

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio       )  
Edison Company, The Cleveland Electric       )  
Illuminating Company and The Toledo       ) Case No. 10-176-EL-ATA  
Edison Company for Approval of a New       )  
Rider and Revision of an Existing Rider.     )

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**REPLY TO FIRSTENERGY MEMORANDUM CONTRA  
OCC’S MOTION TO STRIKE SURREPLY REGARDING THE MOTION TO  
INTERVENE OF SUE STEIGERWALD, CITIZENS KEEPING THE ALL-  
ELECTRIC PROMISE (CKAP), JOAN HEGINBOTHAM, AND BOB SCHMITT  
HOMES, INC.**

**BY  
THE OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

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The Office of the Ohio Consumers’ Counsel (“OCC”), on behalf of approximately 1.9 million residential electric customers of FirstEnergy,<sup>1</sup> files this reply to FirstEnergy’s Memorandum Contra OCC’s Motion to Strike FirstEnergy’s surreply to the Motion to Intervene of Sue Steigerwald, Citizens Keeping the All-Electric Promise (CKAP), Joan Heginbotham, and Bob Schmitt Homes, Inc.” (“Surreply”). FirstEnergy filed its memorandum contra on August 2, 2010, seeking to prevent Ohioans, including consumers, from participating in a case affecting their rates.

FirstEnergy failed to follow the PUCO rules, which resulted in an untimely memorandum contra that was followed by a pleading (surreply) not permitted under the PUCO rules. The fact that the six-day delay between service of the motion and filing “caused confusion” to FirstEnergy<sup>2</sup> is beside the point. It does not alter the calculation of

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<sup>1</sup>“FirstEnergy” is defined as Ohio Edison, Toledo Edison, and Cleveland Electric Illuminating Company.

<sup>2</sup> FirstEnergy Memorandum Contra at 3 (Aug. 2, 2010).

when the memorandum contra is due, contrary to FirstEnergy's seeming assertion otherwise.

The Commission should uphold its rules which require parties to timely file responsive pleadings. FirstEnergy's surreply should be disallowed. Parties including CKAP should be granted full intervention rights in a proceeding that will determine what rates discounts will be established in the long-term for customers of FirstEnergy.

Respectfully submitted,

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/s/ Maureen R. Grady

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Office of the Ohio Consumers' Counsel's Reply was served upon the persons listed below by first class U.S. Mail, postage prepaid, this 11th day of August, 2010.

/s/ Maureen R. Grady  
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Summary: Reply Reply to FirstEnergy Memorandum Contra OCC's Motion to Strike Surreply Regarding the Motion to Intervene of Sue Steigerwald, Citizens Keeping the All-Electric Promise (CKAP), Joan Heginbotham, and Bob Schmitt Homes, Inc. by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.