

FILE

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 an )  
Electric Security Plan; an Amendment to its ) Case No. 08-917-EL-SSO  
Corporate Separation Plan; and the Sale or )  
Transfer of Certain Generating Assets. )

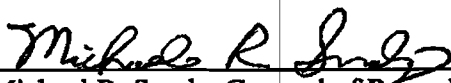
In the Matter of the Application of Power ) Case No. 08-918-EL-SSO  
Company for Approval of its Electric Security )  
Plan; and an Amendment to its Corporate )  
Separation Plan. )

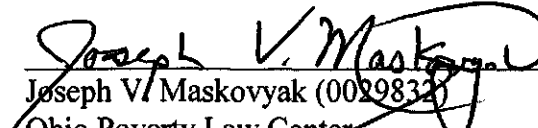
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MOTION TO INTERVENE OF  
APPALACHIAN PEACE AND JUSTICE NETWORK

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The Appalachian Peace and Justice Network ("APJN") hereby respectfully moves for leave to intervene in the above-captioned matters pursuant to R.C. 4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted, by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations, to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

  
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**On Behalf of the Appalachian Peace and Justice  
Network**

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**MEMORANDUM IN SUPPORT OF THE MOTION TO INTERVENE OF  
THE APPALACHIAN PEACE AND JUSTICE NETWORK**

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The Appalachian Peace and Justice Network ("APJN") should be permitted to intervene in these matters pursuant to Section 4903.221, Revised Code, and the Commission's Rules and Regulations, specifically Section 4901-1-11, Ohio Administrative Code. As required by those provisions, these intervenors are real parties in interest herein, whose interests are not now represented, who can make a contribution to the proceeding, and who will not unduly delay the proceeding nor prejudice any existing party.

APJN is a nonprofit organization that empowers and challenges groups and individuals to work for peace and social justice. It has approximately 200 members in southeastern (Appalachian) Ohio; the majority of its members are low-income and many of its members are customers or consumers of electric service by Columbus Southern Power and Ohio Power. APJN engages in a wide range of educational and advocacy efforts to promote peace, social justice, and consumer

protections for low-income residents of Appalachian Ohio. It has one paid staff person/organizer and its principal office is located in Athens, Ohio.

APJN has a real and substantial interest in this proceeding by virtue of the direct impact on its members and other low-income rural residential consumers that are adversely affected by unnecessarily and unlawfully high rates for residential electric service by Columbus Southern Power (CSP) and Ohio Power (OP). Because APJN's low-income members have a higher energy burden (ratio of energy costs to income) than more affluent residential customers, they suffer a greater economic toll from higher rates and, conversely, would disproportionately benefit from lower rates or refunds. Furthermore, other parties to the proceedings will not adequately represent APJN's interests because of the low-income and rural consumer perspective that APJN and its counsel bring to utility matters.

In addition, APJN has significant real and substantial interests in the Remand Proceeding because of the overlap between it and the Companies' Pending ESP. APJN's real and substantial interest in preventing or mitigating higher rates under the Companies' SSO led APJN to intervene in the Companies' Pending ESP proceeding, which Motion the Companies did not oppose and was granted by the Commission.<sup>1</sup> In the Pending ESP proceeding, the Companies seek to continue the POLR Charge Rider, based on the same formula used to create the POLR Charge Rider in the Current ESP. In the Pending ESP, the Companies also seek to continue their recovery of environmental carrying costs. The Companies' ability to continue these provisions will have a significant impact on the Companies' SSO. Through the Remand Proceeding, the Commission has

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<sup>1</sup> See *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 §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan*, Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, Motion to Intervene of Appalachian Peace and Justice Network, filed February 23, 2011, and PUCO Entry, filed March 23, 2011.

also established that it will hear evidence and take new testimony on the propriety of the Companies' formula for calculating the purported costs associated with its POLR responsibility and the legal bases under R.C. §4928.143, if any, for such a charge and the recovery of environmental carrying costs.<sup>2</sup> The Commission's resulting decision will, therefore, not only impact the Companies' Current ESP, but also impact the Companies' Pending ESP. The Commission's decision could effectively close the door on certain arguments regarding these provisions in the Pending ESP proceeding. This overlap warrants APJN's participation in the Remand Proceeding in order to insure that the issues associated with the Companies' Pending ESP pricing are fully developed and explored for the Commission's consideration.

Further, APJN previously intervened in and actively participated in the AEP 2009 SEET case, PUCO Case No. 10-1261-EL-UNC, and counsel for intervenors previously represented APJN's now-defunct allied organization, the Appalachian People's Action Coalition (APAC), in these instant proceedings until filing their Notice of Withdrawal of Counsel for the Appalachian People's Action Coalition on May 27, 2009. APJN is uniquely suited to replace APAC, since APJN is comprised of consumers in the Southeast Ohio Appalachian region and counts low-income consumers as its members.

APJN's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the full development and equitable resolution of the issues raised in these proceedings.<sup>3</sup> Although the Current ESP matter was initiated some time ago the Remand Proceeding is, in effect, a new and distinct proceeding defined by the Supreme

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<sup>2</sup> See Entry, May 25, 2011.

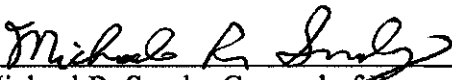
<sup>3</sup> Counsel for APJN also brings familiarity and knowledge of the issues in this ESP case, as they also served as counsel for APAC.

Court's April 19, 2011 decision,<sup>4</sup> the Commission's subsequent May 4, 2011 Entry on remand,<sup>5</sup> and the Commission's May 25, 2011 Entry establishing a procedural schedule for a hearing on the issues.

The parties have recently begun to address the issues raised by the Remand Proceeding pursuant to a new schedule that provides the parties with approximately one month to prepare testimony and conduct discovery in preparation for a hearing scheduled for July 12, 2011.<sup>6</sup> This motion is also filed more than five days before the evidentiary hearing.<sup>7</sup> Therefore, APJN's participation in this new procedure will not unduly prejudice the existing parties or delay the Remand Proceeding.

Therefore, APJN should be permitted to intervene in these proceedings with the full powers and rights granted by the Commission by statute and the Commission's rules to intervening parties.

Respectfully submitted,

  
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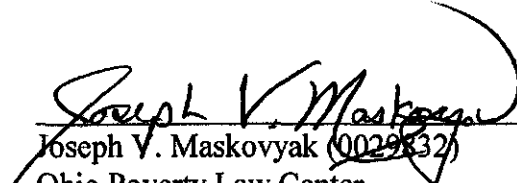
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<sup>4</sup> *In re Application of Columbus Southern Power Co.*, No. 2009-2022, 2011-Ohio-1788 (Apr. 19, 2011).

<sup>5</sup> PUCO Entry, filed May 4, 2011.

<sup>6</sup> PUCO Entry, filed May 25, 2011.

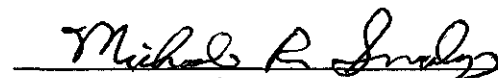
<sup>7</sup> O.A.C. 4901:1-11(E), *See, generally*, March 23, 2011 Entry on Rehearing granting motions to intervene after proceedings were re-opened in *In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of the Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company*, Case Nos. 09-580-EL-POR *et al.*

  
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**On Behalf of the Appalachian Peace and Justice  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene and Memorandum in Support were  
served this 2nd day of June, 2011, via email upon the parties below.

  
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