

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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.)	

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.)	

**INDUSTRIAL ENERGY USERS-OHIO'S MEMORANDUM CONTRA MOTION OF
COLUMBUS SOUTHERN POWER COMPANY AND OHIO POWER COMPANY FOR
LEAVE TO FILE ADDITIONAL TESTIMONY AND ADJUST THE PROCEDURAL
SCHEDULE AND REQUEST FOR EXPEDITED RULING**

I. INTRODUCTION

Columbus Southern Power Company ("CSP") and Ohio Power Company ("OPCo") (collectively, "AEP-Ohio" or the "Companies") filed an application for a standard service offer in the form of an electric security plan ("ESP") on January 27, 2011 (hereinafter "Application"). In the Application, the Companies sought and were granted a waiver regarding information concerning its Turning Point Solar project.¹ A few days before the deadline for filing Intervenor testimony, the Companies filed a Motion for Leave to File Additional Testimony and Adjust the Procedural Schedule and Request for Expedited Ruling, (hereinafter "Motion").

The Companies' Motion complicates an already difficult procedural schedule. If the Public Utilities Commission of Ohio ("Commission") grants the Companies' Motion,

¹ Additionally, the Companies have sought and received permission to supplement their POLR testimony which was filed on July 6, 2011.
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the Commission should adjust all existing deadlines to provide parties an opportunity to examine the testimony, participate in discovery, and address any new issues in their own testimony. Additionally, delaying the hearing date would be beneficial to all parties, given that there is a substantial amount of new material that must be addressed in short order due to the combination of filings regarding the provider of last resort ("POLR") charge and Turning Point.

II. BACKGROUND

The current schedule resulted from the Supreme Court's remand of the first ESP case. On June 8, 2011, the Staff requested a continuance to allow the remand proceedings to proceed so as to assist the parties in the development of their positions in the instant case. On June 9, 2011, the Attorney Examiner issued an Entry continuing the hearing and continuing all deadlines.² The deadline for Intervenor and Staff testimony was extended until July 15, 2011, and July 29, 2011, respectively, and the Companies were given until July 6, 2011, to file additional testimony regarding the POLR charge. Parties were required to submit discovery requests by July 22, 2011, and the hearing was continued until August 15, 2011. No change was made to discovery response time (twenty days).

The Companies filed a Motion for Leave to File Additional Testimony and Adjust the Procedural Schedule late on July 1, 2011, concerning the Turning Point project. The Companies acknowledge that, due to the timing of their Motion, the procedural schedule may require alteration, but also attempt restrictions on the scope of discovery and testimony, and further urge that the hearing date remain unchanged.

² The Remand Case is set to go to hearing on July 15, 2011.
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III. ARGUMENT

If the Commission grants the Companies' Motion to supplement testimony, the deadlines set forth in the Attorney Examiner's June 9, 2011 Entry would be unworkable. The Companies filed no less than four hundred pages of additional testimony and supporting materials, and parties should have the opportunity to participate in discovery and prepare testimony. Given that the Companies have twenty days to respond to discovery requests, the Companies need not file responses until after the deadline for filing Intervenor testimony under the current schedule. Furthermore, at the pre-hearing conference, the Companies indicated that they intend to file rebuttal testimony subject to permission. The only acceptable course of action is to continue the date of the hearing, shorten discovery response time, and extend the deadline for discovery and testimony.

The extension of the deadline for filing testimony should not be limited to testimony pertaining to the Turning Point Solar project. The impact of the Companies' new testimony is not limited to the Generation Resource Rider. It impacts the proposed ESP rate, which will be addressed by Intervenor testimony. Moreover, the testimony impacts the ESP to market rate offer test. While the Companies may prefer to disconnect the effect of its Turning Point ambitions from the balance of its ESP proposal, Section 4928.143, Revised Code, requires the ESP proposal to be measured by its aggregate impact.

Although AEP-Ohio urges no delay in starting the hearing and the Attorney Examiners have indicated that a revised hearing date is unlikely, it is needed. Given the Companies' failure to make a timely filing, the need for a delay is of the Companies' own making. Moreover, the new testimony on the Turning Point Solar project and POLR as well as the expectation of rebuttal testimony will exhaust resources to the detriment of

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customers, competitors, and ultimately the ability of the Commission to decide this case fairly.

For the reasons outlined above, Industrial Energy Users-Ohio urges the Commission to extend discovery, filing dates for testimony, and the hearing date by at least two weeks.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Samuel C. Randazzo", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Memorandum Contra Motion of Columbus Southern Power Company and Ohio Power Company for Leave to File Additional Testimony and to Adjust the Procedural Schedule and Request for Expedited Ruling*, was served upon the following parties of record this 7th day of July 2011, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.


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