

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR AN
INCREASE IN ELECTRIC DISTRIBUTION
RATES.

CASE NO. 20-585-EL-AIR

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR TARIFF
APPROVAL.

CASE NO. 20-586-EL-ATA

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR APPROVAL
TO CHANGE ACCOUNTING METHODS.

CASE NO. 20-587-EL-AAM

ENTRY

Entered in the Journal on April 5, 2021

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Company) is an electric light company as defined by R.C. 4905.03 and a public utility as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} In Case No. 16-1852-EL-SSO, et al., the Commission modified and approved a stipulation and recommendation (Stipulation) filed by AEP Ohio, Staff, and numerous other signatory parties, which authorized the Company to implement an electric security plan for the period of June 1, 2018, through May 31, 2024. Among the commitments in the Stipulation, AEP Ohio agreed to file a base distribution rate case by June 1, 2020. *In re Ohio Power Co.*, Case No. 16-1852-EL-SSO, et al., Opinion and Order (Apr. 25, 2018) at ¶ 45.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order

was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 4} On April 29, 2020, in the above-captioned cases, AEP Ohio filed a pre-filing notice of its intent to file an application for approval of an increase in its electric distribution rates, tariff modifications, and changes in accounting methods.

{¶ 5} On June 8, 2020, AEP Ohio filed its application to increase its rates pursuant to R.C. 4909.18.¹ AEP Ohio filed direct testimony in support of its application on June 15, 2020.

{¶ 6} On November 18, 2020, as amended on November 25, 2020, Staff filed a written report of its investigation (Staff Report). Pursuant to R.C. 4909.19 and Ohio Adm.Code 4901-1-28(B), objections to the Staff Report were due by December 18, 2020. Objections to the Staff Report were filed by various parties on December 18, 2020.

{¶ 7} By Entry issued on November 23, 2020, as amended by Entries issued on December 1, 2020, January 14, 2021, January 27, 2021, and February 1, 2021, the procedural schedule was established in these cases such that a public hearing was held on February 8, 2021, a prehearing conference and technology test session were held on February 11, 2021, and the evidentiary hearing commenced on March 4, 2021, all through Webex. Pursuant to the February 1, 2021 Entry, the due dates for direct expert testimony supporting objections to the Staff Report, motions to strike objections to the Staff Report, and memoranda contra motions to strike objections to the Staff Report were indefinitely extended at the request of the parties.

¹ Due to the closure of the Commission's offices from June 1, 2020, through June 5, 2020, the application for a rate increase, which was submitted by AEP Ohio on June 1, 2020, was accepted for filing on June 8, 2020, and deemed timely filed in accordance with R.C. 1.14 and Ohio Adm.Code 4901-1-07 and 4901-1-13. *In re the Extension of Filing Dates for Pleadings and Other Papers Due to a Building Emergency*, Case No. 20-1132-AU-UNC, Entry (June 8, 2020).

{¶ 8} At the February 11, 2021 prehearing conference, the parties informed the attorney examiners that they were engaged in negotiations in an attempt to reach a settlement. AEP Ohio requested that, if a stipulation was not filed before March 4, 2021, the evidentiary hearing be called and continued. AEP Ohio also agreed to provide an update on the status of negotiations at that time.

{¶ 9} On March 4, 2021, the evidentiary hearing was called and the proceedings continued to permit the parties to engage in further settlement negotiations. At that time, AEP Ohio informed the attorney examiners that the Company had reached a settlement in principle with some of the parties and that they expected to file a stipulation by March 12, 2021.

{¶ 10} On March 12, 2021, a Joint Stipulation and Recommendation (Stipulation) was filed by AEP Ohio and 13 other parties to the proceedings. In a correspondence included with the Stipulation, AEP Ohio indicated that the parties had begun discussions in an effort to negotiate a separate agreement to address matters relating to the virtual hearing process, consistent with the directives discussed at the prehearing conference.

{¶ 11} By Entry issued March 17, 2021, a prehearing conference was scheduled for March 26, 2021, via Webex, for the purpose of updating the attorney examiners on the parties' progress regarding matters relating to the virtual hearing process. The prehearing conference was held as scheduled and the parties offered proposals for the virtual hearing process and proposed hearing dates.

{¶ 12} After considering the parties' proposals and concerns, the attorney examiner finds the procedural schedule shall be established as follows:

- (a) Testimony in support of the Stipulation on behalf of the Company, Staff, and intervenors, as well as AEP Ohio's testimony supporting objections to the Staff Report, is due by April 9, 2021.

- (b) Testimony in opposition to the Stipulation and testimony supporting objections to the Staff Report is due by April 16, 2021.
- (c) Motions to strike objections to the Staff Report are due by April 20, 2021.
- (d) Memoranda contra motions to strike objections to the Staff Report are due by April 27, 2021.
- (e) Staff testimony in response to objections to the Staff Report is due by May 4, 2021.

