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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of) Case Nos. 11-346-EL-SSO
Columbus Southern Power Company) 11-348-EL-SSO
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 Nos. 11-349-EL-AAM
In the Matter of the Application of) 11-350-EL-AAM
Columbus Southern Power Company)
and Ohio Power Company for)
Approval of Certain Accounting
Authority.)

**MOTION FOR CONTINUANCE
AND REQUEST FOR EXPEDITED TREATMENT
ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Mike DeWine
Ohio Attorney General

William L. Wright
Section Chief

Werner L. Margard III
John H. Jones
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
(614) 466-4397
FAX: (614) 644-8764
werner.margard@puc.state.oh.us
john.jones@puc.state.oh.us

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**MOTION FOR CONTINUANCE
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ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Staff of the Public Utilities Commission respectfully requests that the date for the hearing in this matter be continued until August 15, 2011. The hearing in these cases is currently scheduled to begin on July 20, 2011. The Commission Staff further requests that the date for the filing of testimony in this matter be extended. Specifically, Staff requests that it be permitted until July 29, 2011 (currently June 27, 2011) to file testimony in these cases, and that intervening parties be permitted until July 15, 2011 (currently June 13, 2010) by which to file their testimony.

Staff also requests that the Commission consider and grant this motion on an expedited basis. Staff has contacted all parties to these dockets seeking their assent to expedited treatment. While no responding party expressed opposition to expedited consideration, the Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (jointly, AEP-Ohio) specifically reserved their right to respond after reviewing this motion.

Grounds for these requests are more specifically set forth in the accompanying memorandum in support.

Respectfully submitted,

Mike DeWine
Attorney General

Werner L. Margard III
John H. Jones
Assistant Attorneys General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215
(614) 466-4397
FAX: (614) 644-8764
werner.margard@puc.state.oh.us
john.jones@puc.state.oh.us

MEMORANDUM IN SUPPORT

Ohio Adm. Code 4901-1-13(A) permits parties to move for extensions of time for "continuances of public hearings and extensions of time to file pleadings or other papers." The rule provides for granting such motions for "good cause shown." Staff respectfully submits that good cause exists to grant a continuance in these cases.

By Entry issued February 9, 2011, the Attorney Examiner scheduled the evidentiary hearing in these cases to begin on July 13, 2011. The Entry also set the deadline for filing testimony of witness on behalf of interveners as June 13, 2011, and on behalf of Staff by June 27, 2011. Discovery requests, except for notices of deposition, were ordered to be served by June 16, 2011. At the request of AEP-Ohio, the hearing date was continued to July 20, 2011 by Entry issued March 23, 2011. The remaining deadlines were not changed.

Subsequently, on April 19, 2011, the Ohio Supreme Court issued a decision reversing, in part, the Commission's decision in AEP-Ohio's earlier ESP case. The Court remanded two of the issues raised in that appeal (the POLR charge and environmental carrying charge) to the Commission for further consideration. *In re Application of Columbus S. Power Co.*, Slip Opinion No. 2011-Ohio-1788 (April 19, 2011). The Court's judgment entry was not certified until May 4, 2011.

The same day that the Court's judgment was certified, the Commission issued an Entry in the underlying ESP case directing AEP-Ohio to file proposed revised tariffs removing the POLR charges and environmental carrying cost charges remanded for further consideration. *In the Matter of the Application of Columbus Southern Power Co*

for Approval of an Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale of Transfer of Certain Generating Assets, Case No. 08-917-EL-SSO, *et al.* (Entry) (May 4, 2011). The Commission also indicated that AEP-Ohio could make an “appropriate filing” if it wished to pursue justifying and re-imposing the POLR and environmental carrying cost charges.

AEP-Ohio formally moved that the Commission establish a procedural schedule for the Remand Case in that docket, noting that “the process associated with the remand proceeding (and even whether the proceeding will occur) is unknown and undefined.” By Entry issued May 25, 2011, just two weeks ago, the Commission established both a procedure and a procedural schedule in that case. Before that Entry was issued, AEP-Ohio filed an application for rehearing, docketed both tariffs and corrected tariffs, both under protest, and made an “initial merit filing.” Intervening parties filed applications for rehearing, and objections to the proposed revised tariffs. In addition, the Commission’s May 25 procedural Entry further directed AEP-Ohio to again file revised tariffs, reinstating the POLR riders and the environmental carrying charges, this time specifically stating that those charges would be subject to refund.

