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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company to Modify Their)
Accounting Procedure For Certain Storm-)
Related Service Restoration Costs)

Case No. 08-1301-EL-AAM

MOTION FOR INTERVENTION AND MEMORANDUM IN SUPPORT OF
THE KROGER CO.

John W. Bentine, Esq. (0016388)
E-Mail: jbentine@cwslaw.com
Direct Dial: (614) 334-6121
Mark S. Yurick, Esq. (0039176)
E-mail: myurick@cwslaw.com
Direct Dial: (614) 334-7197
Matthew S. White, Esq. (0082859)
E-mail: mwhite@cwslaw.com
Direct Dial: (614) 334-6172
Chester, Willcox & Saxbe LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215-4213
(614) 221-4000 (Main Number)
(614) 221-4012 (Facsimile)
Attorneys for The Kroger Co.

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I. MOTION FOR INTERVENTION

Pursuant to Ohio Revised Code ("RC") § 4903.221 and Ohio Administrative Code ("OAC") 4901-1-11, The Kroger Co. respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned dockets, for the reasons more fully set forth below in the Memorandum in Support.

II. MEMORANDUM IN SUPPORT

For purposes of considering requests for leave to intervene in a Commission proceeding, OAC 4901-1-11(A) provides that:

Upon timely motion, any person shall be permitted to intervene in a proceeding upon a showing that: ... (2) The person has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.

Further, RC § 4903.221(B) and OAC 4901-1-11(B) provide that the Commission, in ruling upon applications to intervene in its proceedings, shall consider the following criteria:

(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; (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

OAC 4901-1-11(B) also provides that an additional factor in considering a request to intervene will be the extent to which the person's interest is represented by existing parties.

The Kroger Co. is a large consumer of significant amounts of electric service provided by Columbus Southern Power Company and Ohio Power Company (collectively "AEP") in numerous locations throughout AEP's service territory. In the above-captioned proceeding, AEP filed an Application ("Application") for accounting authority to defer costs incurred as a result of the damage Hurricane Ike caused in September 2008.¹ In the alternative, AEP seeks permission to begin collecting these expenses for a 12-month period beginning with the first billing cycle of February 2009.² AEP's proposal, if approved, will directly affect the rates paid by The Kroger Co. to AEP, as well as impact the quality of service that The Kroger Co. receives from AEP. Accordingly, The Kroger Co. has direct, real, and substantial interests in this proceeding. The disposition of this proceeding without The Kroger Co.'s full participation will prejudice and impede The Kroger Co.'s ability to protect its substantial business interests in this proceeding.

¹ Application at p. 1.

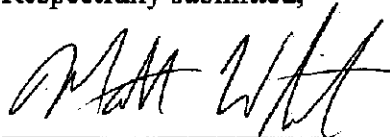
² Id. at pp. 3-4.

Further, others participating in this proceeding do not represent The Kroger Co.'s interests. Inasmuch as others participating in these proceedings cannot adequately protect The Kroger Co.'s interests, it would be inappropriate to determine this proceeding without The Kroger Co.'s participation. The Kroger Co. submits that its unique perspectives will contribute to the full, equitable, and expeditious resolution of these proceedings. Finally, The Kroger Co.'s timely intervention will not unduly delay the proceedings, or unjustly prejudice the interests of any existing party to this proceeding.

III. CONCLUSION

For the reasons set forth above, The Kroger Co. respectfully requests the Commission grant The Kroger Co.'s request to intervene in the above-captioned docket.

Respectfully submitted,



John W. Bentine, Esq. (0016388)

E-Mail: jbentine@cwsllaw.com

Direct Dial: (614) 334-6121

Mark S. Yurick, Esq. (0039176)

E-mail: myurick@cwsllaw.com

Direct Dial: (614) 334-7197

Matthew S. White, Esq. (0082859)

E-mail: mwhite@cwsllaw.com

Direct Dial: (614) 334-6172

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65 East State Street, Suite 1000

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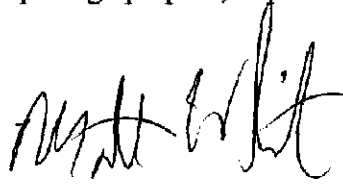
(614) 221-4000 (Main Number)

(614) 221-4012 (Facsimile)

Attorneys for The Kroger Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission, on January 6, 2009.



Matthew S. White, Esq.

SERVICE LIST

Marvin Resnik
Steven T. Nourse
American Electric Power Service
Corporation
1 Riverside Plaza
29th Floor
Columbus, OH 43215
miresnik@aep.com
stnourse@aep.com

Samuel Randazzo
Lisa G. McAlister
Joseph Clark
Industrial Energy Users-Ohio
McNees, Wallace and Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
lmcalister@mwncmh.com
jclark@mwncmh.com

Gregory Poulos
Melissa Yost
Richard Reese
Ohio Consumers Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215
poulos@occ.state.oh.us
yost@occ.state.oh.us
reese@occ.state.oh.us