

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

**MOTION TO FILE OUT-OF-TIME THE REDACTED VERSIONS OF EXHIBITS
TO THE SUPPLEMENTAL TESTIMONY (PUBLIC, REDACTED VERSION)
OF PETER J. LANZALOTTA**

**By
SIERRA CLUB**

Sierra Club now respectfully moves the Attorney Examiners¹ for leave to file the corrected version of Peter J. LanzaLotta’s supplemental testimony (“Testimony”), which includes the exhibits and the certificate of service which were inadvertently omitted from the initial filing. The confidential version of the Testimony and exhibits, along with the redacted version of Mr. LanzaLotta’s substantive testimony, were timely filed by the deadline established by the Attorney Examiners.² All Testimony documents, including the exhibits and service list, were subsequently served on the parties to the case yesterday in accordance with the Commission’s rules.³

For the reasons set forth in the accompanying Memorandum, Sierra Club respectfully requests that the Attorney Examiners grant this Motion for out-of-time filing of the redacted versions of the Testimony exhibits and the certificate of service.

¹ Pursuant to O.A.C. 4901-1-12(A).

² Entry at paragraph 23 (May 1, 2015).

³ Ohio Adm. Code 4901-1-5(A).

Respectfully submitted,

/s/ Christopher J. Allwein

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**MEMORANDUM IN SUPPORT OF SIERRA CLUB’S MOTION TO FILE OUT-
OF-TIME THE REDACTED VERSIONS OF EXHIBITS TO THE PUBLIC,
REDACTED SUPPLEMENTAL TESTIMONY OF PETER J. LANZALOTTA**

Sierra Club respectfully requests that the Attorney Examiners grant this Motion for the out-of-time filing of the public, redacted versions of the exhibits attached to the supplemental testimony of Peter J. Lanzalotta (“Testimony”), filed in this proceeding on behalf of Sierra Club, along with the certificate of service. The redacted version of the Testimony was timely filed. But this filing inadvertently omitted the redacted exhibits and certificate of service. The Testimony, along with the redacted exhibits and the certificate of service were filed on the docket immediately after the omission was discovered.

No additions or modifications were made to the corrected Testimony filing – other than the addition of the previously omitted exhibits and certificate of service. This filing was less than ten minutes after the 5:30 filing deadline. However, Sierra Club

understands the Commission's rules note that anything filed after 5:30 is considered to be filed the next day.⁴

During the filing preparation process, a severe weather event occurred which caused a bit of delay and briefly interrupted the filing process. Despite the severe weather, the in-person confidential filing of the Testimony was completed. However, the interruption of the electronic filing process resulted in the submission of an incomplete redacted document on the record. Sierra Club now respectfully requests that the Attorney-Examiners grant the out-of-time filing of the redacted exhibits and the certificate of service.

These filings should be accepted because there was good cause for the late filing and because no party is prejudiced from the acceptance of these redacted exhibits. The confidential, unredacted versions of the Testimony and exhibits were timely filed with the Commission by the May 11, 2015, as noted above. Thus, all of the substantive information in Mr. Lanzalotta's testimony was timely filed and provided to the parties who have signed non-disclosure agreements. The redacted version of the Testimony was also timely filed by the deadline. The Testimony and the exhibits, both redacted and unredacted, were also timely provided to the parties via electronic service. Accordingly, there is no risk of prejudice from accepting the filing of the redacted versions of these exhibits.

Sierra Club respectfully requests that these out-of-time redacted exhibits be accepted for filing. The corrected filing was submitted immediately upon discovery -

⁴ Ohio Adm. Code 4901-1-2(D)(4) states that "[...]any e-filed document received after five-thirty p.m. shall be considered filed at seven-thirty a.m. the next business day."

mere minutes after the 5:30 deadline, and it was attributable, in part, to an extreme weather event that occurred shortly before the filing. The acceptance of these documents will provide a more complete public record of Mr. Lanzalotta's filing, as the first two exhibits describe Mr. Lanzalotta's experience as an expert. The third exhibit is redacted, and the final exhibit, while publicly available, provides an accessible, supporting reference for portions of the Testimony for interested parties and persons reviewing the items on the case docket.

For the reasons stated above, Sierra Club respectfully requests that the redacted versions of the exhibits to the Lanzalotta Supplemental Testimony, and the certificate of service, be accepted for filing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Sierra Club's Motion to File Out-of-Time the Redacted Versions of Exhibits to the Supplemental Testimony of Peter J. LanzaLotta, along with a Memorandum in Support, has been filed with the Public Utilities Commission of Ohio and has been served upon the following parties via electronic mail on May 12, 2015.

/s/ Christopher J. Allwein

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Summary: Motion to File Out-of-Time the Redacted Versions of Exhibits to the Redacted, Supplemental Testimony of Peter J. Lanzalotta electronically filed by Mr. Christopher J. Allwein on behalf of SIERRA CLUB