

FILE

**City Of Sylvania**

DEPARTMENT OF LAW
JAMES E. MOAN, DIRECTOR
LESLIE B. BRINNING, ASST. LAW DIRECTOR

RECEIVED-DOCKETING DIV

2006 DEC -7 PM 4: 32

PUCO

FAX

Robert A. Pyzik, Chief Prosecutor
Michelle A. Wagner, Prosecutor

December 7, 2006

via facsimile and regular U.S. Mail

Public Utilities Commission of Ohio
Docketing Division
180 E. Broad St.
Columbus, Ohio 43215-3793

Re: Motion for Extension of Certificate Expiration Date and Memorandum in Support
PUCO Case No. 00-2089-EL-GAG and PUCO Case No. 02-2507-GA-GAG

Dear Sir or Madam:

Enclosed please find the City of Sylvania's Motion for Extension of Certificate Expiration Date and Memorandum in Support for filing in the referenced cases. Also enclosed please find a certificate of result of election on question or issue for filing in Case No. 02-2507-GA-GAG.

If you have any questions or require any additional information, please let me know.

Thank you for your attention to this matter.

Very truly yours,

James E. Moan
Director of Law
City of Sylvania

JEM/lb

Enclosures

This is to certify that the images appended are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Transmission JB Date Processed 12-8-06

DEC-14-2004 TUE 11:29 AM LUCAS CO BO OF ELECTIONS

FAX NO. 14192134089

P. 02

Form No. 131 Prescribed by Secretary of State

Columbus Printing, Inc. 6127

CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE

Revised Code, Section 349.11

State of Ohio

County of LUCASThe Board of Elections of LUCAS

County hereby

certifies that at the election held in City of Sylvania

(Subdivision)

in said county on November 6, 2001

(Date of election)

the

vote cast on the following issue was as follows:

Issue: Shall the City of Sylvania have the authority to aggregate natural gas supply services located in the city, and for that purpose, enter into service agreements to (lease, buy, bond issue, lease option, etc. - describe fully) facilitate for those consumers the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

Votes

(For, yes, etc. - as on ballot)

3085

(Number)

Votes

(No, against, etc. - as on ballot)

863

(Number)

Total vote cast on issue:

3952

(Number)

Witness our official signatures at Toledo

Ohio in

said county, this 10th day of December

, AM 2001

Paula Ross

Paula Ross

Chairman

Diane Brown

Diane Brown

Thomas Noe

Thomas Noe

Diana H. Talmage

Diana Talmage

Attest:

Antoinette R. Seuch

Antoinette R. Seuch

Clerk

BOARD OF ELECTIONS

LUCAS

County, Ohio

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|-------------------------|
| In The Matter of the |) | |
| The City of Sylvania for Certification |) | Case No. 00-2089-EL-GAG |
| As a Governmental Aggregator |) | |

**MOTION FOR EXTENSION OF CERTIFICATE EXPIRATION DATE AND
MEMORANDUM IN SUPPORT**

I. MOTION FOR EXTENSION

Now comes The City of Sylvania ("The City of Sylvania") and moves that the Public Utilities Commission of Ohio ("Commission") grant an extension of the December 21, 2006, expiration date of its certificate to provide governmental aggregation services. Inadvertently, the City of Sylvania did not file an application for renewal of Certificate 00-033 (3) within the 30-120 day advance window set forth in rule 4901:1-27-09 of the Ohio Administrative Code ("OAC"). The City of Sylvania filed its renewal application, out of time, on December 4, 2006, and the City of Sylvania seeks an extension of its certificate's expiration date while the Commission is considering the renewal application.

II. MEMORANDUM IN SUPPORT

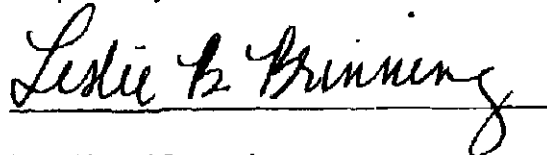
The City of Sylvania was granted the authority to provide governmental aggregation services on December 21, 2004, and its current certificate expires on December 21, 2006. Since that time, the City of Sylvania has chosen a supplier for the retail electric services for its residents, and power is flowing to its participants under their aggregation program. Unfortunately, due to an inadvertent oversight with regard to the timing for filing, the City of

Sylvania did not realize that the advance filing date for its certificate renewal has passed. The City of Sylvania filed its renewal application on December 4, 2006. While the Commission considers the renewal, the City of Sylvania requests an extension of the expiration date of its certificate from December 21, 2006 to January 4, 2007, to allow for the thirty day review period from the December 4, 2006 renewal application filing date.

