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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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2011 APR 29 AM 11:06

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Authority to) Case No. 11-346-EL-SSO
Establish a Standard Service Offer) Case No. 11-348-EL-SSO
Pursuant to §4928.143, Ohio Rev. Code,)
in the Form of an Electric Security Plan.)

PUCO

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 11-349-EL-AAM
Ohio Power Company for Approval of) Case No. 11-350-EL-AAM
Certain Accounting Authority.)

**COLUMBUS SOUTHERN POWER COMPANY'S
AND OHIO POWER COMPANY'S
MEMORANDUM IN OPPOSITION TO THE MOTION TO CONSOLIDATE OF
ORMET PRIMARY ALUMINUM CORPORATION**

Ormet Primary Aluminum Corporation ("Ormet") seeks to consolidate the four above-captioned cases into one proceeding, for the sole articulated purpose of avoiding the Supreme Court of Ohio's limitation on *pro hac vice* admission.¹

Columbus Southern Power Company (CSP) and Ohio Power Company (OPCo) (collectively, "the Companies" or "AEP Ohio") oppose Ormet's request. Consolidation is only warranted where: (i) there is a substantial commonality of question of law and fact among all of the involved cases, (ii) the parties are substantially the same in all of the involved cases, (iii) whether consolidation is an efficient use of resources, and (iv) consolidation should not unduly delay or otherwise prejudice the interests raised in the separate cases. See Civ.R. 42(A); *Waterman v. Kitrick* (1990), 60 Ohio App.3d 7.

¹ Effective January 1, 2011, Gov.Bar R. XII Section 2(A)(5) limits *pro hac vice* admission to three proceedings per calendar year.

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Ormet's Motion to Consolidate does not even attempt to establish that consolidation is appropriate under these factors; rather, it seeks to misuse the Commission's docketing rules and procedures solely to allow its out-of-state attorney to participate in all four proceedings in contravention of the Ohio Supreme Court's *pro hac vice* rule.

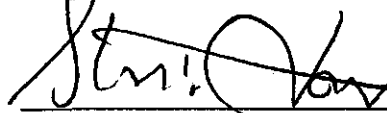
The four pending cases consist of three individual applications, properly filed by two different legal entities, which do not share common questions of fact or law. The Companies followed the Commission's well-established docketing procedures and case purpose codes to identify and file separate applications seeking approval of changes to distribution rates, tariffs, and accounting methods.

Ormet does not assert any legal grounds for consolidation, and should not be permitted to circumvent the Ohio Supreme Court's rules and disrupt the Commission's case management procedures solely for its own convenience.²

² As a practical matter, *pro hac vice* admission in one – or three – of the above-captioned cases will result in Ormet's counsel being served with documents filed in all four cases, and Ormet's participation will not be substantively impaired by the three-proceeding limit.

For these reasons, Ormet's Motion to Consolidate is not supported and should be denied.

Respectfully Submitted,



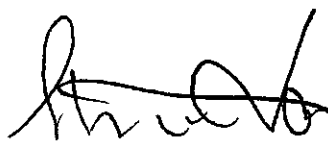
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Memorandum in Opposition has been served upon the below-named counsel via First Class mail, postage prepaid, this 29th day of April, 2011.



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