

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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 Pursuant) Case No. 11-348-EL-SSO
to Section 4928.143, Revised 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.)

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 10-343-EL-~~ETA~~ ATA
Ohio Power Company to Amend their) Case No. 10-344-EL-ATA
Emergency Curtailment Service Riders.)

In the Matter of the Commission Review of)
the Capacity Charges of Ohio Power) Case No. 10-2929-EL-UNC
Company and Columbus Southern Power)
Company.)

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Approval of) Case No. 11-4920-EL-RDR
Mechanisms to Recover Deferred Fuel) Case No. 11-4921-EL-RDR
Costs Ordered Under Section 4928.144,)
Revised Code.)

**JOINT MOTION TO INTERVENE OF
THE OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL
BOARDS ASSOCIATION, THE BUCKEYE ASSOCIATION OF SCHOOL
ADMINISTRATORS AND THE OHIO SCHOOLS COUNCIL**

The Ohio Association of School Business Officials, The Ohio School Boards
Association, The Buckeye Association of School Administrators and The Ohio Schools Council

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Date Processed 3-19-12

#704446v1
12906.09141

PUCO

RECEIVED-DOCKETING DIV
2012 MAR 19 PM 12: 24

(collectively, the "Schools") respectfully move the Public Utilities Commission of Ohio for leave to intervene in the above-captioned cases pursuant to section 4903.221, Ohio Rev. Code, and rule 4901-1-11, Ohio Admin. Code. The Schools' interests in these proceedings and the reasons supporting this Motion to Intervene are set forth in the attached Memorandum in Support.

Respectfully submitted,



Dane Stinson (Reg. No. 19101)
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
(614) 221-3155 (telephone)
(614) 221-0479 (fax)

*Attorneys for The Ohio Association of School
Business Officials, The Ohio School Boards
Association, The Ohio Schools Council and The
Buckeye Association of School Administrators*

MEMORANDUM IN SUPPORT

The Ohio Association of School Business Officials (“OASBO”), The Ohio School Boards Association (“OSBA”), The Buckeye Association of School Administrators (“BASA”) and The Ohio Schools Council (“OSC”) (collectively, the “Schools”) respectfully move to intervene in these proceedings. The Schools are nonprofit groups of public school administrators who seek to share best practices and information concerning the operation of education institutions. Among their services, the Schools offer their members group purchasing programs for a host of goods and services, including an electricity purchasing program.

OASBO, OSBA, and BASA commenced an electricity purchasing program with the inception of open access to generation through the “SchoolPool” program. More than 300 school districts participated in the SchoolPool program across Ohio. Similarly, OSC has operated an electricity purchasing program since 1998 as a consortium of 161 school districts, education service centers, joint vocational districts, and Developmental Disabilities boards in 28 northern Ohio counties. Ohio’s school districts are significant users of electricity and the SchoolPool program and OSC’s purchasing program have resulted in millions of dollars in savings to participating school districts, thus conserving scarce public funds available to educate Ohio’s schoolchildren.

OSC now has joined with OASBO, OSBA and BASA to offer the “Power4Schools” program, providing the Schools the ability to pool purchasing power for electricity throughout the State of Ohio. As with the earlier purchasing programs, the Power4Schools program will assist school systems in determining whether it is economically advantageous for any particular school building to receive AEP-Ohio’s standard service offer (“SSO”) or to purchase energy from a competitive retail electric supplier (“CRES”).

On January 27, 2011, Ohio Power Company and Columbus Southern Power Company (“AEP-Ohio”) filed applications for authority to establish a SSO pursuant to section 4928.143, Ohio Revised Code, in the form of an electric security plan, and filed related applications. By Opinion and Order of December 14, 2011, the Public Utilities Commission of Ohio (“Commission”) approved the stipulation resolving these proceedings, including PUCO Case No. 10-2929-EL-UNC involving AEP-Ohio’s capacity charges (“Capacity Charge Case”). However, by subsequent Entry on Rehearing issued February 23, 2012, the Commission rejected the stipulation. The Commission’s Entry on Rehearing explicitly instructed the attorney examiners to establish a new procedural schedule, including a new intervention deadline, to enable interested persons who had not previously participated in these proceedings to intervene. See Entry on Rehearing at 13.

