**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Seamless Move  Operational Plan of Ohio Power Company. | )  )  ) | Case No. 19-2141-EL-EDI |

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| In the Matter of the Application of The Dayton Power and Light Company for Approval of a Future Seamless Move Operational Plan. | )  )  )  ) | Case No. 19-2144-EL-UNC |

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| In the Matter of the Application of The Seamless Move Operational Plan of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. | )  )  )  )  ) | Case No. 19-2150-EL-UNC |

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| In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of an  Operational Plan for Seamless Move. | )  )  ) | Case No. 19-2151-EL-EDI |

**MOTION TO MODIFY THE PROCEDURAL SCHEDULE**

**BY**

**THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Pursuant to Ohio Adm. Code 4901-1-13(A), the Office of the Ohio Consumers’ Counsel (“OCC”) moves to modify the procedural schedule by extending all deadlines set forth in paragraphs 6 and 7 of the March 4, 2020 PUCO Entry by 30 days. The OCC has contacted PUCO Staff and counsel for the Utilities, and no one opposes this Motion. Good cause exists for this Motion, as directed by the PUCO in its Entry in Case No. 20-

591-AU-UNC,[[1]](#footnote-3) due to the severity of the exigent circumstances caused by the national and statewide outbreak of the novel coronavirus (“COVID-19”) pandemic.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers’ Counsel

/s/ *Ambrosia E. Logsdon*

Ambrosia E. Logsdon (0096598)

Counsel of Record

Amy Botschner O’Brien (0074423)

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(willing to accept service by e-mail)

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## MEMORANDUM IN SUPPORT

1. **RECOMMENDATION**

The existing procedural schedule calls for comment and reply comment time period dates of April 3, and April 20, respectively, as prescribed by the Attorney Examiner Entry.[[2]](#footnote-4) Under these circumstances, it is not practical for the parties to attempt to meet the current case deadlines. There is significant disruption to the operations of government agencies and businesses, including the OCC, the PUCO Staff, and the Utilities. Many employees have changed work schedules and environments, have experienced unexpected personal commitments, and have reduced access to relevant documents and information. OCC respectfully submits that these circumstances warrant an extension of the case procedural deadlines to ensure that all parties can effectively respond to discovery and prepare these cases for a hearing.

There is good cause for this Motion to extend the comment and reply comment deadlines in this case due to the unprecedented national and statewide disruptions caused by the novel coronavirus (“COVID-19”) pandemic. In recent weeks, Ohio Governor DeWine has declared a state of emergency and many government agencies and business have rightly taken immediate action to protect consumers, employees, and the public.[[3]](#footnote-5) The Governor and the Director of Health have also banned mass gatherings in the State of Ohio, and workers are required to stay at home, to work remotely, and to avoid in-person meetings.[[4]](#footnote-6) This public health crisis has resulted in severe disruptions to the ordinary course of government business, including at the PUCO and the OCC. Many offices, including those of PUCO Staff, are operating at minimal capacity.[[5]](#footnote-7) Moreover, the PUCO has ordered that “…any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter…”[[6]](#footnote-8)

For these reasons, good cause exists under Ohio Adm. Code 4901-1-13(A) to extend all case procedural deadlines for at least 30 days. All parties to this case have agreed to a modification of the procedural schedule and extend the current deadlines by 30 days making comments due May 3, 2020 and reply comment due May 20, 2020.

1. **CONCLUSION**

The PUCO should grant OCC’s Motion to extend the procedural schedule by 30 days in that good cause exists for the Motion, and no party objects to the 30-day extension.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers’ Counsel

/s/ *Ambrosia E. Logsdon*

Ambrosia E. Logsdon (0096598)

Counsel of Record

Amy Botschner O’Brien (0074423)

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(willing to accept service by e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Motion to Modify the Procedural Schedule was served on the persons stated below via electronic transmission, this 27th day of March 2020.

*/s/ Ambrosia E. Logsdon*

Ambrosia E. Logsdon

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

**SERVICE LIST**

|  |  |
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1. *See In re the Matter of the Proper Procedures and Process for the Commission’s Operations and Proceedings During the Declared State of Emergency and Related Matters,* Case No. 20-591-AU-UNC, Entry at ¶¶5, 7 (March 16, 2020). [↑](#footnote-ref-3)
2. *See In re the Application of the Dayton Power and Light Company for Approval of a Future Operational Plan for Seamless Move*, Case No. 19-2144-EL-UNC, Entry at ¶¶6-9 (March 4, 2020). [↑](#footnote-ref-4)
3. *See* Gov. Mike DeWine, EO2020-1D (Mar. 9, 2020). [↑](#footnote-ref-5)
4. *See* Amy Acton, Director of Health, Director’s Stay at Home Order (Mar. 22, 2020). [↑](#footnote-ref-6)
5. *See* Case No. 20-591-AU-UNC, Entry (March 16, 2020). [↑](#footnote-ref-7)
6. *See Id.* at ¶¶5, 7; *see also* Entry (March 12, 2020). [↑](#footnote-ref-8)