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Case No. 08-917-EL-SSO

Case No. 08-918-El-SSO

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Among other things, Integrys' motion made unsubstantiated claims that AEP Ohio is "enforcing its unilateral and unauthorized ban" against retail customers enrolling and failing to timely process the ILR registrations for the AEP PJM Zone. Integrys Motion at 1. Constellation filed a separate pleading in support of Integrys' motion. AEP Ohio demonstrated through sworn affidavits that, in fact, it had provided the needed load data and had timely processed PJM registrations while merely reserving its position against retail participation while awaiting the outcome of the Commission's decision on those matters in this case. AEP Ohio Memorandum Contra at 5-7. AEP Ohio also stated that PJM confirmed registrations last year after AEP Ohio made similar reservations and that the registrations this year were also expected to be confirmed by PJM. Roush Affidavit at ¶ 9.

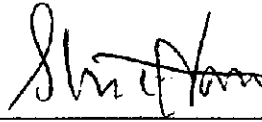
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Now Integrys and Constellation have filed a joint pleading to withdraw the motion. But rather than simply withdraw its motion because Integrys' claim that AEP Ohio had unilaterally denied PJM program registration was mistaken or because AEP Ohio's prediction of registration acceptance by PJM was correct, Integrys/Constellation attempts to "save face" by perpetuating its inflammatory version of events and suggesting – even as it withdrew the motion – that AEP Ohio did not dispute the key facts. Integrys/Constellation Withdrawal at 1-2. As amply demonstrated in its sworn affidavits, AEP Ohio not only disputed the key allegations made by Integrys but it definitively rebutted those allegations. And as originally predicted by AEP Ohio, Integrys' claims have turned out to be based on inaccurate information and represent an attempt to manufacture an urgent conflict. AEP Ohio Memorandum Contra at 1. Those factors, in reality, are the basis for Integrys withdrawing its motion.

More importantly regarding the substantive issue presented in AEP Ohio's ESP application as to retail participation in the PJM demand response programs, Integrys' withdrawal pleading states that customers will benefit from the programs "unless this Commission were to elect to deprive such customers from receiving such benefits by banning such customer participation in PJMs ILR programs for the 2009-2010 planning year." Integrys/Constellation Withdrawal at 3. This statement is telling. Although Integrys argued on brief in this case that the Commission lacks authority to adopt AEP Ohio's proposal to restrict retail participation, Integrys apparently now realizes that it is the Commission's election to make in this case and that PJM's acceptance of registration does not change the status of that impending decision. Integrys should not be permitted

to supplement its merit argument with additional comments when the only legitimate purpose of its pleading is to withdraw the motion.

Respectfully submitted,



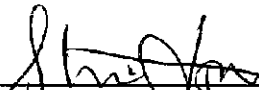
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Comments was served by electronic mail upon the individuals listed below this 11th day of March, 2009.


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