

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application )  
of Columbus Southern Power ) Case No. 10-163-EL-RDR  
Company and Ohio Power Company )  
to Update Their Enhanced Service )  
Reliability Riders )

**COLUMBUS SOUTHERN POWER COMPANY'S  
AND OHIO POWER COMPANY'S  
MEMORANDUM CONTRA  
OHIO CONSUMERS' COUNSEL'S  
MOTION FOR A PROCEDURAL RULING**

This proceeding was initiated with the filing by Columbus Southern Power Company and Ohio Power Company (the Companies) to update their Enhanced Service Reliability Riders. Their filing was made on February 11, 2010. On February 23, 2010 Ohio Consumers' Counsel (OCC) filed a motion to intervene as well as a motion for a procedural ruling. The Companies do not oppose OCC's intervention; nor do they oppose the Commission's issuance of a procedural ruling that would let all parties know how this case will proceed.<sup>1</sup>

Notwithstanding OCC's apparent preference for an evidentiary hearing in every case that is brought before the Commission, a hearing in this case is unnecessary. The basis for establishing the riders sought by the Companies is found in the Companies' Electric Security Plan

<sup>1</sup> In fact, the Companies' application requested that the Commission issue guidance regarding a procedural process for resolving this case in time for the riders to become effective with the first billing cycle of July 2010. (Application, ¶10).

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proceeding.<sup>2</sup> The Companies have provided, as part of their application in the present case substantial supporting data regarding the calculation of each Company's proposed rider. The Companies believe that the Commission's Staff can and should analyze the data provided by the Companies and provide the Commission and intervenors with the results of its analysis. The Companies believe that a full understanding of the application would be more readily achieved by that process than by a process constrained by the limits of litigation. The process proposed by the Companies will not preclude OCC from providing its own input. The submission of comments provides a "paper hearing" and is not an unusual regulatory procedure.

Whether or not there is an evidentiary hearing, OCC still will have its right to discovery. That right, however, is fully protected without the proposal that discovery must be responded to in ten days. There is no reason requiring a process whereby OCC can conduct discovery at its leisure, but the Companies' must "march at double-time" to OCC's requests. §4901-1-19 (A), Ohio Admin. Code, provides for a twenty-day response time. OCC's request for cutting in half the allowed response time is OCC's typical approach to discovery and is unsupported.

The Companies' application indicates their preference to have this proceeding resolved in time for the Companies to make their filings for their fuel adjustment rate for the period beginning with the July 2010 billing period. That timing, however, does not justify OCC's request for a ten-day discovery response, particularly when nearly four weeks already have passed and OCC has not initiated any discovery. It is unreasonable

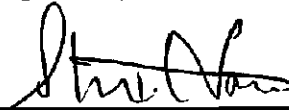
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<sup>2</sup> *In the Matter of the Application of Columbus Southern Power Company for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generating Assets. In the Matter of the Application of Ohio Power Company for Approval of its Electric Security Plan; and an Amendment to its Corporate Separation Plan.* Case Nos. 08-917 and 918-EL-SSO, Opinion and Order, pp. 28-30, July 23, 2009 Entry on Rehearing, p. 14.

to impose an expedited discovery response time when OCC does not appear to be in a hurry to conduct discovery.

For these reasons, the Commission should deny OCC's request for a hearing and OCC's request for an expedited discovery response time.

Respectfully submitted,



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Steven T. Nourse, Counsel of Record  
Marvin I. Resnik  
American Electric Power Corporation  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, Ohio 43215-2373  
Telephone: (614) 716-1608  
Facsimile: (614) 716-2950  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[miresnik@aep.com](mailto:miresnik@aep.com)

Counsel for Columbus Southern Power  
Company and Ohio Power Company

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra Ohio Consumers' Counsel's Motion for a Procedural Ruling was served by U.S. Mail upon the individuals listed below this 3<sup>rd</sup> day of March 2010.



Steven T. Nourse

Terry Etter  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

Duane Luckey  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215