

ORIGINAL

IN THE SUPREME COURT OF OHIO

In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company	:	Case No. 2012-2098
	:	Public Utilities Commission of Ohio
	:	Case No. 10-2929-EL-UNC
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	:	
In the Matter of the Commission Review of the Capacity Charges of Ohio Power Company and Columbus Southern Power Company	:	Case No. 2013-0228
	:	Public Utilities Commission of Ohio
	:	Case No. 10-2929-EL-UNC

**JOINT MOTION TO CONSOLIDATE CASE NOS. 2012-2098 AND 2013-0228 FOR
PURPOSES OF BRIEFING, AND IN THE ALTERNATIVE TO SUSPEND THE
BRIEFING SCHEDULE IN CASE NO. 2012-2098 AND
REQUEST FOR EXPEDITED TREATMENT AND MEMORANDUM IN SUPPORT**

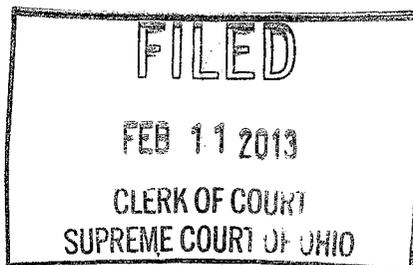
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**JOINT MOTION TO CONSOLIDATE CASE NOS. 2012-2098 AND 2013-0228 FOR
PURPOSES OF BRIEFING, AND IN THE ALTERNATIVE TO SUSPEND THE
BRIEFING SCHEDULE IN CASE NO. 2012-2098 AND
REQUEST FOR EXPEDITED TREATMENT**

Appellant, Industrial Energy Users-Ohio (“IEU-Ohio”) and Appellee, the Public Utilities Commission of Ohio (“Commission” or “PUCO”) jointly request that the Court consolidate Case No. 2012-2098 with Case No. 2013-0228 for purposes of briefing the cases, and establish a briefing schedule for the consolidated cases based upon the record transfer in Case No. 2013-0228.

Alternatively, IEU-Ohio and the Commission request that the Court suspend the briefing schedule in Case No. 2012-2098 until the Court rules on the Commission’s motion to dismiss that was filed on January 18, 2013. If the Court suspends the briefing schedule and subsequently denies the motion to dismiss, IEU-Ohio and the Commission request that the Court allow IEU-Ohio 40 days from the denial of the motion to dismiss to file its merit brief.

IEU-Ohio and the Commission request that the Court rule upon this motion on an expedited basis and have attached a proposed Agreed Entry.

Respectfully submitted:

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JOINT MEMORANDUM IN SUPPORT

On December 14, 2012, IEU-Ohio filed its notice of appeal in Case No. 2012-2098 from the Commission's March 7, 2012 Entry; May 30, 2012 Entry; July 2, 2012 Opinion and Order; October 17, 2012 Entry on Rehearing; and December 12, 2012 Entry on Rehearing in PUCO Case No. 10-2929-EL-UNC. On January 14, 2013, the Commission transferred its record to the Court. Pursuant to S.Ct.Prac.R. 16.02(A)(2), IEU-Ohio's merit brief is due by February 25, 2013.

Subsequent to filing the notice of appeal, the Office of the Ohio Consumers' Counsel ("OCC") filed an application for rehearing with the Commission seeking rehearing of the Commission's December 12, 2012 Entry on Rehearing. On January 18, 2013, the Commission moved to dismiss IEU-Ohio's appeal in Case No. 2012-2098 on grounds that it was filed prematurely.

On February 6, 2013, IEU-Ohio filed a notice of appeal from the Commission's March 7, 2012 Entry; May 30, 2012 Entry; July 2, 2012 Opinion and Order; October 17, 2012 Entry on Rehearing; December 12, 2012 Entry on Rehearing; *and January 30, 2013 Entry on Rehearing*. IEU-Ohio's February 6, 2013 second notice of appeal from the proceeding below has been assigned Case No. 2013-0228.

The procedural status of these cases has raised the possibility that IEU-Ohio will be required to file its initial brief in Case No. 2012-2098 before the Court rules on the motion to dismiss. Accordingly, IEU-Ohio and the Commission request that the cases be consolidated for purposes of briefing, request that the briefing schedule be determined by the date the

Commission transfers the record in Case No. 2013-0228, and request that the Court rule on this joint motion on an expedited basis.

In the alternative, IEU-Ohio and the Commission request that the Court suspend the briefing schedule in Case No. 2012-2098 pending a ruling on the Commission's motion to dismiss that was filed on January 18, 2013. If the Court suspends the briefing schedule and subsequently denies the motion to dismiss, IEU-Ohio and the Commission request the Court to allow IEU-Ohio 40 days from the denial of the motion to dismiss to file its merit brief.

Respectfully submitted:



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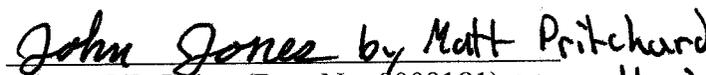
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Motion to Consolidate Case Nos. 2012-2098 and 2013-0288 for Purposes of Briefing, and in the Alternative to Suspend the Briefing Schedule in Case No. 2012-2098 and Request for Expedited Treatment and Memorandum in Support* was served upon the parties of record this 11th day of February, 2013 via electronic transmission, hand-delivery, or ordinary U.S. mail, postage prepaid.


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