

ORIGINAL

IN THE SUPREME COURT OF OHIO

In the Matter of the Commission Review of	)	
the Capacity Charges of Ohio Power	)	Supreme Court Case No. 12-2098
Company and Columbus Southern Power	)	
Company.	)	Appeal from the Public Utilities
	)	Commission of Ohio
	)	
	)	Case No. 10-2929-EL-UNC

**MOTION TO CHANGE PARTY DESIGNATION  
AND REQUEST FOR EXPEDITED TREATMENT  
BY  
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AND REQUEST FOR EXPEDITED TREATMENT  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") respectfully moves this Honorable Court to change OCC's party designation in this appeal from Appellee/Cross-Appellant to Appellant/Cross Appellee. OCC filed a notice of appeal in the above-captioned case on February 11, 2013. OCC's Notice of Appeal was intended to be a "second" notice of appeal so that OCC would be designated as an Appellant. However, OCC is currently designated in this docket as an Appellee/Cross-Appellant.

OCC's party designation in this proceeding is incorrect because both of the requirements under S.Ct.Pract.R. 7.01(A)(2)(b) are not met. Specifically, S.Ct.Pract.R. 7.01(A)(2)(b)(i) and (ii) state:

- (b) A notice of appeal shall be designated and treated as a notice of cross-appeal if both of the following requirements are met:
  - (i) It is filed after the original notice of appeal was filed in the case;
  - (ii) It is filed by a party **against** whom the original notice of appeal was filed. (Emphasis added).

Although OCC filed its notice of appeal after the original notice was filed by Industrial Energy Users-Ohio ("IEU-Ohio"), S.Ct.Pract.R. 7.01(A)(2)(b)(ii) is not applicable. OCC appeals the decisions of the Public Utilities Commission of Ohio ("PUCO") made in PUCO Case Number 10-2929-EL-UNC. Thus, both of the requirements under S.Ct.Pract.R. 7.01(A)(2)(b) are not met. Therefore OCC should be designated as an Appellant/Cross-Appellee.

Accordingly, OCC respectfully requests that this Court grant its request to be designated as an Appellant/Cross Appellee. Such designation is appropriate and coincides with the intent of OCC's notice of appeal. Finally, OCC requests that the Court rule upon this Motion on an expedited basis due to the upcoming deadline for First Merit Briefs.

Respectfully submitted,

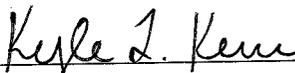
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**PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing Motion to Change Party Designation was served via electronic transmission, upon the following parties of record this 12th day of March, 2013.

  
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