

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)
Investigation of the Financial Impact of the) Case No. 18-47-AU-COI
Tax Cuts and Jobs Act of 2017 on Regulated)
Ohio Utility Companies)

**MOTION TO ACCEPT THE MEMORANDUM CONTRA FILED BY THE OHIO
MANUFACTURERS' ASSOCIATION ENERGY GROUP**

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Counsel for OMAEG

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Pursuant to Rule 4901-1-12, Ohio Administrative Code, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully requests that the Public Utilities Commission of Ohio (Commission) accept OMAEG's Memorandum Contra filed in the above-captioned proceeding as timely filed on February 20, 2018 for the reasons discussed in the attached memorandum in support.

Respectfully submitted,

/s/Kimberly W. Bojko
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**MEMORANDUM IN SUPPORT OF MOTION TO ACCEPT THE MEMORANDUM
CONTRA FILED BY THE OHIO MANUFACTURERS' ASSOCIATION ENERGY
GROUP**

OMEAG respectfully requests that the Commission accept and deem the Memorandum Contra Joint Application for Rehearing that OMAEG filed on February 20, 2018 as timely filed on February 20, 2018. As demonstrated below, good cause exists for granting the motion and deeming OMAEG's Memorandum Contra timely filed on February 20, 2018.

On February 9, 2018, the Ohio Power Company, the Ohio Edison Company, the Dayton Power & Light Company, Duke Energy Ohio, Inc., the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, EDUs) filed an Application for Rehearing.¹ Per Ohio Adm. Code 4901-1-35(B), memoranda contra the EDUs' Joint Application were due on February 20, 2018.

OMAEG made numerous attempts to file the Memoranda Contra prior to the 5:30 P.M. deadline imposed by Ohio Adm. Code 4901-1-02(A)(3), but due to technical issues with the e-filing system, OMAEG was unable to do so. During multiple attempts to file the document, counsel for OMAEG received repeated error messages as the processing of the document appeared to stall. These technical glitches are evidenced by the fact that, ultimately, OMAEG's Memorandum Contra was filed three separate times on the docket, the first appearing only one

¹ Joint Application for Rehearing (February 9, 2018).

minute after the Commission's 5:30 P.M. cut-off time. One of the error messages received is attached as Attachment A to this Motion. Counsel also attempted to contact the Commission's docketing division as instructed on the error message to no avail. Had these glitches not occurred, OMAEG's Memorandum Contra would have appeared as timely filed on the docket for the above-captioned case. OMAEG also served all parties of record on the same day as the filing, February 20, 2018.

Given the momentary delay and the fact that all parties of record were served as if the Memorandum Contra was timely filed, no parties will be prejudiced by deeming the pleading as timely filed. Deeming OMAEG's Memorandum Contra, filed one minute after the Commission's deadline, as timely filed for good cause, will not unduly delay this proceeding or result in any harm or burden to the parties to this proceeding. Rather, not accepting this late filed pleading will prejudice OMAEG by precluding it from having its arguments put before the Commission as the Commission considers the EDUs' Joint Application for Rehearing.

Alternatively, pursuant to Ohio Adm. Code 4901-1-13(A), OMAEG requests leave to file the Memorandum Contra one day out-of-time. Ohio Adm. Code 4901-1-13(A) permits extensions of time to file pleadings "for good cause shown." As demonstrated above, good cause exists to accept OMAEG's Memorandum Contra one day late due to the electronic filing glitch that occurred with the Commission's e-filing system. Given the momentary delay and the fact that all parties of record were served, no parties will be prejudiced by accepting the filing one day out-of-time.

WHEREFORE, OMAEG has demonstrated good cause exists for deeming its filing as timely filed or for accepting the filing out-of-time. No parties will be prejudiced by the brief

delay in the filing or the granting of this Motion. Therefore, for the reasons provided herein, OMAEG respectfully requests that this Motion be granted.

Respectfully submitted,

/s/Kimberly W. Bojko

Kimberly W. Bojko (0069402)

Brian W. Dressel (0097163)

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Counsel for OMAEG

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all parties of record via electronic mail on February 21, 2018.

/s/ Kimberly W. Bojko
Kimberly W. Bojko

Step 6

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Case No(s). 18-0047-AU-COI

Summary: Motion To Accept The Memorandum Contra Filed By The Ohio Manufacturers' Association Energy Group electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group