

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)
Power Company to Initiate Phase 2 of Its) Case No. 13-1939-EL-RDR
gridSMART Project and to Establish the)
gridSMART Phase 2 Rider.)

**MEMORANDUM CONTRA JOINT MOTION FOR CONTINUANCE
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

On June 14, 2016, the Attorney Examiner in the Public Utilities Commission of Ohio (“PUCO”) issued an Entry setting a procedural schedule for this case. Under the schedule, testimony supporting the settlement is due June 21, 2016 and testimony opposing the settlement is due July 11, 2016. The Entry set July 19, 2016 as the hearing date for this case.

On June 17, 2016, the signatories to the settlement filed a motion for continuance of the hearing. The signatories state that the primary technical witness supporting the settlement has a scheduling conflict with the July 19 hearing. The signatory parties request a continuance of the hearing date to July 27, 2016.

The Office of the Ohio Consumers’ Counsel (“OCC”) files this Memorandum Contra the motion for continuance. While OCC does not oppose a continuance, the date suggested by the signatory parties conflicts with a hearing in another case in which OCC’s counsel is involved. Hence, OCC recommends an alternative date for the hearing in this case. OCC proposes that the case be continued until August 1, 2016.

Prior to the signatory parties filing their motion, counsel for Ohio Power Company (“AEP Ohio”) called OCC’s counsel to discuss a continuance. At that time, OCC’s counsel informed AEP Ohio’s counsel about the scheduling conflict during the week of July 25, 2016. AEP Ohio’s counsel indicated that AEP Ohio would have no objection to a continuance until the week of August 1, 2016. OCC thus urges the PUCO to grant a continuance of the hearing in this case until August 1, 2016. OCC was unable to ascertain the other parties’ positions concerning a continuance until August 1, 2016.

OCC also requests that the testimony deadlines for this case be rescheduled to correspond with the continuance of the hearing. Although the signatory parties’ motion did not address rescheduling the testimony deadlines commensurate with the extension of the hearing date, it is reasonable to extend the testimony deadlines to correspond with the extended hearing date.

OCC, therefore, recommends that the deadline for testimony supporting the settlement be July 5, 2016 (from June 21, 2016) and the deadline for testimony opposing the settlement be July 22, 2016 (from July 11, 2016).¹ OCC’s recommended rescheduling of the testimony deadlines would give the parties the same number of business days between filing testimony and the hearing (if it occurs on August 1, 2016) as they have under the current procedural schedule and is therefore reasonable and will not cause any undue prejudice.

¹ OCC has no specific recommendations regarding extension of the discovery cutoff date, however, the PUCO should extend that deadline as well.

Respectfully submitted,

BRUCE J. WESTON
OHIO CONSUMERS' COUNSEL

/s/ Terry L. Etter

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served electronically on the persons stated below this 17th day of June 2016.

/s/ Terry L. Etter

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Summary: Memorandum Memorandum Contra Joint Motion for Continuance by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Etter, Terry L.