BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application Seeking Approval of Ohio Power Company's Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider	)	Case No. 14-1693-EL-RDR
In the Matter of the Application of Ohio Power Company for Approval of Certain Accounting Authority	)	Case No. 14-1694-EL-AAM

OHIO POWER COMPANY'S MEMORANDUM CONTRA MOTION TO STAY PROCEEDINGS PENDING A RULING BY FERC

It has been over 17 months since AEP Ohio filed its first application in this proceeding and 10 months since AEP Ohio filed its amended application. Since that time, this Commission[1] has held 22 days of hearings, with 43 witnesses, 231 admitted exhibits, and over 5,600 pages of hearing transcripts. The parties have filed over 870 pages of post-hearing briefs, the last of which was filed over six weeks ago.

The next step in this proceeding is for the Commission to issue an Opinion & Order, and there is no basis for postponing that decision. Nonetheless, as yet the latest example of their strategy to defeat the PPA Proposal through needless stalling and delay, the Office of Consumers' Counsel, the Appalachian Peace and Justice Network, and the Ohio Manufacturers' Association Energy Group (collectively, "Opposing Intervenors")[2] have filed a motion to "stay

[1] This Memorandum will refer to the Public Utilities Commission of Ohio as the "Commission" and the Federal Energy Regulatory Commission as "FERC."

[2] In their motion, these parties refer to themselves collectively as "Consumers," inaccurately implying that they speak for all of AEP Ohio's retail customers. As the Commission well knows, several other advocates for "consumers" joined the Stipulation in this proceeding, including the Commission's Staff, the Ohio Energy Group, the Ohio Hospitals Association, and Ohio Partners for Affordable Energy.

this proceeding until FERC rules on the complaint filed by the Electric Power Supply Association et al. ('EPSA') on January 27, 2016." (Mem. in Supp. 1 (citing FERC Docket Nos. EL-16-33-000, EL-16-34-000).)

The motion should be denied. As described below, the pending FERC complaint provides no basis for this Commission to delay its decision. The Commission's treatment of this case is not dependent on FERC's resolution of the pending complaint, and there is no reason for the Commission to wait for FERC. To the contrary, there are many reasons for the Commission to rule first.

DISCUSSION

I. Opposing Intervenors' stay motion is yet another example of their strategy to defeat the PPA Proposal through needless stalling and delay.

The "stay" motion is yet another example of Opposing Intervenors' long-standing strategy in this proceeding of attempting to defeat AEP Ohio's PPA Proposal not on its merits, but through needless stalling and delay. Opposing Intervenors know that a prompt decision on AEP Ohio's PPA Proposal is critical for its viability, and thus over and over, they have sought to postpone these proceedings. This last attempt should fare no better than any of their previous attempts: The time for a decision is now, and the request for delay should be denied.

That this stay request is merely a meritless stalling tactic is confirmed by the fact that Opposing Intervenors have sat on their hands for weeks without filing any stay motion on the basis of the pending FERC complaint. The FERC complaint that Opposing Intervenors cite as the basis for a stay was filed on January 27, 2016, before even the *initial* post-hearing briefs were filed in this Commission proceeding on February 1. Numerous parties – including this Commission, as well as some of these exact Opposing Intervenors – have already filed comments in that FERC docket, and many of those comments were filed over a month ago.

If Opposing Intervenors truly believed that the pending FERC complaint were a basis to stay the Commission's ruling here, they would have filed a stay motion promptly after the FERC complaint was filed. Yet Opposing Intervenors did not file any such motion for many weeks after the FERC complaint was filed. Opposing Intervenors understand – as AEP Ohio explicitly stated in its Amended Application – that a delayed or untimely response by the Commission to the PPA Proposal is tantamount to denial. (*See* May 15, 2015 Amended Application, ¶ 13.) The timing of Opposing Intervenors' stay request – coming at the eleventh hour – demonstrates that the stay motion is merely a tactical device to distract or delay the Commission from issuing a prompt decision. It should be denied.

II. The pending FERC complaint provides no grounds to delay this Commission's decision on the Stipulation.

In addition to being a transparent attempt at defeating the PPA Proposal through delay, Opposing Intervenors' stay request also is meritless. The pending FERC complaint is no reason to delay a decision from this Commission in this proceeding.

