

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Review of Chapters 4901-1, Rules of)	
Practice and Procedure; 4901-3,)	
Commission Meetings; 4901-9,)	
Complaint Proceedings; and 4901:1-)	Case No. 11-776-AU-ORD
1, Utility Tariffs and Underground)	
Protection, of the Ohio)	
Administrative Code.)	
)	

**APPLICATION FOR REHEARING/CLARIFICATION
OF OHIO POWER COMPANY**

Pursuant to Section 4903.10, Ohio Revised Code, and Rule 4901-1-35, Ohio Administrative Code (“O.A.C.”), Ohio Power Company (“AEP Ohio” or the “Company”) respectfully files this Application for Rehearing of the Commission’s March 12, 2014 Entry on Rehearing. Upon further review of some of the changes in the electronic filing/service changes in the March 12, 2014 Entry on Rehearing and January 22, 2014 Entry, the Company respectfully requests clarification of the approved rules. A clarification at this point seems prudent and will avoid the need for the Company to file a request for a waiver from the rule before it becomes effective.

The Commission’s March 12, 2014 Entry on Rehearing and January 22, 2014 Entry could use clarification concerning the applicability the Commission’s service requirement. Ohio Power respectfully requests that the filing party with the burden of service be able to perform electronic service on parties as an alternative to depending on the docketing department for service to ensure timely service. A memorandum in support of this Application for Rehearing is attached.

Respectfully submitted,

//ss// Matthew J. Satterwhite

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Memorandum in Support

Ohio Power is appreciative of the Commission's efforts to improve its filing practices and implement electronic service. However, in reviewing the final outcome of the rules in this docket there appears to be unintended consequence created by the system that can be addressed by a Commission clarification. The issue relates to the potential gap in filing and the official service (by the docketing department) for documents with specific due dates.

Under the rules as recently updated, the Commission set up a process where the docketing department would take on the responsibility for service of all parties to a case registered with the Commission. Parties not registered for electronic service would still be served by the filing party.

The potential for docketing to complete service for parties is an intriguing concept but creates certain risk for the filing party. The issue becomes what happens if docketing does not perform service on the same day as a filing party makes the submission and there is a specific requirement that service be effectuated that day.

To ensure that the party with the burden for service (the filer) retains control over service, if that is preferred by the filer, the Company would recommend that the Commission clarify that a filing party can still perform official service of a filing to ensure timely service and not rely solely on the Commission's docketing department to serve the document. This comes into play especially when documents are filed closer to the end of the day on large cases where the docketing department may not have the staff

to process the filing for proper service. This simple clarification will allow the Commission's process to continue and service be effectuated by the docketing department, but if elected by the filing party service could also occur upon electronic filing with the Commission by electronic service (where the intervening parties have electronic access).

The Commission can clarify in the rule, or in response to this filing, that relinquishing service responsibility to the Commission's docketing department is a choice. That can be accomplished by also allowing filers to perfect service for documents being filed with the Commission. As stated by the Commission in the January 22nd Entry, the focus of these updates in Rule -05 is to put the responsibility for serving pleadings and other documents on the party making the filing. (January 22nd Entry at Paragraph 28.) However, if a filing is made timely but docketing fails to serve the document on the parties¹ that are electronically registered, then the responsibility is not on the filing party. Such a scenario leaves the Commission in the middle of a service dispute based on what could be internal issues to the Commission staffing and not the filing parties' actions.

Clarifying the ability for the filer to retain responsibility for electronically serving parties registered with the Commission is the only way to truly leave responsibility with the filer. Any other method, short of requiring all service through docketing as suggested by FE in its comments, creates the potential for unnecessary conflict should docketing not

¹ Even the 4:00 PM suggestion for filing to avoid issues with docketing in Rule -02(D)(6) is an arbitrary time that unduly limits the time available to parties to respond under deadlines and give no guarantee that a filing will be processed. Moreover it is only a suggestion and does not guarantee the processing through docketing.

timely serve a document. For example, under the current rules, if an e-filing is made on a Friday at 5:25 p.m. and the filer receives confirmation that the e-filing has been accepted at 5:26 p.m., the filer could accomplish service by e-mail immediately thereafter. Using the same example under the proposed rules, it is unclear when service will be deemed accomplished if the e-mail notice constituting service is not generated before 5:30 p.m. Currently, e-mail notices of filings made often occur significantly after an e-filing has been accepted.

To address this issue the Commission can clarify the language in O.A.C. 4901-1-02(D)(5). Specifically, the Commission could add, **“In the alternative, a party can perform service on its own to the parties in the case, electronically where available, to ensure timely service.”**

If the Commission is willing to clarify this point it could also add some language to O.A.C. 4901-1-05(B), the Certificate of Service, to have a party indicate that it will be performing service electronically upon the parties in the case, to the extent possible. The current rule can be read to only allow the filer to complete service upon unregistered parties. A party relying on party service could indicate so on its certificate of service.

Ohio Power appreciates the opportunity to participate in the Commission’s development of electronic filing and service. The proposed clarifications are intended to work in coordination with the latest chapter in Commission development in this area without creating unintended consequences of placing the docketing department as the responsible entity for the service of documents on sensitive timelines dealing with matters of statewide importance.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion has been served, via electronic service, to the counsel identified below this 11th day of April 2014.

/s/ Matthew J. Satterwhite

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Summary: App for Rehearing /Clarification electronically filed by Mr. Matthew J Satterwhite on behalf of Ohio Power Company