

FILE

10

LAW OFFICES OF
BRADY, COYLE & SCHMIDT, LTD

4052 HOLLAND-SYLVANIA ROAD

TOLEDO, OHIO 43623-2591

BRIAN P. BARGER
MARGARET G. BECK**
JACK J. BRADY
LAMI YOUSSEF-COYLE
PATRICIA J. KLEEBERGER
BRENDA A. RAY**
JAMES B. RESTIVO *
PHILIP L. SCHMIDT **
CHERYL K. SLOTTERBECK

TELEPHONE (419) 885-3000
FACSIMILE (419) 885-1120

*ALSO ADMITTED TO
PRACTICE IN FLORIDA

**ALSO ADMITTED TO
PRACTICE IN MICHIGAN

April 2, 2012

Via Federal Express

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV
2012 APR -3 PM 12: 52
PUCO

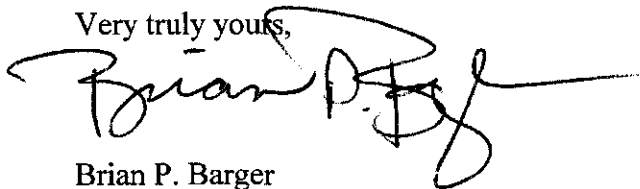
- RE:** Case No. 10-2376-EL-UNC
Case No. 11-346-EL-SSO
Case No. 11-348-EL-SSO
Case No. 11-349-EL-AAM
Case No. 11-350-EL-AAM
Case No. 10-343-EL-ATA
Case No. 10-344-EL-ATA
Case No. 10-2929-EL-UNC
Case No. 11-4920-EL-RDR
Case No. 11-4921--EL-RDR

Dear Docketing Division:

Enclosed herewith please find an original and twenty copies of a Motion in Support of Motion to Intervene of the Ohio Construction Materials Coalition regarding the above docketed matter. Please file in your customary manner.

Should you have any questions or concerns, please feel free to contact the undersigned.

Very truly yours,



Brian P. Barger

BPB/kd

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician MM Date Processed APR 03 2012

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio) Case No. 10-2376-EL-UNC
Power Company and Columbus Southern Power)
Company for Authority to Merge) Case No. 11-346-EL-SSO
and Related Approvals.) Case No. 11-348-EL-SSO

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 11-349-EL-AAM
Ohio Power Company for Authority to) Case No. 11-350-EL-AAM
Establish a Standard Service Offer)
Pursuant to Section 4928.143, Revised)
Code, in the Form of an Electric Security) Case No. 10-343-EL-ATA
Plan.) Case No. 10-344-EL-ATA

In the Matter of the Application of)
Columbus Southern Power Company and) Case No. 10-2929-EL-UNC
Ohio Power Company for Approval of)
Certain Accounting Authority.)

In the Matter of the Application of) Case No. 11-4920-EL-RDR
Columbus Southern Power Company and) Case No. 11-4921--EL-RDR
Ohio Power Company to Amend their)
Emergency Curtailment Service Riders)

In the Matter of the Commission Review)
of the Capacity Charges of Ohio Power)
Company and Columbus Southern Power)
Company.) Brian P. Barger (0018908)
Attorney for the Ohio Construction
Materials Coalition

In the Matter of the Application of) 4052 Holland-Sylvania Road
Columbus Southern Power Company and) Toledo, Ohio 43623
Ohio Power Company for Approval of) Ph: (419) 885-3000
Mechanisms to Recover Deferred Fuel) Fx: (419) 885-1120
Costs Ordered Under Section 4928.144,) bpbarger@bcslawyers.com
Revised Code.)

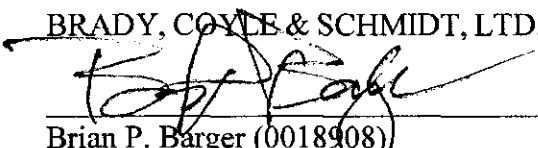
**MOTION TO INTERVENE OF THE
OHIO CONSTRUCTION MATERIALS
COALITION**

The Ohio Construction Materials Coalition ("OCMC") pursuant to R.C. 4903.221 and §4901-1-11 of the Ohio Admin. Code, moves for intervention in the above-referenced matters as a full party of record. The OCMC has a real and substantial interest in this matter for the reasons more fully set forth in the accompanying Memorandum in Support.

Accordingly, the OCMC respectfully requests that its Motion to Intervene is granted and that it be made a full party of record.

Respectfully submitted,

BRADY, COYDE & SCHMIDT, LTD.



Brian P. Barger (0018908)

Attorney for the Ohio Construction Materials
Coalition

4052 Holland-Sylvania Road

Toledo, Ohio 43623

Ph: (419) 885-3000

Fx: (419) 885-1120

bpbarger@bcslawyers.com

MEMORANDUM IN SUPPORT

I. INTRODUCTION

On January 27, 2011, Columbus Southern Power Company and Ohio Power Company (collectively “AEP Ohio”) filed an application to establish authority to set up a standard service offer (“SSO”) pursuant to R.C. 4928.142 in the form of an electric security plan (“ESP”) and for approval of certain accounting methods.

