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PUCO

March 14, 2011

**VIA UPS OVERNIGHT DELIVERY**

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

Re: Case No. 11-0346-EL-SSO; 11-0348-EL-SSO; 11-0349-EL-AAM;  
and 11-0350-EL-AAM  
Motion to Intervene of Wal-Mart Stores, East. LP and Sam's East, Inc.  
Ohio Power Company Standard Service Offer

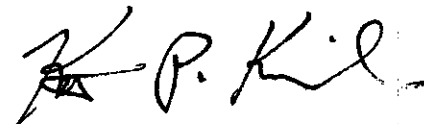
Dear Sir or Madam:

In regard to the above referenced matter, enclosed for filing please find the original and thirteen (13) copies of a MOTION TO INTERVENE OF WAL-MART STORES, EAST. LP AND SAM'S EAST, INC. The document was fax filed this afternoon so that it was timely.

Please return one (1) file-stamped copy to me in the enclosed postage paid return envelope. Copies have been served on all parties on the attached Certificate of Service. Thank you for your attention to this matter.

Very truly yours,

KEATING MUETHING & KLEKAMP PLL

By:   
Kenneth P. Kreider

KPK:lmf

Enclosures

c: Certificate of Service

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Technician Am Date Processed 3/15/11

**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 Establish a Standard	)	
Service Offer Pursuant to Section 4928.143,	)	Case No. 11-0346-EL-SSO
Revised Code, in the Form of an Electric	)	Case No. 11-0348-EL-SSO
Security Plan.	)	
	)	
In the Matter of the Application of Columbus	)	
Southern Power Company and Ohio Power	)	Case No. 11-0349-EL-AAM
Company for Approval of Certain Accounting	)	Case No. 11-0350-EL-AAM
Authority.	)	

**MOTION TO INTERVENE OF WAL-MART STORES EAST, LP  
AND SAM'S EAST, INC.**

Now comes Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, and respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code, for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On January 27, 2011, Columbus Southern Power Company and Ohio Power Company (collectively, "AEP-Ohio") filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. The Commission adopted a procedural schedule that included March 14, 2011 as the deadline for intervention. Walmart seeks to participate in these proceedings as an intervenor and its petition to intervene in these proceedings is timely filed.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, Walmart has a direct, real and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as

a practical matter, impair or impede its ability to protect that interest. Walmart's real and substantial interest in these proceedings is not adequately represented by any other party, and as such, Walmart is entitled to intervene with the full powers and rights granted by the Commission. Further, Walmart's participation will not unduly delay the proceedings or prejudice any other party thereto.

By separate motion, a request for admission *pro hac vice* for Holly Rachel Smith, of the firm of Holly Rachel Smith, PLLC, will be filed in the above-captioned proceeding. Walmart requests that if approved, Ms. Smith be added to the official service list. Additional contact information for the additional counsel and representatives are provided in the attached Memorandum in Support.

WHEREFORE, Walmart respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

DATED: March 14, 2011

Respectfully submitted,

**WAL-MART STORES EAST, LP  
AND SAM'S EAST, INC.**

By: 

/Kenneth P. Kreider

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*Attorney for Wal-Mart Stores East, LP  
and Sam's East, Inc.*

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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Southern Power Company and Ohio Power	)	Case No. 11-0349-EL-AAM
Company for Approval of Certain Accounting	)	Case No. 11-0350-EL-AAM
Authority.	)	

**MEMORANDUM IN SUPPORT OF WAL-MART STORES EAST, LP  
AND SAM'S EAST, INC.**

On January 27, 2011, Columbus Southern Power Company and Ohio Power Company (collectively, "AEP-Ohio") filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. The Commission adopted a procedural schedule that included March 14, 2011 as the deadline for intervention. Walmart seeks to participate in these proceedings as an intervenor and its petition to intervene in these proceedings is timely filed.

Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code establish the standard for intervention in the above-styled proceedings as a full party of record. In examining whether a party should be permitted to intervene in a proceeding, the Public Utilities Commission of Ohio ("the Commission") considers, among other factors, the direct interests of the party, whether the intervention by the prospective party will unduly prolong or delay the proceedings, whether the party will significantly contribute to the full development and equitable resolution of the factual issues. A review of these factors in light of the following facts supports granting Walmart's intervention.

Walmart is a national retailer of goods and services throughout the United States. Walmart has offices at 2001 SE 10th Street, Bentonville, Arkansas 72716-0550. Walmart has the privilege of providing its retail services in the State of Ohio. Walmart has approximately 67 facilities in AEP-Ohio's service territory. These facilities include Supercenters, Sam's Clubs, Discount Stores, distribution centers and gas stations. Walmart is a large customer of AEP-Ohio, purchasing approximately 270,000,000 kWh annually from AEP-Ohio. The outcome of these proceedings is likely to impact (1) the price, reliability and adequacy of the electric service Walmart receives from AEP-Ohio to use in its Ohio operations and (2) the price paid for electric service by customers who are supplied by competitive suppliers. In other words, Walmart has a direct and substantial interest in the outcome of these proceedings that is unique in that it is a single commercial customer that purchases substantial amounts of electric and related services from AEP-Ohio. Further, Walmart submits that its participation will not delay the proceedings nor prejudice any parties. Finally, Walmart intends to submit testimony, participate in hearings and brief issues in a manner that will assist with the development of a full evidentiary record.

Wherefore, for the foregoing reasons, Walmart respectfully requests that the Commission grant this motion for leave to intervene and that the rights of a full party of record be conferred upon it. For purposes of receiving service in the proceeding, in addition to the undersigned, Walmart requests that the following persons be placed on the official service list:

Holly Rachel Smith  
Holly Rachel Smith, PLLC  
Hitt Business Center  
3803 Rectortown Road  
Marshall, VA 20115  
Telephone: (540) 364-0150  
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E-mail: holly@raysmithlaw.com

Steve W. Chriss  
Manager, State Rate Proceedings  
Wal-Mart Stores, Inc.  
2001 SE 10th Street  
Bentonville, AR 72716-0550  
E-mail: Stephen.Chriss@wal-mart.com

Accordingly, Walmart has a real and substantial interest and is entitled to intervene in this action under Ohio Revised Code Section 4903.22.1 and Ohio Administrative Code Rule 4901-1-11.

Respectfully submitted,

**WAL-MART STORES EAST, LP  
AND SAM'S EAST, INC.**

By: 

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Fax: 513-579-6457  
E-mail: [kpkreider@kmklaw.com](mailto:kpkreider@kmklaw.com)  
*Attorney for Wal-Mart Stores East, LP  
and Sam's East, Inc.*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy by first-class postage prepaid mail to the following parties on this 14th day of March, 2011:

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Columbus, OH 43215

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