

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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. )

ENTRY

The attorney examiner finds:

- (1) On March 30, 2012, Ohio Power Company (AEP-Ohio)<sup>1</sup> filed an application for a standard service offer pursuant to Section 4928.141, Revised Code. AEP-Ohio's application is for a modified electric security plan in accordance with Section 4928.143, Revised Code.
- (2) By entry issued April 2, 2012, the procedural schedule was established as follows:
  - (a) Motions to intervene should be filed by April 20, 2012.
  - (b) Testimony on behalf of AEP-Ohio should be filed by April 27, 2012.
  - (c) Discovery requests, except for notices of deposition, should be served by May 4, 2012.

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<sup>1</sup> By entry issued on March 7, 2012, the Commission approved and confirmed the merger of Columbus Southern Power Company into OP, effective December 31, 2011. *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.

- (d) Testimony on behalf of the Intervenor and Commission Staff should be filed by May 4, 2012.
  - (e) A procedural conference shall be scheduled for May 7, 2012.
  - (f) The evidentiary hearing shall commence on May 14, 2012.
  - (g) Oral arguments before the Commission on AEP-Ohio's application shall commence following the Commission meeting on July 3, 2012.
- (3) On April 4, 2012, AEP-Ohio filed a motion for amendment to the procedural schedule and a request for expedited treatment. In its motion, AEP-Ohio states that the procedural schedule must be accelerated in order to avoid financial hardship to the company, and requests that the Commission amend the procedural schedule to facilitate a quicker decision by holding oral arguments after the Commission meeting on June 13, 2012. Further, AEP-Ohio requests that the deadline for AEP-Ohio to file supplemental testimony be moved to April 23, 2012, and the deadline for testimony to be filed by intervening parties be moved to May 1, 2012, to allow AEP-Ohio to review written testimony upon which to prepare discovery prior to the established deadline. In the alternative, AEP-Ohio requests the deadline to serve discovery requests be extended from May 4, 2012 to May 7, 2012, and require answers to be due prior to the commencement of the hearing.
- (4) On April 5, 2012, FirstEnergy Solutions Corp., Industrial Energy Users-Ohio, and the Ohio Consumers Counsel and the Appalachian Peace and Justice Network (collectively, "Opposing Parties") filed a joint memorandum contra AEP-Ohio's motion to amend the procedural schedule. The Opposing Parties argue there is no basis to compress the procedural schedule, as AEP-Ohio's CEO indicated the continuance of the previous electric security plan would not be problematic for AEP-Ohio. The Opposing Parties contend that granting AEP-Ohio's motion may result in the Commission hearing oral arguments on issues that have not been completely briefed, as the evidentiary hearing may last longer than three

weeks. The Opposing Parties assert that AEP-Ohio's request to revise the deadline for Intervenor's to file testimony would unfairly limit the amount of time for intervening parties to prepare testimony. In response to AEP-Ohio's alternative request, the Opposing Parties suggest that a two-week extension of the procedural dates, including an extension of the evidentiary hearing date to June 13, 2012, and oral arguments before the Commission to August 1, 2012, would address AEP-Ohio's discovery concerns, provide a reasonable time frame for Intervenor's to file testimony, and cure any potential conflicts between these proceedings and other matters before the Commission that are scheduled to commence in April and May.

- (5) On April 9, 2012, Ormet Primary Aluminum Company (Ormet) filed a memorandum contra to AEP-Ohio's motion to amend the procedural schedule. Ormet states that it is unlikely AEP-Ohio will face financial hardship if the new rates are imposed by the July billing cycle, as evidenced by its most recent return on equity and its CEO's statements that the company would not be harmed by the continuance of the 2011 rates. Ormet notes that condensing the procedural schedule would harm current Intervenor's as the modified application contains major differences from previous proposals, as well as any new parties that have not had the opportunity to prepare their testimony.
- (6) The attorney examiner finds that AEP-Ohio's motion for amendment to the procedural schedule should be granted in part and denied in part. As established in the April 2, 2012, procedural entry, due to the complexity of AEP-Ohio's modified application, it is essential that there be sufficient time for parties participating in these proceedings, including AEP-Ohio and the Intervenor's, to ensure due process. AEP-Ohio's proposed procedural schedule may not only significantly hinder the ability for parties to thoroughly conduct discovery and file testimony, but it also may expose the Commission to the risk of hearing oral arguments on matters that have not been fully briefed. Accordingly, AEP-Ohio's request to revise the procedural schedule to include earlier testimony filing dates for AEP-Ohio testimony Intervenor's, as well as earlier oral arguments, should be denied.

The attorney examiner finds that AEP-Ohio's alternative request to extend the deadline for discovery requests to May 7, 2012, is reasonable and should be granted, as this extension will not prejudice any party, and will permit AEP-Ohio to conduct discovery related to any testimony filed on May 4, 2012. The attorney examiner notes that this extension to serve discovery requests is not limited to only AEP-Ohio, but rather is extended for all parties in these proceedings. Further, all written discovery responses to requests made on May 7, 2012, shall be submitted by May 11, 2012. All other time frames related to discovery matters and any motions filed in these proceedings remain unchanged from the April 2, 2012 entry. Accordingly, the procedural schedule should be as follows:

- (a) Motions to intervene should be filed by April 20, 2012.
- (b) Testimony on behalf of AEP-Ohio should be filed by April 27, 2012.
- (c) Testimony on behalf of the Intervenors and Commission Staff should be filed by May 4, 2012.
- (d) Discovery requests, except for notices of deposition, should be served by May 7, 2012.
- (e) A procedural conference shall be scheduled for May 7, 2012.
- (f) The evidentiary hearing shall commence on May 14, 2012.
- (g) Oral arguments before the Commission on AEP-Ohio's application shall commence following the Commission meeting on July 3, 2012.

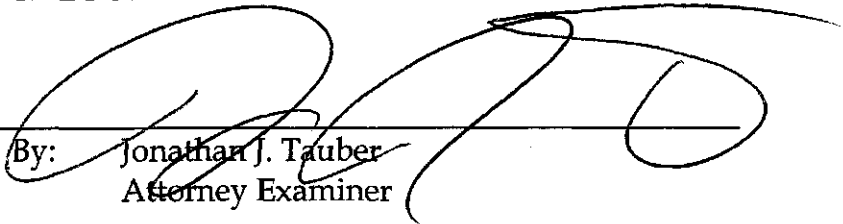
It is, therefore,

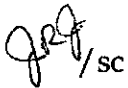
ORDERED, That AEP-Ohio's motion for amendment to the procedural schedule be granted in part and denied in part. It is, further,

ORDERED, That the parties comply with the directives set forth in Finding (6). It is, further,

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

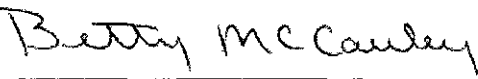
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jonathan J. Tauber  
Attorney Examiner

  
JST/sc

Entered in the Journal

APR 11 2012

  
Betty McCauley  
Secretary