

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Power Company to Revise Reliability)	
Performance Standards Pursuant to)	Case No. 20-1111-EL-ESS
O.A.C. 4901:1-10-10(B)(7))	
)	

OHIO POWER COMPANY’S MOTION FOR PROTECTIVE ORDER

Pursuant to Ohio Adm. Code 4901-1-12(A) and 4901-1-24(A), Ohio Power Company (“AEP Ohio” or “the Company”) respectfully moves the Public Utilities Commission of Ohio (“the Commission”) for an order protecting AEP Ohio from responding to the Office of the Ohio Consumers’ Counsel’s (“OCC”) Fifth Set of Discovery issued to the Company on August 10, 2022. AEP Ohio should not be forced to incur the undue burden and expense of responding to discovery requests that have no relevancy to the issues germane to this matter and seek to turn this case into an investigation of the power outage events that took place in June 2022 that remains the subject of a pending motion before the Commission. Alternatively, AEP Ohio moves the Commission to clarify that AEP Ohio does not have to respond to OCC’s Fifth Set of Discovery until after the Commission has had an opportunity to rule on the July 11, 2022 Motion filed by OCC and its joint movants requesting an investigation of the June 2022 power outages, including discovery rights. The reasons supporting this Motion are provided in the attached Memorandum in Support and the attached affidavit of Michael J. Schuler.

Respectfully submitted,

/s/ Michael J. Schuler

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MEMORANDUM IN SUPPORT

I. FACTUAL AND PROCEDURAL HISTORY

AEP Ohio filed this matter in June 2020 for the sole purpose of amending the Company’s distribution performance standards in accordance with Ohio Adm. Code 4901:1-10-10 and the February 7, 2018 Opinion and Order issued in Case No. 16-1511-EL-ESS. In November 2020, the Commission stayed the proceeding until a future entry because “AEP Ohio’s standards filing reflects changes purportedly caused by the amendments to Ohio Adm. Code Chapter 4901:1-10 [in Case No. 17-1842-EL-ORD] and these rule amendments are not yet finalized.”¹ The underlying amendments to Ohio Adm. Code 4901:1-10 were later finalized and went into effect on November 1, 2021.² Accordingly, on March 3, 2022, the Commission lifted the stay and directed AEP Ohio to “file a revised application reflecting reliability performance data from 2017-2021 within 60 days.”³ AEP Ohio timely filed an Amended Application, on April 29, 2022, with minimal updates. Since AEP Ohio filed its Amended Application, OCC has issued two sets of discovery, the fourth set and fifth set, respectively.⁴ AEP Ohio files this Motion for Protective Order in response to OCC’s Fifth Set of Discovery, included as Attachment 1.

Completely unrelated to this matter, but as previously detailed in pleadings filed in this docket, AEP and AEP Ohio suffered two separate but related extreme weather events – storms on June 13-14 followed by extreme heat on June 14-15. The June 13-14 storms caused damages to AEP Ohio’s distribution facilities as well as AEP transmission facilities, which then began to overload due to the extreme heat and energy-related demand that immediately followed on June

¹ Entry at ¶ 8 (Nov. 3, 2020).

² Case No. 17-1842-EL-UNC, Entry at ¶11 (Oct. 5, 2021).

³ Entry at ¶¶ 11-12 (Mar. 2, 2022).

⁴ See Attachment 2, Schuler Affidavit at ¶ 3.

14-15. As a result, there were two waves of power outages – one from the original storms and a second caused by PJM-ordered load shedding events in the Columbus metropolitan area (collectively referred to as “June 2022 Power Outages”). While AEP and AEP Ohio worked diligently to restore power in the fastest way possible, the Commission is actively conducting a review of these events with the full cooperation of AEP and AEP Ohio.⁵

OCC, however, has not been bashful about insinuating that the Commission and its Staff are not capable of producing “a real investigation.”⁶ Thus, just over a month ago, OCC jointly filed a Motion (“July 11 Motion”) to expand this finite matter about distribution reliability metrics into an investigation of the June 2022 Power Outages sustained by AEP Ohio.⁷ As part of the July 11 Motion, OCC specifically sought the ability to “conduct discovery on AEP regarding the outages.”⁸ AEP Ohio timely filed a Memorandum Contra with robust arguments setting forth why no such investigation is necessary and that it is certainly not appropriate to commandeer this limited reliability metrics case to do so. Despite OCC’s pending July 11 Motion, OCC has unilaterally attempted to turn this matter into such an investigation through vague, irrelevant, and unduly burdensome discovery requests in its Fifth Set of Discovery. On August 29, 2022, AEP Ohio requested that OCC withdraw the Fifth Set of Discovery or stay the

⁵ See Public Utilities Commission of Ohio, PUCO schedules power outage review for July 13, <https://puco.ohio.gov/news/puco-schedules-power-outage-review-for-071322> (last visited August 29, 2022); PUCO PUCO Commission Meeting – July 13, available at https://www.youtube.com/watch?v=v0gMapDvV_M#t=15m55s (last accessed August 29, 2022).

