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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the form of an Electric Security Plan.)	Case No. 11-346-EL-SSO Case No. 11-348-EL-SSO
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of Certain Accounting Authority.)	Case No. 11-349-EL-AAM Case No. 11-350-EL-AAM
In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders.)	Case No. 10-343-EL-ATA
In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders.)	Case No. 10-344-EL-ATA
Application Not for an Increase in Rates Pursuant to Section 4909.18, Revised Code, of Ohio Power Co. and Columbus Southern Power Company to Establish New Market Based rate for Returning CRES Customers that Elected to Avoid the POLR Charge.)	Case No. 11-531-EL-ATA
In the Matter of the Application of Ohio Power Company for Approval of the Shutdown of Unit 5 of the Philip Sporn Generating Station and to Establish a Plant Shutdown Rider.)	Case No. 10-1454-EL-RDR
In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company.)	Case No. 10-2929-EL-UNC

**MOTION TO CONSOLIDATE AND MEMORANDUM IN SUPPORT OF INDUSTRIAL
ENERGY USERS-OHIO**

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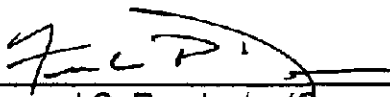
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MOTION TO CONSOLIDATE

Industrial Energy Users-Ohio ("IEU-Ohio") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission"), pursuant to Rule 4901-1-12, Ohio

Administrative Code ("O.A.C."), to consolidate the above-captioned matters into a single proceeding. As demonstrated further in the Memorandum in Support, consolidating these proceedings and considering the cases together will avoid duplication, achieve process and administrative efficiencies, and recognize the inescapable interrelated nature of the cases at issue.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF THE MOTION TO CONSOLIDATE

I. INTRODUCTION

On January 27, 2011, the Ohio Power Company ("OP") and Columbus Southern Power Company ("CSP") (collectively "the Companies") filed a joint application seeking to implement new terms under an Electric Security Plan ("ESP") pursuant to Section 4928.143, Revised Code. The application raises questions regarding a variety of matters. Among these are issues that are the subjects of other on-going Commission proceedings. Because of the common factual and legal issues presented by the other proceedings, IEU-Ohio moves for an order consolidating them with the ESP applications.

II. BACKGROUND AND ARGUMENT

In In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders, Case No. 10-344-EL-ATA, and In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders, Case No. 10-343-EL-ATA, the Companies sought to revise their curtailment riders. In particular, IEU-Ohio raised concerns about the effect of the proposed changes on customers' ability to take advantage of other demand response alternatives. The matters were briefed on the original application, but the Companies sought to amend the applications through a recent filing. The amended filings seek to revise the proposed tariff to adjust the capacity charges sought by AEP in a recent unsuccessful filing with the Federal Energy Regulatory Commission ("FERC").¹ The amended applications point to the testimony filed in the ESP matters for support of the

¹ FERC Docket ER11-2183-000.

change. Amended Application, Case No. 10-343-EL-ATA and Case No. 10-344-EL-ATA (filed Feb. 2, 2011) at 2.

Similarly, OP and CSP recently sought to introduce new tariffs for returning customers in *Application Not for an Increase in Rates Pursuant to Section 4909.18, Revised Code, of Ohio Power Co. and Columbus Southern Power Company to Establish New Market Based rate for Returning CRES Customers that Elected to Avoid the POLR Charge*, Case No. 11-531-EL-ATA. The capacity charge for Schedule MB-2 would be determined each PJM planning year in accordance with the PJM tariff and would be adjusted by demand losses. Specifically, the capacity charge would be based on the cost of AEP's capacity obligation in accordance with the PJM RAA. The capacity charge is part of the highly contested issues noted above. Further, the application in Case No.11-531-EL-ATA ties directly to the restrictions customers may face in making a decision to shop and the conditions defining the decision, a critical matter also raised by the ESP applications.

Although the Commission appeared to be headed toward addressing the capacity charge issue in *In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company*, Case No. 10-2929-EL-UNC, through comments, the Commission then granted the utilities' Application for Rehearing. Should the Commission grant further hearing beyond the comments it recently received, then that proceeding as well will be allied to the issues noted above.

In the Matter of the Application of Ohio Power Company for Approval of the Shutdown of Unit 5 of the Philip Sporn Generating Station and to Establish a Plant

Shutdown Rider, Case No. 10-1454-EL-RDR, OP is seeking approval of a rider to recover capital and other costs associated with the possible closure of the named unit. Similarly, the Companies' witness Joseph Hamrock noted in his filed testimony in the current ESP cases his concern about the pending request for approval of the Sporn Generating Station ("Sporn") application,² and the Companies' Laura Thomas stated in her filed testimony that the Companies are seeking to have preapproval to place in a rider the closure costs for any plant that the utility deems uneconomic.³ The apparent effect of approving the Companies' ESP rider would be to render the Sporn filing unnecessary since the Companies would decide when a plant becomes uneconomic, remove it from service, and seek recovery. Under circumstances in which the Applicant is seeking to have closure costs placed in a rider in one proceeding and requesting preapproval to retire and recover plant in another, there are clearly common issues of fact and law presented.

When applications involve common questions of law and fact, it is appropriate to consolidate. As noted above, there are common issues of fact and law raised by these applications. Several are related to the changes in capacity cost recovery the Companies are seeking and may result in limitations on customers' ability to shop. Similarly, the Sporn proceeding is related to the request for preapproval and recovery of closed plant costs in the ESP. Although several of these proceedings have been pending or are through initial briefing, consolidation will achieve process and administrative efficiencies. Further, the Commission should ensure that no individual

² Case No. 11-346-EL-SSO *et al.*, Testimony of Joseph Hamrock at 20.

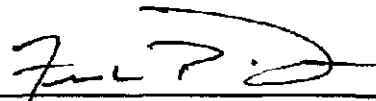
³ *Id.*, Testimony of Laura Thomas at 23.

component identified through the Companies' piecemeal filings results in changes in another proceeding by apparent happenstance.

III. **CONCLUSION**

For the reasons stated above, IEU-Ohio requests that the identified matters currently before the Commission be consolidated for purposes of decision.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Consolidate and Memorandum in Support of Industrial Energy Users-Ohio* was served upon the following parties of record this 22nd day of February 2011, via first class mail, postage prepaid.



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