

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Columbus Southern Power Company)	
and Ohio Power Company for)	
Administration of the Significantly)	Case No. 10-1261-EL-UNC
Excessive Earnings Test Under Section)	
4928.143(F), Revised Code, and Rule)	
4901:1-35-10, Ohio Administrative)	
Code.)	

ENTRY

The attorney examiner finds:

- (1) Columbus Southern Power Company and Ohio Power Company (jointly, AEP-Ohio, Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission. Pursuant to the directives of Section 4928.143(F), Revised Code, the Commission is required to evaluate the earnings of each electric utility's approved electric security plan to determine whether the plan or offer produces significantly excessive earnings for the electric utility.
- (2) On September 1, 2010, AEP-Ohio filed an application for the administration of the significantly excessive earnings test (SEET), as required by Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code (O.A.C.).
- (3) By attorney examiner entry issued September 21, 2010, a procedural schedule was established for this proceeding.
- (4) To date, motions to intervene have been filed by the Office of the Ohio Consumers' Counsel (OCC), Industrial Energy Users-Ohio (IEU-Ohio), Ohio Partners for Affordable Energy (OPAE), Ohio Energy Group (OEG), Appalachian Peace and Justice Network (APJN), Ohio Manufacturers Association (OMA), and Ohio Hospital Association (OHA). In addition, OPAE filed a motion to admit David Rinebolt *pro hac vice*. AEP-Ohio did not file a memorandum contra to any of the motions to intervene.

- (5) The attorney examiner determines that the motions to intervene listed in finding 4 set forth reasonable grounds for intervention and, therefore, the motions to intervene will be granted. Moreover, OPAE's motion to admit David Rinebolt *pro hac vice* for purposes of this proceeding is granted.
- (6) On October 1, 2010, Staff filed a motion seeking an extension of time to file Staff testimony and a request for an expedited ruling. In support of the request for an extension of time to file testimony, Staff submits that the individuals assigned to this case on behalf of Staff are involved in a number of SEET proceedings that are currently before the Commission on a similar time frame as the Companies' case. Due to the significant time and effort involved in analyzing all of the various factors and related data associated with SEET proceedings, Staff requests that the deadline for the filing of Staff testimony be extended to October 21, 2010. In support of the request for an expedited ruling, Staff contacted all of the parties to this proceeding to determine whether there is any objection to the issuance of an expedited ruling without the filing of memoranda. Staff submits that the Companies object to Staff's request but that all other parties to this proceeding have no objection.
- (7) AEP-Ohio filed its memorandum in response to Staff's motion for an extension on October 4, 2010. In its response, AEP-Ohio does not oppose an extension of the deadline for the filing of Staff's testimony, provided that the hearing date is also continued by an equal amount of time. Therefore, if Staff's testimony deadline is extended to October 21, 2010, then, under AEP-Ohio's proposal, the hearing would be extended to commence on November 3, 2010. AEP-Ohio states that, if the hearing date is not extended as requested, the Companies' ability to prepare adequately for the hearing could be prejudiced by the filing of Staff testimony one business day before the start of the hearing. AEP-Ohio notes that support for continuance of the hearing, in the event of an extension of the Staff's filing deadline, is widespread among the intervenors in this case. To date, according to the Companies, OCC, OEG, OPAE, and APJN have indicated that they support continuing the hearing date by the amount of any extension of the Staff's testimony filing deadline.

- (8) The attorney examiner determines that Staff's request for an expedited ruling is well made and is, therefore, granted. Further, the attorney examiner finds that Staff's request for an extension of the filing due date for testimony should be granted in part such that Staff's filed testimony will now be due on October 20, 2010. AEP-Ohio's request to postpone the start of the hearing by a like number of days is denied. However, in order to afford the Companies adequate time to prepare for the examination of Staff's witness(es), the attorney examiner would not anticipate a Staff witness taking the stand prior to October 28, 2010. This procedure will still afford the Companies seven days to prepare for the examination of Staff's witness(es).
- (9) In all other respects, the procedural schedule outlined in the September 21, 2010, entry will remain in full force and effect.

It is, therefore,

ORDERED, That the motions to intervene and the motion to admit David Rinebolt *pro hac vice* be granted in accordance with finding 5. It is, further,

ORDERED, That the procedural schedule for this proceeding be modified as outlined in finding 8. It is, further,

ORDERED, That the parties comply with finding 9. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Jeffrey R. Jones
By: Jeffrey R. Jones
Attorney Examiner

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Entered in the Journal

OCT 08 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary