

**FILE**

RECEIVED-DOCKETING DIV  
2009 JUL 22 PM 5:20  
PUCO

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
Columbus Southern Power Company for )  
Approval of its Peak Demand Reduction )  
Program Portfolio Plan and Request for )  
Waiver and Request for Amendment of the )  
2009 Peak Demand Reduction Benchmark )  
Pursuant to Section 4928.66(A)(2)(b), Ohio )  
Revised Code. )

Case No. 09-578-EL-EEC

In the Matter of the Application of Ohio Power )  
Company for Approval of its Peak Demand )  
Reduction Program Portfolio Plan and )  
Request for Waiver and Request for )  
Amendment of the 2009 Peak Demand )  
Reduction Benchmark Pursuant to )  
Section 4928.66(A)(2)(b), Ohio Revised Code. )

Case No. 09-579-EI-EEC

---

**MOTION TO INTERVENE AND MEMORANDUM IN SUPPORT  
OF INDUSTRIAL ENERGY USERS-OHIO**

---

Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
MCNEES WALLACE & NURICK LLC  
21 East State Street, 17<sup>TH</sup> Floor  
Columbus, OH 43215  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcAlister@mwncmh.com  
jclark@mwncmh.com

**July 22, 2009**

**Attorneys for Industrial Energy Users-Ohio**

{C28536: }

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business Technician Am Date Processed 7/23/09

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbus Southern Power Company for Approval of its Peak Demand Reduction Program Portfolio Plan and Request for Waiver and Request for Amendment of the 2009 Peak Demand Reduction Benchmark Pursuant to Section 4928.66(A)(2)(b), Ohio Revised Code.	)	Case No. 09-578-EL-EEC
	)	
In the Matter of the Application of Ohio Power Company for Approval of its Peak Demand Reduction Program Portfolio Plan and Request for Waiver and Request for Amendment of the 2009 Peak Demand Reduction Benchmark Pursuant to Section 4928.66(A)(2)(b), Ohio Revised Code.	)	Case No. 09-579-EL-EEC
	)	

---

**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

---

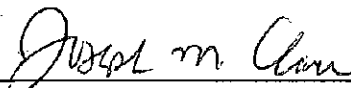
Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code, for leave to intervene in the above-captioned matters with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the Ohio Administrative Code, to intervening parties.

On July 9, 2009, Columbus Southern Power Company and Ohio Power Company (collectively, "AEP" or "Companies") filed an Application regarding whether the Companies' need to implement further programs to meet the 2009 peak demand reduction ("PDR") benchmark set forth in Section 4928.66(A)(1)(b), Revised Code. In the alternative, the Companies asked the Commission to amend their 2009 PDR

benchmarks to zero inasmuch as the Companies can not achieve the PDR benchmarks due to regulatory and economic reasons beyond their reasonable control.

As demonstrated further in the Memorandum in Support attached hereto and incorporated herein, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings, and is so situated that the disposition of these proceedings may, as a practical matter, impair or impede its ability to protect that interest. IEU-Ohio believes that its participation will not unduly prolong or delay these proceedings and that it will significantly contribute to the full development and equitable resolution of the factual and other issues in these proceedings. The interests of IEU-Ohio will not be adequately represented by other parties to the proceedings and, as such, IEU-Ohio is entitled to intervene with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the Ohio Administrative Code, to intervening parties.

Respectfully submitted,



---

Samuel C. Randazzo (Counsel of Record)

Lisa G. McAlister

Joseph M. Clark

MCNEES WALLACE & NURICK LLC

21 East State Street, 17<sup>TH</sup> Floor

Columbus, OH 43215

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcAlister@mwncmh.com

jclark@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbus )  
Southern Power Company for Approval of its ) Case No. 09-578-EL-EEC  
Peak Demand Reduction Program Portfolio )  
Plan and Request for Waiver and Request for )  
Amendment of the 2009 Peak Demand )  
Reduction Benchmark Pursuant to )  
Section 4928.66(A)(2)(b), Ohio Revised Code. )

In the Matter of the Application of Ohio Power )  
Company for Approval of its Peak Demand ) Case No. 09-579-EL-EEC  
Reduction Program Portfolio Plan and )  
Request for Waiver and Request for )  
Amendment of the 2009 Peak Demand )  
Reduction Benchmark Pursuant to )  
Section 4928.66(A)(2)(b), Ohio Revised Code. )

---

**MEMORANDUM IN SUPPORT**

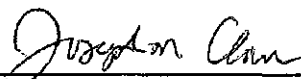
---

In support of this Motion to Intervene, IEU-Ohio states that it is an association of ultimate customers. A current listing of IEU-Ohio member companies is available on IEU-Ohio's website at [http://www.ieu-ohio.org/member\\_list.aspx](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio members purchase substantial amounts of electric and related services from the Companies, which are public utilities subject to the jurisdiction of the Commission.

IEU-Ohio members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end IEU-Ohio has worked, including actively participating in the legislative process related to Amended Substitute Senate Bill 221 and will continue to work, to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

Many of IEU-Ohio's member companies are served by the Companies and may be affected by Companies' proposed 2009 PDR benchmark compliance strategy. IEU-Ohio has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by Companies.

Respectfully submitted,

  
\_\_\_\_\_  
Samuel C. Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
McNEES WALLACE & NURICK LLC  
Fifth Third Center  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215-4228  
Telephone: (614) 469-8000  
Telecopier: (614) 469-4653  
sam@mwncmh.com  
lmcAlister@mwncmh.com  
jclark@mwncmh.com

**Attorneys for Industrial Energy Users-Ohio**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 22nd day of July 2009, via first class mail, postage prepaid.

  
\_\_\_\_\_  
Joseph M. Clark

Steven Nourse  
Marvin Resnik  
American Electric Power Service  
Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, OH 43215

**ON BEHALF OF COLUMBUS SOUTHERN  
POWER COMPANY AND OHIO POWER  
COMPANY**

David Boehm  
Michael Kurtz  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

**ON BEHALF OF OHIO ENERGY GROUP**