By Entry issued March 7, 2012, the Commission instructed the attorney examiners to issue an entry establishing an independent procedural schedule in the Capacity Charge Case. See Entry at 18. Additionally on March 7, 2012, AEP-Ohio notified the Commission that it would file, before March 30, 2012, a modified application for authority to establish an SSO pursuant to section 4928.143, Ohio Revised Code, in the form on an electric security plan. AEP has yet to file its modified SSO application, and the procedural schedule for continuation of the SSO proceedings has not been issued.

By Entry issued March 13, 2012, in the Capacity Charge Case, the Commission approved an interim two-tiered capacity pricing mechanism proposed by AEP-Ohio. Under the mechanism, the first 21 percent of each customer class, with certain exceptions, is entitled to tier-one reliability pricing (RPM) pricing. The second-tier charge for capacity is set at the higher price of \$255/MW-day.

The Commission established the procedural schedule in the Capacity Charge Case by entry issued March 14, 2012, pursuant to which motions to intervene are to be filed by March 30, 2012.

Rule 4901-1-11, Ohio Admin. Code, implements the provisions of section 4903.221, Ohio Rev. Code,¹ governing intervention in proceedings before the Commission. Pursuant to rule 4901-1-11(A)(2), Ohio Admin. Code, the Commission may grant intervention if a person has “a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.” Under the rules, and consistent with the provisions of section 4903.221, Ohio Rev. Code, the Commission may consider the following criteria in making its determination:

- (1) The nature and extent of the prospective intervenor’s interest.
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

¹ Section 4903.221, Ohio Rev. Code, permits a “person who may be adversely affected” to intervene in a Commission proceeding and provides the following criteria for the Commission to consider in ruling upon applications for intervention:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

- (5) The extent to which the person's interest is represented by existing parties.

Rule 4901-1-11(B), Ohio Admin. Code.

During the brief period in which the stipulated SSO rates from this proceeding were in effect, hundreds of school districts in AEP-Ohio's service territory experienced double digit percentage increases in their tariffed electricity rates – some in excess of fifty percent (50%). The overall cost of electricity service is a major operating expense for the school districts, many of which are in a state of serious financial condition. The Schools have a substantial interest in these proceedings to ensure that the SSO tariff rates to be set through the modified SSO application are just and reasonable. Moreover, considering that the Schools arrange for CRES to provide electricity to certain school buildings when economically advantageous, the Schools have a real and substantial interest that the capacity AEP-Ohio makes available to CRES, and the capacity charges it applies are just and reasonable. Reasonable SSO rates and capacity charges will help ensure the Schools' members financial viability and, thus, their ability educate hundreds of thousands of Ohio school children in AEP-Ohio's service territory.

The Schools will not unduly prolong or delay these proceedings and have filed this motion to intervene prior to the deadline for intervention established by rule 4901-1-11(E), Ohio Admin. Code. The Schools, charged by law with educating the public's children with (often meager) public funds can provide a unique perspective as to the rate issues involved in these proceedings. Accordingly, the Schools will contribute significantly to the full development and resolution of the factual and legal issues in these proceedings. Moreover, the Schools' interests are not adequately represented by existing parties.

For the foregoing reasons, the Schools request that the Commission grant its motion to intervene in these proceedings.

Respectfully submitted,

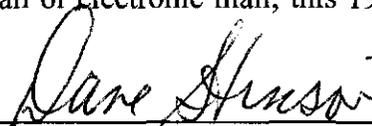


Dane Stinson (Reg. No. 19101)
BAILEY CAVALIERI LLC
10 West Broad Street, Suite 2100
Columbus, Ohio 43215
(614) 221-3155 (telephone)
(614) 221-0479 (fax)

*Attorneys for The Ohio Association of School
Business Officials, The Ohio School Boards
Association, The Buckeye Association of School
Administrators and The Ohio Schools Council*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Joint Motion to Intervene was served by regular U.S. Mail or electronic mail, this 19th day of March 2012 on the persons listed below.



