

FILE

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company for Approval of an )  
Additional Generation Service Rate Increase ) Case No. 07-1132-EL-UNC  
Pursuant to Their Post-Market Development )  
Period Rate Stabilization Plan. )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company for Approval of an )  
Additional Generation Service Rate Increase ) Case No. 07-1191-EL-UNC  
Pursuant to Their Post-Market Development )  
Period Rate Stabilization Plan. )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company for Approval of an )  
Additional Generation Service Rate Increase ) Case No. 07-1278-EL-UNC  
Pursuant to Their Post-Market Development )  
Period Rate Stabilization Plan. )

In the Matter of Application of )  
Columbus Southern Power Company and )  
Ohio Power Company to Update Each ) Case No. 07-1156-EL-UNC  
Company's Transmission Cost Recovery )  
Rider. )

**COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER COMPANY'S  
MOTION TO STRIKE ORMET'S REPLY MEMORANDUM**

On February 29, 2008, Ormet Primary Aluminum Corporation (Ormet) filed a motion to intervene in the above listed cases and an application for rehearing of the Commission's January 30, 2008 Opinion and Order in those cases. On March 10, 2007, Columbus Southern Power Company (CSP) and Ohio Power Company (OPCO), collectively referred to as "the Companies", filed their Memorandum Contra Ormet's Motion To Intervene And Application For Rehearing. The Companies addressed the specific deficiencies of Ormet's intervention request

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at pages 2-7 of their Memorandum Contra. They addressed the merits of Ormet's Application for Rehearing starting at the bottom of page 7 and continuing through page 13 of their Memorandum Contra. Then, on March 17, 2007, Ormet filed a Memorandum In Reply, in which it attempted to further support both its intervention request and the merits of its Application for Rehearing.

The Companies respectfully move, for the reasons provided below, to strike Ormet's Memorandum in Reply.

### **MEMORANDUM IN SUPPORT**

The Commission's rules permit an opposing party to file a memorandum contra, but do not authorize a reply memorandum in support of, an application for rehearing. See Rule 4901-1-35, Ohio Admin. Code. Because Ormet's Motion to Intervene is part and parcel of its Application for Rehearing, the procedural rules for rehearing applications should apply to the motion to intervene. Accordingly, the Commission should strike Ormet's Memorandum in Reply in its entirety because it is, in essence, a reply memorandum in support of its Application for Rehearing.

Even if the Commission concludes that Ormet's Motion to Intervene is not inextricably linked to its Application for Rehearing, and that Ormet may file a memorandum that replies to memoranda contra its intervention request, large portions of Ormet's Memorandum in Reply still must be stricken because they reply to the Companies' arguments opposing Ormet's rehearing application.

Specifically, at pages 4-6 of its Memorandum in Reply, Ormet's arguments regarding whether its legal position is sufficient to support intervention do not reply to the arguments that the Companies made on this point at page 6 of their Memorandum Contra. Rather, Ormet's

arguments attempt to rebut points that the Companies made at pages 11-13 of their Memorandum Contra regarding the merits of Ormet's rehearing request. Similarly, at pages 9-10 of its Memorandum in Reply (the entire carryover paragraph that begins on page 9 starting with "Furthermore" and carrying over to the top of page 10), Ormet's arguments, again, address points that the Companies made, at page 10 of their Memorandum Contra, regarding the merits of Ormet's rehearing request. They do not reply to any of the specific criticisms that the Companies made regarding Ormet's intervention.

Accordingly, the Companies respectfully request that the Commission strike Ormet's March 17, 2007 Memorandum in Reply.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra Ormet's Motion To Intervene And Application For Rehearing was served by U.S. Mail and electronic mail upon counsel identified below for all parties of record this 19th day of March, 2008.

  
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