BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Establishment of )

4901:1-10-10(B) Minimum Reliability ) Case No. 12-1945-EL-ESS

Performance Standards for Ohio Power )

Company. )

**REPLY COMMENTS**

**OF**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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# I. INTRODUCTION

On June 29, 2012, Ohio Power Company (“AEP Ohio” or “the Utility”) filed an Application (“Application”)[[1]](#footnote-2) to establish new reliability standards that will affect the quality of service that 1.3 million residential customers receive from AEP Ohio pursuant to Ohio Admin. Code 4901:1-10-10(B).[[2]](#footnote-3) AEP Ohio filed the Application for new reliability standards as required by an agreement (that the Utility, OCC, and the PUCO Staff signed) from a previous reliability standards case, which provided for an Application for updated standards to be filed for 2013, by June 30, 2012.[[3]](#footnote-4)

 By Entry dated June 29, 2012, the Attorney Examiner established a procedural schedule for this proceeding including a technical conference on December 11, 2012, the opportunity for filing initial comments by January 4, 2013, the filing of the PUCO Staff’s comments by January 14, 2013, and the opportunity for reply comments by January 22, 2013.[[4]](#footnote-5) Furthermore, the Entry granted the Office of the Ohio Consumers’ Counsel’s (“OCC”) motion to intervene in the case.

OCC filed initial comments on January 4, 2013, and the PUCO Staff filed initial comments on January 14, 2013.[[5]](#footnote-6) OCC welcomes the opportunity to file these reply comments on behalf of the residential customers of the Ohio Power Company. While the OCC initial comments demonstrated that the reliability standards proposed by the Company are unjust and unreasonable, these reply comments are a response to the Staff’s comments and recommendation**.**

The Commission’s rules establish a process for a hearing if the proposed reliability standards appear to the Commission to be unjust or unreasonable.[[6]](#footnote-7) In the settlement of the prior case, the parties agreed that no party will oppose a request by another party for a hearing in this case.[[7]](#footnote-8) Given that AEP Ohio is proposing a change in the agreed upon 2012 service reliability standards, OCC requests that the PUCO hold such a hearing.

# II. REPLY COMMENTS

## A. The PUCO Staffs’ Comments Indicate that the Reliability Survey Conducted by AEP Ohio Demonstrates that Customer and Company Expectations Concerning Reliability Are Not Aligned.

The PUCO Staff commented that AEP Ohio had failed to comply with Ohio Adm. Code 4901:1-10-10(B)(4)(b) concerning the administration of the customer perception survey[[8]](#footnote-9). Specifically, the customer perception survey is supposed to be conducted with the Staff’s oversight, which includes the wording for the questions, determining the sample size of residential and small commercial customers, and the administration within four consecutive quarters.[[9]](#footnote-10) Instead of following these requirements, AEP Ohio performed the survey in a single quarter rather than over four consecutive quarters and did not comply with the PUCO Staff’s required sample size.[[10]](#footnote-11) The Staff brought these deficiencies to the attention of the Utility in a letter and is now recommending that the Commission order the Utility to comply with the Staff’s guidelines.[[11]](#footnote-12)

OCC supports the Staff’s recommendation that the Commission order AEP Ohio to comply with the rules regarding service reliability customer surveys. The Utility failed to comply with the PUCO’s service reliability rules because it did not demonstrate that the Utility and customer expectations concerning reliability are aligned.

Specifically, Ohio law explicitly requires the Commission to ensure that customer and utility expectations concerning reliability be aligned as a condition for approval of distribution infrastructure modernization programs.[[12]](#footnote-13) AEP Ohio proposed and the Commission approved a distribution investment rider (“DIR”) capped at $365 million during the term of the ESP plan in the last AEP Ohio Electric Security Plan (“ESP”) case. That proposed rider was supported in large part by the very same customer survey data[[13]](#footnote-14) that the PUCO Staff is now questioning.[[14]](#footnote-15)

The issue of AEP Ohio’s noncompliance with the PUCO’s rules concerning the Staff oversight of the customer perception survey should have been addressed in the ESP case, prior to the Commission order approving the DIR. It was not and the Commission is still statutorily mandated to ensure that the Utility and customer expectations for service reliability are aligned.

