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30000460-0002

Emma F. Hand

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MESSAGE •

RE: In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company to Adjust Their Economic Development Cost Recovery Rider Rates, Case No. 09-1095-EL-UNC and Case No. 09-1095-EL-UNC.

Enclosed for electronic filing are the Motion to Intervene of Ormet Primary Aluminum Corporation and the Motion for Admission *Pro Hac Vice* of Clinton A. Vince, Douglas G. Bonner, Daniel D. Barnowski and Emma F. Hand.

Document Originator Emma Hand 202-408-7094

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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 to Adjust Their)	Case No. 09-1095-EL-UNC
Economic Development Cost Recovery)	
Rider Rates.)	
)	

MOTION TO INTERVENE OF ORMET PRIMARY ALUMINUM CORPORATION

Omnet Primary Aluminum Corporation ("Ormet") hereby respectfully moves to intervene in the above-captioned matter pursuant to Ohio Revised Code Section 4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute, or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted.

Clinton A. Vince, Counsel of Record

Douglas G. Bonner

Daniel D. Barnowski

Emma F. Hand

Keith C. Nusbaum (#0082745)

Sonnenschein Nath & Rosenthal LLP

1301 K Street NW

Suite 600, East Tower

Washington, DC 20005

202.408.8004 Telephone

202.408.6399 Facsimile

cvince@sonnenschein.com

dbonner@sonnenschein.com

dbarnowski@sonnenschein.com

ehand@sonnenschein.com

knusbaum@sonnenschein.com

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 to Adjust Their	j	Case No. 09-1095-EL-UNC
Economic Development Cost Recovery)	
Rider Rates.	j	
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MEMORANDUM IN SUPPORT OF ORMET PRIMARY ALUMINUM CORPORATION'S MOTION TO INTERVENE

Ormet Primary Aluminum Corporation ("Ormet") should be permitted to intervene in these matters pursuant to Section 4903.221, Ohio Revised Code and the Commission's Rules and Regulations contained in Section 4901-1-11 of the Ohio Administrative Code. The outcome of these proceedings could impact a power agreement that determines the rates Ormet pays for electricity.

Under Section 4903.221, any person who may be adversely affected by a Commission proceeding may intervene in such proceeding. The Commission's rules state that any person shall be permitted to intervene in a proceeding upon a showing that:

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 or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.¹

Ormet has a real and substantial interest in this proceeding. Ormet is the other party to the Unique Arrangement giving rise to this proceeding, and has a real interest in any proceeding with the potential to affect that arrangement.

¹ Ohio Admin. Code § 4901-1-11(A)(2) (2007).

In deciding whether to permit intervention under Section 4901-1-11(B), the Commission considers:

- (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 the full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

As described above, Ormet is the other party to the Unique Arrangement and has a real interest in any proceeding with the potential to affect that arrangement. Ormet's unique relationship with AEP will also assist in the full development and equitable resolution of the factual issues and indicates that no other party can adequately represent Ormet's interest in these proceedings. Ormet's intervention is timely and will not unduly prolong or delay the proceedings.

WHEREFORE, Ormet respectfully requests that the Commission grant its motion to intervene in this proceeding.

Respectfully submitted,

Clinton A. Vince, Counsel of Record

Douglas G. Bonner

Daniel D. Barnowski

Emma F. Hand

Keith C. Nusbaum (#0082745)

Sonnenschein Nath & Rosenthal LLP

1301 K Street NW

Suite 600, East Tower

Washington, DC 20005

202.408.8004 Telephone

202.408.6399 Facsimile

cvince@sonnenschein.com

dbonner@sonnenschein.com dbarnowski@sonnenschein.com ehand@sonnenschein.com knusbaum@sonnenschein.com

Attorneys for Ormet Primary Aluminum Corporation

Dated: November 25, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of Ormet Primary Aluminum Corporation's Motion to Intervene and Memorandum in Support were served by U.S. Mail upon counsel identified below for all parties of record this 25th day of November, 2009.

