

**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

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**COLUMBUS SOUTHERN POWER COMPANY'S AND OHIO POWER  
COMPANY'S MEMORANDUM CONTRA  
INTERSTATE GAS SUPPLY, INC.'S MOTION TO INTERVENE**

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Columbus Southern Power Company (CSP) and Ohio Power Company (OPCo) (collectively, the “Companies” or “AEP Ohio”) oppose the untimely Motion to Intervene filed by Interstate Gas Supply, Inc. (IGS) in this matter

As the Commission is aware, on September 7, 2011, the Companies filed a Stipulation joined by numerous intervenors, the Companies, and Commission Staff, which resolves these varied pending proceedings. A hearing on the Stipulation commenced October 3, and is currently underway.

**The Commission’s Orders and the Administrative Code Rules  
Do Not Permit IGS’s Untimely Intervention**

Pursuant to Rule 4901-1-11(D), Ohio Admin. Code, a motion to intervene “will not be considered timely if it is filed later than five days prior to the scheduled date of hearing or any specific deadline established by order of the commission ...” Division (F) of that rule provides that “[a] motion to intervene which is not timely will be granted only under extraordinary circumstances.” IGS does not dispute that the deadlines for intervention in each of these captioned proceedings passed many months ago, and that its request is significantly out of time. For the following reasons, IGS has not met the standard for untimely intervention, and its motion should be denied.

First, IGS’s motion to intervene does not identify any extraordinary circumstances that excuse its request to intervene at this eleventh hour. That IGS recently filed an application to become a certified retail electric supplier is not extraordinary, and plainly is not a circumstance justifying intervention *after* a Stipulation has been filed. AEP Ohio and all of the intervenors would be substantially prejudiced if a party that did not participate in the settlement negotiations were now permitted to challenge the Stipulation.

Second, allowing IGS to intervene at this advanced stage would not contribute to the resolution of these cases, and may in fact delay the proceedings. Thousands of discovery and data requests have been exchanged, volumes of testimony have been submitted, and the hearing on the Stipulation is underway. Allowing IGS to intervene and get up to speed now can only cause unwarranted delay.

Third, IGS has not established that it has any unique knowledge, experience or expertise to offer to the Commission. IGS's interests are adequately represented by the numerous existing intervenors who are CRES providers in the state of Ohio.

Last, allowing IGS to intervene because of a change entirely within its control would create an untenable precedent for future late interventions.

#### **IGS Failed to Service AEP Ohio's Counsel of Record**

IGS's motion to intervene should be denied for the additional reason that it failed to serve the motion on Steven T. Nourse, AEP Ohio's designated Counsel of Record, as required by Section 4901-1-05, Ohio Administrative Code. Mr. Nourse was not an addressee on the electronic service copy of the motion sent to various parties on October 11, 2011, nor did he receive service from counsel for IGS in any other manner as required by the Commission's procedural rules.

#### **Conclusion**

Allowing IGS's motion for leave to intervene out of time, absent extraordinary circumstances or any justification whatsoever would be disruptive and distracting, and would set bad precedent. For all of the foregoing reasons, the Commission should deny IGS's request for intervention.

Respectfully Submitted,

//s/ Ann M. Vogel

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### CERTIFICATE OF SERVICE

I hereby certify that a copy of Columbus Southern Power Company's and Ohio Power Company's Memorandum Contra Interstate Gas Supply, Inc.'s Motion to Intervene was served by electronic mail upon the individuals listed below this 12<sup>th</sup> day of October, 2011.

//s/ Anne M. Vogel

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Summary: Memorandum CSP and OPC Memorandum Contra Interstate Gas Supply, Inc.'s Motion to Intervene electronically filed by Anne M Vogel on behalf of American Electric Power Company, Inc.