In Case No. 11-346-EL-SSO et al., the OCC and other parties have pending Applications for Rehearing that concern a multitude of issues. Those issues include whether the interests of customers and the Utility are aligned as required.[[15]](#footnote-16) Thus far, the Commission granted the various pending Applications for Rehearing for the purpose of additional time to consider the issues.[[16]](#footnote-17)

As the Commission reconsiders the DIR on rehearing, OCC recommends that additional analysis of the customer and Utility expectations concerning AEP Ohio’s reliability be performed **before** further money is collected from customers through the DIR rider. While not an endorsement for J.D. Power and Associates, OCC is aware that this organization performed surveys in 2012 that were evaluating electric utility customer service matters including reliability.[[17]](#footnote-18) AEP Ohio was rated at the bottom of the electric service reliability ladder at number 14 out of 16 in customer satisfaction before the June 29, 2012 storm.[[18]](#footnote-19) The Commission may also consider the results of other survey data, or initiate additional surveys to ensure that the Utility and customer perceptions concerning reliability are not mis-aligned before requiring customers to continue paying more money for the DIR.

## B. The PUCO Staff’s Recommendations Concerning Alternatives for Establishing 2012 Reliability Standards Contradict the 2012 Reliability Standards that were Already Agreed Upon by the PUCO Staff, AEP Ohio, and OCC and Ordered by the Commission in Case No. 09-756-EL-ESS.

The PUCO Staff agreed with the issue that OCC raised in its initial comments[[19]](#footnote-20) -- that Columbus Southern Power (“CSP”) missed the CAIDI performance standard in 2011.[[20]](#footnote-21) In the Application, AEP Ohio proposed combined reliability standards of a SAIFI of 1.34 and a CAIDI of 152.36 minutes for both CSP and Ohio Power Company (“OPC”). The Utility’s proposal would be effective retroactively back to 2012 and also for the period going forward.[[21]](#footnote-22) However, since a failure to meet the reliability standards two years in a row constitutes a violation of the Commission’s rules,[[22]](#footnote-23)AEP Ohio could have missed the CSP CAIDI standard in 2012 without the possibility of the negative consequences associated with the violation of Commission’s rules. The PUCO Staff recommended that the Commission either order the Utility to separately track and report CSP 2012 CAIDI performance data to the Staff, or postpone implementation of the new combined standards until 2013.[[23]](#footnote-24)

The alternatives proposed by the Staff are not necessary because there already are reliability standards for 2012. The Commission simply needs to **enforce the Stipulation and Recommendation in Case No. 09-756-EL-ESS and order the Utility to comply with the already established 2012 reliability standards.**[[24]](#footnote-25)

AEP Ohio specifically agreed to a CSP SAIFI reliability standard of 1.54 and a CAIDI standard of 135.17. In addition, AEP Ohio agreed to an OPC SAIFI reliability standard of 1.19 and a CAIDI of 169.22 minutes.[[25]](#footnote-26) AEP Ohio should be ordered to file the Annual Report concerning the reliability performance of both the CSP and OPC for 2012 as required pursuant to Commission rules by March 31, 2013 to demonstrate that reliability performance for both systems complies with standards.[[26]](#footnote-27)

## C. The PUCO Staff’s Proposed Reliability Standards Contradict the Commission Order Approving the Merger of CSP and OP, Violate Commission Rules Concerning Establishing Reliability Standards, and Disregard the Benefits That Customers Should be Receiving in Reliability Standards After Spending Hundreds of Millions of Dollars in the Enhanced Reliability Service Rider (“ESRR”), the GridSmart, and the Distribution Investment Rider (“DIR”).

The PUCO Staff recommended combined reliability performance standards for CSP and OPC with a SAIFI of 1.24 and a CAIDI of 149.95 minutes.[[27]](#footnote-28) Those proposed standards are inadequate for consumers and not reflective of the service reliability expectations customers have, given the rates that customers pay for service.

There is no indication that the Staff considered that the combined reliability standards result in a detrimental impact on the customers of each individual service territory.

Moreover, such a consolidation is contrary to the Commission Order authorizing the merger of the two utilities.[[28]](#footnote-29) Specifically, CSP customers would experience an approximate 11 percent degradation in the CAIDI reliability performance standards compared with current standards while OPC customers would realize an approximate 4 percent degradation in SAIFI. OCC commented that both CSP and OPC have different distribution rates and unique service areas that are well suited for individual reliability performance standards, and that the proposal by AEP to have combined reliability standards should be rejected.[[29]](#footnote-30) OCC recommends that the service reliability standards for the two separate areas be retained.

The PUCO Staff recommended using three years of combined reliability performance data plus an allowance of 10 percent for variances.[[30]](#footnote-31) However, the ten percent variance is not supported in the Commission’s rules. Instead, the rules require reliability performance standards to reflect historical system performance, system design, technological advancements, service area geography, and the results from customer perception surveys.[[31]](#footnote-32)

The Staff issued specific guidelines on the PUCO’s website explicitly requiring use of at least five years of performance data.[[32]](#footnote-33) But the PUCO Staff is now espousing the use of three years of performance data, in its comments.

