

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Determination of the)	
Existence of Significantly Excessive)	
Earnings for 2017 Under the Electric)	
Security Plans of Ohio Edison Company,)	Case No. 18-857-EL-UNC
The Cleveland Electric Illuminating)	
Company, and The Toledo Edison)	
Company.)	

**MOTION TO MODIFY PROCEDURAL SCHEDULE AND REQUEST FOR
EXPEDITED RULING
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC") respectfully requests that the Attorney Examiner modify the current procedural schedule to (1) allow additional time for parties to file testimony regarding the Stipulation and Recommendation ("Settlement") and (2) schedule a hearing on the Settlement. A Settlement between FirstEnergy, the PUCO Staff, and Ohio Energy Group was filed on October 26, 2018, a mere four days before the currently scheduled hearing. This leaves insufficient time for parties to file supplemental testimony regarding the Settlement. OCC proposes that the Attorney Examiner amend the procedural schedule such that any testimony in support of the Settlement be filed by November 9th, testimony in opposition to the Settlement be filed by November 16th, and a hearing on the Settlement be scheduled for November 29th.

OCC contacted all parties to this case (FirstEnergy, the PUCO Staff, Ohio Energy Group, and IEU-Ohio), and all parties have responded that they have no objection to an expedited ruling on OCC's motion to modify the procedural schedule. Accordingly, the

PUCO should grant this motion under Ohio Adm. Code 4901-1-12(C) on an expedited basis for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Bryce McKenney
William Michael (0070921)
Counsel of Record
Bryce McKenney (0088203)
Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel
65 East State Street, 7th Floor
Columbus, Ohio 43215
Telephone [Michael]: (614) 466-1291
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(willing to accept service by e-mail)

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MEMORANDUM IN SUPPORT

Under the current procedural schedule, the hearing is scheduled to begin on October 30, 2018.¹ However, a mere four days before hearing (on October 26, 2018), a proposed Settlement signed by FirstEnergy, the PUCO Staff, and the Ohio Energy Group was filed in the case. Good cause exists for granting this Motion to provide parties an opportunity to provide supplemental testimony on the proposed Settlement. Accordingly, OCC requests that the Attorney Examiner modify the procedural schedule to provide more time for parties to file supplemental testimony on the Settlement. OCC requests that the Attorney Examiner grant this motion and that testimony in support of the Settlement be filed by November 9th, testimony in opposition to the Settlement by November 16th, and the hearing on November 29th.

OCC contacted all parties to this case (FirstEnergy, the PUCO Staff, Ohio Energy Group, and IEU-Ohio), and no party objects to an expedited ruling on OCC's motion to modify the procedural schedule. Accordingly, the PUCO should grant this motion under Ohio Adm. Code 4901-1-12(C) on an expedited basis.

¹ Entry ¶ 4 (Sept. 6, 2018).

Respectfully submitted,

Bruce Weston (0016973)
Ohio Consumers' Counsel

/s/ Bryce McKenney

William Michael (0070921)

Counsel of Record

Bryce McKenney (0088203)

Assistant Consumers' Counsel

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(willing to accept service by e-mail)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Modify Procedural Schedule was served on the persons stated below via electric transmission this 29th day of October 2018.

/s/ Bryce McKenney
Bryce McKenney
Assistant Consumers' Counsel

SERVICE LIST

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Thomas.mcNamee@ohioattorneygeneral.gov

rendris@firstenergycorp.com
fdarr@mwncmh.com
mpritchard@mwncmh.com

Attorney Examiners:

Megan.addison@puc.state.oh.us
Gregory.price@puc.state.oh.us

Bingham, Debra

From: Darr, Frank <fdarr@mwncmh.com>
Sent: Friday, October 26, 2018 2:52 PM
To: Michael Kurtz; Endris, Robert M; Mckenney, Bryce; McNamee, Thomas; Michael, William
Subject: RE: 18-857-EL-CSS

No objection

Frank P. Darr
Member
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, Ohio 43215
614.719.2855 (Phone)
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From: Michael Kurtz <mkurtz@bkllawfirm.com>
Sent: Friday, October 26, 2018 2:51 PM
To: Endris, Robert M <rendris@firstenergycorp.com>; Bryce.McKenney@occ.ohio.gov; thomas.mcnamee@ohioattorneygeneral.gov; Darr, Frank <fdarr@mwncmh.com>; William.Michael@occ.ohio.gov
Subject: RE: 18-857-EL-CSS

Same. No objection.

