

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Ohio Edison Company,)
The Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company for Authority to Provide for a) Case No. 12-1230-EL-SSO
Standard Service Offer Pursuant to Section)
4928.143, Revised Code, in the Form of an)
Electric Security Plan.)

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company (OE), The Cleveland Electric Illuminating Company (CEI), and the Toledo Edison Company (TE) (collectively, FirstEnergy) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On April 13, 2012, FirstEnergy filed an application pursuant to Section 4928.141, Revised Code, to provide for a standard service offer (SSO) commencing as early as May 2, 2012, but no later than June 20, 2012, and ending May 31, 2016. The application is for an electric security plan (ESP), in accordance with Section 4928.143, Revised Code, and the application includes a stipulation agreed to by various parties regarding the terms of the proposed ESP (ESP 3). FirstEnergy states in the stipulation that the stipulation is the product of lengthy, serious bargaining among knowledgeable and capable parties in a cooperative process. Additionally FirstEnergy states that FirstEnergy and numerous other parties have engaged in a wide range of discussions over a period of time related to the development of the ESP 3, which extends, with modifications, a stipulation and second supplemental stipulation modified and approved by the Commission in Case No. 10-388-EL-SSO (ESP 2) for an additional two years.

- (3) In its application, FirstEnergy requests that all parties who participated as intervenors in the ESP 2 be granted intervention in this proceeding without the need for the filing of additional motions. The attorney examiner finds that this request is reasonable and should be granted.
- (4) Further, FirstEnergy requests that the Commission set an expedited procedural schedule for the stipulated ESP because, if approved by May 2, 2012, the plan includes provisions to allow FirstEnergy to bid demand response resources and energy efficiency resources into the 2015/2016 PJM base residual auction on May 7, 2012, or, if approved by June 20, 2012, to permit adequate time to implement changes to the bidding schedule to capture a greater amount of generation at lower prices for the benefit of customers.
- (5) The attorney examiner finds that the following procedural schedule is practicable and should be established for this proceeding:
 - (a) Supplemental testimony on behalf of FirstEnergy and other signatory parties should be filed by April 23, 2012.
 - (b) Pursuant to Rule 4901:1-35-05, Ohio Administrative Code (O.A.C.), a technical conference regarding the application should be held on April 26, 2012, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-B, Columbus, Ohio.
 - (c) Pursuant to Rule 4901:1-35-06(B), O.A.C., motions to intervene in this proceeding should be filed by April 30, 2012.
 - (d) Testimony on behalf of non-signatory parties should be filed by May 4, 2012.
 - (e) The evidentiary hearing shall commence on May 21, 2012, at 10:00 a.m., at the offices of

the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio.

- (6) Local public hearings will be scheduled, and publication of notice required, by subsequent entry.
- (7) In light of the time frame for preparation for the hearing in this matter, the attorney examiner requires that, in the event that any motion is made in this proceeding, any memoranda contra shall be required to be filed within five business days after the service of such motion, and any reply memorandum within three business days after the service of a memorandum contra. Moreover, the provisions of Rule 4901-1-07(B), O.A.C., which permits three additional days to take action if service is made by mail, will not apply. Parties are encouraged to take advantage of Rule 4901-1-05(C), O.A.C., which provides that service of pleadings may occur by facsimile transmission or electronic message. In addition, response time for discovery should be shortened to 10 days. Discovery requests and replies shall be served by hand delivery, e-mail or facsimile (unless otherwise agreed by the parties). An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming (unless otherwise agreed by the parties). To the extent that a party has difficulty responding to a particular discovery request within the 10-day period, counsel for the parties should discuss the problem and work out a mutually satisfactory solution.

It is, therefore,

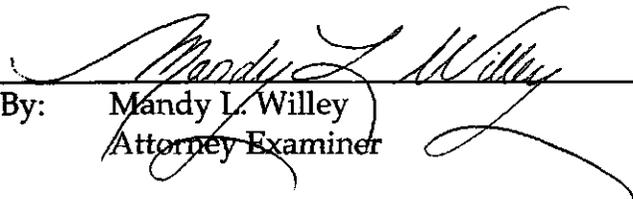
ORDERED, That the procedural schedule set forth in Finding (5) be observed by the parties. It is, further,

ORDERED, That all parties granted intervention in Case No. 10-388-EL-SSO be granted intervention in this proceeding. It is, further,

ORDERED, That all parties comply with the directives set forth in Finding (7). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record in this proceeding and all parties of record in Case No. 10-388-EL-SSO.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Mandy L. Willey
Attorney Examiner

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Entered in the Journal

APR 19 2012



Barcy F. McNeal
Secretary