

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

**OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY’S MOTION TO STRIKE
PORTIONS OF THE BRIEF FOR AMICUS CURIAE PJM INTERCONNECTION,
L.L.C.**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the “Companies”) respectfully move to strike the following portions of the Brief for Amicus Curiae PJM Interconnection, L.L.C. (“PJM”):

Page 4, Line 13 beginning with the word “Moreover” and continuing through Line 15 ending with the word “resources” and including Footnote 2.

The Commission should strike this material from PJM’s brief because PJM discussed and quoted a news article from *The Plain Dealer* that is not within the record in this case and that is inadmissible hearsay. For these reasons and those set forth in the attached memorandum in support, which is incorporated herein, the Commission should grant this motion and strike the portions of PJM’s brief listed above.

Date: February 26, 2016

Respectfully submitted,

/s/ David A. Kutik

James W. Burk (0043808)
Counsel of Record
Carrie M. Dunn (0076952)
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
Telephone: (330) 384-5861
Fax: (330) 384-8375
burkj@firstenergycorp.com
cdunn@firstenergycorp.com

David A. Kutik (0006418)
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216) 586-3939
Fax: (216) 579-0212
dakutik@jonesday.com

James F. Lang (0059668)
N. Trevor Alexander (0080713)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114
Telephone: (216) 622-8200
Fax: (216) 241-0816
jlang@calfee.com
talexander@calfee.com

ATTORNEYS FOR OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE
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**MEMORANDUM OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY IN SUPPORT
OF MOTION TO STRIKE PORTIONS OF THE BRIEF FOR AMICUS CURIAE PJM
INTERCONNECTION, L.L.C.**

I. INTRODUCTION

In its amicus brief, PJM improperly discussed and referenced a news article from *The Plain Dealer*. This news article, however, is not in the evidentiary record in this case. It's also inadmissible hearsay. Accordingly, the Commission should strike PJM's references to the news article from its brief.

**II. PJM'S AMICUS BRIEF IMPROPERLY DISCUSSES AND REFERENCES
MATERIAL THAT IS OUTSIDE THE RECORD OF THIS CASE AND
INADMISSIBLE HEARSAY**

On Page 4 of its brief, PJM relied on an article from *The Plain-Dealer* dated August 30, 2015. (PJM Br. at 4, n.2.) PJM cited this article as "support" for a purported statement of the Commission regarding the role of PJM.

PJM's reliance on a news article to support its discussion of the Commission's purported position regarding PJM is utterly inappropriate. The article is not part of the record in this case. It is also inadmissible hearsay. *See In the Matter of the Complaint of the City of Reynoldsburg, Ohio, Complainant*, PUCO Case No. 08-846-EL-CSS, 2011 WL 1428237 (Opinion and Order

dated Apr. 5, 2011) (granting motion to strike portions of reply brief that discussed and attached newspaper article and holding “[t]he newspaper article in question is hearsay and consistent with Commission precedent and the Rules of Evidence should not be considered as part of the record in this case”); *In the Matter of FAF, Inc., Notice of Apparent Violation and Intent to Assess Forfeiture*, PUCO Case No. 06-786-TR-CVF, 2006 WL 3932766, at *1 (Opinion and Order dated November 21, 2006, at 3) (finding that affidavit attached to brief was “hearsay, not excused by any exception to the rules of evidence governing hearsay, and is inadmissible as evidence”). In addition, the purported quotes contained within the news article are hearsay and unauthenticated. Put simply, the article should in no way be used to “support” a purported statement of the Commission.

Accordingly, the Commission should strike PJM’s discussion of *The Plain Dealer* article from Page 4, Lines Line 13 beginning with the word “Moreover” and continuing through Line 15 ending with the word “resources” and including Footnote 2 from PJM’s brief.

III. CONCLUSION

For the foregoing reasons, the Commission should grant the Companies' motion to strike.

Date: February 26, 2016

Respectfully submitted,

/s/ David A. Kutik

James W. Burk (0043808)
Counsel of Record
Carrie M. Dunn (0076952)
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, OH 44308
Telephone: (330) 384-5861
Fax: (330) 384-8375
burkj@firstenergycorp.com
cdunn@firstenergycorp.com

David A. Kutik (0006418)
JONES DAY
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216) 586-3939
Fax: (216) 579-0212
dakutik@jonesday.com

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N. Trevor Alexander (0080713)
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, OH 44114
Telephone: (216) 622-8200
Fax: (216) 241-0816
jlang@calfee.com
talexander@calfee.com

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 26th day of February, 2016. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties. Further, a courtesy copy has been served upon parties via electronic mail.

/s/ David A. Kutik

David A. Kutik

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

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in

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

Summary: Motion to Strike Portions of the Brief for Amicus Curaie PJM Interconnection, LLC electronically filed by MR. DAVID A KUTIK on behalf of The Cleveland Electric Illuminating Company and The Toledo Edison Company and Ohio Edison Company