

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, as amended on April 11, 2012, the Attorney Examiner set a deadline of May 7, 2012, to serve all discovery requests, except for notices of deposition, and May 11, 2012, to respond to all discovery requests made on May 7, 2012. In addition, intervener's written testimony was due May 4, 2012. The entry also scheduled the evidentiary hearing to commence on May 14, 2012.
- (3) By entry issued May 3, 2012, the Attorney Examiner amended the procedural schedule in part, and established a May 14, 2012, deadline to serve discovery requests, except for notices of deposition, and scheduled the evidentiary hearing to be called on May 14, 2012, but continued until May 17, 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 Ohio Power Company, 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.

- (4) In light of the fact that the evidentiary hearing is scheduled to commence on May 17, 2012, the Attorney Examiner finds that the discovery deadline needs to be clarified. Accordingly, the responses to all discovery requests served on May 14, 2012, except for notices of deposition, shall be submitted by May 18, 2012. All other time frames related to discovery matters and to any motions filed in these proceedings and all other dates established by the May 3, 2012, entry remain the same.
- (5) On April 25, 2012, motions for admission *pro hac vice* were filed for James Rubin and Thomas Millar on behalf of Ormet Primary Aluminum Corporation. No memorandum contra the motions for admission *pro hac vice* were filed. The attorney examiner finds that the motions for admission *pro hac vice* are reasonable and should be granted.
- (6) On May 7, 2012, Ohio Restaurant Association (ORA) filed a motion requesting permission to submit late-filed testimony, attaching the testimony of Richard Mason. ORA states, as evidenced by an attached email, that the testimony was electronically served on the parties May 3, 2012. However, counsel admits that, due to an inadvertent error, ORA did not file the testimony with the Commission. ORA reasons that because the testimony was timely served on the parties, the parties to the case will not be prejudiced, if the Commission accepts the late-filed testimony.
- (7) AEP-Ohio did not file a memorandum contra ORA's motion to accept the testimony.
- (8) The Attorney Examiner finds that although ORA failed to adhere to the procedural schedule in this case, the other parties were not prejudiced by ORA's failure to timely file its written testimony. Therefore, ORA's motion for leave to file its testimony out-of-time should be granted.

It is, therefore,

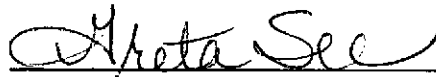
ORDERED, That the parties comply with the directives set forth in Finding (4). It is, further,

ORDERED, That the motions for admission *pro hac vice* filed by James Rubin and Thomas Millar be granted in accordance with Finding (5). It is, further,

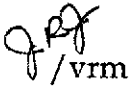
ORDERED, That ORA's motion for leave to file its testimony out-of-time be granted. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

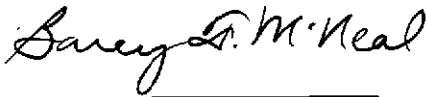
THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Greta See  
Attorney Examiner



Entered in the Journal  
MAY 08 2012



Barcy F. McNeal  
Secretary