

FILE

May 6, 2011

BY FEDERAL EXPRESS

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793
Fax: (614).466.0313

PUCO

2011 MAY -9 PM 12:34

RECEIVED-DOCKETING DIV

Re: *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively, AEP Ohio) for an Increase in Electric Distribution Rates, Case Nos. 11-351-EL-AIR, 11-352-EL-AIR;*

✓ *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively AEP Ohio) for Tariff Approval, Case Nos. 11-353-EL-ATA, 11-354-EL-ATA;*

✓ *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively AEP Ohio) for Approval to Change Accounting Methods, Case Nos. 11-356-EL-AAM, 11-358-EL-AAM;*

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, Revised Code, in the Form of an Electric Security Plan, Case Nos. 11-346-EL-SSO, 11-348-EL-SSO;

In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority, Case Nos. 11-349-EL-AAM, 11-350-EL-AAM

Dear Sir or Madam:

Enclosed please find an original and twenty (20) copies of each of the following filings:

(i) *Reply Memorandum in Support of Motion to Consolidate of Ormet Primary Aluminum Corporation* in Case Nos. 11-351-EL-AIR, 11-352-EL-AIR, 11-353-EL-ATA, 11-354-EL-ATA, 11-356-EL-AAM, 11-358-EL-AAM; and

(ii) *Reply Memorandum in Support of Motion to Consolidate of Ormet Primary Aluminum Corporation* in Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 22-349-EL-AAM, 11-350-EL-AAM.

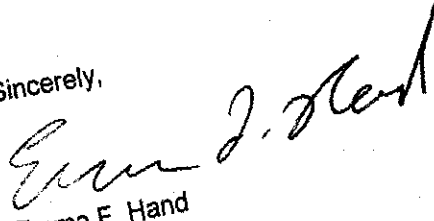
This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed MAY 09 2011

These filings were originally submitted today, May 6, 2011, by facsimile.

Two additional copies of each document are enclosed 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 telephone number above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emma F. Hand".

Emma F. Hand
Partner

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of
Columbus Southern Power Company and
Ohio Power Company, Individually and, if
Their Proposed Merger is Approved, as a
Merged Company (collectively, AEP Ohio)
for an Increase in Electric Distribution Rates

)
)
)
) Case No. 11-351-EL-AIR

) Case No. 11-352-EL-AIR
)
)
)

In the Matter of the Application of
Columbus Southern Power Company and
Ohio Power Company, Individually and, if
Their Proposed Merger is Approved, as a
Merged Company (collectively AEP Ohio)
for Tariff Approval

)
)
) Case No. 11-353-EL-ATA

) Case No. 11-354-EL-ATA
)
)
)

In the Matter of the Application of
Columbus Southern Power Company and
Ohio Power Company, Individually and, if
Their Proposed Merger is Approved, as a
Merged Company (collectively AEP Ohio)
for Approval to Change Accounting Methods

)
)
) Case No. 11-356-EL-AAM

) Case No. 11-358-EL-AAM
)
)
)

**REPLY MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE OF
ORMET PRIMARY ALUMINUM CORPORATION**

Ormet Primary Aluminum Corporation's ("Ormet") motion for consolidation is warranted in this case. Columbus Southern Power Company's and Ohio Power Company's (together "AEP Ohio") attempt to argue that consolidation is not warranted is unsupported by the record, and AEP Ohio's own actions in particular. AEP Ohio argues that consolidation is unwarranted because the six docketed proceedings are three individual applications filed by two different legal entities and do not share common questions of fact or law. However, AEP Ohio

actually filed only a single "Application" in the six dockets, and not three separate filings.¹

Although the Application lists six separate case numbers, AEP Ohio itself repeatedly characterizes it as only one Application.² In the Application, AEP Ohio does not specify which schedules are filed in support of each of its "three individual applications,"³ rather it offers all of the Schedules "[i]n support of the Application."⁴ Moreover, all of the testimony filed by AEP Ohio in this proceeding was filed in all six dockets.⁵ Therefore, AEP Ohio's argument that the "three individual applications" do not share common questions of fact or law makes no sense and should be given no credit when AEP Ohio itself has filed the same testimony under all six dockets.

Furthermore, the parties are substantially the same in all six dockets, and because all of the pleadings in this case have already been filed under all six case dockets, no delay or prejudice will result from consolidation of the case. On the contrary, formal consolidation of these cases will allow for the most efficient use of all parties' resources because the cases are already being treated as a single proceeding by the Commission and by the parties. Moreover, consolidation reduces the need for additional motions to admit *pro hac vice* on behalf of a single party. No party other than AEP Ohio has filed a memorandum contra to Ormet's motion. AEP Ohio's opposition to Ormet's motion to consolidate is simply a transparent attempt to frustrate Ormet's ability to utilize the experienced energy counsel of its choice for these proceedings relating to AEP Ohio's single Application.

