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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	Case No. 09-1820-EL-ATA
Illuminating Company and The Toledo	)	Case No. 09-1821-EL-GRD
Edison Company for Approval of Ohio	)	Case No. 09-1822-EL-EEC
Deployment of the Smart Grid	)	Case No. 09-1823-EL-AAM
Modernization Initiative and Timely	)	
Recovery of Associated Costs.	)	

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**MOTION FOR A TWO-DAY EXTENSION OF TIME TO FILE COMMENTS  
AND  
REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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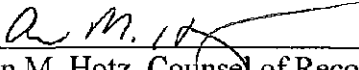
The Office of the Ohio Consumers' Counsel ("OCC"), on behalf of the residential utility consumers of the Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively "FirstEnergy" or "Company"), moves the Public Utilities Commission of Ohio ("PUCO" or "Commission") for a two-day extension of time for the filing of Initial Comments, pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A). A two-day extension would extend the filing deadline to Friday, January 15, 2010.

Furthermore, OCC seeks an expedited ruling, which the PUCO may issue immediately, under the special provision in Ohio Adm. Code 4901-1-12(C) for extensions of five days or less. The reasons supporting this request, along with an explanation of the need to determine the filing deadline on an expedited basis, are set forth in the attached Memorandum in Support.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
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Respectfully submitted,

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Consumers' Counsel

  
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Modernization Initiative and Timely	)	
Recovery of Associated Costs.	)	

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**MEMORANDUM IN SUPPORT OF MOTION FOR A TWO-DAY EXTENSION OF  
TIME TO FILE TESTIMONY  
AND REQUEST FOR EXPEDITED RULING  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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**I. INTRODUCTION**

This case affects the rates paid by the approximately 1.9 million residential customers of FirstEnergy. The Company filed its application on November 18, 2009, and asked that the Commission approve the application by December 9, 2009. OCC<sup>1</sup> ("OCC First Comments") and the Ohio Partners for Affordable Energy<sup>2</sup> ("OPAE") filed comments requesting the Commission to provide a due process opportunity because the application provided so little information about the program and the line item costs that FirstEnergy proposes to recover from its customers. FirstEnergy filed comments in response to OCC's First Comments on December 21, 2009. The Commission issued an Entry on December 30, 2009, seeking public comment on FirstEnergy's application. In that Entry the Commission set the filing date for Initial Comments to be January 13, 2009.

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<sup>1</sup> Comments on Ohio Edison Company's, The Cleveland Electric Illuminating Company's Request that the Commission Approve its Application by December 9, 2009 by the Office of the Ohio Consumers' Counsel. (December 10, 2009).

<sup>2</sup> Motion for a Hearing of Ohio Partners for Affordable Energy (December 24, 2009).

On December 17, 2009, the OCC served the Company with discovery requests in order to obtain more detailed information that would enhance the quality of the Initial Comments OCC would be able to file. The responses were due on January 6, 2010 but were not received until after business hours on January 11, 2010.

## **II. APPLICABLE PROCEDURAL RULES**

Ohio Adm. Code 4901-1-13(A) permits parties to move for extensions of time to file testimony. That rule provides for the granting of such motions for “good cause shown.”

Ohio Adm. Code 4901-1-12(C) allows parties to request an expedited ruling on their motions. If the motion requests an extension of time to file pleadings or other papers of five days or less, then the Commission or the Attorney Examiner may issue an immediate ruling without awaiting the filing of a memorandum contra.<sup>3</sup>

## **III. ARGUMENT**

OCC seeks a two-day extension of time to file Initial Comments pursuant to Ohio Adm. Code 4901-1-13(A) for good cause shown. Although OCC served discovery to FirstEnergy on a timeline that would have provided OCC sufficient time to incorporate the responses into its Initial Comments, OCC did not receive the responses until five days after the due date.

The extension of time would change the deadline for filing of Initial Comments from January 13, 2010 to January 15, 2010. In addition, in order to allow parties sufficient time to review the Initial Comments, the Commission should grant a corresponding two-day extension of time for Reply Comments. An extension of time to file Reply Comments

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<sup>3</sup> See Ohio Adm. Code 4901-1-12(C).

would make them due on Friday, January 22<sup>nd</sup> rather than on Wednesday January 24<sup>th</sup>.  
OCC proposes that the extensions apply to all intervenors.

Granting this brief extension would allow OCC the needed time after FirstEnergy's delayed discovery response to work with OCC's consultant and incorporate the data responses where appropriate into the comments OCC is preparing. The extension has good cause and will not cause undue delay, and should not work to prejudice any party. For these reasons, the Commission should grant OCC's Motion for an Extension of Time to File Comments.

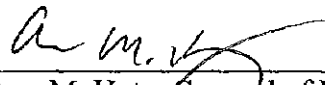
Furthermore, OCC requests a ruling on this Motion on an expedited basis because the Comments are due tomorrow and without an expedited ruling today or tomorrow.

#### IV. CONCLUSION

For the reasons stated above, the Commission should grant OCC's Motion based upon the OCC's showing of good cause. The Commission should grant this Motion on an expedited basis.

Respectfully submitted,

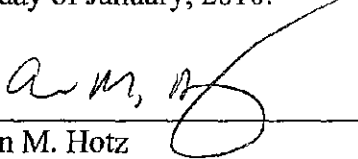
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing *Motion for Extension of Time to Comments and Request for Expedited Ruling*, was served by Regular U.S. Mail Service, postage prepaid, to all parties this 12th day of January, 2010.

  
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