Michael L. Kurtz, Esq.
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36 E. Seventh St., Suite 1510
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Ph: 513.421.2255 Fax: 513.421.2764
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From: Endris, Robert M <rendris@firstenergycorp.com>
Sent: Friday, October 26, 2018 2:19 PM
To: Bryce.McKenney@occ.ohio.gov; thomas.mcnamee@ohioattorneygeneral.gov; Michael Kurtz <mkurtz@bkllawfirm.com>; Darr, Frank <fdarr@mwncmh.com>; William.Michael@occ.ohio.gov
Subject: RE: 18-857-EL-CSS

No objection here, thanks

-Bob

From: Bryce.McKenney@occ.ohio.gov <Bryce.McKenney@occ.ohio.gov>

Sent: Friday, October 26, 2018 2:16 PM

To: Endris, Robert M <rendris@firstenergycorp.com>; thomas.mcnamee@ohioattorneygeneral.gov; Michael Kurtz <mkurtz@bklawfirm.com>; Darr, Frank <fdarr@mwncmh.com>; William.Michael@occ.ohio.gov

Subject: [EXTERNAL] RE: 18-857-EL-CSS

Counsel,

In light of the Stipulation, OCC intends to file a Motion to Modify the Procedural Schedule with a Request for Expedited Treatment.

As you are aware, the hearing in this case is currently scheduled for next Tuesday. That does not leave sufficient time for the filing of supplemental testimony on the Stipulation. We intend to propose November 16th as the deadline for supplemental testimony with a hearing on November 29th.

Can you please let me know today if you object to the request for an expedited ruling under OAC 4901-1-12(C). Thank you.

Bryce McKenney

Assistant Consumers' Counsel

Office of the Ohio Consumers' Counsel

614-466-9585

bryce.mckenney@occ.ohio.gov

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From: Endris, Robert M <rendris@firstenergycorp.com>

Sent: Friday, October 26, 2018 1:44 PM

To: McNamee, Thomas <thomas.mcnamee@ohioattorneygeneral.gov>; Michael Kurtz <mkurtz@bklawfirm.com>; Darr, Frank <fdarr@mwncmh.com>; Michael, William <William.Michael@occ.ohio.gov>; McKenney, Bryce <Bryce.McKenney@occ.ohio.gov>

Subject: 18-857-EL-CSS

Counsel,

Please find attached the Stipulation and Recommendation filed today with the Commission in the above-referenced case. Please also find attached Supplemental Testimony in support thereof. Please let me know if you have any questions.

Best regards,

Robert M. Endris

Attorney

FirstEnergy Service Company

76 S. Main St.

Akron, OH 44308

330.384.5728 (ofc)

330.384.3875 (fax)

Bingham, Debra

From: McNamee, Thomas
Sent: Friday, October 26, 2018 2:23 PM
To: Endris, Robert M; Mckenney, Bryce; Michael Kurtz; Darr, Frank; Michael, William
Subject: RE: 18-857-EL-CSS

No, not at all. T

From: Endris, Robert M [mailto:rendris@firstenergycorp.com]
Sent: Friday, October 26, 2018 2:19 PM
To: Bryce.McKenney@occ.ohio.gov; Thomas W. McNamee <thomas.mcnamee@ohioattorneygeneral.gov>; Michael Kurtz <mkurtz@bkllawfirm.com>; Darr, Frank <fdarr@mwncmh.com>; William.Michael@occ.ohio.gov
Subject: RE: 18-857-EL-CSS

No objection here, thanks
-Bob

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Bryce McKenney

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Subject: 18-857-EL-CSS

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Best regards,

Robert M. Endris

Attorney

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10/29/2018 1:32:45 PM

in

Case No(s). 18-0857-EL-UNC

Summary: Motion Motion to Modify Procedural Schedule and Request for Expedited Ruling by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of McKenney, Bryce