

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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
In the Matter of the Application of Ohio Power Company for Approval of An Amendment to Its Corporate Separation Plan	) ) ) )	Case No. 11-5333-EL-UNC

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**JOINT MOTION TO CONSOLIDATE AND REQUEST FOR EXPEDITED  
TREATMENT**

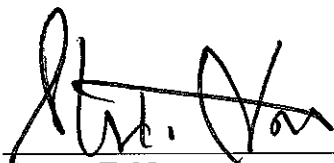
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Now come AEP Retail Energy Partners LLC, the Association of Independent Colleges and Universities of Ohio, the City of Grove City, the City of Hilliard, Columbus Southern Power Company, Constellation Energy Commodities Group, Inc., Constellation NewEnergy, Inc., Duke Energy Retail Sales, LLC, Exelon Generation Company, LLC, the Kroger Co., the Ohio Environmental Council, the Ohio Energy Group, the Ohio Hospital Association, Ohio Power Company, the OMA Energy Group, Paulding Wind Farm II, LLC, PJM Power Providers Group, and the Retail Energy Supply Association, (“Joint Movants”) hereby respectfully moves the Public Utilities Commission of Ohio (“Commission”), pursuant to Rule 4901-1-12, Ohio Administrative Code (“O.A.C.”), to consolidate Ohio Power Company’s (“AEP Ohio”) Application for the Approval of modifications to its Corporate Separation Plan docketed in Case No. 11-5333-EL-UNC (“Corporate Separation Compliance Filing”), with the above consolidated dockets (“Stipulation Case”).

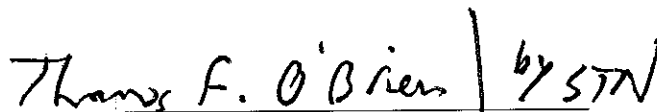
As demonstrated further in the attached Memorandum in Support, the Corporate Separation filing is an essential component of the Stipulation Case that necessitates joining the two cases for purposes of hearing. Further, considering the Corporate Separation Compliance Filing and Stipulation Case together will prevent inconsistent decisions among the cases, avoid duplication, and achieve process and administrative efficiencies.

Joint Movants request an expedited ruling.

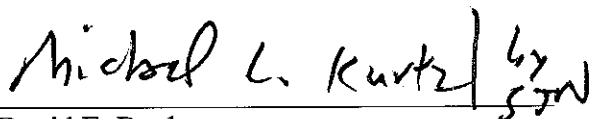
Respectfully submitted,



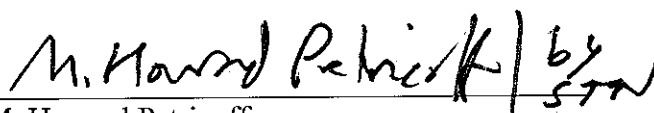
Steven T. Nourse  
On behalf of Columbus Southern Power  
Company and Ohio Power Company.



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



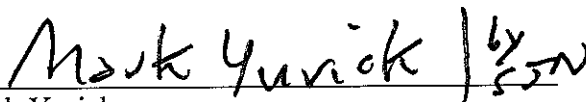
David F. Boehm  
Michael L. Kurtz  
On behalf of the Ohio Energy Group



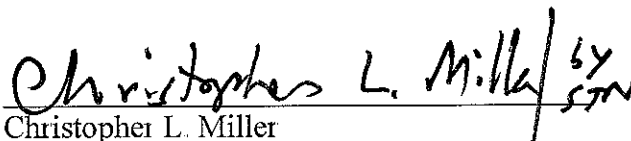
M. Howard Petricoff  
On behalf of Constellation NewEnergy, Inc.,  
and Constellation Energy Commodities  
Group, Inc.



