

**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.)	

**JOINT MOTION TO ESTABLISH DATES CERTAIN
FOR THE PRESENTATION OF THE TESTIMONY OF
WITNESSES A. JOSEPH CAVICCHI
DEAN ELLIS AND
STEPHEN E. BENNETT
AND
REQUEST FOR AN EXPEDITED RULING**

Here comes the PJM Power Providers Group ("P3"), the Electric Power Supply Association ("EPSA"), Dynegy Inc. ("Dynegy") and the Retail Energy Supply Association ("RESA") (jointly "Joint Movants") who seek a ruling establishing Thursday, January 7 and Friday January 8, 2016, as the specific dates on which their witnesses will testify in this proceeding as detailed below. Additionally, due to the limited time available before the start of the hearing and the press of numerous activities taking place in this proceeding and another, the Joint Movants request an expedited ruling on the request of a date certain.

By entry issued December 15, 2015, the Attorney Examiner reopened the hearing record in this matter for consideration of the Joint Stipulation and Recommendation ("Stipulation"), which was filed after the hearing in this matter. In accordance with the newly established

procedural schedule, the Joint Movants filed expert testimony in opposition to the Stipulation on December 28, 2015, as follows:

Party	Witness
P3 and EPSA	A. Joseph Cavicchi
Dynegy	Dean Ellis
RESA	Stephen E. Bennett

The hearing in this matter is scheduled to re-commence in only a few business days – on Monday, January 4, 2016. A specific schedule for the presentation of witnesses has not been established, but there are a number of witnesses who will testify during this phase of the proceeding. Each of the above witnesses is located out of state and will have to travel to Ohio in order to present their testimony to the Commission. Since these witnesses are out-of-state witnesses who have to travel extensively for the hearing, the Joint Movants seek a ruling establishing Thursday, January 7 as the date certain for Mr. Cavicchi and Mr. Ellis and Friday, January 8, 2016, as the date certain for Mr. Bennett.

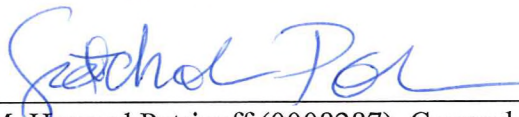
An immediate ruling on this motion is imperative. There is an extremely short period of time before the hearing re-commences, and there is an intervening holiday. During the remaining business days before the hearing, there is already scheduled in this matter: (a) a discovery deposition of Ohio Power Company (“AEP”) witness Allen on December 30; (b) discovery depositions of other intervening parties in this matter on December 30; (c) outstanding written discovery requests to which the Joint Movants must respond by December 30; (d) outstanding discovery requests to which AEP must respond by December 31; and (e) preparation for the hearing itself. In addition, AEP has expressed an intention to depose Mr. Cavicchi and the parties have agreed to conduct that deposition on January 5, 2016. There are also a number of other pressing deadlines and commitments in another Commission proceeding, including responses to discovery

by the FirstEnergy utilities in Case No. 14-1297-EL-SSO that are due January 4 – the start date for the AEP proceeding.

In light of the limited time prior to the re-commencement of the hearing on January 4, 2016, the Joint Movants request an expedited ruling on this joint motion, pursuant to Rule 4901-1-12(C), Ohio Administrative Code.

Further details regarding the reasons supporting the Joint Movants' request for dates certain for their witnesses to testify in this proceeding and for an expedited ruling on that joint motion are set forth more fully in the attached Memorandum in Support.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT
OF THE JOINT MOTION TO ESTABLISH A DATE CERTAIN
FOR THE PRESENTATION OF TESTIMONY BY
WITNESSES A. JOSEPH CAVICCHI
DEAN ELLIS AND
STEPHEN E. BENNETT
AND
REQUEST FOR AN EXPEDITED RULING**

On December 28, 2015, the PJM Power Providers Group (“P3”), the Electric Power Supply Association (“EPSA”), Dynegy Inc. (“Dynegy”) and the Retail Energy Supply Association (“RESA”) (jointly “Joint Movants”) timely filed expert testimony of several witnesses in opposition to the Joint Stipulation and Recommendation (“Stipulation”), which was filed by Ohio Power Company (“AEP”) with the Public Utilities Commission of Ohio (“Commission”) on December 14, 2015.

