

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
INVESTIGATION OF OHIO'S RETAIL
ELECTRIC SERVICE MARKET.

CASE NO. 12-3151-EL-COI

IN THE MATTER OF THE MARKET
DEVELOPMENT WORKING GROUP.

CASE NO. 14-2074-EL-EDI

ENTRY ON REHEARING

Entered in the Journal on April 4, 2018

I. SUMMARY

{¶ 1} The Commission grants the applications for rehearing, filed by the Ohio Consumers' Counsel, Ohio Power Company, Duke Energy Ohio, Interstate Gas Supply, Direct Energy Business, and Direct Energy Services of the February 7, 2018 Finding and Order for the purpose of further consideration of the matters specified in the applications for rehearing.

II. DISCUSSION

{¶ 2} On December 12, 2012, in Case No. 12-3151-EL-COI (*COI Case*), the Commission issued an Entry initiating an investigation into the health, strength, and vitality of Ohio's competitive retail electric service (CRES) market. The investigation was initiated to establish actions that the Commission could take to enhance the retail market. In the investigation, the Commission presented questions to stakeholders regarding market design, market enhancements, and corporate separation pertaining to Ohio's competitive market for retail electricity. In response to these questions, comments were filed by multiple stakeholders.

{¶ 3} On January 16, 2014, in the *COI Case*, the Commission's Staff filed a status report and a market development work plan (*COI Work Plan*), which included Staff recommendations to improve Ohio's retail market.

{¶ 4} On March 26, 2014, the Commission issued its Finding and Order in the *COI Case* (COI Order) adopting, in part, Staff's recommendations in the COI Work Plan, with modifications.

{¶ 5} Additionally, in the COI Order, the Commission created the Market Development Working Group (MDWG). The Commission then directed the MDWG and Staff in the COI Order to develop an operational plan to implement a statewide seamless move, contract portability, instant connect, or warm transfer process. Once the operational plan was developed, the Commission directed Staff to file a staff report in a new case in order to bring the proposed policies and improvements resulting from the MDWG to the Commission. Thereafter, in Case No. 14-2074-EL-EDI (*EDI Case*), on July 16, 2015, Staff filed a Staff Report (Staff Report) containing its operational plan, which proposes to implement a warm transfer process across the state of Ohio.

{¶ 6} On November 9, 2015, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy); Duke Energy Ohio, Inc. (Duke), Ohio Power Company (AEP Ohio), and The Dayton Power and Light Company (DP&L), filed a joint motion for a comment period regarding the Staff Report. On November 13, 2015, the attorney examiner granted the motion for a comment period and required initial comments and reply comments to be filed by December 14, 2015, and January 6, 2016, respectively.

{¶ 7} Thereafter, on December 9, 2015, AEP Ohio filed a request to extend the deadline for initial comments and reply comments to January 6, 2016, and January 20, 2016, respectively. On December 9, 2015, the attorney examiner granted the motion for an extension of the comment period and required initial comments and reply comments to be filed by January 6, 2016 and January 20, 2016, respectively.

{¶ 8} Pursuant to the Entry issued on December 9, 2015, written comments were filed on January 6, 2016 by DP&L, AEP Ohio, FirstEnergy, Duke (collectively, the EDUs), the Retail Energy Supply Association (RESA), the Ohio Consumers' Counsel (OCC), and Interstate Gas Supply, Inc. (IGS). Reply comments were then filed on January 20, 2016, by Ohio Partners for Affordable Energy (OPAE), Duke, RESA, AEP Ohio, FirstEnergy, OCC, IGS, Direct Energy Services, LLC and Direct Energy Business, LLC (collectively, Direct Energy), DP&L, and the Northeast Ohio Public Energy Council (NOPEC).

{¶ 9} On February 7, 2018, the Commission issued a Finding and Order adopting a seamless move mechanism for supplier contract migration when a CRES customer moves within a given EDU footprint. The Commission also directed RESA and each EDU to work together to file an operational plan for implementation of a seamless move mechanism for Staff review and approval. Further, the Commission solicited comments from MDWG participants regarding cost allocation for implementation of a seamless move mechanism within each EDU footprint.

{¶ 10} R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined in that proceeding, by filing an application within 30 days after the entry of the order upon the journal of the Commission.

{¶ 11} On March 9, 2018, OCC, AEP Ohio and Duke (Joint), IGS, and Direct Energy filed applications for rehearing of the February 7, 2018 Finding and order.

{¶ 12} On March 19, 2018, OCC filed memorandum contra IGS and Direct Energy's application for rehearing. Simultaneously, Direct Energy and IGS filed memorandum contra AEP Ohio, Duke, and OCC's application for rehearing.

{¶ 13} The Commission believes that sufficient reason has been set forth by OCC, AEP Ohio, Duke, IGS, and Direct Energy to warrant further consideration of the matters

specified in the applications for rehearing. Accordingly, the applications for rehearing filed by OCC, AEP Ohio, Duke, IGS, and Direct should be granted.

III. ORDER

{¶ 14} It is, therefore,

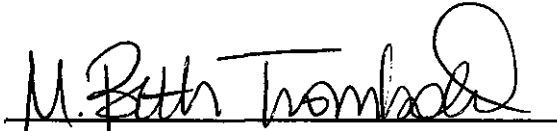
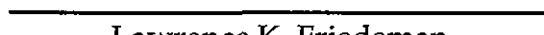
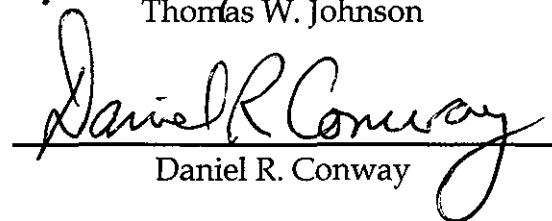
{¶ 15} ORDERED, That the applications for rehearing filed by OCC, AEP Ohio, Duke, IGS, and Direct Energy be granted for further consideration of the matters specified in the applications for rehearing. It is, further,

{¶ 16} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

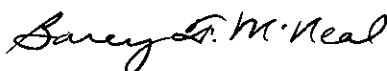


Asim Z. Haque, Chairman


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