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Via E-File

October 9, 2013

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 13-1913-EL-AEC

Dear Sir/Madam:

Please find attached the OHIO ENERGY GROUP's MOTION FOR AMENDED PROCEDURAL SCHEDULE AND MEMORANDUM IN SUPPORT for filing in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "David F. Boehm".

David F. Boehm, Esq.
Michael L. Kurtz, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Encl.

Cc: Certificate of Service

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Republic Steel :
for Approval of a Unique Arrangement for : Case No. 13-1913-EL-AEC
Republic Steel's Lorain, Ohio Facility :**

**MOTION FOR AMENDED PROCEDURAL SCHEDULE
OF THE OHIO ENERGY GROUP**

Pursuant to Ohio Admin. Code §4901-1-12, the Ohio Energy Group ("OEG") moves the Public Utilities Commission of Ohio ("Commission") to amend the procedural schedule currently established in the above-captioned proceeding. Specifically, OEG requests that the Commission: 1) set a deadline by which Republic Steel ("Republic") must submit testimony in support of its Application; 2) provide an opportunity for intervenors to submit responsive testimony; 3) extend the deadline for the evidentiary hearing as necessary to allow testimony to be submitted and to allow parties the opportunity to conduct discovery in this proceeding; and 4) rule on the unopposed motions to intervene. The basis for OEG's Motion is set forth in the attached Memorandum in Support.

Respectfully submitted,



David F. Boehm, Esq.

Michael L. Kurtz, Esq.

Jody Kyler Cohn, Esq.

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October 9, 2013

COUNSEL FOR THE OHIO ENERGY GROUP

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Republic Steel :
for Approval of a Unique Arrangement for : Case No. 13-1913-EL-AEC
Republic Steel's Lorain, Ohio Facility :**

MEMORANDUM IN SUPPORT

On October 3, 2013, the Attorney Examiner issued an Entry in this proceeding establishing a November 14, 2013 hearing to consider Republic Steel's ("Republic") Application. This is problematic since Republic has not yet filed testimony in support of its Application. Nor have intervenors had the opportunity to submit testimony responsive to Republic's requests. In addition, given that Republic's Application was filed only one month ago (on September 9, 2013), there has not yet been sufficient time for intervenors to conduct comprehensive discovery related to Republic's requests.

Accordingly, OEG requests that the Commission amend the procedural schedule currently established in the above-captioned proceeding to: 1) set a deadline by which Republic must submit testimony in support of its Application; 2) provide an opportunity for intervenors to submit testimony responsive to Republic's requests; 3) extend the deadline for the evidentiary hearing as necessary to allow testimony to be submitted and to allow parties the opportunity to conduct greater discovery in this proceeding; and 4) rule on the unopposed motions to intervene.

Amending the current procedural schedule as OEG requests is critical to developing a more complete record in this proceeding, which will benefit the Commission when making its ultimate decision on Republic's Application. Not only would the Commission be given additional detail regarding Republic's requests, but it would also get a more comprehensive view of the intervenors' perspectives on those requests. Further, giving parties additional time to conduct discovery related to Republic's requests could be helpful to developing the record in this proceeding to the benefit of the Commission.

Moreover, amending the current procedural schedule as OEG requests would be consistent with the Commission's past practice with respect to reasonable arrangements. For example, the Attorney Examiner in the recent Ormet reasonable arrangement case provided an opportunity for both Ormet and intervenors to submit testimony.¹ And the Commission ultimately relied upon that testimony in its October 2, 2013 Order in that case. The Commission should take a similar procedural approach in this proceeding. The Applicant seeks up to \$40 million from consumers and procedural due process is necessary to ensure that this significant rate increase is justified.

Respectfully submitted,



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October 9, 2013

COUNSEL FOR THE OHIO ENERGY GROUP

¹ Entry, Case No. 09-119-EL-AEC (July 11, 2013).

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 9th day of October, 2013 to the following:



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Case No(s). 13-1913-EL-AEC

Summary: Motion Ohio Energy Group (OEG) Motion for Amended Procedural Schedule and Memorandum in Support electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group