

**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).)	

**MOTION TO COMPEL AEP TO RESPOND TO DISCOVERY REGARDING ITS
POWER OUTAGES IN JUNE 2022
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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September 30, 2022

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The Ohio Consumers' Counsel's motion to compel discovery responses should be granted against AEP that has stymied OCC's investigatory efforts by refusing to reply to discovery. Under the 1983 reform law (O.R.C. 4903.082), OCC has the legal right to conduct discovery. Our discovery is for, among others, the tens of thousands of AEP-Ohio residential consumers and their families and businesses who lost power during the week of June 12, 2022. The consumer power outages, which occurred in dangerously high heat and humidity, *reportedly* resulted from a combination of grid/transmission failures, storms, and AEP's use of forced shut offs to allegedly avoid a greater system failure.¹

But nearly three months later, *Ohioans still do not have a public investigation of the reasons for the outages (an investigation which OCC, OPLC, and Pro Seniors requested)*. The PUCO Staff is said to be conducting a "review." What we *do* know is that the lives of AEP consumers and their families in central Ohio were seriously disrupted and placed at risk. People understandably are upset and deserve answers to

¹ See, e.g., AEP Ohio The Wire, "Columbus Area Power Outages + FAQs;" <https://www.aepohiowire.com/columbus-area-power-outages-faqs/>.

important questions surrounding these events. Monopoly AEP owes answers, under law, to its 1.5 million consumers.

OCC has served consumer protection discovery regarding the June 2022 outages in this case where the PUCO will set 2022 reliability standards. AEP has refused to answer it. In fact, it has asked the PUCO to protect it from having to answer it.²

Consumers deserve better. Consumers deserve answers.

OCC's motion to compel should be granted. Contrary to AEP's assertions, OCC's consumer protection discovery is limited in scope and seeks information that is relevant or reasonably calculated to lead to the discovery of admissible evidence. The discovery is also a right guaranteed by law and rule,³ and Supreme Court of Ohio precedent.⁴ OCC's motion to compel should be granted.

Respectfully submitted,

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² See AEP's Motion for Protective Order (September 2, 2022).

³ O.A.C. 4901-1-17 (A); O.A.C. 4901-1-16(B).

⁴ *OCC v. PUC*, 111 Ohio St.3d 300 (2006).

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**MEMORANDUM IN SUPPORT OF MOTION TO COMPEL AEP TO RESPOND
TO DISCOVERY REGARDING ITS POWER OUTAGES IN JUNE 2022
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

AEP refuses to answer the outage-related discovery requests that OCC asks on behalf of consumers that AEP forced offline. The PUCO should promptly order AEP to comply with discovery law and respond to OCC's requests.

On August 10, 2022, OCC served its fifth set of discovery requests to AEP.⁵ The discovery requests included a set of interrogatories and a set of requests for production of documents regarding the June outages and the July 13, 2022 presentation that AEP gave to the PUCO about those outages.⁶ AEP's responses were due on August 30, 2022.⁷ AEP has refused to respond. In fact, AEP has asked the PUCO to protect it from having to respond.⁸

AEP's refusal to cooperate in the discovery process contradicts Ohio law and the PUCO's discovery rules, which explicitly allow a party to fully participate in the

⁵ See Exhibit A, attached.

⁶ *Id.*

⁷ O.A.C. 4901-1-19(A); 4091-01-20(C).

⁸ See AEP's Motion for Protective Order (September 2, 2022).

discovery process as soon as it moves to intervene.⁹ AEP is preventing OCC from preparing to represent consumers in this matter. The PUCO should order AEP to respond to OCC's discovery expeditiously.

II. LAW AND ARGUMENT

A. Ohio Law and the Ohio Administrative Code requires AEP to answer OCC's discovery requests.

Ohio law provides that, “[a]ll parties and intervenors shall be granted ample rights of discovery” in PUCO proceedings.¹⁰ In accordance with this law, the PUCO adopted discovery rules designed to “encourage the prompt and expeditious use of prehearing discovery in order to facilitate thorough and adequate preparation for participation in commission proceedings.”¹¹ To accomplish expeditious discovery, the PUCO's rules further provide that “discovery may begin immediately after a proceeding is commenced and should be completed as expeditiously as possible.”¹²

A party that moves to intervene in a proceeding before the PUCO is entitled to immediately participate in the discovery process on equal footing with all other parties.¹³ For purposes of discovery, “the term ‘party’ includes any person who has filed a motion to intervene which is pending at the time a discovery request or motion is to be served or filed.”¹⁴ The right to participate in discovery includes the right to serve interrogatories

⁹ O.A.C. 4901-1-16(H).

¹⁰ R.C. 4903.082.

¹¹ O.A.C. 4901-1-16(A).

¹² O.A.C. 4901-1-17(A).

¹³ O.A.C. 4901-1-16(H).