A. The Commission's decision on the retail rate treatment of the Affiliate PPA is not dependent on the pending FERC complaint.

As AEP Ohio explained in its post-hearing briefs (*see, e.g.*, AEP Ohio Initial Post-Hearing Br. 59-61; AEP Ohio Reply Br. 11, 97-98), the Stipulation in this proceeding only asks the Commission to approve the *retail rate treatment* of the proposed Affiliate PPA and OVEC entitlement. The rates and terms of the Affiliate PPA and OVEC entitlement *themselves* are wholesale contracts and subject to FERC's jurisdiction.

Thus, the Commission's decision in this case is not dependent on the issues in the pending FERC complaint, and there is no reason for the Commission to wait for FERC to rule before issuing a decision on the Stipulation. If the Commission concludes that granting the requested retail rate treatment (as a package with the other provisions of the Stipulation) is

beneficial for ratepayers, then the Commission will adopt the Stipulation, and customers will begin reaping its benefits – including the retail price hedge provided by the PPA Proposal (set initially at a credit), as well as all the other benefits of the Stipulation. FERC will then act on its own schedule in addressing whether it would be necessary and appropriate to undertake a review of the *wholesale* terms of the Affiliate PPA itself. Each case can – and should – proceed on its own timeline without interference from the other. Thus, this Commission should issue its decision in the ordinary course of its business, without regard for when FERC may rule.

B. As this Commission implicitly observed in the Notice it filed in the FERC complaint dockets, the Commission should issue its decision before FERC rules on the complaint.

As noted above, this Commission's decision on the retail rate treatment of the Affiliate PPA (and other Stipulation provisions) is not dependent on FERC's adjudication of the pending FERC complaint. Indeed, there are several affirmative reasons why this Commission should issue its decision *before* FERC rules on the pending complaint.

As an initial matter, this Commission's ruling on the retail rate treatment of the Affiliate PPA is, essentially, a condition precedent to the pending FERC complaint. The gravamen of the FERC complaint is that FERC must protect AEP Ohio's allegedly "captive" retail customers from paying the costs of the Affiliate PPA. But if the Commission denies the requested retail rate recovery, the FERC complaint will essentially be moot. It is only if this Commission adopts the Stipulation that the FERC complaint will even be ripe for resolution. (As discussed below, though the FERC complaint will be a live controversy (and not moot) if the Commission grants the requested retail recovery, the complaint is still meritless and should be denied.) Thus, the logical progression of the two cases suggests that this Commission should rule first.

More importantly, the question of whether AEP Ohio's customers are "captive" under FERC's definition of that term depends importantly on the conclusions reached *by this*

Commission as to the impact of approving the Stipulation on those customers' ability to choose their electric supplier. As AEP Ohio noted in its post-hearing reply brief (at 94-97), long-established FERC precedent requires FERC to defer to the judgment of state commissions on the question of whether customers are "captive." FERC has made clear: "It is not the role of [FERC] to evaluate the success or failure of a state's retail choice program." *FirstEnergy Solutions Corp.*, 125 FERC ¶ 61,356, P 28 (Dec. 23, 2008) (quoting FERC Order No. 697, FERC Stats. & Regs. ¶ 31,252, P 480 (2007)). Rather, in determining whether, as a result of the Commission's approval of the Stipulation, Ohio retail customers would be "captive" for purposes of FERC's affiliate restrictions, FERC has consistently deferred to *this Commission's* finding that there is adequate retail choice in Ohio notwithstanding the existence of some nonbypassable charges. *See id.* PP 28, 30-31; *FirstEnergy Solutions Corp.*, 128 FERC ¶ 61,119, PP 16-17 (July 31, 2009).

Accordingly, if this Commission decides to approve the Stipulation, it should rule expeditiously, and should reiterate that there is retail competition in Ohio and that AEP Ohio's customers are not "captive," notwithstanding the existence of some nonbypassable charges (including the pro-competitive PPA Rider). Moreover, this Commission should make clear that, in approving the Stipulation, the Commission is affirmatively finding that the PPA Proposal accords with all Ohio corporate separation laws and regulations and that the evidence in the record of this proceeding refutes the affiliate abuse criticisms raised by various Opposing Intervenors. Based on its well-established precedent, FERC is likely to defer to those judgments in ruling on the pending complaint. And that provides yet another reason why this Commission should issue its decision *before* FERC rules on the pending complaint.

