

**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.)	

**JOINT MOTION OF
BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS,
CONSTELLATION NEWENERGY INC.,
ELECTRIC POWER SUPPLY ASSOCIATION,
EXELON GENERATION COMPANY LLC,
INTERSTATE GAS SUPPLY, INC.,
NORTHEAST OHIO PUBLIC ENERGY COUNCIL,
OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS,
OHIO CONSUMERS' COUNSEL,
OHIO HOSPITAL ASSOCIATION,
OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP,
OHIO SCHOOL BOARDS ASSOCIATION,
OHIO SCHOOLS COUNCIL,
PJM POWER PROVIDERS GROUP,
RETAIL ENERGY SUPPLY ASSOCIATION
AND
SIERRA CLUB
TO REOPEN THE HEARING RECORD AND TO ESTABLISH A PROCEDURAL
SCHEDULE IN LIGHT OF THE RECENTLY FILED THIRD SUPPLEMENTAL
STIPULATION AND RECOMMENDATION AND SUPPORTING TESTIMONY**

Buckeye Association of School Administrators, Constellation NewEnergy Inc., the Electric Power Supply Association, Exelon Generation Company LLC, Interstate Gas Supply, Inc., Northeast Ohio Public Energy Council, Ohio Association of School Business Officials, Ohio Consumers' Counsel, Ohio Hospital Association, Ohio Manufacturers' Association Energy Group, Ohio School Boards Association, Ohio Schools Council, PJM Power Providers Group,

Retail Energy Supply Association, and Sierra Club (collectively, “Joint Movants”) are full parties of record in the matter at bar and have actively participated throughout this proceeding.

On December 1, 2015, after the close of the hearing record, the applicants filed the Third Supplemental Stipulation and Recommendation (“third supplemental stipulation”) and supporting testimony for the Commission’s consideration. The new stipulation presents issues and facts that are not part of the current record. For instance, the third supplemental stipulation contains new provisions, *inter alia*, setting different parameters for the purchase power agreement, presents a proposed grid modernization plan, introduces energy efficiency initiatives including CO₂ reductions and renewable resources, and proposes changes to how residential customers’ distribution rates will be collected. These issues deserve to be thoroughly examined and vetted. In light of this filing, the Joint Movants request, pursuant to Rule 4901-1-34, Ohio Administrative Code, a new hearing schedule be adopted that provides for (a) discovery regarding the elements of the new stipulation, (b) the right to file testimony in opposition to the new stipulation and (c) a change in the briefing schedule to permit integration of the evidence both supporting and opposing the third supplemental stipulation into the record. Specifically, the Joint Movants request the following procedural schedule:

- Discovery requests related to the third supplemental stipulation (except as to notices of deposition) be permitted through Monday, December 21, 2015, with responses to written discovery requests provided within seven calendar days, consistent with the Attorney Examiner’s July 2, 2015 ruling.
- Testimony from opposing parties be filed by Friday, January 8, 2016.
- Hearing reconvened for testimony in support and in opposition to the third supplemental stipulation on Tuesday, January 19, 2016.
- Initial Briefs be filed by Wednesday, February 10, 2016.
- Reply Briefs be filed by Wednesday, February 24, 2016.

Further arguments supporting this Joint Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



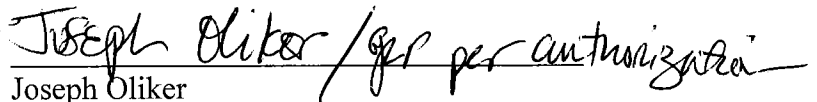
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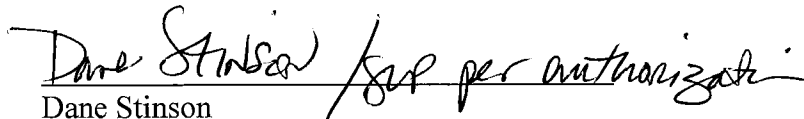
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On behalf of the Northeast Ohio Public Energy
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On behalf of the Ohio School Boards Association,
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**MEMORANDUM IN SUPPORT OF THE
JOINT MOTION OF
BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS,
CONSTELLATION NEWENERGY INC.,
ELECTRIC POWER SUPPLY ASSOCIATION,
EXELON GENERATION COMPANY LLC,
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NORTHEAST OHIO PUBLIC ENERGY COUNCIL,
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PJM POWER PROVIDERS GROUP,
RETAIL ENERGY SUPPLY ASSOCIATION
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TO REOPEN THE HEARING RECORD AND TO ESTABLISH A PROCEDURAL
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STIPULATION AND RECOMMENDATION AND SUPPORTING TESTIMONY**

The evidentiary hearing in the matter at bar was lengthy (lasting 35 days) and involved the presentation of 19 witnesses by the applicants, 31 witnesses by the intervenors, and 12 Staff witnesses. At the close of the hearing, the Attorney Examiners established a briefing schedule – initial briefs being due November 30 and reply briefs being due December 22, 2015. However, on November 9, 2015, the Staff of the Public Utilities Commission of Ohio (“Commission”) asked for an extension of the briefing schedule to allow time for settlement discussions. That request was granted and settlement discussions have taken place.