¹⁴ *Id.*

and requests for the production of documents.¹⁵ Once discovery is served, the party served must provide answers or objections to the written interrogatories within 20 days of service or within a longer or shorter time as the PUCO may allow.¹⁶ Regarding requests for production of documents, the party served must produce the documents or permit inspection of the documents requested, or provide objections within 20 days of service or within a longer or shorter time as the PUCO may allow.¹⁷

Thus, in accordance with law and rule, OCC is entitled to serve interrogatories and requests for production of documents upon AEP as soon as OCC moved to intervene in this matter. OCC did so. Yet, when OCC served its fifth set of discovery requests as permitted, AEP refused to answer for dubious reasons that included questions about the time and scope of the discovery.

Without answers to its outstanding discovery requests, OCC cannot adequately prepare to represent Ohio consumers in this proceeding. AEP should immediately be required to answer OCC's discovery requests.

B. OCC's discovery requests are reasonably calculated to lead to the discovery of admissible evidence.

AEP has asserted that OCC's discovery about the June outages and their impact on reliability is irrelevant in this case addressing reliability.¹⁸ AEP says that the June 2022 outages are not part of the "historical analysis" in setting reliability standards.¹⁹ It

¹⁵ O.A.C. 4901-1-19; 4091-01-20.

¹⁶ O.A.C. 4901-1-19(A).

¹⁷ O.A.C. 4901-1-20(C).

¹⁸ See AEP's Motion for Protective Order at 8-9.

¹⁹ *Id.* at 8-9.

also asserts that the June outages are excluded from consideration as “major events.”²⁰

AEP says that OCC’s questions about transmission are irrelevant in this distribution case.²¹ AEP is wrong.

The PUCO’s rules provide that “any party to a commission proceeding may obtain discovery on any matter, not privileged, which is relevant to the subject matter of the proceeding.”²² The rules further allow that discovery need not be admissible at hearing; all that is required is that it be reasonably calculated to lead to the discovery of admissible evidence.²³

All of OCC’s unanswered discovery requests are reasonably calculated to lead to the discovery of admissible evidence. They all relate to the June outages and the July 13, 2022 presentation that AEP gave to the PUCO about those outages. This case is about establishing AEP’s reliability standards for 2022 and beyond.²⁴ The June 2022 outages occurred during the year that the proposed standards are intended to be in effect. The PUCO must evaluate the outages’ impact on 2022 reliability performance to determine whether proposed reliability standards on a going forward basis are reasonable.

AEP acknowledges that damage to both distribution and transmission facilities led to the June 2022 outages,²⁵ but does not want to answer questions about transmission.²⁶

AEP is responsible for inspecting, maintaining, repairing and replacing transmission and

²⁰ *Id.* at 9.

²¹ *Id.* at 9-10.

²² O.A.C. 4901-1-16(B).

²³ *Id.*

²⁴ Amended Application at 13.

²⁵ AEP Motion at 3.

²⁶ *Id.* at 9-10.

distribution system facilities in the course of providing safe and reliable service to consumers.²⁷ Establishing reliability standards depends on AEP adhering to written programs, policies, procedures, and schedules for the inspection, maintenance, repair, and replacement of transmission and distribution equipment.²⁸ The June 2022 outages may result in changes in those programs, policies, procedures, and schedules that can impact both the reliability standards in 2022 and annual performance.

Further, it is unclear if the 2017-2021 historical analysis to which AEP refers in establishing baseline performance adequately captures the events of June 2022.²⁹ Historical exclusion of certain outages and the determination of “major events” may be the same or different than the June 2022 outages. Establishing standards and reviewing reliability performance requires analysis of different types and magnitudes of outages. Additionally, establishing reliability standards requires considering consumer perceptions (including surveys) that evaluate consumer satisfaction.³⁰ Forced outages during June 2022 impacted consumer perceptions, which should influence the 2022 standards.

Finally, consumers are paying dearly – through single-issue rate-making in AEP electric security plans – for infrastructure modernization that is supposed to improve AEP’s reliability for more than a million consumers.³¹ However, the impact of AEP’s investments or spending in gridSMART, distribution investment charges, and tree trimming charges is uncertain in light of the June 2022 outages.

²⁷ O.A.C. 4901:1-10-27.

²⁸ *Id.* at (E)(1).

²⁹ AEP Motion at 3.

³⁰ Ohio Adm. Code 4901:1-10-10(B)(4)(b).

³¹ R.C. 4928.143(B)(2)(h).

The June 2022 outages are directly relevant to this proceeding to establish AEP reliability standards. OCC's consumer protection discovery is reasonably calculated to lead to the discovery of admissible evidence. OCC is entitled to answers to these relevant requests.

C. OCC's discovery requests are limited in scope and are not overly broad or burdensome.

AEP asserts that OCC discovery is unlimited in scope and overly broad and burdensome.³² "Nearly every request asks for detailed information about generic actions/information without identifying a specific event or time period for the action/information[.]" asserts AEP.³³ AEP is wrong.