The City of Sylvania's request for an extension is reasonable under the circumstances and should be granted. Should the City's ability to provide aggregation services expire on December 21, 2006, the City of Sylvania's aggregation participants would be at a disadvantage in that they would not be able to receive the most competitive electric rate. Although the City of Sylvania inadvertently failed to file its renewal application within the 30-120 day window as set forth in Rule 4901:1-27-09 (A), in substance there have been no material changes in the City of Sylvania's operation of its aggregation program. Indeed, except for the automatic expiration date of its Certificate 00-033 (3), the City of Sylvania has done nothing that would warrant suspension or rescission of its authority. Since the City of Sylvania's dilemma has been caused by an inadvertent oversight, an extension would allow the City to obtain renewal of its certificate without causing inconvenience to its participants. Indeed, extension of the expiration date is necessary to prevent irreparable harm to the City of Sylvania and its residents, and would prevent disruption in service to City of Sylvania participants. The City of Sylvania respectfully submits that an extension of its certificate expiration date is in the public interest.

Wherefore, the City of Sylvania respectfully urges the Commission to grant the extension.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie L. Brunning", written over a horizontal line.

The City of Sylvania

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

| | | |
|--|---|-------------------------|
| In The Matter of the |) | |
| The City of Sylvania for Certification |) | Case No. 02-2507-GA-GAG |
| As a Governmental Aggregator |) | |

**MOTION FOR EXTENSION OF CERTIFICATE EXPIRATION DATE AND
MEMORANDUM IN SUPPORT**

I. MOTION FOR EXTENSION

Now comes The City of Sylvania ("The City of Sylvania") and moves that the Public Utilities Commission of Ohio ("Commission") grant an extension of the December 24, 2006, expiration date of its certificate to provide governmental aggregation services. Inadvertently, the City of Sylvania did not file an application for renewal of Certificate 00-041 (1) within the 30-120 day advance window set forth in rule 4901:1-27-09 of the Ohio Administrative Code ("OAC"). The City of Sylvania filed its renewal application, out of time, on December 4, 2006, and the City of Sylvania seeks an extension of its certificate's expiration date while the Commission is considering the renewal application.

II. MEMORANDUM IN SUPPORT

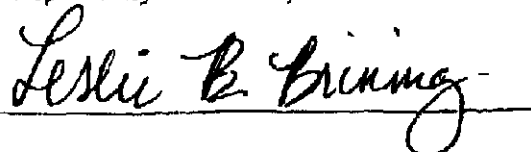
The City of Sylvania was granted the authority to provide governmental aggregation services on December 24, 2002, and its current certificate expires on December 24, 2006. Since that time, the City of Sylvania has chosen a supplier for the retail natural gas services for its residents, and natural gas is flowing to its participants under their aggregation program. Unfortunately, due to an inadvertent oversight with regard to the timing for filing, the City of

Sylvania did not realize that the advance filing date for its certificate renewal has passed. The City of Sylvania filed its renewal application on December 1, 2006. While the Commission considers the renewal, the City of Sylvania requests an extension of the expiration date of its certificate from December 24, 2006 to January 4, 2007, to allow for the thirty day review period from the December 1, 2006 renewal application filing date.

The City of Sylvania's request for an extension is reasonable under the circumstances and should be granted. Should the City's ability to provide aggregation services expire on December 24, 2006, the City of Sylvania's aggregation participants would be at a disadvantage in that they would not be able to receive the most competitive electric rate. Although the City of Sylvania inadvertently failed to file its renewal application within the 30-120 day window as set forth in Rule 4901:1-27-09 (A), in substance there have been no material changes in the City of Sylvania's operation of its aggregation program. Indeed, except for the automatic expiration date of its Certificate 00-041 (1), the City of Sylvania has done nothing that would warrant suspension or rescission of its authority. Since the City of Sylvania's dilemma has been caused by an inadvertent oversight, an extension would allow the City to obtain renewal of its certificate without causing inconvenience to its participants. Indeed, extension of the expiration date is necessary to prevent irreparable harm to the City of Sylvania and its residents, and would prevent disruption in service to City of Sylvania participants. The City of Sylvania respectfully submits that an extension of its certificate expiration date is in the public interest.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Leslie B. Brining", written over a horizontal line.

The City of Sylvania