

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 1510  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  
TELECOPIER (513) 421-2764

**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
	:	
	:	
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 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,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY**

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: [dboehm@BKLawfirm.com](mailto:dboehm@BKLawfirm.com)

[mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

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:



David F. Boehm, Esq.  
Michael L. Kurtz, Esq.

COLUMBUS SOUTHERN POWER  
SELWYN J. R. DIAS  
850 TECH CENTER DRIVE  
GAHANNA OH 43230

HAND, EMMA F  
SONNENSCHN NATH & ROSENTHAL  
1301 K STREET NW SUITE 600 E. TOWER  
WASHINGTON DC 20005

OHIO PARTNERS FOR AFFORDABLE ENERGY  
RINEBOLT DAVID C  
231 WEST LIMA ST. PO BOX 1793  
FINDLAY OH 45839-1793

OHIO POWER COMPANY  
SELWYN J. DIAS  
850 TECH CENTER DRIVE  
GAHANNA OH 43230

ORMET PRIMARY ALUMINUM CORP.  
P.O. BOX 176  
HANNIBAL OH 43931

KROGER COMPANY, THE  
MR. DENIS GEORGE 1014 VINE STREET-GO7  
CINCINNATI OH 45202-1100  
ALLWEIN, CHRISTOPHER J  
1373 GRANDVIEW AVE SUITE 212  
COLUMBUS OH 43212

NUSBAUM, KEITH  
1301 K STREET NW SUITE 600 E. TOWER  
WASHINGTON DC 20005

\*BINGHAM, DEB J. MS.  
OFFICE OF OCC

NOURSE , STEVEN T. MR.  
AMERICAN ELECTRIC POWER  
1 RIVERSIDE PLAZA  
COLUMBUS OH 43215

BONNER, DOUGLAS G. ATTORNEY  
SONNENSCHN NATH & ROSENTHAL LLP  
1301 K STREET, N.W., SUITE 600, EAST TOWER  
WASHINGTON, D.C. 20005

