

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 08-936-EL-SSO
Illuminating Company and The Toledo Edison)	
Company for Approval of a Market Rate Offer)	
To Conduct a Competitive Bidding Process)	
For Standard Service Offer Electric Generation)	
Supply, Accounting Modifications Associated)	
With Reconciliation Mechanism, and Tariffs)	
For Generation Service.)	

**MOTION
FOR A CONTINUANCE AND EXTENSION OF TIME
BY
OHIO PARTNERS FOR AFFORDABLE ENERGY
AND
MEMORANDUM IN SUPPORT**

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September 3, 2008

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**MOTION
FOR A CONTINUANCE AND EXTENSION OF TIME
AND REQUEST FOR EXPEDITED CONSIDERATION
OF
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Ohio Partners for Affordable Energy ("OPAE") hereby respectfully moves that the Public Utility Commission of Ohio ("Commission" or "PUCO") grant a three day extension for the filing of intervenor testimony and a six day continuance of the hearing. Currently, intervenor testimony must be filed by Tuesday, September 9, 2008, with the hearing following on Tuesday, September 16, 2008. This motion would extend those dates to Friday, September 12, 2008, and Monday, September 22, 2008, respectively. Comparable extension for the filing of other testimony is also requested.

OPAE requests this continuance of the hearing and extension of time to file testimony in order to provide a realistic opportunity to present meaningful advocacy on behalf of the low-income customers served by the sixty community-based nonprofits that make up its membership. The continuance and extension will assist other parties that are similarly situated.

This justification for this motion is set forth in the attached Memorandum in Support. An expedited ruling is requested given the impending hearing date.

Respectfully submitted,

/s/ David C. Rinebolt

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**MEMORANDUM IN SUPPORT OF THE MOTION FOR A CONTINUANCE AND
EXTENSION OF TIME
AND REQUEST FOR EXPEDITED CONSIDERATION
BY
OHIO PARTNERS FOR AFFORDABLE ENERGY**

§4901-1-13(A), Ohio Adm. Code provides for extensions and “continuances of public hearings” upon a showing of good cause. OPAE believes good cause exists to continue the hearing and extend the dates for the filing of testimony in the interest of justice and compliance with requirements for due process.

On August 1, 2008, Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively “the Companies” or “FirstEnergy”) filed applications for a Standards Service Officer (“SSO”) as required by §4928.141(A), Ohio Rev. Code. The Application in Case No. 08-935-EL-SSO would establish an Electric Security Plan (“ESP”) under §4928.143 Ohio Rev. Code and the instant case would establish a Market Rate Offer (“MRO”) under §4928.142, Ohio Rev. Code. American Electric Power filed as ESP proposal on behalf of its operating companies the same day as did Duke

Energy-Ohio. A technical conference was held on August, 18, 2008 and a prehearing conference followed on August 25, 2008. The schedule for this case was provided at the August 25th prehearing conference and formalized in an Entry filed August 28, 2008.

Because of the timeframes established by Am. Sub. SB 221, these multiple filings have created tremendous pressure for all parties which traditionally intervene in cases that affect rates paid by everyday customers. OPAE is well aware of the need to expeditiously deal with these filings and has no intention of delaying the proceedings unreasonably. For that reason, we are requesting an expedited ruling on the motion.¹

OPAE offers two justifications for its motion. In general, most intervenors are participating in multiple SSO dockets and also in the rules development process. This has sorely stretched available resources, especially for those parties that must raise the funding necessary to participate in these cases. Further, the Commission has not yet issued final regulations that define the requirements for these filings. As a result, parties will of necessity be forced to argue a much broader range of issues, including those that could be resolved by the rules. This requires more preparation, not less. Extending the date of the hearing for six days will provide parties an extra weekend and the Commission with the opportunity to provide guidance through the rules that can expedite the hearing.

¹ Because of time limitations, OPAE has not consulted with other parties regarding the request for expedited consideration.

Specific to OPAE, we were caught unawares by the accelerated schedule. Fortunately, we had completed fundraising to allow the hiring of a witness. She was contacted within two hours of the technical conference, agreed to serve as OPAE's expert, and started work that day. A pre-existing family commitment will prohibit from providing assistance from September 2 through 7, 2008. As a result, OPAE simply cannot meet the current schedule for filing intervenor testimony given the limitations of the accelerated schedule.

In addition, OPAE's expert is to give previously scheduled testimony in Illinois on September 16 and 17, 2008, which conflicts with the scheduled hearing dates.

OPAE contends that a three-day delay in filing testimony will not prejudice any party and will contribute to a more complete record. Further, the continuance of the hearing for six days will provide additional opportunity for parties to review the testimony and potentially expedite the hearing through the waiver of cross-examination for some witnesses. This approach was used in the recently litigated FirstEnergy rate case and proved effective in reducing the number of hearing days.

For the above reasons, OPAE requests approval of the motion for continuance and extensions. In the alternative, OPAE requests an extension of the filing date for its expert testimony and accommodation, as is traditionally provided in the scheduling of out-of-town witness.

Respectfully submitted,

/s/ David C. Rinebolt

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Intervene, Memorandum in Support, and Motion to Practice *Pro Hac Vice* were served electronically upon the parties of record identified below on this 3rd day of September, 2008.

/s/ David C. Rinebolt

David C. Rinebolt, Esq.
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Summary: Motion Motion for Continuance and Extension and Request for Expedited Ruling electronically filed by Mr. David C Rinebolt on behalf of Ohio Partners for Affordable Energy