

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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DOCKETING DIVISION
Public Utilities Commission of Ohio

In the Matter of Conjunctive Electric Service
Guidelines Proposed by Participants of the
Commission Roundtable on Competition
in the Electric Industry.

Case No. 96-406-EL-COI

In the Matter of the Application of The
Cleveland Electric Illuminating Company
for Authority to Amend Its Tariffs to
Include Conjunctive Electric Service.

Case No. 97-358-EL-ATA

In the Matter of the Application of The
Toledo Edison Company for Authority to
Amend Its Tariffs to Include Conjunctive
Electric Service.

Case No. 97-359-EL-ATA

In the Matter of the Investigation of The
Cleveland Illuminating Company
Regarding the Adequacy of the Service it
Provides.

Case No. 97-1146-EL-COI

In the Matter of the Investigation of The
Toledo Edison Company Regarding the
Adequacy of the Service it Provides.

Case No. 97-1147-EL-COI

In the Matter of the Application of FirstEnergy
Corp. On Behalf of Ohio Edison Company,
The Cleveland Electric Illuminating Company,
and The Toledo Edison Company for Authority
to Continue and Modify Certain Regulatory
Accounting Practices and Procedures, to Transfer
Jurisdictional Assets, to Establish Fuel Efficiency
Procedures, to Freeze and Reduce Electric Rates
and to File and Implement Tariffs Not for an
Increase in Rates, All in Connection with and
Subject to the Merger of Ohio Edison Company
and Centerior Energy Corporation.

Case No. 96-1211-EL-UNC

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, THE OHIO EDISON COMPANY
AND THE TOLEDO EDISON COMPANY'S MEMORANDUM CONTRA IEU-OHIO'S
MOTION FOR SHORTENED DISCOVERY RESPONSE TIME AND EXPEDITED RULING

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Public Utilities Commission of Ohio

Case No. 96-406

Case No. 97-358-EL-ATA

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Case No. 97-1147-EL-COI

Case No. 96-1211-EL-UNC

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, THE OHIO EDISON
COMPANY, AND THE TOLEDO EDISON COMPANY'S MEMORANDUM CONTRA
IEU-OHIO'S MOTION FOR SHORTENED DISCOVERY
RESPONSE TIME AND EXPEDITED RULING**

Now comes The Cleveland Electric Illuminating Company, the Ohio Edison Company, and The Toledo Edison Company (collectively the "Companies"), by and through counsel, and, pursuant to O.A.C. 4901-1-12(C), opposes Industrial Energy Users-Ohio ("IEU-OH") request to shorten the response time for discovery requests as well as IEU-OH's request for an expedited ruling on this matter from the Public Utilities Commission of Ohio ("Commission"). While the Companies have filed this Memorandum Contra as expeditiously as possible to get the objection on the record, O.A.C. 4901-1-12(C) does permit seven days for a Memorandum Contra to be filed, and the Companies reserve the right to supplement this filing within that time frame. For all of the following reasons, IEU-OH's motion in all respects should be denied.

1. The Companies filed three Conjunctive Electric Service ("CES") tariffs, pursuant to Commission Order in Case No. 96-406-EL-COI, on March 31, 1997. During the ensuing eight month period, the Companies received no requests for discovery from IEU-OH.

2. By Order issued on November 25, 1997, the Commission has now scheduled hearings in the captioned matters to commence on January 6, 1998 addressing a broad range of issues, including whether the Companies' CES tariffs are just and reasonable under R.C. 4909.18; whether the Companies' electric service is adequate pursuant to R.C. 4905.22; and whether the Companies have acted in violation of their respective Commission approved rate plans. Further exacerbating the situation is that prefiled direct testimony is due to be filed by the Companies on December 16, 1997. The Commission has also set public hearings on January 5, 1998 and January 9, 1998 in Toledo and Cleveland, respectively.

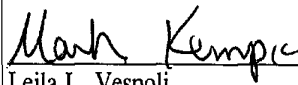
3. Now, after over eight months of silence and in the midst of the precious short time period to prepare prefiled testimony, IEU-OH has apparently decided to leap into action -- not only demanding discovery that could have been had at any time during the past eight months, but also insisting upon a dramatically shortened response time and an expedited ruling by the Commission.

4. The significance of the timing of IEU-OH's discovery requests and motion, precisely at the moment the Companies are required to devote their resources to meet the filing and hearing deadlines, cannot be considered pure coincidence and dismissed by the Commission as such. The Companies' CES tariffs were filed on March 31, 1997. For eight months, IEU-OH had no questions or inquiries. Now, when time is critical, IEU-OH's tactic is obvious, to split the Companies' resources in an attempt to diminish the Companies' ability to adequately present its case to the Commission. The Companies will be severely adversely impacted should the Commission grant IEU-OH's motion. The Companies should not be penalized because IEU-OH chose to ignore pursuing discovery for the past eight months.

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WHEREFORE, the Companies respectfully request that IEU-OH's motion seeking a shortened discovery response time and an expedited ruling by the Commission be denied, and for all other relief just and proper in the premises.

Respectfully submitted,

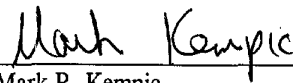


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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Memorandum Contra IEU-OH's Motion for Shortened Discovery Response Time and Expedited Ruling was served upon all parties of record in Case No. 96-406-EL-COI and Case No. 96-1211-EL-UNC by U.S. Mail, postage prepaid, this 3rd day of December, 1997.



Mark R. Kempic
Attorney

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