\*ALLWEIN, CHRISTOPHER J MR.  
WILLIAMS, ALLWEIN & MOSER LLC  
1373 GRANDVIEW AVE SUITE 212  
COLUMBUS OH 43212

NOURSE , STEVEN T. MR.  
AMERICAN ELECTRIC POWER  
1 RIVERSIDE PLAZA  
COLUMBUS OH 43215

HAND, EMMA F  
SONNENSCHN NATH & ROSENTHAL LLP  
1301 K STREET NW SUITE 600 EAST TOWER  
WASHINGTON DC 20005

YURICK, MARK S.  
65 EAST STATE STREET SUITE 1000  
COLUMBUS OH 43215-4213

\*KAHN, BENITA  
VORYS, SATER, SEYMOUR AND PEASE LLP  
52 E. GAY STREET P.O. BOX 1008  
COLUMBUS OH 43216-1008

\*DUFFER, JENNIFER MRS.  
ARMSTRONG & OKEY, INC.  
222 EAST TOWN STREET 2ND FLOOR  
COLUMBUS OH 43215

BURKE, KATIE  
HOGAN LOVELLS US LLP

10 W. BROAD ST., 18TH FL.  
COLUMBUS OH 43215

ALEXANDER, N TREVOR  
CALFEE HALTER & GRISWOLD LLP  
1100 FIFTH THIRD CENTER  
21 E. STATE ST.  
COLUMBUS OH 43215-4243

SAUER, LARRY  
OHIO CONSUMERS COUNSEL  
10 W. BROAD STREET 18TH FLOOR  
COLUMBUS OH 43215

VINCE, CLINTON A  
SONNENSCHN NATH & ROSENTHA  
1301 K STREET NW SUITE 600, E. TOWER  
WASHINGTON DC 20005

MOONEY, COLLEEN  
231 WEST LIMA STREET  
FINDLAY OH 45840

FIRSTENERGY SERVICE COMPANY  
BURK JAMES W  
76 S MAIN ST  
AKRON OH 44308

INDUSTRIAL ENERGY USERS OF OHIO  
SAMUEL C RANDAZZO  
21 EAST STATE STREET, 17TH FLOOR  
COLUMBUS OH 43215

MASKOVYAK, JOSEPH V  
555 BUTTLES AVENUE  
COLUMBUS OH 43215

OHIO DEPARTMENT OF DEVELOPMENT  
77 SOUTH HIGH STREET P.O. BOX 1001

COLUMBIA SQUARE 555 THIRTEENTH STREET, NW  
WASHINGTON DC 20004

THOMAS , JOHN DAVIDSON  
HOGANS LOVELLS US LLP  
555 THIRTEENTH STREET, NW  
WASHINGTON DC 20004

BONNER, DOUGLAS G. ATTORNEY  
SONNENSCHN NATH & ROSENTHAL LLP  
1301 K STREET, N.W., SUITE 600, EAST TOWER  
WASHINGTON, D.C. 20005

GILLESPIE, ESQ, GARDNER ATTORNEY AT LAW  
HOGAN & HARTSON LLP  
555 13TH STREET, N.W.  
WASHINGTON D. 20004

\*NOURSE, STEVEN T MR.  
AMERICAN ELECTRIC POWER SERVICE CORPORATION  
1 RIVERSIDE PLAZA, 29TH FLOOR  
COLUMBUS OH 43215

\*SATTERWHITE, MATTHEW J MR.  
AMERICAN ELECTRIC POWER SERVICE CORPORATION  
1 RIVERSIDE PLAZA, 29TH FLOOR  
COLUMBUS OH 43215

\*HAYDEN, MARK A MR.  
FIRSTENERGY CORP  
76 SOUTH MAIN STREET  
AKRON OH 44308

OLIKER, JOSEPH E ATTORNEY  
MCNEE WALLACE & NURICK LLC  
21 EAST STATE STREET, 17TH FLOOR  
COLUMBUS OHIO 43215

ECKHART, HENRY W.  
1200 CHAMBERS ROAD STE 106  
COLUMBUS OH 43212

ROYER, BARTH E  
BELL & ROYER CO LPA  
33 SOUTH GRANT AVENUE

COLUMBUS OH 43215

OHIO MANUFACTURERS ASSOCIATION  
ERIC L. BURKLAND, PRESIDENT  
33 NORTH HIGH STREET  
COLUMBUS OH 43215-3005

.  
ORMET PRIMARY ALUMINUM CORP  
P.O. BOX 176  
HANNIBAL OH 43931

SMALZ, MICHAEL R.  
555 BUTTLES AVENUE  
COLUMBUS OH 43215

OHIO CABLE TELECOMMUNICATION  
50 W. BROAD STREET SUITE 118  
COLUMBUS OH 43215

OHIO CONSUMERS COUNSEL  
JEFFREY SMALL  
10 WEST BROAD STREET, SUITE 1800  
COLUMBUS OH 43215-3485

OHIO DEPARTMENT OF DEVELOPMENT  
77 SOUTH HIGH STREET P.O. BOX 1001  
COLUMBUS OH 43215

COLUMBUS OH 43215-3927

WARNOCK, MATTHEW W ATTORNEY  
BRICKER & ECKLER LLP  
100 S THIRD STREET  
COLUMBUS OH 43215

HAND, EMMA F  
SONNENSCHN NATH & ROSENTHAL LLP  
1301 K STREET NW SUITE 600 EAST TOWER  
WASHINGTON DC 20005

OHIO HOSPITAL ASSOCIATION  
RICHARD L. SITES  
155 E. BROAD STREET 15TH FLOOR  
COLUMBUS OH 43215-3620

KAHN, BENITA A.  
VORYS, SATER, SEYMOUR AND PEASE  
52 E. GAY STREET P.O. BOX 1008  
COLUMBUS OH 43215

SMALL, JEFFREY  
OHIO CONSUMERS' COUNSEL  
10 WEST BROAD STREET SUITE 1800  
COLUMBUS OH 43215-3485

ROYER, BARTH E  
BELL & ROYER CO LPA  
33 SOUTH GRANT AVENUE  
COLUMBUS OH 43215-3927

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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