

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Ohio Power Company for Authority to)
Establish a Standard Service Offer) Case No. 13-2385-EL-SSO
Pursuant to Section 4928.143, Revised Code,)
in the Form of an Electric Security Plan)

In the Matter of the Application of)
Ohio Power Company for Approval of) Case No. 13-2386-EL-AAM
Certain Accounting Authority)

**OHIO POWER COMPANY'S
MEMORANDUM IN OPPOSITION TO THE MOTION TO
EXPEDITE DISCOVERY RESPONSE TIME**

On January 27, 2014, the Office of Consumers' Counsel, Industrial Energy Users - Ohio, Ohio Partners for Affordable Energy, Ohio Hospital Association, The Kroger Company and Ohio Manufacturers' Association Energy Group (collectively, the "Customer Parties") filed an expedited motion. Customer Parties ask the Commission to impose a compressed discovery response time in this case of 10 calendar days. They argue that since a much longer procedural schedule was adopted than that which the Company proposed, the Attorney Examiner should order a much shorter discovery response time. The Customer Parties' logic is perverse and they offer no legitimate basis for expedited discovery. Had the Commission not adopted such a relaxed procedural schedule offered by the Company, then expedited discovery might have been appropriate. But currently no basis exists to justify such an approach.

In its December 20, 2013 Application initiating these proceedings, the Company set forth a detailed and reasonable proposal for a procedural schedule. The Company's proposed schedule was to have a hearing some 115 days after the Application was filed and to have intervenor testimony approximately 85 days after the Application, leading up to a merit decision in July of 2014. The Company supported its proposed procedural schedule with five major reasons,

demonstrating that a July 2014 final order would: (1) provide timely clarity to the SSO auction process and auction schedule, (2) maximize the advance time for CRES providers to implement the Company's proposed changes to its transmission charge rate structure, (3) establish certainty and maximize the time period to implement the proposed purchase of receivables program, (4) avoid the unnecessary filing of a base rate case, which would be a significant undertaking for all parties involved, and (5) to provide adequate time for the Company to fully explore settlement of the case. Application at 17-18; Direct Testimony of Pablo A. Vegas at 7-8.

Initially, Customer Parties claim (at 1) that the Attorney Examiner "rejected AEP Ohio's proposed schedule and instead ordered a more reasonable procedural schedule." This statement is not accurate. There is no indication in the January 24, 2014 Entry that the Examiner explicitly evaluated or considered -- let alone rejected -- the Company's proposed procedural schedule. As referenced above, the Company's Application and testimony fully explained and supported the basis for its proposed procedural schedule. The Customer Parties' motion does not address or rebut those clear and compelling reasons supporting a more accelerated procedural schedule. In any case, the Attorney Examiner's schedule adopts a hearing schedule more than 50 days later than the date proposed by the Company and delays intervenor testimony by a similar interval.

Under the schedule adopted by the January 24 Entry, intervenors have approximately 19 weeks (about 4.5 months) to conduct discovery concerning the Company's Application and testimony. This is enough time to conduct at least seven consecutive rounds of discovery. If an intervenor waited a few days after the Application was filed and only submitted a follow-up round of discovery a day after receiving the Company's response to its prior discovery questions, that intervenor could submit seven consecutive rounds of discovery using the normal 20-day response time. Under this example, each round would occur on December 24, 2013, January 14, 2014, February 4, February 25, March 18, April 8 and April 29. In other words, concerning any given topic or issue being addressed in discovery, the adopted procedural schedule would allow

an intervenor to ask a set of questions, wait for the response and then ask six additional rounds of questions on that topic or issue. Of course, the reality is that intervenors submit multiple rounds of discovery in parallel and do not limit themselves to submitting questions sequentially after receiving responses to the prior questions. Indeed, some intervenors have submitted multiple rounds of discovery to the Company on the same day in this case. Thus, looking at the number of consecutive rounds of discovery is the most conservative way to measure the discovery process -- since there is no limit to the number or discovery questions or separate rounds of discovery that can be conducted by an individual intervenor. Of course, since all parties are served with the responses to a discovery question by any other party, all intervenors benefit from all of the questions and answers. To date, the Company has answered more than 200 questions and conducted a technical conference to provide instantaneous responses to additional questions concerning the Application. Given that there are already 17 parties that have moved for intervention in this case (and the deadline is not until March 7), it is possible at any given time that the Company would be responding to a voluminous number of discovery questions. Adopting a 10-day discovery response process would be unduly burdensome on the Company given the current procedural schedule.

CONCLUSION

In sum, there is no basis to conclude that the existing discovery process will somehow be inadequate and the Customer Parties' attempt to justify expedited discovery based on the procedural schedule is simply unavailing. As such, the motion should be rejected. Alternatively, if the Commission were to adopt a new procedural schedule that is more in line with the Company's proposed procedural schedule, the Customer Parties' request for expedited discovery could be justified and would make more sense. If, however, the Commission is persuaded that expedited discovery is appropriate even under the existing procedural schedule, it should only adopt a 10 business day response time (versus 10 calendar days).

Respectfully submitted,

/s/ Steven T. Nourse

Steven T. Nourse

Matthew J. Satterwhite

American Electric Power Corporation

1 Riverside Plaza, 29th Floor

Columbus, Ohio 43215-2373

Telephone: (614) 716-1608

Facsimile: (614) 716-2950

stnourse@aep.com

mjsatterwhite@aep.com

Daniel R. Conway

Porter Wright Morris & Arthur

Huntington Center

41 S. High Street

Columbus, Ohio 43215

Telephone: (614) 227-2770

Fax: (614) 227-2100

dconway@porterwright.com

Counsel for Ohio Power Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Ohio Power Company's Memo Contra has been served upon the below-named counsel by electronic mail this 3rd day of February, 2014.

/s/ Steven T. Nourse _____

katie.stenman@puc.state.oh.us jodi.bair@puc.state.oh.us doris.mccarter@puc.state.oh.us tammy.turkenton@puc.state.oh.us Barb.Bossart@puc.state.oh.us Peter.Baker@puc.state.oh.us Werner.margard@puc.state.oh.us William.wright@puc.state.oh.us devin.parram@puc.state.oh.us campbell@whitt-sturtevant.com BarthRoyer@aol.com cloucas@ohiopartners.org cmooney@ohiopartners.org dconway@porterwright.com dboehm@BKLawfirm.com dclark1@aep.com dborchers@bricker.com fdarr@mwncmh.com Gary.A.Jeffries@dom.com williams@whitt-sturtevant.com jmcdermott@firstenergycorp.com jkylereohn@BKLawfirm.com jfinnigan@edf.org joseph.clark@directenergy.com joliker@mwncmh.com Joseph.serio@occ.ohio.gov judi.sobecki@DPLINC.com Bojko@carpenterlipps.com lfriedeman@igsenergy.com Mohler@carpenterlipps.com haydenm@firstenergycorp.com mpritchard@mwncmh.com whitt@whitt-sturtevant.com myurick@taftlaw.com mjsatterwhite@aep.com mswhite@igsenergy.com grady@occ.state.oh.us mkurtz@BKLawfirm.com Philip.Sineng@ThompsonHine.com ricks@ohanet.org Rocco.D'Ascenzo@duke-energy.com sam@mwncmh.com scasto@firstenergycorp.com sasloan@aep.com stnourse@aep.com Edmund.berger@occ.ohio.gov	tobrien@bricker.com tdougherty@theOEC.org vparisi@igsenergy.com zkavitz@taftlaw.com
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Summary: Memorandum in Opposition to the Motion to Expedite Discovery Response Time electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company