

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of)	
Columbus Southern Power Company)	Case No. 07-1303-EL-ATA
to Revise PUCO Tariff No. 18)	
)	
In the Matter of the Application of)	
Ohio Power Company to Revise)	Case No. 07-1304-EL-ATA
PUCO Tariff No. 18)	
)	

**Columbus Southern Power Company's and
Ohio Power Company's
Memorandum in Opposition to Motion to Amend Application**

The Office of Consumers' Counsel (OCC) filed a motion to intervene and motion to convene technical conferences or workshops and motion to amend application. OCC alleges that the tariff applications submitted by Columbus Southern Power Company and Ohio Power Company (collectively referred to as "AEP Ohio") are confusing and discourage cogeneration, distributed generation and net metering. Based on its claims, the OCC asks the Commission to conduct workshops and require amendment of AEP Ohio's tariff applications. OCC's motion for workshops is apparently moot now since the Staff has already indicated that it intends to conduct additional workshops. AEP Ohio does, however, oppose OCC's motion to amend the application.

With respect to most of the issues raised by the OCC, there is no specific position explained (e.g., "notice requirements are not acceptable") and no substantive basis in support that is offered. Further, some of the general criticisms leveled apply to AEP Ohio's existing tariffs and essentially amount to a complaint against the companies' existing tariffs; since there is no reasonable grounds supporting the complaint, it should not be acted upon.

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OCC claims that "Sixteen riders are a component of the generation rate, including...Some of the riders appear to be distribution-related and others simply (are) not applicable to standby service." These are the riders applicable to all AEP Ohio standard service. A customer taking market-based SBS service is subject to all riders EXCEPT the ones that are generation-related. Non-generation-related charges apply because standby service power is delivered to the customer through the Company's transmission and distribution systems. Generation-related riders are included in a second column of the rider table for those small customers less than 100 kW who elect to take cost-based service from the Company.

OCC also claims that "The notice requirements are not acceptable for existing customers." The notice requirements in our proposed market-based tariffs *are* those applicable to existing customers. This language is unchanged from our current cost-based SBS offerings.

OCC claims that "Tariffs require charges for inter alia, black start, operating reserves and reactive charges billed through PJM Interconnection L.L.P." AEP Ohio's idea of market-based prices is that the customer pays whatever charges are necessary to acquire the service, not the customer pays some of the costs and AEP Ohio pays others.

OCC argues that "The IEEE requirements are not specified in the Tariffs for interconnection." AEP Ohio tariffs are subject to the PUCO distribution interconnection rules (O.A.C - 4901-1-22) which include applicable IEEE standards. The last sentence of the "Technical Requirements" section of our tariffs reads, "All Technical Requirements, including superseding standards adopted by IEEE, are incorporated herein by reference." Apparently, the OCC believes the Commission rules and IEEE standards should be repeated in the tariffs.

OCC also argues as follows: "When inspection fees will be required is not specified." The tariff states that "[t]he Company may require an inspection of the inverter settings...prior to interconnection." An inspection, which is at the customers' expense of \$115, will be performed

only when necessary. For most net metering applications, inspection is not necessary (in the Company's discretion).

Finally, the OCC seems overly concerned about our standby service tariffs. Standby service is generally applicable to larger customers, not to the residential customers OCC is supposed to represent. AEP Ohio currently has over 50 net metering customers, most of which are residential. AEP Ohio net metering customers are not subject to Standby Service.

Notably, the OCC has filed similar "cookie cutter" motions in the tariff proceedings for all electric distribution utilities, making the same generic claims to attack all of the EDUs' tariffs; that fact also reduces the credibility of those claims. OCC seems to think that everyone except the OCC has erred in formulating and reviewing the proposed tariffs.

Normally, the Commission relies solely on its Staff to process such cases and does not rely on intervention for the purpose of gathering additional comments from other stakeholders. This case does not present any unique circumstances that warrant a departure from that approach. With respect to its motion to amend the applications, OCC does not discuss any proposed amendments and, consequently, does not demonstrate due cause for ordering such amendments – even assuming the Commission could grant such a request. In this regard, AEP Ohio does not believe R.C. 4909.18, the statute applicable to tariff applications that are not for an increase in rates, contemplates or authorizes such a request being made or granted. Section 4909.18 provides:

If it appears to the commission that the proposals in the application may be unjust or unreasonable, the commission shall set the matter for hearing and shall give notice of such hearing by sending written notice of the date set for the hearing to the public utility and publishing notice of the hearing one time in a newspaper of general circulation in each county in the service area affected by the application.

Ohio Rev. Code Ann. 4909.18 (2008 Baldwin).

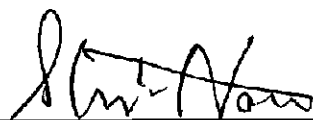
Whereas the statutory procedure is to schedule a hearing if the Commission deems a proposed tariff to be unjust and unreasonable, OCC advocates a wholly different approach of allowing intervenors to raise issues, schedule workshops, unilaterally propose their own tariff and application amendments, call for another round of written comments, etc. This approach also conflicts with the Supreme Court's holding on point that RC 4909.18 allows for quick and efficient approval of tariffs by the Commission and allows for a party opposing a tariff to file its own complaint –bearing the burden of proving claims that the tariff is unjust and unreasonable. *Ohio Domestic Violence Network v. Pub. Util. Comm.*, 70 Ohio St.3d 311, 315 (1994).

To the extent that OCC's motion to amend is based upon the outcome of any further workshops (which it appears to be), the motion is also premature and too vague to consider. OCC has not specified any amendments or relief and has necessarily also failed to support such requests, thereby failing to meet its burden of proof. As with the motion for workshops, the motion to amend should be rejected since the movant has failed to even list its requested relief – let alone provide adequate support for it.

CONCLUSION

For the foregoing reasons, the Commission should deny OCC's motion to amend the applications.

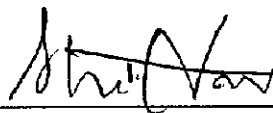
Respectfully Submitted,



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CERTIFICATE OF SERVICE

I certify a copy of the foregoing was served by regulatory U.S. mail, postage prepaid, on the following parties on March 3, 2008.



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