




Public Utilities Commission of Ohio (“PUCO” or “Commission”) for an extension of time for the filing of intervenor testimony. Specifically, the due date for intervenor testimony would be extended from October 17, 2011 to October 24, 2011. The Joint Movants seek an immediate ruling under Ohio Adm. Code 4901-1-12(C).<sup>1</sup> The reasons supporting these requests, along with an explanation of the need to determine the filing date on an immediate basis, are set forth in the attached Memorandum in Support. The Motion should be granted for good cause.

Respectfully submitted,


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<sup>1</sup> Ohio Adm. Code 4901-1-12 (C) states: “\* \* \* If the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda.” The request for five day extension would result in a due date of Saturday October 22, 2011 and the testimony would thus be filed October 24, 2011).

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
Columbus Southern Power Company and ) Case No. 11-351-EL-AIR  
Ohio Power Company, Individually and, if ) Case No. 11-352-EL-AIR  
Their Proposed Merger is Approved, as a )  
Merged Company (collectively, AEP )  
Ohio) for an Increase in Electric )  
Distribution Rates. )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company, Individually and, if ) Case No. 11-353-EL-ATA  
Their Proposed Merger is Approved, as a ) Case No. 11-354-EL-ATA  
Merged Company (collectively, AEP )  
Ohio) for Tariff Approval. )

In the Matter of the Application of )  
Columbus Southern Power Company and )  
Ohio Power Company, Individually and, if ) Case No. 11-356-EL-AAM  
Their Proposed Merger is Approved, as a ) Case No. 11-358-EL-AAM  
Merged Company (collectively, AEP )  
Ohio) for Approval to Change Accounting )  
Methods. )

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**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR AN EXTENSION OF  
TIME  
TO FILE TESTIMONY  
AND REQUEST FOR IMMEDIATE RULING**

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**I. INTRODUCTION**

These cases affect the rates paid by the approximately 1.2 million residential customers of AEP-Ohio's for electric distribution service. On January 27, 2011, the Companies filed a Notice of Intent that opened these cases. AEP-Ohio subsequently filed the Applications on February 28, 2011, that, among other matters, sought an increase in distribution rates. OCC, the state's advocate for residential utility consumers, moved to

intervene in this case on February 9, 2011, OPAE moved to intervene on February 8, 2011, and the Sierra Club moved to intervene June 14, 2011.

On September 15, 2011, the PUCO Staff's Reports of Investigation ("Staff Reports") were filed. October 17, 2011 is the current deadline for the filing of objections to the Staff Report, as provided in R.C. 4909.19. October 17, 2011 is also the deadline for filing direct expert testimony, in accordance with the Commission's procedural rules.<sup>2</sup>

## **II. APPLICABLE PROCEDURAL RULES**

Ohio Adm. Code 4901-1-13(A) specifically permits parties to move for extensions of time to file testimony. That rule provides for the granting of such motions for "good cause shown."

Ohio Adm. Code 4901-1-12(C) allows parties to request an immediate ruling on their motion for extensions to file pleadings and other papers of five days or less without the filing of memoranda.

## **III. ARGUMENT**

Pursuant to Ohio Adm. Code 4901-1-13(A), the Joint Movants seek a five-day extension of time to file testimony. This extension of time would change the due date for written testimony from October 17, 2011 to October 24, 2011. The Joint Movants propose that the extension apply to all intervenors. The extension is requested because of the significant volume of case work with which Joint Movants are presently involved (and other parties may find themselves similarly situated). At this time, there is significant case work ongoing in cases involving the AEP ESP II and related cases (Case No. 11-346-EL-SSO),

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<sup>2</sup> Ohio Adm. Code 4901-1-29(A)(1)(b).

the Duke ESP II (Case No. 11-3549-EL-SSO), as well as, the Duke Energy Efficiency Portfolio and Cost Recovery Case (Case No. 11-4393-EL-RDR), and the Duke Smart Grid Case (Case No. 10-2326-GE-RDR). The extension will not cause undue delay, and should not work to prejudice any party.<sup>3</sup> These circumstances therefore meet the requirement in Ohio Adm. Code 4901-1-13 for showing good cause. Similar motions have been granted by the Commission in other distribution rate cases.<sup>4</sup> For these reasons, the Commission should grant the Joint Movants' Motion for an Extension of Time to File Testimony ("Motion").

Finally, although the Commission's rules for an immediate ruling do not require it, the Joint Movants certify that all the parties to these case have been contacted, pursuant to Ohio Adm. Code 4901-1-12(C), to inquire if they object to the issuance of a ruling on an expedited basis. None of the parties contacted have objected to the PUCO issuing an expedited ruling or granting the extension of time to file testimony without the opportunity for parties to file a memorandum in response to Joint Movants' Motion. The non-objecting parties include (at the time of filing) , the Ohio Energy Group, Industrial Energy-Users, Ohio Hospital Association, FirstEnergy Solutions Corp, Ohio Manufacturers Association, the Kroger Company, Ormet Primary Aluminum Corporation, Ohio Cable Telecommunications Association, National Resources Defense Council and the Ohio

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<sup>3</sup> The Evidentiary Hearing is scheduled to commence November 14, 2011. See Entry at 2 (September 16, 2011).

<sup>4</sup> *In re FirstEnergy Distribution Rate Cases*, Case Nos. 07-551-EL-AIR, et al., Entry at 2 (December 21, 2007), see also *In re Duke Energy Ohio Distribution Rate Case*, Case Nos. 07-589-GA-AIR, et al. Entry at 2 (January 7, 2008).

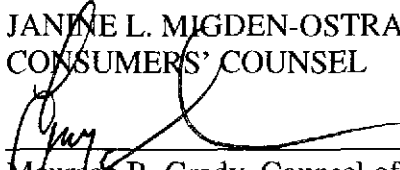
Department of Development; however, not all parties have responded<sup>5</sup> Joint Movants request an immediate ruling on this Motion in the shortest period of time possible for the purposes of permitting all parties to plan their schedules.

#### IV. CONCLUSION

For the reasons stated above, the Commission should grant Joint Movants' Motion based upon the showing of good cause. The Commission should grant this Motion in the shortest period of time possible.

Respectfully submitted,

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<sup>5</sup> AEP-Ohio counsel while not formally objecting to the Motion, stated a reservation to the Motion because of the desire to continue settlement negotiations following the filing of Objections and Testimony on October 17, 2011. Joint Movants have assured AEP-Ohio that the one-week extension to file testimony will not impede Joint Movants' ability to participate in settlement discussions during the period of the extension.

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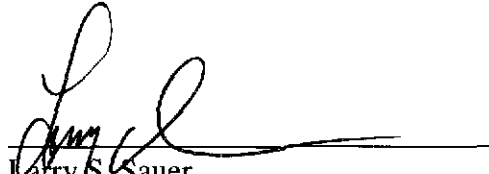
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing *Joint Motion for Extension of Time to File Testimony and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel, Ohio Partners for Affordable Energy and the Sierra Club* was served by Regular U.S. Mail Service, postage prepaid, to all parties this 11th day of October, 2011.

  
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