While the parties in these cases have had notice of the hearing and testimony filing dates in this case for some time and long before the Ohio Supreme Court remanded AEP-Ohio’s earlier ESP case, there can be little doubt that the proceedings in the Remand Case will affect the parties’ analysis and positions in these cases. The Commission itself has acknowledged that “there is significant disagreement among the parties as to the level of POLR charges at issue pursuant to the Court’s remand.” Entry (May 25, 2011) at 3.

The Commission has found that the parties “should be afforded an opportunity to present testimony and to offer additional evidence in regard to the POLR and environmental carrying charges remanded to the Commission.” *Id.* at 4. The procedural schedule in the Remand Case includes an evidentiary hearing to begin July 12, 2011. Intervenor, including Staff testimony, is due June 23, 2011. Staff respectfully submits that it, and other parties, should be afforded the opportunity to fully develop their respective positions in AEP-Ohio’s two ESP cases, in part to avoid the very “random or overlapping requests” that AEP-Ohio warned against in its request for a procedural schedule.

Furthermore, this additional procedure has significantly increased the workload for what AEP-Ohio has acknowledged are the Commission’s “limited resources.” In addition to the Remand Case and these current ESP proposals, essentially the same Staff members are also working diligently on analyzing AEP-Ohio’s request for increases in distribution rates. AEP-Ohio’s caution against making “snap judgments” applies equally to Commission decisions and litigation preparations. Requiring the parties to file testimony in AEP-Ohio’s new ESP case 10 days before they are required to do so in the Remand Case makes little sense.

Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. Pursuant to O.A.C. 4901-1-12, Staff also requests that the Commission consider and grant this motion on an expedited basis.

Without an expedited decision, the parties will have to proceed to file testimony in these cases without the benefit of fully vetting positions in the previous ESP Remand


Case. With the intervenor testimony filing deadline only five days away, a prompt decision is crucial to the parties' preparations. Furthermore, Staff does not believe that expedited treatment of this motion will prejudice any party or potential intervenor, including AEP-Ohio.

WHEREFORE, Staff respectfully request that (1) the hearing in this matter be continued until August 15, 2011; (2) the date for the filing of intervenor testimony be extended to July 15, 2011; and (3) the date for the filing of Staff testimony be extended to July 29, 2011.

Respectfully submitted,

Mike DeWine
Ohio Attorney General

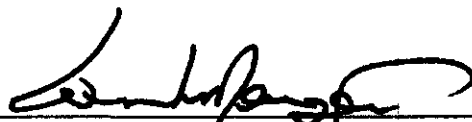
William L. Wright
Section Chief



Werner L. Margard III
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Assistant Attorneys General
Public Utilities Section
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Columbus, OH 43215
(614) 466-4397
FAX: (614) 644-8764
werner.margard@puc.state.oh.us
john.jones@puc.state.oh.us

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion for Extension Of Time for the Filing of Testimony was served by regular U.S. mail, postage pre-paid, or hand-delivered and sent by facsimile, to the following parties of record, this 8th day of June, 2011.



Werner L. Mangard III
Assistant Attorney General

PARTIES OF RECORD:

Steven T. Nourse
Matthew J. Satterwhite
American Electric Power Corp.
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
stnourse@aep.com
mjsatterwhite@aep.com

Daniel R. Conway
Porter Wright Morris & Arthur
41 South High Street
Columbus, Ohio 43215
dconway@porterwright.com

*Attorneys for AEP-Ohio, Columbus
Southern Power Company, and Ohio
Power Company*

Shannon Fisk
2 N. Riverside Plaza
Suite 2250
Chicago, IL 60606

*Attorney for the Natural Resources Defense
Council*

Kenneth P. Kreider
Keating Muething & Klekamp PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
kpkreider@kmmklaw.com

Steve W. Chriss
Wal-Mart Stores, Inc.
2001 SE 10th Street
Bentonville, Arkansas 72716
stephen.chriss@wal-mart.com

Holly Rachel Smith
Holly Rachel Smith, PLLC
Hitt Business Center
3803 Rectortown Road
Marshall, Virginia 20115
holly@raysmithlaw.com

*Attorneys for Wal-Mart Stores East, LP
and Sam's East, Inc.*

Terry L. Etter
Michael E. Idzkowski
Maureen R. Grady
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
etter@occ.state.oh.us
idzkowski@occ.state.oh.us
grady@occ.state.oh.us

*Attorneys for the Office of the Ohio
Consumers' Counsel*

Richard L. Sites
Ohio Hospital Association
155 East Broad Street, 15th Floor
Columbus, Ohio 43215-3620
ricks@ohanet.org

Thomas J. O'Brien
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
tobrien@bricker.com

*Attorneys for the Ohio Hospital
Association*

M. Howard Petricoff
Stephen M. Howard
Michael J. Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, Ohio 43215
mhpetricoff@vorys.com
smhoward@vorys.com
mjsettineri@vorys.com

Henry W. Eckhart
1200 Chambers Rd.
Suite 106
Columbus, OH 43212
henryeckhart@aol.com

*Attorney for the Siena Club and the Natural
Resources Defense Counsel*

Gregory J. Poulos
EnerNOC, Inc.
101 Federal Street, Suite 1100
Boston, MA 02110
gpoulos@enernoc.com

Attorney for EnerNOC, Inc.

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, Ohio 43215-3927
barthroyer@aol.com

Gary A. Jeffries
Assistant General Counsel
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212
gary.a.jeffries@dom.com

Attorneys for Dominion Retail, Inc.

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Ave.
Suite 201
Columbus, Ohio 43212
E-mail: tsantarelli@elpc.org
*Attorneys for the Environmental Law &
Policy Center*

Douglas G. Bonner
SNR Denton US LLP
1301 K Street, NW
Suite 600, East Tower
Washington, DC 20005-3364
doug.bonner@snrdenton.com

Attorneys for Ormet Primary Aluminum Corporation

E. Camille Yancey
Nolan Moser
Trent A. Dougherty
Ohio Environmental Council
1207 Grandview Avenue, Suite 201
Columbus, Ohio 43212-3449
camille@theoec.org
nolan@theoec.org
trent@theoec.org

Attorneys for the Ohio Environmental Council

Christopher L. Miller
Gregory H. Dunn
Asim Z. Haque
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, Ohio 43215
cmiller@szd.com
gdunn@szd.com
ahaque@szd.com

Attorneys for the Association of Independent Colleges and Universities of Ohio and Cities of Grove City & Hilliard, Ohio

Emma F. Hand
SNR Denton US LLP
1301 K Street, NW, Suite 600, East Tower
Washington, DC 20005-3364
emma.hand@snrdenton.com

M. Howard Petricoff
Michael J. Settineri
Vorys, Sater, Seymour and Pease LLP
52 E. Gay Street
Columbus, Ohio 43215
mhpetricoff@vorys.com
mjsettineri@vorys.com

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
wmassey@cov.com

Attorneys for the Complete Coalition

Mark A. Hayden
Firstenergy Corp
76 South Main Street
Akron OH 44308
haydenm@firstenergycorp.com

Attorney for FirstEnergy Solutions, Corp.

John W. Bentine
Mark S. Yurick
Chester Willcox & Saxbe, LLP
65 East State Street, Suite 1000
Columbus, Ohio 43215
jbentine@cwsllaw.com
myurick@cwsllaw.com

Attorneys for The Kroger Co

Jay E. Jadwin
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
jejadwin@aep.com

*Attorney for American Electric Power
Service Corporation*

Terrence O'Donnell
Christopher Montgomery
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215
todonnell@bricker.com
cmontgomery@bricker.com

*Attorneys for Distributed Wind Energy
Association*

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com

Attorneys for The Ohio Energy Group

Colleen L. Mooney
231 West Lima Street
Findlay, Ohio 45840
cmooney2@columbus.rr.com

*Attorney for Ohio Partners for
Affordable Energy*

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, Ohio 43215
msmalz@ohiopovertylaw.org
jmaskovyak@ohiopovertylaw.org

*Attorneys for Appalachian Peace and
Justice Network*

Lisa G. McAlister
Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215-4291
lmcaster@bricker.com
mwarnock@bricker.com

Attorneys for OMA Energy Group