Err D. Mand

SERVICE LIST

Columbus Southern Power Company Ohio Power Company Selwyn J. R. Dias Suite 800 88 E. Broad Street Columbus OH 43215-3550 Marvin I. Resnik, Counsel of Record Steven T. Nourse American Electric Power Company 1 Riverside Plaza, 29th Floor Columbus OH, 43215

Michael Kurtz
David Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street Suite 1510
Cincinnati OH 45202

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	ń	
Columbus Southern Power Company and	Ś	Case No. 09-1095-EL-UNC
Ohio Power Company to Adjust Their	ĺ	
Economic development Cost Recovery	ĺ	
Rider Rates	Ĵ	
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MOTION FOR ADMISSION *PRO HAC VICE* OF CLINTON A. VINCE, DOUGLAS G. BONNER, DANIEL D. BARNOWSKI AND EMMA F. HAND

Pursuant to Section 4901-1-08(B) of the Ohio Administrative Code, Keith C. Nusbaum (#0082745), an attorney licensed to practice law in the State of Ohio in good standing, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit Clinton A. Vince, Douglas G. Bonner, Daniel D. Barnowski, and Emma F. Hand to practice *pro hac vice* before the Commission in the captioned proceeding. Mr. Vince, Mr. Bonner, Mr. Barnowski and Ms. Hand represent Ormet Primary Aluminum Corporation, an industrial customer of Columbus Southern Power Company and Ohio Power Company

Mr. Vince was graduated from the Georgetown University Law Center in 1974. Mr. Vince is an active member in good standing of the District of Columbia Bar (#223594) and the New York Bar (#3805892), and has been admitted to the Supreme Court of the United States, the United States Courts of Appeal for the First, Second, Fourth, Fifth, Eighth, Tenth, Eleventh and D.C. Circuits and the District of Columbia and New York federal district courts. Mr. Vince has practiced energy law continuously since being admitted to the New York Bar in 1975.

Mr. Bonner was graduated from Catholic University Law School in 1983. Mr. Bonner is an active member in good standing in the District of Columbia Bar (#384060) and the Florida Bar (#376825), and has been admitted to the United States Courts of Appeal for the Fifth, Ninth,

Eleventh, and D.C. Circuits and the District of Columbia and Southern and Middle District of Florida federal district courts. Mr. Bonner has practiced law continuously since being admitted to the Florida Bar in 1983, and has over 16 years experience representing regulated utilities in administrative and litigation matters.

Mr. Barnowski was graduated from the University of Michigan Law School in 1995. Mr. Barnowski is an active member in good standing of the District of Columbia Bar (# 457108) and an inactive member of the Arizona Bar (# 16364), and has been admitted to the United States Courts of Appeal for the Fifth Circuit and the District of Columbia and District of Arizona federal district courts. Mr. Barnowski has practiced law continuously since being admitted to the Arizona Bar in 1995, and has experience representing regulated utilities in administrative and litigation matters.

Ms. Hand was graduated from the Georgetown University Law Center in 2001. She is an active member in good standing of the Virginia Bar (#46272) and the District of Columbia Bar (#4760001), and is admitted to the United States Courts of Appeal for the Fourth, Ninth and D.C. Circuits and the United States District Court for the District of Columbia. Ms. Hand has practiced energy law continuously since she was admitted to the Virginia Bar in 2001.

WHEREFORE, Keith C. Nusbaum respectfully requests that Clinton A. Vince, Douglas G. Bonner, Daniel D. Barnowski and Emma F. Hand be permitted to practice before the Commission in the aforementioned proceedings.

Respectfully submitted,

Keith C. Nusbaum (#0082745) Sonnenschein Nath & Rosenthal LLP

1221 Avenue of the Americas

New York, NY 10020-1089

212-768-6910 phone

212-768-6800 fax

knusbaum@sonnenschein.com

Dated: November 25, 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Admit *Pro Hac Vice* has been served upon the below-named persons via regular U.S. Mail Service, postage prepaid, this 25th day of November, 2009.

Emma F. Hand

Attorney for Ormet Primary Aluminum Corporation

SERVICE LIST

Columbus Southern Power Company Ohio Power Company Selwyn J. R. Dias Suite 800 88 E. Broad Street Columbus OH 43215-3550

Marvin I. Resnik American Electric Power Company 1 Riverside Plaza, 29th Floor Columbus OH 43215

Michael Kurtz
David Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street Suite 1510
Cincinnati OH 45202