

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company) CASE NO. 11-346-EL-SSO
and Ohio Power Company for Authority) CASE NO. 11-348-EL-SSO
to Establish a Standard Service Offer)
Pursuant 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) CASE NO. 11-349-EL-AAM
and Ohio Power Company for Approval) CASE NO. 11-350-EL-AAM
of Certain Accounting Authority.)

MOTION FOR THE PUBLIC UTILITIES COMMISSION OF OHIO TO ACCEPT THE
FILING OF THE DIRECT TESTIMONY OF RICHARD MASON ON
BEHALF OF THE OHIO RESTAURANT ASSOCIATION

The Ohio Restaurant Association (the "ORA"), Intervenor in the above dockets as a full party of record, moves the Public Utilities Commission of Ohio ("Commission") to accept the filing of the Direct Testimony of Richard Mason on Behalf of the ORA filed simultaneously with this motion.

On April 2, 2012, the Commission issued an Entry establishing the deadline of May 4, 2012 for the filing of testimony on behalf of intervenors. On April 4, 2012, the ORA filed its Motion to Intervene in the above dockets as a full party of record pursuant to Section 4903.221 of the Ohio Revised Code and Rule 4901-1-11 of the Ohio Administrative Code. On April 26, 2012, the Commission issued an Entry granting the ORA's Motion to Intervene finding it was timely filed and reasonable.

On May 3, 2012, prior to the May 4th deadline set by the Commission for the filing of testimony on behalf of intervenors, the ORA served the parties with the Direct

Testimony of Richard Mason on Behalf of the Ohio Restaurant Association. A copy of the Direct Testimony of Mr. Mason on Behalf of the Ohio Restaurant Association served upon the parties is attached hereto. On May 1, 2012, the ORA also served the parties with its First Supplemental Responses to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents to the Ohio Restaurant Association referencing the Direct Testimony of Mr. Mason on behalf of the ORA and placing the parties on notice of same. A copy of the ORA's First Supplemental Responses to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents to the Ohio Restaurant Association is attached hereto.

On May 7, 2012, counsel for the ORA discovered that the Direct Testimony of Mr. Mason on behalf of the ORA was inadvertently not filed by her legal assistant. However, the Direct Testimony was served upon all parties on May 3rd prior to the May 4th deadline and the parties received notice of same on May 1st through discovery. The ORA respectfully requests that the Commission accept the filing of the Direct Testimony of Mr. Mason on behalf of the ORA at this time which is filed simultaneously with this motion. None of the parties will be prejudiced by the filing of the Direct Testimony of Mr. Mason on behalf of the ORA at this time. The Direct Testimony of Mr. Mason contains seven (7) pages and is not lengthy. The parties received prior notice of the testimony on May 1, 2012 through the ORA's First Supplemental Responses to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents to the Ohio Restaurant Association. The ORA also served all parties with the Direct Testimony of Mr. Mason on behalf of the ORA on May 3rd before the May 4th deadline to file same.

For the reasons set forth herein, the Ohio Restaurant Association respectfully requests that the Public Utilities Commission of Ohio accept the filing of the Direct Testimony of Richard Mason on behalf of the Ohio Restaurant Association which is filed simultaneously with this motion.

Respectfully submitted,

OF COUNSEL:

BUCKLEY KING LPA

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CERTIFICATE OF SERVICE

A copy of the foregoing Motion for the Public Utilities Commission of Ohio to Accept the Filing of the Direct Testimony of Richard Mason on Behalf of the Ohio Restaurant Association has been served upon the below-named Counsel and Attorney Examiners by electronic mail to all parties, this 7th day of May, 2012.

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Cc: Erickson, Christine
Subject: CASE NO. 11-346-EL-SSO, et al. - Direct Testimony of ORA
Attachments: Direct Testimony of ORA.pdf

Dear Parties:

Please find attached the Direct Testimony of Richard Mason on Behalf of the Ohio Restaurant Association.

Regards,

~Simone
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5/7/2012

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of Certain Accounting Authority.)