⁶ OCC Motion at p. 12 (July 11, 2022).

⁷ Motion of Office of the Ohio Consumers’ Counsel, Ohio Poverty Law Center, and Pro Seniors, Inc. (“OCC Motion”) at p. 2 (July 11, 2022).

⁸ OCC Motion at p. 11 (July 11, 2022).

response time until the Commission issues a ruling on rules on the July 11 Motion.⁹ But OCC was not amendable to either solution; instead, insisting upon responses from AEP Ohio.¹⁰

II. LAW AND ARGUMENT

AEP Ohio seeks a protective order against OCC's Fifth Set of Discovery to avoid undue burden and expense associated with discovery that only serves to annoy and oppress because it is overly broad, has no relation to this proceeding, and simply seeks to conduct OCC's requested investigation that still remains pending before the Commission. Ohio Adm. Code 4901-1-24 provides that any party or person may move the Commission, legal director, deputy legal director, or an attorney examiner to issue an order that is necessary to protect a party or person from "annoyance, embarrassment, oppression, or undue burden or expense." A protective order may provide that "(1) [d]iscovery not be had; (2) [d]iscovery may be had only on specified terms and conditions. . . ; (4) [c]ertain matters not be inquired into; and (5) [t]he scope of discovery be limited to certain matters. . . ."¹¹ Citing to the Civil Rules of Procedure, the Commission has previously held that "any ruling on a motion for a protective order requires the consideration of a number of relevant factors, including the relevance of the information sought, the burden on the company of complying with a given request, and the existence of alternative means of obtaining the information in question."¹² And that "the relative weight to be accorded each of the various factors, as well as the ultimate decision on whether to grant or deny a specific request, clearly rests within the judgment and sound discretion of the Commission and its hearing examiners."¹³

⁹ See Attachment 2, Schuler Affidavit at ¶ 4.

¹⁰ *Id.* at ¶ 6.

¹¹ Ohio Adm. Code 4901-1-24(A).

¹² *Dando v. Ohio Power Company*, Case No. 79-112-EL-CSS, Entry Pursuant to Motion for Protective Order at *2 (May 7, 1980).

¹³ *Id.*

The questions in OCC's Fifth Set of Discovery are either extraordinarily broad in nature or OCC is making transparent attempts to turn this matter into a review of AEP Ohio and AEP Transmission's response to the June 2022 Power Outages that impacted the AEP Ohio service territory. Either way, none of the 38 interrogatories and 4 requests for production of documents are pertinent to or have any probative value to the limited issues at bar in this matter for the numerous reasons set forth below. Afterall, this matter relates solely and exclusively to AEP Ohio's request to update its CAIDI and SAIFI distribution reliability metrics in accordance with Ohio Adm. Code 4901:1-10-10. A protective order in this matter is warranted because NEP would be subjected to undue burden and expense if forced to respond to OCC's Fifth Set of Discovery.

A. INT-05-002 through -007, -010, through -031, -033 through -036, and RPD-05-004 are Overly Broad and will Result in Undue Burden and Expense Because They Are Not Limited in Time or Scope.

A vast majority of the questions in OCC's Fifth Set of Discovery are not limited in time or scope and have no pertinence to AEP Ohio's request to update its distribution reliability metrics. Nearly every request asks for detailed information about generic actions/information without identifying a specific event or time period for the action/information. Examples of such questions include, but are not limited to:

- INT-05-004. Identify the causes of failure for each item of transmission equipment, structure, and/or circuit that failed.
- INT-05-008: Identify each of the AEP Ohio distribution circuits by substation that were interrupted due to the transmission caused failures.
- INT-5-011: Identify the number of AEP Ohio customer outages by distribution circuit by day, as well as the cause of each (failures of the distribution system equipment, weather damage, and/or load shedding decisions).
- INT-05-012: Please provide an explanation on a distribution circuit basis of the reasons why the redundancy, resilience, and hardening of the distribution system were unable to prevent the outages and/or reduce the duration of the outages.

- INT-05-014: Please quantify the number of customer interruptions that were avoided due to investments that were made by AEP Ohio under the Distribution Investment Rider (“DIR”).
- INT-05-015: Identify the number of tree-caused distribution outages both within and outside of the right-of-way, the circuits and number of customers who were impacted, and the location(s) where the outages occurred.
- INT-05-017 through INT-05-022: What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in [certain districts].¹⁴

OCC’s counsel confirmed that the Fifth Set of Discovery was intended to only pertain to the June 2022 Power Outages.¹⁵ Yet, the face of the requests themselves does not appear to be limited in such a fashion.

