

**IN THE SUPREME COURT OF OHIO**  
**On Appeal From the Public Utilities Commission of Ohio**

Industrial Energy Users – Ohio, et al.	)	Case No. 06-1594
	)	
Appellants,	)	
	)	Appeal from the Public
v.	)	Utilities Commission of Ohio
	)	Case No. 05-376-EL-UNC
The Public Utilities Commission	)	
of Ohio,	)	
	)	
Appellee.	)	
	)	

---

**MOTION FOR TEN-DAY EXTENSION OF TIME TO FILE A REPLY BRIEF OF**  
**APPELLANT,**  
**THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

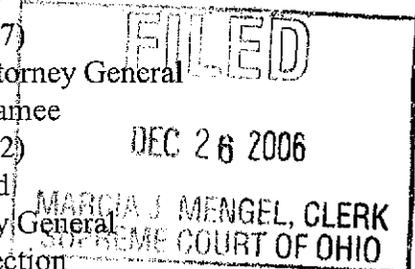
---

Janine L. Migden-Ostrander  
(Reg. No. 0002310)  
Consumers' Counsel

James Petro  
(Reg. No. 0022096)  
Attorney General of Ohio

Jeffrey L. Small  
Counsel of Record  
(Reg. No. 0061488)  
Kimberly W. Bojko  
(Reg. No. 0069402)  
Assistant Consumers' Counsel

Duane W. Luckey  
(Reg. No. 0023557)  
Senior Deputy Attorney General  
Thomas W. McNamee  
(Reg. No. 0017352)  
Counsel of Record  
Assistant Attorney General  
Public Utilities Section



Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
(614) 466-8574 (Telephone)  
(614) 466-9475 (Facsimile)

Public Utilities Commission of Ohio  
180 East Broad Street, 9th Floor  
Columbus, Ohio 43215-3793  
(614) 644-8698 (Telephone)  
(614) 752-8351 (Facsimile)

[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[bojko@occ.state.oh.us](mailto:bojko@occ.state.oh.us)

[thomas.mcnamee@puc.state.oh.us](mailto:thomas.mcnamee@puc.state.oh.us)

*Attorneys for Appellant*  
*Office of the Ohio Consumers' Counsel*

*Attorneys for Appellee*  
*Public Utilities Commission of Ohio*

Samuel C. Randazzo  
(Reg. No. 0016386)  
Counsel of Record  
Lisa G. McAlister  
(Reg. No. 0075043)  
Daniel J. Neilsen  
(Reg. No. 0076377)  
McNees Wallace & Nurick LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215

*Attorneys for the Industrial  
Energy Users – Ohio, Inc.*

David Boehm  
(Reg. No. 0021881)  
Counsel of Record  
Michael Kurtz  
(Reg. No. 0033550)  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 2110  
Cincinnati, Ohio 45202

*Attorneys for the Ohio  
Energy Group*

Kathy Kolich  
(Reg. No. 0038855)  
Counsel of Record  
FirstEnergy Corp.  
76 South Main Street  
Akron, Ohio 44308

*Attorney for FirstEnergy Solutions*

Marvin I. Resnik  
(Reg. No. 0005695)  
Counsel of Record  
Sandra Williams  
(Reg. No. 0022152)  
American Electric Power  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, Ohio 43215

*Attorneys for Intervening Appellees,  
Columbus Southern and Ohio Power  
Companies*

**MOTION FOR TEN-DAY EXTENSION OF TIME TO  
FILE A REPLY BRIEF**

Pursuant to S. Ct. Prac. R. XIV Sec. 3(B)(2)(b), Appellant Office of the Ohio Consumers' Counsel ("OCC") respectfully requests a ten-day extension of time to file its Reply Brief in the above-captioned case. The OCC has not previously requested an extension of time in this case.<sup>1</sup>

Good cause exists for the extension of time. The OCC's counsel requires additional time to prepare the Reply Brief due to the press of late-year regulatory work before the Public Utilities Commission of Ohio (as well as carry-over work during early 2007).

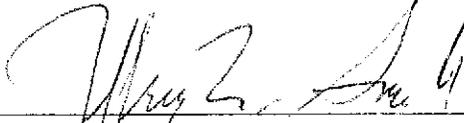
The OCC's Reply Brief is currently due on January 11, 2007. Ten days after January 11, 2007 is Sunday, January 21, 2007. Pursuant to S. Ct. Prac. R. XIV Sec. 3(A), the new due date for the reply briefs would be January 22, 2007. Therefore, the OCC requests that the deadline be extended to January 22, 2007.

---

<sup>1</sup> The Court granted the request of Appellant Ohio Energy Group for a ten-day extension for the filing of its merit brief.

Respectfully submitted,

Janine L. Migden-Ostrander  
(Reg. No. 0002310)  
Consumers' Counsel



---

Jeffrey L. Small, Trial Attorney  
(Reg. No. 0061488)  
Kimberly W. Bojko  
(Reg. No. 0069402)  
Assistant Consumers' Counsel

**Office of the Ohio Consumers' Counsel**

10 West Broad Street, Suite 1800

Columbus, Ohio 43215-3485

Telephone: 614-466-8574

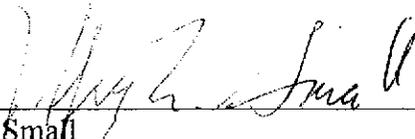
Fax: 614-466-9475

E-mail [small@occ.state.oh.us](mailto:small@occ.state.oh.us)

[bojko@occ.state.oh.us](mailto:bojko@occ.state.oh.us)

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion for Ten Day Extension of Time to File a Reply Brief was served upon the below-listed counsel by first class postage prepaid, U.S. Mail, this 26th day of December 2006.

  
\_\_\_\_\_  
Jeffrey L. Small  
Counsel of Record for Appellant,  
Office of the Ohio Consumers' Counsel

**SERVICE LIST**

Marvin I. Resnik  
American Electric Power  
1 Riverside Plaza  
Columbus, Ohio 43215

**Columbus Southern and Ohio  
Power Companies**

David Boehm  
Michael Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 2110  
Cincinnati, Ohio 45202

**Ohio Energy Group**

Samuel C. Randazzo  
McNees, Wallace & Nurick, LLC  
21 East State Street, 17<sup>th</sup> Floor  
Columbus, OH 43215

**Industrial Energy Users – Ohio**

Thomas W. McNamee  
Public Utilities Section  
**Public Utilities Commission of Ohio**  
180 East Broad Street, 9th Floor  
Columbus, Ohio 43215

Kathy Kolich, Esq.  
FirstEnergy Corp.  
76 South Main Street  
Akron, Ohio 44308

**FirstEnergy Solutions**