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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Protocols for the )  
Measurement and Verification of Energy ) Case No. 09-512-GE-UNC  
Efficiency and Peak-Demand Reduction )  
Measures. )

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**COMMENTS REGARDING APPENDIX C OF THE OHIO TECHNICAL  
REFERENCE MANUAL AND THE  
ENTRY DATED OCTOBER 15, 2009  
BY  
THE OHIO CONSUMER AND ENVIRONMENTAL ADVOCATES**

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JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

Jeffrey L. Small, Counsel of Record  
Richard C. Reese

Assistant Consumers' Counsel  
**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[reese@occ.state.oh.us](mailto:reese@occ.state.oh.us)

Amanda Moore  
Environment Ohio  
203 E. Broad St., Suite 3  
Columbus, OH 43215  
[amanda@environmentohio.org](mailto:amanda@environmentohio.org)

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Nolan Moser, Esq.  
Staff Attorney, Director of Energy and Air  
Programs  
The Ohio Environmental Council  
1207 Grandview Ave. Suite 201  
Columbus, OH 43212-3449  
Direct Line (614) 487-5826  
Main Office Line (614) 487-7506  
Cell (614) 214 0467  
Fax (614) 487-7510  
Email [nolan@theOEC.org](mailto:nolan@theOEC.org)

Theodore Robinson  
Staff Attorney and Counsel  
Citizen Power  
2121 Murray Ave.  
Pittsburgh, PA 15217  
[robinson@citizenpower.com](mailto:robinson@citizenpower.com)

Michael E. Heintz  
Staff Attorney  
Environmental Law & Policy Center  
1207 Grandview Ave., Suite 201  
Columbus, Ohio 43212  
Phone: 614-488-3301  
Fax: 614-487-7510  
[mheintz@elpc.org](mailto:mheintz@elpc.org)

Henry W. Eckhart  
50 W. Broad St., #2117  
Columbus, OH 43215  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

Attorney for The Sierra Club Ohio Chapter  
and Natural Resources Defense Council

**November 10, 2009**

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**I. INTRODUCTION**

This case involves certain implementation matters regarding S.B. 221 as well as implementation of demand-side management (“DSM”) efforts in areas served by electric and natural gas utilities that are regulated by the Commission. On July 15, 2009, members of the Ohio Consumer and Environmental Advocates (“OCEA”) filed comments on Appendix B (where the Commission asked for comments on categories of data that should be included in the technical reference manual) to the entry dated June 24, 2009. On July 24, 2009, members of OCEA filed comments on Appendix A (where the Commission requested policy guidance in order to proceed with the development of the Ohio Technical Reference Manual) to that same entry.

The undersigned members of OCEA now file comments on Appendix C to the entry dated October 15, 2009 (“Comments”), pursuant to the procedural schedule set out on October 15, 2009.<sup>1</sup> Appendix C endeavors “to define as clearly as possible an

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<sup>1</sup> Entry at 15 (October 15, 2009).

expedient approach for all of the Ohio electric utilities to compute energy efficiency cost-effectiveness using a standard approach.”<sup>2</sup> The Commission’s discussion regarding its provisional recommendations is thorough. OCEA endeavors to reinforce the expectation of precision and transparency to the energy efficiency portfolio plan proceedings -- of which cost-effectiveness testing is a critical element -- through these recommendations and comments. Improvements to the provisional recommendations are stated herein.

## II. COMMENTS

- A. Commission Provisional Recommendation #1: For informational purposes to assist in assessing the balance of the portfolio and to inform design of individual programs, the Commission will require electric utilities to submit program level results for the UCT/PAC, RIM, and PCT tests to supplement the TRC test. It is not the Commission's intention, however, to require a demonstration of cost-effectiveness for any secondary test.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of the Commission’s provisional recommendation #1. While the Total Resource Cost (“TRC”) test is the best overall litmus test for evaluating the cost-effectiveness of energy efficiency and peak demand reductions programs (with minor exceptions in cases demonstrating significant non-energy benefits), the UCT/PAC, RIM, and PCT tests all provide information useful in assessing energy efficiency programs under certain circumstances and are inappropriate in other circumstances. As an illustration, a scenario where Ohio adopts a revenue decoupling regime on the electric side (as is permitted under R.C. 4928.66(D)) should remove lost distribution revenues from consideration in testing a program. The RIM or “no winners” test becomes moot.

