

**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.    )

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

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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 9<sup>th</sup>, testimony in opposition to the Settlement be filed by November 16<sup>th</sup>, and a hearing on the Settlement be scheduled for November 29<sup>th</sup>.

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**

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(willing to accept service by e-mail)

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The Cleveland Electric Illuminating     )  
Company, and The Toledo Edison     )  
Company.     )

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**MEMORANDUM IN SUPPORT**

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Under the current procedural schedule, the hearing is scheduled to begin on October 30, 2018.<sup>1</sup> 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 9<sup>th</sup>, testimony in opposition to the Settlement by November 16<sup>th</sup>, and the hearing on November 29<sup>th</sup>.

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.

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<sup>1</sup> 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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## 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, 17<sup>th</sup> 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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**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](mailto:Bryce.McKenney@occ.ohio.gov) <[Bryce.McKenney@occ.ohio.gov](mailto:Bryce.McKenney@occ.ohio.gov)>

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

**To:** Endris, Robert M <[rendris@firstenergycorp.com](mailto:rendris@firstenergycorp.com)>; [thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov); Michael Kurtz <[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)>; Darr, Frank <[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)>; [William.Michael@occ.ohio.gov](mailto: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 16<sup>th</sup> as the deadline for supplemental testimony with a hearing on November 29<sup>th</sup>.

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](mailto:bryce.mckenney@occ.ohio.gov)

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**From:** Endris, Robert M <[rendris@firstenergycorp.com](mailto:rendris@firstenergycorp.com)>

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

**To:** McNamee, Thomas <[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)>; Michael Kurtz <[mkurtz@bkllawfirm.com](mailto:mkurtz@bkllawfirm.com)>; Darr, Frank <[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)>; Michael, William <[William.Michael@occ.ohio.gov](mailto:William.Michael@occ.ohio.gov)>; Mckenney, Bryce <[Bryce.McKenney@occ.ohio.gov](mailto: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

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**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

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**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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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