Indeed, this Commission implicitly endorsed that order of rulings – i.e., that this Commission should rule before FERC – in the Notice the Commission filed in the FERC complaint dockets. *See* Notice Submitted on Behalf of the Public Utilities Commission of Ohio, FERC Docket Nos. 16-33-000, 16-34-000 (Feb. 10, 2016). The Commission's Notice stated that the Commission would not be filing comments by February 23, 2016, the date established by FERC's procedural schedule, because the FERC complaints "directly relate[d] to two cases *pending* before the PUCO." *Id.* at 2 (emphasis added). Critically, however, the Commission "reserve[d] the right to fully participate in these proceedings, if it so chooses, after the PUCO has issued a final appealable order in the cases pending before the PUCO." *Id.* Thus, this Commission strongly implied that it intended to rule first, after which it could file comments in the pending FERC docket. As discussed above, that is precisely the procedure the Commission should follow. Given FERC's long precedent of deferring to this Commission's judgments on the issue of whether customers are captive, this Commission should adopt the Stipulation, confirm that customers are not captive, and then file comments in the FERC docket.

C. The pending FERC complaint provides no basis to delay a decision on the OVEC entitlement or the many other provisions of the Stipulation.

As the Commission is well aware, the Affiliate PPA being challenged in the FERC complaint is only one part of the Stipulation in this case, which covers numerous topics of considerable importance to AEP Ohio's ratepayers and to Ohio energy policy. Tellingly, however, Opposing Intervenors' motion makes no mention of the OVEC entitlement (which has already been expressly approved by FERC and is not at issue in the pending complaint), nor any of the other commitments in the Stipulation. The motion does not, for example, give any reason to stay AEP Ohio's many substantive environmental commitments in the Stipulation; its commitment to make numerous ratemaking proposals designed to promote the development of

competitive generation supplies in its territory; or its specific commitments related to energy efficiency projects for hospitals, low-income housing, and other specific ratepayer groups. Yet Opposing Intervenors' requested stay would delay a decision on *all* of these beneficial Stipulation provisions. This is yet another reason why the pending FERC complaint provides no basis to delay this pending Commission proceeding.

III. Opposing Intervenors are not entitled to a stay under the traditional four-part test for staying Commission orders.

A. Neither the traditional four-part test nor any other precedent justifies a stay *before* the Commission issues an order.

Opposing Intervenors' motion is procedurally improper because it requests a "stay" of an order that the Commission has not even issued yet. Opposing Intervenors make no attempt to identify any precedent for this extraordinary and improper request; none of the cases they cite involve a "stay" *before* an order was issued. Rather, Opposing Intervenors simply assume that their "stay" request is subject to the four-part test that has been applied to determine whether to stay an order that has *already been issued*. Yet Opposing Intervenors admit that this test is applied only "by courts when determining whether to stay an administrative order pending judicial review." (Mem. in Supp. 3.) That is, the four-part test applies only (a) after an order has been issued and (b) when a stay is being sought pending appeal. Here, neither of those conditions exist. Thus, neither the four-part test nor any other test applies: There is simply no legal precedent supporting Opposing Intervenors' stay request.

On the contrary, Opposing Intervenors' requested stay would conflict with multiple provisions in Title 49 of the Revised Code. Commission orders are effective immediately under R.C. 4903.15; a rehearing request does not alter an order that has become effective, per R.C. 4903.10(B); and a Commission decision remains effective even if a party files an appeal, unless the party follows the affirmative requirements for obtaining a stay of execution in R.C. 4903.16.

Thus, in addition to the other reasons set forth above for denying the motion, Opposing Intervenors' untimely request to halt the process just prior to the Commission's decision on the merits of the case is also inconsistent with the integrated provisions of R.C. Chapter 4903.

B. Even assuming, for the sake of argument, that the four-part test applies, Opposing Intervenors' stay motion fails each prong of that test.

Even if the traditional four-part stay test were applicable here (it is not, as explained above), Opposing Intervenors' request would fail under that test.

