

ORIGINAL

IN THE SUPREME COURT OF OHIO

Columbus Southern Power Company and Ohio Power Company	:	Case No. 2009-2060
	:	
	:	
Appellants,	:	Appeal from the Public
	:	Utilities Commission of Ohio
v.	:	
	:	
The Public Utilities Commission of Ohio,	:	Public Utilities Commission of Ohio
	:	Case No. 09-119-EL-AEC
	:	
Appellee.	:	

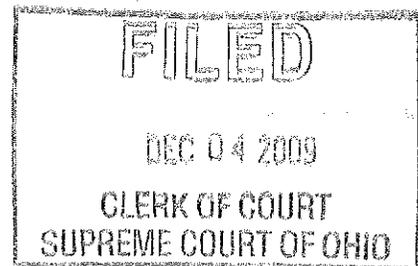
MOTION TO INTERVENE AS APPELLEE OF
INDUSTRIAL ENERGY USERS-OHIO OR,
IN THE ALTERNATIVE, NOTICE OF ITS FILING
OF AN *AMICUS* BRIEF IN SUPPORT OF THE APPELLEE

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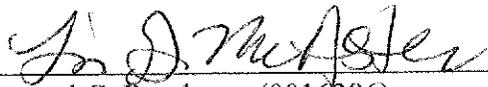
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Motion to Intervene of Industrial Energy Users-Ohio

NOW COMES Industrial Energy Users-Ohio ("IEU-Ohio") and respectfully requests that this Court grant it leave to intervene as an Appellee in the above-captioned case. In the alternative, in the event that IEU-Ohio's Motion to Intervene as an Appellee is not granted, IEU-Ohio respectfully files a notice with the Court of its filing of an *Amicus* Brief in Support of the Appellee. The reasons for this Motion are set forth below in the attached Memorandum in Support.

Respectfully submitted,



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Memorandum in Support

This case comes to the Court on appeal by Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OP”) (collectively, American Electric Power – Ohio or “AEP-Ohio” or “Appellants”) from a final Opinion and Order of the Public Utilities Commission of Ohio (“Commission”) dated July 15, 2009 and an Entry on Rehearing dated September 15, 2009 in Case No. 09-119-EL-AEC. IEU-Ohio is a party of record and fully participated in Case No. 09-119-EL-AEC.

IEU-Ohio is an association of ultimate customers whose members purchase substantial amounts of electric and related services from AEP-Ohio and other Ohio electric distribution utilities (“EDUs”). IEU-Ohio’s members work together to address matters that affect the availability and price of utility services. Additionally, IEU-Ohio seeks to promote customer-driven policies that will assure an adequate, reliable, and efficient supply of energy for all consumers at competitive prices. To this end, IEU-Ohio has worked and will continue to work to produce legislative, regulatory, and market outcomes that are consistent with the state policy contained in Section 4928.02, Revised Code.

IEU-Ohio has a direct, real and substantial interest in any modification requested by Appellant that may directly or indirectly impact the provision of electric service to IEU-Ohio members’ facilities. Specifically, IEU-Ohio’s direct interest in this proceeding is the result of the effect that this proceeding shall have upon the price, adequacy, and reliability of the electric supply and related services within Ohio, including the areas presently served by AEP-Ohio. Should the Appellant prevail and the Commission’s Opinion and Order and Entry on Rehearing be reversed, IEU-Ohio members may suffer harm as a result of the effect on the pricing, adequacy and reliability of electric supply and related services. IEU-Ohio believes that its

participation will not cause undue delay, will not unjustly prejudice any existing party, and will contribute to the just and expeditious resolution of the issues raised in this appeal.

IEU-Ohio, therefore, respectfully requests that this Court grant it leave to intervene as an Appellee in this proceeding. In the event that IEU-Ohio's Motion to Intervene as an Appellee is not granted, IEU-Ohio respectfully provides notice to the Court of its filing of an *Amicus* Brief in Support of the Appellee.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of this Motion to Intervene as Appellee of Industrial Energy Users-Ohio, or, in the alternative, Notice of its Filing of an *Amicus* Brief, have been served by first class mail, postage prepaid, or hand-delivered to the following parties of record, this 4th day of December 2009.



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