

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Columbus Southern Power Company) Case No. 10-155-EL-RDR
and Ohio Power Company to Establish)
Environmental Investment Carrying)
Cost Riders.)

PUCO

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**MEMORANDUM CONTRA
AEP'S MOTION TO FILE ADDITIONAL REPLY COMMENTS
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

On May 10, 2010, the Office of the Ohio Consumers' Counsel ("OCC") filed Reply Comments in this proceeding involving an application ("Application") to establish a rider to charge customers carrying costs associated with environmental investments by Columbus Southern Power Company ("CSP") and Ohio Power Company ("OPC") (collectively, "AEP" or "Companies") during their three-year electric security plan. If the Public Utilities Commission of Ohio ("PUCO" or "Commission") approves the new riders as requested by AEP, the Companies will be allowed to collect \$29,277,000 from CSP customers¹ and \$36,635,000 from OPC customers.²

In its Reply Comments, OCC provided a complete analysis of discovery responses from AEP that was not possible to be included in the Comments, which were filed on April 30, 2010. As OCC noted in its Reply Comments,³ AEP provided timely discovery responses, but a

¹ See Application (February 8, 2010) at ¶ 8 and CSP Schedule 1.

² Id. at OPC Schedule 1.

³ Reply Comments at 3.

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complete analysis was not possible in the Comments due to time restraints and the unavailability of OCC personnel who were on travel.

On May 14, 2010, AEP filed a motion asking the PUCO for permission to file additional reply comments in response to OCC's May 10 Reply Comments. AEP's intended response to OCC's Reply Comments was included with the motion.

OCC has no objection to AEP filing its response. OCC does object, however, to AEP's characterization of OCC's participation in this proceeding as a "'cat and mouse' game."⁴ OCC was not tardy in serving discovery on the Companies, as AEP claims.⁵

AEP's argument in support of its motion is unduly accusatory. OCC did not "hold back for reply comments the main thrust of [its] positions," as AEP alleged.⁶ Instead, OCC was forthcoming regarding why the analysis was included in its Reply Comments rather than its Comments. OCC did not fault AEP for providing discovery responses on the morning that comments were to be filed; rather, OCC acknowledged that the responses were timely provided. OCC also presented a valid reason – the unavailability of key personnel at the time comments were filed – for presenting the analysis on reply.

In conclusion, AEP's unnecessary posturing and ad hominem attack on OCC add nothing to this proceeding. OCC does not object to the filing of AEP's additional reply comments. But the Commission should ignore the Companies' hyperbole.

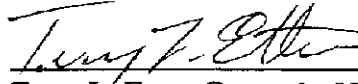
⁴ Motion at 3.

⁵ Id.

⁶ Id.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

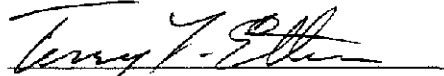
A handwritten signature in cursive script, appearing to read "Terry L. Etter", is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served upon the persons listed below via first class U.S. Mail, postage prepaid, this 1st day of June 2010.



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