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Via E-File

May 27, 2014

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

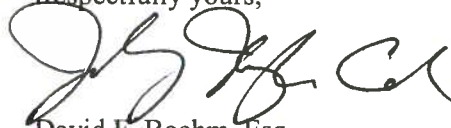
In re: Case Nos. 13-2385-EL-SSO and 13-2386-EL-AAM

Dear Sir/Madam:

Please find attached the OHIO ENERGY GROUP's MEMORANDUM CONTRA OHIO POWER COMPANY'S MOTION TO STRIKE TESTIMONY for filing in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In The Matter Of The Application Of Ohio Power Company : **Case No. 13-2385-EL-SSO**
For Authority To Establish A Standard Service Offer :
Pursuant To 4928.143, Ohio Rev. Code, In The Form Of An :
Electric Security Plan. :

In The Matter Of The Application Of Ohio Power Company : **Case No. 13-2386-EL-AAM**
For Approval Of Certain Accounting Authority. :

**MEMORANDUM CONTRA
OHIO POWER COMPANY'S MOTION TO STRIKE TESTIMONY
OF THE OHIO ENERGY GROUP**

Pursuant to Ohio Adm. Code §4901-1-12(B)(1), the Ohio Energy Group ("OEG") hereby submits this Memorandum Contra the Motion to Strike Testimony filed by Ohio Power Company ("AEP Ohio") on May 23, 2014 ("Motion").

In its Motion, AEP Ohio argues that portions of OEG witness Stephen J. Baron's Direct Testimony filed May 6, 2014 ("Testimony") should be stricken from the record as outside the scope of these proceedings and therefore irrelevant.¹ AEP Ohio claims that Mr. Baron's proposal regarding the applicability of deferred capacity costs recovered through the Retail Stability Rider ("RSR") should be considered in a separate proceeding wherein AEP Ohio will request authority to continue to recover deferred capacity costs through the RSR.²

Contrary to AEP Ohio's urging, Mr. Baron's proposal is not outside the scope of this proceeding and should not be stricken. AEP Ohio witness Allen effectively "opened the door" to Mr. Baron's testimony by including a discussion of how AEP Ohio intended to approach the deferred capacity cost

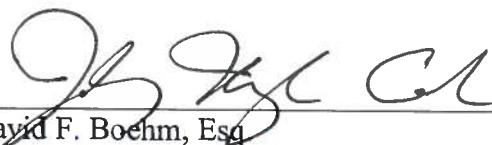
¹ Motion at 4.

² *Id.* at 6.

issue in his Direct Testimony in this proceeding.³ Mr. Allen's testimony was not limited merely to a statement by AEP Ohio that the company will file a separate application to recover the deferred capacity costs. Mr. Allen also provided additional detail regarding the rate at which AEP Ohio may seek to collect the deferred capacity costs, estimating that a \$4/MWh charge beginning June 2015 would allow those costs to be recovered over approximately 34 months.⁴ Thus, Mr. Allen provided a preview of what AEP Ohio may propose in the separate proceeding. If AEP Ohio is allowed the opportunity to provide such a preview, then other parties should similarly be given that opportunity in this proceeding.

Moreover, the Commission is not strictly bound by the rules of evidence.⁵ The Commission can give the disputed portions of Mr. Baron's Testimony appropriate weight without resorting to the extreme approach of striking entire portions. The inclusion of all of Mr. Baron's Testimony in this proceeding will help develop a full record for the Commission to consider in making its determination in this case. The Commission should rely upon the Testimony to the extent the Commission deems appropriate. For these reasons, the Commission should deny AEP Ohio's Motion.

Respectfully submitted,



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May 27, 2014

COUNSEL FOR THE OHIO ENERGY GROUP


³ Direct Testimony of William A. Allen in Support of AEP Ohio's Electric Security Plan (December 20, 2013) at 12:9-23.

⁴ Id. at 12:15-17.

⁵ *S.G. Foods v. FirstEnergy Corp.*, Case Nos. 04-28-EL-CSS et al., Entry (March 7, 2006) at 29 (citing *Greater Cleveland Welfare Rights Org. Inv. v. Pub. Util. Comm.*, 2 Ohio St. 3d 62 (1982)).

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 27th day of May, 2014 to the following:



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Case No(s). 13-2385-EL-SSO, 13-2386-EL-AAM

Summary: Memorandum Ohio Energy Group (OEG) Memorandum Contra Ohio Power's Motion to Strike Testimony of Ohio Energy Group electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group