On December 1, 2015, the applicants filed the Third Supplemental Stipulation and Recommendation (“stipulation”) and supporting testimony for the Commission’s consideration. Since this new stipulation and supporting testimony were filed after the close of the evidentiary hearing record, the record must be re-opened for the Commission to consider them.¹

¹ The Commission has reopened the record to consider additional evidence in past proceedings. See, e.g., *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo*

Additionally, the Commission should establish a procedural schedule that will allow the parties the time and opportunity to present evidence related to this new stipulation. Specifically, the Commission should allow the parties the opportunity to present testimony in opposition to this new stipulation, schedule another one to two days of hearing for the presentation of this new stipulation and related testimony, and revise the briefing schedule to take into consideration this new stipulation and the new evidence to be presented.

When a stipulation has been filed in other Commission proceedings, the Commission has implemented a procedure similar to what the Joint Movants are requesting in this motion, including the filing of additional testimony and the presentation of the filed stipulation at hearing. *See, e.g., In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case Nos. 11-346-EL-SSO, et al.; Entry (September 16, 2011); *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case Nos. 11-3549-EL-SSO, Entry (October 25, 2011); and *In the Matter of the Application of Ohio Power Company for Approval of an Advanced Meter Opt-Out Service Tariff*, Case No. 14-1158-EL-ATA, Entry (March 26, 2015).

Additionally, the Joint Movants believe that it is reasonable and appropriate to adjust the current briefing schedule further to recognize the additional intervening activities that have interrupted the brief-writing process – settlement discussions, a new stipulation, additional

Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Case No. 10-388-EL-SSO, Entry (May 13, 2010) (reopened to receive additional evidence regarding the impact of the proposed ESP on customer's bills); and *In the Matter of the Application of Duke Energy Ohio, Inc. for an Energy Efficiency Cost Recovery Mechanism and for Approval of Additional Programs for Inclusion in its Existing Portfolio*, Case No. 11-4393-EL-RDR, Entry (March 21, 2012) (reopened to receive information about compliance with procedures and the evaluation criteria to be used).

testimony preparations and filing, additional hearing time, and additional evidence received. In addition, other ongoing Commission cases (e.g., Case Nos. 14-1693-EL-RDR et al.) and deadlines, the interceding holidays and prior commitments add further support for adjustment to the briefing schedule.

Further adjustments in the briefing schedule will not unduly delay this proceeding because the Commission will still have ample time to consider the evidence in the record (including the stipulations) and to issue a final ruling without running up against the expiration date of the applicants' current electric security plan (May 31, 2016). This proposed schedule will also allow the applicants ample time to make the changes needed before the next electric security plan goes into effect.

Accordingly, the Joint Movants request that the Commission (a) reopen the hearing record and (b) establish a new procedural schedule as follows:

- Discovery requests related to the third supplemental stipulation (except as to notices of deposition) be permitted through Monday, December 21, 2015, with responses to written discovery requests provided within seven calendar days.
- Testimony from opposing parties be filed by Friday, January 8, 2016.
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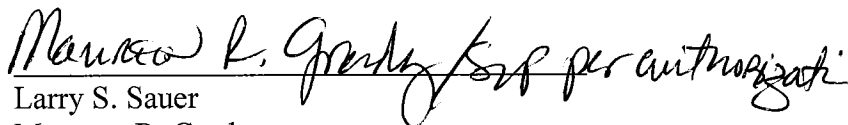
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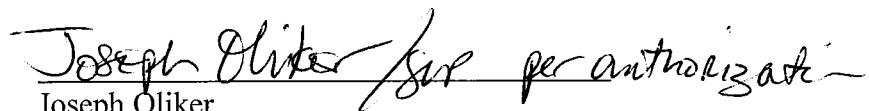
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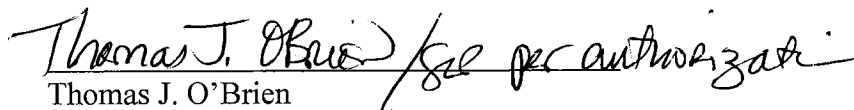
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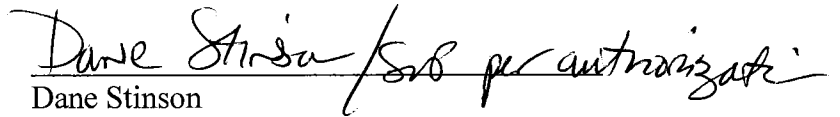
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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of the public version of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 1st day of December, 2015.


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in

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

Summary: Motion Joint Motion to Reopen the Hearing Record and to Establish a Procedural Schedule in Light of the Recently Filed Third Supplemental Stipulation and Recommendation and Supporting Testimony electronically filed by Mrs. Gretchen L. Petrucci on behalf of Buckeye Association of School Administrators and Constellation NewEnergy, Inc. and Electric Power Supply Association and Exelon Generation Company LLC and Interstate Gas Supply, Inc. and Northeast Ohio Public Energy Council and Ohio Association of School Business Officials and Ohio Consumers' Counsel and Ohio Hospital Association and Ohio Manufacturers' Association Energy Group and Ohio School Boards Association and Ohio Schools Council and PJM Power Providers Group and Retail Energy Supply Association and Sierra Club