

ORIGINAL

IN THE SUPREME COURT OF OHIO

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.)

(The Office of the Ohio Consumers')
Counsel v The Public Utilities Commission)
of Ohio))

Supreme Court Case No. 09-2022

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

**LIST OF ADDITIONAL AUTHORITY
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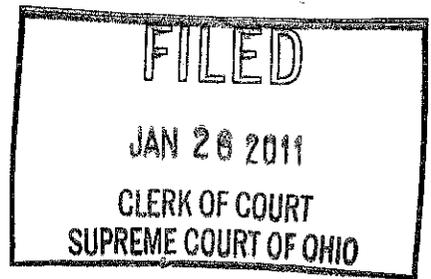
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Columbus Southern Power Company
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IN THE SUPREME COURT OF OHIO

In the Matter of the Application of)
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Approval of its Electric Security Plan; an)
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(The Office of the Ohio Consumers')
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**LIST OF ADDITIONAL AUTHORITY
BY
APPELLANT, THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

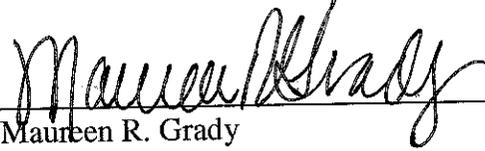
Pursuant to S. Ct. Prac. R. 9.8, Appellant, the Office of the Ohio Consumers' Counsel ("OCC"), hereby files the following additional authority that may be relied upon during oral argument:

1. *State of Ohio ex rel. Office of the Ohio Consumers' Counsel, Ohio Manufacturers' Association, The Kroger Co., and Ohio Hospital Association v. Alan Schriber et al.*, Case No. 2009-0710, Entry (June 17, 2009).

The oral argument in this matter is scheduled for February 2, 2011. For the convenience of the Court, the additional authority is attached.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
OHIO CONSUMERS' COUNSEL

A handwritten signature in black ink, appearing to read "Maurben R. Grady", written over a horizontal line.

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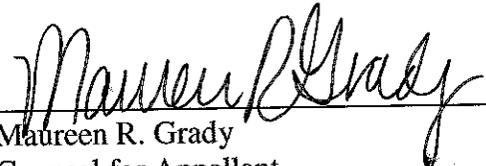
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *List of Additional Authority by Appellant, the Office of the Ohio Consumers' Counsel* was served upon the following counsel by regular U.S. Mail, prepaid, this 26th day of January 2011.


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FILED

JUN 17 2009

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

State of Ohio ex rel. Office of the Ohio
Consumers' Counsel, Ohio Manufacturers'
Association, The Kroger Co., and Ohio
Hospital Association

Case No. 2009-0710

IN PROHIBITION

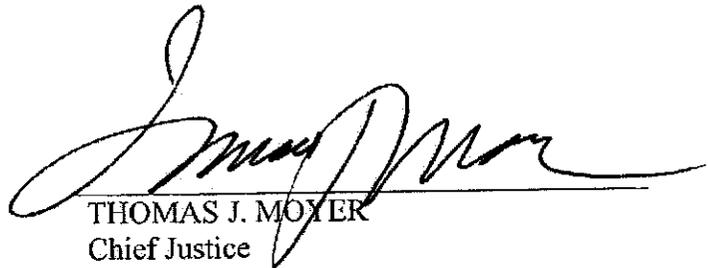
ENTRY

v.

Alan R. Schriber, Chairman, Ronda
Hartman Fergus, Commissioner, Valerie A.
Lemmie, Commissioner, Paul A.
Centolella, Commissioner, and Cheryl L.
Roberto, Commissioner

This cause originated in this Court on the filing of a complaint for a writ of prohibition. Upon consideration of the motion to dismiss of Columbus Southern Power Company, Ohio Power Company, and the commissioners of the Public Utilities Commission,

The motion to dismiss is granted because the complaint does not state a claim justiciable in prohibition. The issues raised by the complaint may be resolved on appeal, and thus relators have an adequate remedy at law. *State ex rel. Cleveland Elec. Illuminating Co. v. Pub. Util. Comm.* (1962), 173 Ohio St. 450, 452, 183 N.E.2d 782. Accordingly, this cause is dismissed.



THOMAS J. MOYER
Chief Justice