According to the rules and the guidelines, the five-year average historical performance is the baseline that is then to be adjusted. The adjustments are to reflect historical system performance, system design, technological advancements, service area geography, and the results from customer perception surveys.[[33]](#footnote-34)

The PUCO Staff is recommending no adjustment in the service area geography for the vegetation management program. But AEP Ohio customers are spending hundreds of millions of dollars towards incremental vegetation management. In order to determine if the additional vegetation management spending is addressing and improving service reliability, separate geographic service areas should be used. The current reliability standards reflect the reliability improvements obtained from the vegetation management that was funded through the ESRR with less than two years of data at the time based on separate geographic service areas.[[34]](#footnote-35) The cumulative effects of approximately four years of cycle-based vegetation management being funded through the ESRR should now be significant. However, to make a determination of the impact from that spending, the same geographic service areas should be used when making the comparison. Yet, Staff is recommending no adjustment.

Because customers are spending hundreds of millions of incremental dollars on gridSmart technology, customers should see a benefit that is reflected in better service reliability standards. However, the Staff recommended no adjustments to improve service reliability for customers based on technological advancement for gridSmart. OCC recommends that a gridSmart adjustment be made for CSP[[35]](#footnote-36) and that the Utility perform an analysis to determine the appropriate gridSmart adjustment for OP.[[36]](#footnote-37)

The PUCO Staff is recommending no system design adjustment. The PUCO required quantification of reliability improvements in the ESP II Case Order to avoid any possibility of customers paying twice for the same investment.[[37]](#footnote-38) Customers are spending hundreds of millions of incremental dollars on the DIR. Yet as proposed by the Utility and accepted by the Staff, this required quantification of service reliability standards is missing. OCC recommends that the PUCO require AEP Ohio to quantify the service reliability improvements for all DIR-related investments and to adjust the service reliability standards accordingly to improve service reliability for customers.

The PUCO Staff is recommending no adjustment for a customer perception survey. But the survey conducted by AEP Ohio failed to comply with the PUCO’s rules and seems to reveal a failure to align the customer and the Utility expectations concerning reliability.

Despite the fact that AEP Ohio recommended adjustments to the average historical performance data (albeit meager) for gridSmart and the ESRR,[[38]](#footnote-39) the Staff recommended no adjustments. The Commission should disregard the reliability performance standards proposed by the PUCO Staff because the proposal fails to comply with the Commission’s order concerning the merger of CSP and OPC, fails to comply with the Commission’s rules concerning establishing reliability standards, and fails to adhere with the very guidelines that the PUCO Staff itself issued concerning reliability standards applications.

OCC recommends that the Commission require AEP Ohio to continue maintaining separate reliability performance standards for both CSP and OPC.[[39]](#footnote-40) The reliability standards for both CSP and OPC should be based on five years of historical performance data and must be adjusted to reflect the benefits of the ESRR, gridSmart, and the DIR investments.[[40]](#footnote-41) The ESRR is in the final year of the five-year program the Commission authorized for the Company to transition to a four-year cycle-based vegetation management program.[[41]](#footnote-42) While AEP Ohio has yet to file a plan with the Commission concerning gridSmart Phase 2, the experience with the gridSmart Phase 1 should enable AEP Ohio to perform an analysis and to quantify the projected reliability improvements.[[42]](#footnote-43)

In addition, the five-year average historical performance should be adjusted to reflect the quantified reliability improvements that the Commission required as a condition for approval of charging customers for the DIR.[[43]](#footnote-44)

## D. The PUCO Staff’s Recommendation for AEP Ohio to File an Application for Establishing New Reliability Standards by no Later than June 30, 2016 Should be Disregarded. Instead, AEP Ohio Should be Ordered to File an Application to Establish New Reliability Standards No Later Than June 30, 2014, to be Reflected in the 2015 Reliability Standards for CSP and OPC Customers.

The PUCO Staff recommends that the Commission require AEP Ohio to file an Application for new reliability standards by June 30, 2016.[[44]](#footnote-45) The PUCO Staff reasons that the actual benefits of the four-year cycle based vegetation management program that is funded by the ESRR will be complete by that time.[[45]](#footnote-46) In addition, the Staff claims that the full scope of the gridSMART phase 2 program should be determined by 2016, which will enable a determination of the expected reliability impact.[[46]](#footnote-47) Finally, the Staff anticipates that the reliability improvements of the DIR will have been realized by 2016.[[47]](#footnote-48) Given that the Commission required programs funded by the DIR to have quantified reliability improvements,[[48]](#footnote-49) requiring customers to wait until 2016 to obtain the benefits of those improvements in the reliability standards is unjust and unreasonable.