1. It is improper for this Commission to make findings regarding the likelihood of success of a pending FERC complaint, and in any event, the FERC complaint is unlikely to succeed.

For five pages in their memorandum in support of their stay motion (*see* Mem. in Supp. 3-7), Opposing Intervenors essentially attempt to re-litigate both this proceeding and the FERC complaint under the auspices of attempting to show that the pending FERC complaint faces a "likelihood of success on the merits." But that long discussion of the merits of the Affiliate PPA constitutes improper sur-rebuttal. These Opposing Intervenors already filed hundreds of pages of briefs in this matter, and this motion is an improper attempt to prop up their failed arguments before the Commission rules. The Commission should require Intervenors to comply with the briefing schedule the Commission has established; it should not permit such blatant attempts at impermissible sur-reply.

Moreover, it is not this Commission's role to resolve the pending FERC complaint, and it is improper for Opposing Intervenors to ask this Commission to make any findings regarding the "likelihood of success" of the FERC complaint. This issue once again highlights the procedural flaws in – and lack of precedent for – Opposing Intervenors' stay request. When this Commission applies the traditional four-part test for stays, it asks whether the movant has a likelihood of success *on appeal to the Ohio Supreme Court*. In so doing, the Commission merely

re-evaluates the questions of Ohio law and policy that it has already addressed in its Opinion & Order. Here, however, Opposing Intervenors are asking this Commission to apply FERC precedent in an effort to predict how FERC will rule. That is improper, and the Commission should deny the stay request without commenting on the likelihood of success of the FERC complaint.

In any event, Opposing Intervenors have little chance of success on the merits of the FERC complaint. Opposing Intervenors' motion is long on hyperbole and labels and short on actual analysis of FERC precedent. As AEP Ohio explained in its post-hearing reply brief, FERC has already granted AEP Ohio a waiver of its affiliate restrictions. Under that waiver, FERC permits AEP Ohio and AEPGR to enter into wholesale contracts such as the Affiliate PPA without first obtaining FERC approval and without applying FERC's *Edgar* standard. FERC granted that waiver on the ground that there is retail competition in Ohio, and thus AEP Ohio's customers are not "captive."

The FERC complaint referenced by Opposing Intervenors seeks to rescind AEP Ohio's affiliate waiver because, allegedly, the nonbypassable nature of the PPA Proposal represents a "changed circumstance" that renders AEP Ohio's customers newly "captive." That reasoning is flawed on numerous grounds.

As an initial matter, FERC has already determined that nonbypassable charges do *not* render customers "captive." When FirstEnergy applied for a waiver of FERC's affiliate restrictions, OCC and others opposed the waiver on the ground that FirstEnergy's recovery of certain nonbypassable generation charges made its customers "captive." *See FirstEnergy Solutions Corp.*, 125 FERC ¶ 61,356, ¶ 13 (Dec. 23, 2008). But FERC rejected that argument, approving FirstEnergy's affiliate waiver notwithstanding the existence of certain nonbypassable

charges. *Id.* ¶¶ 26-28. Relying on its Order No. 697, FERC held that the sole question in determining whether customers are captive is whether they "have retail choice, i.e., the ability to select a retail supplier." *Id.* ¶ 27. And because FirstEnergy's customers unquestionably had the ability to select a retail supplier, its customers were not captive, notwithstanding the existence of nonbypassable charges. *See id.* That same reasoning applies here: Because AEP Ohio's customers unquestionably will continue to have the ability to select a retail supplier even if the PPA Proposal is approved, AEP Ohio's customers will not be "captive," notwithstanding the existence of nonbypassable charges. In both the FERC docket and in their "stay" motion, Opposing Intervenors made essentially no effort to engage with – let alone distinguish – this critical FERC precedent.

Moreover, as discussed above, in determining whether customers are captive, FERC has repeatedly deferred to *this Commission*'s determination of whether there is retail choice in Ohio. Thus, following long-standing FERC precedent, FERC's determination of whether the nonbypassable nature of the PPA Rider is a "changed circumstance" (it is not, as described above) will turn on a finding by this Commission about whether retail choice still exists even after this alleged "change." As noted above, that is even further reason for this Commission to deny the stay and rule immediately, clarifying that adopting the Stipulation will not change the fact that there is retail choice in Ohio and AEP Ohio's customers are not captive.

