

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application Seeking)	
Approval of Ohio Power Company's)	
Proposal to Enter into an Affiliate Power)	Case No. 14-1693-EL-RDR
Purchase Agreement for Inclusion in the)	
Power Purchase Agreement Rider.)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 14-1694-EL-RDR
Accounting Authority.)	

**REPLY IN SUPPORT OF JOINT MOTION FOR AN EXTENSION OF THE
ATTORNEY EXAMINER'S PROCEDURAL SCHEDULE
BY
APPALACHIAN PEACE AND JUSTICE NETWORK
CONSTELLATION NEWENERGY, INC.
EXELON GENERATION COMPANY LLC
ELECTRIC POWER SUPPLY ASSOCIATION
ENVIRONMENTAL LAW & POLICY CENTER
OFFICE OF THE OHIO CONSUMERS' COUNSEL
OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP
PJM POWER PROVIDERS GROUP
AND
THE RETAIL ENERGY SUPPLY ASSOCIATION**

On December 16, 2015, Constellation NewEnergy, Inc., Exelon Generation Company LLC, the Electric Power Supply Association, the Environmental Defense Fund, the Environmental Law & Policy Center, the Office of the Ohio Consumers' Counsel, the Ohio Environmental Council, PJM Power Providers Group and the Retail Energy Supply Association filed a motion seeking a three-week extension of the Attorney Examiner's procedural schedule established by the December 15, 2015 Entry in this proceeding.¹ As discussed in that Motion, the

¹ The Ohio Manufacturers' Association Energy Group filed a letter in support of this Motion on December 18, 2015, and joins in this Reply. Counsel were unable to obtain authorization from the Ohio Environmental Council and Environmental Defense Fund to sign onto this Reply in

current schedule – which provides for testimony in opposition to the Stipulation proposed by Ohio Power Company (“AEP Ohio”) be filed by December 28 and that an evidentiary hearing start on January 4, 2016 at 10:00 AM – is inadequate given the significant new issues raised by the Stipulation, and will prejudice the parties opposing the Stipulation.

The original application addressed the rate stabilization program in general and specifically the Rider PPA. In sharp contrast, the Stipulation has commitments for 900 MW of ratepayer-backed renewable energy, ratepayer-backed gas co-firing, and additional no-bid funds for entities that support AEP Ohio’s Application. Since none of these items were part of the application, having only a few business days during the Christmas holidays for pre-Stipulation discovery is not sufficient to prepare expert testimony for the hearing on these new topics. Plus, having only a few more business days to prepare for the hearing on January 4 is likewise not sufficient time.

AEP Ohio’s Memorandum Contra, filed on December 18, 2015, fails to show that the existing schedule is in fact sufficient. In large part, AEP Ohio asserts that the complained-of new, non-rate-stabilization portions of the Stipulation involve “future Commission proceedings down the road” and apparently therefore need not be addressed by the parties in this proceeding. AEP Ohio Mem. Contra (Dec. 18, 2015) at 5. AEP Ohio’s statement confirms that there are multiple new provisions in the Stipulation that must be review and analyzed. Due process calls for additional, reasonable time to prepare for and participate at hearing, and the current schedule (with the holidays intervening) does not provide the opposing parties with that reasonable time.

Simply put, the new issues that will be the subject of future proceedings require some degree of Commission approval now and that approval in this proceeding will affect our ability

time for filing on December 21, 2015, and given the short timeline at issue this Reply is filed without those parties joining.

to fully litigate the merits in future proceedings. More immediately, given that the Commission must consider these commitments for future filings as part of its determination whether the Stipulation is reasonable as a package, it is vital for intervening parties to be able to have reasonable time to carefully and fully develop their cases and inform the Commission about what these provisions of the Stipulation may entail for customers.

In light of the looming deadlines in the current schedule, we respectfully request that the Commission rule on the pending Motion as soon as possible. In particular, given that intervenor testimony is due immediately after the coming Christmas holiday weekend, we request a ruling before December 23, 2015, to allow us to plan accordingly if the extension is not granted.

