

**IN THE SUPREME COURT OF OHIO**

**In the Matter of the Application of Columbus** :  
**Southern Power Company and Ohio Power** : **Case No. 2010-1533**  
**Company for Approval of its Program Portfolio** :  
**Plan and Request For Expedited Consideration** : **Appeal from the Public**  
: **Utilities Commission of Ohio**  
:  
: **Public Utilities**  
: **Commission of Ohio**  
: **Case Nos. 09-1089-EL-POR**

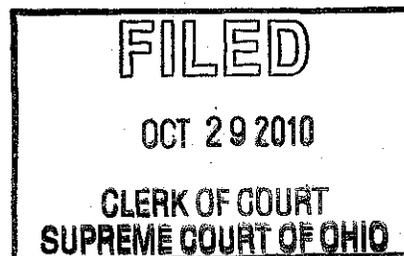
**COLUMBUS SOUTHERN POWER COMPANY'S  
AND OHIO POWER COMPANY'S  
MOTION TO INTERVENE**

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Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OPCo”) (collectively, “Companies” or “AEP Ohio”), move to intervene as Appellees in this proceeding. For the reasons discussed in the following memorandum: 1) AEP Ohio has an interest relating to the matters that are the subject of this action; 2) the disposition of the action may impair or impede AEP Ohio’s ability to protect that interest; and 3) that interest is not adequately represented by existing parties.

**MEMORANDUM IN SUPPORT**

This appeal involves the effect of orders issued by the Public Utilities Commission of Ohio (Commission), in its Case No. 09-1089-EL-POR. That case involves the approval and modification of a stipulation reached by a majority of the parties concerning the Companies' energy efficiency and peak demand reduction program portfolio plans for 2010 through 2012, pursuant to Ohio Administrative Code Rule 4901:1-39-04.

The appeal seeks to overturn certain portions of the Commission's order in this case so as to achieve a result that would be contrary to AEP Ohio's interest. CSP is the utility implementing the programs and therefore has a direct interest in an appeal seeking to overturn or modify that decision. Likewise, as the utility implementing the order, CSP can provide the Court with a unique perspective on the impact of arguments raised by IEU and the impact of those decisions on the public interest. No other party currently involved in the case can provide the perspective of the implementing and affected utility company.

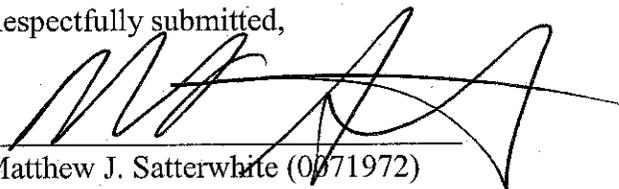
While the appeal should be limited to the stipulation approval and modification in the docket concerning Columbus Southern Power, IEU includes references to Ohio Power Company in its description of the Order on appeal. The Opinion and Order and Entry on Rehearing included two case captions, one for the appeal before the Court and one for Ohio Power's identical program. *In the Matter of the Application of Ohio Power Company for Approval of its Program Portfolio Plan and Request for Expedited Consideration*, 09-1090-EL-POR ("OPCo Case"). The Commission declared IEU's application for rehearing of the *OPCo Case* on the same order did not occur due to IEU's failure to file the application in both dockets. *OPCo Case*, Entry on Rehearing (July 12, 2010 at ¶12, Attached to the IEU's Amended Notice of Appeal.) The lack of a proper Application for Rehearing obviously barred an appeal of that case.

The appeal of the Commission's order in the CSP case should not be used as a collateral attack on OPCo's final Commission order and a ruling by the Court could have a precedential impact on the actions being carried out by OPCo under the same terms of

the Order on appeal. Therefore, both operating companies have a direct interest in the matters that are the subject of these appeals.

Absent granting intervention, the Companies' ability to protect its interests may be impaired or impeded, and the Court will not have the benefit of hearing from the company whose rates are at issue in this appeal. Neither the Appellant nor the Appellee can adequately represent the Companies' interests in this regard. Therefore, the Companies request that the Court grant this motion to intervene.

Respectfully submitted,



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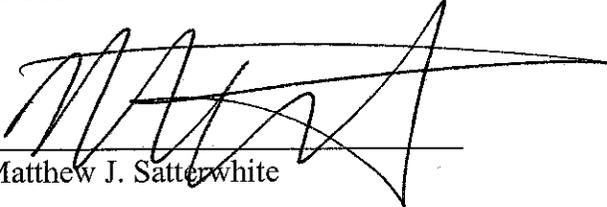
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**PROOF OF SERVICE**

I certify that Columbus Southern Power Company's and Ohio Power Company's Motion to Intervene was served by First-Class U.S. Mail upon counsel identified below for all parties of record this 29<sup>th</sup> day of October 2010.



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