2. Opposing Intervenors' sole allegation of harm – alleged rate impacts on AEP Ohio's ratepayers – is not, as a matter of law, "irreparable"

In attempting to establish "irreparable harm," the second prong of the traditional four-part test, Opposing Intervenors rely solely on what they claim to be the negative financial impact of the PPA Proposal on ratepayers. But Opposing Intervenors fail to note that Section III.A.4 of the Stipulation proposes that the PPA Rider be set initially as a *credit* to ratepayers. Moreover, the

rate impact of the PPA Proposal throughout its term is a factual issue about which considerable record evidence was introduced, and Opposing Intervenors rely only on their own experts' flawed projections.

In any event, as this Commission has repeatedly recognized, potential rate impacts are insufficient to establish irreparable harm. *See, e.g.*, *In the Matter of the Applications of Columbus Southern Power Company and Ohio Power Company for Approval of an Electric Security Plan*, Case Nos. 08-917-EL-SSO, 08-918-EL-SSO, Entry at 3 (Mar. 30, 2009) (denying OCC's request to stay implementation of a portion of AEP Ohio's ESP I rates or make them subject to refund and rejecting OCC's argument that application of the rates at issue constituted irreparable harm to customers); *In the Matter of the Application of The Dayton Power and Light Company for Approval of Tariff Changes Associated with the Request to Implement a Billing Cost Recovery Rider,* Case No. 05-792-EL-ATA, Opinion and Order at 14 (Mar. 1, 2006) (denying OCC's request to stay implementation of a proposed rider or make the rider subject to refund).

These Commission precedents, moreover, are merely specific instances of the general and well-established rule in Ohio that monetary harm is not "irreparable" for purposes of issuing injunctive relief such as a stay. Case after case has held that parties cannot establish "irreparable harm" merely by showing that they will suffer financially. *See, e.g.*, *Landskroner v. Landskroner*, 2003-Ohio-4945, ¶ 37 (Ohio Ct. App. 2003) ("[A] party is irreparably harmed and without an adequate remedy at law where an alleged injury is incapable of being measured in pecuniary terms."); *Prince-Paul v. Ohio Bd. of Nursing*, 2015-Ohio-3984, ¶ 14 (similar); *WRK Rarities, LLC v. U.S. Atty. Gen.*, No. 4:13CV323, 2013 WL 1500674, at *3 (N.D. Ohio Apr. 10, 2013) ("in general, financial loss does not qualify as irreparable harm") (citing *Performance*

Unlimited, Inc. v. Quester Publishers, Inc., 52 F.3d 1375, 1382 (6th Cir. 1995)); *Bondex Int'l, Inc. v. Hartford Acc. & Indem Co.*, No. 1:03-CV-01322, 2006 WL 2057349, at *1 (N.D. Ohio July 21, 2006) ("financial harm . . . , short of the prospect of imminent bankruptcy, is not irreparable harm"). Financial injuries only rise to the level of "irreparable harm" if they cause "financial ruin." *See, e.g.*, *Performance Unlimited*, 52 F.3d at 1382; *Bondex*, 2006 WL 2057349, at *1 ("imminent bankruptcy"). And Opposing Intervenors have not even attempted to meet that high standard here. Nor could they, for even Opposing Intervenors' hyperbolically dire (and flawed) predictions of the likely effect of the PPA Proposal on rates do not even begin to establish that any customer will suffer "financial ruin" because of the PPA Proposal.

Rather, instead of attempting to meet the relevant standards, Opposing Intervenors have trotted out tired and inapposite case law that they have cited, without success, in several previous stay requests. In particular, Opposing Intervenors have again cited *Tilberry v. Body*, 24 Ohio St. 3d 117 (1986), and *Sinnott v. Aqua-Chem, Inc.*, 116 Ohio St. 3d 158, 161 (2007), as the principal authorities supporting their allegation of "irreparable harm" without a stay. (*See* Mem. in Supp. 6-7.) But Opposing Intervenors (OCC, in particular) have unsuccessfully cited these cases many times before to the Commission and the Ohio Supreme Court. *See, e.g.*, OCC's Stay Requests in Ohio Supreme Court Case Nos. 2009-1620, 2009-2022; OCC's Motion to Stay AEP Ohio's Collection of the Phase-in Recovery Rider (Aug. 10, 2012), Docket No. 11-4920-EL-RDR. And those cases no more justify a stay here than they did in those previous cases.

