

IN THE SUPREME COURT OF OHIO

Industrial Energy Users-Ohio, et. al., : **Case No. 2006-1594**
: :
: **Appellants,** : :
v. : **APPEAL FROM THE PUBLIC UTILITIES**
: **COMMISSION OF OHIO**
: :
The Public Utilities Commission Of Ohio : :
: :
Appellee. :

**JOINT MOTION OF APPELLANTS TO VARY TIME FOR
ORAL ARGUMENT
AND MEMORANDUM IN SUPPORT**

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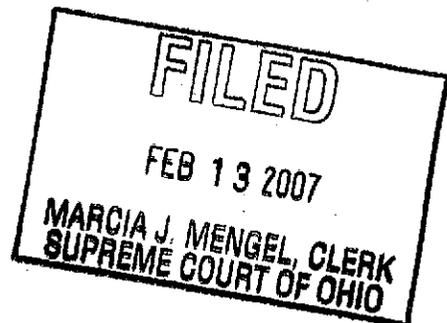
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JOINT MOTION TO VARY TIME FOR ORAL ARGUMENT

Now come Appellants Industrial Energy Users (IEU-Ohio), FirstEnergy Solutions (FES), the Office of the Ohio Consumers' Counsel (OCC), and the Ohio Energy Group (OEG), who move the Court to allow Appellants collectively thirty minutes to present oral argument in this case, including rebuttal, for the reasons set forth in the attached memorandum.

**MEMORANDUM IN SUPPORT OF MOTION
TO VARY TIME FOR ORAL ARGUMENT**

Appellants request an expansion of time to argue their cases on direct and rebuttal for the reason that some of the issues presented by these four separate appeals are complex, involving provisions of the Ohio Revised Code that are relatively new and not previously reviewed by the Court. This complexity extends to the pleadings themselves, whereby four separate appeals will be considered by the Court having common themes but nonetheless based on separate propositions of law. Many of the issues presented in these four appeals are completely novel to this Court.

The issues in these appeals concern matters of great practical and economic importance in that they address the future of electricity regulation, the cost responsibility for hugely expensive electrical generation units, and the regulatory authority of the Public Utilities Commission of Ohio concerning electrical generation units. Appellants believe that issues relating to the four appeals will provoke many questions from the Justices. Thirty minutes divided among four appellants is required to fairly address those questions, as well as explain the complex legal arguments involved and present rebuttal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. Mail this 9th day of February, 2007 to the following:

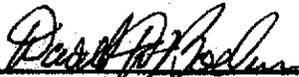
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