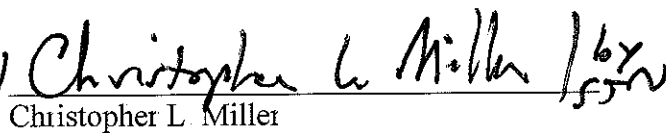
Lisa G. McAlister  
On behalf of The OMA Energy Group



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 / 62 STW

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Christopher M. Montgomery / 63 STW

Terrence O'Donnell  
Christopher M. Montgomery  
On behalf of Paulding Wind Farm II, LLC

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On behalf of the Ohio Environmental Council

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## MEMORANDUM IN SUPPORT

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On September 7, 2011, a Stipulation and Recommendation was filed in AEP Ohio's second Electric Security Plan proceeding docketed at Case Nos. 11-346-EL-SSO, *et al.* ("AEP Ohio ESP II"). Among other things, the Stipulation calls for an auction procurement format that supplies capacity and power commencing June 1, 2015 with a transition plan to prepare for the procurement change commencing during the time period of January 1, 2012 through May 31, 2015. The Stipulation also provides that by March 2012, AEP Ohio will notify PJM Interconnection, LLC ("PJM") that it plans to participate in its annual Base Residual Auction for capacity. In both these instances, the Stipulation contemplates that the Commission's approval of full legal corporate separation is a necessary precondition to AEP Ohio's transition to an auction-based SSO, and that the Commission's approval of the full legal corporate separation is to be obtained by virtue of approval of the Stipulation.

In response to questions posed by Commissioners during a public hearing conducted on September 19, 2011, regarding the Stipulation, AEP Ohio promptly filed revised testimony of Richard E. Munczinski, which: 1) provided additional detail concerning the corporate separation proposal embodied in the Stipulation; 2) explained that the settling parties intended that substantive approval of AEP Ohio's full structural corporate separation would be obtained through the adoption of the Stipulation; and 3) assured the Commission that AEP Ohio would make a compliance filing to illustrate the specific details regarding the corporate separation contemplated by the Stipulation ("Corporate Separation Compliance Filing"). On September 29, 2011, AEP Ohio moved to substitute the testimony of Richard E. Munczinski with the testimony of Philip J. Nelson, including the Exhibit PJN-1 (formerly Exhibit REM-1).

Contemporaneous with this motion, AEP Ohio is hereby submitting its Corporate Separation Compliance Filing, in both this Stipulation Case, as well as in Case No. 11-5333-EL-UNC, pursuant to this Commission's practice and procedure regarding these types of filings. This Corporate Separation Compliance Filing provides a redline of Ohio Power Company's corporate separation plan, the substance of which has already been described in Exhibit PJN-1. By adopting the Stipulation, the Commission will approve the merger of CSP into OPCo; thus, amendments are necessary to OPCo's corporate separation plan to incorporate the Commission's approval of full corporate separation and approval of the merger. The Joint Movants now file this Joint Motion to Consolidate the Corporate Separation Compliance Filing, to be docketed at Case No. 11-5333-EL-UNC, with the Stipulation Case. The Corporate Separation Compliance Filing and the Stipulation Case should be joined as approval of full legal corporate separation is a necessary component of the Stipulation, and joinder will prevent inconsistent and conflicting decisions, allow for timely implementation of the Stipulation, and promote judicial economy.

As described above, the Commission's approval of full legal corporate separation is an essential component of the Stipulation because full legal corporate separation is necessary to achieve the two main components of the Stipulation's auction procurement format: AEP Ohio's implementation of the competitive bidding process ("CBP") to meet its SSO obligation and AEP Ohio's participation in PJM's Base Residual Auction. (See Stipulation, ¶¶IV.1.q and IV.1.t). Paragraph IV.1.q of the Stipulation states "[a]pproval of this Stipulation will serve as the Commission's approval of full legal corporate separation.....", requiring that the Stipulation and Corporate Separation Compliance Filing be considered as one case. Thus, while the Corporate Separation Compliance Filing merely provides additional, technical detail to the substance of

what has already been described in the Stipulation Case, these two dockets are so interconnected that they cannot be considered independent of one another.

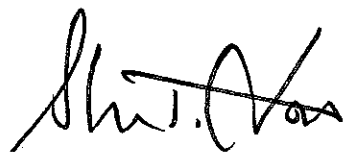
The Joint Movants further request that the Commission act upon this request on an expedited basis. First, the hearing on the Stipulation itself is meant to commence on October 4, 2011. Moreover, AEP Ohio must obtain full legal corporate separation promptly under the terms of the Stipulation in order to give notice to PJM in March 2012 that it intends to participate in the Base Residual Auction for delivery years 2015-2016, and in order to conduct its first CBP in September of 2013. (See Stipulation, ¶¶IV.1.q and IV.1.t). Thus, failure to consider these cases together will likely cause unnecessary delay in the implementation of the Stipulation, and may materially affect the terms and conditions of the Stipulation.

