

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Power Company for Authority to	)	
Establish a Standard Service Offer	)	Case No. 16-1852-EL-SSO
Pursuant to R.C. 4928.143, in the Form of	)	
an Electric Security Plan	)	

In the Matter of the Application of Ohio	)	
Power Company for Approval of Certain	)	Case No. 16-1853-EL-AAM
Accounting Authority. <input type="checkbox"/>	)	

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**MOTION FOR LEAVE TO FILE TESTIMONY ONE DAY LATE BY THE  
ENVIRONMENTAL LAW & POLICY CENTER**

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Pursuant to Ohio Admin. Code 4901-1-13, the Environmental Law & Policy Center respectfully requests that the Public Utilities Commission of Ohio accept the direct testimony of Sam Spofforth in the above-captioned proceeding one day late for the reasons discussed in the memorandum in support.

May 3, 2017

Respectfully submitted,

/s/ Madeline Fleisher  
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Policy Center*

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**MEMORANDUM IN SUPPORT OF THE MOTION FOR LEAVE TO FILE  
TESTIMONY ONE DAY LATE BY THE ENVIRONMENTAL LAW & POLICY  
CENTER**

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On February 7, 2017, the Attorney Examiner issued a schedule in the above-captioned case setting a deadline of May 2, 2017, for intervenors to file direct testimony. Intervenor the Environmental Law & Policy Center (“ELPC”) inadvertently filed the Direct Testimony of Sam Spofforth at 5:35 p.m. on May 2, five minutes past the 5:30 p.m. deadline for electronic filing.

Good cause exists for the Commission to consider this testimony as timely filed. This testimony represents the only opportunity for Environmental Intervenors’ witness to address important issues in the Electric Security Plan application of Ohio Power Company in this case. Additionally, this inadvertent error did not prejudice any parties, as the testimony was served on all parties via email on May 2. The Commission has on several prior occasions accepted filings inadvertently made a single day late,<sup>1</sup> and ELPC respectfully requests that it do the same here.

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<sup>1</sup> See, e.g., Case No. 14-457-EL-RDR, Finding and Order at 4 (May 20, 2015); Case No. 11-1314-EL-BTX, Entry at 1 (May 8, 2012); Case No. 10-2929-EL-UNC, Entry at 3 (Apr. 13, 2012); Case No. 03-1238-EL-CSS, Entry at 5 (August 2, 2005).

Respectfully submitted,

/s Madeline Fleisher

Madeline Fleisher

Environmental Law & Policy Center

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## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon the following Parties of Record on May 3, 2017.

/s Madeline Fleisher  
Madeline Fleisher

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**Case No(s). 16-1852-EL-SSO, 16-1853-EL-AAM**

Summary: Motion for Leave to File Testimony One Day Late electronically filed by Madeline Fleisher on behalf of Environmental Law and Policy Center