## 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 Establish a Standard Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan. | )<br>)<br>)<br>)<br>) | Case No. 11-346-EL-SSO<br>Case No. 11-348-EL-SSO |
|---|-----------------------|--|
| In the Matter of the Application of<br>Columbus Southern Power Company<br>and Ohio Power Company for<br>Approval of Certain Accounting<br>Authority.  | )<br>)<br>)<br>)      | Case No. 11-349-EL-AAM<br>Case No. 11-350-EL-AAM |

# **MOTION TO WITHDRAW** REPLY MEMORANDUM OF THE KROGER CO.

On September 24, 2012 The Kroger Co. ("Kroger") filed a Reply Memorandum ("Reply") to AEP-Ohio's Memorandum Contra Intervenors' Applications for Rehearing ('AEP-Ohio Memo. Contra"). For the reasons set forth in the attached Memorandum, Kroger hereby moves the Public Utilities Commission of Ohio to withdraw its Reply from the docket in this proceeding.

Respectfully submitted,

Mark S. Yurick, Esq. (0039176) Email: myurick@taftlaw.com Direct Dial: (614) 334 7197 Zachary D. Kravitz (0084238) Email: zkravitz@taftlaw.com

Direct Dial: (614) 334-6117

TAFT STETTINIUS & HOLLISTER LLP 65 East State Street, Suite 1000 Columbus, Ohio 43215-4213 (614) 221-2838 (Main Number)

(614) 221-2007 (Facsimile)

Attorneys for The Kroger Co.

# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of ) Columbus Southern Power Company ) Case No. 11-346-EL-SSO and Ohio Power Company for ) Case No. 11-348-EL-SSO Authority to Establish a Standard ) Service Offer Pursuant to §4928.143, Ohio Rev. Code, in the Form of an Electric Security Plan. In the Matter of the Application of ) Columbus Southern Power Company Case No. 11-349-EL-AAM and Ohio Power Company for ) Case No. 11-350-EL-AAM Accounting Approval of Certain

Authority.

#### **MEMORANDUM**

On September 24, 2012 The Kroger Co. ("Kroger") filed a Reply Memorandum to Ohio Power Company's (hereinafter "AEP-Ohio") Memorandum Contra Intervenor's Application for Rehearing ('AEP-Ohio Memo. Contra"). Kroger respectfully requests that the Public Utilities Commission of Ohio withdraw its Reply from the docket in this proceeding.

Respectfully submitted,

Mark S. Yurick, Esq. (0039176)

Email: myurick@taftlaw.com Direct Dial: (614) 334-7197 Zachary D. Kravitz (0084238) Email: zkravitz@taftlaw.com

Email: zkravitz@taftlaw.com Direct Dial: (614) 334-6117

TAFT STETTINIUS & HOLLISTER LLP

65 East State Street, Suite 1000 Columbus, Ohio 43215-4213 (614) 221-2838 (Main Number)

(614) 221-2007 (Facsimile)

Attorneys for The Kroger Company

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was served via electronic mail on this 250 day of September, 2012 upon counsel for all parties of record in this case.

Daniel.Shields@puc.state.oh.us Tammy.Turkenton@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 Werner.Margard@puc.state.oh.us William.Wright@puc.state.oh.us Thomas.Lindgren@puc.state.oh.us john.jones@puc.state.oh.us dclark1@aep.com grady@occ.state.oh.us keith.nusbaum@snrdenton.com kpkreider@kmklaw.com mjsatterwhite@aep.com ned.ford@fuse.net pfox@hilliardohio.gov ricks@ohanet.org stnourse@aep.com cathy@theoec.org dsullivan@nrdc.org aehaedt@jonesday.com dakutik@jonesday.com haydenm@firstenergycorp.com dconway@porterwright.com cmoore@porterwright.com jlang@calfee.com Imcbride@calfee.com talexander@calfee.com etter@occ.state.oh.us grady@occ.state.oh.us small@occ.state.oh.us cynthia.a.fonner@constellation.com David.fein@constellation.com Dorothy.corbett@duke-energy.com Amy.spiller@duke-energy.com dboehm@bkllawfirm.com mkurtz@bkllawfirm.com henryeckhart@aol.com laurac@chappelleconsulting.net

whitt@whitt-sturtevant.com thompson@whitt-sturtevant.com sandy.grace@exeloncorp.com christopher.miller@icemiller.com asim.haque@icemiller.com gregory.dunn@icemiller.com mhpetricoff@vorys.com smhoward@vorys.com mjsettineri@vorys.com lkalepsclark@vorys.com bakahn@vorys.com Gary.A.Jeffries@dom.com Stephen.chriss@wal-mart.com dmeyer@kmklaw.com holly@raysmithlaw.com barthroyer@aol.com philip.sineneng@thompsonhine.com carolyn.flahive@thompsonhine.com terrance.mebane@thompsonhine.com cmooney2@columbus.rr.com drinebolt@ohiopartners.org trent@theoec.org nolan@theoec.org gpoulos@enernoc.com emma.hand@snrdenton.com doug.bonner@snrdenton.com clinton.vince@snrdenton.com sam@mwncmh.com joliker@mwncmh.com fdarr@mwncmh.com jestes@skadden.com paul.wight@skadden.com dstahl@eimerstahl.com aaragona@eimerstahl.com ssolberg@eimerstahl.com tsantarelli@elpc.org ricks@ohanet.org tobrien@bricker.com jejadwin@aep.com msmalz@ohiopovertylaw.org

jmaskovyak@ohiopovertylaw.org todonnell@bricker.com cmontgomery@bricker.com wmassey@cov.com Elizabeth.watts@duke-energy.com bmcmahon@emh-law.com judi.sobecki@DPLINC.com Randall.griffin@DPLINC.com malina@wexlerwalker.com jkooper@hess.com kguerry@hess.com afreifeld@viridityenergy.com swolfe@viridityenergy.com korenergy@insight.rr.com sasloan@aep.com Dane.Stinson@baileycavalieri.com cendsley@ofbf.org bpbarger@bcslawyers.com OhioESP2@aep.com kaelber@buckleyking.com walter@buckleyking.com Jeanne.kingery@duke-energy.com

lmcalister@bricker.com mwarnock@bricker.com gthomas@gtpowergroup.com jmclark@vectren.com sbruce@oada.com rsugarman@keglerbrown.com mchristensen@columbuslaw.org rjhart@hahnlaw.com rremington@hahnlaw.com djmichalski@hahnlaw.com arthur.beeman@snrdenton.com dan.barnowski@snrdenton.com matt@matthewcoxlaw.com toddm@wamenergylaw.com ssalamido@cloppertlaw.com kwatson@cloppertlaw.com rburke@cpv.com bkelly@cpv.com eisenstatl@dicksteinshapiro.com lehfeldtr@dicksteinshapiro.com kinderr@dicksteinshapiro.com callwein@wamenergylaw.com

31287023.1

This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

9/25/2012 2:19:42 PM

in

Case No(s). 11-0346-EL-SSO, 11-0348-EL-SSO, 11-0349-EL-AAM, 11-0350-EL-AAM

Summary: Motion to Withdraw Reply Memorandum of The Kroger Co. electronically filed by Mark Yurick on behalf of The Kroger Company