The new proposal would recover costs for wholesale electricity purchases and for fuel used to generate electricity. On September 7, 2011, AEP Ohio and many other parties filed a stipulation that settled many of the issues in the ESP proposal. On December 14, 2011, the PUCO modified and approved the September 7, 2011 agreement. However, on February 23, 2012, the Commission issued an Entry on Rehearing rejecting the previously agree to Stipulation.

A. The Ohio Construction Materials Coalition

The OCMC, is an Ohio based coalition of businesses comprised of the Ohio Aggregates and Industrial Minerals Association (“OAIMA”), the Ohio Ready-Mix Concrete Association (“Ready-Mix”), Flexible Pavements of Ohio (“Flexible”), and the Ohio Forestry Advisory Council (“Forestry,”). Taken together, the OCMC’s members provide needed construction materials for building and maintaining Ohio’s infrastructure needs.

II. LAW AND ARGUMENT

OAC Rule 4901-1-11(A) reads that an individual shall be permitted to intervene in a proceeding if:

- (2) The 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.

According to OAC Rule 4901-1-11(B), in determining whether to permit intervention, the following criteria are to be considered;

- (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.

The OCMC's members represent a significant number of small to medium size businesses in Ohio that provide materials necessary for building Ohio's infrastructure. The coalition represent a strong and diverse business interests, and consequentially, a great number of the coalition member companies stand to affected by a decision in this matter. The OCMC's primary interest in this case is to protect the interests of OCMC members whose supply of electric service will be affected by these proceedings. The OCMC's interests are not currently be represented, and no other party to the matter will adequately represent the interest of the OCMC because the coalition members are generally General Service 2 ("GS 2") customers with unique load factors that are not generally shared with other parties to the case. Accordingly, the OCMC should be permitted to intervene in the above-captioned proceedings.

III. CONCLUSION

For the above reasons, the OCMC has a direct, real and substantial interest in the proposed settlement of AEP Ohio's ESP. The disposition of these matters may impair or impede the OCMC's ability to protect its interests. The OCMC's interests are currently not being represented, and no

other party to the matter will adequately represent the interest of the OCMC. Likewise, the OCMC's participation in this proceeding will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution fo the issues raised in these proceedings. Accordingly, the OCMC's Motion to Intervene pursuant to R.C. 4903.22 and OAC Rule 4901-1-11(B) should be granted.

Respectfully submitted,

BRADY, COYLE & SCHMIDT, LTD.



Brian P. Barger (0018908)

Attorney for the Ohio Construction
Materials Coalition

4052 Holland-Sylvania Road

Toledo, Ohio 43623

Ph: (419) 885-3000

Fx: (419) 885-1120

bpbarger@bcslawyers.com

CERTIFICATION

This is to certify that a copy of the foregoing Motion to Intervene of the Ohio Construction has been served on this 3rd day of April, 2012, by regular U.S. Mail, postage prepaid, or by electronic mail, upon the persons listed below:



Brian P. Barger

Attorney for the Ohio Construction Materials
Coalition

Thomas J. O'Brien
Bricker & Eckler
100 South Third Street
Columbus, OH 43215
tobrien@bricker.com

Jay E. Jadwin
155 West Nationwide Blvd., Suite 500
Columbus, OH 43215
jejadwin@aep.com

Terrance O'Donnell
Christopher Montgomery
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215
todonnell@bricker.com
cmontgomery@bricker.com

Lisa G. McAlister
Matthew W. Wamock
Bricker & Eckler, LLP
100 South Third Street
Columbus, OH 43215
lmcalister@Bricker.com
mwamock@bricker.com

John W. Bentine
Mark S. Yurick
Zachary D. Kravitz
Chester Wilcox & Saxbe LLP
65 East State St., Suite 1000
Columbus, OH 43215
jbentine@cwslaw.com
myurick@cwslaw.com
zkravitz@cwslaw.com

David F. Boehm
Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh St., Suite 1510
Cincinnati, OH 45202
dboehm@bkllawfirm.com
mkurtz@bkllawfirm.com

David M. Stahl
Eimer Stahl Klevorn & Solberg, LLP
224 South Michigan Ave., Suite 1100
Chicago, IL 60604
dstahl@eimerstahl.com

Glen Thomas
1060 First Avenue, Suite 400
King of Prussia, PA 19406
gthomas@gtpowergroup.com

Michael R. Smalz
Joseph V. Maskovyak
Ohio Poverty Law Center
555 Buttles Avenue
Columbus, OH 4325
msmalz@ohopovertylaw.org
jmaskovyak@ohiopovertylaw.org

Trent A. Dougherty
Nolan Moser
Ohio Environmental Council
1207 Grandview Ave., Suite 201
Columbus, OH 43212
trent@theoec.org
cathv@theoec.org

William L. Massey
Covington & Burling, LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
wmassey@cov.com

Mark A. Whitt
Whitt Sturtevant LLP
PNC Plaza, Sutie 2020
155 East Broad Street
Columbus, OH 43215
whitt@whitt-sturtevant.com

