

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the Application of Ohio)	
Power Company For an increase in Electric)	
Distribution Rates)	Case No. 20-585-EL-AIR

In the Matter of the Application of Ohio)	
Power Company For Tariff Approval)	Case No. 20-586-EL-ATA

In the Matter of the Application of Ohio)	
Power Company For Approval to Change)	
Accounting)	Case No. 20.587-EL-AAM

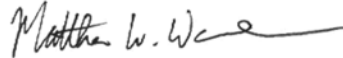
**MOTION OF ONE ENERGY ENTERPRISES LLC
TO CLARIFY THE FILING DATE OF THE STAFF REPORT
FOR PURPOSES OF CALCULATING THE DISCOVERY DEADLINE
AND DUE DATE FOR OBJECTIONS TO THE STAFF REPORT
AND REQUEST FOR EXPEDITED RULING**

The purpose of this Motion and Request for Expedited Ruling is simple—to clarify the filing date of the Staff Report of the Public Utilities Commission of Ohio (“PUCO”). In the above-captioned proceedings, there are two possible dates in play: (1) November 18, 2020 (the date the initial Staff report was filed); and, (2) November 25, 2020 (the date the PUCO Staff filed its amended Staff Report.)¹ The amended Staff Report expressly states that it is “intended to supersede and replace in its entirety the Staff Report filed on November 18, 2020.” See Cover Letter to amended Staff Report at unnumbered page 2. The determination of this issue impacts both the discovery deadline under Ohio Administrative Code (“OAC”) Rule 4901-1-17(B), and the date for filing objections to the Staff Report under Ohio Revised Code Section (“R.C.”) 4909.19(C). One Energy Enterprises LLC (“One Energy”) files this motion pursuant to OAC Rule 4901-1-12(C). A decision must be made on an emergency and expedited basis because of the immediate impact it will have on the discovery deadline, which is days away. For this reason, One Energy Enterprises

¹ However, the amended Staff Report was not served on interested parties until December 2, 2020.

LLC seeks an immediate ruling on its motion pursuant to O.A.C. 4901-1-12(F) without the filing of memoranda, because granting the motion will not affect the substantial right of any party. The bases for One Energy's motion and its request for expedited ruling are set forth in the attached Memorandum in Support.

Respectfully submitted on behalf of
ONE ENERGY ENTERPRISES, LLC



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MEMORANDUM IN SUPPORT

An initial Staff Report was filed in this case on November 18, 2020 (the “Superseded Staff Report”). Five (5) days later, on November 23, 2020, an Entry was entered establishing the initial procedural schedule in the case based upon the November 18, 2020 filing date of the Superseded Staff Report. Subsequently, on November 25, 2020, two filings were made to the docket. First, the parties jointly moved to extend the procedural schedule. And, second, the PUCO Staff issued a new Staff Report to correct certain clerical errors (the “New Staff Report”). Notably, the New Staff Report state that it was “intended to supersede and replace in its entirety the Staff Report filed on November 18, 2020,”² and that objections had to be “filed within 30 days of the date of the filing of this report.”³

On December 1, 2020, an Entry was issued establishing a modified procedural schedule and acknowledging the filing of the new Staff Report. The December 1, 2020 Entry extended the procedural schedule by approximately one month; unfortunately, it did not identify whether the

² Cover Letter at unnumbered page 2.

³ New Staff Report at 1.

Superseded Staff Report or New Staff Report was to be used for purposes of establishing the discovery deadline or the due date for objections.

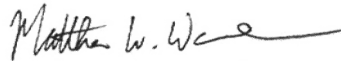
R.C. 4909.19(C) provides that objections to a staff report are to be filed within 30 days of its filing and service on the applicant, mayors and interested parties. Similarly, OAC Rule 4901-1-17(B) provides that discovery requests must be filed within 14 days of a Staff Report's filing and service. Although the New Staff Report was filed November 25, 2020, it was not served on the interested persons identified by statute until December 2, 2020. For sake of clarity, and based on the clear and unambiguous language in the R.C 4909.19(C), OAC 4901-1-17(B), and the New Staff Report (that it supersedes and replaces the prior version), One Energy respectfully requests that an Entry be issued immediately confirming that the New Staff Report (and its service date of December 2, 2020) are to be used for purposes of: (1) establishing the discovery deadline under OAC Rule 4901-1-17(B) as Wednesday, December 16, 2020; and, (2) establishing the date for filing objections to the Staff Report under R.C 4909.19 as January 4, 2020 (the first business day after the New Year holiday).

An expedited ruling on One Energy's request will not affect the substantive rights of any party. Granting One Energy's motion will not result in any delay, let alone undue delay, in this proceeding. Granting One Energy's request will result in an extension of the times for submitting discovery and filing objections by two weeks compared to the initial procedural schedule. On the other hand, the extensions approved by the revised schedule issued December 1 extend due dates by approximately one month. One Energy's request will not affect any party's ability to prepare for hearing, and will more fairly align the time intervals between One Energy's proposed due dates with the intervals in the initial procedural schedule and as required by rule and statute. Those intervals are as follows:

	Initial Schedule 11-23-2020	Modified Schedule 12-1-2020	Proposed Schedule One Energy
Discovery Due	12-2-2020	?	12-16-2020
Objections Due	12-18-2020	?	1-4-2021
Testimony Due	12-18-2020	1-19-2021	1-19-2021
Motions to Strike Objections Due	12-28-2021	1-28-2021	1-28-2021
Memos Contra Motions to Strike Due	1-4-2021	2-4-2021	2-4-2021
Prehearing Conference	1-11-2021	2-11-2021	2-11-2021
Evidentiary Hearing	2-2-2021	3-4-2021	4-4-2021

Wherefore, One Energy respectfully request that its motion be granted on an expedited basis, without the filing of memoranda, pursuant to OAC Rule 4901-1-12(F).

Respectfully submitted on behalf of
ONE ENERGY ENTERPRISES, LLC



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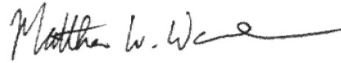
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CERTIFICATE OF SERVICE

In accordance with O.A.C. 4901-1-05, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing was sent by, or on behalf of, the undersigned counsel to the following parties of record this 7th day of December 2020.



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in

Case No(s). 20-0585-EL-AIR, 20-0586-EL-ATA, 20-0587-EL-AAM

Summary: Motion of One Energy Enterprises LLC to Clarify The Filing Date of The Staff Report For Purposes of Calculating The Discovery Deadline and Due Date For Objections To The Staff Report and Request for Expedited Ruling electronically filed by Teresa Orahod on behalf of Matthew W. Warnock