

FILE

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

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**In the Matter of the Commission's Review )  
of Chapters 4901:1-7 and 4901:1-18 and )  
Rules 4901:1-5-07, 4901:1-10-22, 4901:1- )  
13-11, 4901:1-15-17, 4901:1-21-14, and )  
4901:1-29-12 of the Ohio Administrative )  
Code.**

**Case No. 08-723-AU-ORD**

**COLUMBUS SOUTHERN POWER COMPANY'S  
AND OHIO POWER COMPANY'S  
MEMORANDUM CONTRA  
FOR COMMISSION-ORDERED INVESTIGATION**

On September 10, 2008, a group of organizations filed a motion in this rule making proceeding asking the Commission to convert this docket into a formal investigation in which a hearing record would be developed regarding the matters addressed in these rules. Columbus Southern Power Company and Ohio Power Company (collectively, AEP Ohio) cannot imagine a more cumbersome process for establishing important regulatory rules than through a litigated process and urges the Commission to deny this motion.

AEP Ohio does not quarrel with the idea that the Commission has the authority to initiate investigations, oversee discovery and conduct hearings. That process, however, would be terribly inefficient for rule making. This process is particularly inadvisable at a time when several of the joint movants have asked for continuances of proceedings pending before the Commission under Sec. 4928.141-4928.143, Ohio Rev. Code, because those entities are unable to meet the procedural schedules established for those cases. How is it that those entities now have the resources to engage in additional formal proceedings, including the evidentiary hearings and public hearings they request? Further, the interest in hearing the views of customers on the

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proposed rules is most efficiently served by the filing of comments by parties who either are statutorily vested with the obligation to represent residential customers or have taken upon themselves that function. These entities' written comments should be able to convey to the Commission the "facts" that they believe are necessary for the Commission to make informed decisions.

If the Commission is at all inclined to enhance its normal rule making process, AEP Ohio suggests that the Commission could reinstitute its "round table" discussion process facilitated by its Staff. That process, which was an effective tool for implementing rules required to implement customer choice, has the potential for being productive, while avoiding the formalities and time-consuming procedures associated with the investigation sought by the motion for investigation.

Respectfully submitted,



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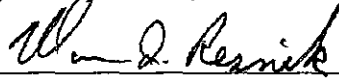
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Counsel for Columbus Southern Power  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra For Commission Ordered Investigation was served by U.S. Mail upon counsel identified below this ~~18th~~ day of September, 2008.



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