

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Power Company for Authority to Establish)	
a Standard Service Offer Pursuant to R.C.)	
4928.143 in the Form of an Electric)	Case No. 23-23-EL-SSO
Security Plan.)	

In the Matter of the Application of Ohio)	
Power Company for Approval of Certain)	Case No. 23-24-EL-AAM
Accounting Authority.)	

**NORTHEAST OHIO PUBLIC ENERGY COUNCIL’S
MEMORANDUM CONTRA
INTERSTATE GAS SUPPLY’S MOTION TO STRIKE**

On October 2, 2023, Interstate Gas Supply (“IGS”) filed a motion to strike all pre-filed direct intervenor testimony filed prior to the date the stipulation was filed in this matter, September 6, 2023. IGS’s motion would include striking the pre-filed direct testimony of Northeast Ohio Public Energy Council (“NOPEC”) witness Yankel, filed June 9, 2023.

IGS’s motion is ill-conceived and premature as to NOPEC witness Yankel’s testimony. IGS confuses the “record” in this proceeding with the “evidentiary record” made at the upcoming hearing. It claims that if Mr. Yankel’s testimony is not stricken, “it would make the record difficult to follow should [the testimony] be offered into evidence.”¹ IGS’s motion is premature and should not be considered until, or if, NOPEC offers Mr. Yankel’s testimony as evidence. Moreover, NOPEC has no plans to offer Mr. Yankel’s testimony, and tender him for cross-examination, in this evidentiary proceeding. His testimony will not be a part of the evidentiary record made at hearing and will cause no confusion if not stricken from the “record.”

¹ IGS Motion to Strike, Memorandum in Support at unnumbered p. 3.

It is also important that signatory parties to a stipulation not be permitted to strike from the “record” the pre-filed written testimony opposing the initial application. In this case, as to Mr. Yankel’s testimony, if the stipulation is rejected, hearing could be had on the application and Mr. Yankel’s pre-filed direct testimony would be relevant as to whether the Governmental Aggregation Standby Rider should be adopted.

Wherefore, NOPEC respectfully requests that IGS’s motion to strike be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, 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 *Memorandum Contra* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 9th day of October 2023.



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Case No(s). 23-0023-EL-SSO, 23-0024-EL-AAM

Summary: Memorandum Contra Interstate Gas Supply's Motion to Strike by
Northeast Ohio Public Energy Council electronically filed by Teresa Orahood on
behalf of Dane Stinson.