Dane Stinson

Steven T. Nourse, Counsel of Record
Matthew J. Satterwhite
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
stnourse@aep.com
mjsatterwhite@aep.com

Daniel R. Conway
Porter Wright Morris & Arthur
Huntington Center
41 South High Street
Columbus, OH 43215
dconway@porterwright.com

Mark Hayden
First Energy
76 South Main Street
Akron, OH 44308
haydenm@firstenergycorp.com

Allison E. Haedt
Jones Day
901 Lakeside Avenue
Columbus, OH 43216
aehaedt@jonesday.com

David A. Kutik
Jones Day
901 Lakeside Avenue
Cleveland, OH 44144
dakutik@jonesday.com

Cynthia Fonner Brady
David I. Fein
550 W. Washington St., Suite 300
Chicago, IL 60661
cynthia.a.fonner@constellation.com
david.fein@constellation.com

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold, LLP
1400 KeyBank Center
800 Superior Avenue
Cleveland, OH 44114
jlange@calfee.com
lmcbride@calfee.com
talexander@calfee.com

Terry L. Etter
Maureen R. Grady
Jeffrey L. Small
Office of the Ohio Consumer Counsel
10 West Broad St., Suite 1800
Columbus, OH 43215-3485
etter@occ.state.oh.us
grady@occ.state.oh.us
small@occ.state.oh.us

Dorothy K. Corbett
Amy Spiller
Jeanne W. Kingery
Duke Energy Retail Sales
Q39 East Fourth Street
1303-Main
Cincinnati, OH 45202
dorothy.corbett@duke-energy.com
amy.spiller@duke-energy.com

Richard L. Sites
Ohio Hospital Association
155 East Broad St., 15th Floor
Columbus, OH 43215
ricks@ohanet.org

Thomas J. O'Brien
Bricker & Eckler
100 South Third Street
Columbus, OH 43215
tobrien@bricker.com

Jay E. Jadwin
155 West Nationwide Blvd., Suite 500
Columbus, OH 43215
jejadwin@aep.com

Terrance O'Donnell
Christopher Montgomery
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215
todonnell@bricker.com
cmontgomery@bricker.com

Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215
lmcalister@bricker.com
mwarnock@bricker.com

John W. Bentine
Mark S. Yurick
Zachary D. Kravitz
Chester Wilcox & Saxbe, LLP
65 East State St., Suite 1000
Columbus, OH 43215
jbentine@cwslaw.com
myurick@cwslaw.com
zkravitz@cwslaw.com

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh St., Suite 1510
Cincinnati, OH 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com

David M. Stahl
Eimer Stahl Klevorn & Solberg, LLP
224 South Michigan Ave., Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

Glen Thomas
1060 First Avenue, Suite 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 43215
msmalz@ohiopovertylaw.org
jmaskovyak@ohiopovertylaw.org

Trent A. Dougherty
Nolan Moser
Ohio Environmental Council
1207 Grandview Ave., Suite 201
Columbus, OH 43212
trent@theoec.org
cathy@theoec.org

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
wmassey@cov.com

Mark A. Whitt
Whitt Sturtevant LLP
PNC Plaza, Suite 2020
155 East Broad Street
Columbus, OH 43215
whitt@whitt-sturtevant.com

Sandy Grace
Exelon Business Services Company
101 Constitution Avenue, NW
Suite 400 East
Washington, DC 20001
sandy.grace@exeloncorp.com

Christopher L. Miller
Gregory H. Dunn
Asim Z. Haque
Stephen J. Smith
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215
cmiller@szd.com
ahaque@szd.com
gdunn@szd.com

Steve W. Chriss
Wal-Mart Stores, Inc.
2001 SE 10th Street
Bentonville, AR 72716
stephen.chriss@wal-mart.com

