

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Power Company and Columbus Southern) Case No. 10-2376-EL-UNC
Power Company for Authority to Merge)
and Related Approvals.)

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Authority to) Case No. 11-346-EL-SSO
Establish a Standard Service Offer Pursuant) Case No. 11-348-EL-SSO
to Section 4928.143, Revised Code, in the)
Form of an Electric Security Plan.)

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 11-349-EL-AAM
Ohio Power Company for Approval of) Case No. 11-350-EL-AAM
Certain Accounting Authority.)

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 10-343-EL-ATA
Ohio Power Company to Amend their) Case No. 10-344-EL-ATA
Emergency Curtailment Service Riders.)

In the Matter of the Commission Review of)
the Capacity Charges of Ohio Power) Case No. 10-2929-EL-UNC
Company and Columbus Southern Power)
Company.)

In the Matter of the Application of)
Columbus Southern Power Company and)
Ohio Power Company for Approval of) Case No. 11-4920-EL-RDR
Mechanisms to Recover Deferred Fuel) Case No. 11-4921-EL-RDR
Costs Ordered Under Section 4928.144,)
Revised Code.)

ENTRY

The attorney examiner finds:

- (1) On January 27, 2011, in Case Nos. 11-346-EL-SSO, 11-348-EL-SSO, 11-349-EL-AAM and 11-350-EL-AAM, Columbus Southern Power

Company (CSP) and Ohio Power Company (OP) (jointly, AEP-Ohio or the Companies) filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code (ESP 2).

- (2) On September 7, 2011, a Stipulation and Recommendation (Stipulation) was filed for the purpose of resolving all the issues raised in the ESP 2 cases and several other AEP-Ohio cases pending before the Commission, Case No. 10-2376-EL-UNC, *In the Matter of the Application of Ohio Power Company and Columbus Southern Power Company for Authority to Merge and Related Approvals* (Merger Case); Case No. 10-343-EL-ATA, *In the Matter of the Application of Columbus Southern Power Company to Amend its Emergency Curtailment Service Riders* and Case No. 10-344-EL-ATA, *In the Matter of the Application of Ohio Power Company to Amend its Emergency Curtailment Service Riders* (jointly Curtailment Cases); Case No. 10-2929-EL-UNC, *In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company* (Capacity Charges Case); and Case No. 11-4920-EL-RDR, *In the Matter of the Application of Columbus Southern Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Pursuant to Section 4928.144, Revised Code*, and Case No. 11-4921-EL-RDR, *In the Matter of the Application of Ohio Power Company for Approval of a Mechanism to Recover Deferred Fuel Costs Pursuant to Section 4928.144, Revised Code* (jointly Deferred Fuel Cost Cases).
- (3) On December 14, 2011, the Commission issued its Opinion and Order in the consolidated cases, finding that the Stipulation, as modified, be adopted and approved.
- (4) On December 29, 2011, AEP-Ohio filed its revised detailed implementation plan (DIP), as modified by the December 14, 2011, Opinion and Order (Opinion and Order).
- (5) On December 30, 2011, FirstEnergy Solutions (FES) and the Industrial Energy Users-Ohio (IEU-Ohio) each filed various objections to AEP-Ohio's DIP, alleging it was inconsistent with the Commission's Opinion and Order, and requested the Commission order AEP-Ohio to file a modified DIP that is consistent with the Opinion and Order.
- (6) On January 23, 2012, the Commission issued an entry that provided a number of clarifications regarding its Opinion and Order. In addition, the entry ordered AEP-Ohio to file a revised DIP for the

capacity set aside programs, to be consistent with the Commission's clarifications.

- (7) On January 25, 2012, AEP-Ohio filed a motion and request for clarification that the Commission defer any requirement for AEP-Ohio to file a revised DIP until after the issuance of a rehearing decision that finalizes the Commission's resolution of the capacity set aside issues.
- (8) On January 26, 2012, the Ohio Energy Group (OEG) filed an answer in support of AEP-Ohio's motion. OEG explains that instead of handling this matter piecemeal through the compliance filing and rehearing process, the Commission should provide a clear and final resolution when it rules on the ESP rehearing petitions.
- (9) On January 27, 2012, FES filed a memorandum contra AEP-Ohio's motion. FES opines that the Commission's order is immediately enforceable and AEP-Ohio must comply with it immediately. Further, FES argues that permitting AEP-Ohio to defer filing the revised DIP would create an improper precedent and prejudice customers.
- (10) On January 30, 2012, IEU-Ohio filed a memorandum contra AEP-Ohio's motion. IEU-Ohio contests the motion, stating that since the Commission's clarification entry has been entered into the Commission's journal and did not specify a specific time, it was effective upon journalization.
- (11) On January 31, 2012, the Ohio Consumers' Counsel (OCC) filed a memorandum contra AEP-Ohio's motion. OCC contends that AEP-Ohio's motion cannot excuse it from complying with a Commission order, and AEP-Ohio is delaying a necessary step towards bringing competition to its customers.
- (12) Upon review of AEP-Ohio's motion, and the memoranda filed by OEG, OCC, IEU-Ohio, and FES, the attorney examiner finds that the procedural motion should be granted. In light of the unique circumstances of this case and in order to avoid customer uncertainty that may arise as a result of multiple DIP revisions being filed in a brief period of time, the attorney examiner finds that permitting AEP-Ohio to file its revised DIP within seven days of the Commission's issuance of its entry on rehearing may lessen the likelihood that AEP-Ohio will have to file multiple DIP revisions based upon decisions the Commission may make.

Further, to avoid any prejudice to customers, in the event that the Commission's review of the applications for rehearing extends into March, AEP-Ohio must file its revised DIP no later than March 14, 2012. Accordingly, AEP-Ohio shall file its revised DIP seven days after the Commission issues its finding and order on rehearing, or by March 14, 2012, whichever is earliest.

It is, therefore,

ORDERED, That AEP-Ohio file its revised DIP seven days after the Commission's entry on rehearing is issued, or by March 14, 2012, whichever is earliest. It is, further,


ORDERED, That a copy of this Entry be served on all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Jonathan J. Tauber
Attorney Examiner

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Entered in the Journal
FEB 03 2012



Barcy F. McNeal
Secretary