

FILE



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PUCO

Chief of Docketing  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

September 12, 2008

**SUBJECT:**

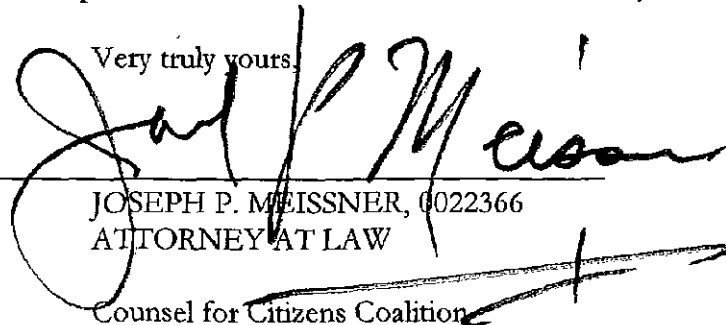
In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric ) Case No. 08-935-EL-SSO  
Illuminating Company and The Toledo Edison )  
Company for Authority to Establish a Standard )  
Service Offer Pursuant to R.C. 4928.143 in the )  
Form of an Electric Security Plan. )

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric ) Case No. 08-936-EL-SSO  
Illuminating Company and The Toledo Edison )  
Company for Approval of a Market Rate Offer )  
To Conduct a Competitive Bidding Process )  
For Standard Service Offer Electric Generation )  
Supply, Accounting Modifications Associated )  
With Reconciliation Mechanism, and Tariffs )  
For Generation Service )

We are enclosing a Motion to Change the Ridiculous and Absurd Public Hearing Schedule in this proceeding, on behalf of our clients, the Citizens Coalition. . .

We are faxing this. Please file it today. We are mailing twenty copies and the original by regular mail. Other parties are being served. We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us. Let us know of any problems. Thank you.

Very truly yours,

  
JOSEPH P. MEISSNER, 0022366  
ATTORNEY AT LAW  
Counsel for Citizens Coalition

[www.lasclev.org](http://www.lasclev.org)

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 LSC

**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	Case No. 08-935-EL-SSO
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With Reconciliation Mechanism, and Tariffs	)	
For Generation Service.	)	

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**MOTION TO CHANGE THE RIDICULOUS AND ABSURD SCHEDULE  
FOR PUBLIC HEARINGS**

**FILED ON BEHALF OF THE  
NEIGHBORHOOD ENVIRONMENTAL COALITION  
THE EMPOWERMENT CENTER OF GREATER CLEVELAND,  
UNITED CLEVELANDERS AGAINST POVERTY,  
CLEVELAND HOUSING NETWORK.  
AND  
THE CONSUMERS FOR FAIR UTILITY RATES  
AND MEMORANDUM IN SUPPORT**

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Now comes The Neighborhood Environmental Coalition (hereinafter  
"Coalition"), The Consumers for Fair Utility Rates (hereinafter "Consumers"), United

Clevelanders Against Poverty, Cleveland Housing Network, and The Empowerment Center of Greater Cleveland (hereinafter "Center") who, known as the Citizens Coalition, through their counsel, file this Motion to Change the Ridiculous and Absurd Schedule for Public Hearings set by the PUCO in this case.

The reasons for this Motion are set forth below.

First, these cases are interpreting and implementing the new law SB 221 for the electrical utilities and their customers. These cases will establish precedents for the next ten to fifteen years for Ohio utilities such as FirstEnergy. It is crucial that the public be actively and fully involved in this process. The "Hurry Up" "Public-be-damned" schedule for public hearings does not insure that this goal of public involvement will be achieved.

Second, the notice for these public hearings is ineffective and violates due process for public hearings because too little time is provided between the date of the notice and when the actual hearings are to be held. For example, the Notice for the hearing in Cleveland was just published and the actual hearing is less than two weeks away. That is not enough time for community groups and for citizens to learn about the hearing, do the necessary research, understand the issues, prepare their testimony, and plan to attend.

Third, hardly any member of the public understands what "ESP" means and what "MRO" means. Unlike the normal rate case in which the public generally understands the issues and arguments, the public is still trying to learn about the new law, the new regulations, the various options in the law, and how they as customers can be affected. Even the PUCO Staff and other knowledgeable parties are still trying to understand it. Before any public hearings are scheduled at which the public is usually limited to giving

their own testimony, as opposed to hearing somebody explain a new law or attending a meeting where the public can ask questions about the new law. Actually, the PUCO should have conducted public information sessions and community reach-out meetings around Ohio to educate the public. This should have been done before any schedule for public hearings and public testimony were set. The Commission and its staff have done a terrible job of trying to reach out and educate customers and citizens in Ohio about the new law. This failure is now compounded by scheduling these "speeded up" public hearing dates.

Fourth, this hearing schedule undermines and subverts the efforts by others to help educate and inform the public. For instance, in Cleveland, a large public meeting has been scheduled for September 30. This was scheduled some time ago and information was widely disseminated so that people would have sufficient time to learn about this September 30 event and plan to attend. But what good does it do to educate the public on September 30 and then offer them an opportunity to give public testimony on September 25? Furthermore, did the PUCO Staff know about the various educational meetings such as the one on September 30 in Cleveland when they were setting up the schedule for public hearings? If they did, then there is an element of bad faith in setting up this schedule for public hearings, especially the one in Cleveland.