There is only one full business day remaining before the hearing re-commences on Monday, January 4, 2016, because there is an intervening holiday. The Joint Movant’s request for dates certain is premised on two primary reasons. First, the Joint Movants would like a date certain because their witnesses are located outside of Ohio and must make the necessary arrangements and travel to Ohio for the hearing. Mr. Cavicchi is located in Boston, Massachusetts, Mr. Ellis is located in Houston, Texas, and Mr. Bennett is located on the eastern side of Pennsylvania in West Chester. There are a number of other witnesses who will testify in this matter as well, and the order and timing of the testimony of those witnesses has not been established (although it appears that AEP’s witness Allen will testify first). It is customary practice at the Commission to establish dates certain for the out-of-state witnesses. Dates certain have been established in prior Commission proceedings, including the beginning phase of this proceeding. Since these witnesses are out-of-state witnesses who have to travel extensively for the hearing (which is set to start the Monday after a holiday weekend), the Joint Movants seek a ruling establishing Thursday, January 7, 2016, as the specific date on which Mr. Cavicchi and Mr. Ellis will testify in this proceeding and establishing

Friday, January 8, 2016, as the date on which Mr. Bennett will testify in this proceeding. Setting these dates will not cause any undue delay in this proceeding.

The Joint Movants also request an expedited ruling on their joint motion pursuant to Rule 4901-1-12(C), Ohio Administrative Code. An expedited ruling is essential because there is not a great deal of time for preparing for the hearing in this phase of the proceeding and there are already many things scheduled, which warrants an orderly and pre-established schedule for the Joint Movants' witnesses. During the remaining business days before the hearing, the following is scheduled in this matter:

- a discovery deposition of AEP witness Allen on December 30;
- discovery depositions of other intervening parties in this matter on December 30;
- written discovery responses need to be submitted by the Joint Movants to AEP by December 30; and
- AEP has to submit discovery responses to several parties by December 31.

On December 28 (prior to knowing who the Joint Movants would present as witnesses and prior to reviewing the testimony), AEP expressed an intention to depose the Joint Movants' witnesses, but the ability to do so with all of the above already-scheduled events is virtually impossible. Moreover, on December 29, AEP informed the Joint Movants that it was still deciding which of their witnesses it would depose and later that day decided that it would like to depose Mr. Cavicchi. AEP and P3/EPSC have agreed to hold that deposition on January 5, 2016.

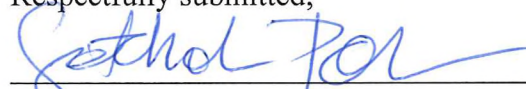
Moreover, the Joint Movants (as well as many other intervenors) are working hard in another Commission proceeding – the FirstEnergy ESP IV proceeding, Case No. 14-1297-EL-SSO. In the FirstEnergy matter, which has also been reopened for consideration of a post-hearing stipulation, the Joint Movants are finalizing testimony for filing on December 30, 2015. The Joint

Movants must respond by January 4, 2016, to written discovery requests just served on December 28, 2015. There are likely to be depositions scheduled and additional discovery responses will need to be studied. All of these events for the FirstEnergy case will take place during the same time as the above-noted events in AEP's case.

Also, without an expedited ruling, the Joint Movants' witnesses will not know when to appear for the hearing and cannot make the necessary travel plans. The press of the many events taking place in this proceeding as well as in the FirstEnergy case justifies an expedited ruling so that the parties and their counsel can plan accordingly, the Joint Movants can use their limited time wisely, and the witnesses can be presented in an orderly fashion. The Joint Movants have contacted AEP about this motion and request for expedited ruling. AEP objects to the issuance of an immediate ruling on this motion for dates certain for the above-listed witnesses.

For all of the foregoing reasons, the Joint Movants request that dates certain be established for their witnesses to present their testimony in this matter and that the date certain be Thursday, January 7, 2016, for Mr. Cavicchi and Mr. Ellis, and that the date certain be Friday, January 8, 2016, for Mr. Bennett.

Respectfully submitted,



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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 the 30th day of December 2015 upon all persons/entities listed below:

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Summary: Motion Joint Motion to Establish Dates Certain for the Presentation of the Testimony of Witnesses A. Joseph Cavicchi, Dean Ellis and Stephen E. Bennett and Request for an Expedited Ruling electronically filed by Mrs. Gretchen L. Petrucci on behalf of PJM Power Providers Group and Electric Power Supply Association and Dynegy Inc. and Retail Energy Supply Association