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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

PUCO

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In the Matter of the Investigation Into The)
Development Of The Significantly)
Excessive Earnings Test Pursuant to S.B.) Case No. 09-786-EL-UNC
221 For Electric Utilities)
)

**MOTION FOR AN EXTENSION OF TIME TO FILE JOINT REPLY COMMENTS
AND
REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
THE OHIO MANUFACTURERS' ASSOCIATION,
THE OHIO HOSPITAL ASSOCIATION AND
THE OHIO ENERGY GROUP**

The Office of the Ohio Consumers' Counsel ("OCC") (representing Ohio's 4.5 million residential households), the Ohio Manufacturers' Association ("OMA") (representing over 1600 large and small industrial manufacturers), the Ohio Hospital Association ("OHA") (representing 170 primary care facilities and 40 health systems across Ohio), and the Ohio Energy Group ("OEG") (representing 22 of Ohio's most energy-intensive industries) referred to herein as "Customer Parties" move the Public Utilities Commission of Ohio ("PUCO" or "Commission") for a five-day extension of time for the filing of Joint Reply Comments, pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A). A five-day extension would extend the filing deadline to Saturday, January 9, 2010, from January 4, 2010. Since January 9, 2010 is a Saturday, by operation of the Commission's rules¹ the filing deadline for Reply Comments would be January 11, 2010. Furthermore, OCC seeks an expedited ruling, which the PUCO may issue

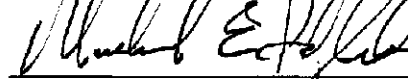
¹ See Ohio Adm. Code 4901-1-07(A).

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immediately without awaiting the filing of responsive memoranda, under the special provision in Ohio Adm. Code 4901-1-12(C) for extensions of five days or less. The reasons supporting this request, along with an explanation of the need to determine the filing deadline on an expedited basis, are set forth in the attached Memorandum in Support.

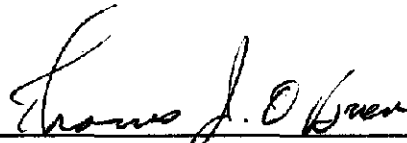
Respectfully submitted,

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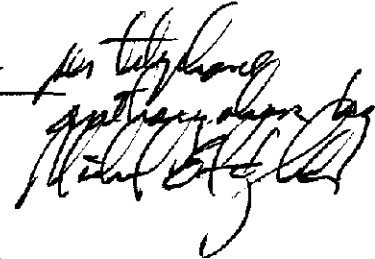


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THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Investigation Into The)
Development Of The Significantly)
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221 For Electric Utilities)
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**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME
TO FILE JOINT REPLY COMMENTS
AND REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL,
THE OHIO MANUFACTURERS' ASSOCIATION,
THE OHIO HOSPITAL ASSOCIATION AND
THE OHIO ENERGY GROUP**

I. INTRODUCTION

This case affects the electric rates paid by approximately 4.5 million residential households, 1600 industrial manufacturers, 170 primary care facilities, 40 health systems and 22 energy-intensive industries in Ohio. On November 18, 2009, the PUCO Staff's Recommendations regarding the development of the significantly excessive earnings test ("SEET") were filed. Pursuant to the Attorney Examiner's Entry of November 19, 2009, January 4, 2010 is the current deadline for the filing of reply comments in response to the initial comments filed by the parties on December 14, 2009.

II. APPLICABLE PROCEDURAL RULES

Ohio Adm. Code 4901-1-13(A) permits parties to move for extensions of time to file reply comments. That rule provides for the granting of such motions for "good cause shown." Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. If the motion requests an extension of time to file pleadings or other

papers of five days or less, then the Commission or the Attorney Examiner may issue an immediate ruling without awaiting the filing of a memorandum contra.²

III. ARGUMENT

The Customer Parties seek a five-day extension of time to file their reply comments pursuant to Ohio Adm. Code 4901-1-13(A). This extension of time would change the deadline for filing reply comments from January 4, 2010 to January 11, 2010. As discussed above, a five-day extension would extend the filing deadline to Saturday, January 9, 2010. Since January 9, 2010 is a Saturday, by operation of the Commission's rules³ the filing deadline for reply comments would be January 11, 2010. The Customer Parties propose that the extension apply to all parties in this proceeding.

The extension is requested because the current filing deadline for reply comments is January 4, 2009, the first business day following the Christmas/New Year holiday week, a period in which many persons involved in the preparing of reply comments will be traveling and/or out of the office. Granting this brief extension would allow persons traveling over the holidays to proceed with holiday plans and associated family time without the constraint of an immediate filing deadline upon their return to the office. The extension will not cause undue delay, and should not work to prejudice any party. For these reasons, *the Commission should grant the Customer Parties' Motion for an Extension of Time to File Reply Comments.* Furthermore, the Customer Parties request a ruling on this Motion on an expedited basis, for the purposes of permitting all parties to plan their schedules.

² See Ohio Adm. Code 4901-1-12(C).

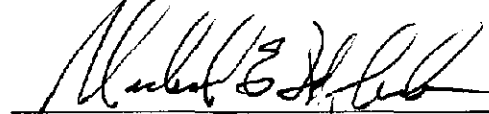
³ See Ohio Adm. Code 4901-1-07(A).

IV. CONCLUSION

For the reasons stated above, the Commission should grant Customer Parties' Motion based upon the Customer Parties' showing of good cause. The Commission should grant this Motion on an expedited basis under the special provision of Ohio Adm. Code 4901-1-12(C) for extensions of five days or less.

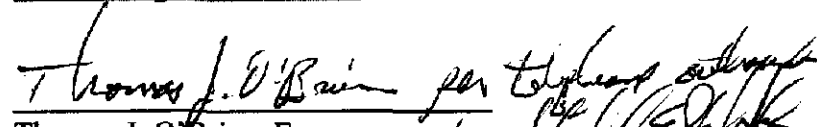
Respectfully submitted,

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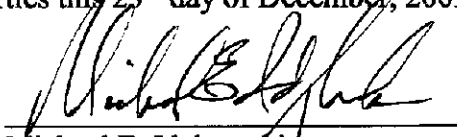
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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Motion for Extension of Time to Joint Reply Comments and Request for Expedited Ruling* was served by Regular U.S. Mail Service, postage prepaid, to all parties this 23rd day of December, 2009.



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