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**Via E-File**

March 16, 2012

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

**In re: Case No. 11-351-EL-AIR, 11-352-EL-AIR, 11-353-EL-ATA, 11-354-EL-ATA, 11-356-EL-AAM and 11-358-EL-AAM**

Dear Sir/Madam:

Please find attached the **OHIO ENERGY GROUP'S RESPONSE TO OHIO POWER'S MOTION SEEKING CLARIFICATION AND REQUEST FOR EXPEDITED RULING** e-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew

Encl.

Cc: Certificate of Service

**BEFORE THE  
PUBLIC UTILITY COMMISSION OF OHIO**

In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively, AEP Ohio) for an Increase in Electric Distribution Rates	:	Case No. 11-351-EL-AIR
	:	Case No. 11-352-EL-AIR
	:	
	:	
hi the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively AEP Ohio) for Tariff Approval	:	Case No. 11-353-EL-ATA
	:	Case No. 11-354-EL-ATA
	:	
	:	
In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company, Individually and, if Their Proposed Merger is Approved, as a Merged Company (collectively AEP Ohio) for Approval to Change Accounting Methods	:	Case No. 11-356-EL-AAM
	:	Case No. 11-358-EL-AAM
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**RESPONSE TO OHIO POWER COMPANY'S  
MOTION SEEKING CLARIFICATION  
AND REQUEST FOR EXPEDITED RULING  
OF THE OHIO ENERGY GROUP**

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Pursuant to §4901-1-12 of the Ohio Administrative Code, the Ohio Energy Group ("OEG") hereby submits this Response to the Motion Seeking Clarification and Request for Expedited Ruling ("Motion") filed by Ohio Power Company ("AEP" or "Company") on March 15, 2012.<sup>1</sup>

In its Motion, AEP requests assurance from the Public Utilities Commission of Ohio ("Commission") that the Company will not be precluded from filing a new distribution rate case *"anytime after the final order in the modified [Electric Security Plan] proceeding."*<sup>2</sup> AEP states that

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<sup>1</sup> Ohio Adm. Code §4901-1-38(B) provides "[t]he commission may, upon its own motion or for good cause shown, waive any requirement, standard, or rule set forth in this chapter or prescribe different practices or procedures to be followed in a case." To the extent that a Response may not be provided for in the Commission's rules, the Commission should accept OEG's Response because good cause to accept such a pleading exists. Due to the unique circumstances surrounding these cases, it is appropriate for the Commission to consider the positions of all parties, including positions either supportive of or opposed to AEP's Motion.

<sup>2</sup> Motion at 6.

*“[w]ith a Commission clarification that AEP Ohio is able to file a new distribution rate case when it finds the time appropriate, then the Company will commit to continue under all the agreed terms of the [distribution rate case] stipulation until such time as new approved rates become effective.”*<sup>3</sup> Thus, if the Commission grants AEP’s requested clarification, AEP will continue to provide the benefits of the distribution rate case stipulation (“Distribution Case Stipulation”) to its customers.<sup>4</sup> Without such clarification, AEP will withdraw the Distribution Case Stipulation and would recommence litigation of these cases.<sup>5</sup>

The Commission should grant AEP the requested clarification. AEP’s requested clarification is reasonable as it only seeks confirmation of what the law clearly allows: a distribution utility has a statutory right to seek rate relief from this Commission. Moreover, in the midst of significant uncertainty regarding AEP’s retail rates, the Commission should provide some degree of stability to customers by continuing the distribution rates established through the Distribution Case Stipulation. The Commission’s review already found that the Distribution Case Stipulation *“is in the public interest and represents a reasonable resolution of the issues in this case.”*<sup>6</sup> Accordingly, the Commission should grant such clarification.

Respectfully Submitted,



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March 16, 2012

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<sup>3</sup> Motion at 8.

<sup>4</sup> The distribution rate case stipulation was filed in these cases on November 23, 2011.

<sup>5</sup> Motion at 8.

<sup>6</sup> Opinion and Order (Dec. 14, 2011) at 10.

## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 16<sup>th</sup> day of March, 2012 to the following:



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**Case No(s).** 11-0351-EL-AIR, 11-0352-EL-AIR, 11-0353-EL-ATA, 11-0356-EL-AAM, 11-0358-EL-AAM,

Summary: Response The Ohio Energy Group's Response to Ohio Power's Motion Seeking Clarification and Request for Expedited Ruling electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group