

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

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In The Matter of the)
The City of Westlake for Certification)
As a Governmental Aggregator)MAY - 2. 2011
Case No. 03-0514-EL-GAGDOCKETING DIVISION
Public Utilities Commission of Ohio

FAX

MOTION FOR EXTENSION OF CERTIFICATE EXPIRATION DATE AND
MEMORANDUM IN SUPPORTI. MOTION FOR EXTENSION

Now comes The City of Westlake ("The City of Westlake") and moves that the Public Utilities Commission of Ohio ("Commission") grant an extension of the April 23, 2011, expiration date of its certificate to provide governmental aggregation services. Inadvertently, the City of Westlake did not file an application for renewal of Certificate 03-099 (4) within the 30-120 day advance window set forth in rule 4901:1-27-09 of the Ohio Administrative Code ("OAC"). The City of Westlake filed its renewal application, out of time, on April 22, 2011, and the City of Westlake seeks an extension of its certificate's expiration date while the Commission is considering the renewal application.

II. MEMORANDUM IN SUPPORT

The City of Westlake was granted the authority to provide governmental aggregation services on March 28, 2005, and its current certificate expires on April 23, 2011. Since that time, the City of Westlake 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 Westlake did not realize

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that the advance filing date for its certificate renewal has passed. The City of Westlake filed its renewal application on April 22, 2011. While the Commission considers the renewal, the City of Westlake requests an extension of the expiration date of its certificate from April 23, 2011 to May 23, 2011, to allow for the thirty day review period from the April 22, 2011 renewal application filing date.

The City of Westlake'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 April 23, 2011, the City of Westlake'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 Westlake 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 Westlake's operation of its aggregation program. Indeed, except for the automatic expiration date of its Certificate 03-099 (4), the City of Westlake has done nothing that would warrant suspension or rescission of its authority. Since the City of Westlake'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 Westlake and its residents, and would prevent disruption in service to City of Westlake participants. The City of Westlake respectfully submits that an extension of its certificate expiration date is in the public interest.

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

Respectfully submitted,

Hohi H. Leason, Asst Dir of Law

The City of Westlake