

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))	
)	

**REPLY OF OHIO POWER COMPANY IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER**

Ohio Power Company (“AEP Ohio” or “the Company”) files this Reply in response to the Office of the Ohio Consumers’ Counsel’s (“OCC”) Memorandum Contra to AEP Ohio’s Motion for Protective Order (“Motion”). OCC’s Memorandum Contra further demonstrates OCC’s attempt to turn the reliability metrics case into a theatrical second review of the June 2022 power outages in AEP Ohio’s service territory. None of OCC’s explanations, however, undermine the fact that the Fifth Set of Discovery are unrelated to this reliability metrics case and only serve to annoy and create undue burden and expense for AEP Ohio. For the reasons set forth below and in AEP Ohio’s Motion, the Commission should grant AEP Ohio’s request for protective order.

A. The Commission should Grant AEP Ohio’s Motion for Protective Order Because Certain Requests, on Their Face, are Overly Broad and Only Serve to Harass and Cause AEP Ohio Undue Burden and Expense.

AEP Ohio filed this Motion for Protective Order as it relates to INT-05-002 through -007, -010, through -031, -033 through -036, and RPD-05-004 because they are not limited in time or scope. (Motion at pp. 6-8). OCC responds by arguing that the enumerated discovery requests “clearly relate[] to the matters in [AEP Ohio’s July 13, 2022] presentation” because the first interrogatory (INT-05-001) references that presentation. (Memorandum Contra AEP’s Motion for a Protective Order by Office of Ohio Consumers’ Counsel (“OCC Memo Contra”) at p. 4). But OCC’s response leans into AEP Ohio’s Motion for Protective order because the presentation

to which OCC cites was not made in relation to this case; it was prepared in response to the Commission requesting AEP Ohio's presence as part of the Commission's review of the June 2022 outages. As discussed at length in AEP Ohio's Motion, this line of questioning simply serves to annoy, harass, and cause undue burden and expense in responding to matters wholly outside the scope of this case in an effort to collaterally create their own investigation of the June 2022 power outages. Moreover, AEP Ohio reiterates that the June 2022 power outages will not have an impact on reliability performance targets in 2022 because they will be excluded as major events and/or transmission-caused interruptions. (*See*, Motion at p. 9).

Moreover, OCC effectively argues that "AEP Ohio knew what we meant," which is certainly not an appropriate approach to discovery. AEP Ohio should not have to guess about the context of a discovery request. Each discovery request must stand on its own and should not be read in context with other discovery requests unless expressly cross-referenced (which was not the case for any of the enumerated requests). Indeed, the Commissions' rules mandate that "[e]ach interrogatory shall be answered separately and fully" not in context with other interrogatories in the same set. Ohio Adm. Code 4901-1-19(A). Hence, for example, AEP Ohio did not include INT-05-001 or RPD-05-003 as part of this argument – because on their face they clearly relate to AEP Ohio's July 13, 2022 presentation to the Commission (albeit AEP Ohio seeks protection on INT-05-001 and RPD-05-003 for separate reasons). And while it is true that OCC subsequently responded to AEP Ohio's request for clarification (something that AEP Ohio addressed in its Motion), a generic response that the Fifth Set of Discovery is "regarding the June 2022 outages" cannot cure the overbreadth of the aforementioned requests. As a result, the questions, on their face, were overbroad and sought information that is not relevant or likely to

lead to admissible evidence, which only serves to harass and cause AEP Ohio undue burden and expense.

B. The Fifth Set of Discovery is an Unduly Burdensome Request that is a Disguised Attempt at Conducting Another Review of the June 2022 Power Outages that OCC Feels the Commission is Inept to Accomplish.

OCC creatively hypothesizes about tangential impacts of the June 2022 power outages in an attempt to establish that the Fifth Set of Discovery has some sort of probative value and nexus to this reliability metrics case. OCC first argues that AEP Ohio may make changes to its policies and procedures for inspection, maintenance, repair, and replacement of transmission and distribution system facilities as a result of the June 2022 power outages and that the reliability metrics are dependent upon such changes. (OCC Memo Contra at p. 6). But this case does not include a request to update the inspection, maintenance, repair, and replacement of transmission and distribution equipment. (*See*, OCC Memo Contra at p. 6). AEP Ohio actually just recently filed and received automatic approval of an update to its Rule 27 plan. *In the Matter of the Update to Ohio Power Company's Program for Maintenance, Repair, and Inspection of Transmission and Distribution Lines*, Case No. 22-367-EL-ESS (Apr. 12, 2022). Ohio Adm. Code 4901:1-10-27(E)(3) (“[i]f a filing to revise or amend the electric utility's inspection, maintenance, repair, and replacement programs is not acted upon by the commission within forty-five days after it is filed, the inspection, maintenance, repair, and replacement programs shall be deemed approved on the forty-sixth day after filing.”). If OCC had concerns about AEP Ohio's practices, it could have intervened and raised those concerns in that case.

