

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Renewal Application  
of the City of Sylvania as a Governmental  
Aggregator

Case No. 00-2089-EL-GAG

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MEMORANDUM IN SUPPORT OF MOTION  
FOR EXTENSION OF CERTIFICATION  
EXPIRATION DATE AND REQUEST FOR  
EXPEDITED RULING

The City of Sylvania was granted authority to provide governmental aggregation services within the State of Ohio on October 30, 2000. Since that time, the City of Sylvania has solicited competitive bids for electric services for its residents.

Unfortunately, due to an inadvertent oversight, the City of Sylvania failed to realize that the filing date for its certificate renewal had passed. As soon as this failure to file was brought to the attention of the company, the City immediately began the preparation of its certificate renewal application in accordance with Rule 4901-1-27-09 OAC and the Commission's certificate renewal forms. This application should have been filed on December 6, 2008, however, was not filed until December 8, 2008. Should the Commission prefer to take the entire statutory 30 day period for review of the application, the City respectfully requests a 2-day extension of the expiration date of its certificate to allow for this full review period. Thus, the City seeks a ruling that its certificate will not expire until January 8, 2009, or, alternatively, for a shorter period of time that will permit expedited review and approval of its renewal application.

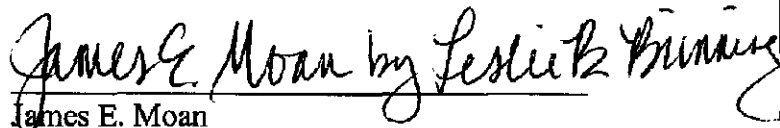
The City's request for an extension is reasonable under the circumstances and should be granted. Should the City's ability to provide aggregation services expire on January 5, 2009, Sylvania city residents would be at a disadvantage in that they would not be able to receive the most competitive electric rate. Although the City did inadvertently fail to file its renewal

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application within the 30-120 day window set forth in Rule 4901:1-27-09(A) OAC, in substance there have been no material changes in the City's operation of its aggregation program. Indeed, except for the automatic expiration date of Certificate 00-033(4), the City has done nothing that would warrant suspension or rescission of its authority pursuant to Rule 4901:1-27-12 OAC. Since the City's current dilemma has been caused by inadvertence and not by any willful attempt to avoid the Commission's requirements, it is reasonable to allow the company a brief period of time to come into compliance with the rules without causing inconvenience to the residents of the City of Sylvania.

The City has shown that its failure to comply with the filing deadline was inadvertent, and that its business practices have not materially changed since the initial application was filed on October 30, 2000. A brief extension of the certificate expiration date is in the public interest and should be granted.

Respectfully submitted,



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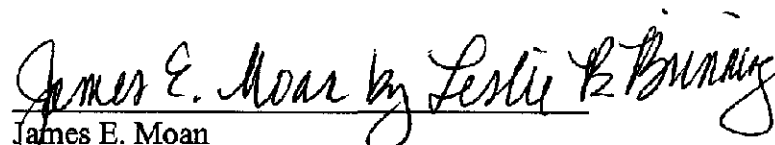
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**MOTION FOR EXTENSION OF  
CERTIFICATE EXPIRATION DATE**

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Now comes the City of Sylvania and moves that the Public Utilities Commission of Ohio (Commission) grant a 2-day extension of the January 6, 2009 expiration date of its certificate to provide governmental aggregation services within the State of Ohio. Due to inadvertence and several other factors that will be addressed in more detail in the memorandum contra attached hereto, the City of Sylvania did not file an application for renewal of Certificate 00-033(4) within the 30-120 day window set forth in Rule 4901:1-27-09 Ohio Administrative Code (OAC). The City of Sylvania filed its application for renewal on December 6, 2008. As a result, the City of Sylvania seeks a 2-day extension of the expiration date so that the renewal application can be automatically approved within the 30-day period and to prevent any disruption in service to the City of Sylvania residents. Such brief extension of the expiration date is necessary to prevent irreparable harm to the City of Sylvania and its residents.

Respectfully submitted,

  
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