

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	)	
FirstEnergy Solutions Corp. to Become a	)	
Certified Retail Electric Supplier in the State	)	CASE NO. 00-1742-EL-CRS
of Ohio	)	

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**MOTION FOR EXTENSION OF CERTIFICATE EXPIRATION DATE AND  
MEMORANDUM IN SUPPORT**

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In accordance with the previous direction of the Attorney Examiner,<sup>1</sup> FirstEnergy Solutions Corp. (“FES”) hereby moves for a 180-day extension of its Certificate through October 28, 2019.

Good cause exists to extend the Certificate for 180 days because FES, although in bankruptcy currently, has more than \$1 billion in cash on hand, has continued to meet all of its obligations to customers, and has remained in compliance with all relevant Commission rules during its Chapter 11 proceeding. Extending the Certificate for an additional 180 days allows the Commission to continue to evaluate FES’ performance while in bankruptcy and for FES to continue its reorganization in accordance with federal law. FES anticipates that a 180-day extension may be enough time for FES to emerge from bankruptcy in late 2019, though the exact timing is uncertain due to required approvals from the Nuclear Regulatory Commission and the Bankruptcy Court.

In the event 180 days is not sufficient time for FES to emerge from bankruptcy, FES would anticipate making a supplemental filing seeking an additional extension of its Certificate. At that point there would be significantly more clarity regarding the timing and process for FES to emerge from bankruptcy.

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<sup>1</sup> See Entry dated October 26, 2018, ¶ 6 (“Entry”).

Respectfully submitted,

/s/ N. Trevor Alexander

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ATTORNEYS FOR FIRSTENERGY  
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**MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF CERTIFICATE  
EXPIRATION DATE AND MEMORANDUM IN SUPPORT**

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On March 31, 2018, FirstEnergy Solutions Corp. (“FES”), a certified competitive retail electric service (“CRES”) provider in Ohio, filed a voluntary petition in the United States Bankruptcy Court for the Northern District of Ohio, Eastern Division (the “Bankruptcy Court”) for relief pursuant to Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Proceeding”).

On October 1, 2018, FES filed an application to renew its CRES Renewal Certificate Number 00-11E(9) (“Certificate”)(the “Renewal Application”). On October 22, 2018, FES filed a Motion to Extend its certificate for an additional 120 days if the Commission was not inclined to rule on the Renewal Application at that time. In that motion, FES explained that despite its pending bankruptcy it had continued to meet its obligations to customers, Ohio electric distribution utilities, and RTO’s.

On October 26, 2018, the Attorney Examiner issued an Entry which granted FES’ motion. The Attorney Examiner found that FES had demonstrated good cause for an extension of its Certificate, but that 120 days was insufficient because “[t]his would most likely result in FES filing repeated, additional requests for extensions of its current certificate.”<sup>2</sup> Accordingly, the Attorney Examiner instructed FES to file a renewal application by no later than 30 days

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<sup>2</sup> Entry, ¶ 5.

before May 1, 2019. The Attorney Examiner also held that “[n]onetheless, the attorney examiner will consider additional extension requests if necessary due to the bankruptcy proceeding.”<sup>3</sup>

Since that Entry, FES has continued to meet all of its obligations to customers, Ohio electric distribution utilities, and RTO’s. FES has also complied with all relevant Commission rules and procedures. FES has significant liquidity (currently over \$1 billion dollars in cash), a trained technical staff, and a strong managerial team which meet all requirements of Ohio law.

In light of these factors, FES hereby respectfully requests that the Commission grant an extension of the Certificate for an additional 180 days, through October 28, 2019 (“Extended Period”). Extending the Certificate for 180 days would allow the Commission to continue to evaluate FES’ performance while in bankruptcy. The extension may also be enough time for FES to emerge from bankruptcy in late 2019, though the exact timing is uncertain due to required approvals from the Nuclear Regulatory Commission and Bankruptcy Court. If the Extended Period is not sufficient for FES to complete the bankruptcy process, FES anticipates filing another motion to extend its certificate which would give more detail regarding the anticipated timing and process by which FES will emerge from bankruptcy.

No party will be prejudiced by this extension. The Extended Period will allow FES to continue to fulfill its contractual obligations and provide the customer programs which customers depend on. The extension will also avoid any potential negative impact on the FES Bankruptcy or conflict with federal law.

In light of the foregoing, FES respectfully requests that the Commission extend the Certificate for an additional 180 days, through October 28, 2019. If the Certificate needs to be renewed beyond that date, FES will file another motion to address that issue in the future. If FES emerges from bankruptcy before that date, FES anticipates making a supplemental filing to obtain Commission approval of its plan for operation after it emerges from bankruptcy.

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<sup>3</sup> Entry, ¶ 6.

Respectfully submitted,

/s/ N. Trevor Alexander

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ATTORNEYS FOR FIRSTENERGY  
SOLUTIONS CORP.

**CERTIFICATE OF SERVICE**

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 20th day of March, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander  
One of the Attorneys for FES

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 00-1742-EL-CRS**

Summary: Motion for Extension electronically filed by Mr. Trevor Alexander on behalf of FirstEnergy Solutions Corp.