

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

PJM Interconnection, L.L.C.

)

Docket No. EL05-121-000

ANSWER OF THE PUBLIC UTILITIES
COMMISSION OF OHIO TO EXELON'S MOTION
TO ESTABLISH PROCEDURES ON REMAND

Pursuant to Rule 213 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213 (2009), the Public Utilities Commission of Ohio ("Ohio Commission") submits this Answer to the Motion of Exelon Corporation ("Exelon") to Establish Procedures on Remand filed on October 29, 2009 in this proceeding. Exelon urges the Commission to act promptly on remand and to establish paper hearing procedures in response to the Court of Appeals decision in *Illinois Commerce Comm'n v. FERC*, 576 F.3d 470 (7th Cir. 2009). Like Exelon, the Ohio Commission was a party in the review proceeding before the Court of Appeals.

The Ohio Commission agrees with Exelon that the Commission should establish paper hearing procedures that will facilitate a prompt decision on remand while also permitting the development of a solid evidentiary record. The Commission should permit parties to supplement the existing record with verified statements of expert witnesses.

In order to facilitate the development of the evidentiary record, the Ohio Commission urges the Commission to permit discovery directed to PJM. Under Rule 401 of the Commission's Rules of Practice and Procedure, the discovery rules apply to proceedings set for hearing and "to such other proceedings as the Commission may

order.” The Commission should exercise this authority to permit compulsory discovery in this proceeding. Simply encouraging voluntary data sharing may inhibit the development of evidence that would be crucial to the Commission’s decision on remand.

In conclusion, the Ohio Commission respectfully urges the Commission to establish paper hearing procedures that include a compulsory discovery process.

Respectfully submitted,

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Dated: November 13, 2009

CERTIFICATE OF SERVICE

I hereby certify that I caused copies of the foregoing document of the Public Utilities Commission of Ohio to be served this day upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the commission's rules of Practice and Procedure.

Dated at Columbus, Ohio this 13th day of November, 2009.

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Summary: Answer of the Public Utilities Commission of Ohio to Exelon's Motion to Establish Procedures on Remand, filed with the FERC in Docket No. EL05-121-000 by Thomas Lindgren on behalf of the Commission electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio