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August 17, 2010

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

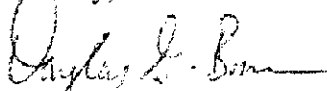
Re: Enclosed Documents for Filing

Dear Sir or Madam:

Enclosed for filing in Case No. 10-1072-EL-RDR, please find an original and ten copies of the Motion to Intervene and Memorandum in Support 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.

Also enclosed are two extra copies of each document to be date-stamped and returned to me in the enclosed, self-addressed Federal Express envelope. Thank you for your assistance in this matter. If you have any questions please contact me at the number above.

Sincerely,



Douglas G. Bonner
Partner

Enclosures

This is to certify that the images appearing are an
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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 to Adjust Their Economic
Development Cost Recovery Rider Rates**)
)
) **Case No. 10-1072-EL-RDR**
)

**MEMORANDUM IN SUPPORT OF
ORMET PRIMARY ALUMINUM CORPORATION'S
MOTION TO INTERVENE AND SET MATTERS FOR HEARING**

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 among Ormet and the Applicants, Columbus Southern Power Co. ("CSP") and Ohio Power Co. ("OP") (collectively, "AEP Ohio") 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. Under the Unique Arrangement Ormet has with AEP Ohio, approved in Commission Case No. 09-119-EL-AEC, the rates Ormet pays are discounted against the standard tariff rate applicable to Ormet. Thus,

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

any increase in that standard tariff rate will increase the rate that Ormet pays for power. Furthermore, the application that AEP Ohio has filed in this case proposes to adjust their Economic Development Rider rates based on unrecovered costs resulting in part from the delta revenues under AEP Ohio's Unique Arrangement with Ormet.

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

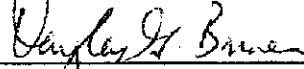
- (1) The nature and extent of the prospective intervenor's interest.
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.²

Ormet's unique relationship with AEP Ohio under its Commission-approved power agreement will 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.

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

WHEREFORE, Ormet respectfully requests that the Commission grant its motion to intervene in these proceedings and set these matters for hearing.

Respectfully submitted,



Clinton A. Vince, Counsel of Record

Douglas G. Bonner

Daniel D. Barnowski

Emma F. Hand

Keith C. Nusbaum (#0082745)

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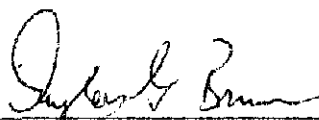
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*Attorneys for Ormet Primary Aluminum
Corporation*

Dated: August 17th 2010

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 17th day of August, 2010.



Douglas G. Bonner

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Columbus, OH 43215

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of
Columbus Southern Power Company
and Ohio Power Company to Adjust
Their Economic Development Cost
Recovery Rider Rates

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Case No. 10-1072-EL-RDR

**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 proceedings. 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,

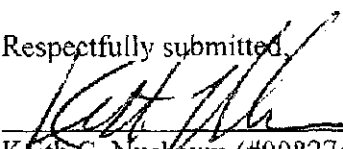
Eleventh, and D.C. Circuits and the District of Columbia and Southern and Middle District of Florida federal district courts. Mr. Bonner has practiced law continuously since being admitted to the Florida Bar in 1983, and has over 16 years experience representing regulated utilities in administrative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

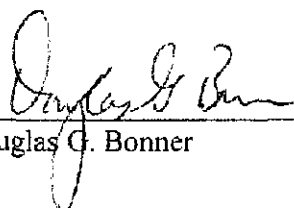
Respectfully submitted,


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Dated: August 13, 2010

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 17th day of August, 2010.



Douglas G. Bonner

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