Respectfully submitted,

/s/ Madeline Fleisher
Madeline Fleisher
Environmental Law & Policy Center
21 W. Broad Street, Suite 500
Columbus OH 43215
614-670-5586
614-487-7510 (fax)
mfleisher@elpc.org

**Counsel for the Environmental Law & Policy
Center**

/s/ M. Howard Petricoff
M. Howard Petricoff, Counsel of Record (0008287)
Michael J. Settineri (0073369)
Gretchen L. Petrucci (0046608)
Vorys, Sater, Seymour and Pease LLP
52 E. Gay St.
P.O. Box 1008
Columbus, Ohio 43216-1008
614-464-5414
614-719-4904 (fax)
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com

**Attorneys for the PJM Power Providers Group,
the Electric Power Supply Association, the Retail
Energy Supply Association, Constellation
NewEnergy Inc. and Exelon Generation
Company LLC**

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ William Michael
William Michael, Counsel of Record (0070921)
Jodi Bair (0062921)
Kevin F. Moore (0089228)
Assistant Consumers' Counsel
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
Telephone [Michael]: (614) 466-1291
Telephone [Bair]: (614) 466-9559
Telephone [Moore]: (614) 466-387-2965
william.michael@occ.ohio.gov
(will accept service via email)
jodi.bair@occ.ohio.gov
(will accept service via email)
Kevin.moore@occ.ohio.gov
(will accept service via email)

/s/ Michael R. Smalz
Michael R. Smalz
Senior Attorney
Ohio Poverty Law Center
555 Buttrick Avenue
Columbus, Ohio 43215
Phone: 614-824-2502
Fax: 614-221-7625
msmalz@ohiopoveritylaw.org

**Attorney for Appalachian Peace and Justice
Network**

/s/ Kimberly W. Bojko
Kimberly W. Bojko (0069402)
Carpenter Lipps & Leland LLP
280 Plaza, Suite 1300

280 North High Street
Columbus, Ohio 43215
Telephone: (614) 365-4100
bojko@carpenterlipps.com
(will accept service via email)

**Counsel for the Ohio Manufacturers'
Association Energy Group**

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on December 18, 2015 upon all persons/entities listed below.

/s/ Madeline Fleisher
Madeline Fleisher

stnourse@aep.com
mjsatterwhite@aep.com
msmckenzie@aep.com
sam@mwncmh.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
myurick@taftlaw.com;
mkurtz@bkllawfirm.com
dboehm@bkllawfirm.com
jkyler@bkllawfirm.com
tony.mendoza@sierraclub.org;
schmidt@sppgrp.com
tdougherty@theoec.org
joliker@igsenergy.com
ghull@eckertseamans.com
haydenm@firstenergycorp.com
jmcdermott@firstenergycorp.com
scasto@firstenergycorp.com
tobrien@bricker.com
jang@calfee.com
tallexander@calfee.com
jeffrey.mayes@monitoringanalytics.com
lhawrot@spilmanlaw.com
dwilliamson@spilmanlaw.com
kurt.helfrich@thompsonhine.com
scott.campbell@thompsonhine.com
stephanie.chmiel@thompsonhine.com
ricks@ohanet.org
bojko@carpenterlipps.com
William.michael@occ.ohio.gov
stheodore@epsa.org

sfisk@earthjustice.org
mdortch@kravitzllc.com
kristen.henry@sierraclub.org
msoules@earthjustice.org
Jodi.bair@occ.ohio.gov
Kevin.moore@occ.gov
DStinson@bricker.com
laurac@chappelleconsulting.net
gthomas@gtpowergroup.com
msmalz@ohiopovertylaw.org
mfleisher@elpc.org
cmooney@ohiopartners.org
mhpetricoff@vorys.com
mjsettineri@vorys.com
glpetrucci@vorys.com
werner.margard@puc.state.oh.us
steven.beeler@puc.state.oh.us
twilliams@snhslaw.com
rsahli@columbus.rr.com
charris@spilmanlaw.com
ghiloni@carpenterlipps.com
sechler@carpenterlipps.com
gpoulos@enernoc.com
chris@envlaw.com
laurie.williams@sierraclub.org
jennifer.spinosi@directenergy.com
jvickers@elpc.org
ckilgard@taftlaw.com
rseiler@dickinsonwright.com
todonnell@dickinsonwright.com
drinebolt@ohiopartners.org

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/21/2015 5:02:15 PM

in

Case No(s). 14-1693-EL-RDR, 14-1694-EL-AAM

Summary: Reply Reply in Support of Motion to Extend the Procedural Schedule electronically filed by Madeline Fleisher on behalf of Constellation NewEnergy, Inc. and Electric Power Supply Association and Exelon Generation Company LLC and Ohio Manufacturers' Association Energy Group and PJM Power Providers Group and Retail Energy Supply Association and Environmental Law and Policy Center and Ohio Consumers' Counsel