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<sup>2</sup> Entry, Appendix C at 1 (October 15, 2009).

The Commission should also consider adding the Societal Cost Test (“SCT”) that compares society’s costs of energy efficiency to resource savings and non-cash costs and benefits. This is an important perspective that is commonly reported in different states.

- B. Provisional Recommendation #2a: When performing the TRC, UCT/PAC, or RIM test, utilities shall input the after-tax weighted average cost of capital (WACC). The after-tax WACC can vary by utility and shall be consistent with the utility’s existing capital structure.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of the Commission’s provisional recommendation #2. The discount rate can be a significant driver in the overall cost-effectiveness of an energy efficiency program. The WACC is the appropriate discount rate to use for the three tests stated in the recommendation. If the SCT is adopted, it should have the lowest rate reflecting the benefit to society over the longer term (for example, a 3 percent real discounted rate).

- C. Provisional Recommendation #2b: When performing the PAC test, utilities shall input the interest rate for a two year treasury bond for residential consumers and the WACC for commercial and industrial customers.**

The undersigned members of OCEA agree with the Commission’s provisional recommendation #2b that a firm’s WACC is a good proxy for the discount rate for business customers. However, reliance on the two-year Treasury bond rate for residential customers is inappropriate.

The proposed rate is apparently relies upon an index published by the Federal Reserve Board based on the average yield of a range of Treasury securities, all adjusted to the equivalent of a two-year maturity. Yields on Treasury securities at constant maturity are determined by the U.S. Treasury from the daily yield curve. That is based on the closing market-bid yields on actively traded Treasury securities in the over-the-

counter market. While this figure is used as a reference point to establish the price of other securities such as corporate bonds, Treasury securities are considered risk-free since they are backed by the U.S. government. Residential customer rates usually include risk premiums. Therefore, the residential discount rate should be the annual percentage rate of the highest risk adjusted rate of return a residential customer can obtain by investing or the lowest rate at which you can borrow, whichever is higher. Since the latter rule of thumb may be difficult to approximate at any given point, a home equity rate will make a good proxy and should be adopted by the Commission.

**D. Provisional Recommendation #3: The life of the measure used for calculating the present value benefits of a measure should reflect the average physical life of the measure, adjusted for the expected persistence of the measure. The present value analysis should consider only the life of the energy efficiency measure for which the customer receives an incentive.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of provisional recommendation #3, but some clarification is appropriate. When looking at programs that include tangible measures (as opposed to educational programs), the utility should only be permitted to count the present value of the savings if the utility provides a monetary incentive to reduce the first cost market barrier, not if the customer covers the full incremental cost. The Commission should broaden the incentive language to include trade allies, home builders, original equipment manufacturers (“OEM”), or other entities receiving an incentive as part of a program design to promote energy efficiency and peak demand reduction.

- E. Provisional recommendation #4a: If a measure is installed (1) at the time of new construction, or (2) at the time of replacement of an old unit that has failed (replace on burnout), the incremental measure cost is the difference in cost between the efficient unit and the standard unit, meeting federal and state code minimum standards, that would have otherwise been installed. We call this incremental measure cost the "buy-up" cost. The buy-up cost generally excludes installation costs since installation costs would have been spent in both cases.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of provisional recommendation #4a. However, the Commission should require that if the market is already functioning above code (i.e., standard practice is more efficient than code), then this higher standard (i.e. the standard practice) should be the baseline from which incremental costs are determined. For example, if seventy percent of new homes built in a utility's service territory are being built to Energy Star standards prior to a utility incentive program, new construction should use the cost of an Energy Star home as the baseline from which incremental costs for the program are calculated.

- F. Provisional recommendation #4b: To calculate the incremental measure cost of an early replacement measure, the new installation costs and buy-up costs should be converted to levelized values that are constant in real dollars. The incremental measure cost should then be calculated as the present value of the stream of levelized costs, where the levelized new installation cost is assigned to the first x years, and the levelized buy-up cost is assigned to the remaining y-x years.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #4b.

