

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 |) | Case No. 14-1297-EL-SSO |
| Authority to Provide 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) 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, FirstEnergy filed an application pursuant to R.C. 4928.141 to provide for a standard service offer (SSO) to provide generation 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) By Entry issued August 29, 2014, the attorney examiner established a procedural schedule. Thereafter, by Entries issued October 6, 2014, and December 1, 2014, the attorney examiner modified the procedural schedule following collective motions filed by multiple parties.
- (4) On December 22, 2014, FirstEnergy filed a stipulation and recommendation, recommending improvements to FirstEnergy's ESP, which has been submitted for Commission review in this proceeding.
- (5) On January 14, 2015, in light of the stipulation, the attorney examiner modified the procedural schedule once again to provide additional time for discovery and testimony regarding the stipulation filed on December 22, 2014.

According to those modifications, the prehearing conference was set to take place on February 18, 2015, and the hearing was set to convene on February 24, 2015.

- (6) On February 4, 2015, Staff filed a motion for continuance. Staff requests that the current procedural schedule dates, as established on January 14, 2015, be adjusted by 45 days to allow Staff additional time to complete the analysis of FirstEnergy's application in light of the proposed stipulation. Staff states this adjustment will allow Staff to complete its legal obligations and will result in the creation of a more thorough record for the Commission to consider when rendering its decision on the application. Pursuant to Ohio Adm.Code 4901-1-12(C), Staff also requests expedited consideration of this motion. Staff notes that it is not seeking to extend the discovery period.
- (7) FirstEnergy filed a memorandum contra Staff's motion for continuance on February 4, 2015. FirstEnergy contends that granting Staff's request would not allow the Commission to issue a decision in this proceeding in accordance with the 275-day statutory deadline, as set forth in R.C. 4928.143, or before the PJM Base Residual Auction. FirstEnergy requests that the attorney examiner reject Staff's proposal, or in the alternative, grant an approximate 30-day continuance of the due date for Staff testimony, the date of the prehearing conference, and the commencement date for the evidentiary hearing.
- (8) In light of the concerns raised by Staff, the attorney examiner finds that amending the procedural schedule at this time is reasonable. However, the attorney examiner agrees with FirstEnergy and finds a 45-day extension for all of the prescribed dates is not necessary. In order to provide Staff enough time to complete its analysis and provide the Commission with a thorough and comprehensive review, the attorney examiner submits the following procedural schedule:
 - (a) Discovery requests regarding the stipulation, except for notices of deposition, should be served by February 13, 2015.

- (b) Supplemental Testimony on behalf of FirstEnergy should be filed by March 2, 2015.
 - (c) Supplemental Testimony on behalf of the intervenors should be filed by March 2, 2015.
 - (d) Testimony on behalf of the Staff should be filed by March 27, 2015.
 - (e) A prehearing conference shall be scheduled for March 31, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.
 - (f) The evidentiary hearing shall convene on April 13, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.
- (9) Further, the attorney examiner finds that the response time for discovery should be shortened to 10 days for all discovery served after the issuance of this Entry. 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.
- (10) Finally, the attorney examiner notes that, pursuant to Ohio Adm.Code 4901-1-26(A)(3), parties attending the prehearing conference scheduled for March 31, 2015, shall be prepared to identify any witness that will testify in the evidentiary hearing, provide the subject matter of any witness testimony, and indicate dates on which the witness is unavailable to testify.

It is, therefore,

ORDERED, That Staff's motion for continuance be granted. It is, further,

ORDERED, That, the modified procedural schedule set forth in Finding (7) be observed by the parties. 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 Price

By: Gregory A. Price
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/4/2015 4:12:37 PM

in

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

Summary: Attorney Examiner Entry granting Staff's motion for continuance and directing the parties to observe the modified procedural schedule set forth in Finding (7). - electronically filed by Sandra Coffey on behalf of Gregory Price, Attorney Examiner, Public Utilities Commission of Ohio