

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Fuel Adjustment )  
Clause of Columbus Southern Power ) Case No. 09-872-EL-FAC  
Company and Ohio Power Company and ) Case No. 09-873-EL-FAC  
Related Matters for 2010. )

In the Matter of the Fuel Adjustment )  
Clause of Columbus Southern Power ) Case No. 10-268-EL-FAC  
Company and Ohio Power Company and ) Case No. 10-269-EL-FAC  
Related Matters for 2010. )

In the Matter of the Fuel Adjustment )  
Clause of Columbus Southern Power ) Case No. 10-870-EL-FAC  
Company and Ohio Power Company and ) Case No. 10-871-EL-FAC  
Related Matters for 2010. )

In the Matter of the Fuel Adjustment )  
Clause of Columbus Southern Power ) Case No. 10-1286-EL-FAC  
Company and Ohio Power Company and ) Case No. 10-1288-EL-FAC  
Related Matters for 2010. )

ENTRY

The Attorney Examiner finds:

- (1) By opinion and order issued March 18, 2009, in Case Nos. 08-917-EL-SSO and 08-918-EL-SSO, *In re AEP-Ohio ESP cases* (ESP cases), the Commission approved the establishment of fuel adjustment clause (FAC) mechanisms, under which Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (collectively AEP-Ohio or Companies) can recover prudently incurred costs associated with fuel, including consumables related to environmental compliance, purchased power costs, emission allowances, and costs associated with carbon-based taxes and other carbon-related regulations. The Commission affirmed the establishment of the FAC in its July 23, 2009, entry on rehearing in the ESP cases.
- (2) In the AEP-Ohio ESP cases, the Commission established an annual audit process to evaluate the accounting of the FAC costs and the prudence of FAC-related decisions.

- (3) By entry issued June 16, 2011, the procedural schedule was established. Pursuant to the June 16, 2011 entry, the prehearing conference and testimony due date of September 7, 2011, and the hearing was scheduled to commence on September 14, 2011, and continue, as necessary each day through September 16, 2011.
- (4) On June 14, 2011, Ohio Partners for Affordable Energy (OPAE) filed a motion to intervene in Case Nos. 10-268-EL-FAC, 10-269-EL-FAC, 10-870-EL-FAC, 10-871-EL-FAC, 10-1286-EL-FAC, and 10-1288-EL-FAC.<sup>1</sup> OPAE asserts that as a non-profit organization charged with advocating on behalf of the communities' low and moderate income residents, it has a substantial interest in these proceedings, and that the disposition of the proceedings may impair or impede OPAE's ability to protect that interest. No memorandum contra OPAE's motion for intervention was filed.
- (5) The Attorney Examiner finds that OPAE has set forth reasonable grounds for intervention and, accordingly, their motion to intervene should be granted.
- (6) On August 8, 2011, all the parties to these proceedings, namely AEP-Ohio, Staff, Ohio Consumers Counsel (OCC), OPAE, Industrial Energy Users-Ohio and the Ohio Manufacturers' Association Energy Group (jointly Movants) filed a motion to amend the procedural schedule. In the motion, AEP-Ohio states all of its witnesses will not be available for the hearing on the scheduled hearing date. After discussing the scheduling issue with the other parties to these proceedings, the Movants request that testimony be due and the prehearing be rescheduled for October 17, 2011, and the hearing commence on October 24, 2011. However, OCC has a previously schedule conflict for October 25, 2011, and requests that, if the hearing is not completed on October 24, 2011, the hearing reconvene on October 26, 2011.
- (7) The Attorney Examiner finds that the Movants' motion to amend the procedural schedule is reasonable and should be

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<sup>1</sup> OPAE initially filed a motion to intervene in Case Nos. 09-872-EL-FAC and 09-873-EL-FAC on December 3, 2010, but withdrew the motion on December 21, 2010.

granted. Accordingly, the procedural schedule shall be amended as follows:

October 17, 2011	Prehearing conference Pre-filed testimony deadline
October 24, 2011	Hearing commences

As requested, the hearing will commence on October 24, 2011, and, if necessary, reconvene on October 26, 2011. Both the prehearing conference and the hearing will commence at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That OPAC's motion to intervene be granted in accordance with finding 5. It is, further,

ORDERED, That the motion to amend the procedural schedule be granted, as set forth in finding 7. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See  
Attorney Examiner



Entered in the Journal

**AUG 18 2011**



Betty McCauley  
Secretary