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**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO** 2010 APR -7 PM 4:09

In the Matter of the Application of Ohio )  
 Edison Company, The Cleveland Electric )  
 Illuminating Company and The Toledo )  
 Edison Company for Authority to ) Case No. 10-388-EL-SSO  
 Establish a Standard Service Offer )  
 Pursuant to R.C. § 4928.143 in the Form )  
 of an Electric Security Plan. )

**PUCO**

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**JOINT MOTION FOR AN EXTENSION OF TIME TO FILE TESTIMONY AND  
 REQUEST FOR EXPEDITED RULING  
 BY  
 THE OFFICE OF THE OHIO CONSUMERS' COUNSEL  
 AND  
 THE FIRSTENERGY DISTRIBUTION COMPANIES**

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Pursuant to Ohio Adm. Code 4901-1-12 and 4901-1-13(A), the Office of the Ohio Consumers' Counsel ("OCC") and the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy") move the Public Utilities Commission of Ohio ("Commission") for an extension of time for the filing of testimony by intervenors and the PUCO Staff. Specifically, the due date for intervenor and PUCO Staff testimony would be extended two days from April 13, 2010 to April 15, 2010.<sup>1</sup>

The OCC and FirstEnergy jointly seek an expedited ruling under the special provision in Ohio Adm. Code 4901-1-12(C) for extension requests of five days or less.

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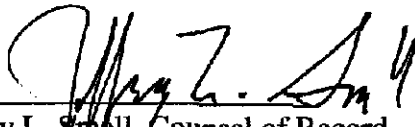
<sup>1</sup> Nothing in this pleading should be understood to change the positions of the movants on the subject of the procedural schedule for this case, including with regard to OCC's position that the scheduling of the case over a timeline of 275 days is appropriate under R.C. 4928.143.

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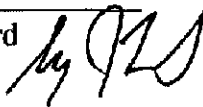
The reasons supporting these requests, along with an explanation of the need to determine the filing date on an expedited basis, are set forth in the attached Memorandum in Support.

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL

  
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**MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF TIME  
TO FILE TESTIMONY  
AND REQUEST FOR EXPEDITED RULING**

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**I. INTRODUCTION**

On March 23, 2010, FirstEnergy filed its application (“Application”) for approval of an electric security plan (“ESP”) under R.C. 4928.143. On March 23, 2010, an Entry was issued that set a procedural schedule that stated, in parts pertinent to this pleading, that intervenor and PUCO Staff testimony is due on April 13, 2010 and that a hearing will commence at the Commission’s offices on April 20, 2010.

While not required to contact parties under the applicable provision of Ohio Adm. Code 4901-1-12(C) for extension up to five days, the OCC contacted the parties in this case to determine if any party objects to the request for an expedited ruling on the Motion for an Extension of Time to File Testimony (“Motion”). The parties that replied to OCC did not object to an expedited ruling.<sup>2</sup>

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<sup>2</sup> The PUCO Staff does not object to either the requested extension or an expedited ruling.

## **II. APPLICABLE PROCEDURAL RULES**

Ohio Adm. Code 4901-1-13(A) specifically permits parties to move for extensions of time to file testimony. In addition, 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. That rule provides that “[i]f the motion requests an extension of time to file pleadings or other papers of five days or less, an immediate ruling may be issued without the filing of memoranda.”

## **III. ARGUMENT**

Pursuant to Ohio Adm. Code 4901-1-13(A) and 4901-1-12(C), the OCC and FirstEnergy jointly seek an extension of time for intervenors and the PUCO Staff to file testimony two days later than currently scheduled. This extension of time would change the due date for written intervenor and PUCO Staff testimony from April 13, 2010 to April 15, 2010. The requested extension would relieve some timing constraints for the OCC and FirstEnergy to conduct depositions.

This Joint Motion does not include an extension to the hearing date that is currently set for April 20, 2010. In this regard, the Interlocutory Appeal filed by the OCC with other parties remains pending regarding the procedural schedule, and this Joint Motion is not an agreement otherwise.<sup>3</sup>

For the reasons stated herein, the Commission should grant the Joint Motion.

Under the special provision of Ohio Adm. Code 4901-1-12(C), the PUCO may rule on requests for extensions of five days or less without awaiting the filing of memoranda

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<sup>3</sup> Nothing in this pleading should be understood to affect the positions of the movants on the subject of the appropriateness of the procedural schedule set in this case.

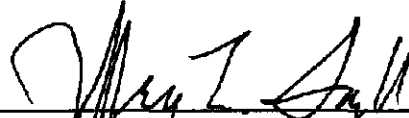
contra. Accordingly, the PUCO should rule on an expedited basis here and grant this Motion.

#### IV. CONCLUSION

For the reasons stated above, the Commission should grant the Joint Motion based upon the showing stated above of good cause. The Commission should grant this Motion in the shortest period of time possible, without waiting for the filing of responsive memoranda as permitted by Ohio Adm. Code 4901-1-12(C).

Respectfully submitted,

JANINE L. MIGDEN-OSTRANDER  
CONSUMERS' COUNSEL



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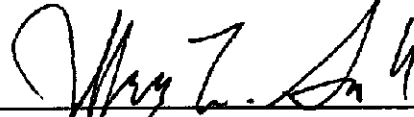
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*ly J2*

## CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Joint Motion for Extension of Time to File Testimony and Request for Expedited Ruling* was served electronically (hard copy available upon request) to the below-listed Service List this 7<sup>th</sup> day of April 2010.



Jeffrey L. Small  
Assistant Consumers' Counsel

## SERVICE LIST

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