- G. Provisional recommendation #5: The incentive costs should be equal to the planned incentives for each type of measure installed. The incentive will be multiplied by the number of planned installations over the planned program period to estimate to the total utility incentive costs. The incentive cost (benefit) is required for the UCT/PAC, RIM, and PCT tests, but not for evaluating the TRC test.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #5.

- H. Provisional recommendation #6: The administration costs should be estimated for each utility at the program level and included in the TRC, UCT/PAC, and RIM test results. They are not included in the PCT test results.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #6.

- I. Provisional recommendation #7: Electric utility avoided costs used in the cost-effectiveness calculations should be time-specific. Avoided energy costs should, at a minimum, reflect time of day and seasonal differences by time-of-use (TOU) period (peak, off-peak, shoulder for summer and winter). Avoided generation, transmission, and distribution capacity costs should be presented as separate components and should reflect seasonal differences (winter peak coincident and summer peak coincident demand reductions).**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #7. Avoided costs are time specific. This provision will tend to improve the economics of programs that generate savings on or closer to peak relative to those programs that do not generate such savings. Requiring time-differentiated avoided costs will lead to more economical energy saving, and save future capital dollars by avoiding the need for peaker generating plants.



- J. Provisional Recommendation #8a: A utility's electrical energy component cost, during the term of a Commission approved standard service offer, for the TRC, UCT/PAC, or RIM tests will be the energy cost embedded in that standard service offer, including any POLR or standby component.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #8a.

- K. Provisional Recommendation 8b: In forecasting a likely bid price for delivery to its service territory, a utility will use the most accurate, publicly-available data representative of its own service territory. Although published market prices may vary somewhat from each utility's proprietary forward market curves, the benefit of using publicly-available data that can be provided to interested parties outweighs the small additional accuracy in using proprietary data. These costs should be made available to interested parties in a non-confidential, non-proprietary format so that interested parties can perform independent benefit-cost analyses.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of provisional recommendation #8b, with the following caveats:

First, natural gas combined-cycle plants should be used as a proxy beyond the electric forward data and should be modeled with carbon capture and storage (“CCS”). Thus, some additional variable costs should be added to account for CCS.

Second, the proposal to use NYMEX Electric Forward data from the AEP-Dayton hub to determine avoided energy costs is problematic “as electric forward prices in the outer years may be thinly traded...”<sup>3</sup> OCEA suggest that the NYMEX Electric Forward data should be critically evaluated if it deviates significantly from the current market price. Significant deviations may reflect either actual changes in anticipated supply and demand or the existence of a thinly traded market that does not reflect real prices. If the

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<sup>3</sup> Finding and Order at 10.

electric forward data, at any point in time, deviates by more than 20% (as an example) from the current market price, then two tests should be conducted to determine if the forward market data should be accepted. First, if any three months in a row from the data set have the same exact price, this is an indication that the prices are not being responsive to external forces and the forward market data should be rejected. Second, if the gas futures do not show similar price trends as the electric futures, then the electric futures data should be rejected because gas futures are more heavily traded. Allowing for possible deviance between electric futures and gas futures, the electric forward market data should be rejected if the increase or decrease in gas forward market prices is 50% (as an example) more or less than the increase in electric forward market prices. If the electric forward data is rejected, gas futures should be substituted earlier than proposed.

- L. Provisional Recommendation 8c: A utility's electrical energy cost component, after the term of a Commission-approved standard service offer, for the TRC, UCT/PAC, or RIM tests will be a blend of its most recent standard service offer and its forecasted bid price in the following relative proportions (SSO/bid): year one 90%/10%; year two 80%/20%; year three 70%/30%; year four 60%/40%; year five 50%/50%; year six 40%/60%; year seven 30%/70%; year eight 20%/80%; and year nine 10%/90%. For year ten and beyond in the post SSO period, the forecasted bid price will be used as the electrical energy cost component for the TRC test.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #8c.

- M. Provisional Recommendation #9: A utility's avoided ancillary services cost should be included within its avoided energy costs in the TRC, UCT/PAC, or RIM test calculation. During the SSO period, the cost is defined by the SSO. In the post SSO period, the utility will compute the ratio of ancillary services purchases to energy market purchases and then apply that ratio to the energy price forecasted pursuant to Provisional Recommendation #8c.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #9.

