

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company to Update its) Case No. 13-1406-EL-RDR
Transmission Cost Recovery Rider Rates.)

**MOTION FOR SUBPOENA
DUCES TECUM
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Now comes the Office of the Ohio Consumers' Counsel ("OCC") and, pursuant to Ohio Adm. Code 4901-1-25, hereby respectfully moves the Public Utilities Commission of Ohio ("Commission" or "PUCO"), any commissioner, the legal director, the deputy legal director, or an attorney examiner to issue a subpoena *duces tecum* compelling Ohio Power Company ("OPC", "AEP Ohio" or "Utility") to produce a witness(es) to appear at the hearing for cross-examination on November 4, 2013, at 9:00 a.m., at the offices of the PUCO, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793, and attend from day-to-day until the hearing is completed to provide testimony concerning PJM Interconnection, LLC ("PJM") charges and credits to AEP Ohio and how such charges and credits have been reflected in AEP Ohio's rates paid by customers from 2006 through June 2011, and from July 2011 through the present. The witness(es) should be knowledgeable regarding the reasons why some PJM credits, including Reactive Supply and Voltage Control from Generation and Other Sources Service, Regulation and Frequency Response Service, Synchronized Reserve, Day-ahead Scheduling Reserve, and Black Start Service have not been applied to the TCRR. The witness(es) should also be

knowledgeable regarding the ratemaking treatment of PJM charges and credits, including out-of-period amounts, which are the subject of the PUCO Staff's review and recommendation¹ and the pre-filed direct testimony of Jeffrey Hecker in this case.²

Finally, the subpoena should also compel the witness(es) to bring with him/her, and provide to OCC at 8:30 a.m. on said day and at said place, the following documents:

(A) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing the monthly charges and revenues (credits) for each of these services and the allocation of such charges and revenues (credits) to AEP Ohio or its predecessors in interest.

- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

(B) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing that such credits were applied in the calculation of any other rate charged to customers.

¹ See PUCO Staff Review and Recommendation (August 13, 2013).

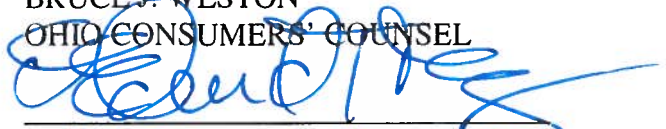
² See Direct Testimony of Jeffrey Hecker (October 22, 2013).

- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

Grounds for this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL



Edmund "Tad" Berger, Counsel of Record
Assistant Consumers' Counsel

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**BEFORE
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In the Matter of the Application of Ohio)
Power Company to Update its) Case No. 13-1406-EL-RDR
Transmission Cost Recovery Rider Rates.)

MEMORANDUM IN SUPPORT

The OCC requests a subpoena, pursuant to Ohio Adm. Code 4901-1-25, to command Ohio Power Company (“AEP Ohio” or “Utility”) to produce a person(s) to appear at the hearing (witness(es)) and provide oral testimony through cross-examination on November 4, 2013. Specifically, OCC is requesting that AEP Ohio be compelled to produce a witness(es) who can testify concerning PJM Interconnection, LLC (“PJM”) charges and credits reflected in rates by AEP Ohio and its predecessors in interest from 2006 through June 2011, and from July 2011 through the present and the reasons why certain PJM credits, including Reactive Supply and Voltage Control from Generation and Other Sources Service, Regulation and Frequency Response Service, Synchronized Reserve, Day-ahead Scheduling Reserve, and Black Start Service, have not been applied to the Transmission Cost Recovery Rider (“TCRR”). The witness(es) should also be knowledgeable regarding the ratemaking treatment of PJM charges and credits, including out-of-period amounts, which are the subject of the PUCO Staff’s review and recommendation³ and pre-filed direct testimony of Jeffrey Hecker in this case.⁴

³ See PUCO Staff Review and Recommendation (August 13, 2013).

⁴ See Direct Testimony of Jeffrey Hecker (October 22, 2013).

Finally, the subpoena should also compel the witness(es) to bring with him/her, and provide to OCC at 8:30 a.m. on said day and at said place, the following documents:

(A) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing the monthly charges and revenues (credits) for each of these services and the allocation of such charges and revenues (credits) to AEP Ohio or its predecessors in interest.

- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

(B) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing that such credits were applied in the calculation of any other rate charged to customers:

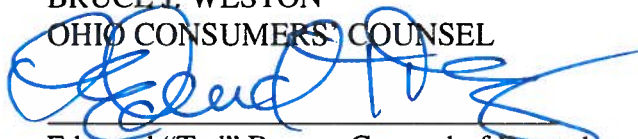
- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

In this case, the PUCO will decide whether the amount paid by customers for transmission and transmission-related charges, including ancillary services and congestion charges, have been and continue to be reasonable and prudent. In order to make that decision, the PUCO must reconcile AEP Ohio's TCRR, which includes a review of PJM transmission and transmission-related charges and revenues/credits, including ancillary and congestion charges and revenues/credits. Additional information is needed in order to fully litigate this issue because the PUCO's TCRR regulations require transmission-related costs to be offset by revenues, including ancillary and congestion-related costs and revenues and the record needs to be clear as to the amounts of such charges and credits and the reasons why some revenues or credits may have been excluded from the TCRR.

The information sought by OCC is central to the determination of the reasonable and prudent level of the TCRR and the charges and credits to be included in setting such rate. OCC's Motion for Subpoena *Duces Tecum* should be granted in order to facilitate a full and complete development of the case before the Commission, including the ultimate record upon which the Commission will base its decision.

Respectfully submitted,

BRUCE L. WESTON
OHIO CONSUMERS' COUNSEL

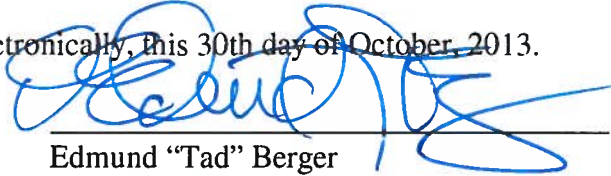


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Assistant Consumers' Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the *Motion for Subpoena Duces Tecum* was provided to the persons listed below, electronically, this 30th day of October, 2013.



Edmund "Tad" Berger
Assistant Consumers' Counsel

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**STATE OF OHIO
PUBLIC UTILITIES COMMISSION
180 EAST BROAD STREET
COLUMBUS, OHIO 43266-0573**

John Kasich
GOVERNOR



**THE PUBLIC UTILITIES COMMISSION OF OHIO
SUBPOENA DUCES TECUM**

TO: Ohio Power Company
C/O Statutory Agent
David A. Laing
1 Riverside Plaza
Columbus, Ohio 43215

Upon application of Counsel for the Office of the Ohio Consumers' Counsel ("OCC"), Ohio Power Company is hereby required to provide a person(s) to appear before the Public Utilities Commission of Ohio as a witness for the Office of the Ohio Consumers' Counsel ("OCC") at hearing and attend day-to-day and submit to oral testimony by cross examination until completed for OCC in the following proceeding:
Case No.: 13-1406-EL-RDR.

Case Title: "In the Matter of the Application of Ohio Power Company to Update its Transmission Cost Recovery Rider Rates"

The witness(es) is to appear at the offices of the Commission, 180 East Broad Street, Columbus, Ohio on the 4th day of November, 2013, at 9:00 a.m. in hearing room 11-D.

The witness(es) shall bring with him/her the following to be provided to OCC at 8:30 a.m. on said day and at said place:

(A) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing the monthly charges and revenues (credits) for each of these services and the allocation of such charges and revenues (credits) to AEP Ohio or its predecessors in interest.

- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

(B) For the period during which AEP Ohio or its predecessors in interest did not reflect in the TCRR revenues (credits) received from PJM for the below listed services, provide documents showing that such credits were applied in the calculation of any other rate charged to customers:

- 1) Reactive Supply and Voltage Control from Generation and Other Sources Service
- 2) Regulation and Frequency Response Service
- 3) Synchronized Reserve
- 4) Day-ahead Scheduling Reserve
- 5) Black Start Service

Dated at Columbus, Ohio, this 30th day of October, 2013.

BY: Sarah J. Parrot

TITLE: Attorney Examiner

NOTICE: If you are not a party or an officer, agent, or employee of a party to this proceeding, then witness fees for attending under this subpoena are to be paid by the party at whose request the witness is summoned. Every copy of this subpoena for the witness must contain this notice.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/30/2013 10:43:26 AM

in

Case No(s). 13-1406-EL-RDR

Summary: Subpoena Motion for Subpoena Duces Tecum by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Berger, Tad Mr.