

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Columbus  
Southern Power Company for Approval of its  
Electric Security Plan, and Amend to its  
Corporate Separation Plan; and the Sale or  
Transfer of Certain Generation Assets : Case No. 08-917-EL-SSO

In the Matter of the Application of Columbus  
Southern Power Company for Approval of its  
Electric Security Plan, and an Amendment to its  
Corporate Separation Plan; and the Sale or : Case No. 08-918-EL-SSO

MOTION TO INTERVENE  
OF  
THE OHIO MANUFACTURERS' ASSOCIATION

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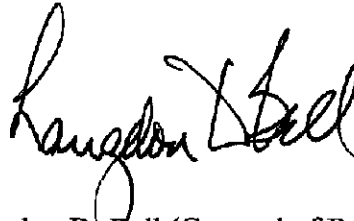
American Electric Power seeks in these proceedings the Commission's approval of an electric security plan pursuant to Amended Substitute Senate Bill No. 221 ("SB 221"), the recently enacted legislation amending the Ohio statutory electric restructuring plan created by amended Substitute Senate Bill No. 3 in 1999, and certain related measures. As more fully discussed in the accompanying memorandum, The Ohio Manufacturers' Association ("OMA") has a real and substantial interest in these proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. Further, the OMA's interest in these proceedings is not represented by any existing party, and its participation in these proceedings will contribute to a just and expeditious resolution of the issues involved without unduly delaying these proceedings or unjustly prejudicing any existing party. Accordingly, the OMA hereby moves to intervene in these proceedings pursuant to Section

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4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code.

WHEREFORE, the OMA respectfully requests that the Commission grant its motion to intervene.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Langdon D. Bell". The signature is fluid and cursive, with the first name "Langdon" being more prominent than the last name "Bell".

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**MEMORANDUM IN SUPPORT  
OF  
MOTION TO INTERVENE  
OF  
THE OHIO MANUFACTURERS' ASSOCIATION**

Section 4903.221, Revised Code, provides that any “person who may be adversely affected by a public utilities commission proceeding may intervene in such proceeding.” The Ohio Manufacturers’ Association (“OMA”) is a non-profit trade organization representing the interests of small, medium, and large manufacturing companies with facilities situated in Ohio. Manufacturing accounts for more than 20 percent of Ohio’s total economic output – nearly double the contribution of any other private industry sector of the economy. Manufacturing is Ohio’s leading source of jobs, employing more than 800,000 Ohioan’s – one in every six Ohio workers is employed in manufacturing. Manufacturers consume more than 1/3 of the total energy consumed in Ohio causing manufacturers to be disproportionately impacted by energy pricing instability – and volatility. In light of this interest the OMA has been actively involved in energy

supply and pricing proceedings before this Commission over the years, and was an active participant in the effort that led to the passage of SB 221. It has a real and substantial interest in assuring that the objectives of SB 221 are appropriately recognized in the electric security plans ultimately approved in these cases. Thus, there can be no question that the OMA may be adversely affected by these proceedings.

Further, not only does the OMA satisfy the underlying statutory test, but it also satisfies the standards governing intervention set forth in the Commission's rules.

Rule 4901-1-11(A), Ohio Administrative Code ("OAC"), provides, in pertinent part, as follows:

- (A) Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that:
  - (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his ability to protect that interest, unless the person's interest is adequately represented by existing parties.

The OMA plainly has a real and substantial interest in proceedings that will impact Ohio's manufacturing environment. Moreover, no existing party adequately represents the full spectrum of manufacturing represented by the OMA.

Although the OMA does not believe this to be a close question, each of the specific considerations that the Commission may, by rule, take into account in applying the Rule 4901-1-11(A)(2), OAC, standard also fully support granting the OMA's motion to intervene. Rule 4901-1-11(B), OAC, provides as follows:

In deciding whether to permit intervention under paragraph (A)(2) of this rule, the commission, the legal director, the deputy legal director,

or an attorney examiner case shall consider:

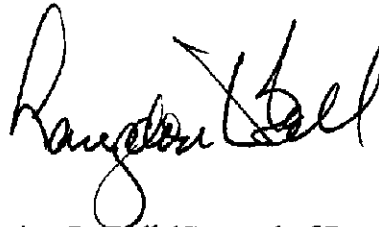
- (1) The nature and extent of the prospective intervenor's interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties;

First, as previously explained, the OMA's interest in the proposals contained in these proceedings relating to the state's energy policies of providing reasonable priced reliable electric while promoting Ohio's economic development and job growth set forth in SB 221 is obviously direct and substantial.. Second, although the OMA must necessarily await further developments before determining the specific positions it will adopt with respect to these issues, the OMA will certainly advocate that the authorized returns on equity be reasonably related to advancing the states' energy policies, with cost based revenue responsibility being assigned within and between customer classes consistent with the legislative intent underlying SB 221. Third, in view of the fact that these proceedings have just recently commenced, granting the OMA's motion to intervene will not unduly delay or prolong these proceedings. Fourth, the OMA will bring substantial technical and legal expertise to bear on these issues. Finally, it would be inconsistent with the Commission's stated policy "to encourage the broadest possible participation in its proceedings" (*see, e.g.,*

*Cleveland Elec. Illum. Co.*, Case No. 85-675-EL-AIR, Entry dated January 14, 1986, at 2) to apply the Rule 4901-1-11(B)(5) standard in a manner that would favor one interest based advocate over others. Thus, granting the OMA intervenor status is consistent with all the considerations set out in Rule 4901-1-11(B), OAC.

WHEREFORE, the OMA respectfully requests that Commission grant its motion to intervene.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

This is to certify that a copy of the Ohio Manufacturer Association's Motion to Intervene and Memorandum in Support was served upon the interested parties listed below electronically or by first class U.S. Mail, postage prepaid, on this 2nd day of September 2008.



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