

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Fuel Adjustment	)	
Clause of Columbus Southern Power	)	Case No. 10-268-EL-FAC
Company and Ohio Power Company	)	Case No. 10-269-EL-FAC
And Related Matters for 2010	)	

In the Matter of the Fuel Adjustment	)	
Clause of Columbus Southern Power	)	Case No. 11-281-EL-FAC
Company and Ohio Power Company	)	
And Related Matters for 2011	)	

**OHIO POWER COMPANY’S MOTION FOR FILING OF PRE-FILED DIRECT  
TESTIMONY AND MOTION FOR PROTECTIVE ORDER OUT OF TIME AND  
MEMORANDUM IN SUPPORT**

Ohio Power Company (“Company” or “AEP Ohio”), pursuant to Ohio Admin. Code Rule 4901-1-12, hereby move the Commission for acceptance of the pre-filed testimony of AEP Ohio witnesses in the above captioned case and the motion for a protective order of information filed November 8, 2013, out of time. It was discovered on Monday morning November 11, 2013, that the testimony and motion for protective order served on Friday November 8, 2013 were not filed electronically with the Commission. The testimony and motion for protective order were served electronically on Friday November 8, 2013. The testimony and motion were electronically filed

with the Commission on Monday November 11, 2013 and this motion seeks for acceptance of these documents.

Respectfully submitted,

//s// Matthew J. Satterwhite

Matthew J. Satterwhite

Yazen Alami

Steven T. Nourse

1 Riverside Plaza, 29<sup>th</sup> Floor

Columbus, Ohio 43215-2373

Telephone: (614) 716-1915

Facsimile: (614) 716-2950

[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)

[yalami@aep.com](mailto:yalami@aep.com)

[stnourse@aep.com](mailto:stnourse@aep.com)

**Counsel for Ohio Power Company**

## **MEMORANDUM IN SUPPORT**

The due date for pre-filed testimony in these proceedings was established by the Examiner as Friday November 8, 2013. AEP Ohio prepared the testimony of three witnesses, Timothy Dooley, Philip Nelson and James Henry. Mr. Henry's testimony involved confidential information from both the 2010 Audit and the 2011 Audit requiring three different confidential versions depending on what cases involved what parties and who signed confidentiality agreements. AEP Ohio also prepared a motion for a Protective Order of the confidential information included in Mr. Henry's testimony.

Due to an administrative error the public versions of the AEP Ohio testimony was not filed with docketing electronically as was intended and as was indicated in the service email to the parties in the case. A service email was sent on Friday November 8, 2013, with the public versions attached and confidential versions were sent to the appropriate parties also on Friday November 8, 2013. Three hard copies of Mr. Henry's confidential testimony were also filed with docketing on Friday November 8, 2013 per Commission rules for confidential information. The motion for protective order that corresponded to the filing of that confidential information was also served with the testimony on Friday afternoon but not officially docketed. Two full copies of all the testimony and the motion for a protective order were also left for Examiner Parrot at the front desk on the 12<sup>th</sup> floor at the Commission.

Upon reviewing the record on Monday November 11, 2013 counsel for AEP Ohio noticed that its filings had not registered in the docketing system. Sometimes documents filed close to 5:30 PM are not reflected on the docketing until the next business day. But knowing that the instruction to file had been made prior to 5:00 PM on Friday November 8, 2013 the documents should have been reflected on the docket. After checking for a verification notice

from docketing and then checking with the assistant asked to electronically file the documents it became apparent that the documents had been served but not filed with the Commission's docketing system. Upon discovery on Monday morning, Counsel for AEP Ohio immediately informed the parties of the error and resent the public versions of the testimony to the parties. The testimony served on Friday November 8, 2013 was then filed on Monday November 11, 2013 and this motion and memorandum in support is being filed to seek acceptance of the testimony and the associated motion for protective order out of time.

As this time the parties are all in receipt of the testimony finalized on Friday November 8, 2013. The versions filed are the exact same versions included in the Friday November 8, 2013 email service. The parties should not be disadvantaged by the administrative oversight of the Company. The Company is willing to delay the start date of the hearing for more time to review to the extent that its failure to complete the filing electronically with docketing disadvantages any party. The Company apologizes for the mix-up in submission and hopes its efforts to provide the different versions of confidential testimony and the public documents are appreciated.

Respectfully submitted,

/s/ Matthew J. Satterwhite

Matthew J. Satterwhite

Yazen Alami

Steven T. Nourse

1 Riverside Plaza, 29<sup>th</sup> Floor

Columbus, Ohio 43215-2373

Telephone: (614) 716-1915

Facsimile: (614) 716-2950

[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)

[yalami@aep.com](mailto:yalami@aep.com)

[stnourse@aep.com](mailto:stnourse@aep.com)

**Counsel for Ohio Power Company**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail upon the below-listed counsel this 11<sup>th</sup> day of November, 2013.

//s// Matthew J. Satterwhite

Matthew J. Satterwhite

Thomas McNamee  
Steven Beeler  
Assistant Attorney's General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215  
[Thomas.mcnamee@puc.state.oh.us](mailto:Thomas.mcnamee@puc.state.oh.us)  
[Steven.beeler@puc.state.oh.us](mailto:Steven.beeler@puc.state.oh.us)

Terry Etter  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, 18<sup>th</sup> Street  
Columbus, Ohio 43215  
[etter@occ.state.oh.us](mailto:etter@occ.state.oh.us)

Samuel C. Randazzo  
Frank P. Darr  
Joseph E. Olikier  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[joliker@mwncmh.com](mailto:joliker@mwncmh.com)

Rocco D'Ascenzo  
Amy B. Spiller  
Jeanne Kingery  
139 East Fourth Street  
1303-Main  
Cincinnati, Ohio 45202  
[Rocco.d'ascenzo@duke-energy.com](mailto:Rocco.d'ascenzo@duke-energy.com)  
[Amy.spiller@duke-energy.com](mailto:Amy.spiller@duke-energy.com)  
[Jeanne.Kingery@duke-energy.com](mailto:Jeanne.Kingery@duke-energy.com)

Philip B. Sineneng  
THOMPSON HINE LLP  
41 S. High Street, Suite 1700  
Columbus, OH 43215  
Tel: (614) 469-3200  
Fax: (614) 469-3361  
[Philip.Sineneng@ThompsonHine.com](mailto:Philip.Sineneng@ThompsonHine.com)

John J. Kulewicz  
M. Howard Petricoff  
Stephen M. Howard  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008  
Tel. (614) 464-5634  
Fax (614) 719-4812  
[jjkulewicz@vorys.com](mailto:jjkulewicz@vorys.com)  
[mhpetricoff@vorys.com](mailto:mhpetricoff@vorys.com)  
[smhoward@vorys.com](mailto:smhoward@vorys.com)

Colleen Mooney  
231 West Lima Street  
Findlay, Oh 45840  
[cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

Mallory Mohler  
Carpenter Lipps & Leland  
280 North High Street, Suite 1300  
Columbus, Ohio 43215  
Phone: 614-365-4130  
Fax: 614-365-9145  
[mohler@carpenterlipps.com](mailto:mohler@carpenterlipps.com)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/11/2013 10:38:07 AM**

**in**

**Case No(s). 10-0268-EL-FAC, 10-0269-EL-FAC, 11-0281-EL-FAC**

Summary: Motion for Filing of Pre-Filed Direct Testimony and Motion for Protective Order Out of Time and Memorandum in Support electronically filed by Mr. Matthew J Satterwhite on behalf of Ohio Power Company