

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 February 4, 2015, the attorney examiner established the current procedural schedule in this proceeding. Thereafter, by Entries issued October 6, 2014, December 1, 2014, January 14, 2015, and February 4, 2015, the attorney examiner modified the procedural schedule following the filing of motions by the parties and a stipulation and recommendation, which has been submitted for Commission review in this proceeding. According to the procedural schedule, the prehearing conference was set to take place on March 31, 2015, and the hearing was set to convene on April 13, 2015.
- (4) On February 25, 2015, the Commission modified and approved an ESP for Ohio Power Company d/b/a AEP Ohio (AEP Ohio), which will ultimately determine AEP Ohio's SSO rates from June 1, 2015, through May 31, 2018.

In re Ohio Power Co., Case No. 13-2385-EL-SSO, et al., Opinion and Order (Feb. 25, 2015) (AEP Ohio Order). The Commission declined to adopt the purchase power agreement (PPA) rider proposal, as put forth in the AEP Ohio proceeding; however, the Commission authorized the establishment of a placeholder PPA rider, at the initial rate of zero, with AEP Ohio being required to justify any requested cost recovery in future filings before the Commission. The Commission also presented several factors it may balance, but not be bound by, in deciding whether to approve future cost recovery requests associated with PPAs. Those factors were listed as follows: financial need of the generating plant; necessity of the generating facility, in light of future reliability concerns, including supply diversity; description of how the generating plant is compliant with all pertinent environmental regulations and its plan for compliance with pending environmental regulations; and the impact that a closure of the generating plant would have on electric prices and the resulting effect on economic development within the state. AEP Ohio Order at 25. In addition, the Commission indicated that the rider proposal must address additional issues specified by the Commission. AEP Ohio Order at 25-26.

- (5) In order for the parties to address whether and how the Commission's findings in the AEP Ohio Order should be considered in evaluating FirstEnergy's application in this proceeding, the attorney examiner finds that amending the procedural schedule at this time is reasonable. In order to provide the parties in this proceeding sufficient time to conduct additional discovery and to evaluate and offer supplemental testimony addressing the AEP Ohio Order, as applied in this case, the attorney examiner establishes the following procedural schedule:
 - (a) The prehearing conference currently scheduled for March 31, 2015, at 10:00 a.m., will proceed at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio, in order to address pending discovery issues.

- (b) Discovery requests regarding the AEP Ohio Order factors, except for notices of deposition, should be served by April 13, 2015.
 - (c) Supplemental testimony on behalf of FirstEnergy should be filed by May 4, 2015.
 - (d) Supplemental testimony on behalf of the intervenors should be filed by May 4, 2015.
 - (e) Testimony on behalf of the Staff should be filed by May 29, 2015.
 - (f) A prehearing conference shall be scheduled for June 2, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.
 - (g) The evidentiary hearing shall convene on June 15, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.
- (6) Further, the attorney examiner reiterates 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.
- (7) Finally, the attorney examiner notes that, pursuant to Ohio Adm.Code 4901-1-26(A)(3), parties attending the prehearing conference scheduled for June 2, 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, the modified procedural schedule set forth in Finding (5) 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 A. Price

By: Gregory A. Price
Attorney Examiner

CMTP/dah

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in

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

Summary: Attorney Examiner Entry that, the modified procedural schedule set forth in Finding (5) be observed by the parties;
electronically filed by Debra Hight on behalf of Gregory A. Price, Attorney Examiner.