Both cases, *Tilberry* and *Sinnott*, involve the standard for interlocutory appeals, not stays, and neither case deals directly with the concept of irreparable harm. *Tilberry*, for instance, observes in passing that "the disposition of partnership assets would result in irreparable harm (e.g., termination of the partnership leasehold)." *See* 24 Ohio St. 3d at 119. But that merely

recognizes that the permanent end to a business (akin to the "financial ruin" standard discussed above) establishes irreparable harm. As noted above, even adopting Opposing Intervenors' flawed projections, the financial effects of the PPA Rider will not approach the kind of harm that could literally end a business. As for *Sinnott*, the majority opinion in that case does not even use the term "irreparable harm." It merely holds that the expense of a trial could not be recovered by an appeal after final judgment, and thus an interlocutory appeal should be permitted under the unique circumstances in that case. 2007-Ohio-5584, ¶¶ 23-29. The relevance of that holding here is difficult to fathom.

3. The public interest does not favor a stay.

Opposing Intervenors' attempt to establish that the public interest favors a stay, the third prong of the four-part test, merely parrots their meritless allegations regarding irreparable harm. Opposing Intervenors' sole argument is that "customers can ill afford increases in what they pay for an essential service." (Mem. in Supp. 8-9.) But if an "increase" in rates were sufficient to establish the need for a stay, stays would be granted in virtually all Commission proceedings. Yet precisely the opposite is true. This Commission and the Ohio Supreme Court have repeatedly recognized that Commission rate orders are presumed valid, and that stays should be denied in the vast majority of cases. *See, e.g., Cleveland Elec. Illum. Co. v. Pub. Util. Comm.*, 46 Ohio St. 2d 105, 114 (1976) (recognizing that utility rates are to go into effect immediately because the "basic principle of Ohio's regulatory scheme for utility rates is that those rates are to be set by the commission upon hearings and evidence, and that only those rates which have been found to be fair and reasonable" are charged); *In the Matter of the Complaint of David Francis Surber v. Cellular One of Cincinnati*, Case No. 89-889-RC-CSS, Entry, 1989 PUC LEXIS 748, *45 (Aug. 1, 1989) (noting that a stay is an "extreme" remedy that should not be imposed

without "adequate justification"). There is nothing special about this case that merits deviating from that well-established public policy.

Moreover, if this Commission adopts the Stipulation, it will necessarily find that the Stipulation and all of its components *are* in the public interest. Once again, therefore, Opposing Intervenors' motion puts the cart before the horse. The Commission should determine whether the Stipulation is in the public interest as part of its Opinion & Order in this case. There is no reason to undertake that analysis as part of a premature "stay" request.

4. A stay would harm AEP Ohio.

Finally, a stay of these proceedings would cause great harm to AEP Ohio. In its application, and repeatedly throughout this proceeding, AEP Ohio has explained that the many ratepayer benefits of the PPA Proposal may be lost if the Commission delays in reaching a decision. Following the divestiture of AEP Ohio's generation facilities to AEPGR, AEP Ohio's parent company AEP is facing an urgent need to make long-term strategic decisions regarding the former AEP Ohio plants, including whether to make additional investments in the plants or, potentially, to sell the plants. Thus, AEP must know – and know quickly – whether the Commission will adopt the Stipulation and provide AEP Ohio's ratepayers the price stability and other benefits that the Stipulation offers. Otherwise AEP may have to pursue other long-term strategic options. Accordingly, as part of its Amended Application, AEP Ohio proposed a procedural schedule that sought to facilitate a Commission decision by October 1, 2015. That date has long since passed. And now AEP respectfully requests expedient resolution of this proceeding. Any further delay would cause great harm to AEP Ohio and its parent company, AEP.

CONCLUSION

For the foregoing reasons, Opposing Intervenors' stay motion should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served upon the parties of record in this proceeding by electronic service this 23rd day of March, 2016.

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Summary: Memorandum -Ohio Power Company's Memorandum Contra Motion to Stay Proceedings Pending a Ruling by FERC electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company