**BEFORE**

**THE OHIO POWER SITING BOARD**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application of **American Transmission Systems, Incorporate**d for a Certificate of Environmental Compatibility and Public Need for the construction of the Fulton Substation. | :  :  :  :  :  : | Case No. 11-4152-EL-BSB |

**MOTION TO ACCEPT**

**LATE-FILED**

**STAFF REPORT OF INVESTIGATION**

**AND**

**MEMORANDUM IN SUPPORT**

The Staff of the Ohio Power Siting Board (Staff) moves that its late-filed Staff Report of Investigation (SRI) be accepted for filing into the docket of this case.

Respectfully submitted,

**Mike DeWine**

Ohio Attorney General

/s/ William L. Wright

**William L. Wright**

Section Chief

**Ryan P. O’Rourke**

Assistant Attorney General

Public Utilities Section

180 East Broad Street, 6th Floor

Columbus, OH 43215-3793

614.466.4397 (telephone)

614.644.8764 (fax)

[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

[ryan.orourke@puc.state.oh.us](mailto:ryan.orourke@puc.state.oh.us)

**MEMORANDUM IN SUPPORT**

By Entry dated September 21, 2012, Attorney Examiner Katie L. Stenman estab­lished the procedural schedule for Case No. 11-4152-EL-BSB. Pursuant to the Entry, the deadline set for filing the SRI was Friday, October 26, 2012. Due to a heavy present workload, including multiple pending applications involv­ing American Transmission Systems, Incorporated (ATSI), the SRI was filed early on Monday morning, October 29, 2012, the next business day. Importantly, the statutorily-required deadline, under R.C. 4906.08, for filing the SRI with the Board and the Appli­cant, at least 15 days in advance of the scheduled hearing, is still met.

The Staff has contacted ATSI and the undersigned has contacted ATSI’s legal coun­sel as well, neither of whom takes issue with, or is prejudiced by, the late filing.

Inasmuch as the balance of the procedural schedule remains intact, and the fact that no party is prejudiced, the Staff respectfully requests that this motion be granted.

Respectfully submitted,

**Mike DeWine**

Ohio Attorney General

/s/ William L. Wright

**William L. Wright**

Section Chief

**Ryan P. O’Rourke**

Assistant Attorney General

Public Utilities Section

180 East Broad Street, 6th Floor

Columbus, OH 43215-3793

614.466.4397 (telephone)

614.644.8764 (fax)

[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

[ryan.orourke@puc.state.oh.us](mailto:ryan.orourke@puc.state.oh.us)

# PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Accept Late-Filed Staff Report of Investigation and Memorandum in Support**, submitted on behalf of the Staff of the Public Utilities Commis­sion of Ohio,was served via electronic mail upon the following Parties of Record, this 30th day of October, 2012.

/s/ William L. Wright

**William L. Wright**

Section Chief

**Parties of Record:**

|  |  |
| --- | --- |
| Christopher R. Schraff  Robert J. Schmidt  Porter Wright Morris & Arthur  41 South High Street  Columbus, OH 43215  [cschraff@porterwright.com](mailto:cschraff@porterwright.com)  [rschmidt@porterwright.com](mailto:rschmidt@porterwright.com) |  |