

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application for Approval     )  
of an Economic Development Arrangement             )     Case No. 17-2132-EL-AEC  
between Ohio Power Company and Acero Junction,     )  
Inc.   )

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**MOTION FOR LEAVE TO FILE MOTION TO INTERVENE OUT OF TIME  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC") hereby moves the Public Utilities Commission ("PUCO" or "Commission") to seek leave to file its motion for intervention one day out of time. Under Ohio Admin. Code 4901-1-12 and 4901-1-13, the PUCO rules provide for an extension of time to file pleadings for good cause shown. There is good cause to grant OCC leave to file its motion to intervene one-day late. No party will be prejudiced by OCC's filing one-day late. There are little consequences to other parties and the PUCO from OCC filing its motion to intervene one day late.

The grounds for this Motion are more fully described in the accompanying Memorandum in Support.

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Maureen R. Willis

Maureen R. Willis, Counsel of Record  
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(Both will accept service via email)

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**MEMORANDUM IN SUPPORT**

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OCC seeks the PUCO's permission to file, out of time, its motion to intervene. OCC timely filed its comments advocating its position yesterday, putting parties on notice of OCC's positions. The PUCO should find good cause and accept the motion to intervene one-day late. No party will be prejudiced by OCC's motion. OCC's participation in this proceeding will also assist the PUCO in finding a balance between the positive benefits of economic development and the cost (subsidy) charged to other Ohioans who are asked to fund the rate discount. Granting OCC's motion would also be consistent with the Ohio Supreme Court holdings that statutes and rules governing intervention should be "generally liberally construed in favor of intervention." *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.2d 940, P 16 (quoting *State ex rel. Polo v. Cuyahoga Cty. Bd. Of Elections*, 74 Ohio St.3d 143, 144, 656 N.E.2d 1277 (1995)).

Respectfully submitted,

BRUCE WESTON (0016973)  
OHIO CONSUMERS' COUNSEL

/s/ Maureen R. Willis

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Leave to File Motion to Intervene Out of Time by the Office of the Ohio Consumers' Counsel has been served electronically upon those persons listed below this 17th day of November, 2017.

/s/ Maureen R. Willis  
Maureen R. Willis  
Assistant Consumers' Counsel

### **SERVICE LIST**

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Summary: Motion Motion for Leave to File Motion to Intervene Out of Time by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Willis, Maureen R Mrs.