

RECEIVED-DOCKETING DIV

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of the Application of Ohio)
Power Company and Columbus Southern)
Power Company for Authority to Merge)
and Related Approvals.)

Case No. 10-2376-EL-UNC

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

Case No. 11-348-EL-SSO

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Approval of)
Certain Accounting Authority)

Case No. 11-349-EL-AAM

Case No. 11-350-EL-AAM

In the Matter of the Application)
of Columbus Southern Power)
Company to Amend its Emergency)
Curtailment Service Riders)

Case No. 10-343-EL-ATA

In the Matter of the Application)
of Ohio Power Company)
to Amend its Emergency Curtailment)
Service Riders)

Case No. 10-344-EL-ATA

In the Matter of the Commission Review of)
the Capacity Charges of Ohio Power)
Company and Columbus Southern Power)
Company.)

Case No. 10-2929-EL-UNC

In the Matter of the Application of)
Columbus Southern Power Company)
for Approval of a Mechanism to Recover)
Deferred Fuel Costs Ordered Under)
Ohio Revised Code 4928.144)

Case No. 11-4920-EL-RDR

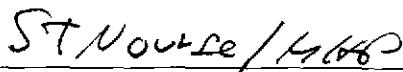
In the Matter of the Application of)
Ohio Power Company for Approval)
of a Mechanism to Recover)
Deferred Fuel Costs Ordered Under)
Ohio Revised Code 4928.144)

Case No. 11-4921-EL-RDR

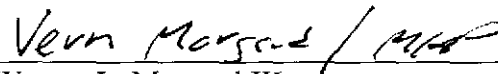
JOINT MOTION TO CONSOLIDATE

Now come the Association of Independent Colleges and Universities of Ohio, the City of Grove City, the City of Hilliard, Columbus Southern Power Company, Constellation Energy Commodities Group, Inc., Constellation NewEnergy, Inc., Exelon Generation Company, LLC, the Kroger Co., Ohio Power Company, the OMA Energy Group, the Retail Energy Supply Association, EnterNOC, Inc and the Staff of the Public Utilities Commission of Ohio ("Joint Movants") and hereby respectfully move the Public Utilities Commission of Ohio ("Commission"), pursuant to Rule 4901-1-12, Ohio Administrative Code ("O.A.C."), to consolidate the above-captioned matters into a single proceeding for purpose of considering adoption of the September 7, 2011 Stipulation and Recommendation filed in case nos. 11-346-EL-SSO et al.. As demonstrated further in the Memorandum in Support, consolidating these proceedings and considering the cases together will avoid duplication, achieve process and administrative efficiencies, and recognize the inescapable interrelated nature of the cases at issue.

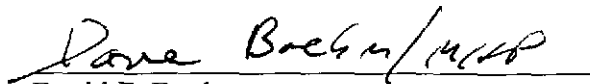
Respectfully submitted,



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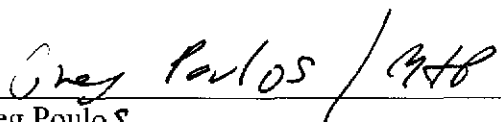
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John H. Jones
Assistant Attorneys General,
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On behalf of the Staff of the Public Utilities
Commission of Ohio

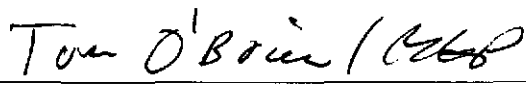


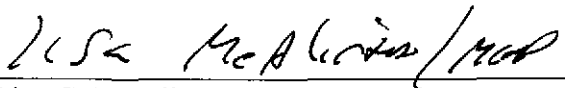
David F. Boehm
Michael L. Kurtz
On behalf of the Ohio Energy Group

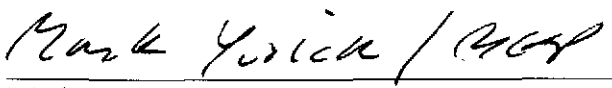


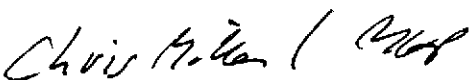
M. Howard Petricoff
On behalf of Constellation NewEnergy, Inc.,
and Constellation Energy Commodities
Group, Inc.

