

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ormet)
Primary Aluminum Corporation for)
Approval of a Unique Arrangement with)
Ohio Power Company and Columbus)
Southern Power Company.)

Case No. 09-119-EL-AEC

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MOTION FOR
SUBPOENA *DUCES TECUM*

Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25, hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena *duces tecum* compelling David M. Roush, an employee of American Electric Power Service Corporation ("AEPSC"),¹ to appear at the hearing for cross-examination on Thursday, April 30, 2009, at 10:00a.m., at the offices of the PUCO, 180 East Broad Street, 11th floor, Hearing Room F, Columbus, Ohio 43215-3793, and attend from day-to-day until the hearing is completed to provide testimony concerning the current and proposed unique arrangements between Ormet Primary Aluminum Corporation ("Ormet") and American Electric Power, Inc.(AEP) regarding the above-captioned case.

The subpoena should also compel the witness to bring with him, and provide to OCC at 9:30 a.m. on said day and at said place: 1) All documents in the possession or

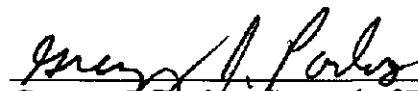
¹ The American Electric Power Service Corporation (AEPSC) is a wholly owned subsidiary of American Electric Power Company, Inc. (AEP).

control of Mr. Roush that contain any applicable information on actual or proposed rate schedules, agreements, and delta revenues between any and all companies affiliated with AEP and Ormet; 2) all documents in the possession or control of Mr. Roush containing correspondence related to the agreements or proposed agreements referenced in the preceding sentence involving Ormet or other customers of AEP (or their representatives, including representatives of membership organizations to which the customer belongs) and representatives of any AEP-affiliated company; and 3) all documents in the possession or control of Mr. Roush pertaining to the aforementioned agreements or proposed agreements. The period of time covered by the aforementioned materials should begin on January 1, 2009, and continue to the date of the examination.

Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



Gregory J. Poulos, Counsel of Record
Maureen Grady
Assistant Consumers' Counsel

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In the Matter of the Application of Ormet)	
Primary Aluminum Corporation for)	
Approval of a Unique Arrangement with)	Case No. 09-119-EL-AEC
Ohio Power Company and Columbus)	
Southern Power Company.)	

MEMORANDUM IN SUPPORT

The Office of the Ohio Consumers' Counsel ("OCC") requests a subpoena *duces tecum*, pursuant to Ohio Adm. Code 4901-1-25, to command David M. Roush, Manager of Regulated Pricing and Analysis for AEPSC,² to appear for the hearing scheduled for Thursday, April 30, 2009, to submit to cross-examination by OCC in this proceeding until completed.

This case involves a unique arrangement between Ormet and AEP. The unique arrangement is conditioned upon AEP's requirement that 100% of all revenues lost due to the arrangement (delta revenues) are collected. The impact on AEP's residential customers is a subject of this proceeding and a primary concern of OCC.

As part of the discovery responses submitted to OCC by AEP in this case, Mr. Roush was identified as one of the persons responding to OCC's interrogatories related to the proposed Ormet Unique Arrangement. In addition, Mr. Roush's position as Manager of Regulated Pricing and Analysis for AEPSC would make it likely for Mr. Roush to be

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knowledgeable about the details of the current and proposed agreements between AEP and Ormet. Mr. Roush's full participation in the examination will facilitate a full and complete development of the case before the Commission, including the ultimate record upon which the Commission will base its decision

Additionally, the OCC requests the PUCO to command Mr. Roush to bring with him, for delivery to OCC at 9:30 a.m. on said day and at said place: 1) All documents in the possession or control of Mr. Roush that contain any applicable information on actual or proposed rate schedules, agreements, and delta revenues between any and all companies affiliated with AEP and Ormet; 2) all documents in the possession or control of Mr. Roush containing correspondence related to the agreements or proposed agreements referenced in the preceding sentence involving Ormet or other customers of AEP (or their representatives, including representatives of membership organizations to which the customer belongs) and representatives of any AEP-affiliated company; and 3) all documents in the possession or control of Mr. Roush pertaining to the aforementioned agreements or proposed agreements. The period of time covered by the aforementioned materials should begin on January 1, 2009, and continue to the date of the examination. This information is central to understanding and addressing the issues related to AEP's proposed unique arrangement with Ormet. Therefore, OCC moves the Commission to issue the requested *duces tecum* subpoena, in order to facilitate a thorough examination and create a complete record on the issues in this case.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

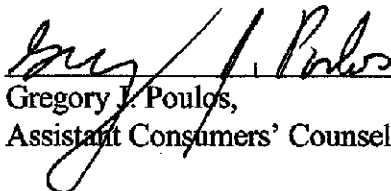


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Subpoena *Duces Tecum*, was served electronically and by regular U.S. Mail on the 24th day of April, 2009.



Gregory J. Poulos,
Assistant Consumers' Counsel

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Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM

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TO: David M. Roush
American Electric Power Service Corporation
1 Riverside Plaza
Columbus, Ohio 43215

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), you are hereby required to appear before the Public Utilities Commission of Ohio ("Commission") as a witness for OCC at hearing and attend day-to-day and submit to oral testimony by cross examination until completed for OCC in the following proceeding: "In the Application of Ormet Primary Aluminum Corporation for Approval of a Unique Arrangement with Ohio Power Company and Columbus Southern Power," Case No. 09-119-EL-AEC. You are to appear at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room F, Columbus, Ohio 43215-3793 on Thursday, April 30, 2009, at 10:00 a.m.

You shall bring with you the following to be provided to OCC at 9:30 a.m. on said day and at said place: 1) All documents in your possession or control that contain any applicable information on actual or proposed rate schedules, agreements, and delta revenues between any and all companies affiliated with AEP and Ormet; 2) all documents in your possession or control containing correspondence related to the agreements or proposed agreements referenced in the preceding sentence involving Ormet

or other customers of AEP (or their representatives, including representatives of membership organizations to which the customer belongs) and representatives of any AEP-affiliated company; and 3) all documents in your possession or control pertaining to the aforementioned agreements or proposed agreements. The period of time covered by the aforementioned materials should begin on January 1, 2009, and continue to the date of the examination.

Dated at Columbus, Ohio, this 24th day of April 2009.

BY:

TITLE:

Attorney Examiner

NOTICE: Witness fees for attending under this subpoena are to be paid by the party at whose instance the witness is summoned, and every copy of this summons for the witness must contain a copy of this notice.