Before

**The Public Utilities Commission of Ohio**

In the Matter of the Application of )

Ohio Power Company for Approval ) Case No. 12-1126-EL-UNC

of Full Legal Corporate Separation )

and Amendment to Its Corporate )

Separation Plan )

# REPLY OF INDUSTRIAL ENERGY USERS-OHIO

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August 3, 2012 Attorneys for Industrial Energy Users-Ohio

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# REPLY OF INDUSTRIAL ENERGY USERS-OHIO

 On March 30, 2012, Ohio Power Company (“OP”)[[1]](#footnote-1) filed with the Public Utilities Commission of Ohio (“Commission”) an Application for Approval of Full Legal Corporate Separation and Amendment to Its Corporate Separation Plan (“Application”). On July 9, 2012, the Commission issued an Entry requesting that Intervenors submit Objections to the Application.

On July 27, 2012, the Office of the Ohio Consumers’ Counsel (“OCC”), FirstEnergy Solutions Corp. (“FES”), Ohio Manufacturers Association Energy Group (“OMAEG”), the Kroger Company (“Kroger”), Commission Staff, and Industrial Energy Users of Ohio (“IEU-Ohio”) submitted Objections. The Objections hold a common theme: The Application fails to provide the information required by the Commission’s rules, where information is provided it conflicts with the statutory and rule requirements, and the Application fails to satisfy the burden of demonstrating that the generating asset transfer is just, reasonable, and in the public interest.

Accordingly, because OP’s Application is substantially inadequate, the Commission should reject it and require OP to refile[[2]](#footnote-2) an application that complies with the statutory requirements and the Commission’s rules. At a minimum, the Commission should require OP to provide the information required by the Commission’s rules and set the Application for hearing.

 Respectfully submitted,

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#### Certificate of Service

I hereby certify that a copy of the foregoing *Reply of Industrial Energy Users-Ohio,* was served upon the following parties of record this 3rd day of August, 2012, *via* electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.

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1. As a result of a merger, OP includes the operations of Ohio Power Company and Columbus Southern Power Company (“CSP”) which are presently separate divisions within the OP structure. [↑](#footnote-ref-1)
2. Section 4928.17(B), Revised Code. [↑](#footnote-ref-2)