

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio Edison)
Company, The Cleveland Electric Illuminating)
Company, and The Toledo Edison Company for) Case No. 14-1297-EL-SSO
Authority to Provide for a Standard Service)
Offer Pursuant to R.C. 4928.143 in the Form of)
An Electric Security Plan)**

**OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON COMPANY’S REPLY IN SUPPORT OF
MOTION TO STRIKE PORTIONS OF THE REPLY BRIEF OF THE OHIO
MANUFACTURERS’ ASSOCIATION ENERGY GROUP**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the “Companies”) respectfully moved on March 4, 2016, to strike two portions of the Reply Brief of the Ohio Manufacturers’ Association Energy Group (“OMAEG”) that relied on testimony of OMAEG witness Edward Hill that the Attorney Examiner excluded from the record. OMAEG argues in its Memorandum Contra that its use of Dr. Hill’s stricken testimony was proper under O.A.C. 4901-1-15(F). Nothing could be further from the truth.

O.A.C. 4901-1-15(F) permits a party to address the propriety of a ruling “by discussing the matter as a distinct issue in its initial brief or in any other appropriate filing prior to the issuance of the commission’s opinion and order.” OMAEG’s Reply Brief does not discuss the propriety of the Attorney Examiner’s ruling striking Dr. Hill’s testimony, either as a distinct issue or otherwise. Instead, OMAEG’s Reply Brief relies on Dr. Hill’s stricken hearsay testimony solely for the proposition that one party is not a knowledgeable, capable party under the first prong of the Commission’s stipulation approval test.¹ OMAEG made no attempt in its

¹ OMAEG Reply Brief, p. 8.

Reply Brief to bring this use of Dr. Hill's stricken testimony within the scope of O.A.C. 4901-1-15(F). Thus, the Commission should strike OMAEG's use of Dr. Hill's testimony in its Reply Brief.

For the foregoing reasons, the Commission should grant the Companies' motion to strike.

Respectfully Submitted,

/s/ James W. Burk

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CERTIFICATE OF SERVICE

I certify that this Reply In Support of Motion to Strike was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 24th day of March, 2016. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties. Further, a courtesy copy has been served upon parties via electronic mail.

/s/ James F. Lang
One of Attorneys for the Companies

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Case No(s). 14-1297-EL-SSO

Summary: Reply in Support of Motion to Strike Portions of Reply Brief of OMAEG electronically filed by Mr. James F Lang on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company