Energy  
Two Gateway Center  
Pittsburgh, PA 15222-1458

Aaron Rupert  
1223 W. 6<sup>th</sup> St.  
Cleveland, OH 44113

Colleen Mooney  
Ann Hotz  
John Smart  
Dirken D. Winkler  
Eric B. Stephens  
Barry Cohen  
Office of Consumers Council  
10 W. Broad St.  
Suite 1800  
Columbus, OH 43215

Michael L. Kurtz  
Boehm, Kurtz & Lowry  
2110 Society Bank Center  
36 East Seventh Street  
Cincinnati, OH 45202

Taff Tschamier  
Manager-Retail Markets,  
Xenergy  
3 Burlington Woods  
Burlington, MA 01803

William Forrester  
Columbus Southern Power Co.  
1 Riverside Plaza - 29  
Columbus, OH 43215

Kenneth Hegemann  
American Municipal Power-  
Ohio, Inc.  
2600 Airport Drive  
Columbus, OH 43219

Kevin Sullivan  
Peter Rosato  
Calfee Halter & Griswold  
1800 McDonald Investment Ctr.  
800 Superior Ave.  
Cleveland, OH 44114

Michael Smalz  
Ohio State Legal Service Assoc.  
861 North High Street  
Columbus, OH 43215

Rose Abi Radi  
Cinergy Corp.  
P.O. Box 960  
Cincinnati, OH 45201

Cincinnati Gas & Electric Co.  
139 East Fourth St.  
P.O. Box 960  
Cincinnati, OH 45201

City of Cleveland  
601 Lakeside Ave., NE  
Cleveland, OH 44114

Patrick Ryan  
Columbia Energy Services  
1600 Dublin Road  
Columbus, OH 43215

David Cruthirds  
Dynegy, Inc.  
1000 Louisiana St., Ste. 5800  
Houston, TX 77002

Scott Brown  
Exelon Energy  
2600 Monroe Blvd.  
Norristown, PA 19403

H. Petersburg  
FirstEnergy Corp.  
76 South Main St.  
Akron, OH 44308

Peggy Claytor  
Industrial Energy Users  
21 East State Street  
17<sup>th</sup> Floor  
Columbus, OH 43215

Craig Goodman  
National Energy Marketers  
Assn.  
3333 K Street, NW  
Suite 425  
Washington, DC 20007

John Mahaney, Jr.  
Ohio Council of Retail  
Merchants  
50 W. Broad St., Ste. 2020  
Columbus, OH 43215

Ohio Department of  
Development  
242 Federal Plaza West  
Suite 401  
Youngstown, OH 44503

Maureen Grady  
369 South Roosevelt Ave.  
Columbus, OH 43209

Jack Shaner  
Ohio Environmental Council  
1207 Grandview Ave., Ste. 201  
Columbus, OH 43212

Eric Burkland  
Ohio Manufacturers Association  
33 N. High Street  
Columbus, OH 43215

Amy Gold  
Shell Energy Services, Co.  
P.O. Box 4402  
Houston, TX 77210

Thomas Russell  
Unicom Energy Services  
125 Clark Street Room 2535  
Chicago, IL 60603

James Mayer  
Taft Stettinius & Hollister  
1800 Firststar Tower  
425 Walnut Street  
Cincinnati, OH 45202

Thomas Myers  
United Mine Workers of  
America  
56000 Dilles Bottom  
Shadyside, OH 43947

David Lieb  
Scott Strauss  
Spiegel & McDiarmid  
1350 New York Avenue, NW  
Washington, DC 20005

John Doll  
Logothetis, Pence & Doll  
111 W. First St.  
Suite 1100  
Dayton, OH 45402

Western Reserve Alliance  
10916 Magnolia Drive  
Cleveland, OH 44106

Kenneth Walsh  
New Energy Midwest  
29 South LaSalle St., Ste. 900  
Chicago, IL 60603

Larry Friedman  
Columbia Energy Power  
Marketing  
136 N. Summit St.  
Toledo, OH 43604

Ohio Rural Electric  
Cooperatives  
6677 Busch Blvd.  
Columbus, OH 43229

Denis George  
The Kroger Company  
1014 Vine Street-G07  
Cincinnati, OH 45202