

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Power Company for Approval of Full Legal) Case No. 12-1126-EL-UNC
Corporate Separation and Amendment to)
its Corporate Separation Plan.)

ENTRY

The attorney examiner finds:

- (1) Ohio Power Company (OP or the Company) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On March 30, 2012, OP filed an application for approval of full legal corporate separation and amendment to its corporate separation plan. In its application, OP, *inter alia*, seeks a waiver of Rule 4901:1-37-09(C)(4), Ohio Administrative Code (O.A.C.), which requires that an application to sell or transfer generating assets must state the fair market value and book value of all property to be transferred from the electric utility, and state how the fair market value was determined.
- (3) By entry issued on May 29, 2012, in accordance with Rule 4901:1-37-06(B), O.A.C., consideration of OP's application was suspended until the Commission specifically orders otherwise, to allow the Commission to fully evaluate the proposed amendments to the Company's corporate separation plan.
- (4) By entry issued on July 9, 2012, the attorney examiner established a procedural schedule in order to assist the Commission in its review of OP's application. Pursuant to the procedural schedule, comments and reply comments are due on July 27, 2012, and August 3, 2012, respectively. In the entry, the attorney examiner noted that, after the comments and reply comments are received and the issues raised therein are considered, a decision will be made as to whether a hearing is warranted.
- (5) On July 19, 2012, Industrial Energy Users-Ohio and the Ohio Consumers' Counsel (jointly, movants) filed a joint motion to

extend the comment deadline and a request for an expedited ruling. In support of their motion, movants note that OP requests, in its application, a waiver of the requirement to provide the net book value and market value of all property to be transferred, as well as authorization to transfer its generating assets at net book value. Because the Commission has not yet ruled on OP's waiver request, and the Company has not provided information regarding the net book value and market value of all property to be transferred, movants contend that they cannot effectively and efficiently review the Company's application and file comments. Therefore, movants request that the deadline for filing comments be extended until after the Commission issues a ruling on OP's waiver request. Specifically, movants recommend that comments be filed two weeks after OP provides the net book value and market value of all property to be transferred, with reply comments filed two weeks thereafter. Movants request an expedited ruling on their motion, because comments are currently due on July 27, 2012.

- (6) On July 24, 2012, OP filed a memorandum contra movants' joint motion to extend the comment deadline. OP contends that movants' attempt to circumvent the Commission's process should be rejected and the procedural schedule for the filing of comments maintained. OP asserts that movants improperly attempt to justify their request for an extension on the fact that the Company's waiver request remains pending before the Commission. Noting that the Commission has broad discretion in managing its dockets, OP argues that nothing requires the Commission to rule on the Company's waiver request prior to seeking comments on the application, nor does anything preclude movants from filing comments raising any arguments that they deem appropriate. OP maintains that movants seek to impose their judgment as to how the case should proceed and to delay the established procedural schedule. According to OP, movants also use their joint motion as an opportunity to inappropriately reiterate the same arguments previously raised in opposition to the Company's waiver request. OP concludes that the joint motion should be denied and that the procedural schedule should move forward without delay.
- (7) The attorney examiner finds that the joint motion filed on July 19, 2012, should be denied. Movants have offered no

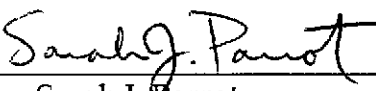
reason that warrants an extension of the deadline for filing comments or any other modification to the established procedural schedule. Although the Commission has not yet acted upon OP's waiver request, that fact alone does not preclude movants from filing comments on OP's application in this proceeding or limit in any way the scope of such comments. Similarly, the fact that OP seeks a waiver of certain Commission rules, or the fact that the Company has not provided the fair market value or book value of all property to be transferred, does not prevent movants from filing comments at this stage of the proceeding. Rather, movants may fully comment on OP's application, including its waiver request, as it presently stands. The procedural schedule set forth in the July 9, 2012, entry established a deadline for filing comments and reply comments on OP's application as it was filed by the Company. Movants are free to file comments that address any perceived deficiencies in OP's application.

It is, therefore,

ORDERED, That the joint motion to extend the comment deadline filed on July 19, 2012, be denied. It is, further,

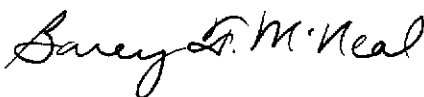
ORDERED, That a copy of this entry be served upon all interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Sarah J. Parrot
Attorney Examiner

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Entered in the Journal
JUL 24 2012



Barcy F. McNeal
Secretary