

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of)
Columbus Southern Power Company to)
Adjust Its Power Acquisition Rider)
Pursuant to Its Post-Market Development)
Period Rate Stabilization Plan.)

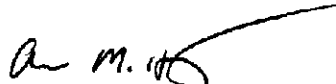
Case No. 07-333-EL-UNC

MOTION TO INTERVENE
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

Pursuant to R.C. Chapter 4911, R.C. 4903.221, and Ohio Adm.Code 4901-1-11,
the Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential utility
consumers, moves the Public Utilities Commission of Ohio ("Commission" or "PUCO")
to grant OCC's intervention in the above-captioned proceeding.

Respectfully submitted,

Janine L. Migden-Ostrander
Consumers' Counsel



Ann M. Hotz, Trial Attorney
Assistant Consumers' Counsel

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**BEFORE
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MEMORANDUM IN SUPPORT

On March 28, 2007, Columbus Southern Power Company ("CSP" or "AEP") filed an application ("Application") with the Commission in the above-captioned proceeding for approval of its proposed adjustment to the Power Acquisition Rider. This Application will result in an increase in the rates CSP will charge to customers for generation service pursuant to CSP's rate stabilization plan ("RSP") and CSP's Power Acquisition Rider ("PAR"), which are elements of the Commission approved plan for incorporating Monongahela Power Company's service territory into CSP's territory.¹ The increased costs result from the costs CSP must pay to purchase generation for the increase in the load it must serve due to its incorporation of Monongahela Power Company's service territory into the CSP service territory.

The Commission found that the PAR would be acceptable as an additional generation increase, limited by the 4% ceiling that was established in the RSP case. CSP requests that the new rider amount become effective for service rendered on and after June 1, 2007.

¹ Pursuant to *In the Matter of the Transfer of Monongahela Power Company's Certified Territory in Ohio to the Columbus Southern Power Company*, Case No. 05-765-EL-UNC, Opinion and Order (November 9, 2005).

I. MOTION TO INTERVENE

OCC was an active participant in the RSP proceeding, which established the provision through which CSP seeks an increase in generation rates. Pursuant to R.C. Chapter 4911, the OCC moves to intervene under its legislative authority to represent the interests of the approximately .7 million residential electric utility customers of CSP.² Pursuant to the intervention standard in R.C. 4903.221, the interests of residential electric customers in areas served by CSP may be “adversely affected” by this proceeding. OCC also meets the Commission’s required showing for a party that has a “real and substantial interest” according to Ohio Adm.Code 4901-1-11(A)(2), and should therefore be permitted to intervene in this case.

R.C. 4903.221(B) requires the Commission to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

The nature and extent of the OCC’s interest lies in preventing excessive, unjustified, unreasonable, or unlawful rates and charges for residential electric service

² For example, R.C. 4911.15 provides:

The consumers’ counsel * * * may represent those [residential] customers or [municipal] corporations whenever an application is made to the public utilities commission by any public utility desiring to establish, modify, amend, charge, increase, or reduce any rate, joint rate, toll, fare, classification, charge, or rental.

and in the provision of services that will effectively and efficiently serve the energy needs of residential customers. OCC's legal position will advance OCC's interest on behalf of residential customers and, as such, is directly related to the merits of the case.

As evidenced by OCC's past and present involvement in the subject matter of this case, OCC's intervention should provide insights that will expedite the Commission's treatment of the Application and will not unduly prolong or delay this proceeding. OCC will significantly contribute to the full development and equitable resolution of the issues in this proceeding. OCC brings its statewide, residential consumer perspective to this proceeding that is different than that of CSP or any other intervenor in this proceeding. OCC's interest in the case is consistent with its statutory role as the representative of residential consumers of public utility service.

For the reasons expressed above regarding the criteria contained in R.C. 4903.221, OCC also meets the Commission's required showing for a party that has a "real and substantial interest" according to Ohio Adm.Code 4901-1-11(A)(2), and should therefore be permitted to intervene in these proceedings. Ohio Adm.Code 4901-1-11(B) states that the Commission may consider (1) the "nature of the person's interest," (2) the "extent to which the person's interest is represented," (3) the person's "potential contribution to a just and expeditious resolution of the issues," and (4) whether the intervention "would unduly delay the proceeding."

In particular, the OCC brings its statewide, residential consumer perspective to this case that is different than and not represented by any other entity in Ohio. The OCC's interest in this case is consistent with its statutory role as the representative of residential consumers of public utility service.

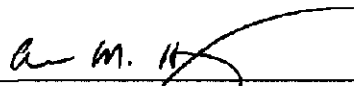
The OCC meets the criteria set forth in R.C. 4903.221, the Commission's rules and precedent of the Ohio Supreme Court, for interventions.³ On behalf of Ohio's approximately .7 million residential customers of CSP, the Commission should grant OCC's Motion to Intervene.

III. CONCLUSION

This application impacts residential customers through, *inter alia*, proposed increases in generation charges. For the reasons stated above, the PUCO should grant OCC's Motion to Intervene on behalf of the approximately .7 million residential customers who have an interest in the outcome of this case. As set forth herein, OCC satisfies the criteria set forth in R.C. 4903.221 and the Commission's rules.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



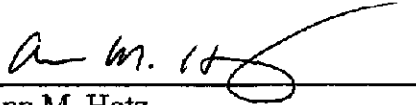
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³ Ohio Consumers' Counsel v. Pub. Util. Comm., 111 Ohio St. 3d 384, 2006-Ohio-5853 at §18-23.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Office of the Ohio Consumers' Counsel's Motion to Intervene has been served upon the following persons via first class U.S. mail, postage prepaid, this 27th day of April, 2007.



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