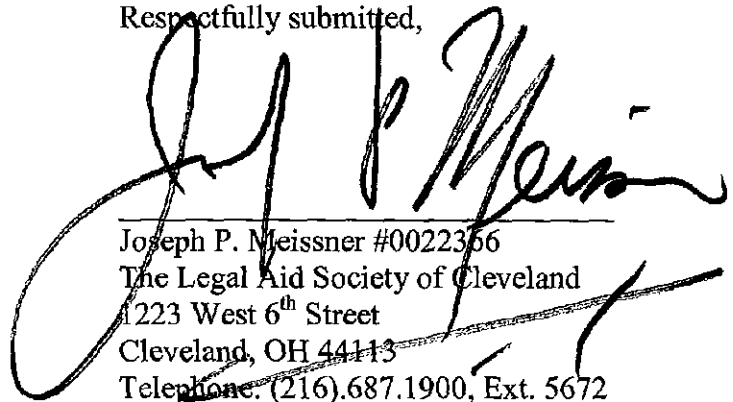
Fifth, a month or more of notice of a public meeting is required at a minimum to insure adequate public participation. In fact, to insure that community groups can fully participate, at least two months notice of a public meeting should be provided. The Commission and its staff with all of your decades of experience should be aware of this. Why then is there such a rush to judgment in this case? The goal should be "to do it

right,” not “to do it fast.” In fact, all of these cases involving the new law SB 221 are being rushed to judgments which may come back to haunt everyone in the future when it turns out that hastily made procedures and decisions were wrongly reached. (If there is any legal problem about dates for implementing SB 221, why not simply go back to the Ohio General Assembly, explain the problem, and get various dates extended?)

We urge the PUCO to set a more reasonable schedule for all the public hearings. At least 30 to 60 notice should be given to the public. Second, in Cleveland, in particular any hearing should certainly be scheduled after September 30, 2008. Thirdly, before any public hearings for public testimony are held, the PUCO should establish a schedule for informing and educating the public about SB 221, the new regulations of implementing the law, and the various options under the new law which are available to the electric companies, and how all of this can impact the customers. The PUCO should deploy its staff to carry out this education and information campaign.

A Memorandum in Support of this Motion is attached hereto and hereby incorporated herein.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'J P Meissner', is written over the typed name and address.

Joseph P. Meissner #0022356

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Consumers for Fair Utility Rates,

United Clevelanders Against Poverty

Cleveland Housing Network

and

The Empowerment Center of

Greater Cleveland

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**MEMORANDUM IN SUPPORT OF  
MOTION TO CHANGE THE RIDICULOUS AND ABSURD SCHEDULE  
FOR PUBLIC HEARINGS  
FILED ON BEHALF OF THE  
NEIGHBORHOOD ENVIRONMENTAL COALITION  
THE EMPOWERMENT CENTER OF GREATER CLEVELAND,  
UNITED CLEVELANDERS AGAINST POVERTY,  
CLEVELAND HOUSING NETWORK.  
AND  
THE CONSUMERS FOR FAIR UTILITY RATES**

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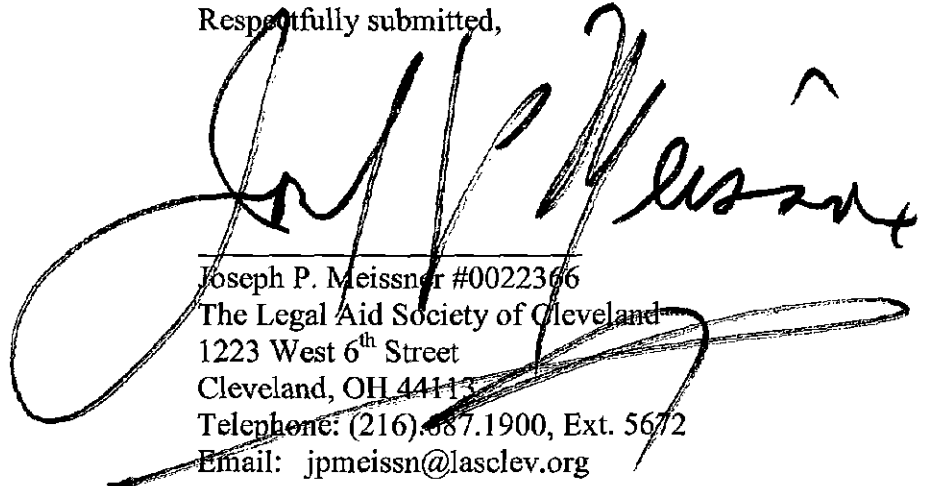
The PUCO has set the schedule for public hearings in this proceeding. The PUCO can change that schedule. The goal for these hearings is to insure that the public has a real opportunity to participate in these proceedings. Adequate notice is required. The public needs

the opportunity to learn about the hearings, to do research on the issues, to prepare their testimony, and then plan to present it. It must be remembered that many of these public witnesses are volunteers who receive no pay for their participation. Yet these are the very people who are most affected by any decision in these proceedings since they are the ones who need and buy the electricity delivered under the terms and at the rates set here.

The Commission is urged to set a more realistic schedule for hearings. Furthermore, before these hearings are conducted, the public needs an opportunity to learn about the new law, the new regulations, and options available under this law. In fact, the PUCO should use its resources to set up various educational forums and other educational procedures to insure that the public can gain this learning.

In conclusion, the schedule for public hearings is unrealistic and ridiculous. It does not provide adequate notice and opportunity for the citizenry to participate in these proceedings. Another hearing schedule should be set as soon as possible.

Respectfully submitted,



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Counsel for:  
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Consumers for Fair Utility Rates  
Cleveland Housing Network,  
and  
The Empowerment Center of  
Greater Cleveland



## CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion and Memorandum in Support, and Certificate of Service were served by regular U.S. Mail, postage prepaid, upon the parties of record identified below or by email on this 12<sup>th</sup> day of September 2008.



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