

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of an Electric)
Security Plan.)

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.
- (2) On August 4, 2014, the Companies filed an application pursuant to R.C. 4928.141 to provide for a standard service offer (SSO) to provide generation service pricing for the period of June 1, 2016, through May 31, 2019. The application is for an electric security plan (ESP), in accordance with R.C. 4928.143.
- (3) On October 31, 2014, the Northeast Ohio Public Energy Counsel (NOPEC) and the Ohio Consumers' Counsel (OCC) (jointly, Joint Movants) filed a motion to compel discovery from FirstEnergy as well as a memorandum in support. In their motion, Joint Movants represent that FirstEnergy has withheld certain discovery because it has been unwilling to agree to the terms of a reasonable protective agreement. Consequently, Joint Movants request an order compelling FirstEnergy to enter into an attached protective agreement, an expedited ruling, and a due date for any memorandum contra of November 5, 2014. Further, Joint Movants represent that they cannot certify that no party objects to an expedited ruling.

In the accompanying memorandum in support, Joint Movants assert that, under the procedural schedule in this case, discovery requests are due by December 1, 2014, and intervenor testimony by December 22, 2014. Joint Movants

contend that an expedited ruling is necessary to provide them with sufficient time to review the confidential information at issue and in order to request additional discovery.

- (4) Ohio Adm.Code 4901-1-12(C) provides that any motion may include a request for an expedited ruling. Further, the rule provides that, if any party objects to the issuance of an expedited ruling, or if the moving party does not certify that no party objects, any party may file a memorandum contra within seven days, or such other period as the attorney examiner requires.
- (5) Here, Joint Movants filed their motion on October 31, 2014, with a request for expedited ruling and a request that any memorandum contra be due no later than November 5, 2014. Further, Joint Movants state they are unable to certify that no party objects to an expedited ruling. The attorney examiner finds that, in light of this timeframe and inability to certify, it would be unreasonable to require a shortened period for any memorandum contra to be filed. Consequently, the attorney examiner finds that any memorandum contra may be filed within seven days after the service of the motion, as is provided for in Ohio Adm.Code 4901-1-12(C).

It is, therefore,

ORDERED, That the request that memorandum contra the motion to compel be due no later than November 5, 2014, is denied as set forth in Finding (5). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Mandy W. Chiles

By: Mandy W. Chiles
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-1297-EL-SSO

Summary: Attorney Examiner Entry denying request that any memorandum contra be due November 5, 2014; electronically filed by Vesta R Miller on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio