

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) Case No. 11-346-EL-SSO
Establish a Standard Service Offer Pursuant) Case No. 11-348-EL-SSO
to Section 4928.143, Revised Code, in the)
Form of an Electric Security Plan.)

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 11-349-EL-AAM
Ohio Power Company for Approval of) Case No. 11-350-EL-AAM
Certain Accounting Authority.)

ENTRY

The attorney examiner finds:

- (1) Columbus Southern Power Company (CSP) and Ohio Power Company (OP) (jointly, AEP-Ohio) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On January 27, 2011, AEP-Ohio filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. The application is for an electric security plan (ESP) in accordance with Section 4928.143, Revised Code.
- (3) By entry issued February 9, 2011, the attorney examiner adopted a procedural schedule for these cases. The entry requires, *inter alia*, that testimony on behalf of intervenors and Staff be filed by June 13, 2011, and June 27, 2011, respectively, and that discovery requests, other than notices of deposition, be served by June 16, 2011. Additionally, a procedural conference was scheduled for July 6, 2011, and the evidentiary hearing set to commence on July 13, 2011.
- (4) By entry issued March 23, 2011, the attorney examiner granted AEP-Ohio's motion to continue the evidentiary hearing to July 20, 2011.
- (5) On June 8, 2011, Staff filed a motion for continuance and request for expedited treatment. Specifically, Staff requests

that the deadlines for the filing of intervenor and Staff testimony be extended to July 15, 2011, and July 29, 2011, respectively, and that the evidentiary hearing be continued to August 15, 2011. In support of the motion, Staff submits that good cause exists to grant a continuance in these cases. Staff notes that, on April 19, 2011, the Ohio Supreme Court issued a decision remanding two issues, recovery of provider of last resort (POLR) charges and recovery of carrying cost charges on 2001-2008 environmental investments, which were raised in an appeal of the Commission's decision in AEP-Ohio's prior ESP cases, Case No. 08-917-EL-SSO, *et al.* (08-917). Staff further notes that, on May 25, 2011, the Commission established a procedural schedule to address the remand of 08-917, which set a deadline for the filing of intervenor testimony of June 23, 2011, and scheduled an evidentiary hearing to commence on July 12, 2011.

Staff asserts that the proceedings in 08-917 will undoubtedly affect the parties' analysis and positions in the above-captioned cases and that Staff and the other parties should be afforded the opportunity to develop their respective positions in these cases. In further support of its motion, Staff states that the additional proceedings in 08-917, coupled with AEP-Ohio's pending request for an increase in its distribution rates in Case No. 11-351-EL-AIR, *et al.*, have significantly increased Staff's workload.

With respect to its request for expedited treatment of its motion, Staff notes that because the current deadline for the filing of intervenor testimony is June 13, 2011, expedited treatment is warranted and that, without a prompt decision, the parties will need to proceed to file testimony in these cases without the benefit of fully vetting their positions in the remand of 08-917. Additionally, Staff states that it contacted all parties to these proceedings and that no responding party opposed the request for expedited treatment.

- (6) On June 8, 2011, AEP-Ohio filed a memorandum in partial opposition to Staff's motion for continuance and a motion for leave to file supplemental testimony regarding its proposed POLR charges and for related modifications to the procedural schedule, as well as a request for an expedited ruling. In light of the impact of the Ohio Supreme Court's decision in 08-917

on AEP-Ohio's proposed POLR charges in the above-captioned proceedings, AEP-Ohio requests that it be permitted to file supplemental testimony regarding those proposed charges in the present cases by July 6, 2011. Additionally, AEP-Ohio proposes that intervenor and Staff testimony be due on July 15, 2011, and July 25, 2011, respectively. AEP-Ohio also asks that discovery requests from intervenors that pertain to AEP-Ohio's supplemental POLR testimony, and AEP-Ohio's discovery requests in response to intervenor testimony, be served by July 13, 2011, and July 22, 2011, respectively. Finally, AEP-Ohio requests that the evidentiary hearing commence on August 8, 2011.

With respect to Staff's motion for continuance, AEP-Ohio states that it does not oppose Staff's request for an extension of the deadline for the filing of Staff testimony. AEP-Ohio notes, however, that Staff's motion addresses neither AEP-Ohio's opportunity to file supplemental POLR testimony, nor the timing of discovery requests. Additionally, AEP-Ohio opposes Staff's request for an extension of the filing deadline for intervenor testimony, as it is unwarranted and would unduly delay the long established procedural schedule in these cases. AEP-Ohio notes that no intervenor has demonstrated a need for an extension of the deadline or even requested an extension, and that most of the issues in these cases are not impacted by the remand of 08-917. AEP-Ohio further notes that it filed its application in these cases early in an effort to assure a timely decision and that it opposes any request that would jeopardize such a decision.

In regard to discovery, AEP-Ohio asserts that if the deadlines for the filing of intervenor and Staff testimony are substantially extended, AEP-Ohio should be permitted to serve discovery requests after the other parties file their testimony, as the current procedural schedule allows. Additionally, AEP-Ohio states that intervenors' discovery requests served after the current deadline of June 16, 2011, should be limited to requests related to AEP-Ohio's supplemental POLR testimony. AEP-Ohio asserts that it has already responded to nearly 1,400 discovery requests, not including subparts, and that it would be unfair and arbitrary to extend the discovery process at this point.

AEP-Ohio concludes that its proposed modifications to the procedural schedule, which are made as a compromise of competing interests, offer a comprehensive and balanced approach that would coordinate the schedule in these cases with the remand proceedings in 08-917; provide AEP-Ohio with the opportunity to file supplemental POLR testimony; allow intervenors additional time to file their testimony in response to AEP-Ohio's supplemental POLR testimony; and afford Staff additional time to file its testimony.

- (7) Upon review of Staff's motion and AEP-Ohio's motion and memorandum in partial opposition to Staff's motion, the attorney examiner finds that Staff's motion should be granted and that AEP-Ohio's motion should be granted, in part, and denied, in part. Initially, the attorney examiner notes that an expedited ruling is warranted, considering that intervenor testimony is currently due on June 13, 2011. Additionally, the attorney examiner finds that the procedural schedule for these cases, as established on February 9, 2011, and modified on March 23, 2011, should be revised as follows:
- (a) Supplemental POLR testimony on behalf of AEP-Ohio should be filed by July 6, 2011.
 - (b) Testimony on behalf of intervenors should be filed by July 15, 2011.
 - (c) Discovery requests, except for notices of deposition, should be served by July 22, 2011.
 - (d) Testimony on behalf of Staff should be filed by July 29, 2011.
 - (e) The evidentiary hearing shall commence on August 15, 2011, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio.

All other deadlines shall remain unchanged.

It is, therefore,

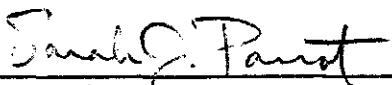
ORDERED, That the motion for continuance and request for expedited treatment filed by Staff on June 8, 2011, be granted. It is, further,

ORDERED, That the motion for leave to file supplemental POLR testimony and for related modifications to the procedural schedule and request for expedited ruling, which was filed by AEP-Ohio on June 8, 2011, be granted, in part, and denied, in part. It is, further,

ORDERED, That the procedural schedule for these proceedings be modified as set forth in finding (7). It is, further,

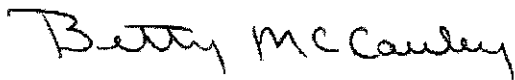
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Sarah J. Parrot
Attorney Examiner

ST/sc

Entered in the Journal
JUN 09 2011



Betty McCauley
Secretary