OCC also makes a non-sensical argument that no one can be certain if the 2017-2021 historical analysis captures the major events of June 2022 when, by definition, June 2022 is not part of the historical analysis. (OCC Memo Contra at pp. 6-7). AEP Ohio fails to follow how the June 2022 outages affect the historical major event analysis, when the rule establishes that

the major event “threshold will be calculated by determining the SAIDI associated with adding 2.5 standard deviations to the average of the natural logarithms of the electric utility's daily SAIDI performance during the most recent five-year period.” Ohio Adm. Code 4901:1-10-01(T). Thus, the “major event” calculation is determined using the most recent five-year period at the time of that calculation (e.g., 2017 employs the average from 2012-2016, etc.) Thus, the June 2022 major events have no impact on the calculation and determination of a “major event” during the 2017-2021 time period.

OCC also makes a fleeting reference to customer perception as an apparent justification for the relevance of the Fifth Set of Discovery. (OCC Memo Contra at p. 7). But not even one of the discovery requests relate to customer perceptions about the June 2022 power outages. Rather, OCC is seeking specific detailed technical information about AEP Ohio infrastructure performance during the June 2022 power outages. Moreover, OCC is free to present customer perception information that it believes to be germane to the analysis of this case, but that does not somehow justify the unrelated questions set forth in the Fifth Set of Discovery.

Finally, OCC makes a lot of assumptions to argue that the Fifth Set of Discovery is simply requesting information that is readily available such that AEP Ohio is not subject to undue burden or expense. (OCC Memo Contra at p. 7). Specifically, OCC argues that the Fifth Set of Discovery requests relate to AEP Ohio’s July 13, 2022 presentation to the Commission and also assumes that the Commission’s review of the June 2022 outages necessarily involves the same questions. But this dramatically oversimplifies OCC’s discovery requests. OCC did not just ask for the presentation that is already created – OCC asks for tremendous amounts of information that they presume to “underlie” the presentation. For instance, OCC asks for the following detailed information, just to name a few:

- Each piece of transmission equipment that failed, including an assessment of the design specifications to withstand similar weather events (INT-05-003);
- Identify the causes of failure for each piece of transmission equipment, structure and circuit that failed (INT-05-004);
- Reasons why the distribution system was unable to prevent or reduce the duration of the outages (INT-05-012);
- A quantification of the number of customer interruptions avoided to do DIR investments (INT-05-014).

These types of incredibly detailed requests, that seek information about countless individual pieces of equipment, do not involve pulling readily available information simply because OCC wants that to be the case. And even if some of this information were easily ascertainable in the form OCC requests (it is not), there is still time and expense associated with acquiring the information, assembling it, and responding to each discovery request. OCC's arguments reveal OCC's desire to conduct its own review of the June 2022 power outages – a request that the Commission has not yet granted. Hence, the Commission should grant a protective order, at a minimum, until it has ruled on OCC's July 11 motion.

C. OCC Does Not Contest that INT-05-001 through -007, -010, -016, -023 through -028, -033, and RPD-05-004 Relate Solely to Transmission, Which is Not Relevant and Would Cause AEP Ohio Undue Burden and Expense.

As an alternative basis upon which to grant the Motion, AEP Ohio established that INT-05-001 through -007, -010, -016, -023 through -028, -033, and RPD-05-004 relate solely to transmission and non-distribution equipment (Motion at pp. 9-10) – something OCC does not contest. And despite this being a *distribution* metrics case, OCC insists that transmission-related questions are relevant simply because “transmission and distribution are interrelated” and have the potential to impact the 2022 distribution reliability performance standards. (OCC Memo Contra at p. 8). But this is a red herring. The transmission outages of June 2022 have no impact

on the 2022 reliability standards-based performance, much less AEP Ohio's proposed distribution reliability metrics, because: (1) they were part of a major event and (2) they were transmission – both of which are excluded from distribution reliability calculations. *See*, Ohio Adm. Code 4901:1-10-10(B)(4)(c) (“Performance data during major events and transmission outages shall be excluded from the calculation of the indices, proposed standards, and any revised performance standards, as set forth in paragraph (B) of this rule.”). Tellingly, OCC does not even acknowledge Ohio Adm. Code 4901:1-10-10(B)(4)(c) in its Memorandum Contra. The Commission should grant AEP Ohio's Motion and deny OCC's inappropriate requests for transmission-related information that only serves to harass and cause AEP Ohio undue burden and expense.

Respectfully submitted,

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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 *Reply in Support of Ohio Power Company's Motion for Protective Order* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 26th day of September 2022, via electronic transmission.

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Summary: Reply Reply of Ohio Power Company in Support of Motion for Protective
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