

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	Case No. 18-1656-EL-ATA
Illuminating Company, and The Toledo	)	
Edison Company for Approval of a Tariff	)	
Change.		

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**MOTION FOR LEAVE TO FILE OUT OF TIME OF OHIO EDISON  
COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY,  
AND THE TOLEDO EDISON COMPANY**

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Pursuant to Ohio Adm. Code 4901-1-12, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (“Companies”) respectfully move the Public Utilities Commission of Ohio (“Commission”) for leave to file out of time their Memorandum Contra to the Office of the Ohio Consumers’ Counsel’s (“OCC”) Motion to Reject the Companies’ Application for Tariff Adjustment interim update to their Tax Savings Adjustment Rider (“Rider TSA”). The Companies have actively participated in this proceeding, and only home Internet difficulties prevented the Companies from timely filing their Memorandum Contra. Thus, for the reasons as set forth more fully in the attached memorandum in support, the Companies respectfully request that the Commission grant this request to file out of time and accept the Memorandum Contra.

Respectfully submitted,

/s/ Robert M. Endris

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ATTORNEY FOR OHIO EDISON COMPANY,  
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ILLUMINATING COMPANY AND THE  
TOLEDO EDISON COMPANY

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**MEMORANDUM IN SUPPORT**

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On September 10, 2020, the Office of the Ohio Consumers' Counsel ("OCC") filed a Motion requesting the Public Utilities Commission of Ohio ("Commission") to reject the interim update to the Tax Savings Adjustment Rider ("Rider TSA") of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company ("Companies"). Counsel, who works from home in accordance with his employer's precautions to prevent spread of COVID-19, attempted to file the Companies' Memorandum Contra at approximately 4:00 p.m. on the September 25, 2020 deadline, well within the timeline allowed by Ohio Admin. Code 4901-1-12(B)(1). As a result of home Internet problems, however, transmission of the Companies' Memorandum Contra into the Commission's e-filing system was not successful until 11:29 p.m.

The response period for the Companies' Memorandum Contra is not mandated by statute. Therefore, under Ohio Admin. Code 4901-1-38(B), the Commission may waive the deadline for good cause shown. Counsel's home Internet problem is good cause.

Waiver will not cause prejudice to OCC. Under Ohio Admin. Code 4901-1-12(B)(2), OCC's reply period did not begin to run until it had received service of the Companies' Memorandum Contra to Reply, which followed successful completion of e-filing on September 28, 2020. Indeed, OCC filed its Reply on September 30, 2020, well

within the time established by the Commission's rule. This brief, one business day delay in e-filing will not in any way prejudice OCC or unduly prolong this proceeding and the Commission's consideration of the matters raised by OCC's Motion. Therefore, the Companies hereby request the Commission accept their Memorandum Contra pursuant to this Motion. Again, granting this Motion will not violate any provisions of the Ohio Revised Code.

For the foregoing reasons, the Companies respectfully request that the Commission grant its Motion for Leave to File Out of Time.

Respectfully submitted,

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ATTORNEYS FOR OHIO EDISON  
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### **CERTIFICATE OF SERVICE**

A copy of the foregoing *Motion for Leave to File Out of Time* and the *Memorandum in Support* on this 5<sup>th</sup> day of October, 2020 has been filed with the Commission's Docketing Division and is available to all parties of record.

/s/ Robert M. Endris  
Robert M. Endris

One of the Attorneys for the Companies

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 18-1656-EL-ATA**

Summary: Motion Motion for Leave to File Out of Time of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company electronically filed by Mr Robert M Endris on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company