

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; an) Case No. 08-917-EL-SSO
Amendment to its Corporate Separation)
Plan; and the Sale or Transfer of Certain)
Generating Assets.)

In the Matter of the Application of)
Ohio Power Company for Approval of)
its Electric Security Plan; and an) Case No. 08-918-EL-SSO
Amendment to its Corporate Separation)
Plan.)

ENTRY

The Attorney Examiner finds:

- (1) On July 31, 2008, Columbus Southern Power Company and Ohio Power Company (collectively, AEP) filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. This application is for an electric security plan (ESP) in accordance with Section 4928.143, Revised Code.
- (2) By entry issued August 5, 2008, the Attorney Examiner established a procedural schedule for these proceedings. On September 5, 2008, following a joint motion by the Office of the Ohio Consumers' Counsel (OCC), Ohio Environmental Council, The Sierra Club Ohio Chapter, and Ohio Partners for Affordable Energy for an extension of 60 days or, in the alternative, 15 days, the Examiner ordered a two-week extension of the evidentiary hearing date.
- (3) On November 5, 2008, Staff moved for an extension of time to file its direct testimony by one business day, and sought an expedited ruling on its motion. In its motion, Staff asserts that no party objected to the extension request or to the issuance of an expedited ruling; however, OCC conditioned its consent upon a request to continue the scheduled

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prehearing conference until November 12, 2008. Staff also asserted that an extension of time to file its direct testimony was necessitated, in part, by OCC's failure to properly serve OCC's direct testimony on Staff.

- (5) On November 6, 2008, Staff filed a letter, explaining that electronic service of OCC's testimony was in fact made on October 31, 2008 to Staff's counsel. However, Staff asserts that while the service may have been legally sufficient, it was not practically effective because it did not reach the trial counsel in the case.
- (6) On November 7, 2008, OCC filed a letter, explaining among other things, that OCC served a copy of its testimony in these cases on counsel for AEP, the Commission Staff and all other parties to this proceeding by U. S. mail on October 31, 2008.
- (7) The Attorney Examiner finds that the two requests should be considered separately. With respect to Staff's request for an extension, it is not necessary for us to determine whether service was properly made. Staff's request for an extension of one business day is not unreasonable and will not unduly prejudice any party. Additionally, granting the extension will not affect the remaining schedule. Accordingly, the Attorney Examiner finds that Staff's motion for a one business day extension is reasonable and should be granted.
- (8) With respect to OCC's request to continue the prehearing conference, the Attorney Examiner finds that the request is unreasonable and should not be approved. The procedural schedule has been established and noticed since September 5, 2008, and the numerous parties involved in this proceeding have made the necessary arrangements to attend the prehearing conference on November 10, 2008. Rescheduling the date at this time could unduly burden other parties, particularly those traveling to attend. Therefore, the Attorney Examiner denies OCC's request to continue the prehearing conference.

It is, therefore,

ORDERED, That Staff's motion for a one business day extension of time to file their testimony is granted. It is, further,

ORDERED, That OCC's requests to continue the prehearing until November 12, 2008 is denied. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See
Attorney Examiner

GRJ
/ct

Entered in the Journal

NOV 07 2008



Renee J. Jenkins
Secretary