Sandy Grace
Exelon Business Servcies Company
101 Constitution Avenue, NW
Suite 400 East
Washington, DC 20001
sandy.grace@exeloncorp.com

Christopher L. Miller
Gregory H. Dunn
Asim Z. Haque
Stephen J. Smith
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215
cmiller@szd.com
ahaque@szd.com
gdunn@szd.com

Henry W. Eckhart
2100 Chambers Road, Suite 106
Columbus, OH 43212
henryeckhart@aol.com

Laura Chappell
4218 Jacob Meadows
Okemos, MI 48864
laurac@chappellconsulting.net

Gary A. Jeffries
Dominion Resources Services, Inc.
501 Martindale Street, Suite 400
Pittsburgh, PA 15212
gary.a.jeffries@aol.com

M. Howard Petricoff
Stephen M. Howard
Michael J. Settineri
Lija Kaleps-Clark
Benita Kahn
Vorys, Sater, Seymour and Pease, LLP
52 East Gay Street
Columbus, OH 43216
mhpetricoff@vorys.com
smhoward@vorys.com
misettineri@vorys.com
lkalepsclark@vorys.com
bakahn@vorys.com

Holly Rachel Smith
Holly Rachel Smith, PLLC
HITT Business Center
3803 Rectortown Road
Marshall, VA 20115
holly@raysmithlaw.com

Gregory J. Poulos
EnerNOC
101 Federal Street, Suite 1100
Boston, MA 02110
gpoulos@enernoc.com

Steve W. Chriss
Wal-Mart-Stores, Inc.
2001 SE 10th Street
Bentonville, AR 72716
stephen.chriss@wal-mart.com

Barth E. Royer
Bell & Royer Co., LPA
33 South Grant Avenue
Columbus, OH 43215
barthroyer@aol.com

Kenneth P. Kreider
David A. Meyer
Keating Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, OH 45202
kpkreider@kmlaw.com
dmeyer@kmlaw.com

Emma F. Hand
Douglas G. Bonner
Keith C. Nusbaum
Clinton A. Vince
SNR Denton US, LLP
1301 K Street, NW, Suite 600, East Tower
Washington, DC 20005-3364
emaa.hand@snrdenton.com
doug.bonner@snrdenton.com
clinton.vince@snrdenton.com

Samuel C. Randazzo
Joseph E. Olikier
Frank P. Darr
McNees, Wallace & Nurick
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
joliker@mwncmh.com
fdarr@mwncmh.com

John N. Estes III
Paul F. Wright
Skadden Arps Slate Meagher & Flom LLP
1440 New York Avenue, NW
Washington, DC 20005
jestes@skadden.com
paul.wright@skadden.com

Tara C. Santarelli
Environmental Law & Policy Center
1207 Grandview Avenue, Suite 201
Columbus, OH 43212
tsantarelli@elpc.org

Werner L. Margard III
John H. Jones
William Wright
Thomas Lindgren
Assistant Attorneys General
Public Utilities Section, 6th Floor
Columbus, OH 43215
werner.margard@puc.state.oh.us
William.wright@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
John.Jones@puc.state.oh.us

Philip B. Sineneng
Terrance A. Mebane
Carolyn S. Flahive
Thompson & Hine, LLP
41 S. High Street, Suite 1700
Columbus, OH 43215
philip.sineneg@thomsonhine.com
carolyn.flahive@thomsonhine.com
terrance.mebane@thomsonhine.com

Colleen L. Mooney
David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street, PO Box 1793
Findlay, OH 45840
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org

Joel Malina
Executive Director
COMPLETE Coalition
1317 F Street, NE
Suite 600
Washington, DC 20004
malina@wexlerwalker.com

Christopher J. Allwein
Williams, Allwein and Moser, LLC
1373 Granview Avenue, Suite 212
Columbus, OH 43212
callwein@williamsandmoser.com

Robert Korandovich
KOREEnergy
P. O. Box 148
Sunbury, OH 43074
korenergy@insight.rr.com

Jay L. Kooper
Katherine Guerry
Hess Corporation
One Hess Plaza
Woodbridge, NJ 07095
jkooper@hess.com
kguerry@hess.com

Additional Electronic Service

greta.see@puc.state.oh.us
jeffiones@puc.state.oh.us
tammy.turkenton@puc.state.oh.us
jonathan.tauber@puc.state.oh.us
Jodi.bair@puc.state.oh.us
bob.fortney@puc.state.oh.us
doris.mccarter@puc.state.oh.us
stephen.reilly@puc.state.oh.us
john.jones@puc.state.oh.us
dclarkl@aep.com
danielshields@puc.state.oh.us
grady@occ.state.oh.us
keith.nusbamn@srdenton.com

ned.ford@fuse.net
pfox@hilliardohio.gov
ricks@ohanet.org
joseph.dominquez@exeloncorp.com
dsullivan@nrdc.org
whitt@whitt-sturtevant.com
thompson@whitt-sturtevant.com
aaragona@eimerstahl.com
ssolberg@eimerstahl.com
callwein@warmenergylaw.com
sasloan@aep.com