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January 13, 2009

**VIA FEDEX**

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

RECEIVED-DOCKETING DIV  
2009 JAN 14 AM 9:49  
PUCO

Re: In the Matter of the Certificate Application of American Transmission Systems, Inc. and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the Construction of the Geauga County 138KV Transmission Line Supply Project, Ohio Power Siting Board Case No. 07-0171-EL-BTX

To whom it may concern:

Enclosed are the original and eleven copies of Citizens Advocating Responsible Energy's Motion to Strike IEU-Ohio's Objections to Application for Rehearing.

Please file the original and eleven copies and return one time-stamped copy to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance.

Sincerely,

  
Julie A. Crocker

JAC/III

Enclosures

cc: Thomas J. Lee, Esq.  
Certificate of Service

This is to certify that the images appearing are an accurate and complete reproduction of a case file's document delivered in the original form of the case.  
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FILE

**BEFORE THE  
OHIO POWER SITING BOARD**

RECEIVED-DOCKETING DIV

2009 JAN 14 AM 9:49

In the Matter of:

PUCO

The Certificate Application of  
American Transmission Systems,  
Inc. and The Cleveland Electric  
Illuminating Company for a  
Certificate of Environmental  
Compatibility and Public Need for  
the Construction of the Geauga  
County 138KV Transmission Line  
Supply Project

CASE NO. 07-0171-EL-BTX

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**MOTION TO STRIKE IEU-OHIO'S  
OBJECTIONS TO APPLICATION FOR REHEARING**

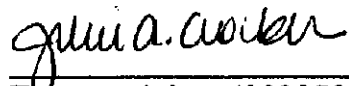
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Pursuant to Ohio Administrative Code 4906-7-12(A), Intervenor Citizens Advocating Responsible Energy ("CARE"), hereby moves to strike IEU-Ohio's Objections to CARE's Application for Hearing. On December 19, 2008, CARE filed an Application for Rehearing pursuant to Ohio Administrative Code 4906-7-17 and R.C. 4903.10. Although these provisions do not contain a time deadline for filing a memorandum in opposition to an application for rehearing, it appears that the Ohio Power Siting Board follows the same procedure as that specified for the Public Utilities Commission, including the procedures for requesting a rehearing under Section 4903.10 of the Revised Code. (See December 23, 2008 Judgment Entry and December 22, 2008 Motion for Extension of Time.) Ohio Administrative Code 4901-1-35(B), which governs requests for rehearing of orders from the Public Utilities Commission, provides that memoranda in opposition to an application for rehearing must be filed within ten days after the filing of an application for rehearing.

As a result, counsel for the Staff, Applicants, and all other parties were required to respond to CARE's Application for Rehearing ten days after service of the Application for Rehearing, or on December 29, 2008. IEU-Ohio, however, filed its Opposition to CARE's Application for Rehearing on January 7, 2009. Although Applicants American Transmission Systems, Inc. and the Cleveland Electric Illuminating Company moved for an extension of time until January 7, 2009, within which to file a memorandum in opposition to CARE's Application for Rehearing, IEU-Ohio was not a party to this motion. In addition, the Administrative Law Judge's Entry granting the Applicants an extension of time specifically states that only the Applicants have until January 7, 2009 within which to file a memorandum in opposition to CARE's Application for Rehearing. (See December 23, 2008 Judgment Entry.) All other parties were therefore required to file an opposition to CARE's Application for Rehearing on or before December 29, 2008.

As a result, CARE requests that this Board strike IEU-Ohio's January 7, 2009 Objection to CARE's Application for re-hearing, because it was filed outside of the 10 day time period within which IEU-Ohio was required to respond to CARE's Application for Rehearing.

Respectfully submitted,



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Citizens Advocating Responsible Energy

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing is being served this 13th day of January 2009, via email, upon the following:

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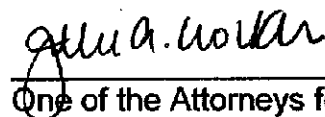
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One of the Attorneys for CARE