

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of The Ohio Edison	)	
Company, The Cleveland Electric Illuminating	)	Case No. 17-974-EL-UNC
Company, and The Toledo Edison Company's	)	
Compliance with R.C. 4928.17 and the Ohio Adm.	)	
Code Chapter 4901:1-37.	)	

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**NOTICE OF WITHDRAWAL OF  
MOTION TO COMPEL  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Ohio Consumers' Counsel ("OCC") notifies the PUCO and the parties that, effective today, it is withdrawing its motion for the PUCO to compel FirstEnergy to respond to OCC's discovery (about the PUCO audit of FirstEnergy). Recently FirstEnergy responded to the OCC's first (and only) set of discovery by sending the majority of the requested responses. This was eight months after the Consumers' Counsel sent the nine requests for discovery (contained in the first set) to FirstEnergy to obtain information for consumer protection regarding the PUCO audit of FirstEnergy. That's about seven months later than the PUCO's rule allows for responses -- "within twenty days."<sup>1</sup>

The issue in this case, FirstEnergy's corporate separation between its competitive and monopoly businesses, is important to customers. As noted by the PUCO Staff, there is the potential for utilities to use competitive information unfairly, which could have a direct impact on the market and be detrimental to marketers and consumers.<sup>2</sup>

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<sup>1</sup> Ohio Adm. Code 4901-1-19.

<sup>2</sup> *Id.*, PUCO Staff Report at 12 (Jan. 16, 2014).

It has been nearly forty years since the PUCO promulgated the current form of its rules of practice. But there can still be too much delay in obtaining information from public utilities.<sup>3</sup> This problem needs to be solved, in the interest of a fair process for consumers in cases about utility rates and service.

Respectfully submitted,

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Ohio Consumers' Counsel

/s/ Maureen R. Willis  
Maureen R. Willis (0020847)  
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<sup>3</sup> *OCC v. PUCO*, 111 Ohio St.3d 300, 2006-Ohio-5789 (The Court ruled that the PUCO erred in denying discovery of side agreements which OCC had moved to compel. OCC moved to compel on May 20, 2004, but was not provided a response until the Supreme Court issued its decision on November 22, 2006); *See OCC v. Duke Energy Ohio*, Case No. 15-1588-GE-CSS, Entry at footnote 2 (October 11, 2017); *See also, In re Amendment of Ohio Adm. Code 4901-1-24 Regarding Motions for Protective Orders*, Case No. 18-322-AU-ORD, Comments by OCC (Mar. 16, 2018) at 3-6.

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Notice was served on the persons stated below  
via electronic transmission, this 9th day of October 2018.

/s/ Maureen R. Willis  
Maureen R. Willis  
Senior Counsel

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

**Commission of Ohio Docketing Information System on**

**10/9/2018 4:10:11 PM**

**in**

**Case No(s). 17-0974-EL-UNC**

Summary: Notice Notice of Withdrawal of Motion to Compel by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Willis, Maureen R Mrs.