Without expressly confining the request to a certain time frame or targeted event, it would be a monstrous task to identify just a single year’s worth of the requested information in INT-05-002 through -007, -010, through -031, -033 through -036, and RPD-05-004, such as:

- (1) every cause of transmission equipment failure,
- (2) every distribution circuit interrupted by any transmission equipment failure,
- (3) every customer outage by circuit, by day, with a description of the cause,
- (4) the customer interruptions avoided as a result of DIR investments,
- (5) the automated circuits that reduced the numbers of customers interrupted,
- (6) detailed specifics of tree-caused outages, and
- (7) number of FTEs that perform system restoration.

¹⁴ See Attachment 1, INT-05-008-009, -011-015, -017-022, -030-032.

¹⁵ See Attachment 2 at Exhibit 1.

Nor would such information provide any probative value that would be “reasonably calculated to lead to the discovery of admissible evidence”¹⁶ as it relates to the SAIFI and CAIDI metrics for AEP Ohio. Reading the questions as written, they only serve to annoy, oppress, and would undoubtedly result in undue burden at AEP Ohio’s expense.

B. The Entirety of the 5th Set of Discovery is Irrelevant and only Seeks to Annoy, Oppress and add Burden and Expense by Expanding this Reliability Metrics Case into an Investigation of the June 2022 Power Outages.

Given OCC’s clarification that the Fifth Set of Discovery was intended to be limited to the June 2022 Power Outages,¹⁷ it should be assumed that each request in the Fifth Set of Discovery is preceded by “In relation to the June 2022 Power Outages . . .” (with the exception of INT-05-001 -009, -032, -037, 038, RPD-05-001 through -003, which already specifically reference “between June 13, 2022 and June 17, 2022” or “the week of June 13, 2022”). Thus, despite having filed the July 11 Motion requesting a specific type of review of the June 2022 Power Outages that includes discovery rights, OCC has taken it upon themselves to bulldoze a path toward conducting their own investigation through the Fifth Set of Discovery in this matter. But such a request still results in undue burden and expense; especially, given that such information is far beyond the scope of this two-year-old distribution reliability metrics case and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Both the Application and Amended Application in this matter employ a fairly standardized process of establishing new SAIFI and CAIDI metrics – primarily looking at prior years’ non-major event performance.¹⁸ The June 2022 Power Outages took place two years after

¹⁶ O.A.C. 4901-1-16(B).

¹⁷ See Attachment 2 at Exhibit 1.

¹⁸ Ohio Adm. Code 4901:1-10-10(B)(4); see e.g., *In Re the Establishment of Minimum Reliability Performance Standards, Pursuant to Ohio Adm. Code 4901:1-10-10(B), for Ohio Power Company*, Case No. 16-1511-EL-ESS, Opinion and Order at 5 (Feb. 7, 2018) (approving Stipulation “establish[ing] new reliability standards that will include at least five years of current historical reliability performance data to calculate a historical performance

the original Application and months after the Amended Application was filed; thus, they are not part of the historical analysis. Moreover, the impacts of the June 2022 Power Outages would have been excluded from the CAIDI and SAIFI calculations because they were part of a major event. Thus, information related to the June 2022 Power Outages has no relevance to this matter and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, OCC potentially has alternative means of acquiring this information through inquiries related to the Commission's current review of the June 2022 Power Outages or, perhaps the Commission granting OCC's July 11 Motion.

In order to reduce undue burden and conserve potentially unnecessary expenses, the Commission should grant AEP Ohio's Motion for Protective Order thereby preventing OCC from unnecessarily delaying this matter (that has already been stayed for a 16-month period) and harassing AEP Ohio with questions about an unrelated subsequent event. At a minimum, the Commission should first rule on the OCC's July 11 Motion before AEP Ohio should be required to answer questions that are transparently related exclusively to the June 2022 Power Outages.

C. INT-05-001 through -007, -010, -016, -023 through -028, -033, and RPD-05-004 Relate to Transmission Infrastructure, which is not Relevant to this Matter of Distribution Reliability Metrics.

Nearly half of the requests in OCC's Fifth Set of Discovery (seventeen requests) relate to transmission assets and personnel.¹⁹ In fact, some of the questions are expressly about "non-AEP Ohio" equipment.²⁰ Beyond the reasons set forth in sub-parts (A) and (B) of this Motion, the Commission should grant a protective order on these seventeen transmission-related requests

baseline"); *In Re the Application of Ohio Power Company to Establish New Reliability Standards*, Case No. 12-1945E-L-ESS, Opinion and Order at p. 3 (Mar. 19, 2014) (approving Stipulation that looked to historical average with an adder).

¹⁹ See Attachment 1 at INT-05-001-007, -010-, -016, -023-028, -033, and RPD-05-004.

²⁰ See Attachment 1 at INT-05-007, and -010.

because they are not at all germane to this matter that relates to AEP Ohio's distribution performance metrics.

