

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's Review)	
of Chapter 4901:1-10, Ohio Administrative)	Case No. 12-2050-EL-ORD
Code, Regarding Electric Companies)	

**MOTION FOR WAIVER AND MEMORANDUM IN SUPPORT OF IGS SOLAR, LLC,
IGS GENERATION, LLC, AND INTERSTATE GAS SUPPLY, INC.**

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December 19, 2017

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**MOTION FOR WAIVER OF IGS SOLAR, LLC, IGS GENERATION, LLC, AND
INTERSTATE GAS SUPPLY, INC.**

On November 8, 2017, the Public Utilities Commission of Ohio ("Commission") issued a Finding and Order ("Order") amending the net metering rules. On December 8, 2017 the Office of Ohio Consumers' Counsel ("OCC") and Ohio Edison Company, Toledo Edison Company, and the Cleveland Electric Illuminating Company (collectively "FirstEnergy") filed applications for rehearing.

IGS Solar, LLC, IGS Generation, LLC, and Interstate Gas Supply, Inc. ("IGS") hereby move for a waiver of the deadline to file its memorandum contra OCC's application for rehearing.¹ Good cause exists to grant this waiver request.

IGS exercised reasonable diligence to file its memorandum contra within the time provided in the Commission's rules. But due to an interruption in the operation of the Docketing Information System ("DIS") and Commission's phone system, IGS was unable to e-file or fax this pleading prior to 5:30 p.m.² For the reasons stated herein and discussed further in the memorandum in support, good cause exists to grant this waiver

¹ Because FirstEnergy's application for rehearing was not served on IGS until December 11, 2017, IGS' memorandum contra FirstEnergy's application for rehearing was timely filed. Therefore, this waiver request is limited to the portion of IGS' memorandum contra that relates to OCC's application for rehearing.

² IGS submitted the pleading at 7:27 p.m. on December 18, 2017 after access to DIS was restored.

request. OCC has indicated that it does not oppose this motion.

Respectfully submitted,

/s/ Joseph Olier

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**MEMORANDUM IN SUPPORT OF IGS SOLAR, LLC, IGS GENERATION, LLC, AND
INTERSTATE GAS SUPPLY, INC.**

I. INTRODUCTION

Due to technical difficulties with DIS and the Commission's phone system, IGS was unable to file its memorandum contra OCC's application for rehearing before 5:30 p.m. on December 18, 2017. As discussed further below, the Commission should find that good cause exist to grant IGS a waiver of the filing deadline.

II. BACKGROUND AND ARGUMENT

On November 8, 2017, the Commission issued an Order amending the net metering rules. On December 8, 2017, OCC and FirstEnergy filed applications for rehearing. OCC served its application for rehearing prior to 5:30 p.m. on December 8, 2017. IGS, however, did not receive service of FirstEnergy's application for rehearing until it was transmitted by DIS on Monday, December 11, 2017.

Under the Commission's rules, "[a]ny party may file a memorandum contra within ten days after the filing of an application for rehearing."³ That time period is extended by one day when service is not completed prior to 5:30 p.m.: "Whenever a party is permitted or required to take some action within a prescribed period of time after a pleading or other

³ Ohio Administrative Code ("OAC") Rule 4901-1-35(B).

paper is served upon him or her and service is made by personal, facsimile transmission, or electronic message (e-mail) service and is completed after five thirty p.m., one day shall be added to the prescribed period of time.”⁴ Consequently, IGS’ memorandum contra FirstEnergy’s application for rehearing was timely filed. Therefore, this motion is limited to a waiver of the deadline to respond to OCC’s application for rehearing.

Under OAC, 4901-1-38(B), “The commission may, upon its own motion or upon a motion filed by a party, waive any requirement of this chapter for good cause shown, other than a requirement mandated by statute from which no waiver is permitted.” Good cause exists to grant IGS a waiver. IGS exercised reasonable diligence to file its memorandum contra within the time provided in the Commission’s rules. But due to an interruption in the operation DIS and Commission’s phone system, IGS was unable to e-file or fax this pleading prior to 5:30 p.m. IGS continued to attempt to file its memorandum contra and was ultimately successful around 7:30 p.m. Although IGS was not able to officially docket its pleading before the close of business, IGS served a courtesy copy electronically on all parties prior to 5:30 p.m. Therefore, no party may claim prejudice from the delay in filing IGS’ memorandum contra. Moreover, OCC has indicated that it does not oppose this motion. Based upon the foregoing, the Commission should find that good cause exists to grant IGS a waiver of the deadline to file its memorandum contra.

III. CONCLUSION

For the reasons stated herein, the Commission should find that good cause exists to grant IGS a waiver of the deadline for its memorandum contra.

Respectfully submitted,

/s/ Joseph Olikar

⁴ OAC, 4901-1-07(C).

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing *Motion for Waiver and Memorandum in Support of IGS Solar, LLC, IGS Generation, LLC, and Interstate Gas Supply, Inc.* upon the following parties via electric transmission, this 19th day of December 2017.

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Case No(s). 12-2050-EL-ORD

Summary: Motion for Waiver and Memorandum in Support electronically filed by Mr. Joseph E. Oliker on behalf of IGS Energy