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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

FILE

FILE

In the Matter of the Complaint of)	
)	
Christopher Lemke and)	
Toby Eichman)	
)	Case Nos. 10-194-EL-CSS
Complainants,)	10-198-EL-CSS
)	
v.)	
)	
Toledo Edison Company,)	
)	
Respondent.)	

**MOTION FOR AN EXTENSION OF THE PROCEDURAL SCHEDULE
AND
REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") for a two-week extension of time for the procedural schedule, pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A). A two-week extension would extend the direct testimony filing deadline from May 10, 2011 to Tuesday, May 24, 2011; and move back the evidentiary hearing date from May 17, 2011 to Tuesday, May 31, 2011. OCC seeks an expedited ruling, which the PUCO may issue immediately without awaiting the filing of responsive memoranda under Ohio Adm. Code 4901-1-12(C) that allows for an immediate ruling to be issued upon certification that no party has any objection to such a ruling.

PUCO

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The reasons supporting this request, along with an explanation of the need to determine the procedural timelines on an expedited basis, are set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL



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Toledo Edison Company,)	
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**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME
AND REQUEST FOR EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

I. INTRODUCTION

These cases involve the interconnection of distributed generation facilities to the electric distribution system of the Toledo Edison Company ("Toledo Edison" or "Company"). A joint complaint was filed by Christopher Lemke and Toby Eichman, residential customer generators,¹ regarding certain Company requirements that the Company required prior to the interconnection approval of their net-metering systems.² Settlement discussions have taken place, including those at a settlement conference that was held on

¹ R.C.4928.01(A)(29): "Customer-generator means a user of a net metering system."

² R.C.4928.01.(A)(30) states: "Net metering system means a facility for the production of electrical energy that does all of the following: (a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell; (b) Is located on a customer-generator's premises; (c) Operates in parallel with the electric utility's transmission and distribution facilities; (d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity."

November 10, 2010. The Company and the complaining parties have engaged in further discussions that may resolve the issues in these cases.

Pursuant to the Attorney Examiner's Entry of March 4, 2011, the current deadline for the filing of direct, expert testimony is May 10, 2011, and the date of the hearing is scheduled for Tuesday, May 17, 2011. This uncontested Motion for an Extension of Time ("Motion") is submitted in order to change these two dates.

II. APPLICABLE PROCEDURAL RULES

Ohio Adm. Code 4901-1-13(A) permits parties to move for extensions of time for "continuances of public hearings and extensions of time to file pleadings or other papers." 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, and no party objects to the issuance of such a ruling, the Commission or the Attorney Examiner may issue an immediate ruling without awaiting the filing of a memorandum contra.³

III. ARGUMENT

OCC seeks a two-week extension of time of the procedural schedule pursuant to Ohio Adm. Code 4901-1-13(A). This extension of time would change the deadline for filing direct, expert testimony from May 10, 2011 to May 24, 2011. A two-week extension would change the hearing date from May 17, 2011 to May 31, 2011. OCC proposes that the extension for the filing of testimony apply to all parties in this

³ Ohio Adm. Code 4901-1-12(C): "If the moving party certifies that no party objects to the issuance of such a ruling, an immediate ruling may be issued."

proceeding. OCC has contacted all parties in this case,⁴ and no party objects to the issuance of such a ruling on an expedited basis. In fact, all parties have stated support for the extended timeframe.

The extension is requested because the parties are currently engaged in settlement discussions that may resolve the issues between Toledo Edison and the two individual complainants. The Company and the individuals have engaged in additional settlement discussions over the past two weeks. The agreed-to extension will provide adequate time for the parties to consider the settlement proposals. The extension will not cause undue delay, and should not work to prejudice any party.

For these reasons, the Commission should grant OCC's Motion. Furthermore, OCC requests a ruling on this Motion on an expedited basis for the purposes of permitting all parties to plan their schedules.⁵

IV. CONCLUSION

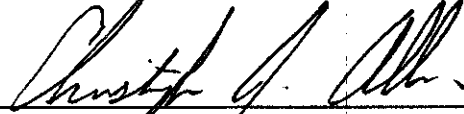
For the reasons stated above, the Commission should grant OCC's Motion based upon the showing of good cause. The Commission should grant this Motion on an expedited basis under the provision in Ohio Adm. Code 4901-1-12(C) for requested extensions not objected to by any party.

⁴ The parties of record in this case are the Toledo Edison Company, Chris Lemke (11250 W. Genzman Road, Oak Harbor, Ohio) and Toby Eichman (781 N. Graytown Rd, Graytown, Ohio).

⁵ An immediate ruling would deal with the deadline for submitting testimony, a deadline that is one day after the filing of this Motion.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER
CONSUMERS' COUNSEL

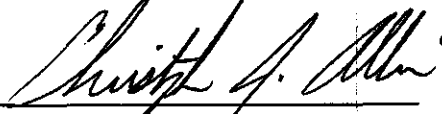


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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Motion for Extension of Procedural Schedule and Request for Expedited Ruling* was served by Regular U.S. Mail Service, postage prepaid, to all parties this 9th day of May, 2011.



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