- N. Provisional Recommendation #10a: Utilities should add a CO2 component as an avoided energy cost under the TRC, UCT/PAC, and RIM tests for the time period beginning in 2015 and beyond.**

The undersigned members of OCEA concur with the Commission recommendation of adding a CO2 component as an avoided energy cost under the TRC, UCT/PAC, and RIM tests during that part of the avoided cost analysis when the natural gas combined-cycle is the proxy for determining avoided cost. Any avoided cost analysis should be performed prior to the effective date of mandatory Greenhouse Gas ("GHG") legislation, contain a CO2 adder. For example, under the current draft GHG legislation, an adder would be appropriate for the time period beginning in 2012 since that is date when cap and trade would take effect. Once mandatory GHG legislation is in effect, the assumption in the provisional recommendation that CO2 costs will be internalized in electricity markets is plausible.

- O. Provisional Recommendation 10b: Utilities should add a CO2 avoided cost component for the TRC, UCT/PAC, or RIM test of \$11.00/MWh beginning in 2015. Alternatively, the Commission seeks commenters' suggestions for a methodology to use option values to determine the appropriate price.**

Instead of the overly conservative \$11.00/MWH in the provisional recommendation, the Commission should use the average of Synapse Energy Economics' low and high case.<sup>4</sup> Such a calculation yields a CO2 cost of \$20/ton in 2013, and \$46/ton in 2030. These values can then be converted into a MWH equivalent for use by the Commission.

- P. Provisional Recommendation 11: Utilities should account for alternative energy benchmark costs as an avoided energy cost in the TRC by assuming a resource mix that meets the annual alternative energy benchmark and estimate an average cost for each type of resource. The avoided energy cost used for energy efficiency evaluations should be x percent alternative energy resource cost and (1-x percent) market purchase costs, where x is the alternative energy benchmark percentage for that year.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #11.

- Q. Provisional Recommendation #12: Utilities will calculate and include an avoided system energy loss component when conducting TRC, UCT/PAC, and RIM tests. Utilities should develop their own estimates of marginal system losses based on the performance of their transmission and distribution systems. For increased accuracy, the losses should be calculated from the market hub used for the energy value to the customer meter and may vary by time-of-use period. Care should be taken to estimate the marginal losses rather than the average losses. The marginal losses are the savings in energy for a reduction in demand, not the average energy lost during system delivery.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #12.

- R. Provisional Recommendation #13: Utilities should not include any hedging component in the avoided energy calculation for the TRC, UCT/PAC, or RIM tests.**

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<sup>4</sup> Finding and Order at 14.

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #13.

- S. Provisional Recommendation #14a: A utility's capacity component cost during the term of a Commission-approved SSO for the TRC, UCT/PAC, or RIM test will be the capacity cost embedded in that SSO.**

The undersigned members of OCEA support the provisional recommendation to the extent that a capacity cost embedded in the SSO can be broken out and analyzed. If such a break out cannot be performed, capacity purchase prices or generation construction costs should be used.

- T. Provisional Recommendation #14b: For post-SSO capacity costs, utilities should use capacity purchases (when available) or new generator construction, less net operating revenues to evaluate the avoided generation capacity avoided costs. Capacity market prices are available three years into the future from PJM's Reliability Pricing Model (RPM). Because MISO currently does not have a capacity market, utilities falling under MISO's jurisdiction should use PJM's near term capacity values. If MISO implements a capacity market, the appropriate capacity market prices from MISO should be applied. Beyond the SSO and three year capacity market, the capacity value should trend towards the cost of new entry (CONE) for a new generator to provide capacity as load grows in the region. To compute the trend, each utility should choose a 'resource balance year' by which new generation capacity must be installed, given the planned energy efficiency of that utility and others in the region, and then trend towards the CONE in that year. The CONE that should be used is calculated within the PJM RPM market process (or MISO market process should it be established). The CONE is based on the estimated cost of a new entrant minus the margin it could expect to make from participating in the energy markets.**

Taking the entire proposal into consideration, the undersigned members of OCEA generally approve of provisional recommendation #14b. If a utility is contemplating

building a plant as part of its resource plan, the cost of that plant should be reflected in its avoided costs.

