

**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)	
Edison Company for Authority to Provide)	Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)	
R.C. 4928.143 in the Form of an Electric)	
Security Plan.)	

**THE PJM POWER PROVIDERS GROUP’S AND
THE ELECTRIC POWER SUPPLY ASSOCIATION’S
JOINT MEMORANDUM CONTRA
FIRSTENERGY’S MOTION TO AMEND PROCEDURAL SCHEDULE**

Pursuant to Rules 4901-1-12 of the Ohio Administrative Code, the PJM Power Providers Group and the Electric Power Supply Association (collectively “Suppliers”) submit this Joint Memorandum Contra to the November 5, 2014 Motion of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (hereinafter collectively “FirstEnergy”) to amend the procedural schedule. Suppliers do not object to FirstEnergy’s request to move the prehearing conference schedule back a week from January 9, 2015, to January 16, 2015, and to move the date of the hearing date back eight days from January 20, 2015, to January 28, 2015, due to the difficulty of conducting trial preparations during the holiday season. Suppliers do, however, object to FirstEnergy’s refusal to accord the same accommodation to the intervenors by providing them with a week’s extension on discovery and on the filing of intervenor testimony, which also come due during the holiday season.

Intervenors face the problem of witnesses and staff with specialized knowledge being unavailable during the last two weeks of December because of the holiday season for the same reason as FirstEnergy noted in terms of deposing witnesses during the holiday season. It is

inequitable to recognize the temporal problems of the holiday season for FirstEnergy and yet not address the same problem for the intervenors. Thus, Suppliers request that, in addition to granting FirstEnergy's request for an extension of the procedural schedule, the Attorney Examiners also grant a week extension for discovery and the filing of intervenor testimony. That would extend the discovery deadline from December 1st to December 8th and the filing of the intervenor testimony from December 22nd to December 30th. Such a schedule would be equally fair to both the applicant and the intervenors.

In all but one of the cases that FirstEnergy cites to support its request for an extension, the Commission granted extensions for the whole of the procedural schedule, not just the trial date.¹ The one cited case that did not provide changes to the whole of the procedural schedule when the trial date was changed was a case in which there was no procedural schedule, only a hearing date. Therefore, the precedent cited by FirstEnergy supports the Suppliers' request to extend the discovery cut-off and the filing of intervenor testimony dates.

In its Memorandum in Support, FirstEnergy claims that, if a week extension was granted for the intervenors, it would need a two-week extension. FirstEnergy has not provided a compelling argument as to why it needs more than a month between the filing of intervenor testimony and the start of the hearing other than for vacations during the week after Christmas. Suppliers would not object to granting FirstEnergy an extra week extension, as part of extending the holiday due date for intervenor testimony, as an accommodation to FirstEnergy.

The only argument that FirstEnergy raised in the Memorandum in Support against providing a procedural schedule which provided a holiday extension was a concern over when

¹ See In Re Columbus Southern Power and Ohio Power Company, Case No. 09-872-EL-UNC, et al., 2010 Ohio Puc. LEXIS 1296, Entry, December 3, 2010; In Re Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, Case No. 10-176-EL-ATA, 2010 Ohio Puc. LEXIS 1211, Entry, November 12, 2010; and In Re Duke Energy Ohio, Inc., Case No. 10-1268-EL-RDR, 2010 Ohio Puc. LEXIS 991, Entry, September 29, 2010.

the Commission would issue its Opinion and Order.² Legally, the Commission is given 275 days to issue its Opinion and Order in an electric security plan case.³ The Opinion and Order deadline is based on the filing date of the application. Thus, since FirstEnergy filed its application on August 8th, a decision is not due from the Commission until May 7, 2015. That deadline is not affected by the Suppliers' proposed changes. Further, it is possible that extending the time for preparation of intervenor testimony may have the effect of shorting the hearing. Thus, it is possible that the week extension for which Suppliers advocate will not delay the time that an Opinion and Order is issued.

WHEREFORE, the Attorney Examiner should grant FirstEnergy's requested procedural scheduled as modified by Suppliers.

Respectfully submitted,

/s/ Gretchen L. Petrucci

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² FirstEnergy Memorandum in Support at 4.

³ Section 4928.143, Revised Code.

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 12th day of November 2014.

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Summary: Memorandum Contra FirstEnergy's Motion to Change Procedural Schedule
electronically filed by Mrs. Gretchen L. Petrucci on behalf of PJM Power Providers Group and
Electric Power Supply Association