

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	
<b>Company, and The Toledo Edison Company</b>	)	<b>Case No. 14-1297-EL-SSO</b>
<b>for Authority to Provide for a Standard Service</b>	)	
<b>Offer Pursuant to R.C. 4928.143 in the Form of</b>	)	
<b>An Electric Security Plan</b>	)	

---

**SIERRA CLUB’S MOTION TO WITHDRAW ITS MOTION TO STRIKE  
PORTIONS OF THE SUPPLEMENTAL TESTIMONY OF STEPHEN J. BARON**

---

Pursuant to Ohio Administrative Code § 4901-1-12, Sierra Club respectfully moves to withdraw its Motion to Strike Portions of the Supplemental Testimony of Stephen J. Baron (“Motion”), filed in this proceeding on March 20, 2015. For the reasons set forth in the accompanying memorandum, Sierra Club asks that its Motion be withdrawn.

Respectfully submitted,

/s/ Christopher J. Allwein  
Christopher J. Allwein, Counsel of Record (#0084914)  
Williams Allwein and Moser, LLC  
1500 West Third Ave, Suite 330  
Columbus, Ohio 43212  
Telephone: (614) 429-3092  
Fax: (614) 670-8896  
E-mail: callwein@wamenergylaw.com

Shannon Fisk  
Earthjustice  
1617 John F. Kennedy Blvd., Suite 1675

Philadelphia, PA 19103  
Telephone: (215) 717-4522  
E-mail: [sfisk@earthjustice.org](mailto:sfisk@earthjustice.org)

Michael Soules  
Earthjustice  
1625 Massachusetts Ave. NW, Suite 702  
Washington, DC 20036  
Telephone: (202) 797-5237  
E-mail: [msoules@earthjustice.org](mailto:msoules@earthjustice.org)

Tony G. Mendoza  
Sierra Club  
85 Second Street, Second Floor  
San Francisco, CA 94105-3459  
Telephone: 415-977-5589  
Fax: (415) 977-5793  
Email: [tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)

Attorneys for Sierra Club

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	
<b>Company, and The Toledo Edison Company</b>	)	<b>Case No. 14-1297-EL-SSO</b>
<b>for Authority to Provide for a Standard Service</b>	)	
<b>Offer Pursuant to R.C. 4928.143 in the Form of</b>	)	
<b>An Electric Security Plan</b>	)	

---

**MEMORANDUM IN SUPPORT OF SIERRA CLUB’S MOTION TO  
WITHDRAW ITS MOTION TO STRIKE PORTIONS OF THE  
SUPPLEMENTAL TESTIMONY OF STEPHEN J. BARON**

---

Under Ohio Administrative Code § 4901-1-12, Sierra Club respectfully moves to withdraw its Motion to Strike Portions of the Supplemental Testimony of Stephen J. Baron (“Motion”), filed in this proceeding on March 20, 2015.

Sierra Club seeks to withdraw the Motion because the relief sought was effectively mooted by the Attorney Examiner’s March 23, 2015 order revising the procedural schedule for this proceeding.<sup>1</sup> Although Mr. Baron’s testimony was untimely given the limits on supplemental testimony established by earlier procedural schedules, at least some of Mr. Baron’s testimony appears to fall within the scope of supplemental testimony permitted by the March 23 procedural schedule. Specifically, the March 23 procedural schedule allows intervenors to submit “supplemental testimony addressing the AEP Ohio Order, as applied in this case.”<sup>2</sup> Given the much broader range of issues on

---

<sup>1</sup> Entry, Case No. 14-1297-EL-SSO (Mar. 23, 2015).

<sup>2</sup> *Id.*, at 3 (referring to the Commission’s Opinion and Order, Feb. 25, 2015, in *Ohio Power Co.*, Case No. 13-2385-EL-SSO).

which intervenors can now submit supplemental testimony, the risk that Sierra Club, and other intervenors, would suffer prejudice from Mr. Baron's out-of-time testimony is negligible. Accordingly, Sierra Club respectfully requests that its Motion be withdrawn.

