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December 23, 2009

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793


Re: Enclosed Document for Filing in Case No. 09-119-EL-AEC

Dear Sir or Madam:

Enclosed please find an original and seven (7) copies of the Reply of Ormet Primary Aluminum Corporation to Comments of Ohio Consumers' Counsel in Case No. 09-119-EL-AEC. This document was originally filed by fax on December 23, 2009. Two additional copies are enclosed to be date-stamped and returned to me in the enclosed, self-addressed Federal Express envelope.

Thank you for your assistance in this matter. If you have any questions please contact me at the telephone number above.

Sincerely,



Emma F. Hand

Enclosures

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.
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**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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**REPLY OF ORMET PRIMARY ALUMINUM CORPORATION TO
COMMENTS OF OHIO CONSUMERS' COUNSEL**

On December 17, 2009, the Ohio Consumers' Counsel ("OCC") filed comments by letter on the September 17, 2009 executed Power Agreement between Ormet Primary Aluminum Corporation ("Ormet") and Ohio Power Company ("OP") and Columbus Southern Power Company ("CSP") (collectively "AEP Ohio") filed in compliance with the Commission's Order and Opinion in this proceeding. Ormet submits this brief reply to the OCC's comments.

The OCC raises two concerns with the executed Power Agreement and one concern with the revised Schedule A for 2010. First, the OCC expresses a concern about the maximum monthly discount set forth in Article 5.08(a) of the Power Agreement. The OCC argues that the maximum monthly discount should be reached by multiplying the annual discount by 8.3%. The Commission's July 15 Opinion and Order ("Order") in this proceeding specifies an annual maximum discount for the years 2010 through 2018, however it does not specify a maximum monthly discount. Ormet does not believe that it was the Commission's intent to allow the full annual discount to be consumed in the first month or two of any given year. Given the Commission's acknowledgement of the volatility of aluminum prices in the Opinion and Order,¹ Ormet also does not believe the Commission intended for Ormet to go out of business in a year

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-AEC, Opinion and Order, issued July 15, 2009 at pp. 10-11.

where it would otherwise have consumed less than the full discount solely because it needed more than 1/12 of the annual discount in a particular month. To that end, in the executed Power Agreement Ormet included a monthly maximum discount that attempts to strike a balance between not allowing the annual discount to be too heavily frontloaded, but still allowing some protection against the volatility of prices in the aluminum market. As set forth in the executed Power Agreement, the maximum rate discount would allow Ormet to continue to operate the Hannibal Facilities in years when the price of aluminum starts low but increases over the course of the year, or where there is a sharp, but short, downturn in aluminum rates. Under the executed Power Agreement, if Ormet were to consume the full annual discount prior to the end of the year, it would pay full tariff rates for the remainder of the year.²

The second concern OCC raises regarding the executed Power Agreement is that it does not address the pricing arrangement for usage above the 540 MW referenced in Article 4.01. The OCC argues that the executed Power Agreement should provide that if usage exceeds 540 MW, power will be priced at prevailing tariff rates. Such an addition to the Power Agreement is unnecessary. Ormet's aluminum production process does not have the capability to utilize power in excess of 540 MW. Furthermore, because the executed Power Agreement only addresses usage below 540 MW, and utilities may only charge rates on file at the Commission,³ any additional power usage could only be priced at either prevailing tariff rates or under a separate contract for discounted rates or an amendment to the executed Power Agreement that would have to be filed and approved at the Commission. Ormet opposes any revision to the executed

² Ormet also notes that the OCC's concern that Article 5.08(a) could cause AEP to charge customers earlier than expected is misplaced given that AEP Ohio has proposed in Case No. 09-1095-EL-UNC to levelize the recovery of delta revenues associated with the executed Power Agreement.

³ See e.g., Ohio Revised Code §§4905.32, 4509.31(e) and 4905.30.

contract, such as that proposed by the OCC, that could arguably prevent Ormet from negotiating a separate contract for discounted rates or an amendment to the executed Power Agreement for power usage exceeding 540 MW should Ormet expand its Hannibal facilities to be able to utilize more than 540 MW in the next ten years.

Finally, with regard to the revised Schedule A for 2010 filed by Ormet in this proceeding on September 30, 2009, the OCC requests that the Commission require Ormet to file and serve all parties with backup data to support the revised LME Target Price. Under Article 5.03 of the executed Power Agreement, the Commission may require an independent third-party review, at Ormet's expense, of any schedule submitted. Ormet is prepared to provide any such independent third-party auditor with full access to the necessary information, and expects that interested parties will have the opportunity to review the results of the independent audit and seek any further information needed at that time. However, Ormet opposes giving parties access to highly confidential business information. The change in Target Price between the sample 2010 Schedule A provided earlier in this proceeding and the revised Schedule A filed on September 30, 2009, is simply the result of two factors: (1) the impact of AEP Ohio's ESP rates becoming effective (and thereby increasing the standard GS-4 Tariff Rate) and (2) the reduction of Ormet's production from 6 potlines to 4 potlines, which increases Ormet's per-unit cost of production.

WHEREFORE, Ormet respectfully requests that the Commission find that the executed Power Agreement is in compliance with its Opinion and Order and approve the revised Schedule A for 2010 filed in this proceeding.

Respectfully submitted,



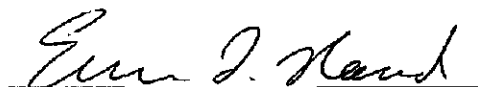
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Dated: December 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. Mail upon counsel identified below for all parties of record this 23rd day of December, 2009.



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