

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application of Ohio Edison )  
Company, The Cleveland Electric Illuminating )  
Company and The Toledo Edison Company for )  
Authority to Establish a Standard Service Offer )  
Pursuant to Section 7928.143, Revised Code in )  
the Form of an Electric Security Plan )

Case No. 08-935-EL-SSO

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**NUCOR STEEL MARION, INC.'S  
MEMORANDUM IN RESPONSE TO THE JOINT MOTION FOR CONTINUANCE OF  
THE HEARING AND EXTENSIONS OF TIME BY THE OFFICE OF THE OHIO  
CONSUMERS' COUNSEL, NORTHWEST OHIO AGGREGATION COALITION AND  
THE OHIO ENVIRONMENTAL COUNCIL**

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Nucor Steel Marion, Inc. ("Nucor") hereby responds to the Joint Motion for Continuance of the Hearing and Extensions of Time by the Office of the Ohio Consumers' Counsel, Northwest Ohio Aggregation Coalition and the Ohio Environmental Council (collectively "OCC"), filed on August 25, 2008 in the above-captioned proceeding. Specifically, Nucor supports OCC's alternative request for a fifteen day extension of procedural schedule in this proceeding.

Nucor agrees with OCC that good cause exists for the continuance of the hearing and the extension of the procedural schedule in this proceeding, and Nucor supports OCC's alternative proposal to continue the hearing and extend the procedural schedule by fifteen days. It goes without saying that all parties to this proceeding as well as the Commission are subject to extraordinarily tight time constraints. This would be the case even if the ESP proposal was the only standard service offer application FirstEnergy had before the Commission. But the time pressures are made even more severe by the fact that FirstEnergy filed a market rate option

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(“MRO”) at the same time as it filed the ESP, and an even more aggressive testimony filing and hearing schedule has been adopted to consider the MRO. In essence, the parties now have to prepare their cases on the MRO and the ESP proposals at the same time.

Under these circumstances, and given the need to ensure at least some meaningful opportunity for interested interveners to participate in this important proceeding, it is critical that parties have as much additional time as reasonably possible in this proceeding to evaluate the ESP proposal and prepare their cases prior to the hearing. A fifteen day extension would provide parties with valuable additional time, but would not push the procedural schedule back so far as to make it virtually impossible for the Commission to rule on the ESP within 150 days.

On the other hand, a sixty day continuance and extension of the procedural schedule would make it virtually impossible for the Commission to rule on the ESP proposal within the 150-day statutory deadline, which means FirstEnergy’s Short Term ESP Plan might be adopted as an interim measure (we would certainly prefer a continuance of existing rates pending the final decision). Nucor has not yet fully evaluated the Short Term ESP Plan and cannot say at this time whether Nucor supports the plan. Therefore, Nucor would prefer to see the 15-day extension adopted.

Accordingly, Nucor supports OCC’s motion to continue the hearing date and extend the discovery and testimony deadlines by fifteen days. Also, given the time constraints the parties are under in this proceeding, Nucor requests that the Commission rule on OCC’s motion on an expedited basis.

Respectfully submitted,

*Garrett A. Stone by John Bentine*

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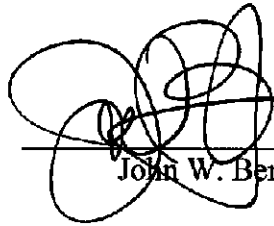
\* Pending admission *pro hac vice*

*John Bentine  
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approval*

**Attorneys for Nucor Steel Marion, Inc.**

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon the following parties of record or as a courtesy, via U.S. Mail postage prepaid, express mail, hand delivery, or electronic transmission on September 2, 2008.



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