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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Authority to) Case No. 08-1302-EL-ATA
Authority to Modify the Expiration Dates)
on Certain Rate Schedules and Riders.)

FINDING AND ORDER

The Commission finds:

- (1) Columbus Southern Power Company (CSP) and Ohio Power (OP) (collectively, the Companies) are Ohio corporations engaged in the business of providing electric service to customers in Ohio and, as such, are public utilities as defined by Sections 4905.02 and 4905.03(A)(4), Revised Code.
- (2) On December 15, 2008, CSP and OP filed an application to modify the expiration dates on certain rate schedules and riders in order to reflect the continuation of current standard service offer schedules until new schedules are approved by the Commission pursuant to the Companies' applications to establish an electric security plan currently pending in Case Nos. 08-917-EL-SSO and 08-918-EL-SSO.¹ The Companies state that, without a Commission order authorizing new rates for standard service offer generation service before the end of the year, the modification is necessary given that the current standard service offer schedules and riders are scheduled to expire on December 30, 2008.
- (3) The application requests that the modified standard service offer schedules remain in effect until the Companies file new standard service offer schedules upon approval of the Commission of its electric security plan, or until the last billing cycle of January 2009, whichever occurs first in time.

¹ In the Matter of the Application of Columbus Southern Power Co. for Approval of its 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; In the Matter of the Application of Ohio Power Co. for Approval of its Electric Security Plan; and an Amendment to its Corporate Separation Plan, Case No. 08-918-EL-SSO.

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The Companies explain that the new expiration date will apply to all standard service offer rate schedules; however, certain tariff schedules will nevertheless expire at the end of 2008. A complete list of the affected tariff schedules is attached to the application as Attachment A, which identifies the proposed modification to each schedule.

- (4) The Companies aver that the modification to the expiration dates will not result in changing any rates in their current rate schedules.
- (5) Section 4928.141(A), Revised Code, requires an electric utility to apply to the Commission to establish the standard service offer it intends to provide to consumers beginning January 1, 2009. The standard service offer may be established in accordance with Sections 4928.142 or 4928.143, Revised Code. Section 4928.141(A), Revised Code, further provides that "the rate plan of an electric distribution utility shall continue for the purpose of the utility's compliance with this division until a standard service offer is first authorized under section 4928.142 or 4928.143 of the Revised Code * * *." "Rate plan" is defined in Section 4928.01(A)(33), Revised Code, as "the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly." Amended Substitute Senate Bill 221 became effective on July 31, 2008.
- (6) Pursuant to Section 4928.141(A), Revised Code, the Commission finds that until a standard service offer is first approved by the Commission in accordance with Section 4928.142 or Section 4928.143, Revised Code, the electric utility's standard service offer in effect on July 31, 2008 shall continue. Therefore, the Companies' standard service offer rates contained in the tariff schedules in effect on July 31, 2008 should continue from January 1, 2009 until such time as the Commission approves new standard service offer rates in accordance with Section 4928.142 or Section 4928.143.
- (7) Given the scheduled expiration of the Companies' tariffs, the Commission finds that the Companies' request to modify the expiration date of the tariffs to continue the Companies' current standard service offer schedules, until new schedules

are approved by the Commission pursuant to the Companies' pending electric security plan applications, is consistent with Section 4928.141(A), Revised Code, and should be approved.

- (8) *The Commission notes that it will endeavor to complete its review of the pending electric security plan applications as expeditiously as possible; however, given the briefing schedule established in the proceeding,² the Commission believes that it would be more reasonable to include in the tariff schedules the last billing cycle of February 2009 as the new expiration date. Accordingly, the modified standard service offer schedules will remain in effect until the Companies file new standard service offer schedules upon the Commission's approval of its electric security plan, or until the last billing cycle of February 2009, whichever date occurs first.*
- (9) The Commission finds, as the Companies allege, that the application is not for an increase in any rate, joint rate, toll, classification, charge, or rental and does not appear to be unjust or unreasonable. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter.
- (10) The Commission finds that the Companies should file revised tariffs consistent with this order by December 23, 2008. In light of the short timeframe remaining before these tariffs by necessity must go into effect, the Commission finds that the revised tariffs shall be approved effective with the commencement of the Companies' January 2009 billing cycle, contingent upon final review and approval by the Commission.

It is, therefore,

ORDERED, That the application of CSP and OP to modify the expiration dates on certain rate schedules and riders in order to reflect the continuation of current standard service offer schedules is approved as set forth in Findings (7) and (8). It is, further,

² Initial briefs are due on December 30, 2008 and reply briefs are due on January 14, 2009. (Tr. Vol. XIV at 269.)

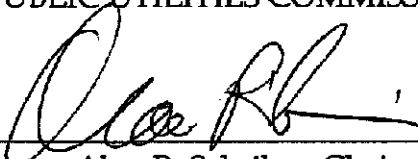
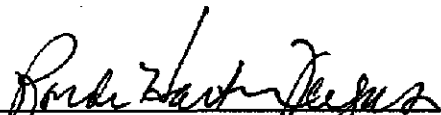
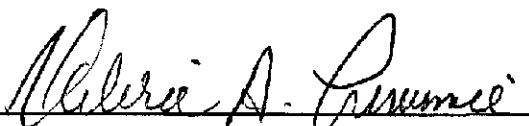
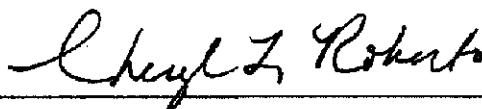
ORDERED, That CSP and OP be authorized to file in final form four complete copies of tariffs consistent with this finding and order, and to cancel and withdraw its superseded tariffs. CSP and OP shall file one copy in this case docket and one copy in each Company's TRF docket (or may make such filing electronically, as directed in Case No. 06-900-AU-WVR). The remaining two copies shall be designated for distribution to Staff. It is, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the commencement of the Companies' January 2009 billing cycle, and the date upon which four complete copies of final tariffs are filed with the Commission. The new tariffs shall be effective for services rendered on or after the effective date. It is, further,

ORDERED, That nothing in this Entry shall be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this entry be served upon CSP and OP.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman
Paul A. Centolella
Ronda Hartman Fergus
Valerie A. Lemmie
Cheryl L. Roberto

KWB:ct

Entered in the Journal

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Renee J. Jenkins
Secretary