It is well-established that this case involves amending AEP Ohio's distribution performance metrics under Ohio Adm. Code 4901:1-10-10 and does not set transmission-level performance metrics. Nor do transmission-level outages play a role in the calculation of the distribution reliability metrics of CAIDI and SAIFI. Indeed, the rules specifically exclude transmission outages – “performance data during major events and transmission outages shall be excluded from the calculation of the indices, proposed standards, and any revised performance standards.”²¹ These seventeen questions are particularly indicative of OCC's transparent attempt to conduct their own analysis of the June 2022 Power Outages that is already being examined by the Commission and of no relevance to this distribution reliability metrics case. Accordingly, the Commission should grant AEP Ohio's Motion for Protective Order to prevent the Company from incurring undue burden and expense associated with responding to such requests that are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

III. CONCLUSION

For the aforementioned reasons, the Commission should grant AEP Ohio's Motion for Protective Order ordering that AEP Ohio does not have to respond to the Fifth Set of Discovery, or alternatively, that AEP Ohio does not need to respond to OCC's Fifth Set of Discovery unless the Commission grants OCC's July 11 Motion and expands this case to include an investigation of the June 2022 Power Outages (which it should not for the reasons set forth in AEP Ohio's July 26, 2022 Memorandum Contra).

²¹ Ohio Adm. Code 4901:1-10-10(B)(4)(c).

Respectfully submitted,

/s/ Michael J. Schuler

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties.

In addition, I hereby certify that a service copy of the foregoing *Motion for Protective Order* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 2nd day of September 2022, via electronic transmission.

/s/ Michael J. Schuler
Michael J. Schuler (0082390)

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company to Revise Reliability) Case No. 20-1111-EL-ESS
Performance Standards Pursuant to)
O.A.C. 4901:1-10-10(B)(7).)

In the Matter of the Application of Ohio)
Power Company for a Waiver of Rules) Case No. 20-1112-EL-WVR
4901:1-10-10(B)(3), (4), (5) and (6)(a),)
Ohio Administrative Code.)

**INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED UPON THE OHIO POWER COMPANY
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**FIFTH SET
(AUGUST 10, 2022)**

The Office of the Ohio Consumers' Counsel in the above-captioned proceeding before the Public Utilities Commission of Ohio submits the following Interrogatories and Requests for Production of Documents pursuant to Sections 4901-1-19 and 4901-1-20 of the Ohio Administrative Code for response from Ohio Power Company ("AEP" or "Company") within 20 days. An electronic, non-pdf (*e.g.*, Excel) response should be provided to the Office of the Ohio Consumers' Counsel at the following address:

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Additionally, AEP must follow the instructions provided herein in responding to the inquiries. Definitions are provided that are used in the Office of the Ohio Consumers' Counsel's discovery.

DEFINITIONS

As used herein the following definitions apply:

1. "Document" or "Documentation" when used herein, is used in its customary broad sense, and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin.

The term specifically includes, without limiting the generality of the following:

punch cards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments,

invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic (including e-mail), mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from

- one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.
2. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
 3. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.
 4. “And” or “Or” shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.
 5. “You,” and “Your,” or “Yourself” refer to the party requested to produce documents and any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venture of such party.
 6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.
 7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

8. “Person” includes any firm, corporation, joint venture, association, entity, or group of natural individuals, unless the context clearly indicates that only a natural individual is referred to in the discovery request.
9. “Identify,” or “the identity of,” or “identified” means as follows:
 - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;
 - B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (*e.g.*, corporation, partnership, single proprietorship), and its present or last known address;
 - C. When used in reference to a document, to state the date, author, title, type of document (*e.g.*, letter, memorandum, photograph, tape recording, etc.), general subject matter of the document, and its present or last known location and custodian;
 - D. When used in reference to a communication, to state the type of communication (*i.e.*, letter, personal conversation, etc.), the date thereof, and the parties thereto and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;
 - E. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present; and

- F. When used in reference to a place, to state the name of the location and provide the name of a contact person at the location (including that person's telephone number), state the address, and state a defining physical location (*e.g.*, a room number, file cabinet, and/or file designation).
10. The terms "PUCO" and "Commission" refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including Persons working for the PUCO Staff as well as in the Public Utilities Section of the Ohio Attorney General's Office), and offices.
11. The term "*e.g.*" connotes illustration by example, not limitation.
12. "OCC" means the Office of the Ohio Consumers' Counsel.
13. "AEP" and "Company" means Ohio Power Company.
14. "Proceeding" means Case No. 20-1111-EL-ESS, et al.
15. "Application" means the filing made by Ohio Power Company in this proceeding on June 8, 2020.

