

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	
Columbus Southern Power Company for	)	
Approval of its Program Portfolio Plan and	)	Case No. 09-1089-EL-POR
Request for Expedited Consideration.	)	

In the Matter of the Application of	)	
Ohio Power Company for Approval of its	)	
Program Portfolio Plan and Request for	)	Case No. 09-1090-EL-POR
Expedited Consideration.	)	

**ENTRY**

The attorney examiner finds:

- (1) Columbus Southern Power Company and Ohio Power Company (AEP-Ohio or the Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On November 12, 2009, AEP-Ohio filed an application (Application) in Case Nos. 09-1089-EL-POR and 09-1090-EL-POR for approval of the Companies' energy efficiency and peak demand reduction program portfolio plans for 2010 through 2012 pursuant to Rule 4901:1-39-04, Ohio Administrative Code (O.A.C.). Contemporaneously, AEP-Ohio filed a Stipulation and Recommendation (Stipulation), signed by the Office of the Ohio Consumers' Counsel (OCC), Ohio Manufacturers' Association (OMA), Ohio Environmental Council (OEC), Ohio Partners for Affordable Energy (OPAE), the Sierra Club, the Natural Resources Defense Council (NRDC), Ohio Energy Group (OEG), Ohio Poverty Law Center (OPLC), Ohio Hospital Association (OHA), Ormet Primary Aluminum Corporation (Ormet), and the Companies, addressing all of the issues raised in the Application. AEP-Ohio also filed testimony in support of its Application and the Stipulation on November 12, 2009.
- (3) Pursuant to Chapter 4901:1-39, O.A.C., the following procedural schedule is established for this proceeding:
  - (a) Motions to intervene shall be filed by February 11, 2010.

- (b) Testimony on behalf of all intervenors shall be filed by February 11, 2010.
  - (c) Testimony on behalf of Staff shall be filed by February 18, 2010.
  - (d) The evidentiary hearing shall commence on February 25, 2010, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio.
- (4) Pursuant to Rule 4901:1-39-04(E), the Companies should publish legal notice of the scheduled hearing in a newspaper of general circulation in each county in the Companies' service territories. Publication of the notice should be completed by January 25, 2010. The hearing notice should not appear in the legal notices section of the newspaper. The notice should read as follows:

#### LEGAL NOTICE

The Public Utilities Commission of Ohio (PUCO) has scheduled a hearing in Case Nos. 09-1089-EL-POR and 09-1090-EL-POR, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Their Program Portfolio Plan and Request for Expedited Consideration*. The application, submitted on behalf of Columbus Southern Power Company and Ohio Power Company, was filed pursuant to Section 4928.66 of the Ohio Revised Code and Rules 4901:1-39-04 through 07 of the Ohio Administrative Code. The companies are seeking PUCO approval of proposed plans to increase energy efficiency by their customers and to reduce energy usage by their customers during times of peak demand and the related stipulation and recommendation filed simultaneously. The companies are also seeking approval of recovery of their costs associated with the proposed plans and for approval of reports that demonstrate compliance with statutory requirements. The PUCO has scheduled a hearing to consider the matters raised in the companies' application and the stipulation and

recommendation. The hearing will commence on February 25, 2010, at 10:00 a.m., at the offices of the PUCO, 180 E. Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio.

Further information may be obtained by contacting the PUCO, 180 East Broad Street, Columbus, Ohio 43215-3793; by calling the PUCO hotline at 1-800-686-7826; or by going to the PUCO website at [www.puco.ohio.gov](http://www.puco.ohio.gov), selecting DIS, and inserting the case numbers referenced above.

- (5) Ormet, IEU-Ohio, OPAE, Sierra Club, OEG, OHA, OMA, OEC, OCC, and NRDC have filed timely motions to intervene. Additionally, Ormet has filed a motion for admission pro hac vice on behalf of Clinton A. Vince, Douglas G. Bonner, and Emma F. Hand, and OPAE has filed a motion for admission pro hac vice on behalf of David C. Rinebolt. The attorney examiner finds that the motions to intervene and the motions pro hac vice are reasonable and should be granted.
- (6) As set forth above, the hearing in these cases will commence on February 25, 2010. Efforts to resolve issues between the parties and reach consensus prior to the start of the hearing should be conducted as expeditiously as possible because requests to delay the start date of the hearing will not be viewed with favor. To help insure that all parties are properly prepared for hearing, responses to discovery requests shall be due in 10 days instead of the 20 days provided by Rule 4901-1-19, O.A.C. Parties are encouraged to serve discovery requests and responses electronically. Should the need arise, motions to compel should be filed as early as possible. A response to a motion to compel shall be filed within three business days.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (3) be observed. It is, further,

ORDERED, That the Companies comply with the legal notice requirements set forth in finding (4). It is, further,

ORDERED, That the motions to intervene and the motion pro hac vice filed in these proceedings be granted as set forth in finding (5). It is, further,

ORDERED, That the parties comply with the discovery-related requirements set forth in finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

*Rebecca L. Hussey*

By: Rebecca L. Hussey  
Attorney Examiner

*gag*  
/ct

Entered in the Journal

**JAN 21 2010**

*Renee J. Jenkins*

Renee J. Jenkins  
Secretary