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215
barthroyer@aol.com

Henry W. Eckhart
2100 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

Laura Chappell
4218 Jacob Meadows
Okemos, MI 48864
laurac@chappelleconsulting.net

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212
gary.a.jeffries@aol.com

M. Howard Petricoff
Stephen M. Howard
Michael J. Settineri
Lija Kaleps-Clark
Benita Kahn
Vorys, Sater, Seymour and Pease, LLP
52 East Gay Street
Columbus, OH 43216
mhpetricoff@vorys.com
smhoward@vorys.com
mjsettineri@vorys.com
lkalepsclark@vorys.com
bakahn@vorys.com

Holly Rachel Smith
Holly Rachel Smith, PLLC
HITT Business Center
3803 Rectortown Road
Marshall, VA 20115
holly@raysmithlaw.com

Gregory J. Poulos
EnerNOC
101 Federal Street, Suite 1100
Boston, MA 02110
gpoulos@enernoc.com

Kenneth P. Kreider
David A. Meyer
Keating Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202
kpkreider@kmlaw.com
dmeyer@kmlaw.com

Emma F. Hand
Douglas G. Bonner
Keith C. Nusbaum
Clinton A. Vince
SNR Denton US, LLP
1301 K Street, NW, Suite 600, East Tower
Washington, DC 20005-3364
emma.hand@snrdenton.com
doug.bonner@snrdenton.com
clinton.vince@snrdenton.com

Samuel C. Randazzo
Joseph E. Olikier
Frank P. Darr
McNees Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com

John N. Estes III
Paul F. Wright
Skadden Arps Slate Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
jestes@skadden.com
paul.wright@skadden.com

Werner L. Margard III
John H. Jones
William Wright
Thomas Lindgren
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
werner.margard@puc.state.oh.us
william.wright@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
John.Jones@puc.state.oh.us

Philip B. Sineneng
Terrance A. Mebane
Carolyn S. Flahive
Thompson & Hine, LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
philip.sineneg@thompsonhine.com
carolyn.flahive@thompsonhine.com
terrance.mebane@thompsonhine.com

Colleen L. Mooney
David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street, PO Box 1793
Findlay, OH 45840
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Avenue, Suite 201
Columbus, OH 43212
tsantarelli@elpc.org

Joel Malina
Executive Director
COMPLETE Coalition
1317 F Street, NE, Suite 600
Washington, DC 20004
malina@wexlerwalker.com

Jay L. Kooper
Katherine Guerry
Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095
jkooper@hess.com
kguerry@hess.com

Robert Korandovich
KOREEnergy
P.O. Box 148
Sunbury, OH 43074
korenergy@insight.rr.com

Christopher J. Allwein
Williams, Allwein and Moser, LLC
1373 Granview Avenue, Suite 212
Columbus, OH 43212
callwein@williamsandmoser.com

Allen Freifeld
Samuel A. Wolfe
Viridity Energy, Inc.
100 West Elm Street, Suite 410
Conshohocken, PA 19428
afreifeld@viridityenergy.com
swolfe@viridityenergy.com

Additional Electronic Service

greta.see@puc.state.oh.us
jeff.jones@puc.state.oh.us
tammy.turkenton@puc.state.oh.us
jonathan.tauber@puc.state.oh.us
jodi.bair@puc.state.oh.us
bob.fortney@puc.state.oh.us
doris.mccarter@puc.state.oh.us
stephen.reilly@puc.state.oh.us
john.jones@puc.state.oh.us
daniel.shields@puc.state.oh.us
dclark1@aep.com
grady@occ.state.oh.us
keith.nusbaum@snrdenton.com
ned.ford@fuse.net
pfox@hilliardohio.gov
ricks@ohanet.org
joseph.dominquez@exeloncorp.com
dsullivan@nrdc.org
whitt@whitt-sturtevant.com
thompson@whitt-sturtevant.com
aaragona@eimerstahl.com
ssolberg@eimerstahl.com
callwein@warmenergylaw.com
sasloan@aep.com