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November 10, 2014

Attorney Examiner Greta See
Attorney Examiner Sarah Parrot
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, OH 43215-3793

Re: *In the Matter of the Applications Seeking Approval of Ohio Power
Company's Proposal to Enter into an Affiliate Power Purchase Agreement
for Inclusion in the Purchase Power Agreement Rider and In the Matter of
the Application of Ohio Power Company for Approval of Certain Accounting
Authority*
Case Nos. 14-1693-EL-RDR and 14-1694-EL-AAM

Dear Examiners See and Parrot:

Multi-party litigation, by its very nature, often times raises procedural issues. In the matter at bar, no procedural schedule has ever been established. The applicant Ohio Power Company ("Ohio Power") proposed a procedural schedule in its October 3rd application and the Sierra Club filed a motion to establish a procedural schedule on October 29th requesting that the evidentiary hearing follow the previously scheduled Duke ESP III hearing (14-841-EL-SSO) and the FirstEnergy ESP IV hearing (14-1297-EL-SSO).

Up until the time that Ohio Power responded to the Sierra Club motion, neither Retail Energy Supply Association ("RESA") nor any other party knew whether Ohio Power would accept the Sierra Club schedule, and if not the reasons why. When Ohio Power made its position known on the Sierra Club proposal, RESA on November 5th, within the time permitted by Rule 4901-1-12(B)(2), Ohio Administrative Code, filed a Reply endorsing the Sierra Club proposal. This past Thursday, AEP Ohio submitted a letter claiming that RESA could not file a reply to Ohio Power's October 31st Memorandum Contra asserting that the Commission's rules only permit the party that filed the original motion to file a reply. Ohio Power did not cite any Commission or Supreme Court decision to that effect, nor did Ohio Power reference Rule 4901-1-12(B)(2).

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The Commission's procedural Rule 4901-1-12(B)(2) does not contain any language indicating that a reply to a memorandum contra is limited to just the party who filed the original motion. In fact, Rule 4901-1-12(B)(2) allows "*any*" party to file a reply memorandum. RESA believes the reason the Rule permits replies by "*any*" party is judicial economy. In the matter at bar, if RESA could not respond to the Sierra Club's scheduling motion and Ohio Power's memorandum contra, it would have to file its own scheduling motion opposing the now outdated procedural schedule in the application.

Sincerely,



M. Howard Petricoff
Attorneys for Retail Energy Supply Association

MHP/jaw

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in

Case No(s). 14-1693-EL-RDR, 14-1694-EL-AAM

Summary: Correspondence in response to Ohio Power's letter docketed November 6, 2014 electronically filed by Mrs. Gretchen L. Petrucci on behalf of Retail Energy Supply Association