

FILE

5

RECEIVED-DOCKETING DIV

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO
2011 APR 29 AM 10: 59

PUCO

- In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company, Individually and, if) Case No. 11-351-EL-AIR
Their Proposed Merger is Approved, as a) Case No. 11-352-EL-AIR
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)

**COLUMBUS SOUTHERN POWER COMPANY'S
AND OHIO POWER COMPANY'S
MEMORANDUM IN OPPOSITION TO THE MOTION TO CONSOLIDATE OF
ORMET PRIMARY ALUMINUM CORPORATION**

Ormet Primary Aluminum Corporation ("Ormet") seeks to consolidate the six above-captioned cases into one proceeding, for the sole articulated purpose of avoiding the Supreme Court of Ohio's limitation on *pro hac vice* admission.¹

Columbus Southern Power Company (CSP) and Ohio Power Company (OPCo) (collectively, "the Companies" or "AEP Ohio") oppose Ormet's request. Consolidation

¹ Effective January 1, 2011, Gov.Bar R. XII Section 2(A)(5) limits *pro hac vice* admission to three proceedings per calendar year.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician JD Date Processed 4-28-11

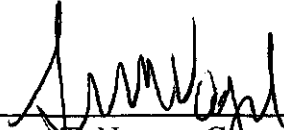
is only warranted where: (i) there is a substantial commonality of question of law and fact among all of the involved cases, (ii) the parties are substantially the same in all of the involved cases, (iii) whether consolidation is an efficient use of resources, and (iv) consolidation should not unduly delay or otherwise prejudice the interests raised in the separate cases. *See* Civ.R. 42(A); *Waterman v. Kitrick* (1990), 60 Ohio App.3d 7. Ormet's Motion to Consolidate does not even attempt to establish that consolidation is appropriate under these factors; rather, it seeks to misuse the Commission's docketing rules and procedures solely to allow its out-of-state attorney to participate in all six proceedings in contravention of the Ohio Supreme Court's *pro hac vice* rule.

The six pending cases consist of three individual applications, properly filed by two different legal entities, which do not share common questions of fact or law. The Companies followed the Commission's well-established docketing procedures and case purpose codes to identify and file separate applications seeking approval of changes to distribution rates, tariffs, and accounting methods.

Ormet does not assert any legal grounds for consolidation, and should not be permitted to circumvent the Ohio Supreme Court's rules and disrupt the Commission's case management procedures solely for its own convenience.²

For these reasons, Ormet's Motion to Consolidate is not supported and should be denied.

² As a practical matter, *pro hac vice* admission in one – or three – of the above-captioned cases will result in Ormet's counsel being served with documents filed in all six cases, and Ormet's participation will not be substantively impaired by the three-proceeding limit.



Steven P. Nourse, Counsel of Record

Matthew J. Satterwhite

Anne M. Vogel

Julie A. Rutter

American Electric Power Corporation

1 Riverside Plaza, 29th Floor

Columbus, Ohio 43215-2373

Telephone: (614) 716-1608

(614) 716-1606

Facsimile: (614) 716-2950

E-mail: stnourse@aep.com

mjsatterwhite@aep.com

amvogel@aep.com

jarutter@aep.com

Daniel R. Conway

Porter, Wright, Morris & Arthur LLP

41 South High Street

Columbus, Ohio 43215

Telephone: (614) 227-2270

Facsimile: (614) 227-1000


E-mail: dconway@porterwright.com

Counsel for Columbus Southern Power
Company and Ohio Power Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Columbus Southern Power Company's and Ohio Power Company's Memorandum in Opposition was served on the persons stated below by U.S.

First Class Mail, this 29th day of April, 2011.



Anne M. Vogel

Werner L. Margard III
Stephen A. Reilly
Public Utilities Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

Samuel C. Randazzo
Joseph E. Olikier
Frank P. Darr
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215-4291

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Avenue
Cleveland, OH 44114

Maureen R. Grady
Michael E. Idzkowski
Richard C. Reese
Ohio Consumers' Counsel
10 W. Broad Street Suite 1800
Columbus OH 43215

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, OH 43215-3620

Colleen L. Mooney
David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45840

Henry W. Eckhart
The Natural Resources Defense Council
50 West Broad Street #217
Columbus, OH 43215

Douglas G. Bonner
Emma F. Hand
Keith C. Nusbaum
SNR Denton US LLP
1301 K Street NW
Suite 600, East Tower
Washington, DC 20005

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 43215

John W. Bentine
Mark S. Yurick
Chester Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, OH 43215

Benita Kahn
Lija Kaleps-Clark
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P O Box 1008
Columbus, OH 43216-1008