INSTRUCTIONS FOR ANSWERING

1. All information is to be divulged which is in your possession or control, or within the possession or control of your attorney, agents, or other representatives of yours or your attorney.
2. Where an interrogatory calls for an answer in more than one part, each part should be separate in the answer so that the answer is clearly understandable.
3. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections are to be signed by the attorney making them.
4. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
5. Your organization(s) is requested to produce responsive materials and information within its physical control or custody, as well as that physically controlled or possessed by any other person acting or purporting to act on your behalf, whether as an officer, director, employee, agent, independent contractor, attorney, consultant, witness, or otherwise.
6. Where these requests seek quantitative or computational information (*e.g.*, models, analyses, databases, and formulas) stored by your organization(s) or its consultants in computer-readable form, in addition to providing hard copy (if an electronic response is not otherwise provided as requested), you are requested to produce such computer-readable information, in order of preference:
 - A. Microsoft Excel worksheet files on compact disc;

- B. other Microsoft Windows or Excel compatible worksheet or database diskette files;
 - C. ASCII text diskette files; and
 - D. such other magnetic media files as your organization(s) may use.
7. Conversion from the units of measurement used by your organization(s) in the ordinary course of business need not be made in your response; *e.g.*, data requested in kWh may be provided in mWh or gWh as long as the unit measure is made clear.
8. Unless otherwise indicated, the following requests shall require you to furnish information and tangible materials pertaining to, in existence, or in effect for the whole or any part of the period from January 1, 2000 through and including the date of your response.
9. Responses must be complete when made and must be supplemented with subsequently acquired information at the time such information is available.
10. In the event that a claim of privilege is invoked as the reason for not responding to discovery, the nature of the information with respect to which privilege is claimed shall be set forth in responses together with the type of privilege claimed and a statement of all circumstances upon which the respondent to discovery will rely to support such a claim of privilege (i.e., provide a privilege log). Respondent to the discovery must a) identify (see definition) the individual, entity, act, communication, and/or document that is the subject of the withheld information based upon the privilege claim, b) identify all persons to whom the information has already been revealed, and c) provide the basis upon which the information is being withheld and the reason that the information is not provided in discovery.

11. To the extent that any interrogatory requests the production of documents, such interrogatory shall be treated as a request for the production of documents, and such documents shall be produced as if the interrogatory were designated a request for the production of documents.
12. To the extent that any request the production of documents seeks an interrogatory response (in addition to, or in place of, a request for a document), such request for the production of a documents shall be treated as an interrogatory, and such request shall be responded to as if it were designated an interrogatory.
13. Capitalized terms not otherwise defined herein shall have the meaning given to them in the Application.

INTERROGATORIES

In accordance with Ohio Administrative Code 4901-1-16(D)(5), OCC requests that all responses be supplemented with subsequently acquired information at the time such information is available.

INT-05-001. Regarding the July 13, 2022 presentation that AEP Ohio provided to the PUCO, what was the number of customer outages by day (beginning June 13, 2022) caused by failures of the transmission system?

RESPONSE:

INT-05-002. Please explain why redundancy, resilience, and hardening of the transmission system were unable to sustain the electric load.

RESPONSE:

INT-05-003. Identify each of the transmission structures, the specific transmission equipment and/or circuits that failed and provide an assessment of the design specifications of the equipment and/or circuits to withstand similar type weather or other conditions.

RESPONSE:

INT-05-004. Identify the causes of failure for each item of transmission equipment, structure, and/or circuit that failed.

RESPONSE:

INT-05-005. Identify each of the transmission connected substations (including the electric characteristics) that were affected by the transmission failures served by each failed transmission equipment and/or circuits.

RESPONSE:

INT-05-006. Identify each of the transmission circuits that were supplying power to AEP Ohio substations that were affected by the transmission failures and the number of AEP Ohio customers that experienced outages.

RESPONSE:

INT-05-007. Identify each of the transmission circuits that were supplying power to non-AEP Ohio substations and the location of each substation.

RESPONSE:

INT-05-008. Identify each of the AEP Ohio distribution circuits by substation that were interrupted due to the transmission caused failures.

RESPONSE:

INT-05-009. What was the SAIFI and SAIDI on a daily basis between June 13, 2022 and June 17, 2022 for each of the distribution circuits that were interrupted?

RESPONSE:

INT-05-010. Identify each of the non-AEP Ohio distribution circuits that were interrupted from non-AEP Ohio substations due to the transmission caused failures.

RESPONSE:

INT-05-011. Identify the number of AEP Ohio customer outages by distribution circuit by day, as well as the cause of each (failures of the distribution system equipment, weather damage, and/or load shedding decisions).

RESPONSE:

INT-05-012. Please provide an explanation on a distribution circuit basis of the reasons why the redundancy, resilience, and hardening of the distribution system were unable to prevent the outages and/or reduce the duration of the outages.

RESPONSE:

INT-05-013. Please identify each of the distribution circuits with distribution automation capabilities and provide an assessment of any contribution that distribution automation provided in reducing the number of customers interrupted.

