

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the Ohio Development Services Agency for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Electric Distribution Utilities.

Case No. 15-1046-EL-USF

**JOINT EXPEDITED MOTION TO ADOPT STIPULATED FACTS AND PROCESS
IN LIEU OF PRE-FILED TESTIMONY AND HEARING**

Pursuant to Ohio Administrative Code Rule 4901-1-12(F), the Ohio Development Services Agency (“ODSA”) and Ohio Power Company (“AEP Ohio”) (collectively, “Joint Movants”) respectfully request the Public Utilities Commission of Ohio to grant this expedited motion to accept Joint Movants’ Stipulation of Facts and Process filed this date in lieu of (1) requiring the filing of written rebuttal testimony and potential surrebuttal testimony, and (2) holding the hearing to consider rebuttal testimony on August 27, 2015. The matters to be addressed on rebuttal pertain only to issues raised by AEP Ohio and involve only ODSA. Thus, granting this motion on an expedited basis will not adversely affect the substantial rights of any party to this proceeding. The reasons supporting ODSA’s motion appear in the accompanying Memorandum in Support.

Respectfully submitted,

/s/ Matthew J. Satterwhite

Matthew J. Satterwhite
Steven T. Nourse
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Telephone: (614) 716-1915
Facsimile: (614) 716-2950
E-Mail: mjsatterwhite@aep.com
stnourse@aep.com
Counsel for Ohio Power Company

/s/ Dane Stinson

Dane Stinson
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
E-Mail: dstinson@bricker.com
Attorneys for Ohio Development Services Agency

MEMORANDUM IN SUPPORT

At hearing held in this proceeding on August 19, 2015, the Attorney Examiner granted the Ohio Development Services Agency's ("ODSA") request to file rebuttal testimony to address re-direct testimony presented by Ohio Power Company ("AEP Ohio"). The testimony related to a claim that ODSA did not engage in "serious bargaining" in crafting the Stipulation and Recommendation filed in this proceeding on August 3, 2015. The first prong of the Public Utilities Commission of Ohio's ("Commission") traditional three-prong test for approving partial stipulations includes whether the parties engaged in "serious bargaining."

ODSA and AEP Ohio ("Joint Movants") have entered into a Joint Stipulation of Facts and Process (attached hereto as Attachment A), by which Joint Movants agree to a set of facts addressing the first prong of the Commission's partial stipulation test. Further, AEP Ohio agrees not to challenge in this proceeding the "serious bargaining" prong of the Commission's partial stipulation test.

Because the facts to be addressed on rebuttal and possible surrebuttal testimony have been resolved, Joint Movants request that the Commission adopt the attached Joint Stipulation of Facts and Process in lieu of (1) requiring the filing of written rebuttal testimony and potential surrebuttal testimony, and (2) holding the hearing to consider rebuttal testimony on August 27, 2015. Further, Joint Movants request the Commission to set a briefing schedule for this matter. The matters to be addressed on rebuttal pertain only to issues raised by AEP Ohio and involve only ODSA. Thus, granting this motion on an expedited basis will not adversely affect the substantial rights of any party to this proceeding.

WHEREFORE, for the reasons set forth above, Joint Movants respectfully request the Commission to grant this motion on an expedited basis.

Respectfully submitted,

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Matthew J. Satterwhite
Steven T. Nourse
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Telephone: (614) 716-1915
Facsimile: (614) 716-2950
E-Mail: mjsatterwhite@aep.com
stnourse@aep.com
Counsel for Ohio Power Company

/s/ Dane Stinson

Dane Stinson
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
Telephone: (614) 227-4854
Facsimile: (614) 227-2390
E-Mail: dstinson@bricker.com
Attorneys for Ohio Development Services
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Service Fund Riders of Jurisdictional Ohio)	
Electric Distribution Utilities.)	

JOINT STIPULATION OF FACTS AND PROCESS

The Ohio Development Services Agency (“ODSA”) and Ohio Power Company (AEP Ohio”) agree to the following facts and process in lieu of filing rebuttal testimony and potential surrebuttal testimony in this proceeding.

