

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbus)
Southern Power Company and Ohio Power)
Company to Recover Commission-Authorized) Case No. 09-1094-EL-FAC
Deferrals Through Each Company's Fuel)
Adjustment Clause.)

**MOTION TO INTERVENE, MOTION TO SET MATTER FOR HEARING
AND MEMORANDUM IN SUPPORT OF
INDUSTRIAL ENERGY USERS-OHIO**

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November 25, 2009

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(C29566:)

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MOTION TO INTERVENE AND TO SET MATTER FOR HEARING

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 ("O.A.C."), 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 O.A.C., to intervening parties.

On November 13, 2009, Columbus Southern Power Company and Ohio Power Company (collectively, "AEP" or "Companies") filed an application ("Application") to recover deferred fuel costs related to serving Ormet Primary Aluminum Mill Products Corporation ("Ormet") under an interim reasonable arrangement approved by the Commission in Case Nos. 08-1338-EL-AAM and 08-1339-EL-UNC.

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 O.A.C., to intervening parties.

Moreover, as the Commission has already indicated that additional proceedings are necessary to address this issue and for the reasons set forth below, the Commission should set this matter for hearing.

Respectfully submitted,



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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. IEU-Ohio's members purchase electricity from AEP, which is a public utility subject to the jurisdiction of the Commission.

IEU-Ohio's 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, 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.

A portion of IEU-Ohio's member companies are served by AEP and may be affected by AEP's proposed Application. AEP's proposal may result in increases to the rates charged to IEU-Ohio members for electric service as well as impact the quality of service that IEU-Ohio members receive from AEP. This potential vests IEU-Ohio with a direct, real, and substantial interest in the issues and matters involved in the above-

captioned proceedings, the disposition of which may impair or impede its ability to protect that interest.

For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceedings that will only be protected by its participation in these proceedings. Therefore, IEU-Ohio hereby requests that the Commission grant its intervention with the full powers and rights granted by the Commission, specifically by statute and by the provisions of the O.A.C., to intervening parties.

For the reasons stated herein, IEU-Ohio respectfully requests this Commission grant its Motion to Intervene.

Additionally, in Case No. 09-119-EL-AEC, the Commission specifically held that additional proceedings were necessary to address the costs deferred in 2009:

However, with respect to the delta revenue for 2009, the Commission believes further proceedings are necessary regarding the recovery of delta revenues by AEP-Ohio for calendar year 2009. Therefore, the Commission authorizes AEP-Ohio to defer the delta revenues created by the unique arrangement for the remainder of calendar year 2009, and the Commission directs AEP-Ohio to file an application to recover the appropriate amounts of the deferrals authorized by the Commission in Case No. 08-1338-EL-AAM and the delta revenues for calendar year 2009.¹

Moreover, there has been a rehearing pending in Case No. 08-1338-EL-AAM since March 2009. Given the Commission's indication that further proceedings are necessary regarding the recovery of delta revenue for 2009 and the various interrelated issues from multiple cases, the Commission should determine that AEP's request may be unjust and unreasonable and should set the matter for hearing.

¹ *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-UNC), Opinion and Order at 5 (July 15, 2009).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene, Motion to Set Matter for Hearing and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 25th day of November 2009, via first class mail, postage prepaid.


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