¹ Application of Columbus Southern Power Company and Ohio Power Company, Case Nos. 11-351-EL-AIR, et al., filed 2/28/11 ("Application").

² See e.g., Application at p. 3 ("each municipality affected by this Application", "This Application seeks to bring rates in line", "any customer affected by this Application", "This Application is made").

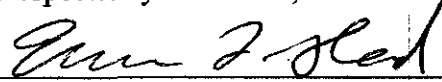
³ AEP Ohio's Memorandum in Opposition to the Motion to Consolidate of Ormet, Case Nos. 11-351-EL-AIR, et al., filed 4/29/11, at 2.

⁴ Application at p. 6.

⁵ Pre-filed Direct Testimony of AEP Ohio, Case Nos. 11-351-EL-AIR, et al., filed 3/14/2011.

WHEREFORE, Ormet respectfully requests that the Commission grant its motion to consolidate these proceedings.

Respectfully submitted,



Douglas G. Bonner (PHV - 1363-2011)

Emma F. Hand (PHV - 1353-2011)

Keith C. Nusbaum (#0082745)

SNR Denton US LLP

1301 K Street NW

Suite 600, East Tower

Washington, DC 20005

202.408.6400 Telephone

202.408.6399 Facsimile

doug.bonner@snrdenton.com

emma.hand@snrdenton.com

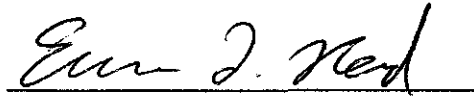
keith.nusbaum@snrdenton.com

*Attorneys for Ormet Primary Aluminum
Corporation*

Dated: May 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that a copy of Ormet Primary Aluminum Corporation's *Reply Memorandum in Support of Motion to Consolidate* were served by U.S. Mail upon counsel identified below for all parties of record this 6th day of May, 2011.



Emma F. Hand

SERVICE LIST

Columbus Southern Power Company
Ohio Power Company
Selwyn J. R. Dias
850 Tech Center Drive
Gahanna OH 43230

Steven T. Nourse, Trial Attorney
Matthew J. Satterwhite
Anne M. Vogel
Julie A. Rutter
American Electric Power Company
1 Riverside Plaza, 29th Floor
Columbus OH 43215
stnourse@aep.com
mjsatterwhite@aep.com
amvogel@aep.com
jarutter@aep.com

Richard L. Sites
The Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus OH 43215-3620
ricks@ohanet.org

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus OH 43215-4291
tobrien@bricker.com

Samuel C. Randazzo
Joseph E. Olikier
Frank P. Darr
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus OH 43215
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com

Maureen R. Grady
Michael I. Idzkowski
Jeffrey Small
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus OH 43215-3485
grady@occ.state.oh.us
idzkowski@occ.state.oh.us

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati OH 45202
dboehm@BKLawfirm.com
mkurtz@BKLawfirm.com

Gardner Gillespie
Katie Burke
Hogan Lovells US LLP
Columbia Square
555 Thirteenth St. NW
Washington, DC 20004
Gardner.gillespie@hoganlovells.com
katie.burke@hoganlovells.com

Henry W. Eckhart
The Natural Resources Defense Council
50 West Broad Street #2117
Columbus OH 43215
henryeckhart@aol.com

FirstEnergy Solutions Corp.
James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland OH 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com

John W. Bentine
Mark S. Yurick
Zachary D. Kravitz
Chester Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus OH 43215
jbentine@cwsllaw.com
myurick@cwsllaw.com
zkravitz@cwsllaw.com

Colleen L. Mooney
David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay OH 45839-1793
cmooney2@columbus.rr.com

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee Halter & Griswold LLP
1400 KeyBank Center
800 Superior Avenue
Cleveland, OH 44114

Mark A. Hayden
James W. Burk
FirstEnergy Service Company
76 South Main Street
Akron OH 44308
haydenm@firstenergycorp.com

Benita Khan
Lija Kaleps-Clark
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street, P.O. Box 1008
Columbus OH 43216
bakahn@vorys.com

The Kroger Company
Denis George
1014 Vine St.-G07
Cincinnati, OH 45202

Appalachian Peace and Justice Network

Michael R. Smalz

Joseph V. Maskovyak

Ohio Poverty Law Center

555 Buttlers Avenue

Columbus OH 43215

msmalz@ohiopoveritylaw.org

jmaskovyak@ohiopoveritylaw.org

Werner L. Margard III

Stephen A. Reilly

Public Utilities Commission of Ohio

180 East Broad St., 6th Floor

Columbus, OH 43215

OMA Energy Group

Lisa G. McAlister

Matthew W. Warnock

Bricker & Eckler LLP

100 South Third Street

Columbus OH 43215

lmcalister@bricker.com

mwarnock@bricker.com

Ohio Manufacturers Association

Eric L. Burkland

33 North High Street

Columbus, OH 43215