Combination of the cases is in the public interest as it will achieve judicial economy for both the Commission Staff and the intervenors to consider the cases together, preventing additional trials and allowing for a single forum to establish facts and debate issues. The Commission has already recognized the importance of consolidating cases in the interest of judicial economy and efficiency. On September 8, 2011, Joint Movants filed a Joint Motion to Consolidate requesting consolidation of Case No. 10-2376-EL-UNC (“Merger Case”), Case No. 10-2929-EL-UNC (“Capacity Charge Case”), Case Nos. 10-343-EL-ATA and 10-344 EL-ATA (“Energy Curtailment Cases”), and Case Nos. 11-4920-EL-RDR and 11-4921-EL-RDR (“Fuel Deferral Cases”), with the AEP Ohio ESP II case. Pursuant to the Entry dated September 16, 2011, the Attorney Examiner granted the Joint Motion to Consolidate the above cases into a single Stipulation Case, recognizing that the motion was “reasonable” and the “most efficient process to consider the interrelated issues addressed in the Stipulation.....” (Entry, ¶7). Combination of the Corporate Separation Compliance Filing with the Stipulation Case does not

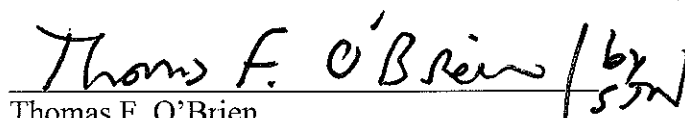
prejudice any party to the AEP Ohio ESP II, as the Stipulation terms placed all parties to the AEP Ohio ESP II on notice that approval of the Stipulation necessitated contemporaneous approval of AEP Ohio's full legal corporate separation. Moreover, the substance of AEP Ohio's corporate separation plan has already been provided to the parties in Exhibit PJN-1.

The hearing on the Stipulation is now scheduled for October 4, 2011. Because of the need to prevent inconsistent and conflicting decisions, and the need to promptly implement the Stipulation if so approved, Joint Movants request that the Corporate Separation Compliance Filing be joined with the Stipulation Case promptly for the purposes of hearing. If this motion to consolidate is not granted, the Joint Movants ask that, at a minimum, administrative notice be taken in the Stipulation Case docket of the Corporate Separation Compliance Filing in Case No. 11-5333-EL-UNC.

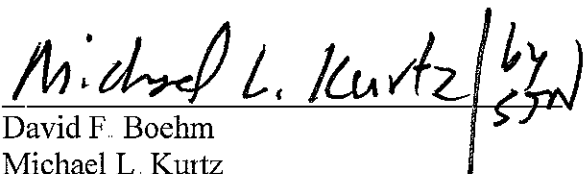
Respectfully submitted,



Steven T. Nourse  
On behalf of Columbus Southern Power  
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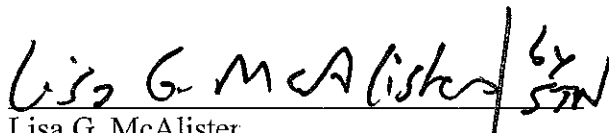
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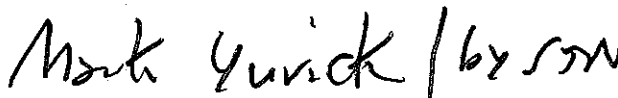
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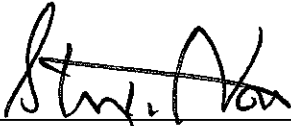
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Trent A. Dougherty  
On behalf of the Ohio Environmental Council

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing motion and request for expedited ruling was served this 30<sup>th</sup> day of September, 2011 by electronic mail, upon the persons listed below.

  
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Summary: Motion Joint Motion to Consolidate and Req. for Expedited Treatment electronically filed by Mr. Steven T Nourse on behalf of Joint Movants