DIRECT TESTIMONY OF RICHARD MASON
ON BEHALF OF THE OHIO RESTAURANT ASSOCIATION

I. Introduction

Q. State your name and address.

A. Richard Mason, 1525 Bethel Rd, Columbus, OH 43220

Q. What is your relationship with the Ohio Restaurant Association (ORA)?

A. I am the Director of Government Affairs, a position that I have held since May, 2007.

Q. Summarize the ORA's mission, membership and organizational structure.

A. The ORA was founded in 1920 as a statewide trade association of restaurant owners and operators, purveyors to the restaurant industry and others interested in foodservice. The combined membership is 2,122, which represents more than 5,000 unique restaurant locations throughout Ohio. Restaurant members range from small, one location independent operations to multi-unit chains.

The restaurant industry is in fact one of the most important industries to our state's economy. In total, there are approximately 21,300 foodservice locations in Ohio, which generate over \$16 billion in annual sales and more than a half-billion dollars in state sales

tax. The foodservice industry is the third largest private sector employer, providing jobs to 530,500 Ohioans.

"The Ohio Restaurant Association is dedicated to representation, education, assistance and promotion of the Ohio restaurant industry." Member services include educational seminars and materials, networking opportunities, discounts on a number of products and services, and legislative advocacy.

The ORA is organized as a 501 (C) 3. Its thirteen employees work under the direction of a twenty-eight member board of directors, which are elected by the members. The ORA is affiliated with but independent from the National Restaurant Association.

Q. Describe your qualifications to testify before the Public Utilities Commission of Ohio.

A. My primary responsibility to the ORA is to represent the interests of our members, which are Ohio restaurants and purveyors. In that capacity, I regularly interact with members, especially on legislative and regulatory matters. My experience has provided me with an understanding of and appreciation for the overall challenges that ORA members face.

II. What is the ORA's overall position on electric deregulation in Ohio?

Ohio consumers are fortunate to have many thousands of choices when dining out. This means that ORA members do business in a very competitive environment. They see first-hand the challenges but also the benefits to their customers that this competition brings to Ohio consumers. Our members don't ask the government to create competitive advantages. Restaurants understand that the success of their business will be directly dependent on their ability to deliver a product and service that meets customers' demand.

The ORA bases its position on public policy questions on the firm belief that open competition is the foundation of the American free enterprise system. The competition that is created by open markets spurs entrepreneurial activity to satisfy consumer demand with the highest quality and lowest cost goods and services. This philosophy applies to any industry sector, including electric utilities.

We believe that electric utilities should be free to purchase power on the open market and to compete for retail business anywhere in the state of Ohio. Equally important to the creation of a free, competitive market, electric consumers should be able to shop for electricity from among any company wishing to compete for their business.

Thus, the Ohio Restaurant Association believes that the policy of state government and the decisions of the PUCO should facilitate complete deregulation as soon as practical.

III. Why are you testifying before the PUCO in this case?

The ORA has a long history of advocating on behalf of our members before the Ohio General Assembly and state agencies that regulate restaurants.

Never before has the ORA taken that advocacy to the PUCO. We chose to do so in this case because our members who are AEP customers were understandably angry when they received their January, 2012 electric bills. They expect the ORA to advocate for their interests in a wide range of areas, but especially when government action or inaction results in an increase to their cost of doing business.

Without question, AEP's refiled rate request will raise the cost of doing business for their restaurant customers. As the nation and Ohio are just beginning to see the end of an historic recession, a significant jump in utility costs could not come at a worse time. Government and regulatory agencies should be doing everything within the law to facilitate economic recovery and create jobs, not suppress it.

IV. What impact would the PUCO's approval of AEP's pending rate request have on the members of the ORA?

Estimates of the increase in rates for AEP customers range from 1 to 15% or more. Actual results would of course be dependent on an individual restaurant's unique circumstances and whether it is located in the Columbus Southern or Ohio Power service territory. Taken as a whole, however, we believe that AEP's rate request could result in an average increase of 12-15% in their restaurant customers' electric bill over the course of the next three years.

The restaurant industry is a high employee, low margin business. Nationally, restaurants operate on a 4-6% margin. Therefore, any increase in cost can literally eliminate profit.