By 2014, the Utility will have fully transitioned to the four-year cycle-based vegetation management program[[49]](#footnote-50) and will be well underway with the DIR and GridSMART phase 2. OCC recommends that the Commission require AEP Ohio to file an Application to establish new reliability performance standards for both CSP and OPC for 2015 and beyond by June 30, 2014. In the last AEP Ohio rate case, the Utility agreed to propose a single set of tariffs for all rate schedules in its next distribution rate case.[[50]](#footnote-51) OCC recommends that the Commission disregard consideration of any proposal to combine reliability standards for customers of CSP and OPC until distribution rates are the same for both groups of customers.

## E. The PUCO Should Set This Case for Hearing Because The Utility Proposal is Not Just and Reasonable as Required by Ohio Admin. Code 4901:1-10-10(6)(e).

Ohio Admin. Code 4901:1-10-10(6)(e) establishes a process for an evidentiary hearing if a Utility’s proposal regarding service reliability is not just and reasonable. AEP Ohio’s proposal in this case for service reliability is not just and reasonable because the Utility has proposed a different reliability standard for 2012 than what had been previously agreed to.

The Settlement of AEP Ohio’s prior service reliability standards case (Case No. 09-756-EL-ESS) addressed the issue of a hearing in this case. In that prior case, there was an agreement of the parties that no party would oppose a request by another party for a hearing.[[51]](#footnote-52) OCC is requesting that the PUCO establish a hearing consistent with the terms of the Stipulation and Opinion and Order in Case No. 09-756-EL-ESS, which no party may oppose.

# III. CONCLUSION

OCC appreciates the opportunity to file these reply comments concerning the proposed reliability standards for CSP and OPC customers. The Commission should enforce the Stipulation and Recommendation is Case 09-756-EL-ESS requiring AEP Ohio to adhere to specific standards for CSP and OPC for 2012.

Additionally, as the Commission reconsiders the DIR, the fact that AEP Ohio was not complying with Commission’s rules concerning customer perception surveys indicates that customer and Utility expectations for reliability may not be aligned. In addition, the Commission should reject consideration of combined reliability standards for CSP and OPC until such time as the distribution rates are the same for both areas. Finally, the Commission should require reliability standards to be based on five years of historical performance data adjusted for the effects of technological advancements, system design, service area geography, and the results of customer perception surveys.

The Commission’s rules establish a process for a hearing if the proposed reliability standards appear to the Commission to be unjust or unreasonable.[[52]](#footnote-53) In the settlement of the prior case, the parties agreed that no party will oppose a request by another party for a hearing in this case.[[53]](#footnote-54) OCC requests that the PUCO hold such a hearing in this case.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

 I hereby certify that a copy of these Reply Comments was served on the persons stated below via electronic transmission, this 22nd day of January 2013.

