



**David A. Kutik (0006418)**

Counsel of Record

Jones Day

North Point

901 Lakeside Avenue

Cleveland, OH 44114

216.586.3939 (telephone)

216.579.0212 (fax)

[dakutik@jonesday.com](mailto:dakutik@jonesday.com)

**Douglas R. Cole (0070665)**

**Grant W. Garber (0079541)**

Jones Day

P.O. Box 165017

Columbus, OH 43216-5017

614.469.3939 (telephone)

614.461.4198 (fax)

[drcole@jonesday.com](mailto:drcole@jonesday.com)

[gwggarber@jonesday.com](mailto:gwggarber@jonesday.com)

**Counsel for Intervening Appellee,  
Ohio Edison Company**

---

**STIPULATION TO EXTENSION OF TIME FOR APPELLEE,  
THE PUBLIC UTILITIES COMMISSION OF OHIO,  
TO FILE ITS MERIT BRIEF**

---

Pursuant to S.Ct. Prac. R. 6.3(A)(2), the merit brief of Appellee Public Utilities Commission of Ohio in this case must be filed by **August 10, 2011**. Pursuant to S.Ct. Prac. R. 14.3(B)(2)(a), counsel for Appellants Wimmer Family Trust and Kurt Wimmer, Appellee Public Utilities Commission of Ohio, and Intervening-Appellee Ohio Edison Company have agreed to a twenty (20) day extension to the deadline for filing of the Commission's merit brief. No prior extension has been requested by Appellees. The new date for the filing of a merit brief by the Commission, pursuant to the agreement of the parties, is **August 30, 2011**. This extension of time will also set **August 30, 2011** as the new date for the filing of Ohio Edison's merit brief pursuant to S.Ct. Prac. R. 14.3(B)(3).

Respectfully submitted,

Agreed:

*Lester Potash / per signature authority DDP 7/29/11*

---

**Lester S. Potash** (0011009)  
Counsel of Record  
55 Public Square, Suite 1717  
Cleveland, OH 44113-1901  
216.771.8400 (telephone)  
216.771.8404 (fax)  
[lsp@potash-law.com](mailto:lsp@potash-law.com)

**Counsel for Appellants,  
Wimmer Family Trust & Kurt Wimmer**

*David Kutik / per signature authority DDP 7/29/11*

---

**David A. Kutik** (0006418)  
Counsel of Record  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114  
216.586.3939 (telephone)  
216.579.0212 (fax)  
[dakutik@jonesday.com](mailto:dakutik@jonesday.com)

**Douglas R. Cole** (0070665)  
**Grant W. Garber** (0079541)  
Jones Day  
P.O. Box 165017  
Columbus, OH 43216-5017  
614.469.3939 (telephone)  
614.461.4198 (fax)  
[drcole@jonesday.com](mailto:drcole@jonesday.com)  
[gwwgarber@jonesday.com](mailto:gwwgarber@jonesday.com)

**Counsel for Intervening Appellee,  
Ohio Edison Company**

Agreed:

*Per P. P. Pann*

---

**Michael DeWine** (0009181)  
Ohio Attorney General  
**William L. Wright** (0018010)  
Section Chief  
**Werner L. Margard III** (0024858)  
Counsel of Record  
**Devin D. Parram** (0082507)  
Assistant Attorneys General  
Public Utilities Section  
180 East Broad Street, 6<sup>th</sup> Fl  
Columbus, OH 43215-3793  
614.466.4397 (telephone)  
614.644.8764 (fax)  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)  
[werner.margard@puc.state.oh.us](mailto:werner.margard@puc.state.oh.us)  
[devin.parram@puc.state.oh.us](mailto:devin.parram@puc.state.oh.us)

**Counsel for Appellee,  
The Public Utilities Commission of Ohio**

## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Stipulation to Extension of Time for Appellee, the Public Utilities Commission of Ohio, to File its Merit Brief**, submitted on behalf of appellee, the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, or hand-delivered, upon the following parties of record, this 29<sup>th</sup> day of July, 2011.



**Devin D. Parram**  
Assistant Attorney General

### Parties of Record:

**Lester S. Potash**  
55 Public Square, Suite 1717  
Cleveland, OH 44113-1901

**Counsel for Appellants,  
Wimmer Family Trust & Kurt Wimmer**

**David A. Kutik**  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, OH 44114

**Douglas R. Cole**  
**Grant W. Garber**  
Jones Day  
P.O. Box 165017  
Columbus, OH 43216-5017

**Counsel for Intervening Appellee,  
Ohio Edison Company**