RESPONSE:

INT-05-014. Please quantify the number of customer interruptions that were avoided due to investments that were made by AEP Ohio under the Distribution Investment Rider (“DIR”).

RESPONSE:

INT-05-015. Identify the number of tree-caused distribution outages both within and outside of the right-of-way, the circuits and number of customers who were impacted, and the location(s) where the outages occurred.

RESPONSE:

INT-05-016. Identify the number of tree-caused transmission outages, the circuits and the number of customers who were impacted, and the location(s) where the outages occurred.

RESPONSE:

INT-05-017. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Athens District?

RESPONSE:

INT-05-018. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Canton District?

RESPONSE:

INT-05-019. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Chillicothe District?

RESPONSE:

INT-05-020. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Columbus District?

RESPONSE:

INT-05-021. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Newark District?

RESPONSE:

INT-05-022. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Ohio personnel, contractors, and forestry that were assigned to perform restoration of the distribution system in the Western Ohio District?

RESPONSE:

INT-05-023. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Athens District?

RESPONSE:

INT-05-24. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Canton District?

RESPONSE:

INT-05-025. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Chillicothe District?

RESPONSE:

INT-05-026. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Columbus District?

RESPONSE:

INT-05-027. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Newark District?

RESPONSE:

INT-05-028. What were the total number of full time equivalent (“FTE”) resources sorted by AEP Transmission personnel, contractors, and forestry that were assigned to perform restoration of the transmission system in the Western Ohio District?

RESPONSE:

INT-05-029. What was the total number of FTE assigned to support AEP Ohio through mutual aid that assisted in the restoration of the distribution system?

RESPONSE:

INT-05-030. What was the total number of FTE assigned to support AEP Transmission through mutual aid that assisted in the restoration of the distribution system?

RESPONSE:

INT-05-031. What were the factors that influenced AEP Ohio’s decision to perform emergency forced outages of the supply of electricity to some consumers?

RESPONSE:

INT-05-032. Identify the number of customer interruptions by day between June 13, 2022 and June 17, 2022 sorted by zip code where the emergency forced outages interrupted the supply of electricity to some consumers.

RESPONSE:

INT-05-033. Explain the reasons why specific transmission or distribution circuits were selected for emergency forced outages and provide an assessment of other transmission or distribution circuits that were considered for interruption but remained uninterrupted.

RESPONSE:

INT-05-034. Please explain any investigation that has occurred or is currently being performed by the PUCO or any other state or federal regulatory body of AEP Ohio's response to its emergency plans.

RESPONSE:

INT-05-035. Please explain any investigation that has occurred or is currently being performed by the PUCO or any other state or federal regulatory body regarding AEP Ohio's response in coordinating restoration of service efforts to include the total number of AEP Ohio personnel, contractors, forestry, or mutual aid resources that worked on restoring services.

RESPONSE:

INT-05-036. Please explain any investigation that has occurred or is currently being performed by the PUCO or any other state or federal regulatory body of AEP Ohio's response in keeping the public informed about restoration efforts throughout the outages.

RESPONSE:

INT-05-037. Please describe all commitments to provide financial assistance to consumers that AEP Ohio has made in responding to the outages that occurred during the week of June 13, 2022.

RESPONSE:

INT-05-038. What is the current status of each of the commitments that AEP Ohio made for providing financial assistance to consumers as a result of the week of June 13, 2022 power outages?

RESPONSE:

REQUESTS FOR PRODUCTION OF DOCUMENTS

In accordance with Ohio Adm. Code 4901-1-16(D)(5), OCC is specifically requesting that all responses be supplemented with subsequently acquired information at the time such information is available.

RPD-05-001. Please provide a copy of internal AEP Ohio documents or reports that contain an assessment of AEP's response to the outages that occurred during the week of June 13, 2022.

RPD-05-002. Please provide a copy of all written communications between AEP Ohio and PJM regarding any emergency forced outages that occurred during the week of June 13, 2022.

RPD-05-003. Please provide a copy of all reports, memorandums, and/or presentations that were provided to the PUCO Staff or Commission involving the outages that occurred during the week of June 13, 2022.

RPD-05-004. Please provide a copy of all documents related to the AEP Ohio responses to INT-5-001 through INT-5-038.

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Interrogatories and Requests for Production of Documents Propounded upon Ohio Power Company, Fifth Set, was served upon the persons listed below by electronic transmission this 10th day of August 2022.

