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December 22, 2008

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Ms. Rene Jenkins, Chief  
Docketing Section  
Public Utilities Commission of Ohio  
180 East Broad Street  
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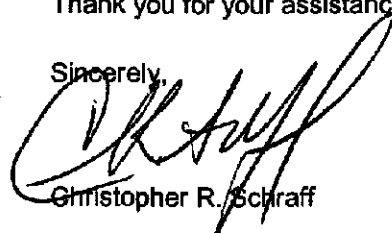
Re: In the Matter of: The Application of American Transmission Systems, Incorporated and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the Construction of the Geauga County 138 kV Transmission Line Supply Project  
Case No. 07-0171-EL-BTX

Dear Ms. Jenkins:

Enclosed are the original and ten copies of Motion To Extend Time To Respond To Application For Rehearing Of Intervenor Citizens Advocating Responsible Energy by American Transmission Systems, Incorporated and the Cleveland Electric Illuminating Company which is to be filed in the above-captioned matter. Also enclosed are extra copies which are to be time-stamped and returned.

Thank you for your assistance.

Sincerely,



Christopher R. Schraff

CRS:csr

Enc.

**BEFORE THE**  
**OHIO POWER SITING BOARD**

In the Matter of the Application of )  
American Transmission Systems, Incorporated )  
and The Cleveland Electric Illuminating )  
Company for a Certificate of )  
Environmental Compatibility and Public )  
Need for the Geauga County 138 kV )  
Transmission Line Supply Project )

Case No. 07-0171-EL-BTX

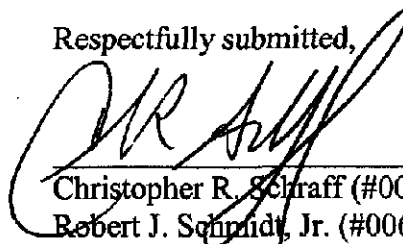
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**Motion To Extend Time To Respond To Application For Rehearing Of Intervenor  
Citizens Advocating Responsible Energy**

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Applicants American Transmission Systems, Inc. and Cleveland Electric Illuminating Company (Applicants) request that the time for responding to Intervenor Citizens Advocating Responsible Energy's (CARE) Application For Rehearing be extended to the close of business on January 7, 2009. Applicant requests an expedited ruling on this motion, and represent that they have contacted counsel for CARE, who do not object to an expedited ruling on this motion. A memorandum in support is attached hereto.

Respectfully submitted,



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Attorneys for Applicants American Transmission  
Systems, Inc. and Cleveland Electric Illuminating  
Company

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### **Memorandum In Support**

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Late on Friday afternoon, December 19, 2008, Intervenor Citizens Advocating Responsible Energy (CARE) served an Application For Rehearing on all parties, accompanied by a 25 page Memorandum In Support and Affidavit of Counsel, seeking a rehearing of the Opinion, Order and Certificate issued by the Ohio Power Siting Board on November 24, 2008. The Application for Rehearing was filed pursuant to OAC 4906-7-17 and Section 4903.10 of the Revised Code. Neither of those provisions contains a time deadline for filing a memorandum in opposition to the Application for Rehearing. The Power Siting Board follows the same appellate procedure as specified for the Public Utilities Commission, including the procedures for requesting a rehearing under Section 4903.10 of the Revised Code. See Section 4906.12, Ohio Rev. Code. OAC 4901-1-35, which governs requests for rehearing of orders of the Public Utility Commission, provides that memoranda in opposition to an application for rehearing of a decision of the Public Utilities Commission must be filed within 10 days of receipt of the application for rehearing.

Assuming that the 10 day rule also applies to memoranda in opposition to a motion for rehearing of an Opinion, Order and Certificate issued by the Ohio Power Siting Board, Applicants, counsel for the Staff, and all other parties would be required to respond to CARE's Application for rehearing by Monday, December 29, 2008. The time available to Applicants and other parties to respond to CARE's request includes four weekend days, one national holiday (Christmas) and Christmas Eve. Only 5 business days (two of which fall on Christmas Eve, December 24 and Friday, December, 26), are included within the 10-day response period.

Not surprisingly, many individuals will be absent from their offices during this time to celebrate the holidays or travel to gather with family. At least one of Applicant's counsel has already departed for the Christmas holidays with other family members, and it is possible that other counsel or clients in this proceeding may also have departed, and will not be aware of this filing until they return --- either before or after December 29.

Applicants therefore request that the period of time to respond to Intervenor CARE's Application For Rehearing be extended to Wednesday, January 7, 2009. The extension will not prejudice any party to this proceeding, but rather will insure that all parties have a fair and adequate time in which to respond to CARE's Application For Rehearing.<sup>1</sup> Under other circumstances where a holiday schedule has been included within the 10 day period for response, an extension of time has been granted to respond to a request for rehearing. *See, e.g. In the Matter of the Application of United Telephone Company d/b/a Embarq*, Case No. 07-760-TP-BLS (January 23, 2008)[7-day extension of time to respond to Application For Rehearing granted under OAC 4901-1-35 when only 5 business days were included within the 10-day time period to respond, and one national holiday also fell within time period for response].

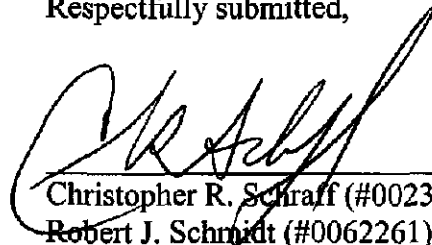
The requested extension will not interfere with the ability of the Board to act on the Application For Rehearing within the time limits of Section 4903.10 of the Revised Code, if it chooses to do so. Applicants have contacted counsel for CARE, and represents that CARE does not oppose Applicants' request for an expedited ruling on this motion. Applicants would further request to be advised at the earliest time possible whether this request for an extension of time

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<sup>1</sup> The only activity which will occur is that beginning on January 2, 2009, Applicant's real estate representatives plan to begin contacting property owners along the Preferred Route in order to arrange entry onto properties crossed by the Preferred Route for the purpose of preparing easement documents when property owners are later contacted to grant easements to Applicant for the Preferred Route. No actual survey work will begin prior to January 12, 2009.

will be granted, in order that it may make arrangements to respond to the Application For Rehearing in the event that this motion is denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Schraff', is written over a horizontal line.

Christopher R. Schraff (#0023030)

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Attorneys for Applicants American Transmission  
Systems, Inc. and Cleveland Electric Illuminating  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "Motion To Extend Time To Respond To Application For Rehearing Of Intervenor Citizens Advocating Responsible Energy" has been served upon the following persons by mailing a copy, postage prepaid, on December 22, 2008.

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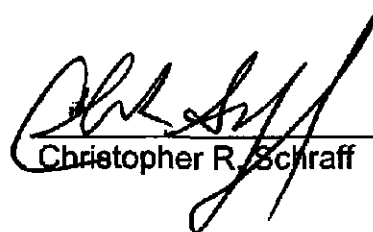
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