

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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

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

**MEMORANDUM CONTRA OF OHIO POWER COMPANY
TO THE ENERGY PROFESSIONALS OF OHIO'S
MOTION TO INTERVENE OUT OF TIME**

On April 25, 2014, the Energy Professionals of Ohio (“EPO”) filed a motion to intervene out of time in this proceeding. EPO fails to demonstrate extraordinary circumstances that justify late intervention and allowing EPO to intervene now would prejudice Ohio Power Company (“AEP Ohio” or the “Company”) in this case. Accordingly, AEP Ohio opposes late intervention by EPO.

EPO’s only basis for late intervention is that it just formed as a new entity and would like to participate in this case apparently as its first official act. If the people that formed EPO wanted to intervene in this case, they should have completed the formation earlier. The timing of and sequence of EPO’s formation, however, should not affect the intervention deadline previously established in this case. Regardless, EPO’s argument that it was “literally not possible for [it] to meet the [intervention] deadline (*see* EPO Mot. at 3) is belied by the fact that

EPO formed more than a month before that deadline.¹ If EPO's purpose is to litigate cases before the Commission, it will have plenty of future cases to do so – provided it establishes a proper and timely basis for intervention in those future cases. But it should not be permitted to intervene late in this case merely because it was recently formed, and certainly not when, in fact, it was formed well before the cut-off date for intervention.

EPO's lack of extraordinary circumstances would be more than enough to deny its request if it sought to intervene a few days after the established deadline – the fact that EPO seeks to intervene months after the deadline has passed speaks volumes to the disruption and prejudice associated with its proposed intervention. There are already more than 30 parties in this case (including the Company, Staff and intervenors) – many of which themselves represent large groups of customers. Adding any additional parties at this late date would prejudice the Company. Allowing intervention months after the deadline would unnecessarily complicate this case. It will also harm AEP Ohio by causing the Company to bear the additional burden and expense of dealing with an additional party in terms of additional testimony, discovery, settlement negotiations, cross-examination, etc. For example, because EPO's late request will not be resolved until well after the discovery deadline, EPO, if granted intervention, would not be subjected to discovery like all other intervenors.

¹ See EPO's Articles of Incorporation, *available at* <http://www2.sos.state.oh.us/reports/rwservlet?imgc&Din=201403401968> (filed January 31, 2014).

CONCLUSION

AEP Ohio is entitled to some level of certainty in following the procedural schedule previously established in this case. EPO and any other entity that desired to advance an interest in this case already had abundant time to do so – but now the time to seek to participate in the case has passed. EPO can intervene and participate in other proceedings where it meets the standard for intervention and timely files a request for intervention. AEP Ohio has not opposed a single party that intervened in this case on a timely basis, but it must oppose EPO's untimely, prejudicial, and unnecessary intervention. For the reasons set forth above, the Commission should deny EPO's motion for intervention.

Respectfully submitted,

/s// Steven T. Nourse

Steven T. Nourse

Matthew J. Satterwhite

American Electric Power Corporation

1 Riverside Plaza, 29th Floor

Columbus, Ohio 43215

Telephone: (614) 716-1608

Fax: (614) 716-2950

stnourse@aep.com

mjsatterwhite@aep.com

Counsel for Ohio Power Company

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the Memorandum Contra of Ohio Power Company was served by electronic mail upon the individuals listed below this 6th day of May, 2014.

/s// Steven T. Nourse

Steven T. Nourse

EMAIL SERVICE LIST

sarah.parrot@puc.state.oh.us
campbell@whitt-sturtevant.com
BarthRoyer@aol.com
cloucas@ohiopartners.org
cmooney@ohiopartners.org
dconway@porterwright.com
dboehm@BKLLawfirm.com
dwilliamson@spilmanlaw.com
dborchers@bricker.com
edmund.berger@occ.ohio.gov
fdarr@mwncmh.com
Gary.A.Jeffries@dom.com
gpoulos@enernoc.com
williams@whitt-sturtevant.com
glpetrucci@vorys.com
mhpeticoff@vorys.com
tsiwo@bricker.com
jmcdermott@firstenergycorp.com
jfinnigan@edf.org
jkylercohn@BKLLawfirm.com
jfinnigan@edf.org
joseph.clark@directenergy.com
joliker@mwncmh.com
Joseph.serio@occ.ohio.gov
judi.sobecki@aes.com
Bojko@carpenterlipps.com
lfriedeman@igsenergy.com
lhawrot@spilmanlaw.com
Mohler@carpenterlipps.com
haydenm@firstenergycorp.com
mpritchard@mwncmh.com
whitt@whitt-sturtevant.com
myurick@taftlaw.com

mjsatterwhite@aep.com
mswhite@igsenergy.com
Maureen.Grady@occ.ohio.gov
mkurtz@BKLLawfirm.com
msmalz@ohiopoverlylaw.org
NMcDaniel@elpc.org
plee@oslsa.org
Philip.Sineneng@ThompsonHine.com
ricks@ohanet.org
Rocco.D'Ascenzo@duke-energy.com
sam@mwncmh.com
swilliams@nrdc.org
casto@firstenergycorp.com
sasloan@aep.com
Stephanie.Chmiel@ThompsonHine.com
Stephen.Chriss@walmart.com
stnourse@aep.com
tammy.turkenton@puc.state.oh.us
tshadick@spilmanlaw.com
tobrien@bricker.com
tdougherty@theOEC.org
vparisi@igsenergy.com
Werner.margard@puc.state.oh.us
zkravitz@taftlaw.com

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Summary: Memorandum Contra of Ohio Power Company electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company