

**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) Case No. 14-1297-EL-SSO
Company for Authority to Provide a Standard)
Service Offer Pursuant to R.C. 4928.143 in)
the Form of an Electric Security Plan.)

**MOTION FOR LEAVE TO FILE OUT-OF-TIME
AND REQUEST FOR EXPEDITED RULING**

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4928.143 in the Form of an Electric Security)
Plan.)

**MOTION FOR LEAVE TO FILE TESTIMONY OUT-OF-TIME
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rules 4901-1-12 and 4901-1-13(A), Ohio Administrative Code, the Ohio Manufacturers' Association Energy Group (OMAEG) respectfully requests leave to file the direct testimony of Thomas N. Lause in the above-captioned proceeding one day out-of-time for the reasons discussed in the memorandum in support. Further, OMAEG requests that the motion be granted on an expedited basis as this case is scheduled for hearing in approximately two weeks.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF OMAEG’S MOTION FOR LEAVE TO FILE
TESTIMONY OUT-OF-TIME
AND REQUEST FOR EXPEDITED RULING**

OMEAG respectfully requests leave to file the direct testimony of Thomas N. Lause one day out-of-time. Extraordinary circumstances exist to grant such motion and given the brief delay in the filing no parties to this proceeding will be prejudiced as a result of the late filing.

On June 3, 2016, the Attorney Examiners issued an Entry scheduling a hearing regarding one rehearing issue, the Modified Rider RRS proposal submitted by the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (the Companies) in their application for rehearing on May 2, 2016.¹ The Attorney Examiners also issued a procedural schedule, requiring that testimony on behalf of intervening parties be filed by June 22, 2016.²

¹ Attorney Examiner Entry at 4 (June 3, 2016).

² Id. at 5.

In response to this Entry and expedited schedule, OMAEG worked diligently to seek out and engage expert witnesses for the rehearing and then to prepare expert witness testimony for submission by the June 22nd deadline. However, due to extraordinary business circumstances beyond the control of OMAEG and its counsel, the expert witness was unable to obtain the requisite management approval to file the direct testimony by the close of business yesterday. Management approval is necessary in light of concerns related to disclosing confidential and sensitive business information. Upon the receipt of management approval, counsel for OMAEG immediately filed the testimony with the Public Utilities Commission of Ohio (Commission) less than 24 hours after the deadline.

Given the brief delay, no parties will be prejudiced by this late filing. The filing of Mr. Lause's testimony less than 24 hours after the deadline, for good cause, will not unduly delay this proceeding or result in any harm or burden to the parties to this proceeding. Rather, not accepting this late filed testimony will prejudice OMAEG and other intervening parties to this proceeding as this testimony is critical to developing a full and complete record for the Commission's review of the Companies' Modified Rider RRS proposal on rehearing.

Motions for out-of-time filings are routinely granted by the Commission for good cause shown absent a showing of prejudice.³ Specifically, motions to file written testimony out-of-time that have demonstrated that other parties were not prejudiced by failure to timely file written testimony have been granted.⁴ In this case, not only has OMAEG demonstrated good cause for its late filing, no parties will be prejudiced by the brief delay in the filing.

³ Rule 4901-1-13(A), Ohio Administrative Code, states that "[e]xcept as otherwise provided by law, and notwithstanding any other provision in this chapter, continuances of public hearings and extensions of time to file pleadings or other papers may be granted upon motion of any party for good cause shown, or upon motion of the commission, the legal director, the deputy legal director, or an attorney examiner."

⁴ *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric*

Therefore, for the reasons provided herein, OMAEG respectfully requests the motion for leave to file the direct testimony of Mr. Lause be granted on an expedited basis. The hearing for this case is scheduled in approximately two weeks, during which time parties will be required to conduct depositions and prepare witnesses. This motion should be granted on an expedited basis so that all parties have adequate time to review the testimony of Mr. Lause and prepare for the hearing.

Respectfully submitted,

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Security Plan et al., Case No. 11-346-EL-SSO et al., Attorney Examiner Entry at 2 (May 8, 2012). See also, *In the Matter of the Commission Review of the Capacity Charges of Ohio Power*, Case No. 10-2929-EL-UNC, Attorney Examiner Entry at 3 (April 13, 2012) (granting an intervenor's motion for leave to file one day out-of-time, noting that no other parties were prejudiced); *In the Matter of the Regulation of the Purchased Gas Adjustment Clauses Contained Within the Rate Schedules of Brainard Gas Corporation, Northeast Ohio Natural Gas Corporation, and Orwell Natural Gas Company and Related Matters et al.*, Case No. 14-206-GA-GCR et al., Attorney Examiner Entry at 3 (July 20, 2015) (granting the Companies motion for leave to file testimony, noting that parties will not be prejudiced.)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon the following parties via electronic mail on June 23, 2016.

/s/ Danielle Ghiloni Walter
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Case No(s). 14-1297-EL-SSO

Summary: Motion For Leave To File Out-Of-Time And Request For Expedited Ruling
electronically filed by Mrs. Kimberly W. Bojko on behalf of OMA Energy Group