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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of
Columbus Southern Power Company for
Approval of its Program Portfolio Plan
and Request for Expedited Consideration.

Case No. 09-1089-EL-POR

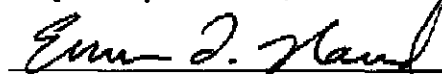
In the Matter of the Application of Ohio
Power Company for Approval of its
Program Portfolio Plan and Request for
Expedited Consideration.

Case No. 09-1090-EL-POR

MOTION TO INTERVENE OF
ORMET PRIMARY ALUMINUM CORPORATION

Ormet Primary Aluminum Corporation ("Ormet") hereby respectfully moves to intervene in the above-captioned matters pursuant to Ohio Revised Code Section 4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute, or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



Clinton A. Vince, Counsel of Record
Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum (#0082745)
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*Attorneys for Ormet Primary Aluminum
Corporation*

Dated: November 19, 2009

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THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**In the Matter of the Application of Ohio
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Case No. 09-1090-EL-POR

**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE OF
ORMET PRIMARY ALUMINUM CORPORATION**

Ormet Primary Aluminum Corporation ("Ormet") should be permitted to intervene in these matters pursuant to Section 4903.221, Ohio Revised Code and the Commission's Rules and Regulations contained in Section 4901-1-11 of the Ohio Administrative Code. The outcome of these proceedings could impact the rates Ormet pays for electricity.

Under Section 4903.221, any person who may be adversely affected by a Commission proceeding may intervene in such proceeding. The Commission's rules state that any person shall be permitted to intervene in a proceeding upon a showing that:

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.¹

Ormet has a substantial interest in this proceeding. Ormet owns an aluminum reduction facility in Hannibal, Ohio. The reduction facility is physically located in the AEP zone of PJM,

¹ Ohio Admin. Code § 4901-1-11(A)(2) (2007).

and takes generation, transmission and distribution services from Columbus Southern Power Company and Ohio Power Company (collectively, "AEP Ohio") under an electric service agreement entered into in accordance with the Commission's July 15, 2009 and September 15, 2009 orders in Case No. 09-119-EL-AEC ("Agreement"). This Agreement between Ormet and AEP Ohio provides, *inter alia*, that under certain circumstances Ormet will receive electricity at a rate discounted from AEP Ohio's standard tariff rates. Because the discount that Ormet may receive each year is capped under the Agreement and the Commission's orders, an increase in the AEP Ohio tariff rates may result in an increase in the rate Ormet pays for electricity. Therefore, Ormet's rates could be affected by the outcome of this proceeding.

In deciding whether to permit intervention under Section 4901-1-11(B), the Commission considers:

- (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 the full development and equitable resolution of the factual issues.
- (5) The extent to which the person's interest is represented by existing parties.

As described above, Ormet is a customer of AEP Ohio and Ormet's rates may be affected by changes to AEP Ohio's tariff rates, thus Ormet has an interest in ensuring that AEP Ohio's rates remain just and reasonable. Ormet's unique relationship with AEP will also assist in the full development and equitable resolution of the factual issues and indicates that no other party can adequately represent Ormet's interest in these proceedings. Ormet's intervention is timely and will not unduly prolong or delay the proceedings. Ormet was not invited to join the working group of stakeholders with whom AEP Ohio negotiated the Stipulation and Recommendation

submitted in this proceeding on November 12, 2009, but Ormet does not oppose the Stipulation and Recommendation, nor does it oppose expedited resolution thereof.

WHEREFORE, Ormet respectfully requests that the Commission grant its motion to intervene in this proceeding.

Respectfully submitted,




Clinton A. Vince, Counsel of Record
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*Attorneys for Ormet Primary Aluminum
Corporation*

Dated: November 19, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of Ormet Primary Aluminum Corporation's Motion to Intervene and Memorandum in Support were served by U.S. Mail upon counsel identified below for all parties of record this 19th day of November, 2009.


Emma F. Hand

SERVICE LIST

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**MOTION FOR ADMISSION *PRO HAC VICE* OF
CLINTON A. VINCE, DOUGLAS G. BONNER AND EMMA F. HAND**

Pursuant to Section 4901-1-08(B) of the Ohio Administrative Code, Keith C. Nusbaum (#0082745), an attorney licensed to practice law in the State of Ohio in good standing, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit Clinton A. Vince, Douglas G. Bonner and Emma F. Hand to practice *pro hac vice* before the Commission in the captioned proceeding. Mr. Vince, Mr. Bonner and Ms. Hand represent Ormet Primary Aluminum Corporation, an industrial customer of Columbus Southern Power Company and Ohio Power Company.


Mr. Vince was graduated from the Georgetown University Law Center in 1974. Mr. Vince is an active member in good standing of the District of Columbia Bar (#223594) and the New York Bar (#3805892), and has been admitted to the Supreme Court of the United States, the United States Courts of Appeal for the First, Second, Fourth, Fifth, Eighth, Tenth, Eleventh and D.C. Circuits and the District of Columbia and New York federal district courts. Mr. Vince has practiced energy law continuously since being admitted to the New York Bar in 1975.

Mr. Bonner was graduated from Catholic University Law School in 1983. Mr. Bonner is an active member in good standing in the District of Columbia Bar (#384060) and the Florida Bar (#376825), and has been admitted to the United States Courts of Appeal for the Fifth, Ninth, Eleventh, and D.C. Circuits and the District of Columbia and Southern and Middle District of Florida federal district courts. Mr. Bonner has practiced law continuously since being admitted to the Florida Bar in 1983, and has over 16 years experience representing regulated utilities in administrative and litigation matters.

Ms. Hand was graduated from the Georgetown University Law Center in 2001. She is an active member in good standing of the Virginia Bar (#46272) and the District of Columbia Bar (#4760001), and is admitted to the United States Courts of Appeal for the Fourth, Ninth and D.C. Circuits and the United States District Court for the District of Columbia. Ms. Hand has practiced energy law continuously since she was admitted to the Virginia Bar in 2001.

WHEREFORE, Keith C. Nusbaum respectfully requests that Clinton A. Vince, Douglas G. Bonner and Emma F. Hand be permitted to practice before the Commission in the aforementioned proceedings.

Respectfully submitted,


Keith C. Nusbaum (#0082745)
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Dated: November 19, 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Admit *Pro Hac Vice* has been served upon the below-named persons via regular U.S. Mail Service, postage prepaid, this 19th day of November, 2009.



Emma F. Hand

Attorney for Ormet Primary Aluminum Corporation

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