

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company for Authority to) Case No. 13-2385-EL-SSO
Establish a Standard Service Offer)
Pursuant to §4928.143, Revised Code,)
in the Form of an Electric Security Plan.)

In the Matter of the Application of Ohio) Case No. 13-2386-EL-AAM
Power Company for Approval of)
Certain Accounting Authority.)

**JOINT MOTION TO
SHORTEN THE PERIOD OF TIME TO RESPOND TO DISCOVERY
AND
REQUEST FOR EXPEDITED RULING
BY
INDUSTRIAL ENERGY USERS-OHIO,
KROGER COMPANY,
OHIO ENERGY GROUP,
OHIO HOSPITAL ASSOCIATION,
OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP,
OHIO PARTNERS FOR AFFORDABLE ENERGY,
AND
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Industrial Energy Users-Ohio ("IEU-Ohio"), Kroger Company ("Kroger")
Ohio Energy Group ("OEG"), Ohio Hospital Association ("OHA"), Ohio Manufacturers'
Association Energy Group ("OMA Energy Group"), Ohio Partners For Affordable
Energy ("OPAE"), and the Office of the Ohio Consumers' Counsel ("OCC") (together
"Joint Parties" or "Joint Movants"), jointly file this Motion¹ to establish a reasonable
discovery process in the above-captioned proceedings.

¹ Pursuant to Ohio Adm. Code 4901-1-12(C).

Specifically, the Joint Parties request that the Attorney Examiner shorten the period of time to respond to discovery to ten (10) calendar days, as permitted under Ohio Adm. Code 4901-1-17(G). Joint Movants also request an expedited ruling on this Motion, pursuant to Ohio Adm. Code 4901-1-12(C).²

The reasons supporting this Joint Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,

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² Joint Movants are not in a position to certify that no party objects to this request.

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MEMORANDUM IN SUPPORT

On December 20, 2013, AEP Ohio filed an Application seeking approval of a new electric security plan that begins in June 2015. The Utility's Application was supported by the testimony of nine witnesses, totaling more than 1,500 pages, including schedules and workpapers. Within its Application, AEP Ohio proposed, inter alia, an aggressive procedural schedule, calling for intervenor testimony to be filed by March 14, 2014, with an evidentiary hearing to begin mid-April, 2014.

Recently, the Attorney Examiner rejected AEP Ohio's proposed schedule and instead ordered a more reasonable procedural schedule.³ That schedule pushes back intervenor testimony to May 6 and establishes June 3 as the date for the evidentiary hearing to begin. The Attorney Examiner, however, did not order an expedited discovery process.

³ *In the Matter of the Application of Ohio Power company for Authority to Establish a Standard Service Offer Pursuant to 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 13-2385-EL-SSO et al, Entry (Jan. 24, 2014).

The Utility's Application will have a significant impact on customers' bills. The Utility's Application addresses a myriad of issues, including but not limited to corporate separation,⁴ governmental aggregation,⁵ use of full auction-based pricing for Standard Service Offer ("SSO") customers,⁶ and the continuation, modification, and/or addition of 29 Riders that customers pay as part of electric service.⁷ Some of the new costs that AEP Ohio seeks to collect from its customers include charges for: Purchase of Receivables, gridSmart (Phase II), Sustained Workforce, NERC Compliance and Cybersecurity, and generation related costs arising from AEP Ohio retaining an interest in Ohio Valley Electric Corporation ("OVEC"). These rate proposals are complex.

Joint Movants will have to engage in significant discovery in order to fully analyze the Utility's rate proposals and determine how customers' electric rates will be impacted. The Ohio Revised Code mandates that "[a]ll parties and intervenors shall be granted ample rights of discovery."⁸

Joint Movants represent a wide array of customers including residential, commercial and industrial, and low income customers that will be impacted by the outcome of this proceeding. The Joint Movants are filing this Motion, as permitted under Ohio Adm. Code 4901-1-12, in order to request that the Attorney Examiner shorten the period of time to respond to discovery to ten (10) calendar days. Under Ohio Adm. Code 4901-1-17(G), an Attorney Examiner may, for good cause shown, shorten or

⁴ AEP Ohio ESP III Application at 5.

⁵ AEP Ohio ESP III Application at 6.

⁶ AEP Ohio ESP III Application at 7.

⁷ AEP Ohio ESP III Application at 9-15, Exhibit AEM-1, page 1 of 1.

⁸ R.C. 4903.082.

enlarge the time period for discovery. Joint Movants contend that there is good cause to do so.

A shortened discovery response time will allow the parties a fair opportunity to conduct a full investigation of the important issues involved in this proceeding before the filing of testimony. Additionally, a shortened response period should also better prepare the Joint Movants so that they are able to engage in meaningful settlement discussions.

A shortened discovery response period is not a novel concept. The Public Utilities Commission of Ohio (“Commission” or “PUCO”) has frequently shortened discovery response periods in its proceedings. This Motion is consistent with PUCO Entries in similar cases where the time period to respond to discovery was shortened. In those Entries the Commission stated:

Due to the abbreviated period for the start of the hearing, response time for discovery should be shortened * * *. Discovery requests and replies shall be made by hand delivery, email or telefax. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him or her that the request will be forthcoming. To the extent a party has difficulty responding to a discovery request * * *, counsel for the parties can discuss the problem and work out a mutually satisfactory solution.⁹

Joint Movants’ proposal to shorten the discovery response period, is necessary to permit Joint Movants time to prepare. Ohio Adm. Code 4901-1-12(C) allows the Commission to rule on an expedited basis. The magnitude and complexity of the

⁹ *In the Matter of the Applications of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Continue and Modify Certain Regulatory Accounting Practices and Procedures, for Tariff Approvals and to Establish Rates and Other Charges Including Regulatory Transition Charges Following the Market Development Period*, (“the FirstEnergy Proceeding”) Case No. 03-2144-EL-ATA, et al., Entry at 5 (October 28, 2003). *In the Matter of the Continuation of the rate Freeze and Extension of the Market Development Period for the Dayton Power and Light Company*, (the DP&L Proceeding”) Case No. 02-2779-EL-ATA, et al., Entry at 2 (April 1, 2003).

Utility's Application warrants an expedited ruling. Moreover, a ruling on the discovery response period is especially needed, otherwise parties will be immediately and adversely impacted. For these reasons, Joint Movants request expedited consideration of their Joint Motion.

The PUCO should grant the Joint Motion and Request for Expedited Ruling for the reasons set forth above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Motion has been served electronically upon those persons listed below this 27th day of January 2014.

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Case No(s). 13-2385-EL-SSO, 13-2386-EL-AAM

Summary: Motion Joint Motion to Shorten the Period of Time to Respond to Discovery and Request for Expedited Ruling by Industrial Energy Users-Ohio, Kroger Company, Ohio Energy Group, Ohio Hospital Association, Ohio Manufacturers' Association Energy Group, Ohio Partners for Affordable Energy and the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.