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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Columbus Southern Power Company and ) Case No. 11-351-EL-AIR  
Ohio Power Company, Individually and, if ) Case No. 11-352-EL-AIR  
Their Proposed Merger is Approved, as a )  
Merged Company (collectively, AEP )  
Ohio) for an Increase in Electric )  
Distribution Rates )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company, Individually and, if ) Case No. 11-353-EL-ATA  
Their Proposed Merger is Approved, as a ) Case No. 11-354-EL-ATA  
Merged Company (collectively, AEP )  
Ohio) for Tariff Approval )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company, Individually and, if ) Case No. 11-356-EL-AAM  
Their Proposed Merger is Approved, as a ) Case No. 11-358-EL-AAM  
Merged Company (collectively, AEP )  
Ohio) for Approval to Change Accounting )  
Methods )

PUCO

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

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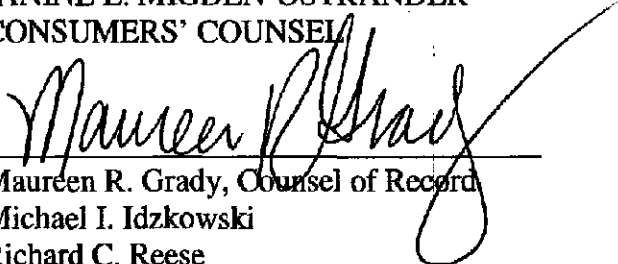
The Office of the Ohio Consumers' Counsel ("OCC") moves to intervene in this case where Columbus Southern Power Company and Ohio Power Company ("AEP Ohio" or "Companies") have proposed to increase their electric distribution rates, to change their tariffs, and sought approval of changes in their accounting methods. Taken as a whole the actions of AEP Ohio will have a direct impact upon approximately 1.2 million residential customers that OCC represents. The pre-filing notice indicates that AEP Ohio will be

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seeking approval of numerous tariff changes as well as approval to increase rates to residential customers, as depicted on typical bill comparisons contained in PFN Exhibit 4. OCC is filing on behalf of all of AEP Ohio's approximately 1.2 million residential electric customers.<sup>1</sup> The reasons the Public Utilities Commission of Ohio ("Commission" or "PUCO") should grant OCC's Motion are further set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



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<sup>1</sup> See R.C. Chapter 4911, R.C. 4903.221 and Ohio Adm. Code 4901-1-11.

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**MEMORANDUM IN SUPPORT**

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On January 27, 2011, AEP Ohio filed its pre-filing notice of intent to, among other things, increase its electric distribution rates that its residential customers pay for electric service. OCC has authority under law to represent the interests of all of AEP Ohio's approximately 1.2 million residential electric distribution customers, 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 where the rates they pay for electric distribution service could be increased. 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 AEP Ohio's residential customers in this case involving the Company's proposal to increase rates that residential customers pay for distribution 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 utility rates should be no more than what is reasonable and lawful under Ohio law, for service that is adequate under Ohio law. 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 AEP Ohio proposes to raise the rates it charges residential customers for electric distribution service.

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.

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.

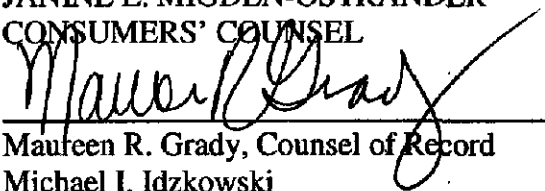
Moreover, the Supreme Court of Ohio confirmed OCC's right to intervene in PUCO proceedings, in ruling on an appeal in which OCC claimed the PUCO erred by

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.<sup>2</sup>

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 Ohio residential customers, the Commission should grant OCC's Motion to Intervene.

Respectfully submitted,

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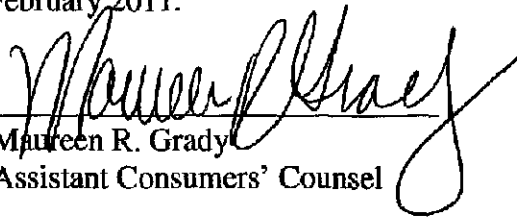
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<sup>2</sup> See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶ 13-20 (2006).

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Intervene was served on the persons stated below *via* regular mail, this 9<sup>th</sup> day of February, 2011.

  
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