

**BEFORE THE  
PUBLIC UTILITY 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
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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
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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
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In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders	:	Case No. 10-343-EL-ATA
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In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders	:	Case No. 10-344-EL-ATA
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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
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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
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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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**MOTION TO STRIKE  
REPLY OF ORMET PRIMARY ALUMINUM CORPORATION  
OF  
OHIO POWER COMPANY**

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Pursuant to §4901-1-12 of the Ohio Administrative Code, Ohio Power Company (“AEP Ohio”) hereby submits this Motion to Strike the Reply of Ormet Primary Aluminum Corporation to AEP Ohio’s and OMAEG’s Memoranda Contra Ormet’s Application for Rehearing (“Reply”) filed in this proceeding on January 30, 2012 (“Reply”). The reasons in support of this Motion to Strike are discussed below.

Respectfully Submitted,

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February 1, 2012

## MEMORANDUM IN SUPPORT

On January 30, 2012, Ormet Primary Aluminum Corporation (“Ormet”) filed a “Reply” to Ohio Power Company’s January 23, 2012 Memorandum in Opposition. Ormet’s Reply is not permitted by rules governing rehearing at the Public Utilities Commission of Ohio (“Commission”), is largely repetitive of arguments already raised in its Application for Rehearing, and is an improper attempt by Ormet to get a “second bite at the apple.” For these reasons, the Commission should strike Ormet’s Reply.

Ohio Adm. Code 4901-1-35, regarding applications for rehearing, establishes a specific process by which parties can request rehearing of a Commission order. The rule provides that parties may file an application for rehearing setting forth the specific grounds for rehearing within thirty days after the issuance of a Commission order. Within ten days of the filing of an application for rehearing, parties can file a memorandum contra. Ohio Adm. Code 4901-1-35 does not permit parties to file a “reply” to a memorandum contra an application for rehearing. Likewise, parties are granted no right to file such a “reply” under R.C. 4903.10, governing applications for rehearing.

Ormet’s Reply largely repackages arguments from its initial application for rehearing, arguing that the Commission’s December 14, 2011 Order erred in a number of ways. In its Reply, Ormet presents arguments about how excluding them from the Load Factor Provision would deny Ormet of a \$28 million per year benefit (which would correspondingly increase rates on all other AEP Ohio business customers by the same \$28 million), whether Ormet is similarly situated customers to other customers, and cost causation that were already presented by Ormet’s initial application for rehearing.<sup>1</sup> There is no need for the Commission to permit Ormet to file a Reply merely to allow it to repeat and/or supplement arguments already presented in its initial application for rehearing. Permitting such a Reply is contrary to the law and rules governing rehearing at the Commission. Ormet was required to “set

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<sup>1</sup> See Ormet’s initial Application for Rehearing (filed Jan. 13, 2012) at 3, errors 1, 3, and 5,

forth the specific ground or grounds upon which [it] considers the commission order to be unreasonable or unlawful” in its initial application for rehearing.<sup>2</sup> Ormet should not get a “second bite at the apple” through the filing of an improper Reply. Accordingly, the Commission should strike Ormet’s Reply.

For these reasons, the Commission should strike Ormet’s Reply. Even if the Commission does not strike Ormet’s Reply, the Commission should uphold its decision to approve the LFP without modification. The Commission’s inclusion of Ormet in the LFP would result in a windfall to Ormet on top of the substantial discounts Ormet is already receiving under its unique arrangement. And the inclusion of Ormet in the LFP would adversely impact all other AEP Ohio business customers, especially the small business customers on Rate GS-2.

Respectfully Submitted,

/s/ Steven T. Nourse

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February 1, 2012

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<sup>2</sup> Ohio Adm. Code 4901-1-35.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Ohio Power Company's Motion to Strike has been served upon the below-named counsel and Attorney Examiners by electronic mail to all Parties this 1<sup>st</sup> day of February, 2012.

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Summary: Motion to Strike Ormet Reply electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company