

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Ormet Primary Aluminum Corporation,)	
)
Complainant,)	
)
v.)	Case No. 13-2206-EL-CSS
)
Ohio Power Company d/b/a AEP Ohio,)	
)
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) On November 13, 2013, Ormet Primary Aluminum Corporation (Ormet) filed a complaint against Ohio Power Company d/b/a AEP Ohio (AEP Ohio), disputing Ormet's electric bills for July 2013, September 2013, and October 2013. Ormet alleges that the billed amounts for these months are inconsistent with the rate set forth in the unique arrangement approved for Ormet by the Commission in Case No. 09-119-EL-AEC and, therefore, are in violation of R.C. 4909.17. With respect to the bills for September 2013 and October 2013, Ormet explains that AEP Ohio applied a minimum demand charge, which Ormet believes is contrary to the terms of the unique arrangement. Additionally, Ormet states that AEP Ohio refused to apply a \$5.5 million deferral authorized for the bill for September 2013. Ormet adds that AEP Ohio also claims that a \$5 million deferral authorized for the bill for July 2013 is now due and should no longer be deferred. Ormet contends that AEP Ohio has not complied with the Commission's directives in Case No. 09-119-EL-AEC. *In re Ormet Primary Aluminum Corporation*, Case No. 09-119-EL-AEC, Entry (Aug. 21, 2013). Ormet requests that AEP Ohio be required to remove the minimum demand charge from the bills for September 2013 and October 2013. Ormet further requests that AEP Ohio be instructed to continue the \$5 million deferral for the bill for July 2013, and to apply and continue the \$5.5 million deferral

for the bill for September 2013, until there is a restart of Ormet's facilities in Hannibal, Ohio, or until further order of the Commission.

- (2) On December 9, 2013, AEP Ohio filed an answer and motion to dismiss the complaint. In its answer, AEP Ohio denies that a minimum demand charge is not permitted under the unique arrangement and, therefore, denies that Ormet's bills for September 2013 and October 2013 are too high. Further, AEP Ohio denies that it is required to permit continued non-payment of the \$5 million deferral related to the bill for July 2013, or that it is required to adjust the bill for September 2013 by \$5.5 million to reflect a deferral. AEP Ohio asserts that it has complied with all applicable law, its tariffs, and the Commission's orders in Case No. 09-119-EL-AEC. AEP Ohio also maintains that Ormet has failed to set forth reasonable grounds for complaint, as required by R.C. 4905.26. In its motion to dismiss, AEP Ohio argues that Ormet has failed to state reasonable grounds upon which relief may be granted. Specifically, AEP Ohio submits that Ormet improperly seeks additional rate relief through its complaint, which constitutes either an untimely request for rehearing of the Commission's orders in Case No. 09-119-EL-AEC or a request that should otherwise be pursued in that case. AEP Ohio concludes that Ormet's complaint should be dismissed.
- (3) On December 24, 2013, Ormet filed a memorandum contra AEP Ohio's motion to dismiss the complaint. Ormet asserts that it has stated reasonable grounds for complaint, alleging that the rate charged by AEP Ohio is unjust, unreasonable, and in violation of law. Ormet also contends that it is not requesting additional rate relief through its complaint, but instead seeks enforcement and, if necessary, interpretation of the Commission's existing orders in Case No. 09-119-EL-AEC.
- (4) On February 3, 2014, a joint stipulation and recommendation (stipulation) was filed by Ormet and AEP Ohio, which would resolve all of the issues raised in this proceeding.
- (5) On February 10, 2014, and February 18, 2014, motions to intervene in this proceeding were filed by the Ohio

Consumers' Counsel (OCC) and Industrial Energy Users-Ohio (IEU-Ohio), respectively. OCC and IEU-Ohio assert that they may be affected by the stipulation and, accordingly, that they have a direct, real, and substantial interest in this case that cannot be adequately represented by any other party. No memoranda contra were filed. The attorney examiner finds that the motions are reasonable and should be granted.

- (6) Accordingly, at this time, the attorney examiner finds that the following procedural schedule should be established:
- (a) Testimony in support of the stipulation shall be filed by April 8, 2014.
 - (b) All other testimony shall be filed by April 22, 2014.
 - (c) An evidentiary hearing shall commence on May 7, 2014, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215.

It is, therefore,

ORDERED, That the motions for intervention filed by OCC and IEU-Ohio be granted. It is, further,

ORDERED, That the procedural schedule set forth in finding (6) be adopted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 13-2206-EL-CSS

Summary: Attorney Examiner Entry grants motions filed by OCC and IEU-Ohio and sets forth a procedural schedule indicated in finding (6). - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio