

**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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**JOINT MOTION FOR THE PUCO TO RESOLVE THE DOCKETING DISPLAY  
PROBLEM WITH THE TIMELY FILED OCC-NOPEC INTERLOCUTORY APPEAL  
DATED JANUARY 10, 2022**

**BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL  
AND  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL**

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A PUCO Docketing staffer yesterday informed OCC that the Interlocutory Appeal that OCC and NOPEC *timely filed* this week<sup>1</sup> would be “rejected” due to document-file corruption. As a result of that call from PUCO Docketing, the Office of the Ohio Consumers’ Counsel (“OCC”) and the Northeast Ohio Public Energy Council (“OCC-NOPEC” or “Joint Movants”) move the PUCO to resolve the Docketing display problem with the timely filed OCC-NOPEC Interlocutory Appeal dated January 10, 2022. This filing was due by 5:30 pm on January 10, 2022. OCC-NOPEC timely filed our Interlocutory Appeal at 5:22:08 PM on January 10, 2022. We served the filing on parties. And the PUCO served all parties per the functioning of electronic filing.<sup>2</sup> In sum, the filing was accepted, timestamped, docketed, and served.<sup>3</sup> It is currently available to view in the docket although part of it is not displaying properly.

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<sup>1</sup> OCC -NOPEC Interlocutory Appeal filed on January 10, 2022.

<sup>2</sup> See Attachment 1 (service email).

<sup>3</sup> See Attachment 2 (e-filing confirmation).

The actual PDF that OCC-NOPEC filed and served – which was created with the Adobe software that is virtually synonymous with PDFs – does open properly unlike what PUCO Docketing posted online with a partial display-rendering problem. Respectfully, it appears that PUCO Docketing's processing system corrupted the PDF that OCC-NOPEC filed. We elaborate in our Memorandum in Support.

In any event, we are filing this Motion towards a solution and not for blame. We appreciate the services of PUCO Docketing staff.

Accordingly, OCC-NOPEC ask the PUCO to resolve the Docketing display problem with our *timely filed* Interlocutory Appeal PDF dated January 10, 2022. We are happy to work with PUCO Docketing (including by trial and error) toward enabling it to post the properly displaying Interlocutory Appeal (while retaining the timely filing date of January 10, 2022). And we would be pleased to assist with trouble-shooting for future avoidance of this issue, similar to how OCC and others were invited by the PUCO to participate in the original development and testing process for online docketing.

Respectfully submitted,

/s/ Dan Stinson

Dane Stinson (Reg. No. 0019101)  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
dstinson@bricker.com  
(willing to accept service by email)

Glenn S. Krassen (Reg. No. 0007610)  
General Counsel  
NORTHEAST OHIO PUBLIC ENERGY  
COUNCIL  
31360 Solon Road, Suite 33  
Solon, Ohio 44139  
Telephone: (440) 249-7831  
Facsimile: (440) 248-1986  
E-mail: gkrassen@nopec.org  
(willing to accept service by e-mail)

*Attorneys for Northeast Ohio Public Energy  
Council*

Bruce Weston (Reg. No. 0016973)  
Ohio Consumers' Counsel

/s/ Maureen R. Willis

Maureen R. Willis (Reg. No. 0020847)  
Senior Counsel  
Counsel of Record  
John Finnigan (Reg. No. 0018689)

**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Willis]: (614) 466-9567  
Telephone [Finnigan] (614) 466-9585  
Maureen.willis@occ.ohio.gov  
john.finnigan@occ.ohio.gov  
(Willing to accept service by email)

*Attorneys for Office of the Ohio Consumers'  
Counsel*

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**MEMORANDUM IN SUPPORT**

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A PUCO Docketing staffer yesterday informed OCC that the Interlocutory Appeal that OCC and NOPEC *timely filed* on January 10, 2022 would be “rejected” due to document-file corruption. As a result of that call from PUCO Docketing, OCC and NOPEC move the PUCO to resolve the Docketing display problem with the timely filed OCC-NOPEC Interlocutory Appeal dated January 10, 2022. This filing was due by 5:30 pm on January 10, 2022. OCC-NOPEC timely filed our Interlocutory Appeal at 5:22:08 PM on January 10, 2022. We served the filing on parties. And the PUCO served all parties per the functioning of electronic filing.<sup>4</sup> In sum, the filing was accepted, timestamped, docketed, and served.<sup>5</sup> It is currently available to view in the docket although it is not displaying properly.

The actual PDF that OCC-NOPEC filed and served – which was created with the Adobe software that is virtually synonymous with PDFs – does open properly unlike what PUCO Docketing posted online with a partial display-rendering problem. Respectfully, it appears that PUCO Docketing’s processing system corrupted the PDF file that OCC-NOPEC filed.

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<sup>4</sup> See Attachment 1 (service email).

<sup>5</sup> See Attachment 2 (e-filing confirmation).

In any event, we are filing this Motion towards a solution and not for blame. We appreciate the services of PUCO Docketing staff.

Here is more background. As stated, OCC received a phone call the morning of January 11, 2022 from Ms. Debbie Ryan in PUCO Docketing. Ms. Ryan explained that the document (Interlocutory Appeal) didn't upload correctly, that OCC is not the only person this happens to, and it is not that uncommon. And she advised that going through the DIS filing process sometimes makes the PDF corrupt.

Additionally, Ms. Ryan suggested uploading and re-filing a new pdf as a way to solve the partial display problem. But OCC expressed concern that some might then assert that the re-filing would be out of time.

Again, we appreciate PUCO Docketing. However, this predicament – where a functional Adobe-created PDF could not be rendered properly in the PUCO's Docketing Information System – should not have a resolution that necessitates a filing that potentially could be deemed out of time.

As Ms. Ryan acknowledged during her call, this is not the first time this filing issue has occurred. OCC has contacted the PUCO's information technology department in the past to determine why some filings at PUCO Docketing cannot be made or become corrupted after filing.<sup>6</sup> Attached is correspondence from OCC IT to PUCO IT (dated November 4, 2019) on this very issue; however, OCC IT is not aware of having received a response.

Accordingly, OCC-NOPEC ask the PUCO to resolve the Docketing display problem with our *timely filed* Interlocutory Appeal PDF dated January 10, 2022. We are happy to work with PUCO Docketing (including by trial and error) toward enabling it to post the properly displaying

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<sup>6</sup> See Attachment 3 (email from OCC to PUCO IT).

Interlocutory Appeal (while retaining the timely filing date of January 10, 2022). And we would be pleased to assist with trouble-shooting for future avoidance of this issue, similar to how OCC and others were invited by the PUCO to participate in the original development and testing process for online docketing.

Respectfully Submitted,

/s/ Dan Stinson  
Dane Stinson (Reg. No. 0019101)  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291  
Telephone: (614) 227-2300  
dstinson@bricker.com  
(willing to accept service by email)

Glenn S. Krassen (Reg. No. 0007610)  
General Counsel  
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COUNCIL  
31360 Solon Road, Suite 33  
Solon, Ohio 44139  
Telephone: (440) 249-7831  
Facsimile: (440) 248-1986  
E-mail: gkrassen@nopec.org  
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/s/ Maureen R. Willis  
Maureen R. Willis (Reg. No. 0020847)  
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**Office of the Ohio Consumers' Counsel**  
65 East State Street, Suite 700  
Columbus, Ohio 43215  
Telephone [Willis]: (614) 466-9567  
Telephone [Finnigan] (614) 466-9585  
Maureen.willis@occ.ohio.gov  
john.finnigan@occ.ohio.gov  
(Willing to accept service by email)

*Attorneys for Office of the Ohio Consumers'  
Counsel*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Joint Motion for the PUCO to Resolve the Docketing Display Problem with the Timely Filed OCC-NOPEC Interlocutory Appeal dated January 10, 2022 by Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council was provided electronically to the persons listed below this 12th day of January 2022.

/s/Maureen R. Willis

Senior Counsel

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

### **SERVICE LIST**

thomas.lindgren@ohioAGO.gov  
werner.margard@ohioAGO.gov  
joliker@igsenergy.com  
Mnugent@igsenergy.com  
bethany.allen@igs.com  
evan.betterton@igs.com  
gkrassen@bricker.com  
dstinson@bricker.com  
whitt@whitt-sturtevant.com  
mfleisher@dickinsonwright.com  
mwise@mcdonaldhopkins.com  
glpetrucci@vorys.com  
dparram@bricker.com  
rmains@bricker.com  
trhayslaw@gmail.com  
leslie.kovacik@toledo.oh.gov

bknipe@firstenergycorp.com  
mrgladman@jonesday.com  
mdengler@jonesday.com  
radoringo@jonesday.com  
sgoyal@jonesday.com  
calee@jonesday.com  
mwager@taftlaw.com  
iavalon@taftlaw.com  
mpritchard@mcneelaw.com  
tlong@mcneelaw.com  
rdove@keglerbrown.com  
bojko@carpenterlipps.com  
donadio@carpenterlipps.com  
rlazer@elpc.org  
ctavenor@theOEC.org

Attorney Examiner:  
Gregory.price@puco.ohio.gov  
Megan.addison@puco.ohio.gov  
Jacqueline.st.john.puco.ohio.gov

**Noward, Alana**

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**From:** DISSubscriptions@puc.state.oh.us  
**Sent:** Tuesday, January 11, 2022 12:30 PM  
**To:** Noward, Alana  
**Subject:** New filing for case: 17-0974-EL-UNC

A new document has been added to case(s): 17-0974-EL-UNC

Link to document:

<https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=fd92bd3c-5e88-4b68-b2b4-b6a7db8a9ec1>

Summary: Interlocutory Appeal, Request for Certification to the PUCO Commissioners, and Application for Review by Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council electronically filed by Ms. Patricia J. Mallarnee on behalf of Willis, Maureen Ms.

NOTICE: The transmission of this message may constitute service of the foregoing document upon the recipient pursuant to rules adopted by the Public Utilities Commission of Ohio. Do not reply to this message. Please send all replies or questions to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us) or call 614-466-4095.



**Mallarnee, Patricia**

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**From:** DISSUBSCRIPTION@puc.state.oh.us  
**Sent:** Monday, January 10, 2022 5:22 PM  
**To:** Mallarnee, Patricia  
**Subject:** E-Filing Confirmation

Filings received after 5:30 p.m. Eastern Time will be deemed to be filed the following business day. All filings and document information is subject to review by the PUCO Docketing Division.

**Please click on the link below to ensure that your document has been filed.** Call (614) 466-4095, during business hours, if you have questions, have problems viewing your filed document, or need assistance. Do not reply to this message. Send any correspondence to [docketing@puc.state.oh.us](mailto:docketing@puc.state.oh.us).

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URL: <https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=fd92bd3c-5e88-4b68-b2b4-b6a7db8a9ec1>

Date & Time: 1/10/2022 at 17:22:08.4549094 EST

Case Number(s): 17-0974-EL-UNC

Summary: Application Interlocutory Appeal, Request for Certification to the PUCO Commissioners, and Application for Review by Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council electronically filed by Ms. Patricia J. Mallarnee on behalf of Willis, Maureen Ms.

Confirmation Number: fd4d1ca9-262a-49dd-a28a-813a8950e51f

Official PDF File: fd4d1ca9-262a-49dd-a28a-813a8950e51f\_Official\_Patricia Mallarnee110202252157PM\_17.974

Interlocutory.pdfSecure.pdf

**From:** Schroeder, John  
**Sent:** Monday, November 4, 2019 10:15 AM  
**To:** Mitchell, Jared <[Jared.Mitchell@puco.ohio.gov](mailto:Jared.Mitchell@puco.ohio.gov)>  
**Subject:** RE: E-FILE

Hello Jared,

Thank you for getting back with me. On Friday we had staff trying to file roughly 50 different PDFs. They were having issues with the docketing system accepting the submitted pdfs. I wanted to reach out to you to see if I could find more defined constraints to what PDFs are acceptable. Right now it's sort of a 'guess and check' situation from our point of view. Sometimes it's the file name, sometimes the PDF's have to be recreated from a 'print to pdf' function. (However, sometimes only certain 'print to pdf' engines will work. )

Do you receive error logs as to why a PDF submission will fail? What is the file size limits? Do you require all PDFs be converted to images? Would your system accept tiff or xps formats as opposed to PDF?

My goal is to provide the staff a clearer method for submission that they know will work 100% of the time.

Thank you for your help,



John Schroeder  
Network and Systems Administrator

Office of the Ohio Consumers' Counsel  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215-4213  
(614) 466-1664  
[john.schroeder@occ.ohio.gov](mailto:john.schroeder@occ.ohio.gov)

**CONFIDENTIALITY NOTICE:**

This message may contain privileged and/or confidential information for intended recipients only. If you have received this communication in error, please notify me immediately by email and telephone.

**From:** Mitchell, Jared <[Jared.Mitchell@puco.ohio.gov](mailto:Jared.Mitchell@puco.ohio.gov)>  
**Sent:** Monday, November 4, 2019 9:26 AM  
**To:** Schroeder, John <[John.Schroeder@occ.ohio.gov](mailto:John.Schroeder@occ.ohio.gov)>  
**Subject:** E-FILE

Hi John,

I work in the IT department at the PUCO and I received a ticket saying you had some questions about e-filing. I would be happy to try and answer what ever question you have!

Feel free to email or call me.

Thanks,

**Jared Mitchell**

Public Utilities Commission of Ohio  
Information Technology  
Infrastructure Specialist  
(614) 728-9484  
(614) 284-5159 *mobile*

[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**1/12/2022 3:16:02 PM**

**in**

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

Summary: Motion Joint Motion for the PUCO to Resolve the Docketing Display Problem with the Timely Filed OCC-NOPEC Interlocutory Appeal Dated January 10, 2022 by Office of the Ohio Consumers' Counsel and Northeast Ohio Public Energy Council electronically filed by Ms. Patricia J. Mallarnee on behalf of Willis, Maureen Ms.