

**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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**THE OMA ENERGY GROUP'S  
MOTION TO STRIKE REPLY OF ORMET PRIMARY ALUMINUM CORPORATION**

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## **MOTION TO STRIKE**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rule 4901-1-12, the OMA Energy Group (“OMAEG”) respectfully requests that the Public Utilities Commission of Ohio strike the Reply of Ormet Primary Aluminum Corporation to AEP Ohio’s and OMAEG’s Memoranda Contra Ormet’s Application for Rehearing filed in this proceeding on January 30, 2012, in its entirety, for the reasons discussed in the Memorandum in Support below.

## **MEMORANDUM IN SUPPORT OF MOTION TO STRIKE**

Pursuant to O.A.C. Rule 4901-1-12, OMAEG respectfully 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, filed in this proceeding on January 30, 2012, for the reasons discussed below.

On January 30, 2012, Ormet Primary Aluminum Corporation (“Ormet”) filed a Reply to AEP Ohio’s and OMAEG’s January 23, 2012 Memorandum Contra to Ormet’s Application for Rehearing.

O.A.C. Rule 4901-1-35, regarding applications for rehearing, establishes a specific process by which parties can request rehearing of an order from the Public Utilities Commission of Ohio (“Commission”). 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. O.A.C. Rule 4901-1-35, does not permit parties to file a “reply” to a memorandum contra an application for

rehearing. Additionally, parties are not granted such right to file a “reply” under Ohio Revised Code Section 4903.10, governing applications for rehearing.

Ormet’s Reply is mostly comprised of arguments that the Commission has already thoroughly considered and rejected in the Commission’s December 14, 2011 Order. In its Reply, Ormet presents arguments about how excluding Ormet from the Load Factor Provision (“LFP”) would deny Ormet of a \$28 million per year benefit (which would correspondingly increase rates on all other AEP Ohio business customers and OMAEG members by the same \$28 million), whether Ormet is a similarly situated customer to other customers, and cost causation that were already presented in Ormet’s briefs and application for rehearing.

As the Commission’s rules and Ohio law do not permit Ormet’s Reply, which is comprised of arguments the Commission has already addressed and rejected, the Commission should strike Ormet’s Reply in its entirety.

Accordingly, for the foregoing reasons, OMAEG respectfully requests that the Commission strike Ormet’s Reply.

Respectfully submitted,



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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to Strike was served by electronic mail on the parties of record listed below this 3<sup>rd</sup> day of February 2012.



Lisa G. McAlister

## **PARTIES SERVED**

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Summary: Motion to Strike Reply of Ormet Primary Aluminum Corporation electronically filed by Teresa Orahod on behalf of OMA Energy Group