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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Columbus Southern Power Company )  
And Ohio Power Company to Update ) Case No. 10-477-EL-RDR  
Each Company's Transmission Cost )  
Recovery Rider. )

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MOTION TO INTERVENE, MEMORANDUM IN SUPPORT, AND  
COMMENTS OF INDUSTRIAL ENERGY USERS-OHIO

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May 21, 2010

Attorneys for Industrial Energy Users-Ohio

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**MOTION TO INTERVENE OF INDUSTRIAL ENERGY USERS-OHIO**

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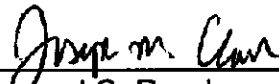
Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Section 4903.221, Revised Code, and Rule 4901-1-11, Ohio Administrative Code ("O.A.C."), for leave to intervene in the above-captioned matter with the full powers and rights granted by the Commission, specifically by statute or by the provisions of the O.A.C., to intervening parties.

On April 14, 2010 Columbus Southern Power Company and Ohio Power Company (individually "CSP" and "OP", respectively, and collectively "Companies" or "AEP-Ohio") filed an Application to update each Company's respective Transmission Cost Recovery Rider ("TCRR").

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 proceeding, and is so situated that the disposition of this proceeding 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 this proceeding. 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 Ohio Administrative Code to intervening parties.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT AND COMMENTS**

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**A. MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE**

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](http://www.ieu-ohio.org/member_list.aspx). IEU-Ohio's members purchase electricity from AEP-Ohio, 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. IEU-Ohio members have been, and continue to be, active participants in state and federal regulatory proceedings concerning Ohio's electric utilities, including AEP-Ohio's electric security plan ("ESP") case and rider update proceedings.

Several of IEU-Ohio's member companies are served by AEP-Ohio and may be affected by AEP-Ohio's proposed TCRR adjustments. IEU-Ohio has a real and substantial interest inasmuch as these proceedings may directly or indirectly impact the provision of electric service to IEU-Ohio members' manufacturing facilities. Specifically, IEU-Ohio's direct interest in these proceedings is the result of the effect that these proceedings shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by AEP-Ohio.

For the aforementioned reasons, IEU-Ohio has a direct, real, and substantial interest in the issues and matters involved in the above-captioned proceeding that will only be protected by its participation in this proceeding. 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.

## **B. COMMENTS**

IEU-Ohio has repeatedly demonstrated in proceedings stemming from AEP-Ohio's ESP case that the Commission lost jurisdiction over AEP-Ohio's ESP case as well as all subsequent proceedings stemming from the ESP proceeding when it failed to issue an Order within the 150-day time period required by Section 4928.143, Revised Code.<sup>1</sup> IEU-Ohio also demonstrated in these cases that the Commission

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<sup>1</sup> See *In the Matter of the Fuel Adjustment Clauses of Columbus Southern Power Company and Ohio Power Company*, PUCO Case Nos. 09-872-EL-FAC, et al., Application for Rehearing and Memorandum in Support of Industrial Energy Users-Ohio (February 5, 2010); *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company to Adjust Their Economic Development Cost Recovery Rider Pursuant to Rule 4901:1-38-08(A)(5), Ohio Administrative Code*, Case No. 10-154-EL-RDR, Application for Rehearing (April 23, 2010); *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company to Establish Environmental Carrying Cost Riders*, PUCO Case No. 10-155-EL-RDR, Motion to Intervene and Memorandum in Support and Comments of Industrial Energy Users-Ohio (March 26, 2010); *In the Matter of the Application of Columbus Southern*

cannot permit AEP-Ohio to take the benefits of the higher rates contained in its ESP, including the TCRR, while AEP-Ohio simultaneously challenges the ESP Orders as well as reserves the right to withdraw and terminate its ESP.<sup>2</sup> However, IEU-Ohio recognizes that the Commission has rejected these arguments in previous AEP-Ohio cases.<sup>3</sup> Therefore, IEU-Ohio hereby incorporates by reference its previous pleadings (as delineated in footnote 1) regarding these issues for the purposes of once again asserting that approval of the instant Application would be illegal under Sections 4928.141 and 4928.143, Revised Code, and for purposes of preserving any rights the Ohio Revised Code or the O.A.C. affords IEU-Ohio related to the Commission's Orders in this proceeding.

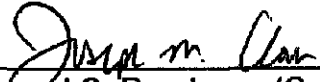
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*Power Company and Ohio Power Company to Update Their Enhanced Service Reliability Riders*, PUCO Case No. 10-163-EL-RDR, Motion to Intervene and Memorandum in Support and Comments of Industrial Energy Users-Ohio (March 26, 2010); *In the Matter of the Application of Columbus Southern Power Company to Update its gridSMART Rider*, PUCO Case No. 10-164-EL-RDR, Motion to Intervene and Memorandum in Support and Comments of Industrial Energy Users-Ohio (March 26, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> See, for example, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company to Adjust Their Economic Development Cost Recovery Rider Pursuant to Rule 4901:1-38-08(A)(5)*, Ohio Administrative Code, Case No. 10-154-EL-RDR, Entry on Rehearing at 3-4 (May 19, 2010).

Respectfully submitted,



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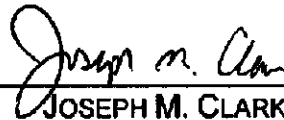
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Intervene and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 21<sup>st</sup> day of May, 2010, via first class mail, postage prepaid.



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### **ON BEHALF OF AMERICAN ELECTRIC POWER**

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