

In the Matter of the Review of The)
Alternative Energy Rider Contained in)
The Tariffs of Ohio Edison Company, The) Case No. 11-5201-EL-RDR
Cleveland Electric Illuminating Company)
and The Toledo Edison Company.)

The Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the electric residential utility customers of FirstEnergy,¹ moves the Public Utilities Commission of Ohio ("PUCO") for an extension of time, until May 6, 2014, for the filing of a Memorandum Contra Motion of FirstEnergy for Renewal of Protective Order.² Furthermore, OCC seeks an expedited ruling on this Motion.³ 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.

³ OCC certifies that FirstEnergy, the PUCO Staff, the Environmental Law and Policy Center, the Sierra Club, Nucor Steel Marion, Inc., Direct Energy, Ohio Manufacturer's Association, the Ohio Energy Group, the Mid-Atlantic Renewable Energy Coalition and Interstate Gas Supply, Inc. do not object to an expedited ruling.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Melissa R. Yost

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Through its April 4, 2014 Motion, FirstEnergy seeks to “renew the protective status of the REC Procurement Data set forth in the unredacted version of the audit report by Exeter Associates, Inc. (“Exeter”) filed on the docket in this proceeding on August 15, 2012 (‘the Exeter Report’).”⁴ Per the PUCO’s rules and a previous extension of time, OCC’s Memoranda Contra to FirstEnergy’s Motion is due on April 28, 2014.⁵ OCC now seeks another extension of time, until May 6, 2014, to file a Memorandum Contra.

Ohio Adm. Code 4901-1-13(A) permits parties to move for extensions of time to file pleadings. 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.

FirstEnergy filed its Motion for Renewal of Protective Order to extend the original Attorney Examiner ruling granted during the November 20, 2012 hearing in this case.⁶ The PUCO, however, subsequently issued an Opinion and Order “affirm[ing] the rulings of the attorney examiner granting protective orders in all but one respect,” thus, “modify[ing] the attorney examiners’ rulings to permit generic disclosure of FES as a

⁶ FirstEnergy Motion for Renewal of Protective Order, at pp. 7, 18 (April 4, 2014).

successful bidder in the competitive solicitations.”⁷ The PUCO’s August 7, 2013 Opinion and Order resolving this case is currently before the Supreme Court of Ohio⁸ on appeal. That Order states, in part, that “confidential treatment shall be afforded for a period ending 18 months from the date of this entry or until January 19, 2015.”⁹

A telephone status conference was held on April 24, 2014 with an Attorney Examiner at the request of OCC and FirstEnergy. During that telephone conference, parties sought clarification of the term of the protective orders issued in this case. It is OCC’s understanding that an entry clarifying the intent of the PUCO’s August 7, 2013 Opinion and Order in regard to protective orders will be issued. OCC requests additional time so that the parties can decide how to proceed once the entry is issued.

OCC has shown that there is good cause for granting the requested extension of time. The extension will not cause undue delay, and should not work to prejudice any party. For these reasons, the PUCO should grant OCC’s Motion for an Extension of Time. Furthermore, OCC requests a ruling on this Motion on an expedited basis, considering the current due-date for filing memorandum contra is April 28, 2014. OCC certifies that FirstEnergy, the PUCO Staff, the Environmental Law and Policy Center, the Sierra Club, Nucor Steel Marion, Inc., Direct Energy, Ohio Manufacturer’s Association, the Ohio Energy Group, the Mid-Atlantic Renewable Energy Coalition and Interstate Gas Supply, Inc. do not object to an expedited ruling.

⁷ November 20, 2012 Transcript, at pp. 17-22; Opinion and Order at p. 12, 14.

⁸ Supreme Court of Ohio Case No. 12-2026.

⁹ August 7, 2013 Opinion and Order at 14.

For the reasons stated above, the PUCO should grant OCC's Motion based upon the OCC's showing of good cause. Furthermore, the PUCO should grant this Motion on an expedited basis.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Melissa R. Yost

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Extension of Time* on the persons listed below via electronic mail this 25th day of April 2014.

/s/ Melissa R. Yost

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/25/2014 10:34:29 AM

in

Case No(s). 11-5201-EL-RDR

Summary: Motion Motion for an Extension of Time to File Memorandum Contra Motion of FirstEnergy for Renewal of Protective Order and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Yost, Melissa R. Ms.