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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Long-Term Forecast Report of Ohio Power Company and Related Matters.)	Case No. 10-501-EL-FOR
In the Matter of the Long-Term Forecast Report of Columbus Southern Power Company and Related Matters.)	Case No. 10-502-EL-FOR

INDUSTRIAL ENERGY USERS-OHIO'S MEMORANDUM CONTRA
COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER COMPANY'S
MOTION FOR THE ESTABLISHMENT OF A PROCEDURAL SCHEDULE AND
COMPANION STATUS

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Long-Term Forecast)	
Report of Ohio Power Company and)	Case No. 10-501-EL-FOR
Related Matters.)	

In the Matter of the Long-Term Forecast)	
Report of Columbus Southern Power)	Case No. 10-502-EL-FOR
Company and Related Matters.)	

**INDUSTRIAL ENERGY USERS-OHIO'S MEMORANDUM CONTRA
COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER COMPANY'S
MOTION FOR THE ESTABLISHMENT OF A PROCEDURAL SCHEDULE AND
COMPANION STATUS**

On July 22, 2011, Columbus Southern Power Company ("CSP") and Ohio Power Company ("OPCo") (collectively, "Companies") filed a Motion for the Establishment of a Procedural Schedule and Companion Status ("Motion"). The purpose of the Companies' Motion is to set up a process through which the Companies' would use the long-term forecast report docket for an improper purpose—to pave the way for an illegal nonbypassable charge for the Turning Point Solar project. The Companies' Motion is meritless and will only waste the Commission's and intervenors' valuable time.

The public hearing regarding a utility's long-term forecast report conducted by the Public Utilities Commission of Ohio ("Commission") is limited to issues related to forecasting. Section 4935.04(E), Revised Code. That forecast is limited to demonstrating that the Companies have sufficient resources and reserves to meet forecasted total energy demand. As admitted by the Companies' Witness Phillip Nelson in their pending electric security plan ("ESP"), "The merged company will be capacity

long and a surplus member in the AEP Pool, with its generating capacity in excess of its internal load peak demand.”¹ Moreover, the hearing record may only be considered in proceedings pursuant to the following statutes: Sections 4904.40, 4905.401, 4905.41, 4905.42, 4905.70, 4906.10 and 4909.15, Revised Code.² Section 4928.143(B)(2)(c), Revised Code—the statutory provision that the Companies claim supports the Turning Point project³—is conspicuously absent from the above-cited references. Thus, a determination in this docket will not further the Companies’ Turning Point ambitions.

Even if this was the appropriate docket to determine the need for compliance with solar energy benchmarks, a hearing would still be a pointless exercise. According to the Companies, they will only proceed with the Turning Point project if they receive a nonbypassable charge.⁴ But, while the Companies claim that they must comply with the benchmarks established in Section 4928.64,⁵ Revised Code, they conveniently neglect to mention that “all costs incurred by an electric distribution utility in complying with the requirements of this section shall be bypassable by any consumer that has exercised choice of supplier.” Section 4928.64(E), Revised Code. Thus, the Turning Point project will not move forward unless the Commission ignores the law.

Not only is this exercise pointless, the proposed procedural schedule is also unreasonable. The Companies propose that intervenors file testimony—concurrently

¹ *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, et al., Testimony of Phillip Nelson at 30 (January 27, 2011) (hereinafter “ESP Case”).

² Section 4935.04(H), Revised Code.

³ *ESP Case*, Application at 10 (January 27, 2011).

⁴ *ESP Case*, Testimony of Jay Godfrey at 27 (January 27, 2011).

⁵ Columbus Southern Power Company and Ohio Power Company Supplement to the Long-Term Forecast Report to the Public Utilities Commission of Ohio, p. 5 of 14 (December 20, 2010).


with the Companies—on August 19, 2011. The hearing would commence on August 29, 2011.

The Companies' proposed schedule merely sets up this hearing to conflict with another hearing. It is extremely likely that intervenors and the Companies will be litigating the Companies' pending ESP case on August 29, 2011. And the Attorney Examiner assigned to this case will also be tied up in that hearing.

Even if the parties could be in two places at once, the proposed schedule is still unreasonable. First, it would be impossible for intervenors to participate in any discovery. Second, intervenors should not be required to file testimony concurrently with the Companies. Accordingly, any schedule should require the Companies to file their testimony, then intervenors should file their testimony after they have had the opportunity to participate in discovery.

Industrial Energy Users-Ohio proposes that the Commission direct the Companies to file testimony on or before October 3, 2011. Intervenor testimony should be due no earlier than November 18, 2011, and the hearing should be held on December 5, 2011.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Industrial Energy Users-Ohio's Memorandum Contra Columbus Southern Power Company's and Ohio Power Company's Motion to Establish a Procedural Schedule and Companion Status* was served upon the following parties of record this 8th day of August 2011, via electronic transmission, hand-delivery or first class U.S. mail, postage prepaid.


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