- U. Provisional Recommendation #15: To the extent information is available, utilities should submit avoided transmission and distribution capacity costs at the program level of analysis for the TRC, UCT/PAC, or RIM tests.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #15. Additionally, where information is not available, the utility should develop a program to obtain this information. The data that will be gathered from Smartgrid automation should facilitate the provision of needed information.

- V. Provisional Recommendation #16: The market value of capacity should be increased for peak marginal losses between the market hub and the customer meter. As with the energy loss factors, each utility should develop its own estimates of marginal system losses at peak periods.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #16.

- W. Provisional Recommendation #17: Similar loss factors should be calculated for (1) the transmission system down to the customer meter and (2) the distribution system down to the customer meter. Those factors would be applied to the transmission and distribution capacity avoided costs, respectively.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #17.

- X. Provisional Recommendation #18a: Co-benefits (and co-costs) of natural gas savings (or increases) should be included in the TRC and PCT cost-effectiveness calculation. For example, more efficient lighting may also lower internal building heat gain, which could result in additional electricity reductions in the summer, but increased natural gas heating requirements in**

**the winter. These co-benefits (and co-costs) should not be included in the UCT-/PAC test results of an electric utility. While natural gas co-benefits (and co-costs) should be included in cost-effectiveness, the program impacts should be measured strictly in terms of electric energy and capacity saved.**

The undersigned members of OCEA support this recommendation. Cost effectiveness measures should reflect all benefits, but electric utilities are not permitted to convert natural gas BTU savings into electric savings and count these values for purposes of complying with the annual benchmarks contained in R.C. 4928.66. Savings of natural gas by customers will not prevent or push back the need for a new wave of electric generating plants, a major purpose served by the benchmarks located in Chapter 4928 whose subject is electric service and not natural gas service.<sup>5</sup> Electric utilities should be focused on reductions in the use of electricity.

- Y. Provisional Recommendation #18b: Co-benefits from water are likely to be smaller than natural gas, but should be included in the TRC and PCT tests based on an estimate of water savings per measure and a forecast of the value of avoided water.**

Taking the entire proposal into consideration, the undersigned members of OCEA approve of provisional recommendation #18b.

- Z. Provisional Recommendation #18c: While costs for CO<sub>2</sub> emissions could be included in the valuation of the natural gas co-benefits (or costs) of energy efficiency measures (since in a carbon regulated regime this is likely to be a real avoided costs), at this time, because of the difficulty in projecting this value and the relative size of the cost, it need not be included.**

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<sup>5</sup> R.C. Chapter 4928 addresses “energy efficiency” and “peak demand reduction” in tandem, further supporting the proposition that “energy efficiency” refers to electricity. Other terminology in Chapter 4928 further supports that proposition. For instance, R.C. 4928.66.(A)(2)(c) refers to “loss factors” for computing energy efficiency. That terminology is only appropriate for the electric industry (i.e. as opposed to “lost and unaccounted for” natural gas).

The undersigned members of OCEA recommend that CO2 costs should be quantified and included for natural gas as well, since the natural gas industry will not be immune from CO2 costs under mandatory GHG legislation.

**AA. Other Consideration**

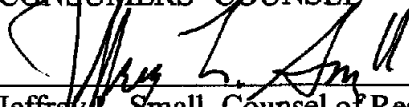
The Commission should require that uncertainty analysis be conducted around key variables such as the expected price of a ton of carbon, new technology capital costs, fuel prices, etc., to help develop contingency plans.

**III. CONCLUSION**


The Commission should adopt the recommendations by the undersigned OCEA members regarding the draft portfolio template created by the PUCO Staff.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

  
\_\_\_\_\_  
Jeffrey L. Small, Counsel of Record  
Richard C. Reese

Assistant Consumers' Counsel  
**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
Telephone: (614) 466-8574  
[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[reese@occ.state.oh.us](mailto:reese@occ.state.oh.us)

  
\_\_\_\_\_  
Amanda Moore  
Environment Ohio  
203 E. Broad St., Suite 3  
Columbus, OH 43215  
[amanda@environmentohio.org](mailto:amanda@environmentohio.org)

*\* per Authorization  
G.J.P.*



Nolan Moser \* Per Authorization  
G.P.

