

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	
Renewable Energy Services of Ohio, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 09-429-EL-CSS
	)	
FirstEnergy Corp.,	)	
	)	
Respondent.	)	

ENTRY

The attorney examiner finds:

- (1) On May 21, 2009, Renewable Energy Services of Ohio, LLC, (Renewable) filed a complaint against FirstEnergy Corp. (FirstEnergy). In its complaint, Renewable states that it intends to develop a renewable energy project, using landfill methane gas and converting it to electricity, and that, pursuant to Rule 4901:1-22-04, Ohio Administrative Code (O.A.C.), it submitted to FirstEnergy an application for interconnection services on May 12, 2008. Renewable alleges, *inter alia*, that FirstEnergy has failed to process the application, to inform Renewable of any defects in the application, to respond to inquiries concerning its status, to provide any substantive written response to Renewable, to provide written notice of receipt of the application, to provide notice of incompleteness the application, and to notify Renewable it cannot connect within the required time frames, all in violation of rule 4601:1-22-04(B), O.A.C. Renewable alleges that FirstEnergy's inaction has caused serious delays in the project and has resulted in monetary damages to Renewable. Renewable requests that the Commission direct FirstEnergy to process the application promptly and to enter into a fair interconnection service agreement.
- (2) Rule 4901-9-01, O.A.C., provides that a public utility responding to a complaint shall file its answer 20 days after the mailing of the complaint to the respondent. On May 21, 2009, the secretary of the Commission forwarded the complaint to FirstEnergy.

The secretary directed FirstEnergy to file an answer within 20 days after May 21, 2009.

- (3) On June 1, 2009, Renewable filed an amended complaint, correcting several references to administrative rules.
- (4) The examiner finds that, because Renewable amended the complaint on June 1, 2009, FirstEnergy should be allowed 20 days from the filing of the amended complaint, during which time to file its answer. Therefore, the date on which FirstEnergy's answer is due shall be June 22, 2009.
- (5) The examiner also finds that a settlement conference should be held, in order to allow the parties to attempt to resolve the issues in the complaint. Accordingly, this case should be scheduled for a prehearing conference on June 24, 2009, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 12<sup>th</sup> floor, Legal Conference Room, Columbus, Ohio 43215-3793. The purpose of the prehearing conference is to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. An attorney examiner from the Commission's legal department will facilitate the settlement process; however, nothing prohibits any party from initiating settlement negotiations prior to the scheduled conference. The parties should bring to the conference all documents relevant to this matter.
- (6) In the event that a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues at the conclusion of the conference. Procedural issues for discussion may include discovery dates, possible stipulations of facts and potential hearing dates.


It is, therefore,

ORDERED, That FirstEnergy file its answer to the complaint, no later than June 22, 2009. It is, further,

ORDERED, That a settlement conference be scheduled in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Jeanne W. Kingery  
Attorney Examiner

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Entered in the Journal

JUN 09 2003

  
Renee J. Jenkins

Renee J. Jenkins  
Secretary