Respectfully submitted,

/s/ Christopher J. Allwein

Christopher J. Allwein, Counsel of Record (#0084914)  
Williams Allwein and Moser, LLC  
1500 West Third Ave, Suite 330  
Columbus, Ohio 43212  
Telephone: (614) 429-3092  
Fax: (614) 670-8896  
E-mail: callwein@wamenergylaw.com

Shannon Fisk  
Earthjustice  
1617 John F. Kennedy Blvd., Suite 1675  
Philadelphia, PA 19103  
Telephone: (215) 717-4522  
E-mail: sfisk@earthjustice.org

Michael Soules  
Earthjustice  
1625 Massachusetts Ave. NW, Suite 702  
Washington, DC 20036  
Telephone: (202) 797-5237  
E-mail: msoules@earthjustice.org

Tony G. Mendoza  
Sierra Club  
85 Second Street, Second Floor  
San Francisco, CA 94105-3459  
Telephone: 415-977-5589  
Fax: (415) 977-5793  
Email: tony.mendoza@sierraclub.org

Attorneys for Sierra Club

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Sierra Club's *Motion to Withdraw its Motion to Strike Portions of the Supplemental Testimony of Stephen J. Baron* has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on March 26, 2015.

/s/ Christopher J. Allwein  
Christopher J. Allwein

### **PARTIES SERVED**

Thomas.mcnamee@puc.state.oh.us  
Thomas.lindgren@puc.state.oh.us  
Ryan.orourke@puc.state.oh.us  
mkurtz@BKLawfirm.com  
kboehm@BKLawfirm.com  
jkylercohn@BKLawfirm.com  
stnourse@aep.com  
mjsatterwhite@aep.com  
yalami@aep.com  
joseph.clark@directenergy.com  
ghull@eckertseamans.com  
myurick@taftlaw.com  
zkravitz@taftlaw.com  
Schmidt@sppgrp.com  
ricks@ohanet.org  
tobrien@bricker.com  
mkl@bbrslaw.com  
gas@bbrslaw.com  
ojk@bbrslaw.com  
wtppmlc@aol.com  
lhawrot@spilmanlaw.com  
dwilliamson@spilmanlaw.com  
Kevin.moore@occ.ohio.gov  
sauer@occ.state.oh.us  
leslie.kovacik@toledo.oh.gov  
jscheaf@mcdonaldhopkins.com  
marilyn@wflawfirm.com  
matt@matthewcoxlaw.com  
gkrassen@bricker.com  
dborchers@bricker.com

mfleisher@elpc.org  
sam@mwncmh.com  
fdarr@mwncmh.com  
mpritchard@mwncmh.com  
cmooney@ohiopartners.org  
callwein@wamenergylaw.com  
joliker@igsenergy.com  
mswhite@igsenergy.com  
Bojko@carpenterlipps.com  
Allison@carpenterlipps.com  
hussey@carpenterlipps.com  
barthroyer@aol.com  
athompson@taftlaw.com  
Christopher.miller@icemiller.com  
Gregory.dunn@icemiller.com  
Jeremy.grayem@icemiller.com  
blanghenry@city.cleveland.oh.us  
hmadorsky@city.cleveland.oh.us  
kryan@city.cleveland.oh.us  
tdougherty@theOEC.org  
finnigan@edf.org  
meissnerjoseph@yahoo.com  
trhayslaw@gmail.com  
TODonnell@dickinson-wright.com  
dstinson@bricker.com  
drinebolt@ohiopartners.org  
mitch.dutton@fpl.com  
Ccunningham@Akronohio.Gov  
Jeanne.Kingery@duke-energy.com  
toddm@wamenergylaw.com

gthomas@gtpowergroup.com  
Amy.Spiller@duke-energy.com  
jeffrey.mayes@monitoringanalytics  
mhpetricoff@vorys.com  
laurac@chappelleconsulting.net  
mjsettineri@vorys.com  
sechler@CarpenterLipps.com  
cynthia.brady@constellation.com  
lael.campbell@exeloncorp.com  
tony.mendoza@sierraclub.org  
burkj@firstenergycorp.com  
cdunn@firstenergycorp.com  
jlang@calfee.com  
talexander@calfee.com  
dakutik@jonesday.com

stheodore@epsa.org  
glpetrucci@vorys.com  
gpoulos@enernoc.com  
david.fein@constellation.com  
msoules@earthjustice.org  
mdortch@kravitzllc.com  
rparsons@kravitzllc.com

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/26/2015 9:03:21 AM**

**in**

**Case No(s). 14-1297-EL-SSO**

Summary: Motion to Withdraw Motion to Strike electronically filed by Mr. Christopher J. Allwein on behalf of SIERRA CLUB