

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the)
Alternative Energy Rider Contained in)
the Tariffs of Ohio Edison Company, The) Case No. 11-5201-EL-RDR
Cleveland Electric Illuminating)
Company, and The Toledo Edison)
Company.)

ENTRY

The attorney examiner finds:

- (1) On September 20, 2011, the Commission issued an entry on rehearing in *In the Matter of the Annual Alternative Energy Status Report of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 11-2479-EL-ACP. In that entry on rehearing, the Commission stated that it had opened the above-captioned case for the purpose of reviewing the Rider AER of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies). Additionally, the Commission stated that its review would include the Companies' procurement of renewable energy credits for purposes of compliance with Section 4928.64, Revised Code. The Commission further noted that it would determine the necessity and scope of an external auditor within the above-captioned case.
- (2) By entry issued February 23, 2012, the Commission selected Exeter Associates, Inc. (Exeter), to conduct the management/performance portion of the audit and Goldenberg Schneider, LPA (Goldenberg), to conduct the financial portion of the audit in accordance with the terms set forth in the RFP.
- (3) On August 15, 2012, Exeter and Goldenberg filed final audit reports on the management/performance portion and financial portion of Rider AER, respectively.

- (4) By entry issued on August 22, 2012, the attorney examiner established the following procedural schedule for this proceeding:
- (a) Testimony on behalf of FirstEnergy is due on November 6, 2012;
 - (b) Motions to intervene and intervener testimony, except Staff's, are due on November 13, 2012;
 - (c) A prehearing conference to be held on November 20, 2012, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793; and
 - (d) The hearing on this matter to commence on November 27, 2012, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.
- (5) Thereafter, on October 19, 2012, FirstEnergy filed a motion to modify the procedural schedule in this case. Specifically, FirstEnergy requests that the due date for testimony on behalf of FirstEnergy be due January 23, 2013; that intervener testimony be due January 31, 2013; that Staff testimony be due February 8, 2013; and, that the hearing commence on February 19, 2013. In its memorandum in support, FirstEnergy states that modifications are necessary because confidentiality issues regarding the Exeter audit report remain pending, which will not likely be resolved in time to allow the parties to adequately prepare their pre-filed testimony. Additionally, FirstEnergy requests expedited treatment of its motion and represents that Staff, Ohio Energy Group, Nucor Steel Marion, Inc., Citizen Power, Mid-Atlantic Renewable Energy Coalition, and Interstate Gas Supply, Inc., agree to, or do not oppose, the proposed modifications to the procedural schedule.
- (6) On October 26, 2012, Ohio Consumers' Counsel (OCC), Sierra Club (Sierra Club), and Ohio Environmental Council (OEC) filed a joint memorandum contra FirstEnergy's

motion to modify the procedural schedule. In their memorandum contra, OCC, Sierra Club, and OEC argue that the length of extension requested by FirstEnergy is unreasonable. While OCC, Sierra Club, and OEC agree that the parties need sufficient time to resolve pending confidentiality issues, they argue that a two-week extension is more appropriate than the 11-week extension sought by FirstEnergy.

- (7) The attorney examiner finds that, in light of the pending confidentiality issues regarding the Exeter report, including a motion for protective order before the Commission that remains pending, as well as scheduling issues due to the upcoming holiday season, the modifications sought by FirstEnergy are reasonable. This is particularly so in light of the fact that a majority of the parties, including the Commission's Staff, have agreed to, or do not oppose, the proposed modifications. Consequently, the procedural schedule shall be modified as follows:
 - (a) In order to address any outstanding discovery issues, the prehearing conference shall remain scheduled for November 20, 2012, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793;
 - (b) Testimony on behalf of FirstEnergy shall be due on January 23, 2013;
 - (c) Intervener testimony, except Staff's, shall be due on January 31, 2013;
 - (d) A hearing on this matter shall commence on February 19, 2013, at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the procedural schedule be modified as set forth in Finding (7).
It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy Chiles

By: Mandy Willey Chiles
Attorney Examiner

JRJ/sc

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10/31/2012 1:06:50 PM

in

Case No(s). 11-5201-EL-RDR

Summary: Attorney Examiner Entry granting the motion of FirstEnergy to modify the procedural schedule. - electronically filed by Sandra Coffey on behalf of Mandy Chiles, Attorney Examiner, Public Utilities Commission of Ohio