

FILE

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-~~ETA~~ 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. )

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**JOINT MOTION TO INTERVENE OF  
THE OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS, THE OHIO SCHOOL  
BOARDS ASSOCIATION, THE BUCKEYE ASSOCIATION OF SCHOOL  
ADMINISTRATORS AND THE OHIO SCHOOLS COUNCIL**

The Ohio Association of School Business Officials, The Ohio School Boards  
Association, The Buckeye Association of School Administrators and The Ohio Schools Council

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(collectively, the "Schools") respectfully move the Public Utilities Commission of Ohio for leave to intervene in the above-captioned cases pursuant to section 4903.221, Ohio Rev. Code, and rule 4901-1-11, Ohio Admin. Code. The Schools' interests in these proceedings and the reasons supporting this Motion to Intervene are set forth in the attached Memorandum in Support.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dane Stinson".

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## ***MEMORANDUM IN SUPPORT***

The Ohio Association of School Business Officials (“OASBO”), The Ohio School Boards Association (“OSBA”), The Buckeye Association of School Administrators (“BASA”) and The Ohio Schools Council (“OSC”) (collectively, the “Schools”) respectfully move to intervene in these proceedings. The Schools are nonprofit groups of public school administrators who seek to share best practices and information concerning the operation of education institutions. Among their services, the Schools offer their members group purchasing programs for a host of goods and services, including an electricity purchasing program.

OASBO, OSBA, and BASA commenced an electricity purchasing program with the inception of open access to generation through the “SchoolPool” program. More than 300 school districts participated in the SchoolPool program across Ohio. Similarly, OSC has operated an electricity purchasing program since 1998 as a consortium of 161 school districts, education service centers, joint vocational districts, and Developmental Disabilities boards in 28 northern Ohio counties. Ohio’s school districts are significant users of electricity and the SchoolPool program and OSC’s purchasing program have resulted in millions of dollars in savings to participating school districts, thus conserving scarce public funds available to educate Ohio’s schoolchildren.

OSC now has joined with OASBO, OSBA and BASA to offer the “Power4Schools” program, providing the Schools the ability to pool purchasing power for electricity throughout the State of Ohio. As with the earlier purchasing programs, the Power4Schools program will assist school systems in determining whether it is economically advantageous for any particular school building to receive AEP-Ohio’s standard service offer (“SSO”) or to purchase energy from a competitive retail electric supplier (“CRES”).

On January 27, 2011, Ohio Power Company and Columbus Southern Power Company (“AEP-Ohio”) filed applications for authority to establish a SSO pursuant to section 4928.143, Ohio Revised Code, in the form of an electric security plan, and filed related applications. By Opinion and Order of December 14, 2011, the Public Utilities Commission of Ohio (“Commission”) approved the stipulation resolving these proceedings, including PUCO Case No. 10-2929-EL-UNC involving AEP-Ohio’s capacity charges (“Capacity Charge Case”). However, by subsequent Entry on Rehearing issued February 23, 2012, the Commission rejected the stipulation. The Commission’s Entry on Rehearing explicitly instructed the attorney examiners to establish a new procedural schedule, including a new intervention deadline, to enable interested persons who had not previously participated in these proceedings to intervene. See Entry on Rehearing at 13.

By Entry issued March 7, 2012, the Commission instructed the attorney examiners to issue an entry establishing an independent procedural schedule in the Capacity Charge Case. See Entry at 18. Additionally on March 7, 2012, AEP-Ohio notified the Commission that it would file, before March 30, 2012, a modified application for authority to establish an SSO pursuant to section 4928.143, Ohio Revised Code, in the form on an electric security plan. AEP has yet to file its modified SSO application, and the procedural schedule for continuation of the SSO proceedings has not been issued.

By Entry issued March 13, 2012, in the Capacity Charge Case, the Commission approved an interim two-tiered capacity pricing mechanism proposed by AEP-Ohio. Under the mechanism, the first 21 percent of each customer class, with certain exceptions, is entitled to tier-one reliability pricing (RPM) pricing. The second-tier charge for capacity is set at the higher price of \$255/MW-day.

The Commission established the procedural schedule in the Capacity Charge Case by entry issued March 14, 2012, pursuant to which motions to intervene are to be filed by March 30, 2012.

Rule 4901-1-11, Ohio Admin. Code, implements the provisions of section 4903.221, Ohio Rev. Code,<sup>1</sup> governing intervention in proceedings before the Commission. Pursuant to rule 4901-1-11(A)(2), Ohio Admin. Code, the Commission may grant intervention if a person has “a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties.” Under the rules, and consistent with the provisions of section 4903.221, Ohio Rev. Code, the Commission may consider the following criteria in making its determination:

- (1) The nature and extent of the prospective intervenor’s interest.
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

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<sup>1</sup> Section 4903.221, Ohio Rev. Code, permits a “person who may be adversely affected” to intervene in a Commission proceeding and provides the following criteria for the Commission to consider in ruling upon applications for intervention:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings;
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

- (5) The extent to which the person's interest is represented by existing parties.

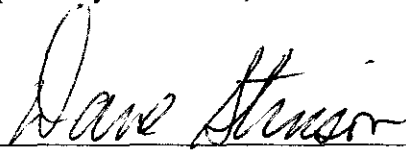
Rule 4901-1-11(B), Ohio Admin. Code.

During the brief period in which the stipulated SSO rates from this proceeding were in effect, hundreds of school districts in AEP-Ohio's service territory experienced double digit percentage increases in their tariffed electricity rates – some in excess of fifty percent (50%). The overall cost of electricity service is a major operating expense for the school districts, many of which are in a state of serious financial condition. The Schools have a substantial interest in these proceedings to ensure that the SSO tariff rates to be set through the modified SSO application are just and reasonable. Moreover, considering that the Schools arrange for CRES to provide electricity to certain school buildings when economically advantageous, the Schools have a real and substantial interest that the capacity AEP-Ohio makes available to CRES, and the capacity charges it applies are just and reasonable. Reasonable SSO rates and capacity charges will help ensure the Schools' members financial viability and, thus, their ability educate hundreds of thousands of Ohio school children in AEP-Ohio's service territory.

The Schools will not unduly prolong or delay these proceedings and have filed this motion to intervene prior to the deadline for intervention established by rule 4901-1-11(E), Ohio Admin. Code. The Schools, charged by law with educating the public's children with (often meager) public funds can provide a unique perspective as to the rate issues involved in these proceedings. Accordingly, the Schools will contribute significantly to the full development and resolution of the factual and legal issues in these proceedings. Moreover, the Schools' interests are not adequately represented by existing parties.

For the foregoing reasons, the Schools request that the Commission grant its motion to intervene in these proceedings.

Respectfully submitted,

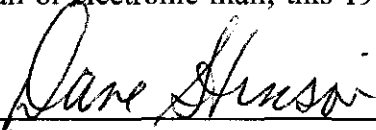
A handwritten signature in black ink, reading "Dane Stinson". The signature is written in a cursive, flowing style. The first name "Dane" is written with a large, looped 'D'. The last name "Stinson" is written with a large, looped 'S' and a trailing flourish.

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Joint Motion to Intervene was served by regular U.S. Mail or electronic mail, this 19<sup>th</sup> day of March 2012 on the persons listed below.

  
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