/s/ William J. Michael
William J. Michael
Assistant Consumers' Counsel

SERVICE LIST

thomas.lindgren@ohioago.gov
rhiannon.plant@ohioago.gov
bojko@carpenterlipps.com
wygonski@carpenterlipps.com

stnourse@aep.com
mjschuler@aep.com
sjagers@ohiopoveritylaw.org
mwalters@proseniors.org

**Schuler Affidavit 9.2.22 draft.docx**

DocVerify ID: D0B43D45-84B8-403D-A0EF-E92EF0A413AE
Created: September 02, 2022 10:21:51 -8:00
Pages: 2
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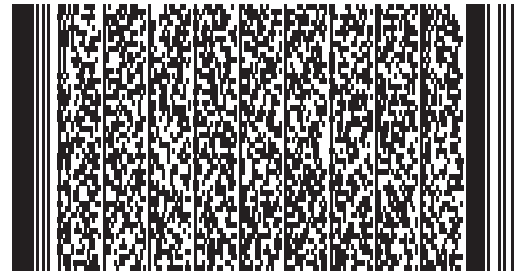
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E-Signature Summary**E-Signature 1: Michael J. Schuler (MJS)**

September 02, 2022 10:32:46 -8:00 [8DC8A27CC40A] [167.239.221.102]
mjschuler@aep.com (Principal) (Personally Known)

E-Signature Notary: S. Smithhisler (SRS)

September 02, 2022 10:32:46 -8:00 [B6D22A1612CD] [167.239.221.101]
srsmithhisler@aep.com
I, S. Smithhisler, did witness the participants named above electronically sign this document.



**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Ohio Power Company to Revise Reliability)	
Performance Standards Pursuant to)	Case No. 20-1111-EL-ESS
O.A.C. 4901:1-10-10(B)(7))	

VERIFICATION

I, Michael J. Schuler, being first duly sworn, hereby depose and state as follows based upon my personal knowledge and belief:

1. I am employed by American Electric Power Services Corporation as Senior Counsel and represent Ohio Power Company ("AEP Ohio"). My business address is 1 Riverside Plaza, Columbus, Ohio 42315.

2. I am submitting this Affidavit in support of AEP Ohio's Motion for Protective Order.

3. On August 10, 2022, AEP Ohio received Interrogatories and Requests for Production of Documents Propounded Upon the Ohio Power Company by Office of the Ohio Consumers' Counsel ("Fifth Set of Discovery").

4. On the morning of August 29, 2022, AEP Ohio's counsel sent an email to counsel for the Office of the Ohio Consumer' Counsel ("OCC") requesting withdrawal of the Fifth Set of Discovery. Alternatively, AEP Ohio's counsel requested an agreement to stay discovery responses until the Public Utilities Commission of Ohio rules on OCC's July 11 Motion requesting, in part, an investigation of the June 2022 power outages caused by extreme weather events.

5. Having not yet received a response, on the morning of Wednesday August 30, 2022, AEP Ohio followed up with OCC's counsel.

D0B43D45-84B8-403D-A0EF-E92EF0A413AE -- 2022/09/02 10:21:51 -8:00 --- Remote Notary



6. Shortly thereafter, OCC's counsel responded indicating that OCC was not amenable to either alternative resolution proposed by AEP Ohio and insisted upon responses to the Fifth Set of Discovery.

7. A true and accurate copy of the communications described in paragraphs 4-6 are attached to this Affidavit as Exhibits 1 and 2.

8. I believe that AEP Ohio has exhausted all reasonable means of resolving its differences with OCC regarding responses to the Fifth Set of Discovery in this matter.

Michael J. Schuler

Michael J. Schuler
Senior Counsel, AEP Ohio
1 Riverside Plaza
Columbus, Ohio 43215

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

Subscribed and sworn to before me, a Notary Public, in and for said County and State this
2nd day of September 2022.



Notarial act performed by audio-visual communication

S. Smithhisler
Notary Public

D0B43D45-84B8-403D-A0EF-E92EF0A413AE --- 2022/09/02 10:21:51 -8:00 --- Remote Notary



From: William.Michael@occ.ohio.gov
To: [Michael J Schuler](mailto:Michael.J.Schuler@occ.ohio.gov); Amy.botschner.obrien@occ.ohio.gov
Cc: [Steven T Nourse](mailto:Steven.T.Nourse@occ.ohio.gov)
Subject: [EXTERNAL] RE: AEP - 20-1111-EL-ESS, et al. - OCC's 5th Set of Discovery Requests
Date: Wednesday, August 31, 2022 10:47:52 AM
Attachments: [image001.png](#)

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Mike:

It is readily apparent that our 5th Set of Discovery is regarding the June 2022 outages. But to the extent you need confirmation of that, you have it.

OCC cannot agree to your request that we either withdraw our 5th Set of Discovery or hold it in abeyance. Your request is contrary to the law and rules governing discovery. OCC is entitled to begin our consumer protection discovery immediately of all relevant matters and matters that appear reasonably calculated to lead to the discovery of admissible evidence. *See, e.g.*, Ohio Admin. Code 4901-1-17 (A); O.A.C. 4901-1-16(B). Because OCC's 5th Set of Discovery is consistent with the governing discovery rules, we expect to receive AEP's responses on a timely basis.

