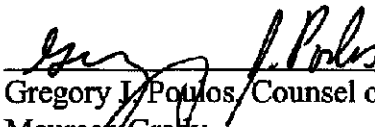


control of Mr. Baker that contain any applicable information on actual or proposed rate schedules, agreements, and delta revenues between any and all companies affiliated with AEP and Ormet; 2) all documents in the possession or control of Mr. Baker containing correspondence related to the agreements 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. Baker 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

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (telephone)
poulos@occ.state.oh.us
grady@occ.state.oh.us

**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)	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 J. Craig Baker, Senior Vice President of Regulatory Services 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. Baker was identified as one of the persons responding to OCC's interrogatories related to the proposed Ormet Unique Arrangement. In addition, Mr. Baker's position as Senior Vice President of Regulatory Services for AEPSC would make it likely for Mr. Baker to be

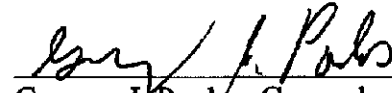
² The American Electric Power Service Corporation (AEPSC) is a wholly owned subsidiary of American Electric Power Company, Inc. (AEP).

knowledgeable about the details of the current and proposed agreements between AEP and Ormet. Mr. Baker'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. Baker 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. Baker 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. Baker 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. Baker 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




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

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 (telephone)
poulos@occ.state.oh.us
grady@occ.state.oh.us

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

SERVICE LIST

Marvin Resnik
Steve Nourse
AEP Service Corp.
1 Riverside Plaza, 29th Floor
Columbus, OH 43215

Duane Luckey
Attorney General's Office
Public Utilities Commission of Ohio
180 E. Broad St., 9th Fl.
Columbus, OH 43215

Clinton A. Vince
William D. Booth
Emma F. Hand
Scott Richardson
Douglas Bonner
Sonnenschein Nath & Rosenthal LLP
1301 K Street NW
Suite 600, East Tower
Washington, DC 20005

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

John W. Bentine
Mark S. Yurick
Matthew S. White
Chester, Willcox & Saxbe LLP
65 East State St., Ste. 1000
Columbus, OH 43215-4213

Duane.luckey@puc.state.oh.us
miresnik@aep.com
stnourse@aep.com
myurick@cswlaw.com
mwhite@cswlaw.com
jbentine@cswlaw.com
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com
cvince@sonnenschein.com
ehand@sonnenschein.com
wbooth@sonnenschein.com
dbonner@sonnenschein.com

STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573

Ted Strickland
GOVERNOR



THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM

RECEIVED-DOCKETING DIV
2009 APR 24 PM 4:40
PUCO

TO: J. Craig Baker
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.