

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company for Approval of a) Case No. 12-2999-EL-UNC
Change in Bill Format.)

**REPLY TO
OHIO POWER COMPANY’S MEMORANDUM IN OPPOSITION
BY
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

I. BACKGROUND

On July 31, 2012, the Ohio Power Company (“AEP Ohio” or the “Company”) filed a Securitization Application with the Public Utilities Commission of Ohio (“PUCO” or “Commission”), seeking authority to recover from customers certain specified “phase-in costs and financing costs” through the issuance of bonds payable from the collection of Phase-In Recovery (“PIR”) charges in Case No. 12-1969-EL-ATS. The PIR charges will ultimately be collected from customers through the Company’s proposed Deferred Asset Phase-In Rider (“DAPIR”).

On November 16, 2012, the Company initiated this case by filing an Application requesting Commission approval and expedited review of proposed changes in bill format related to the DAPIR. The Office of the Ohio Consumers’ Counsel (“OCC”) filed a Motion to Intervene, Motion to Suspend¹ and Comments in this proceeding on

¹ The Attorney Examiner issued an Entry in this proceeding on November 27, 2012, suspending the Company’s Application for a Change in Bill Format. The Entry states “[i]n order to allow the Commission to fully review the application and to consider the issuance of a Financing Order in Case No. 12-1969-EL-ATS, which is the case that necessitates the need for this change in bill format, the attorney examiner finds that [the Company’s] application for approval of a change in bill format should be suspended.” While the Entry alleviates OCC’s concern that AEP Ohio’s proposed bill format change would be approved prior to the issuance of a Financing Order in the Company’s Securitization Proceeding (Case No. 12-1969-EL-ATS), the manner in which this information is revealed to the customers on electric bills is of particular importance.

December 3, 2012. AEP-Ohio filed a Memorandum in Opposition on December 4, 2012.

This filing is OCC's reply.

II. ARGUMENT

AEP Ohio argues that “the Commission need not grant intervention to OCC or any other party in this case and it would be an unwise precedent to do so.”² The Company's argument to deny Ohioans their legal representation by OCC in this case is misguided, without merit and should be rejected.

First, OCC satisfies the intervention criteria set forth in R.C. 4903.221(B), and thus, should be granted intervention in this proceeding. OCC is the statutory residential consumer advocate for the State of Ohio and intervened in this proceeding to protect the interests of the approximately 1.2 million residential utility customers of AEP Ohio. The interests of AEP Ohio's residential customers³ may be “adversely affected” by this case, especially if the customers were unrepresented in a proceeding where the Company has requested expedited review of proposed changes to its bill format related to the DAPIR.

Further, OCC's intervention will not unduly prolong or delay the proceedings, and OCC's participation will significantly contribute to the full development and equitable resolution of the proceeding. As noted in OCC's Motion to Intervene, the Supreme Court of Ohio confirmed OCC's right to intervene in PUCO proceedings, in deciding two appeals in which OCC claimed the PUCO erred by denying its interventions. The Court found that the PUCO abused its discretion in denying OCC's interventions and that OCC

² Case No. 12-2999-EL-UNC, Memorandum in Opposition at 1.

³ OCC has authority under law to represent the interests of all the approximately 1.2 million residential utility customers of AEP-Ohio, pursuant to R.C. Chapter 4911.

should have been granted intervention in both proceedings.⁴ AEP-Ohio failed to establish that OCC has not satisfied the criteria for intervention in this proceeding.

Second, although the Company claims that there is no procedural need to grant intervention in this proceeding,⁵ Ohio Admin. Code 4901:1-10-22(B) requires that bills contain content that are in clear and understandable form and content.⁶ OCC specifically raised concerns in Comments about the clarity and understandability of the Company's proposed definition for the Deferred Asset Phase-In Rider ("DAPIR"). In addition, other issues could arise related to bill format once the Commission issues a Financing Order in the Company's securitization proceeding, and that Order is final. OCC was an active participant in the legislation that gave rise to securitization. It is crucial that AEP Ohio's bill language be as clear and understandable as possible.

Finally, the PUCO has granted OCC intervention in past bill format proceedings,⁷ and the current proceeding should be no exception. In this regard, the Commission considered comments filed by OCC in Case No. 11-178-EL-UNC related to bill format changes.⁸ In that proceeding, Columbus Southern Power Company (AEP Ohio) actually provided a copy of the proposed bill format changes to OCC, and obtained OCC's

⁴ See *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, ¶¶13-20 (2006). It should be noted that cited appeal in which the Court found that the PUCO abused its discretion in denying OCC's intervention involved deferred charges. Similarly, the Company's securitization proceeding involves the deferral of costs previously approved by the PUCO for collection from customers.

⁵ Memorandum in Opposition at 1.

⁶ Ohio Admin. Code 4901:1-10-22(B).

⁷ See, for example, *In the Matter of the Dayton Power and Light Company with the Rule Amendments Adopted in Case No. 08-723-AU-ORD*, Case No. 10-1006-EL-UNC, where The Dayton Power & Light Company filed an application for approval of a bill format for electric service. The Commission found OCC's Motion to Intervene reasonable and granted intervention, Entry at 1, (November 3, 2010). In addition, it should be noted that AEP Ohio first requested approval for bill format changes related to DAPIR in Case No. 12-1969-EL-ATS, a proceeding in which OCC is an active participant.

⁸ See *In the Matter of the Application of Columbus Southern Power Company for Approval of a Change in Bill Format*, Case Nos. 11-178-EL-UNC, et al., Entry at 2 (June 1, 2011).

comments on the suggested changes.⁹ Although the Company points out several times that it collaborated with Staff prior to the filing of its Application for Approval of a Change in Bill Format in this proceeding, OCC was not consulted on the proposed changes.

III. CONCLUSION

OCC meets the standards for intervention in this proceeding. Consequently, AEP Ohio's arguments that OCC be denied intervention are unsupported and should be denied.

Respectfully submitted,

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⁹ Id.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this *Reply* was served on the persons stated below via electronic transmission this 11th day of December 2012.

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Summary: Reply Reply to Ohio Power Company's Memorandum in Opposition by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Kern, Kyle Mrs.