

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio) Case No. 10-2376-EL-UNC
Power Company and Columbus Southern)
Power Company for Authority to Merge)
And Related Approvals.)

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**COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER
COMPANY'S MEMORANDUM CONTRA THE OHIO CABLE
TELECOMMUNICATIONS ASSOCIATION'S MOTION TO INTERVENE**

Columbus Southern Power Company ("CSP") and Ohio Power Company ("OPCo") (collectively, the "Companies" or "AEP Ohio") oppose the Motion to Intervene filed by The Ohio Cable Telecommunications Association ("OCTA") in this matter.

**The Commission's Order and the Administrative Code
Do Not Permit the OCTA's Untimely Intervention**

CSP and OPCo filed the application to merge seven months ago, on October 18, 2010. The Commission's February 9, 2011 Entry established a procedural schedule, setting February 25, 2011 as the deadline for interested parties to file comments. OCTA had more than four months to intervene and file comments, but did not. Now, three months after the comment deadline, although there have been no developments in the case, OCTA seeks to intervene and file substantive comments.

Pursuant to Rule 4901-1-11(D) of the Ohio Admin. Code, a motion to intervene "will not be considered timely if it is filed later than five days prior to the scheduled date of hearing or any specific deadline established by order of the commission . . ." Division (F) of that rule provides that "[a] motion to intervene which is not timely will be granted only under extraordinary circumstances." OCTA missed the February comment deadline

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by more than three months, and its motion to intervene may be granted only if it identifies extraordinary circumstances that excuse its late request.

OCTA does not identify any circumstances, let alone extraordinary circumstances, that excuse its untimely request to intervene. In fact, OCTA does not even acknowledge that its filing is untimely, and offers no excuse or justification for its failure to intervene in accordance with the Commission's procedural schedule. AEP Ohio filed its application in October, and has not changed the substance of the filing since that time. OCTA had notice, time and opportunity to intervene to protect its alleged interests, and no extraordinary circumstances exist to permit late intervention.

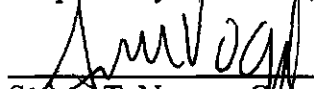
Allowing OCTA to intervene at this stage would not contribute to the resolution of this case, and may delay the proceedings. The existing intervenors all submitted comments in February, and the Companies responded in March. Allowing another round of comments by a new set of intervenors would unnecessarily prolong this matter.

Further, OCTA has not established that it has any unique knowledge, experience or expertise to offer to the Commission. OCTA's interests are adequately represented by the numerous existing intervenors – a large group which includes customers of AEP Ohio, trade associations, CRES providers, and consumer advocacy groups. OCTA's stated interest in this case – “to ensure that the proposed merger will promote the public interest and will not result in unreasonable rates” – is shared by the existing, timely intervenors. (OCTA Motion at pg. 1). Accordingly, OCTA's motion to intervene is without merit.

CONCLUSION

Allowing this motion to intervene out of time, absent extraordinary circumstances or any justification would be disruptive and distracting, and would set bad precedent. The Commission should deny OCTA's tardy, unsubstantiated request for intervention.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra the OCTA's Motion to Intervene was served by electronic mail upon the individuals listed below this 15th day of June, 2011.



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