 */s/ Joseph P. Serio*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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1. The Application was filed pursuant to Ohio Admin. Code 4901:1-10-10(B). [↑](#footnote-ref-2)
2. *In the Matter of the Establishment of 4901:1-10-10(B) Minimum Reliability Performance Standards for Ohio Power Company,* Case No. 12-1945-EL-ESS, Application (June 29, 2012). [↑](#footnote-ref-3)
3. *In the Matter of the Establishment of 4901:1-10-10(B) Minimum Reliability Performance Standards for Columbus Southern Power Company and Ohio Power Company,* Case No. 09-756-EL-ESS, Stipulation and Recommendation at 5 (July 22, 2010). [↑](#footnote-ref-4)
4. Case No. 12-19445-EL-ESS, Entry at 1 (June 29. 2012). [↑](#footnote-ref-5)
5. Staff Initial Comments (January 14, 2013). [↑](#footnote-ref-6)
6. Ohio Admin. Code 4901:1-10-10(6)(e). [↑](#footnote-ref-7)
7. Case No. 09-756-EL-ESS, Stipulation (July 22, 2010) and Opinion and Order (July 22, 2010). [↑](#footnote-ref-8)
8. Staff Initial Comments at 2-3 (January 14, 2013). [↑](#footnote-ref-9)
9. Id. [↑](#footnote-ref-10)
10. Id. [↑](#footnote-ref-11)
11. Id. [↑](#footnote-ref-12)
12. R.C. 4928.143(B)(h). [↑](#footnote-ref-13)
13. Case 11-346-EL-SS0, Opinion and Order at 43-45 (August 8, 2012). [↑](#footnote-ref-14)
14. Staff Initial Comments at 2-3 (January 14, 2013). [↑](#footnote-ref-15)
15. 11-346-EL-SSO, Application for Rehearing by the Office of the Ohio Consumers’ Counsel and the Appalachian Peace and Justice Network at 99-104 (September 7, 2012). [↑](#footnote-ref-16)
16. 11-346-EL-SSO, Entry (October 3, 2012). [↑](#footnote-ref-17)
17. <http://www.jdpower.com/content/article-base/du1j0Tm/j-d-power-2012-electric-utility-residential-customer-satisfaction-study.htm>. [↑](#footnote-ref-18)
18. AEP Ohio slips in customer satisfaction survey, The Columbus Dispatch, July 11, 2012. [↑](#footnote-ref-19)
19. OCC Initial Comments at 8 (January 4, 2013). [↑](#footnote-ref-20)
20. Staff Initial Comments at 5 (January 14, 2013). [↑](#footnote-ref-21)
21. AEP Ohio Application at 16 (June 29, 2012). [↑](#footnote-ref-22)
22. Ohio Adm. Code 4901:1-10-10(E). [↑](#footnote-ref-23)
23. PUCO Staff Initial Comments at 5 (January 14, 2013). [↑](#footnote-ref-24)
24. OCC Initial Comments at 5 -8 (January 4, 2013) (emphasis added). [↑](#footnote-ref-25)
25. Case No. 09-756-EL-ESS, Opinion and Order at 6 (September 8, 2010). [↑](#footnote-ref-26)
26. Ohio Adm. Code 4901:1-10-10(C). [↑](#footnote-ref-27)
27. PUCO Staff Initial Comments at 5 (January 14, 2013). [↑](#footnote-ref-28)
28. OCC Initial Comments at 10-12 (January 4, 2013). [↑](#footnote-ref-29)
29. Id. [↑](#footnote-ref-30)
30. Id. [↑](#footnote-ref-31)
31. Ohio Adm. Code 4901:1-10-10(B)(4)(a). [↑](#footnote-ref-32)
32. <http://www.puco.ohio.gov/puco/index.cfm/rules/pending-rules/rule-49011-10-10b-guidelines-for-reliability-standards-applications/> [↑](#footnote-ref-33)
33. Id. [↑](#footnote-ref-34)
34. Case 09-756-EL-ESS, Opinion and Order at 5 (September 8, 2010). [↑](#footnote-ref-35)
35. See OCC Initial Comments at 21 (January 4, 2013). [↑](#footnote-ref-36)
36. Id. [↑](#footnote-ref-37)
37. Case No. 11-346-El-SSO, Opinion and Order at 46-47 (August 8, 2012). [↑](#footnote-ref-38)
38. OCC Initial Comments at 21 (January 4, 2013). [↑](#footnote-ref-39)
39. OCC Initial Comments at 25 (January 4, 2012). [↑](#footnote-ref-40)
40. Id. [↑](#footnote-ref-41)
41. *In the Matter of the Application of Columbus Southern Power Company for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generating Assets*, Case No. 08-917-EL-SSO et al., Opinion and Order at 31 (March 18, 2009). [↑](#footnote-ref-42)
42. OCC Initial Comments at 21 and 22 (January 4, 2013). [↑](#footnote-ref-43)
43. Case 11-346-EL-SSO, et al, Opinion and Order at 47 (August 8, 2012). [↑](#footnote-ref-44)
44. Staff Comments at 6 (January 14, 2013). [↑](#footnote-ref-45)
45. Id. [↑](#footnote-ref-46)
46. Id. [↑](#footnote-ref-47)
47. Id. [↑](#footnote-ref-48)
48. Case 11-346-EL-SSO, et al, Opinion and Order at 47 (August 8, 2012). [↑](#footnote-ref-49)
49. *In the Matter of the Commission’s Review of the Ohio Power Company’s Revised Vegetation Management Program Resulting from Commission Case No. 11-346-EL-SSO, et al,* Case No. 12-3320-EL-ESS, Application at 1 (December 28, 2012). [↑](#footnote-ref-50)
50. 11-351-EL-AIR, Opinion and Order at 8 (December 14, 2011). [↑](#footnote-ref-51)
51. Case no. 09-756-EL-ESS, Stipulation at 5-6 (July 22, 2010), and Opinion and Order at 5 (July 22, 2010). [↑](#footnote-ref-52)
52. Ohio Admin. Code 4901:1-10-10(6)(e). [↑](#footnote-ref-53)
53. Case No. 09-756-EL-ESS, Stipulation (July 22, 2010) and Opinion and Order (July 22, 2010). [↑](#footnote-ref-54)