Regards,

Bill



William Michael
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215-4213
(614) 466-1291
william.michael@occ.ohio.gov

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From: Michael J Schuler <mjschuler@aep.com>
Sent: Monday, August 29, 2022 9:39 AM
To: Michael, William <William.Michael@occ.ohio.gov>; Botschner, Amy <Amy.botschner.obrien@occ.ohio.gov>
Cc: Steven T Nourse <stnourse@aep.com>

Subject: RE: AEP - 20-1111-EL-ESS, et al. - OCC's 5th Set of Discovery Requests

Bill & Amy,

We are in receipt of OCC's 5th set of discovery in this matter. However, we have a number of concerns, not the least of which is that almost none of the questions appear to be limited in scope or time (with the exception of INT-009, -032, -037, 038, and RPD-001 through -003). We assume the rest of 5th set is also meant to inquire about the June 2022 power outages, but it is not evident from the face of the questions themselves (e.g. "Identify the number of AEP Ohio customer outages by distribution circuit by day, as well as the cause of each (failures of the distribution system equipment, weather damage, and/or load shedding decisions") Can you please confirm that the questions in the 5th Set are meant to be limited to the June 2022 power outages?

We have an additional concern that all of the questions in this set are not relevant and outside the scope of this proceeding. Nearly half of all of the questions are solely related to transmission information. Moreover, OCC filed a Motion seeking an investigation into the June 2022 power outages in this docket and that Motion is still pending before the Commission. For these reasons, AEP Ohio requests that OCC withdraw this 5th set of discovery. Alternatively, we can leave the questions pending, but agree to stay any response until the Commission rules on OCC's July 11 Motion. In the event the July 11 Motion is granted in a way that expands case number 20-1111-EL-ESS into an investigation that involves the June 2022 power outages, then we would have 20 days from the date of that Order to respond to this 5th set of discovery.

Please confirm our limiting assumption in paragraph 1 above and also let us know by noon on Tuesday August 30 if either of the two resolution approaches are amenable to OCC. Thanks!

Mike

From: Alana.Noward@occ.ohio.gov <Alana.Noward@occ.ohio.gov>

Sent: Wednesday, August 10, 2022 1:43 PM

To: Steven T Nourse <stnourse@aep.com>; Michael J Schuler <mjschuler@aep.com>

Cc: William.Michael@occ.ohio.gov; Amy.botschner.obrien@occ.ohio.gov

Subject: [EXTERNAL] AEP - 20-1111-EL-ESS, et al. - OCC's 5th Set of Discovery Requests

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Attached please find OCC's 5th Set of Discovery Requests in the subject case. If you have any questions, please contact our office.

Thanks,

Alana Noward



Senior Case Team Coordinator

Office of the Ohio Consumers' Counsel
65 East State Street, Suite 700
Columbus, Ohio 43215
(614) 466-7964
Alana.Noward@occ.ohio.gov

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From: [Michael J Schuler](#)
To: William.Michael@occ.ohio.gov; ["Amy.botschner.obrien@occ.ohio.gov"](mailto:Amy.botschner.obrien@occ.ohio.gov)
Cc: [Steven T Nourse \(stnourse@aep.com\)](mailto:stnourse@aep.com)
Subject: RE: AEP - 20-1111-EL-ESS, et al. - OCC's 5th Set of Discovery Requests
Date: Wednesday, August 31, 2022 10:18:40 AM
Attachments: [image001.png](#)

Bill and Amy,

I am following up on my prior email, as I know Amy has been tied up with the USF hearing this week. Transparently, we intend to file a Motion for Protective Order if we are not able to reach an informal resolution. We look forward to your response.

Mike

From: Michael J Schuler
Sent: Monday, August 29, 2022 9:39 AM
To: William.Michael@occ.ohio.gov; 'Amy.botschner.obrien@occ.ohio.gov'
 <Amy.botschner.obrien@occ.ohio.gov>
Cc: Steven T Nourse (stnourse@aep.com) <stnourse@aep.com>
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Sent: Wednesday, August 10, 2022 1:43 PM

To: Steven T Nourse <stnourse@aep.com>; Michael J Schuler <mjschuler@aep.com>

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Subject: [EXTERNAL] AEP - 20-1111-EL-ESS, et al. - OCC's 5th Set of Discovery Requests

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Attached please find OCC's 5th Set of Discovery Requests in the subject case. If you have any questions, please contact our office.

Thanks,



Alana Noward
Senior Case Team Coordinator

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65 East State Street, Suite 700
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Alana.Noward@occ.ohio.gov

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9/2/2022 4:43:38 PM

in

Case No(s). 20-1111-EL-ESS

Summary: Motion Motion for Protective Order electronically filed by Michael J.
Schuler on behalf of Ohio Power Company