

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company of a Grid Modernization Business Plan)	
)	
)	Case No. 16-481-EL-UNC
)	
)	
In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company Application for Approval of a Distribution Platform Modernization Plan)	
)	
)	Case No. 17-2436-EL-UNC
)	
)	
)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company to Implement Matters Relating to the Tax Cuts and Jobs Act of 2017)	
)	
)	Case No. 18-1604-EL-UNC
)	
)	
)	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a Tariff Change)	
)	
)	Case No. 18-1656-EL-ATA
)	

**MOTION TO MODIFY PROCEDURAL SCHEDULE AND REQUEST FOR
EXPEDITED TREATMENT BY THE ENVIRONMENTAL LAW & POLICY CENTER
AND NATURAL RESOURCES DEFENSE COUNCIL**

The Environmental Law & Policy Center (“ELPC”) and Natural Resources Defense Council (“NRDC”) respectfully request that the Attorney Examiners modify the procedural schedule issued in the above-captioned cases on November 15, 2018, to provide a seven-day discovery response deadline in lieu of the default twenty-day response period provided under Ohio Adm. Code 4901-1-19, 4901-1-20, and 4901-1-22.

The November 15 ruling provided just 67 days, over two major holidays, for discovery and preparation of testimony in opposition to a proposed Stipulation and Recommendation (“Stipulation”) filed on November 9, 2018. Even in the best of circumstances, a 20-day discovery response deadline would offer the opportunity for – at most – three rounds of discovery before opposing testimony is due. These are not the best of circumstances. The proposed Stipulation contemplates over \$650 million of spending on major distribution investments involving significant new technologies. Thus far, the Stipulation signatories have provided only the barest of details in support of their proposal, leaving opposing intervenors unable to begin any thorough analysis until after the initial round of discovery responses. Although ELPC began serving discovery expeditiously on the first business day after filing of the Stipulation, currently no discovery responses are due until December 3, which will leave only 50 days until intervenor testimony is due on January 22. Moreover, further testimony in support of the Stipulation is due to be filed by December 7, which is likely to provide additional areas for inquiry before opposing testimony must be filed.

This proceeding concerns the first major grid modernization proposal since the Public Utilities Commission of Ohio (“Commission”) issued the PowerForward Roadmap setting forth a vision for grid modernization in the state. To ensure that the Stipulation does in fact faithfully carry out that vision and provide value to customers, intervenors should have a full and fair opportunity to conduct discovery and prepare testimony.

Consistent with the accelerated schedule for this proceeding, ELPC and NRDC also respectfully request that the Commission grant its motion on an expedited basis pursuant to Ohio Adm. Code 4901-12(C), but do not certify that no party objects to the issuance of an immediate

ruling or to the requested reconsideration. Without expedited treatment, a ruling on this motion may not issue until well into December, too late to allow for sufficient discovery.

November 19, 2018

Respectfully Submitted,

/s/ Madeline Fleisher
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Counsel for Natural Resources Defense Council

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion submitted on behalf of the Environmental Law & Policy Center and Natural Resources Defense Council was served by electronic mail, upon all Parties of Record, on November 19, 2018.

/s/ Madeline Fleisher

Madeline Fleisher

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in

Case No(s). 17-2436-EL-UNC, 16-0481-EL-UNC, 18-1656-EL-ATA, 18-1604-EL-UNC

Summary: Motion Motion to Modify Scheduling Order by Environmental Law & Policy Center and Natural Resources Defense Council electronically filed by Madeline Fleisher on behalf of Environmental Law & Policy Center and Natural Resources Defense Council