

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the Fuel	)	
Adjustment Clauses of Columbus	)	Case No. 09-872-EL-UNC
Southern Power Company and Ohio	)	Case No. 09-873-EL-UNC
Power Company.	)	

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) On November 30, 2010, AEP-Ohio, Staff, OHA, OMA, Kroger, and Ormet filed a Stipulation and Recommendation (Stipulation) to resolve all issues raised in the SEET and FAC proceedings. The Stipulation included a proposed procedural schedule for the consideration of the Stipulation.
- (2) By entry issued December 1, 2010, the parties were directed to comply with the proposed procedural schedule set forth in the Stipulation:

December 1, 2010	Written testimony in support of the Stipulation;
December 6, 2010	Written testimony in opposition to the Stipulation;
December 9, 2010	Evidentiary hearing on the Stipulation commences;
December 15, 2010	Briefs due in support of or in opposition to the Stipulation.

- (3) Pursuant to the procedural schedule, Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (jointly AEP-Ohio) filed the testimony of Philip J. Nelson in support of the Stipulation on December 1, 2010.
- (4) After the December 1, 2010 entry was filed, the Office of the Ohio Consumers' Counsel (OCC), Ohio Energy Group (OEG), the Appalachian Peace and Justice Network (APJN), Industrial Energy Users-Ohio (IEU-Ohio), and Ohio Partners for Affordable Energy (OPAE) (collectively, non-signatory parties) filed a memorandum contra the signatory parties' request for an expedited procedural schedule, motion for a procedural schedule and a request for expedited ruling. Non-signatory parties argue that the schedule set forth in the Stipulation for the consideration of the Stipulation is unfair and unreasonable. The non-signatory parties assert that the schedule advocated by the signatory parties abdicates their right to conduct discovery, cross-examine witnesses, present testimony in opposition, and file briefs in violation of Section 4903.082, Revised Code and Rule 4901-1-16, Ohio Administrative Code (O.A.C.). Non-signatory parties propose that testimony in opposition to the Stipulation be due January 13, 2011 and the hearing commence on January 20, 2011. The movants also request that the time period for responding to discovery requests be further reduced from the 10-day time period established in the SEET case (See Entry issued September 21, 2010) to a five-day period. The non-signatory parties state that AEP-Ohio opposes the non-signatory parties' request for expedited ruling.
- (5) On December 2, 2010, AEP-Ohio filed a memorandum contra non-signatory parties' motion. AEP-Ohio argues that the procedural schedule is an integral component of the Stipulation. Nonetheless, AEP-Ohio explains that non-signatory parties were invited to the negotiation sessions, received numerous communications regarding the prospective settlement and were provided drafts of the Stipulation with the opportunity to propose revisions. Further, AEP-Ohio notes that the parties to the FAC and SEET cases have had an opportunity to conduct discovery, present testimony and file their respective post hearing briefs. Therefore, AEP-Ohio reasons that the procedural schedule set forth in the proposed

Stipulation adequately accords non-signatory parties the opportunity to be heard regarding the Stipulation.

- (6) The Attorney Examiner recognizes that parties will require additional time to evaluate the provisions of the proposed Stipulation, prepare any testimony to be offered in opposition to the Stipulation and prepare for a hearing on the proposed Stipulation. Accordingly, the procedural schedule for the consideration of the Stipulation shall be amended as follows:

December 1, 2010	Written testimony in support of the Stipulation;
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January 13, 2011	Written testimony in opposition to the Stipulation;
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January 20, 2011	Evidentiary hearing on the Stipulation commences;
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At the conclusion of the hearing on the Stipulation, the bench will determine the due date for briefs in support of or in opposition to the Stipulation.

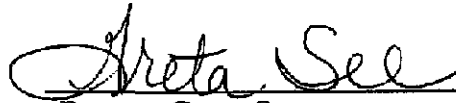
- (7) In addition, the time to respond to discovery request shall be further reduced to seven calendar days. In all other respects, the parties shall continue to adhere to the procedural requirements set forth in findings 6 and 7 of the September 21, 2010 entry.

It is, therefore,

ORDERED, That the parties are directed to comply with the revised procedural schedule as set forth in finding 6 and the processing of discovery request as set forth in finding 7. It is, further,

ORDERED, That a copy of this entry be served upon all parties and other interested person of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



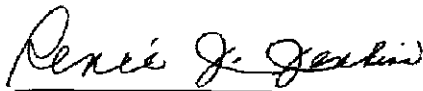
By: Greta See  
Attorney Examiner



/vrn

Entered in the Journal

DEC 03 2010



Renee J. Jenkins  
Secretary