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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of)
Columbus Southern Power Company for)
Approval of its Electric Security Plan; an)
Amendment to its Corporate Separation)
Plan; and the Sale or Transfer of)
Certain Generating Assets.)

Case No. 08-917-EL-SSO

In the Matter of the Application of)
Ohio Power Company for Approval of its)
Electric Security Plan; and an Amendment)
to its Corporate Separation Plan.)

Case No. 08-918-EL-SSO

**INDUSTRIAL ENERGY USERS-OHIO'S MEMORANDUM CONTRA COLUMBUS
SOUTHERN POWER COMPANY'S AND OHIO POWER COMPANY'S REQUEST
FOR EXPEDITED RULING**

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May 12, 2011

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**INDUSTRIAL ENERGY USERS-OHIO'S MEMORANDUM CONTRA COLUMBUS
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In response to the Supreme Court's determination that Columbus Southern Power Company's and Ohio Power Company's ("OPCo") (collectively, "AEP" or the "Companies") rates are illegal, the Public Utilities Commission of Ohio ("Commission") directed the Companies to file tariffs to remove the unlawful provider of last resort charges ("POLR") and environmental investment carrying cost charges. In an effort to perpetuate their illegal rates, the Companies filed two motions and requested expedited rulings: Motion to Establish a Procedural for the Remand Proceeding and to Reject or Hold in Abeyance the Tariffs Filed on May 11, 2011; and Motion to Prospectively Convert the Affected Rates to Being Collected Subject to Refund (hereinafter "Motions").

Under Rule 4901-1-12, Ohio Administrative Code ("OAC"), the Companies could have contacted all parties in the proceeding to determine if there were any objections to the request for an expedited ruling. The Companies did not contact the Industrial

Energy Users-Ohio ("IEU-Ohio"), and the Companies failed to certify that no party objects to the request for an expedited ruling. By rule, therefore, the Commission may not rule immediately on the Motions.

As will be more fully explained in IEU-Ohio's Memorandum Contra the Motions,¹ the Companies do not have a proper claim to recover POLR and environmental investment carrying costs, nor should this matter be resolved on an expedited schedule.

Respectfully submitted,



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¹ Rule 4901-1-12, OAC, provides that memorandum contra shall be filed within seven days.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Memorandum Contra Columbus Southern Power Company's and Ohio Power Company's Request for Expedited Ruling* was served upon the following parties of record May 12, 2011 via electronic transmission, hand-delivery or first class mail, postage prepaid.


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