{¶ 13} A prehearing conference and technology test session will be held on May 10, 2021, at 10:00 a.m. Counsel for each of the parties shall ensure that their witnesses participate in the technology test session from the location to be utilized during the evidentiary hearing. Instructions for participation in the prehearing conference and technology test session, as well as the evidentiary hearing, will be sent by electronic mail to counsel for the parties.

{¶ 14} The evidentiary hearing will reconvene on May 12, 2021, at 10:00 a.m., via Webex. Interested individuals who wish to attend the hearing remotely can do so by accessing the Webex event by internet at <http://bit.ly/20-585-EVH2> and entering PUCO as the password or dialing 1-408-418-9388 and entering 129 946 5221 as the access code. Additional information is available by contacting the Commission's Consumer Call Center at 1-800-686-7826.

{¶ 15} To facilitate the evidentiary hearing by Webex, counsel shall observe the following procedures:

Exhibits

- (a) The parties shall serve any exhibits that they anticipate using during the day of hearing on counsel for all of the parties and the attorney examiners via e-mail by no later than noon EST the day prior to the day of hearing.

- (b) The parties will identify by e-mail, no later than 2 p.m. EST the day prior to the day of hearing, any documents in the Commission case dockets or previously admitted exhibits in these cases that they anticipate using at hearing the following day. Only documents not docketed in these cases are required to be exchanged as exhibits.
- (c) All exhibits shall be pre-marked and, unless agreed otherwise in advance with the consent of the attorney examiners, will be in PDF format. Counsel may send, but shall not discuss, any exhibits received from opposing counsel to their respective witnesses prior to the use of the exhibit at the hearing.
- (d) Nothing in the foregoing paragraphs shall prevent a party from presenting an exhibit that it has not previously identified, provided the party offers a reasonable explanation of why counsel did not disclose the exhibit in advance.
- (e) The parties supporting the Stipulation will make a good faith effort to coordinate regarding the compilation and service of exhibits. To the extent any of the parties supporting the Stipulation plan to use the same exhibit during hearing, those parties will make a good faith effort to submit only one version of the proposed exhibit for use at hearing. Similarly, the parties opposing the Stipulation will make a good faith effort to coordinate regarding the compilation and service of exhibits. To the extent any of the parties opposing the Stipulation plan to use the same exhibit during hearing, those parties will make a good faith effort to submit only one version of the proposed exhibit for use at hearing.

Witnesses

- (f) After hearing each day, each party shall e-mail all exhibits it offered and that were admitted into evidence or proffered that day to the court reporter and copy the attorney examiners. Parties shall not file hearing exhibits in the case dockets.

Deposition transcripts may be filed to the extent required under Ohio Adm.Code 4901-1-21(N).

- (g) While testifying, witnesses shall not communicate (electronically via text or instant messaging, or via any other method) with any other person including, but not limited to, their respective counsel or other witnesses. After cross-examination, witnesses may confer with counsel for the purpose of redirect.
- (h) While testifying, witnesses shall not use, or be asked to use electronic or digital media, including the internet, other than to access hearing exhibits or filings made in the case dockets.
- (i) During the prehearing conference on May 10, 2021, witnesses should be prepared to test their audio/visual equipment. Witnesses should be instructed to participate in this test in the same location and using the same equipment that they will use to provide testimony during the hearing.
- (j) Counsel for each of the parties shall ensure that each witness has access while testifying to all docketed documents and all exhibits exchanged for the hearing.
- (k) The parties will coordinate to develop a witness list, the order of testimony to be presented, and the date on which testimony is expected to be offered. The parties shall also provide estimates of the duration of their cross-examination for hearing scheduling purposes. The witness order proposal and cross-examination estimates shall be submitted to the attorney examiners as soon as possible prior to hearing but by no later than 4:00 p.m. on May 7, 2021. Parties will not be strictly held during hearing to their estimated cross-examination time provided pursuant to this paragraph.

{¶ 16} The attorney examiner directs that, in the event that any motion is made in these proceedings prior to the issuance of the Commission's order, any memorandum contra shall be filed within five business days after the service of such motion, and a reply

memorandum to any memorandum contra shall be filed within three business days. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.

{¶ 17} In addition, the attorney examiner finds that the response time for discovery shall be shortened to seven calendar days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact, in advance, the attorney upon whom the discovery request will be served to advise him/her that a request will be forthcoming.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the procedural schedule be established as set forth above in Paragraphs 12 through 14. It is, further,

{¶ 20} ORDERED, That all persons comply with the procedural directives as set forth above in Paragraphs 15 through 17. It is, further,

{¶ 21} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Greta See

By: Greta See
Attorney Examiner

JRJ/hac

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Attorney Examiner Entry ordering that the procedural schedule be established as set forth above in Paragraphs 12 through 14 and ordering that all persons comply with the procedural directives as set forth above in Paragraphs 15 through 17 electronically filed by Heather A Chilcote on behalf of Greta See, Attorney Examiner, Public Utilities Commission