

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company to Establish New) Case No. 11-531-EL-ATA
Market Based Rates for Former CRES)
Customers That Elected to Avoid the)
POLR Charge.)

ENTRY

The Commission finds:

- (1) Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the Company)¹ is a public utility as defined in Section 4905.02, Revised Code, and an electric utility as defined in Section 4928.01(A)(11), Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On March 18, 2009, the Commission issued its opinion and order in Case No. 08-917-EL-SSO, et al. (08-917), which approved, with certain modifications, AEP Ohio's application for a standard service offer (SSO) in the form of an electric security plan (ESP), in accordance with Section 4928.143, Revised Code.² Among other provisions of the ESP, the Commission approved a provider of last resort (POLR) charge for the ESP period. The Commission also determined that the POLR charge should be avoidable for a customer that elected to switch to a competitive retail electric service supplier, if the customer agreed to pay the market price of power incurred by AEP Ohio to serve the customer in the event the customer subsequently returned to the Company's SSO (ESP Order at 40).

¹ By entry issued on March 7, 2012, the Commission approved and confirmed the merger of Columbus Southern Power Company into Ohio Power Company, effective December 31, 2011. *In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals*, Case No. 10-2376-EL-UNC.

² *In the Matter of the Application of Columbus Southern Power Company for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generating Assets*, Case No. 08-917-EL-SSO, et al., Opinion and Order (March 18, 2009) (ESP Order).

- (3) On February 4, 2011, AEP Ohio filed, in the above-captioned case, an application to establish a market-based rate for returning customers that had elected to avoid the POLR charge. AEP Ohio filed a corrected application on February 7, 2011.
- (4) On various dates, motions to intervene in this proceeding were filed by Industrial Energy Users-Ohio, Ohio Consumers' Counsel (OCC),³ OMA Energy Group, Constellation NewEnergy, Inc., Constellation Energy Commodities Group, Inc., and FirstEnergy Solutions Corp. No memoranda contra were filed. The Commission finds that the motions for intervention are reasonable and should be granted.
- (5) Pursuant to the established procedural schedule, comments and reply comments were filed on July 22, 2011, and July 29, 2011, respectively.
- (6) Following a remand of 08-917 from the Supreme Court of Ohio with regard to the POLR charge,⁴ the Commission established a procedural schedule in 08-917 to afford AEP Ohio and other parties an opportunity to present testimony and additional evidence. On October 3, 2011, the Commission issued an order on remand, determining that AEP Ohio's POLR charge was insufficiently supported by the record on remand and directing the Company to remove the POLR charge from its tariffs.
- (7) By correspondence dated November 1, 2013, in the above-captioned case, AEP Ohio requested that its application be withdrawn without prejudice. In support of its request, AEP Ohio explains that, given that the POLR charge has been terminated, there is no longer a need to establish a market-based rate for shopping customers that return to the Company's SSO, rendering the issue presented in this proceeding moot.
- (8) The Commission finds that AEP Ohio's request to withdraw its application, without prejudice, is reasonable and should

³ On July 29, 2011, OCC filed a notice of withdrawal from this proceeding.

⁴ *In re Application of Columbus S. Power Co.*, 128 Ohio St. 3d 512, 947 N.E.2d 655 (2011).

be granted, in light of the fact that the Company's POLR charge has been eliminated as a result of the remand proceedings in 08-917. Accordingly, the present case should be dismissed and closed of record.

It is, therefore,

ORDERED, That the motions to intervene in this proceeding filed by various parties be granted in accordance with finding (4). It is, further,

ORDERED, That AEP Ohio's request to withdraw its application, without prejudice, be granted. It is, further,

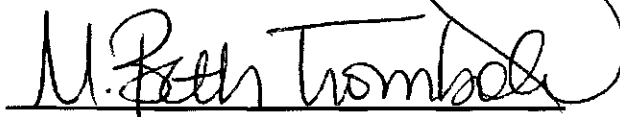
ORDERED, That Case No. 11-531-EL-ATA be dismissed and closed of record. It is, further,

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


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


M. Beth Trombold

Lynn Slaby

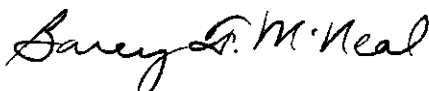


Asim Z. Haque

SJP/sc

Entered in the Journal

DEC 04 2013



Barcy F. McNeal
Secretary