

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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.)

ENTRY

The Attorney Examiner finds:

- (1) By entry issued March 14, 2012, the procedural schedule was established as follows:
 - (a) Ohio Power Company (OP or Company) testimony is due March 23, 2012;¹
 - (b) All motions to intervene and intervenor testimony, except Staff, is due March 30, 2012;
 - (c) A prehearing conference will be held on April 11, 2012; and
 - (d) The hearing will commence on April 17, 2012.
- (2) The March 14, 2012, entry also reiterated the reduced response time for memoranda contra a motion to five business days, reduced the response time for discovery to 10 days, and directed parties to serve all pleadings on other parties by electronic mail, as originally directed in the August 11, 2011, entry.
- (3) On March 15, 2012, FirstEnergy Solutions Corporation (FES) filed a motion to extend the due date for intervenor testimony to April 9, 2012, or, in the alternative, to make discovery due in three days, and a request for expedited relief. FES reasons that with discovery responses due 10 days after service and OP

¹ The Commission notes that the merger of Columbus Southern Power Company with and into Ohio Power Company was approved by Order issued December 14, 2011, in *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 Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 11-346-EL-EL-SSO et al., and in *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, by Entry issued March 7, 2012. The surviving entity is now known as Ohio Power Company.

testimony due March 23, 2012, intervenors will not be able to incorporate information received in response to discovery requests into their testimony, prejudicing intervenors.

- (4) OP filed a memorandum contra FES's motion on March 19, 2012. OP notes that a procedural schedule was first issued in this case on August 11, 2011, establishing the due date for the Company's testimony and intervenor testimony. OP testimony was filed August 31, 2011; however, in light of the Stipulation filed on September 7, 2011, in Case No. 11-346-EL-SSO, et al. (Consolidated Stipulation), seeking to resolve the issues raised in the Company's electric security plan cases, as well as several other matters pending before the Commission including this case, the procedural schedule was stayed and intervenor testimony was not filed in this case. OP states that the signatory parties to the Consolidated Stipulation relied on the Company's testimony filed in this proceeding to support the capacity charges in the Consolidated Stipulation and a significant amount of discovery was exchanged on the capacity charges issue. As such, OP contends that any argument that FES is unaware of the components of OP's capacity charge position is disingenuous.
- (5) OP states it intends to supplement its testimony in a limited fashion and offers to use its best, good-faith efforts to respond to discovery requests related to items not previously filed in this docket, within three business days after receipt, and to communicate with the requesting party where information could be delayed. Likewise, OP requests that intervenors respond to discovery requests within three business days after receipt. Alternatively, OP requests that if the Commission grants the delays requested by FES, the Commission make a similar extension on the interim capacity charge established in the March 7, 2012, entry beyond May 31, 2012.
- (6) After considering FES's requests, OP's arguments and offer, and the Commission's goal to address the capacity charges issue in an expeditious manner, it is appropriate to revise the procedural schedule in fairness to all the parties and to facilitate the efficient and timely consideration of the issues. As such, for discovery requests served on and after March 23, 2012, OP shall respond to discovery requests related to items not previously addressed in the Company's testimony in seven

days and, likewise, intervenors shall respond to discovery requests in seven days. The due date for intervenor testimony shall be extended to April 4, 2012. In all other respects, the procedural schedule and response timeframes set forth in the March 14, 2012, entry continue to be applicable. Accordingly, FES's request to extend the due date for intervenor testimony to April 9, 2012, or, in the alternative, to make discovery due in three days, is denied. Accordingly, the procedural schedule shall be as follows:

- (a) OP supplemental testimony is due March 23, 2012;
- (b) All motions to intervene are due by March 30, 2012;
- (c) Intervenor testimony, except Staff testimony, is due April 4, 2012;
- (d) A prehearing conference will be held on April 11, 2012;
and
- (e) The hearing will commence on April 17, 2012.

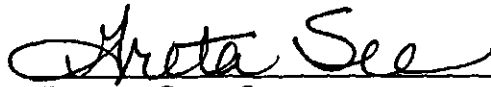
It is, therefore,

ORDERED, That FES's motion for an extension of the due date for intervenor testimony, until April 9, 2012, or, in the alternative, to make discovery due in three days, is denied. It is, further,

ORDERED, That the procedural schedule and discovery response time be revised as discussed in finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

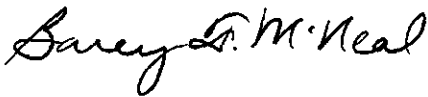


By: Greta See
Attorney Examiner

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Entered in the Journal

MAR 23 2012



Barcy F. McNeal
Secretary