

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Adoption of Rules for)	
Standard Service Offer, Corporate Separation,)	
Reasonable Arrangements, and Transmission)	
Riders for Electric Utilities Pursuant to)	Case No. 08-777-EL-ORD
Sections 4928.14, 4928.17, and 4905.31,)	
Revised Code, as amended by Amended)	
Substitute Senate Bill No. 221.)	

**MOTION
FOR EXTENSION OF TIME TO FILE REPLY COMMENTS
AND
REQUEST FOR EXPEDITED RULING
BY
OHIO CONSUMER AND ENVIRONMENTAL ADVOCATES**

Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13, the Ohio Consumer and Environmental Advocates (“OCEA”) moves the Public Utilities Commission of Ohio (“PUCO” or “Commission”) for a five-day extension of time to file Reply Comments. American Electric Power, FirstEnergy, Duke Energy Ohio, Inc., and Dayton Power and Light Company do not oppose this motion. If the OCEA’s motion is granted, Reply Comments in this proceeding will be due August 6, 2008, instead of August 1, 2008. OCEA requests an expedited ruling on this motion, pursuant to the five-day rule in Ohio Adm. Code 4901-1-12(C). Pursuant to that rule, the Commission may rule upon this motion without waiting for parties to file responsive memoranda.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

In this proceeding, the Commission is reviewing R.C. 4928.14, 4928.17, and 4905.31 and promulgating rules pursuant to the Ohio Revised Code, as amended by Substitute Senate Bill 221. In the Entry issued July 2, 2008, the Commission directed persons or entities interested in commenting on the PUCO's proposed rules to file their reply comments, in writing, with the PUCO's docketing division by August 1, 2008.

OCEA requests a short extension of five days or until August 6, 2008, for the filing of Reply Comments.¹ In a prior case, the Commission granted a similar request by Office of the Ohio Consumers' Counsel (OCC) for a five-day extension on the same day in which it was filed.² In that case, the Commission granted OCC's request for an extension to file surrebuttal testimony based on the time needed to review voluminous

¹ As noted, Ohio Adm. Code 4901:1-12(C) provides for the issuance of an entry on a motion for extension of time that does not exceed five days without the PUCO waiting for parties to file responsive memoranda. This five-day rule is separate and distinct from the other part of the rule for expedited rulings.

² *In the Matter of the Joint Application of SBC Communications, Inc. and AT&T Corporation for Consent and Approval of a Change of Control*, No. 05-269-TP-ACO, Entry at 2 (Aug. 5, 2005).

rebuttal testimony and “the desire for the completion of the record in this proceeding”³
The Commission has granted five-day extensions on other occasions as well.⁴

The Ohio Adm. Code 4901-1-13(A) provides that extensions of time may be granted upon a showing of good cause. In this case, additional time is requested because it will permit the filing of Reply Comments that are more thorough and detailed, providing more meaningful responses to the numerous issues presented in the various comments filed July 22, 2008. In this regard, OCEA’s addressing of such issues on a joint basis serves the PUCO with efficiency for its adjudicatory responsibilities. These advantages of adequate time for Reply Comments ultimately assist the Commission by providing more thorough and complete information to make its decision. Moreover, additional time is also needed because of the significant competing needs for work in other pending PUCO cases⁵ and rulemaking proceedings.⁶ Due to the foregoing reasons, and given the importance of these rules, there is good cause to grant an extension of five days until August 6, 2008, for filing of the Reply Comments.

³ Id.

⁴ *In the Matter of the Application of The Cincinnati Gas & Electric Company to Modify its Nonresidential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish an Alternative Competitive-Bid Service Rate Option Subsequent to the Market Development Period*, No. 03-93-EL-ATA et al., Entry at 2 (Jan. 29, 2008); *In the Matter of the Application of AT&T Ohio for Approval of an Alternative Form of Regulation of Basic Local Exchange and Other Tier 1 Services Pursuant to Chapter 4901:1-4, Ohio Administrative Code*, No. 06-1013-TP-BLS, Entry at 2 (Sept. 6, 2006).

⁵ *In the Matter of the Adoption of Rules for Standard Service Offer, Corporate Separation Reasonable Arrangements, and Transmission Riders for Electric Utilities Pursuant to Sections 4928.14, 4928.17, and 4905.31, Revised Code, as amended by Amended Substitute Senate Bill No. 221*, No. 08-777-EL-ORD, Application (June 26, 2008).

⁶ E.g. *Columbia Gas of Ohio*, No. 08-0072-GA-AIR; *Vectren Energy Delivery*, No. 07-1080-GA-AIR; *Dominion East Ohio*, No. 07-0829-GA-AIR; *Duke Energy Ohio*, No. 07-0589-GA-AIR; *Ohio American Water Company*, No. 07-1112-WS-AIR.

Given the imminent reply comment due date, OCC also requests an expedited ruling on this motion, pursuant to Ohio Adm. Code 4901-1-12(C). Under that rule, a ruling on OCC's motion for an extension of five days can be granted without the PUCO waiting for the filing of responsive memoranda. As a courtesy, the OCC has contacted the Ohio utility companies in this matter (American Electric Power, FirstEnergy, Duke Energy Ohio, Inc., and Dayton Power and Light Company). None have objected to the granting of a five day extension for Reply Comments or the issuance of an expedited ruling on this motion.

OCEA's motions for extension and expedited ruling should be granted for good cause shown.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Extension of Time to File Comments AND Request for Expedited Ruling by the Ohio Consumer and Environmental Advocates was served electronically or by first class United States Mail, postage prepaid, or electronic mail to the persons listed below, on this 25th day of July 2008.

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Summary: Motion MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS AND
REQUEST FOR EXPEDITED RULING BY OHIO CONSUMER AND ENVIRONMENTAL
ADVOCATES

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