

FILE

BEFORE THE
PUBLIC COMMISSION OF OHIO

In the Matter of the Application)
of Columbus Southern Power)
Company and Ohio Power Company)
to Update Each Company's Transmission)
Cost Recovery Rider)

Case No. 10-477-EL-RDR

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COLUMBUS SOUTHERN POWER COMPANY'S
AND OHIO POWER COMPANY'S
MEMORANDUM CONTRA
IN OPPOSITION TO IEU-OHIO'S
APPLICATION FOR REHEARING

On July 22, 2010, Industrial Energy Users-Ohio (IEU) filed an application for rehearing of the Commission's June 23, 2010, Finding and Order. I

In the application for rehearing, IEU raised two arguments previously raised and previously denied by the Commission. First, IEU reasserts the argument that the Commission is without jurisdiction due to the timing of its order in AEP Ohio's ESP filing. Second, IEU restates the argument that AEP Ohio should not be allowed to collect ESP related rates, including the TCRR in this case while challenging the ESP Orders as well as reserving the right to withdraw and terminate the ESP. IEU even points out in its memorandum in support of its application for rehearing that the Commission has already rejected the arguments raised.¹

In fact, the Commission already denied both of IEU's arguments in this very case, as well as in previous cases. The Commission affirmatively recognized and rejected these same arguments in its June 23, 2010 Finding and Order. Specifically, the Commission determined the arguments raised by IEU to be an attempt to relitigate the denial of the Writ of Prohibition at the Supreme Court of Ohio and the Commission

¹ IEU Memorandum in Support of Application for Rehearing at 4.

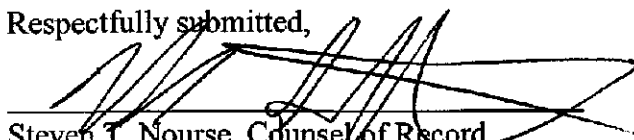
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findings in the ESP case.² The Commission also rejected these same arguments in Commission case numbers 09-872-EL-FAC and 10-154-EL-RDR and IEU is also raising these same arguments in 10-155-EL-RDR, 10-163-EL-RDR, and 10-164-EL-RDR. For purposes of supporting its arguments, IEU asks the Commission to incorporate by reference all of its comments filed in these cases.

Rather than restate all of AEP Ohio's arguments on this matter, that the Commission has already entertained, AEP Ohio asks the Commission to incorporate all of its comments in the above referenced cases. The Commission decisions and entries on rehearing should also serve to provide the Commission the precedent and rationale to once again deny this application for rehearing.

IEU admits that the Commission has already denied both of the arguments raised in its application for rehearing. IEU does not raise any new argument or support for the arguments already denied. Consequently, rehearing to consider IEU's argument should be denied.

Respectfully submitted,



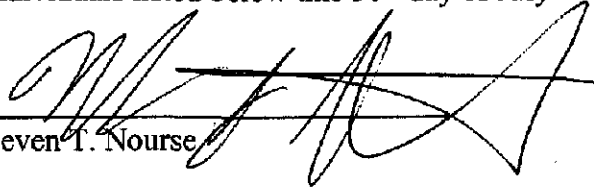
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² 10-154-EL-RDR, Finding and Order at paragraphs 9-10, June 23, 2010.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra In Opposition to IEU-Ohio's Application for Rehearing was served by U.S. Mail upon the individuals listed below this 30th day of July 2010.


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