

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Authority to Establish)	
a Standard Service Offer Pursuant to R.C.)	Case No. 23-23-EL-SSO
4928.143 in the Form of an Electric)	
Security Plan.)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 23-24-EL-AAM
Accounting Authority.)	

**MEMORANDUM CONTRA MOTION OF PUCO STAFF TO MODIFY THE
PROCEDURAL SCHEDULE AND REQUEST FOR EXPEDITED RULING
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

As energy prices soar, Ohio Power Company (“AEP”) asks the PUCO to approve its new “electric security plan (“ESP”). AEP applied to add *five* new charges to consumers’ bills and asks for a rate of return (profit) of over ten percent.¹ These charges include the Energy Efficiency Rider that incorporates *decoupling* of base rate charges.² Decoupling guarantees AEP profits, at consumer expense, even when consumers use less electricity. AEP also asks the PUCO to modify existing charges to collect more money from consumers. AEP wants to triple its Distribution Investment Recovery Rider (“DIR Charge”) cap from \$54 million to \$144 million in 2024.³ And AEP wants this cap to

¹ Application of Ohio Power Company for Authority to Establish a Standard Service Offer (“Application”) (January 6, 2023).

² Application at 17.

³ Direct Testimony of Jaime L. Mayhan at 16.

increase every subsequent year, peaking at \$617 million in 2029.⁴ That's *more than 10 times* what AEP's current DIR charge will collect from consumers next year.⁵

Now, the PUCO Staff moves to modify the procedural schedule to delay the filing of its testimony until August 21, 2023.⁶ For the reasons provided below, the PUCO Staff's request should be granted *only if* the evidentiary hearing currently scheduled to begin August 28, 2023 is moved to September 25, 2023. Otherwise, the PUCO Staff's request should be denied.

II. RECOMMENDATION

The PUCO Staff has not shown "good cause" to delay filing its testimony, as O.A.C. 4901-1-12(A) requires for extension of deadlines. The PUCO Staff contends that extending the deadline for testimony will "allow negotiations to continue, and for Staff to be able to properly advise the Commission as to its positions on these cases...."⁷ To the contrary, delaying Staff testimony by three additional weeks impedes not enhances potential settlement. Negotiating a resolution to this case requires parties, including the PUCO Staff, to communicate about their interests openly, and without delay. The PUCO can facilitate this by requiring Staff to file testimony sooner rather than later that articulates in detail its positions on AEP's proposed rate hike.

PUCO Staff's proposal also harms parties by shortening hearing preparation time. The hearing in this case is set for August 28, 2023.⁸ If the PUCO grants Staff's motion,

⁴ *Id.*

⁵ *Id.*

⁶ PUCO Staff's Motion to Modify the Procedural Schedule and Request for Expedited Ruling, at 1.

⁷ *Id.*

⁸ Entry (June 27, 2023) at 3.

parties would have one week between filing of Staff testimony and hearing. This gives parties little time to prepare to address Staff's positions at hearing.

OCC has already devoted considerable resources to meeting the PUCO's deadline for intervenor testimony. If the PUCO grants the PUCO Staff's request to extend the deadline for Staff testimony to August 21, it should also delay the hearing until September 25, 2023. This would give parties adequate time to analyze Staff's testimony and prepare for hearing. Additional preparation time would also allow parties to pursue settlement discussions enhanced by a known Staff position.

Further, delaying the hearing for one month, until September 25, 2023, would be consistent with the Attorney Examiner's June 27, 2023 ruling on the PUCO's Staff's previous request to continue the hearing date and extend the deadline for Staff testimony. In the Entry, the Attorney Examiner granted the PUCO's Staff's request for a continuance and extension of the deadline for Staff testimony. The Attorney Examiner established a new deadline for Staff testimony one month before the hearing date.⁹

III. CONCLUSION

The PUCO Staff's request to continue the deadline for filing Staff testimony should be granted *only if* the evidentiary hearing date currently schedule to begin August 28, 2023 is moved to September 25, 2023. Otherwise, the PUCO Staff's request should be denied.

⁹ Entry (June 27, 2023) at ¶ 9.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum Contra Motion of PUCO Staff to Modify the Procedural Schedule and Request for Expedited Ruling was served on the persons stated below via electronic transmission, this 17th day of July, 2023.

/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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Summary: Memorandum Memorandum Contra Motion of PUCO Staff to Modify the Procedural Schedule and Request for Expedited Ruling by Office of the Ohio Consumers' Counsel electronically filed by Ms. Alana M. Noward on behalf of Michael, William J..