

FILE

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the 2010 Annual Filing of)
Columbus Southern Power Company and) Case No. 11-4571-EL-UNC
Ohio Power Company Required by Rule) 11-4572-EL-UNC
4901:1-35-10, Ohio Administrative Code.)

**OHIO PARTNERS FOR AFFORDABLE ENERGY'S
MOTION TO INTERVENE
AND MEMORANDUM IN SUPPORT**

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves the Public Utilities Commission of Ohio ("Commission") for leave to intervene in the above-captioned matters pursuant to R.C. §4903.221 and Section 4901-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,

Colleen L. Mooney

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
Telephone: (419) 425-8860
or 614-488-5739
FAX: (419) 425-8862
e-mail: cmooney2@columbus.rr.com

RECEIVED-DOCKETING DIV
2011 SEP -2 AM 10:30

PUCO

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 10 Date Processed SEP 02 2011

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|-------------------------|
| In the Matter of the 2010 Annual Filing of |) | |
| Columbus Southern Power Company and |) | Case No. 11-4571-EL-UNC |
| Ohio Power Company Required by Rule |) | 11-4572-EL-UNC |
| 4901:1-35-10, Ohio Administrative Code. |) | |

MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in these matters pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulations contained in Rule 4901-01-11 of the Ohio Administrative Code. The above-referenced matters concern the annual Significantly Excessive Earnings Test ("SEET") made pursuant to Revised Code Section 4928.143(F) and Rule 4901:1-35-10, Ohio Administrative Code. In this proceeding, the Commission will conduct its annual review of the 2010 earnings of Columbus Southern Power Company and Ohio Power Company (together, "Companies") to determine whether the Companies had significantly excessive earnings in 2010 as a result of their approved electric security plan ("ESP").

In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to a just and expeditious resolution of the proceeding; and, whether granting the intervention will unduly delay or unjustly prejudice any existing party. OPAE meets all four criteria for intervention in these matters.

OPAE is an Ohio corporation with a stated purpose of advocating for affordable energy policies for low and moderate income Ohioans; as such, OPAE has a real and substantial interest in this proceeding, which will address the

Companies' 2010 earnings under their approved ESP. Additionally, OPAE includes as members non-profit organizations located in the service areas that will be affected by this proceeding.¹ Moreover, many of OPAE's members are community action agencies. Under the federal legislation authorizing the creation and funding of these agencies, originally known as the Economic Opportunity Act of 1964, community action is charged with advocating for low-income residents of their communities.²

OPAE also provides essential services in the form of bill payment assistance programs and weatherization and energy efficiency services to low income customers of the Companies. OPAE members are also ratepayers of the Companies.

¹ A list of OPAE members can be found on the website: www.ohiopartners.org.

² See 42 U.S.C. 672:

The purposes of this subtitle are--

(1) to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(2) to accomplish the goals described in paragraph (1) through--

(A) the strengthening of community capabilities for planning and coordinating the use of a broad range of Federal, State, local, and other assistance (including private resources) related to the elimination of poverty, so that this assistance can be used in a manner responsive to local needs and conditions;

(B) the organization of a range of services related to the needs of low-income families and individuals, so that these services may have a measurable and potentially major impact on the causes of poverty in the community and may help the families and individuals to achieve self-sufficiency;

(C) the greater use of innovative and effective community-based approaches to attacking the causes and effects of poverty and of community breakdown;

(D) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grants made under this subtitle to empower such residents and members to respond to the unique problems and needs within their communities; and

(E) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role in the provision of services for--

(i) private, religious, charitable, and neighborhood-based organizations; and

(ii) individual citizens, and business, labor, and professional groups, who are able to influence the quantity and quality of opportunities and services for the poor.

OPAE's primary interest in this case is to protect the interests of low and moderate income Ohioans and OPAE members whose provision of electric service will be affected by this proceeding. OPAE also seeks to ensure that the Companies' 2010 earnings are properly reviewed in order to prevent the Companies from charging excessive rates to customers and in order to assure that the Companies properly refund excessive earnings to ratepayers. OPAE is also interested in the promotion of energy efficiency programs and alternative energy resources for low and moderate income Ohioans. OPAE will address any other issues that may arise during consideration of this matter. Further, OPAE has been recognized by the Commission in the past as an advocate for consumers and particularly low-income consumers, all of whom will be affected by the outcome of this proceeding.

For the above reasons, OPAE has a direct, real and substantial interest in these matters. The disposition of these matters may impair or impede OPAE's ability to protect its interests. No other party to the matters will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider and nonprofit customer group. No other party represents this group of interests. OPAE's participation in these matters will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised by this proceeding.

Therefore, OPAE is entitled to intervene in this proceeding with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

Respectfully submitted,

Colleen L. Mooney

Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45840
Telephone: (419) 425-8860
or (614) 488-5739
FAX: (419) 425-8862
cmooney2@columbus.rr.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support was served electronically and/or by first class mail upon the following parties identified below in this case on this 1st day of September 2011.

Colleen L. Mooney

Colleen L. Mooney

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

Melissa R. Yost
Kyle L. Verrett
Office of the Ohio Consumers' Counsel
10 W. Broad Street, 18th Floor
Columbus, Ohio 43215-3485
yost@occ.state.oh.us
verrett@occ.state.oh.us

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

Samuel C. Randazzo
Joseph E. Olikier
Frank P. Darr
McNees Wallace & Nurick
21 East State Street, 17th Floor
Columbus, Ohio 43215
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com

Thomas W. McNamee
Attorney General's Office
Public Utilities Commission Section
180 E. Broad Street, 6th Floor
Columbus, Ohio 43215-3793
Thomas.McNamee@puc.state.oh.us