

IN THE SUPREME COURT OF OHIO

LORRI TURNER, ADMINISTRATRIX, etc., : Case Nos.: 2007-0035; 2007-0112
: :
Appellee, : On Appeal from the Cuyahoga County
: Court of Appeals, Eighth Appellate
-vs- : District
: :
OHIO BELL TELEPHONE COMPANY, et al., : Court of Appeals
: Case No. CA-05-087541
Appellants. : :

MEMORANDUM OF APPELLANT SOUTH CENTRAL POWER COMPANY IN
OPPOSITION TO MOTION OF *AMICI CURIAE* THE OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING COMPANY, THE TOLEDO EDISON
COMPANY AND FIRSTENERGY CORP. FOR LEAVE TO PARTICIPATE IN ORAL
ARGUMENT, FILED AUGUST 22, 2007

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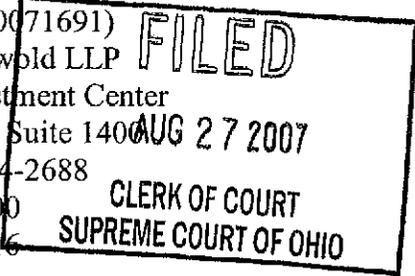
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Appellant South Central Power Company (“South Central”) appreciates and values the participation of *amici curiae* The Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and FirstEnergy Corp. (the “FirstEnergy *Amici*”), and South Central agrees with and supports each of the arguments made by the FirstEnergy *Amici* in their two *amicus* briefs in this Court. However, South Central respectfully opposes the August 22, 2007 motion of the FirstEnergy *Amici* to participate in oral argument at the expense of any portion of the fifteen minutes allotted to Appellants for oral argument, for three reasons.

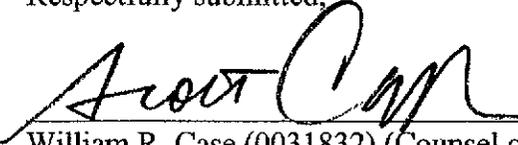
First, as a practical matter, there is simply not enough time. Appellants South Central Power Company and Ohio Bell Telephone Company already must divide the fifteen minutes allotted to Appellants between themselves, and any encroachment on that time by *amicus* parties would further diminish the opportunity of the parties to present their case and their arguments to this Court.

Second, South Central respectfully disagrees with the statement of the FirstEnergy *Amici* that the parties’ “oral argument will likely be focused upon the facts of their individual cases and not upon the far-reaching implications” of this case. (Motion Of *Amici Curiae* The Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company And FirstEnergy Corp. For Leave To Participate In Oral Argument, at 2 (emphasis omitted).) South Central’s two briefs to this Court in this case have been focused almost entirely on the law and the broad public policy questions at stake, and its oral argument will follow that same course.

Third, under Supreme Court Rule IX(6)(A), where an *amicus* party “does not receive the consent of counsel for the side whose position the *amicus curiae* supports,” leave of this Court to participate in oral argument “will be granted only in the most extraordinary circumstances.” While South Central respectfully declined its consent when the FirstEnergy *Amici* requested it

(most recently, three months ago), and while its consent would not have been forthcoming still, no extraordinary circumstances are present here. Ohio's electric and telephone utility companies share a common interest in this matter, they are making all of the same arguments, and counsel for the parties in this case are capable of presenting those arguments to this Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing, *Memorandum Of Appellant South Central Power Company In Opposition To Motion Of Amici Curiae The Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company And FirstEnergy Corp. For Leave To Participate In Oral Argument, Filed August 22, 2007*, was served upon the following by regular U.S. mail, postage pre-paid, on August 27, 2007:

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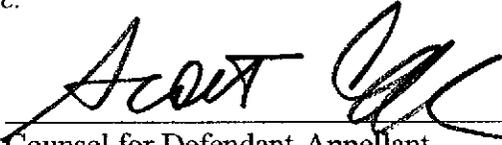
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