

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

KUBITZA, Matt, et. al.,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 17-1435-EL-CSS
	)	
OHIO EDISON COMPANY	)	
	)	
Respondent.	)	

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**OHIO EDISON COMPANY’S RESPONSE TO COMPLAINANT’S MOTION TO  
STRIKE PORTIONS OF OHIO EDISON’S POST HEARING BRIEF**

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Complainant’s Motion to Strike Portions of Ohio Edison’s Post Hearing Brief should be denied because it does not provide an appropriate legal basis for striking any material contained in Ohio Edison’s brief. In that regard, Complainant’s motion is more akin to a response to Ohio Edison’s brief, rather than a motion to strike. If taken as such, Ohio Edison relies on the evidence cited in its post-hearing brief to rebut Complainant’s motion.

In addition, Complainant supports his motion with information that was not introduced at the hearing—including an unauthenticated picture. The Commission has consistently ruled that new information provided after the record has been closed should not be considered.<sup>1</sup>

For these reasons, Ohio Edison respectfully requests that the Commission deny Complainant’s motion.

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<sup>1</sup> *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 Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO, Opinion & Order, p. 37 (Mar. 31, 2016) (“[N]ew information should not be introduced after the closure of the record”); *In the Matter of FAF, Inc., Notice of Apparent Violation and Intent to Assess Forfeiture*, Case No. 06-0786-TR- CVF, Opinion & Order, p. 2 (Nov. 21, 2006) (“Documents that are not part of the record and that were not designated a late-filed exhibit at hearing, cannot be attached to a brief, or filed after a hearing, and thereby be made a part of the record.”).

Dated: September 10, 2019

/s/ Casteel E. Borsay

Joshua R. Eckert (#0095715)

Counsel of Record

FIRSTENERGY SERVICE COMPANY

76 South Main Street

Akron, Ohio 44308

Telephone: (973) 401-8838

Email: jeckert@firstenergycorp.com

Casteel E. Borsay (#0092620)

JONES DAY

325 John H. McConnell Blvd., Suite 600

Columbus, Ohio 43215

Telephone: (614) 281-3618

Email: cborsay@jonesday.com

*Attorneys for Ohio Edison Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Ohio Edison Company's Response to Complainant's Motion to Strike Portions of Ohio Edison Company's Post Hearing Brief was served via electronic mail, upon the following on this 10th day of September 2019.

Matt Kubitza  
mkubitza@apvcoatings.com

/s/ Casteel E. Borsay  
An Attorney for Ohio Edison Company

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**Case No(s). 17-1435-EL-CSS**

Summary: Response to Complainant's Motion to Strike Portions of Ohio Edison's Post Hearing Brief electronically filed by Casteel E. Borsay on behalf of Ohio Edison Company