

FILE

BEFORE THE  
OHIO POWER SITING BOARD

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In the Matter of the Application of )  
American Municipal Power-Ohio, Inc., )  
for a Certificate of Environmental )  
Compatibility and Public Need for an )  
Electric Generation Station and )  
Related Facilities in Meigs County, )  
Ohio. )

PUCO

Case No. 06-1358-EL-BGN

AMP-OHIO'S MEMORANDUM CONTRA  
ELISA YOUNG'S MOTION TO EXTEND TIME/POSTPONE TESTIMONY  
PORTION OF ADJUDICATORY HEARING

On October 29, 2007, Elisa Young ("Young") filed a Motion to Extend Time/Postpone Testimony Portion of Adjudicatory Hearing for sixty days ("Extension Motion") in this proceeding. American Municipal Power-Ohio, Inc. ("AMP-Ohio") respectfully requests that the Ohio Power Siting Board ("OPSB") deny the Extension Motion for the reasons set forth below.

Young's Motion requesting postponement of the November 8, 2007 adjudicatory hearing date is now moot, as the Administrative Law Judge has already taken Young's request under consideration and has continued the hearing date to December 10, 2007. As such, Young's request for postponement of the original adjudicatory hearing date is moot and should be denied.

Young has also failed to articulate, as required by O.A.C. §4906-7-13(A), any "good cause" requiring a sixty day postponement of the hearing. Young claims that such a postponement is necessary for the following reasons: (1) she is unclear as to the length of the hearing; (2) so she can obtain time off from work to attend the hearing in person; (3) the number of intervenors is unknown; and (4) if the number of intervenors increases,

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additional time for testimony and cross-examination will be necessary. Young Extension Motion, p.2-3. None of Young's articulated reasons demonstrate good cause to postpone this matter for sixty days.

First, as to the length of the hearing, this is a procedural issue that Young knew, or should have known, months ago. In Young's Petition to Intervene in this matter, Young explains that she is familiar with OPSB matters and has participated in past cases. Young Petition to Intervene at 3. Thus, Young has the experience and sophistication to understand that such hearings have a commencement date and then continue until such time that all testimony and evidence has been presented. No one can know, with specificity, the amount of time that a hearing will take. This fact is evidenced by Young's communication with OPSB's attorney. Young Extension Motion, p.2.

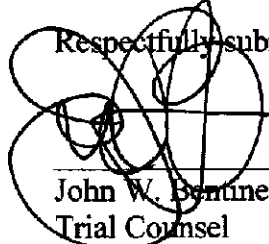
Second, Young claims that she needs additional time so that she can obtain the necessary time to attend the hearing. Young has known about this project for over two years and has known about AMP-Ohio's pending application for over five months. Young Petition to Intervene, p. 2. Thus, Ms. Young has had a significant period of time to schedule her calendar accordingly. Further, Young provides no supporting documentation detailing her inability to obtain the necessary time off more expeditiously.

Third, Young claims that she needs time to formulate her testimony and the testimony of her experts based on other intervenors. This claim makes no sense. All parties, including intervenors, are in the same position regarding discovery and trial preparation. One intervenor should not and cannot have the additional luxury of waiting out the other parties and then formulating testimony.

Fourth, Young asserts that additional intervenors will equate to additional time. Young is not correct for two reasons. First, the statutory and regulatory window for intervention has closed. Therefore, if Young is granted intervenor status, she will have knowledge of the other parties immediately. Second, the addition of more parties does not equal a significant delay in the hearing or a lengthening of the hearing.

The adjudicatory hearing date has already been continued until December 10, 2007, thus Young's request for a sixty day postponement is moot and should be denied. Because Young has failed to articulate any good cause sufficient to grant a Sixty Day Extension and because AMP-Ohio would be unfairly prejudiced by such extension, AMP-Ohio respectfully requests that OPSB deny Young's Motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "John W. Bentine", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

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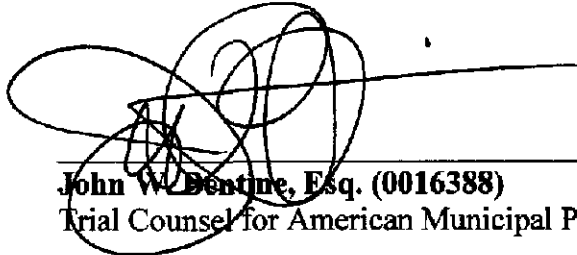
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## CERTIFICATE OF SERVICE

We hereby certify that a copy of the foregoing American Municipal Power-Ohio, Inc.'s Memoranda Contra Elisa Young's Petition to Extend Time / Postpone Testimony Portion of Adjudicatory Hearing for Case No. 06-1358-EL-BGN was served upon the following parties of record or as a courtesy via electronic and postage prepaid U.S. Mail on November 13, 2007:



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