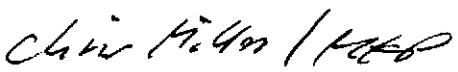

Greg Poulos
EnterNOC, Inc.

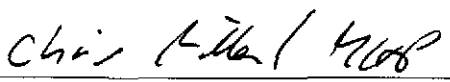

Thomas J. O'Brien
On behalf of The Ohio Hospital Association.

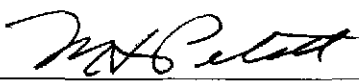

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On behalf of The OMA Energy Group



Mark Yurick
On behalf of The Kroger Co.


Christopher L. Miller
On behalf of the City of Hilliard


Christopher L. Miller
On behalf of the City of Grove City


Christopher L. Miller
On behalf of the Association of Independent
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M. Howard Petricoff
On behalf of the Retail Energy Supply
Association


M. Howard Petricoff
Sandy I-ru Grace
Jesse A. Rodriguez
On behalf of Exelon Generation Company,
LLC

MEMORANDUM IN SUPPORT

The Stipulation filed yesterday in the Columbus Southern Power Company and Ohio Power Company's second Electric Security Plan proceeding docketed at Case No. 11-346-EL-SSO ("AEP Ohio ESP II") calls for a basic change in the manner in which capacity and energy will be acquired for the default standard service customers. The current Columbus Southern Power Company and Ohio Power Company Electric Security Plan calls for the use of existing dedicated generation facilities with rates based upon prior established charges plus adjustments provided for under Section 4928.143, Revised Code. The Application in the AEP Ohio ESP II case called for a similar construct. In sharp contrast, the Stipulation filed yesterday calls for an auction procurement format similar to that granted by the Commission for use by the Ohio Edison Company, the Toledo Edison Company and the Cleveland Electric Illuminating Company in Case No. 10-388-EL-SSO. The auction supplying capacity and power under the Stipulation would commence June 1, 2015 with a transition plan for the time period January 1, 2012 through May 31, 2015 to prepare for the procurement change - including conducting auctions in the interim period.

To achieve a paradigm shift of this magnitude, provisions in the Stipulation address issues in four other pending Commission proceedings. Specifically, the Stipulation will fully address the merger of Columbus Southern Power Company with Ohio Power Company in Case No. 10-2376-EL-UNC ("Merger Case"), the capacity charge AEP Ohio will assess on competitive retail electric service providers now the subject of a proceeding in Case No. 10-2929-EL-UNC ("Capacity Charge Case"), the energy curtailment proceeding in Case Nos. 10-343-EL-ATA and 10-344-EL-ATA ("Energy Curtailment Cases") and the approval of a mechanism to recover

deferred fuel costs and accounting treatment for such Case Nos. 11-4920-EL-RDR and 11-4921-EL-RDR (“Fuel Deferral Cases”).

Since the Stipulation addresses and settles all the matters in the Merger Case, the Capacity Charge Case, the Energy Curtailment Cases and the Fuel Deferral Cases, the above listed parties request that the AEP ESP II case be consolidated for the purpose of hearing with the Merger Case, the Capacity Charge Case, the Energy Curtailment Cases and the Fuel Deferral Cases. Consolidation for purposes of hearing is granted when good cause has been shown. In Re Columbia Gas Case No. 02-121-GA-FOR. There is no Commission rule establishing the criteria for consolidation, but consolidation has been granted in the past when the issues among the consolidated cases were similar or closely related as seen in In Re Ohio Power Case No. 96-999-EL-AEC and when the parties are similar as seen in In Re: Ameritech 01-1528-TP-CSS.

In the matter at bar the Stipulation, in the course of addressing issues essential to achieving the designed end state of competitive procurement and establishing an electric security plan, covers the merger, capacity costs, fuel deferrals and energy curtailment. Consolidation would place these related issues within a single forum for establishing facts. It would also achieve judicial economy for both the Commission Staff and the intervenors as opposed to hearing each of these components separately. Consolidating for hearing means that additional trials for the Merger Case, Capacity Cost Case, the Energy Curtailment Cases and Fuel Deferral Cases will not be necessary. That should reduce the need for up to five different hearing room reservations to just one. Since the number of intervenors in the AEP Ohio ESP II dictates the use of only room 11A, consolidation may make assigning other Commission cases easier. Most important, consolidation would prevent the potential for inconsistent decisions among the cases, or failure to assess the consequences of one issue upon the others.

