

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) Case No. 14-1297-EL-SSO
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 electric distribution utilities as defined in R.C. 4928.01(A)(6) and public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.
- (2) R.C. 4928.141 provides that an electric distribution utility shall provide customers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.
- (3) On August 4, 2014, FirstEnergy filed an application pursuant to R.C. 4928.141 to provide for an SSO to provide generation pricing for the period of June 1, 2016, through May 31, 2019. The application is for an ESP, in accordance with R.C. 4928.143 (ESP IV).
- (4) On January 22, 2016, and upon the conclusion of the second evidentiary hearing in this matter, the attorney examiners established deadlines for the filing of initial and reply briefs of February 12, 2016, and February 19, 2016, respectively (Tr. Vol. XLI at 8722).

- (5) By Entry issued January 29, 2016, the attorney examiner extended the deadline to file reply briefs to February 22, 2016.
- (6) On February 9, 2016, the Electric Power Supply Association and the PJM Power Providers Group (Joint Movants) filed a joint motion requesting the deadlines to file initial and reply briefs be moved to February 16, 2016, and February 26, 2016, respectively. Joint Movants argue that this four-day extension will allow parties sufficient time to prepare their briefs and ensure that any necessary redactions of confidential information have been completed. Joint Movants also state the overlapping briefing schedule established in *In re Ohio Power Co.*, Case No. 14-1693-EL-RDR, has significantly limited the parties' ability to adequately prepare their briefs in this proceeding. Joint Movants also note that the following parties support the motion: Northeast Ohio Public Energy Council; Power for the Schools; Ohio Schools Council; the Ohio Manufacturers' Association Energy Group; Direct Energy Services LLC; Direct Energy Business Marketing LLC; Direct Energy Business LLC; Ohio Hospital Association; and the Environmental Law & Policy Center.
- (7) On February 10, 2016, FirstEnergy filed a memorandum contra Joint Movants' motion for an extension to the briefing schedule, stating this case has been pending since the summer of 2014 and parties have had adequate time to prepare their briefs. Additionally, FirstEnergy contends that neither overlapping procedural schedules nor the presence of confidential information in the record warrant an extension, as both of these are a common occurrence in Commission proceedings. FirstEnergy also emphasizes the urgency in this proceeding, noting approval of ESP IV is needed in order to allow FirstEnergy adequate time to prepare for the SSO competitive procurement auctions and other filing requirements.
- (8) The attorney examiner finds that Joint Movants' motion is reasonable and should be granted. Accordingly, the briefing schedule should be amended and the deadlines to file initial and reply briefs should be extended to February 16, 2016, and February 26, 2016, respectively.

It is, therefore,

ORDERED, That the post-hearing briefing schedule be amended in accordance with Finding (8). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Megan Addison

By: Megan J. Addison
Attorney Examiner

GAP/sc

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in

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

Summary: Attorney Examiner Entry granting motion for extension of the deadline to file initial and reply briefs until 02/16/2016 and 02/26/2016, respectively. - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio