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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Of Columbus Southern Power Company)
And Ohio Power Company for Authority to) Case No. 05-376-EL-UNC
Recover Costs Associated with the)
Integrated Gasification Combined Cycle)
Electric Generating Facility)

MOTION OF
OHIO PARTNERS FOR AFFORDABLE ENERGY
TO INTERVENE, MEMORANDUM IN SUPPORT
AND MOTION TO PRACTICE PRO HAC VICE BEFORE THE
COMMISSION

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June 29, 2005

Counsel for Ohio Partners for
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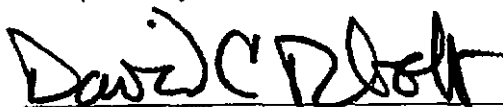
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MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves for leave to intervene in the above-captioned matter pursuant to R.C. 4903.221 and Section 4901-1-1-11 of the Commission's Code of Rules and Regulations, with full powers and rights granted, by the Commission specifically, by statute or by the provisions of the Commission's Code of Rules and Regulations, to intervening parties. The reasons for granting this motion are contained in the memorandum attached hereto and incorporated herein.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

Ohio Partners for Affordable Energy ("OPAE") should be permitted to intervene in these matters pursuant to Section 4903.22.1, Revised Code, and the Commission's Rules and Regulation contained in Section 4901-01-11 of the Ohio Administrative Code. The above-referenced application of Columbus Southern Power Company and Ohio Power Company ("the Companies" or "AEP") requests the Public Utilities Commission of Ohio ("PUCO") authorize recovery of costs associated with the construction of a coal-fired power plant from consumers taking regulated distribution service. In determining whether to permit intervention, the following criteria are to be considered: the nature of the person's interest; the extent to which that interest is represented by existing parties; the person's potential contribution to just and expeditious resolution of the proceedings; and, whether granting delay will unduly delay or unjustly prejudice any existing party. OPAE contends that it meets all four criteria.

OPAE is an Ohio corporation with a stated purpose of "advocating for affordable energy policies for low and moderate income Ohioans"; as such, it has a real and substantial interest in a proceeding that will result in a significant and uncontrolled increase in generation charges for customers taking regulated distribution service from AEP. OPAE's membership includes non-profit organizations located in the service territory that will be affected by the proposed

cost recovery over the next forty years.¹ Thus, OPAE represents the interests of low and moderate income Ohioans, and its members -- providers of essential utility services through bill assistance programs, and weatherization and energy efficiency services to low income customers of CG&E. OPAE's primary interest in this case are as follows: 1) the legality of cost recovery for the construction of a new generation facility by a electric distribution utility ("EDU"); 2) the proper procedure under which to evaluate the application which is one of first impression before the Commission; 3) whether the cost recovery timeline included in the application is just and reasonable; 4) whether the proposed cost recovery mechanism which commits Ohio customers of an EDU to pay the higher of market or cost for the production of electricity which may or may not be used to provide them with service is just and reasonable; 5) whether Ohio customers of an EDU should incur cost associated with the construction of an experimental coal generating technology; and, 6) how impacts of the rate increases can be mitigated for low-income customers of the regulated distribution utilities of AEP. OPAE desires to assist in the inquiry as to whether these requirements are met by the proposed change in ownership. OPAE offers a unique perspective on

¹ OPAE members are as follows: Stark County Community Action Agency; Stark Municipal Housing Authority; Northwest Ohio Community Action Commission, Inc.; HHWP Community Action Commission, WSOS Community Action Commission, Inc.; Ohio Heartland Community Action; Mansfield/Richland/Morrow Community Action Program; Wayne-Medina Community Action Agency; Kno-Ho-Co Community Action Commission; Community Action Agency of Columbiana County; Har-Ca-Tus Tri-County Community Action Organization; LEADS; Muskingham Economic Opportunity Action Group; Lima/Allen Council on Community Affairs; G-M-N Tri-County Community Action Committee; Jefferson County Community Action Council; Community Action Commission of Belmont County; CAP Corporation of Washington-Morgan Counties, Inc.; Meigs & Gallia Counties Community Action Program Committee, Inc. Hocking-Athens-Perry Community Action; Pickaway County Community Action Organization; Community Action Organization of Lancaster/Fairfield Area; Ross County Community Action Commission, Inc.; Highland County Community Action Organization; Adams-Brown Counties Economic Opportunities, Inc.; Community Action Organization of Scioto County; Community Action Organization of Delaware/Madison/Union Counties, Inc.; Ironton-Lawrence County Area Community Action Organization; Jackson-Vinton Community Action, Inc.; Corporation for Ohio Appalachian Development; and, Community Action Partnership of the Greater Dayton Area.

these matters and will contribute to the full development of a record in this matter, time and procedural schedule permitting.

For the above reasons, OPAE has a direct, real and substantial interest in these proceedings. The disposition of these proceedings may impair or impede the ability of OPAE to protect its interests. No other party to the proceedings will adequately represent the interests of OPAE. OPAE is a rare organization that serves as an advocate, service provider, and nonprofit customer group. No other party represents this group of interests.

OPAE's participation in these proceedings will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues and concerns raised in these proceedings.

Therefore, OPAE is entitled to intervene in these proceedings with the full powers and rights granted by statute and by the provisions of the Commission's Codes of Rules and Regulations to intervening parties.

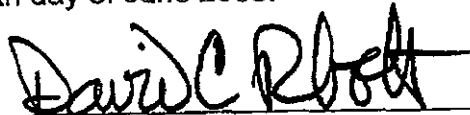
Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene and Memorandum of Support and the attached Motion to Admit *Pro Hac Vice* was served by regular U.S. Mail, postage prepaid, upon the parties of record identified below in this case on this 30th day of June 2005.



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**MOTION TO ADMIT DAVID C. RINEBOLT TO PRACTICE
PRO HAC VICE BEFORE THE COMMISSION**

Pursuant to Rule 4901-1-08(B) of the Ohio Administrative Code, Michael Smalz (0044897), an attorney licensed to practice in the State of Ohio, respectfully petitions the Public Utilities Commission of Ohio ("Commission") to permit David C. Rinebolt to practice *pro hac vice* before the Commission in the above-referenced proceedings. Mr. Rinebolt is counsel for Ohio Partners for Affordable Energy, which is an Ohio corporation engaged in advocating for affordable energy policies.

Mr. Rinebolt graduated for the Columbus School of Law of the Catholic University of American in May 1981. As an active member of the District of Columbia Bar, Bar No. 367210, Mr. Rinebolt is licensed to practice before the federal courts of the District of Columbia. He has also been granted corporate status by The Supreme Court of Ohio, Bar No. 0073178. Mr. Rinebolt has practiced law continuously since being admitted to the District of Columbia Bar in October 1982.

WHEREFORE, Michael Smalz respectfully requests that David C. Rinebolt be permitted to practice before the Commission in the aforementioned proceedings.

Respectfully submitted,

Michael Smalz^{DCR}

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