Thus, for both the sake of achieving a review of the Stipulation that measures the benefits and costs in toto as well as judicial economy, joinder for purposes of hearing is in the public interest.

This motion for consolidation for hearing purposes differs from the February 18, 2011 motion filed by the Industrial Energy Users-Ohio in three important ways. First, consolidation here is needed because the Stipulation, as opposed to the respective Applications are broader in its impact on the merger, energy curtailment, capacity charge and fuel deferral. Second, the request is only to consolidate the matter for hearing of the Stipulation. That is of smaller scope than the motion filed by the Industrial Energy Users-Ohio for consolidation of the cases in their entirety and should the Attorney Examiners reject the Stipulation, the cases would return for individual process on their own with no further consolidation. Finally, the consolidation request here involves less cases than the IEU request and is fully warranted as described herein.

The moving parties have examined the potential impact of consolidation for hearing as to entities who have been granted intervention in one of the cases to be consolidated with the AEP Ohio ESP II case. Attached as Exhibit A is list of all the intervenors in AEP Ohio ESP II case and all the cases for which consolidation is requested. Thus, far only one entity that is not a party in the AEP Ohio ESP II case has been granted intervention in one of the consolidated cases. That party is Direct Energy Services, LLC, and Direct Energy Business, LLC ("Direct Energy") who was granted intervention in the Capacity Charge Case. Direct Energy, however, is a participant in the AEP Ohio ESP II case as a member of the Retail Energy Supply Association (RESA). In fact, the witness for RESA is Teresa Ringenbach who is an employee of Direct Energy, Inc. Direct Energy supports the consolidation and the Stipulation. Thus, no entity granted party status could object to the consolidation.

In the Energy Curtailment proceeding, several of the parties in the AEP ESP II case have sought intervention as have seven entities who are not parties to the AEP ESP II case. To date, no party has been granted intervention. To assure that the seven parties seeking intervention in the Energy Curtailment Case have notice, a copy of this motion has been filed in and served upon all entities in the Energy Curtailment case. In addition, counsel supporting the Stipulation have contacted each of the seven entities seeking intervention to inform them of the Stipulation, and the motion. All indicated initial support for the consolidation.

In the merger case no orders granting intervention have been issued. The Ohio Cable Telecommunication Association (“OCTA”) is the only party who requested intervention is not also a party in to the AEP Ohio ESP II case. Counsel for the OCTA has been contacted and has received a copy of the Stipulation and the motion for consolidation. OCTA’s response is presented as written in the footnote below¹. Finally, as of this writing, no party has sought intervention in the Fuel Deferral Cases.

In sum, the hearing on the Stipulation is now scheduled for October 4, 2011 with testimony in opposition due September 27, 2011. All parties or entities that have sought party status in the AEP Ohio ESP II, Merger Case, Capacity Charge Case, Energy Curtailment Cases and Fuel Deferral Cases have been informed of the Stipulation and the motion to consolidate.

¹ The Ohio Cable Telecommunications Association (“OCTA”) filed a motion to intervene in Case No. 10-2376-EL-UNC, one of the cases included in the Stipulation and Recommendation filed on September 7, 2011 (the “Stipulation”). In addition, the OCTA filed a motion to intervene in Case Nos. 11-351-EL-AIR, 11-352-EL-AIR, 11-353-EL-ATA, 11-354-EL-ATA, 11-356-EL-AAM and 11-358-EL-AAM, none of which are listed in the Stipulation, but appear to be referenced indirectly in Section IV.3 of the Stipulation. While the OCTA does not object to this Motion for Consolidation to review the Stipulation, this position is based on the OCTA’s understanding of Section IV.3 in the Stipulation to state that, consistent with the schedules filed in 11-351-EL-AIR, 11-352-EL-AIR, “maintaining separate rate zones for distribution rates” includes pole attachment rates.

All now have the opportunity to assess their interests and pursue their rights in the cases for which they have sought intervention.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served this 8 day of September, 2011 by electronic mail, upon the persons listed below.



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