Nolan Moser, Esq.  
Staff Attorney, Director of Energy and Air  
Programs  
The Ohio Environmental Council  
1207 Grandview Ave. Suite 201  
Columbus, OH 43212-3449  
Direct Line (614) 487-5826  
Main Office Line (614) 487-7506  
Cell (614) 214 0467  
Fax (614) 487-7510  
Email [nolan@theOEC.org](mailto:nolan@theOEC.org)

Theodore Robinson \* Per Authorization  
G.P.

Theodore Robinson  
Staff Attorney and Counsel  
Citizen Power  
2121 Murray Ave.  
Pittsburgh, PA 15217  
[robinson@citizenpower.com](mailto:robinson@citizenpower.com)

Michael E. Heintz \* Per Authorization  
G.P.

Michael E. Heintz  
Staff Attorney  
Environmental Law & Policy Center  
1207 Grandview Ave., Suite 201  
Columbus, Ohio 43212  
Phone: 614-488-3301  
Fax: 614-487-7510  
[mheintz@elpc.org](mailto:mheintz@elpc.org)

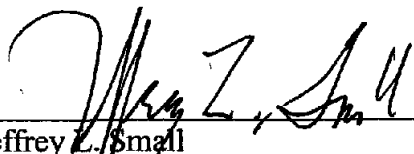
Henry W. Eckhart

Henry W. Eckhart  
50 W. Broad St., #2117  
Columbus, OH 43215  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

Attorney for The Sierra Club Ohio Chapter  
and Natural Resources Defense Council

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of these *Comments* was served on the persons stated below by regular U.S. Mail, postage prepaid, on this 10<sup>th</sup> day of November 2009.



Jeffrey L. Small  
Assistant Consumers' Counsel

**SERVICE LIST**

Duane Luckey  
Assistant Attorney General  
Public Utilities Commission of Ohio  
180 E. Broad St., 6<sup>th</sup> Fl.  
Columbus, Ohio 43215

Samuel C. Randazzo  
Lisa McAlister  
Joseph Clark  
McNees, Wallace & Nurick LLC  
21 East State St., 17th Fl.  
Columbus, OH 43215

Attorney for Industrial Energy Users-Ohio

Kathy Kolich  
FirstEnergy Corp.  
76 South Main Street  
Akron, OH 44308

Nolan Moser  
Trent Dougherty  
Will Reisinger  
Air & Energy Program Manager  
The Ohio Environmental Council  
1207 Grandview Ave., Ste. 201  
Columbus, OH 43212-3449

Thomas O'Brien  
Bricker & Eckler, LLP  
100 South Third Street  
Columbus, OH 43215-4291

Marvin Resnik  
American Electric Power Service Corp.  
1 Riverside Plaza, 29<sup>th</sup> Fl.  
Columbus, OH 43215

Attorney for Ohio Manufacturers'  
Association and Ohio Hospital Association

Randall Griffin  
Dayton Power & Light Co.  
1065 Woodman Dr.  
Dayton, OH 45432

Elizabeth Watts  
Duke Energy Ohio, Inc.  
155 E. Broad St., 21st Floor  
Columbus, OH 43215

Amy Spiller  
Duke Energy Ohio  
139 East Fourth Street, 2500 AT. II  
Cincinnati, OH 45202

Paul Colbert  
Grant Garber  
Jones Day  
325 John H. McConnell Blvd., Ste. 600  
P.O. Box 165017  
Columbus, OH 43216-5017

Attorneys for Dominion East Ohio

Steven Seiple  
Columbia Gas of Ohio, Inc.  
200 Civic Center Dr., P.O. Box 117  
Columbus, OH 43215

Attorney for Columbia Gas of Ohio, Inc.

Candace Jones  
Janet Stoneking  
77 S. High St., P.O. Box 1001  
Columbus, OH 43216-1001

Ohio Department of Development

David Kutick  
Jones Day  
North Point  
901 Lakeside Ave.  
Cleveland, OH 44114

Attorney for Dominion East Ohio

Eric Gallon  
Porter, Wright, Morris & Arthur LLP  
Huntington Center  
41 S. High Street  
Columbus, OH 43215

Attorney for Columbia Gas of Ohio, Inc.

Mark Whitt  
Carpenter, Lipps & Leland, LLP  
280 Plaza, Ste. 1300  
280 N. High St.  
Columbus, OH 43215

Attorney for Vectren Energy Delivery of  
Ohio, Inc.