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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Columbus Southern Power Company for) Case No. 11-178-EL-UNC
Approval of a Change in Bill Format)

In the Matter of the Application of)
Columbus Southern Power Company to)
Establish New Experimental Rate) Case No. 10-424-EL-ATA
Schedule Classifications for Residential)
and Small General Service Time of Day)
Rates and Residential Experimental Direct)
Load Control Rider.)

**MOTION TO INTERVENE
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**


The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in these cases where Columbus Southern Power Company ("CSP" or "Company") sought from the Public Utilities Commission of Ohio ("PUCO" or "Commission") approval of changes to the Company's current bill format. CSP filed its application for approval of the proposed bill format changes on January 13, 2011 noting that the underlying tariffs were set to take effect the next day, January 14, 2011. CSP, therefore, requested an expedited ruling on its application. On January 27, 2011, the Commission approved certain of CSP's proposed bill format changes. On February 2, 2011, CSP filed a separate application in the same case seeking Commission approval, on an expedited basis, for an additional bill format change.

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OCC is filing on behalf of all the approximately 673,000 residential utility customers of CSP. The reasons the Commission should grant OCC's Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

A handwritten signature in cursive script that reads "Richard C. Reese". The signature is written in black ink and is positioned above a horizontal line.

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MEMORANDUM IN SUPPORT

On December 1, 2010, the Commission approved changes to CSP's service to allow for experimental service offerings in time of day ("TOD") service rates and direct load control (DLC) experimental service.¹ The Commission ordered CSP to file copies of its tariff to accommodate the new service offerings and update the language on its bills to reflect such changes. CSP's application filed on January 13, 2011, sought approval for a proposed bill format change to remove the existing reference to "On-Peak Generation" and "Off-Peak Generation" to "High Cost Hours" and "Low Cost Hours" under the "Generation" subheading.² On February 2, 2011, CSP filed an additional application seeking expedited approval of a bill format change which is intended to reflect the experimental DLC experimental service.

¹ *In re the Application of Columbus Southern Power Company to Establish New Experimental Rate Schedule Classifications for Residential and Small General Service Time of Day Rates and Residential Experimental Direct Load Control Rider, Case No. 10-424-EL-ATA, Entry ("10-424 Case") (December 1, 2010).*

² As noted above, the Commission's Entry of January 27, 2011, approved the TOD-related format changes.

OCC has authority under Ohio law to represent the interests of all the approximately 673,000 residential utility customers of CSP pursuant to R.C. Chapter 4911.

R.C. 4903.221 provides, in part, that any person “who may be adversely affected” by a PUCO proceeding is entitled to seek intervention in that proceeding. The interests of Ohio’s residential customers may be “adversely affected” by this case, especially if the customers were unrepresented in a proceeding which could result in confusion to residential customers receiving bills which include these new service offerings. Thus, this element of the intervention standard in R.C. 4903.221 is satisfied.

R.C. 4903.221(B) requires the Commission to consider the following criteria in ruling on motions to intervene:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceeding; and
- (4) Whether the prospective intervenor will significantly contribute to the full development and equitable resolution of the factual issues.

First, the nature and extent of OCC’s interest is representing the residential customers of CSP in this case involving the implementation of new bill formats by CSP. The new bill formats are intended to clearly identify the rates for the TOD and DLC service. This interest is different than that of any other party and especially different than that of the utility whose advocacy includes the financial interest of stockholders.

Second, OCC's advocacy for residential customers will include advancing the position that the Commission should consider OCC's input which was initially endorsed and supported in comments filed before the Commission.³ OCC's position is therefore directly related to the merits of this case that is pending before the PUCO, the authority with regulatory control of public utilities' rates and service quality in Ohio.

Third, OCC's intervention will not unduly prolong or delay the proceedings. OCC, with its longstanding expertise and experience in PUCO proceedings, will duly allow for the efficient processing of the case with consideration of the public interest.

Fourth, OCC's intervention will significantly contribute to the full development and equitable resolution of the factual issues. OCC will obtain and develop information that the PUCO should consider for equitably and lawfully deciding the case in the public interest.

OCC also satisfies the intervention criteria in the Ohio Administrative Code (which are subordinate to the criteria that OCC satisfies in the Ohio Revised Code). To intervene, a party should have a "real and substantial interest" according to Ohio Adm. Code 4901-1-11(A)(2). As the advocate for residential utility customers, OCC has a very real and substantial interest in this case where CSP's residential customers require bills which adequately explain the rates and terms of the services that are provided to them by CSP.

In addition, OCC meets the criteria of Ohio Adm. Code 4901-1-11(B)(1)-(4). These criteria mirror the statutory criteria in R.C. 4903.221(B) that OCC already has addressed and that OCC satisfies.

³ OCC Letter docketed in the 10-424 Case on September 7, 2010.

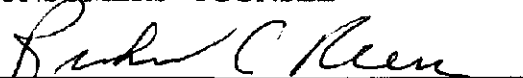
Ohio Adm. Code 4901-1-11(B)(5) states that the Commission shall consider the “extent to which the person’s interest is represented by existing parties.” While OCC does not concede the lawfulness of this criterion, OCC satisfies this criterion in that it uniquely has been designated as the state representative of the interests of Ohio’s residential utility customers. That interest is different from, and not represented by, any other entity in Ohio.

Moreover, the Supreme Court of Ohio confirmed OCC’s right to intervene in PUCO proceedings, in ruling on an appeal in which OCC claimed the PUCO erred by denying its intervention. The Court found that the PUCO abused its discretion in denying OCC’s intervention and that OCC should have been granted intervention.⁴

OCC meets the criteria set forth in R.C. 4903.221, Ohio Adm. Code 4901-1-11, and the precedent established by the Supreme Court of Ohio for intervention. On behalf of CSP’s approximately 673,000 residential customers, the Commission should grant OCC’s Motion to Intervene.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS’ COUNSEL



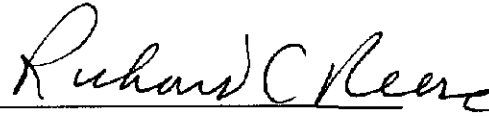
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⁴ See *Ohio Consumers’ Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20 (2006).

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Motion to Intervene by the Office of the Ohio Consumers' Counsel* was served on the persons stated below via regular U.S. mail, postage prepaid, this 7th day of February 2011.



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