

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Determination of the)
Existence of Significantly Excessive)
Earnings for 2017 Under the Electric) Case No. 18-857-EL-UNC
Security Plans of Ohio Edison Company,)
The Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company.)**

**In the Matter of the Determination of the)
Existence of Significantly Excessive)
Earnings for 2018 Under the Electric) Case No. 19-1338-EL-UNC
Security Plans of Ohio Edison Company,)
The Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company.)**

**In the Matter of the Determination of the)
Existence of Significantly Excessive)
Earnings for 2019 Under the Electric) Case No. 20-1034-EL-UNC
Security Plans of Ohio Edison Company,)
The Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company.)**

**In the Matter of the Quadrennial Review)
Required by R.C. 4928.143(E) for the)
Electric Security Plans of Ohio Edison) Case No. 20-1476-EL-UNC
Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company.)**

**OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY'S
MEMORANDUM CONTRA THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
MOTION FOR A CONTINUANCE**

The Office of the Ohio Consumers' Counsel's ("OCC") motion requests a continuance of the procedural schedule for the above-captioned consolidated cases pending resolution of Senate Bill 10 ("S.B. 10"). OCC's motion, however, would not stay discovery during the continuance. While the Companies do not oppose the requested continuance, the Companies recommend that the Attorney Examiners further stay discovery, including all outstanding discovery requests.

OCC's logic for continuing the procedural schedule applies with equal force to discovery. Indeed, the Commission has found that in circumstances justifying a continuance of hearings, it is appropriate to stay outstanding discovery as well. *See, e.g., In the Matter of the Complaint of Nexus Realty Tenant Ass'n & Raymond C. Frye, Jr.*, No. 09-69-GE-CSS, 2009 WL 2013711, at *1 (June 30, 2009) (finding good cause to continue the hearing and stay all outstanding written discovery requests). Therefore, if good cause exists for the "indefinite postponement of testimony deadlines and the evidentiary hearings," (OCC's Motion, at 3), good cause also exists to stay discovery, including all outstanding requests, for the duration of the continuance.

The Companies respectfully request that the Attorney Examiners grant the requested continuance, and further stay discovery, including all outstanding discovery requests, for the duration of the continuance.

Dated: February 16, 2021

Respectfully submitted,

/s/ Ryan A. Doringo

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On behalf of the Companies

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on February 16, 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Ryan A. Doringo

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Summary: Memorandum Contra the Office of the Ohio Consumers' Counsel's Motion for a Continuance electronically filed by Ryan A Doringo on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company