As the banking industry emerges from its recession-inducing activities several years ago, one of the results is that regulators have required lenders to more restrictive when evaluating the credit worthiness of borrowers. This in turn has made it much more difficult for even well-capitalized restaurateurs to get financing for expansion. Thus, much of the expansion in today's restaurant industry comes from accumulated assets (profits). It is important to emphasize that there is a direct relationship between profits and a restaurateur's ability to expand and hire more employees.

The bottom line is that rising utility costs will be a job killer for AEP's restaurant customers.

V. Specifically, what action are you recommending to the PUCO in this case?

AEP's modified electric security plan will raise electric utility costs for their restaurant customers and it will delay Ohio's transition to a free market in the electric utility industry. On behalf of the Ohio Restaurant Association, I respectfully ask the Commissioners to reject AEP's application.

Respectfully submitted,

/s/ Diem N. Kaelber

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CERTIFICATE OF SERVICE

A copy of the foregoing Direct Testimony of Richard Mason on Behalf of the Ohio Restaurant Association has been served upon the below-named counsel by electronic mail to all Parties, this 4th day of May, 2012.

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/s/ Diem N. Kaelber
Diem N. Kaelber (0087155)

1191417_1

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company) CASE NO. 11-346-EL-SSO
and Ohio Power Company for Authority) CASE NO. 11-348-EL-SSO
to Establish a Standard Service Offer)
Pursuant 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) CASE NO. 11-349-EL-AAM
and Ohio Power Company for Approval) CASE NO. 11-350-EL-AAM
of Certain Accounting Authority.)

FIRST SUPPLEMENTAL RESPONSES TO OHIO POWER COMPANY'S FIRST SET
OF INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS TO THE OHIO RESTAURANT ASSOCIATION

RESPONSES TO INTERROGATORIES

1. Please identify each consultant that you have retained to assist you in the ESP proceeding.

- a) If the consultant is an organization, please identify each individual employed by the organization who is assisting you in the ESP proceeding.
- b) If you have not yet retained a particular consultant, please promptly identify the consultant (and the individuals employed by the consultant who are assisting you if the consultant is an organization) as soon as you do retain the consultant.

RESPONSE: The Ohio Restaurant Association ("ORA") has not retained a consultant. We assume by the term consultant you do not mean the attorneys who assisted ORA by

filing the Motion to Intervene (Buckley King, LPA, Diem N. Kaelber and Robert J. Walter).

2. For each consultant that you retain, please describe in detail the scope and purpose of the consultant's engagement, including the subject matters, issues, and positions regarding which the consultant will analyze and advise you. If you have not yet determined a particular subject matter, issue, or position regarding which the consultant will analyze and advise you, please promptly provide a description as soon as you have determined it.

RESPONSE: See response to No. 1 above.

3. Please identify each witness that you will present at the hearing for the ESP proceeding. To the extent that you do not yet know all of the witnesses whom you will present at the hearing, please promptly identify each witness as soon as you determine that you will present the witness at the hearing.

FIRST SUPPLEMENTAL RESPONSE: ORA will present the written testimony of Mr. Richard Mason, ORA Director of Government Affairs, 1525 Bethel Road, Columbus, Ohio 43220 in connection with this matter.

4. For each witness that you identify in response to the previous Interrogatory, please describe in detail the purpose of the witness's testimony, including the subject matters, issues, and positions regarding which the witness will present testimony on your behalf. If you have not yet identified a particular witness that you will present at the hearing, or if you have not yet determined the particular subject matter, issue, or position regarding which the witness will present testimony on your behalf, please promptly

provide a description as soon as you have identified the witness, subject matter, issue, or position.

FIRST SUPPLEMENTAL RESPONSE: Mr. Richard Mason is expected to provide written testimony regarding ORA's mission, membership and organizational structure; ORA's position on electric deregulation in Ohio; and the impact of AEP's proposed rate increase on ORA members.

5. Please identify any joint defense agreement that you have entered into with any other party to these proceedings, including the date of that joint defense agreement, the identities of the parties to the joint defense agreement, and the scope and duration of the joint defense agreement.