1. AEP Ohio raised the idea of a merged AEP Ohio rate zone informally to ODSA in March of 2015.
2. As a result ODSA informally requested information as to the effect of the merger on CSP and OP customers. AEP Ohio provided that data in mid-June 2015.
3. ODSA initially circulated a draft stipulation to all parties on July 22, 2015, that retained the two rate zones, but ODSA indicated in a cover email that it still was considering AEP Ohio’s merger proposal.
4. On July 23, 2015, in a reply to all parties, counsel for AEP Ohio indicated that it cannot sign a stipulation with a continuation of the two rate zones, but offered, “Is it helpful for AEP to suggest a paragraph that authorizes the reflection of the single rate zone for the Aep [sic] company?”
5. On July 23, 2015, in a reply to all parties, counsel for ODSA responded: “Thanks for offering the drafting help; but, as indicated in my earlier email, the merger issue still is under review by ODSA. Drafting language may be premature. That being said. Any party is free to provide suggestions to the stipulation, or to request a prehearing conference among the parties per the AE entry.”
6. On July 27, 2015, AEP Ohio offered for its non-legal staff to discuss matters with the ODSA non-legal staff to ensure both sides understood the nature of the objections and the concerns with the change recommended by AEP Ohio.
7. On July 31, 2015, counsel for ODSA informed counsel for AEP Ohio that it would not recommend the merger because ODSA wished to defer to the PUCO orders on the

merger issue and that ODSA had not completed its internal review of potential process and technical issues related to merging the USF rider rate.

8. On July 31, 2015, counsel for ODSA circulated a second stipulation for consideration of all parties, without the caveat that the merger question still was under consideration.
9. On July 31, 2015, counsel for AEP Ohio responded that “AEP Ohio feels it is important to address the two rate zone charge for AEP Ohio, a single company, and intends to file testimony supporting that position.”
10. After the filing of the initial testimony (including the stipulation and testimony in support of the stipulation) and the reply testimony, ODSA and AEP Ohio, prior to hearing, attempted to resolve the AEP Ohio objections, but were unable to do so. Subsequently, the non-legal staffs did have a discussion on the process and technical aspects of implementing AEP Ohio’s recommendation on August 10, 2015, after the filing of stipulation and testimony in support.

Further, in order to focus on the merit issues involved in this USF proceeding and not procedural issues that could delay Commission consideration, AEP Ohio agrees that these facts as presented are accurate and that it will not challenge the “serious bargaining” prong of the three part test as an issue in this case. By not challenging the “serious bargaining” prong, the Commission will not need to address this issue, permitting the Commission to focus on the merit issues related to the USF mechanism.

/s/ Matthew J. Satterwhite

Matthew J. Satterwhite
 Steven T. Nourse
 American Electric Power Service Corporation
 1 Riverside Plaza, 29th Floor
 Columbus, Ohio 43215
 Telephone: (614) 716-1915
 Facsimile: (614) 716-2950
 E-Mail: mjsatterwhite@aep.com
stnourse@aep.com
 Counsel for Ohio Power Company

/s/ Dane Stinson

Dane Stinson
 BRICKER & ECKLER LLP
 100 South Third Street
 Columbus, Ohio 43215-4291
 Telephone: (614) 227-4854
 Facsimile: (614) 227-2390
 E-Mail: dstinson@bricker.com
 Attorneys for Ohio Development Services
 Agency

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Expedited Motion to Adopt Stipulated Facts in Lieu of Pre-Filed Testimony and Hearing* was served upon the following parties of record by e-mail and/or regular U.S. mail, this 24th day of August 2015.



Steven T. Nourse
Matthew J. Satterwhite
American Electric Power Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
mjstatterwhite@aep.com
stnourse@aep.com

Elizabeth H. Watts
Duke Energy Ohio, Inc.
155 East Broad Street
Columbus, OH 43215
Elizabeth.watts@duke-energy.com

Carrie Dunn
FirstEnergy Corp.
76 South Main Street
Akron, Ohio 44308
cdunn@firstenergycorp.com

Randall V. Griffin
Judi L. Sobecki
The Dayton Power & Light Company
MacGregor Park
1065 Woodman Avenue
Dayton, Ohio 45432
randall.griffin@dplinc.com
judi.sobecki@dplinc.com

Sam Randazzo
Frank P. Darr
Matthew R. Pritchard
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
fdarr@mwncmh.com
sam@mwncmh.com
mpritchard@mwncmh.com

William L. Wright
Thomas McNamee
Section Chief, Public Utilities Section
Public Utilities Commission of Ohio
180 East Broad Street, 6th Floor
Columbus, Ohio 43215
William.Wright@puc.state.oh.us
Thomas.McNamee@puc.state.oh.us

Joseph P. Serio
Ohio Consumers' Counsel
10 West Broad Street
Suite 1800
Columbus, Ohio 43215-3485
serio@occ.state.oh.us

Colleen L. Mooney
Ohio Partners for Affordable Energy
PO Box 1793
231 West Lima Street
Findlay, Ohio 45839-1793
cmooney@ohiopartners.org

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Summary: Motion to Adopt Stipulated Facts and Process electronically filed by Dane Stinson on behalf of Ohio Development Services Agency