

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION
OF FIRSTENERGY SOLUTIONS CORP.
FOR CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC SERVICE PROVIDER.

CASE NO. 00-1742-EL-CRS

ENTRY

Entered in the Journal on March 22, 2019

{¶ 1} FirstEnergy Solutions Corp. (FES) was issued a renewal certificate, Certificate No. 00-11E(9), to provide retail generation and power marketing services within the state of Ohio, effective November 2, 2016. The certificate was set to expire on November 2, 2018.

{¶ 2} On March 31, 2018, FES filed a voluntary petition in the United States Bankruptcy Court (Bankruptcy Court) for relief pursuant to Chapter 11 of Title 11 of the United States Code. FES timely filed a notice of material change in this docket regarding the bankruptcy.

{¶ 3} Subsequently, on October 4, 2018, the Commission opened a proceeding to protect Ohio consumers from any adverse impacts resulting from the filing of the petition in Bankruptcy Court; in addition, the Commission directed FES to file a report regarding the filing by May 4, 2018. *In re the Filing by FirstEnergy Solutions Corp. of a Petition for Reorganization under Chapter 11 of the United States Bankruptcy Code*, Case No. 18-569-EL-UNC, Entry (Apr. 4, 2018) at ¶ 7. On May 4, 2018, FES timely filed the report as directed by the Commission.

{¶ 4} On October 1, 2018, FES filed an application for certification renewal.

{¶ 5} On October 22, 2018, FES filed a motion for a 120-day extension of its current certificate, Certificate No. 00-11E(9). FES noted that, although it is financially stable, it was in bankruptcy. FES claimed that delaying the Commission's consideration of its renewal application and extending the current certificate for an additional 120 days

would provide the Commission with the opportunity to evaluate FES' financial performance while in bankruptcy and will provide clarity on a potential sale of FES retail book of business and any potential FES plan of reorganization.

{¶ 6} On October 26, 2018, the attorney examiner granted the motion for an extension but determined that a 180-day extension would be more appropriate under the circumstances. Accordingly, the attorney examiner extended the current certificate to May 1, 2019.

{¶ 7} On October 29, 2018, FES filed notice of withdrawal of its renewal application filed on October 1, 2018.

{¶ 8} Subsequently, on March 20, 2019, FES filed a second motion for extension of its certificate, seeking to extend the certificate for 180 days, through October 28, 2019. FES states that extending its certificate for 180 days would allow the Commission to continue to evaluate FES' performance while in bankruptcy and that the extension may be sufficient time for FES to emerge from bankruptcy in late 2019.

{¶ 9} The attorney examiner finds that FES has demonstrated good cause for an additional 180-day extension of its certificate. Accordingly, the expiration date of its current certificate will be extended to October 28, 2019.

{¶ 10} The attorney examiner notes that FES should continue to file notices of material change in accordance with Ohio Adm.Code 4901:1-24-11 as necessary for the extended term of its certificate. In addition, FES should file, within 15 days, updated exhibits C-3, C-4, and C-5 of its renewal application filed on October 3, 2016; consistent with Ohio Adm.Code 4901:1-24-08, these updated exhibits may be marked "confidential" and filed under seal. Finally, FES should file, within 30 days, an update to its report filed on May 4, 2018, in Case No. 18-569-EL-UNC. This update should include any new information not available at the time the report was filed as well as a detailed summary of its current plan for reorganization filed with the Bankruptcy Court.

{¶ 11} Further, the attorney examiner will consider additional extension requests if necessary due to the bankruptcy proceeding. However, unless otherwise ordered by the Commission, FES should file its renewal application no less than 30, and no more than 60, calendar days prior to the expiration of the extended current certificate on October 28, 2019.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That FES' motion, filed on March 20, 2019, for extension of the expiration date of Certificate No. 00-11E(9), be granted, as set forth in Paragraph 9. It is, further,

{¶ 14} ORDERED, That the expiration date for Certificate No. 00-11E(9) be extended from May 1, 2019 to October 28, 2019. It is, further,

{¶ 15} ORDERED, That FES observe the directives set forth in Paragraph 10. It is, further,

{¶ 16} 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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Case No(s). 00-1742-EL-CRS

Summary: Attorney Examiner Entry granting FES' motion for extension of the expiration date of Certificate No. 00-11E(9) to 10/28/2019 in accordance with Paragraph 9 and setting forth directives for FES to follow in accordance with Paragraph 10 - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio