

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ormet
Primary Aluminum Corporation for
Approval of a Unique Arrangement with
Ohio Power Company**

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) **Case No. 09-119-EL-AEC**
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**MOTION FOR EXPEDITED APPROVAL OF
PAYMENT DEFERRAL AND MEMORANDUM IN SUPPORT
OF ORMET PRIMARY ALUMINUM CORPORATION**

Ormet Primary Aluminum Corporation (“Ormet”) respectfully moves the Commission, pursuant to Section 4905.31, Revised Code, and Rule 4901:1-38-05(B), Ohio Administrative Code for approval of a modification to its existing Unique Arrangement between Ormet and Ohio Power Company (“Ohio Power” or “AEP Ohio”). With the proposed modification, Ormet would be permitted to defer two payments to AEP Ohio by Ormet otherwise due in the coming weeks under the parties’ Unique Arrangement. The basis for the proposed modification to the existing Unique Arrangement is set forth below. Ormet further requests expedited approval of the modification pursuant to Rule 4901-1-12(C), OAC. As a result of the Commission’s affirmation of the Attorney Examiner’s July 11, 2013 Entry, Ormet must immediately begin the shutdown of half of its existing operations at Hannibal on August 1, 2013. In addition, to alleviate the necessity to shutdown all remaining operations by early September, Ormet needs immediate relief from the AEP Ohio payments due in August and September, 2013 to continue operating on a limited basis its facilities in Hannibal, Ohio. Moreover, expedited treatment is appropriate because the proposed deferrals reflect only a minor change to the Unique Arrangement and do not impose additional costs upon the rate payers for the reasons identified herein.

In order to facilitate the expedited approval of the motion, Ormet requests that the Commission waive the provisions of Rule 4901:1-38-05(B)(2) and (F), OAC. Rule 4901:1-38-05(B), OAC requires the filing of an affidavit from the company official as to the veracity of the information provided in the application for a unique arrangement. Ormet will file such affidavits as a late-filed exhibit to this motion within seven days of the filing of this motion; therefore, Ormet requests that this provision be waived for a period of seven days. Rule 4901:1-38-05(F), OAC provides for a twenty day comment period following the filing of an application. Because of the nature of the relief and the need for expedited approval discussed above, Ormet requests a waiver of this provision.

MEMORANDUM IN SUPPORT

1. On July 15, 2009, the Commission approved as modified by the Commission an amended application for a Unique Arrangement, pursuant to Section 4905.31, Revised Code between Ormet and AEP Ohio.

2. On July 15, 2013, Ormet filed an interlocutory appeal of the Attorney Examiner's July 11, 2013 Entry which denied emergency relief to Ormet because Ormet needed immediate additional funding to continue operations. The schedule set in the July 11, 2013 Entry forecloses any Commission decision on Ormet's motion until well after the end of August. By Entry of July 31, 2013, the Commission affirmed the Attorney Examiner's July 11, 2013 Entry.

3. Ormet files this motion to identify and request an alternative remedy that would enable it to continue limited operation, while at the same time providing the Commission time to fully consider Ormet's June 14, 2013 motions for relief. Ormet hereby requests that the Commission exercise its authority to permit Ormet to defer its payment obligations on AEP Ohio

bills received in August and September (and any others due before the Commission decides the June 14, 2013 Motion).

4. Given the July 31, 2013 Entry, Ormet must immediately begin the shutdown of half of the existing operations at Hannibal. In addition, to alleviate the necessity to shutdown all remaining operations by early September, Ormet hereby asks the Commission to issue an order allowing it to defer its payment of its August and September bills from AEP Ohio (and any other AEP Ohio bills that would be due before the Commission's decision on the June 14, 2013 Motion). This deferral, coupled with a Commission decision on the June 14, 2013 motions by September 30, 2013, would allow Ormet to keep operating through the decision date. It would also give the Commission time to carefully consider and conduct a hearing on these issues. It would enable all parties to be heard on these issues at an evidentiary hearing. Most importantly, it would protect the southeast Ohio's economy and Monroe County Ohioans in particular from the massive harms that would result from an Ormet shutdown.

5. Such deferrals, coupled with a Commission decision on the June 14, 2013 motions by September 30, 2013, would: (a) allow Ormet to continue its operations until the motions are resolved according to the schedule set in the July 11, 2013 Entry, (b) afford the Commission the time it needs to fully consider these issues, (c) give all interested parties an opportunity to be heard in a hearing, (d) protect Ohio from the serious harms that would result from an Ormet shutdown, and (e) avoid imposing substantial new burdens upon AEP and/or its other ratepayers.

6. Ormet requests that the Commission approve a modification to its existing Unique Arrangement pursuant to Section 4905.31, Revised Code, to permit the following deferred payment arrangement: deferral of the amount billed to Ormet for August and September, 2013.

7. Ormet will pay the deferred invoices within five business days of the closing of the sale to Smelter Acquisition, LLC.

8. Monroe County, Ohio, the location of the Hannibal Facility is an economically depressed region where Ormet's contribution as an employer, tax payer, and purchaser of goods and services is vital to the area's economy. The requested deferred payment arrangement is vital to protect thousands of jobs of both Ormet direct employees and those who depend upon Ormet.

9. The deferred payment arrangements do not change the structure of the terms of the Unique Arrangement, and are short in duration.

10. Ormet made a similar request for a deferral of AEP Ohio payments on October 12, 2012 which was approved by the Commission in an Entry dated October 17, 2012.

11. Ormet needs immediate relief to survive its immediate cash flow problem and this motion requests that the deferrals herein be approved in an expedited manner. The Commission can grant this motion in an expedited manner because the deferrals are minor, do not impose substantive changes to the Unique Arrangement and do not impose additional costs upon the rate payers.

WHEREFORE, Ormet respectfully requests that the Commission approve its request to defer its payment obligations on AEP Ohio bills rendered in August and September (and any others due before the Commission decides the June 14, 2013 Motion).

Respectfully submitted,



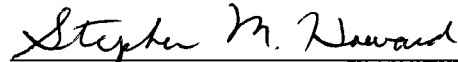
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document has been served upon the persons below via electronic mail this 31st day of July, 2013.



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Summary: Motion Motion for Expedited Approval of Payment Deferral and Memorandum in Support of Ormet Primary Aluminum Corporation electronically filed by M HOWARD PETRICOFF on behalf of Ormet Primary Aluminum Corporation