

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio Power)
Company for a Limited Waiver of Rule) Case No. 18-713-EL-WVR
4901:1-35-10, Ohio Administrative Code)**

**APPLICATION FOR LIMITED WAIVER
OF OHIO POWER COMPANY AND REQUEST FOR EXPEDITED RULING**

Ohio Power Company (“AEP Ohio” or the “Company”), an electric utility as defined in § 4928.01(A)(11), Ohio Rev. Code, seeks a limited waiver that would extend the May 15 filing requirement set forth in §4901:1-35-10, Ohio Adm. Code, until July 2, 2018. Pursuant to the requirements set out by §4901:1-35-10, Ohio Adm. Code, AEP Ohio is normally required to make its application for administration of the significantly excessive earnings test (SEET) for 2017 by May 15. For the reasons stated below, however, AEP Ohio respectfully requests that the Commission grant a limited waiver to allow AEP Ohio to make its 2017 SEET filing July 2, 2018.

AEP Ohio seeks the limited waiver pursuant to § 4901:1-35-02(B), Ohio Adm. Code, which provides:

The commission may, upon application or motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.

Although § 4928.143(F), Ohio Rev. Code, requires that the Commission apply the SEET to AEP Ohio’s 2017 earnings, the statute does not set a date by which an electric utility subject to the SEET must file its annual SEET application. The May 15 date, therefore, is not required by statute and can be waived by the Commission. Due to the fact that the

May 15 deadline is quickly approaching, AEP Ohio requests an expedited ruling on this request.

I. ARGUMENT IN SUPPORT

The May 15 filing date is the result of the Commission's rulemaking proceeding in Case No. 08-777-EL-ORD. The Commission has found it appropriate to defer filing beyond the May 15 deadline on numerous occasions. Following the "Development of the SEET" proceedings that it conducted on April 1, 2010, the Commission deferred the May 15 filing deadline for all electric utilities' SEET applications until July 15, 2010 (for the 2009 earnings year). Case No. 09-786-EL-UNC, Finding and Order, 32 (June 30, 2010). The Commission also deferred the May 15 deadline for filing AEP Ohio's (and Columbus Southern Power Company's) SEET applications until July 31, 2011 (for the 2010 earnings year). See Case No. Case No. 11-1177-EL-WVR, Entry (April 19, 2011). And, as described above, the Commission deferred the May 15 deadline for filing AEP Ohio's SEET application for the 2011 earnings year until the later of July 31, 2012, or 30 days after the Commission issues its decision in the Company's 2010 SEET proceeding. Case No. 12-1177-EL-WVR, Entry (April 25, 2012).¹ Additionally, in Case No. 13-1118-EL-WVR, the Commission deferred the May 15 deadline for filing AEP Ohio's SEET application for the 2012 earnings year until the later of July 31, 2013, or 30 days after the Commission issues its decision in the Company's 2011 SEET proceeding.

Good cause exists for granting AEP Ohio's current application for limited waiver. As the Commission is aware, the federal Tax Cut Jobs Act of 2017 (TCJA) was passed late last year. The TCJA resulted in significant financial impacts on public utility companies and other companies with comparable financial and business risks. More

¹ This Entry also deferred the May 15 deadline for the FirstEnergy utilities until July 31, 2011.

specifically, the 2017 book earnings of public utility companies were impacted by the TCJA. In developing the comparable group of companies to make the required SEET comparison, however, it is appropriate to analyze and determine the necessary adjustments to the book earnings to reverse the extraordinary impacts of the TCJA on 2017 earnings. This is a detailed and time-consuming exercise that would be difficult and impractical to complete with the necessary rigor prior to the May 15 deadline. AEP Ohio consulted with Staff prior to filing this request in order to confirm that Staff did not have concerns about delaying the deadline.

III. CONCLUSION

Accordingly, the Company requests that the 2017 SEET filing be delayed until July 2, 2018. Because the May 15 deadline is rapidly approaching, AEP Ohio requests an expedited ruling on this request.

Respectfully submitted,

/s/ Steven T. Nourse

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Summary: Application - Application for Limited Waiver of Ohio Power Company and Request for Expedited Ruling electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company