

IN THE SUPREME COURT OF OHIO

ORIGINAL

The Office of the Ohio Consumers' Counsel,)

Appellant,)

v.)

The Public Utilities Commission of Ohio,)

Appellee.)

Supreme Court Case No. 09-2022

(In the Matter of the Application of Columbus Southern Power Company for Approval of its Electric Security Plan; an Amendment to its Corporate Separation Plan; and the Sale or Transfer of Certain Generation Assets, In the Matter of the Application of Ohio Power Company for Approval of its Electric Security Plan, and an Amendment to its Corporate Separation Plan.))

Appeal from the Public Utilities Commission of Ohio Case Nos. 08-917-EL-SSO and 08-918-EL-SSO

FILED
JAN 07 2010
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR AN EXTENSION OF TIME TO FILE MERIT BRIEF OF APPELLANT

BY

THE OFFICE OF THE OHIO CONSUMERS' COUNSEL

Janine L. Migden-Ostrander
(Reg. No. 0002310)
Consumers' Counsel

Richard Cordray
(Reg. No. 0038034)
Attorney General of Ohio

Maureen R. Grady, Counsel of Record
(Reg. No. 0020847)
Terry L. Etter
(Reg. No. 0067445)
Richard C. Reese
(Reg. No. 0076211)
Assistant Consumers' Counsel

Duane W. Luckey
(Reg. No. 0023557)
Chief, Public Utilities Section
Werner L. Margard III
(Reg. No. 0024858)
Thomas G. Lindgren
(Reg. No. 0039210)
John H. Jones
(Reg. No. 0051913)
Assistant Attorneys General

Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485
(614) 466-8574 - Telephone
(614) 466-9475 - Facsimile
grady@occ.state.oh.us
etter@occ.state.oh.us
reese@occ.state.oh.us

*Attorneys for Appellant
Office of the Ohio Consumers' Counsel*

Samuel C. Randazzo
(Reg. No. 0016386)
Counsel of Record
Lisa G. McAlister
(Reg. No. 0075043)
Joseph M. Clark
(Reg. No. 0080711)
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
Telephone: (614) 469-8000
Facsimile: (614) 469-4653
sam@mwncmh.com
lmcalister@mwncmh.com
jlark@mwncmh.com

*Attorneys for Appellant, Industrial Energy
Users-Ohio*

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793
(614) 644-8698 - Telephone
(614) 644-8764 - Facsimile
duane.luckey@puc.state.oh.us
werner.margard@puc.state.oh.us
thomas.lindgren@puc.state.oh.us
john.jones@puc.state.oh.us

*Attorneys for Appellee
Public Utilities Commission of Ohio*

Marvin I. Resnik (0005695)
Counsel of Record
Kevin F. Duffy (0005867)
Steven T. Nourse (0046705)
Matthew J. Satterwhite (0071972)
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215-2373
Telephone: (614) 716-1606
Facsimile: (614) 716-2950
miresnik@aep.com
stnourse@aep.com
mjsatterwhite@aep.com
kfduffy@aep.com

Daniel R. Conway (0023058)
Porter Wright Morris & Arthur LLP
41 South High Street
Columbus, Ohio 43215
Telephone: (614) 227-2270
Facsimile: (614) 227-2100
dconway@porterwright.com

*Attorneys for Movants for Intervention
Columbus Southern Power Company and
Ohio Power Company*

IN THE SUPREME COURT OF OHIO

The Office of the Ohio Consumers' Counsel,)	
)	
Appellant,)	
)	
v.)	Supreme Court Case No. 09-2022
)	
The Public Utilities Commission of Ohio,)	
)	
Appellee.)	
)	
(In the Matter of the Application of Columbus)	
Southern Power Company for Approval of its)	
Electric Security Plan; an Amendment to its)	Appeal from the Public Utilities
Corporate Separation Plan; and the Sale or)	Commission of Ohio
Transfer of Certain Generation Assets, In the)	Case Nos. 08-917-EL-SSO and
Matter of the Application of Ohio Power)	08-918-EL-SSO
Company for Approval of its Electric Security)	
Plan, and an Amendment to its Corporate)	
Separation Plan.))	

**MOTION FOR AN EXTENSION OF TIME TO
FILE MERIT BRIEF OF APPELLANT
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

Pursuant to S.Ct.Prac.R. XIV Sec. 3(B)(2)(b), Appellant Office of the Ohio Consumers' Counsel ("OCC") respectfully requests a ten-day extension of time to file its Merit Brief in the above-captioned case. The OCC has not previously requested an extension of time in this case.

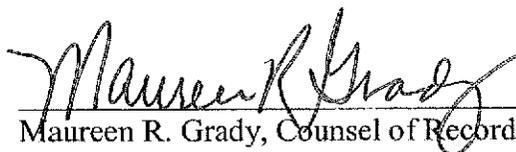
Good cause exists for the extension of time. The OCC's counsel requires additional time to prepare the Merit Brief due to the workload of the attorneys involved in this appeal and the complexities of the case, during a time period that also included the intervening holiday season.

The OCC's Merit Brief is currently due on January 13, 2010. Ten days after January 13, 2010 is Saturday, January 23, 2010. Pursuant to S.Ct.Prac.R. XIV Sec. 3(A), the new due date

for the reply brief would be January 25, 2010. Therefore, the OCC requests that the deadline to file the Merit Brief be extended to January 25, 2010.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
OHIO CONSUMERS' COUNSEL



Maureen R. Grady, Counsel of Record

Terry L. Etter

Richard C. Reese

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

10 W. Broad Street, Suite 1800

Columbus, OH 43215

(614) 466-8574 – Telephone

(614) 466-9475 – Facsimile

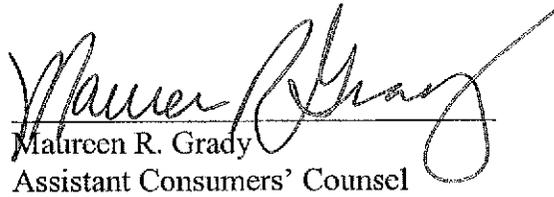
grady@occ.state.oh.us

etter@occ.state.oh.us

reesc@occ.state.oh.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *Motion for An Extension of Time to File Merit Brief of Appellant* has been served upon the below-named counsel via First Class mail, postage prepaid, this 7th day of January, 2010.


Maureen R. Grady
Assistant Consumers' Counsel

SERVICE NOTICE

Duane W. Luckey
Werner L. Margard III
Thomas G. Lindgren
John H. Jones
Assistant Attorneys General
180 East Broad Street, 6th FL.
Columbus, OH 43215-3793

Daniel R. Conway
Porter Wright Morris & Arthur LLP
41 South High Street
Columbus, OH 43215

Marvin I. Resnik
Kevin F. Duffy
Steven T. Nourse
Matthew J. Satterwhite
American Electric Power Service
Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215-2373

Samuel C. Randazzo
Lisa G. McAlister
Joseph M. Clark
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215