

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Determination of the)
Existence of Significantly Excessive)
Earnings for 2011 Under the Electric)
Security Plan of Ohio Edison Company,) Case No. 12-1544-EL-UNC
The Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company.)

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the Companies) are public utilities as defined in Section 4905.02, Revised Code, and are subject to the jurisdiction of this Commission.
- (2) Pursuant to the directives of Section 4928.143(F), Revised Code, the Commission is required to evaluate the earnings of each electric utility's approved electric security plan (ESP) to determine whether the plan or offer produces significantly excessive earnings for the electric utility. On May 15, 2012, the Companies filed an application for the administration of the significantly excessive earnings test (SEET), as required by Section 4928.143(F), Revised Code, and Rule 4901:1-35-10, Ohio Administrative Code (O.A.C.).
- (3) In order to accomplish a review of the Companies' application, the following procedural schedule is established for this proceeding:
 - (a) September 21, 2012 - deadline for the filing of motions to intervene.
 - (b) September 28, 2012 - deadline for the filing of testimony on behalf of Staff and intervenors.
 - (c) The evidentiary hearing shall commence on October 17, 2012, at 10:00 a.m., at the offices of the

Commission, 180 East Broad Street, 11th Floor,
Hearing Room 11-C, Columbus, Ohio 43215.

- (4) 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 after the date of the issuance of this entry, 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. Paragraph (B) of Rule 4901-1-07, O.A.C., which permits three additional days to take action if service is made by mail, will not apply. Parties shall provide service of pleadings to the other parties in this proceeding, as well to the attorney examiners assigned to this case, via hand delivery, facsimile transmission, or electronic message.
- (5) In addition, the attorney examiner finds that the response time for discovery should be shortened to 10 calendar days. Discovery requests and replies shall be served by hand delivery, facsimile transmission, or electronic message, unless otherwise agreed to 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 for this proceeding be adopted as set forth in finding (3). It is, further,

ORDERED, That the parties adhere to the process established in findings (4) and (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Gregory A. Price

By: Gregory A. Price
Attorney Examiner

ecs/vrm

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in

Case No(s). 12-1544-EL-UNC

Summary: Attorney Examiner Entry setting a procedural schedule for review of the Companies' application for the administration of the significantly excessive earnings test electronically filed by Vesta R Miller on behalf of Gregory A. Price, Attorney Examiner, Public Utilities Commission of Ohio