All of the discovery OCC seeks relates to AEP's own July 13 presentation to the PUCO about the June 2022 outages. There should be little burden and expense to AEP in producing information to OCC that it already presented to the PUCO. And the burden, if any, is certainly not "undue" under the PUCO's rule.³⁴

This is especially true to the extent the PUCO is "actively conducting a review of these events with the full cooperation of AEP and AEP Ohio."³⁵ Further, OCC's discovery questions fit with the "active review" by the PUCO. If AEP *is* cooperating with that review, it should be producing to the PUCO the information OCC seeks.

In any event, OCC's discovery requests would not result in AEP incurring *undue* burden or expense. AEP, a monopoly with 1.5 million consumers (many of whom were

³² See AEP's Motion for Protective Order at 6-8.

³³ See *id.* at 6.

³⁴ O.A.C. 4901-1-24; see also *Trabon Engineering Corp. v. Eaton Manufacturing Co.*, (N.D. Ohio 1964), 37 F.R.D. 51, 54 (party asserting undue burden must show burden is "undue").

³⁵ *Id.* at 4.

forced offline by AEP in June), seems to resent any supposed burden from regulatory action that is more than a light touch. But the state rule only prohibits an “undue” burden. Regulation in the public interest is what comes with AEP’s monopoly status. Even if AEP considers regulation of its monopoly a burden, that is not an undue burden. The PUCO should not indulge monopoly AEP’s sad song about regulatory burden. Since AEP refuses to provide those answers on its own, the PUCO should order it to do so.

D. OCC has made reasonable efforts to resolve this discovery dispute.

As detailed in the attached affidavit, OCC made reasonable efforts to resolve this dispute without involving the PUCO.³⁶ Such efforts were unsuccessful.³⁷ AEP has refused to answer OCC’s discovery requests.

AEP’s discovery responses are now three weeks overdue. AEP’s counsel has made it clear it will provide no answers. The PUCO should order AEP to expeditiously respond to OCC’s discovery. *And the PUCO should require AEP to respond to OCC’s follow up discovery sets in seven days.*

III. CONCLUSION

As an intervening party, OCC has a right under law to fully participate in the discovery process. It did so by serving AEP with interrogatories and requests for production of documents that are reasonably calculated to the lead to the discovery of admissible evidence. These requests were narrow in scope and not overly broad or unduly burdensome. However, AEP refuses to answer OCC’s requests, despite OCC’s attempts to negotiate a resolution to this dispute. In response, the PUCO should grant this motion

³⁶ Exhibit B, Affidavit of William J. Michael.

³⁷ See AEP’s Motion for Protective Order (September 2, 2022).

to compel and order AEP to answer OCC's discovery expeditiously. *And the PUCO should require AEP to respond to OCC's follow up discovery sets in seven days.*

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ William J. Michael
William J. Michael (0070921)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Compel AEP to Respond to Discovery Regarding Its Power Outages in June 2022 was served on the persons stated below via electronic transmission, this 30th day of September 2022.

/s/ William J. Michael

William J. Michael

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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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

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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).)	

**AFFIDAVIT OF WILLIAM J. MICHAEL
IN SUPPORT OF MOTION TO COMPEL**

I, William J. Michael, Assistant Consumers' Counsel for the Ohio Consumers' Counsel ("OCC") in the above-captioned case, being first duly sworn, depose and state that, based on knowledge and information, the following efforts have been made to resolve the differences with AEP from whom discovery is sought:

1. On June 30, 2022, OCC filed a motion to Intervene in this proceeding in accordance with R.C. 4903.221 and Ohio Adm. Code 4901-1-11.
2. On August 10, 2022, OCC served its fifth set of discovery on AEP. It contains discovery related to AEP's mid-June outages that affected many Ohio consumers and the presentation that AEP gave to the PUCO about the outages on July 13, 2022.
3. Under Ohio Adm. Code 4901-1-19(A) and 4901-1-20(C), AEP's responses or objections to OCC's first set of discovery were due on August 31, 2022.
4. AEP's counsel requested that OCC withdraw its fifth set of discovery or have it held in abeyance. OCC responded that it would not withdraw its

discovery nor hold it in abeyance. AEP then filed a motion for a protective order.

5. The discovery dispute between OCC and AEP cannot be resolved without intervention by the PUCO.


STATE OF OHIO)
)
COUNTY OF FRANKLIN)

SS:

The undersigned, being of lawful age and duly sworn by oath, hereby certifies,
deposes and states the following:


I have caused to be prepared the attached written affidavit for OCC in the above-
referenced docket. This affidavit is true and correct to the best of my knowledge,
information and belief.

Further affiant sayeth naught.



William J. Michael, Affiant

Subscribed and sworn to before me this 30th day of September 2022.



Notary Public



LARRY STEVEN SAUER, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

9/30/2022 10:49:19 AM

in

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

Summary: Motion Motion to Compel AEP to Respond to Discovery Regarding Its
Power Outages in June 2022 by Office of the Ohio Consumers' Counsel
electronically filed by Ms. Alana M. Noward on behalf of Michael, William J.