RESPONSE: None.

RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce a copy of each document you identified, consulted, referred to, or utilized in preparing your responses to Interrogatories 1-5.

RESPONSE: None

2. Please produce copies of your responses to all data requests or discovery requests that any other party submits to you.

RESPONSE: N/A

3. For each witness identified in response to Interrogatory No. 3, please produce copies of all workpapers and other backup documentation supporting that witness's testimony. Each workpaper should be identified in a manner that links it to the particular witness's testimony that it supports and to the particular issue addressed by, or to the

specific schedule/exhibit attached to, that witness's testimony. Please produce the workpapers by no later than the time the testimony is filed.

FIRST SUPPLEMENTAL RESPONSE: ORA will provide a copy of Mr. Richard Mason's written testimony once it is available.

4. For each witness who files testimony on your behalf in the ESP proceeding, please produce copies of all workpapers and other backup documentation supporting that witness's testimony. Each workpaper should be identified in a manner that links it to the particular witness's testimony that it supports and to the particular issue addressed by, or to the specific schedule/exhibit attached to, that witness's testimony. If these responses are provided prior to the filing of any testimony please supplement this filing to produce the workpapers at the same time as the testimony is filed in this case. If testimony is filed before these responses are provided please include workpapers preferably as soon as filing but no later than the date on which you respond to these requests.

FIRST SUPPLEMENTAL RESPONSE: ORA will provide a copy of Mr. Richard Mason's written testimony once it is available.

5. Please produce copies of any:

- a) Requests for proposals that you issue or have issued for the retention of any consultants for this proceeding.
- b) Contracts that you enter or have entered into with any such consultant(s).
- c) Submissions that you make or have made to the State Controlling Board to obtain approval of the contract(s) that you enter into with any such consultant(s).

RESPONSE: N/A

6. Please produce copies of all non-privileged documents in your possession, including any documents created or possessed by any of your employees, agents, or representatives, regarding the ESP proceeding.

RESPONSE: N/A

Respectfully submitted,

/s/ Diem N. Kaelber

Diem N. Kaelber (0087155)

Robert J. Walter (0009491)

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OF COUNSEL:


BUCKLEY KING LPA

Counsel for Ohio Restaurant Association

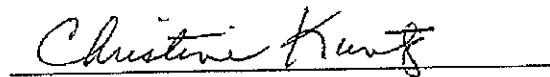
VERIFICATION

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

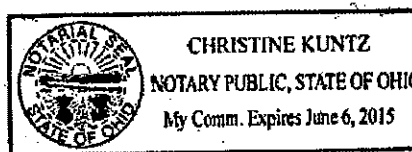
I, Geoffrey D. Hetrick, President and CEO of the Ohio Restaurant Association, being first duly sworn and cautioned, state that I have all requisite authority to sign the foregoing instrument, and that I have reviewed and answered the foregoing responses/answers to Ohio Power Company's First Set of Interrogatories to the Ohio Restaurant Association, and affirm that the answers/responses are true and accurate to the best of my knowledge.


Geoffrey D. Hetrick

Sworn to before me and subscribed in my presence this 1 day of May, 2012.


Notary Public

My Commission Expires: 6/6/15



CERTIFICATE OF SERVICE

A copy of the foregoing First Supplemental Responses to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents to the Ohio Restaurant Association has been served upon the below-named counsel and Attorney Examiners by electronic mail to all Parties, this 1st day of May 2012.

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/s/ Diem N. Kaelber
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/1/2012 11:56:43 AM

in

Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM

Summary: Response First Supplemental Responses to Ohio Power Company's First Set of Interrogatories and Request for Production of Documents to the Ohio Restaurant Association electronically filed by Ms. Diem N. Kaelber on behalf of Ohio Restaurant Association

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/7/2012 3:29:32 PM

in

Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM

Summary: Motion Motion for the Public Utilities Commission of Ohio to Accept the Filing of the Direct Testimony of Richard Mason on Behalf of the Ohio Restaurant Association electronically filed by Ms. Diem N. Kaelber on behalf of Ohio Restaurant Association