

James W. Burk
The Cleveland Electric Illuminating Company

Marvin I. Resnik JWB
Ohio Power Company

James W. Burk
The Toledo Edison Company

Paul A. Colbert JWB
Duke Energy Ohio

Randall Luffin JWB
Dayton Power & Light Company

Roy Rushing JWB
Ohio Gas Association

Memorandum in Support

On October 11, 2006, the Commission established the present rulemaking docket pursuant to the requirement imposed on administrative agencies to conduct a review of their rules every five years. Comments were required to be filed on November 21, 2006 with reply comments due on December 18, 2006. This proposed rulemaking is unique in a couple respects, both of which contribute to the need for the requested extension. First, the rulemaking covers those portions of the Commission's rules related to emergency situations and the Governor's and Commission's powers related thereto. Fortunately for all Ohioans, these rules are not utilized on a regular or daily basis and therefore may not be familiar to all of the parties that may seek to provide comment. Contrary to rules, for example, related to Commission procedures or the electric service and safety standards that are referenced on a regular basis, the rules being addressed in this docket related to emergency powers and situations are rarely referenced. Additional time is necessary to make sure the rules in their current form are clearly understood and communicated within the different organizations that may desire to file comments.

Second, the rulemaking proposes significant and substantive changes to numerous aspects of the rules. This is not one of those situations where the Commission Staff is generally satisfied with the current form of the rules and therefore offers few if any changes. In that situation, a more limited review of the proposed changes by interested parties may be undertaken. In the current situation, however, the proposed changes are both numerous and substantive. In more than one instance, entire rules have been deleted and interested parties have the responsibility to digest and comment upon entirely new rules. And while these rules are not used on a daily basis, on that day when they may come into play, it will be critical that they have

been properly designed to assure they fulfill their intended purpose. The Joint Movants believe that the additional time requested is necessary to allow interested parties to provide more complete and thoughtful comments for the Commission's consideration to better assure that the final rules are workable in the types of emergency situations where they will be utilized and are understood by the parties that will need to follow them.

The Joint Movants request that the Commission rule on this motion in an expedited fashion as permitted by O.A.C. 4901-1-12. An expedited ruling is important to let interested parties know as soon as possible whether additional time has been provided to allow them to properly allocate their resources. An expedited ruling granting the motion would give parties the assurance that they have adequate time to analyze the proposed rules and formulate comments. Rule 12 requires the moving party to contact all parties to determine if any party objects to the motion. Since there are currently no parties to this proceeding, there can be no objection to the motion by a party, but the Joint Movants cannot certify that no person will file an objection.

The extension sought by the Joint Movants will aid the rulemaking process by providing additional time to interested parties to allow them to prepare more complete comments for the Commission to consider. Further, ruling on the motion on an expedited basis will not harm any potential interested party, but in fact will provide them additional time to prepare comments. The Joint Movants respectfully request that the extension of time to file comments and reply comments be granted, and that the Commission rule on this motion on an expedited basis.

Respectfully submitted,


Ohio Edison Company


Columbus Southern Power Company

James W. Burk
The Cleveland Electric Illuminating Company

Mervin L. Resnick JWB
Ohio Power Company

James W. Burk
The Toledo Edison Company

Paul A. Colbert JWB
Duke Energy Ohio

Randall Griffin JWB
Dayton Power & Light Company

Roy Rushing JWB
Ohio Gas Association