

**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.	)	

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**MEMORANDUM CONTRA MOTION OF PUCO FOR CONTINUANCE AND  
REQUEST FOR EXPEDITED CONSIDERATION  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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**I. INTRODUCTION**

As energy prices soar, Ohio Power Company (“AEP”) asks the PUCO to approve its new “electric security plan” (“ESP”). AEP wants to add new charges to consumers’ bills and asks for a rate of return (profit) of over ten percent.<sup>1</sup> AEP wants to triple its Distribution Investment Recovery Rider (“DIR Charge”) cap from \$54 million to \$144 million in 2024.<sup>2</sup> And AEP wants this cap to increase every subsequent year, peaking at \$617 million in 2029.<sup>3</sup> That’s *more than 10 times* what AEP’s current DIR charge will collect from consumers next year.<sup>4</sup>

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

<sup>2</sup> Direct Testimony of Jaime L. Mayhan at 16.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Now, the PUCO Staff moves to continue the dates for filing its testimony, the pre-trial currently scheduled for August 10, 2023, and the evidentiary hearing currently scheduled for August 28, 2023.<sup>5</sup> OCC does not object to continuing the evidentiary hearing. But for the reasons provided below, the PUCO Staff's request to delay the filing of its testimony and to continue the pre-trial should be denied.

## **II. RECOMMENDATION**

Intervenors filed their testimony on June 9, 2023. The PUCO Staff, under the procedural schedule set by the Attorney Examiner, was to file its testimony on July 28.<sup>6</sup> The PUCO Staff applied for an extension of that filing date, requesting to file its testimony on August 21.<sup>7</sup> The PUCO Staff received an extension until August 18.<sup>8</sup> The PUCO Staff now asks for a two-week delay in filing its testimony, until September 1, 2023.<sup>9</sup>

The PUCO Staff has not shown "good cause" to delay filing its testimony, as O.A.C. 4901-1-13 requires for extension of deadlines. The PUCO Staff asks for additional time in filing its testimony so that it can attempt to settle the issues in this case. The PUCO Staff contends that "[s]ubstantial progress has been made on most of the significant issues in the case, and additional time is necessary to resolve the remaining issues and finalize a stipulation."<sup>10</sup> But delaying Staff testimony impedes not enhances

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<sup>5</sup> PUCO Staff's Motion for Continuance and Request for Expedited Consideration at 1.

<sup>6</sup> Entry (June 27, 2023) at 4.

<sup>7</sup> Motion for an Extension of the Deadline for Filing of Testimony, and for Expedited Consideration (July 12, 2023).

<sup>8</sup> Entry (July 18, 2023) at 4.

<sup>9</sup> Motion for Continuance and Request for Expedited Consideration (August 9, 2023).

<sup>10</sup> *Id.*

potential settlement. Negotiating a resolution to this case requires parties, including the PUCO Staff, to communicate their position on the issues raised by the utility's application. Filing testimony does that. The PUCO can facilitate this by requiring its Staff to file testimony sooner rather than later.

Relatedly, we object to continuing the pre-trial hearing scheduled for August 10, 2023. At the pre-trial, OCC (and other parties) would have the opportunity to address the PUCO Staff's motions, including the PUCO Staff's request to continue the deadline for filing its testimony. The Attorney Examiners would have the opportunity to question parties regarding their positions. The Attorney Examiners could then, after having heard the parties' positions, expeditiously rule on the PUCO Staff's request to delay the filing of its testimony.

### **III. CONCLUSION**

The PUCO Staff's request to continue the deadline for filing its testimony and for the August 10, 2023 pre-trial should be denied.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum Contra Motion of PUCO for Continuance and Request for Expedited Consideration was served on the persons stated below via electronic transmission, this 10<sup>th</sup> day of August 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 for Continuance  
and Request for Expedited Consideration by Office of the Ohio Consumers'  
Counsel electronically filed by Ms. Alana M. Noward on behalf of Michael, William  
J..