

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
CITIZENS UTILITY BOARD OF OHIO,**

**COMPLAINANT,**

**v.**

**CASE NO. 20-1756-EL-CSS**

**OHIO EDISON COMPANY, THE  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, AND THE TOLEDO EDISON  
COMPANY,**

**RESPONDENTS.**

**ENTRY**

Entered in the Journal on December 23, 2020

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities, as defined in R.C. 4905.02, and, as such, are subject to the Commission's jurisdiction.

{¶ 3} On December 7, 2020, Citizens Utility Board of Ohio (CUB) initiated a complaint against the Companies, alleging recent events surrounding the passage of Am. Sub H. B. 6 (H.B. 6) demonstrate fundamental problems concerning the Commission's decisions relating to the Companies' operations since April 2019. Citing to a federal criminal investigation, CUB contends that recent increases in charges to the Companies' customers are unjust, unreasonable, and in violation of R.C. 4905.26. *United States of America v. Larry Householder, Jeffrey Longstreth, Neil Clark, Matthew Borges, Juan Cespedes, and Generation Now*, Case No. 1:20-MJ-00526 (U.S. Dist. S.D.) (July 17, 2020). Additionally, under similar

reasoning, CUB asserts that the decoupling mechanism created pursuant to R.C. 4928.471 is also unjust, unreasonable, and in violation of law. Finally, in its third and final count, CUB claims the Companies' corporate separation plan fails to comply with R.C. 4928.17. As relief, CUB requests several Commission actions, including, but not limited to, directing the Companies to file a new distribution rate case at the earliest possible date and ordering certain amendments to the Companies' corporate separation plan to establish additional institutional controls to prevent improper influence on the outcome of Commission proceedings.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01, the current deadline for the Companies to file an answer to the complaint is Monday, December 28, 2020. However, Ohio Adm.Code 4901-1-13 allows extensions of time to file pleadings to be granted upon motion for good cause shown.

{¶ 5} On December 21, 2020, the Companies filed a motion for a 14-day extension of the filing deadline for their answer to the complaint, citing challenges associated with the holiday and other existing litigation demands. Furthermore, the Companies state that counsel for CUB does not oppose the request for an extension.

{¶ 6} At this time, the attorney examiner finds that good cause exists to grant the unopposed motion for a brief filing extension. Accordingly, the Companies are directed to file their answer to the complaint on or before January 11, 2021.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the Companies file their answer to the complaint on or before January 11, 2021. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Megan J. Addison

By: Megan J. Addison  
Attorney Examiner

NJW/hac

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

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**in**

**Case No(s). 20-1756-EL-CSS**

Summary: Attorney Examiner Entry ordering that the Companies file their answer to the complaint on or before January 11, 2021 electronically filed by Heather A Chilcote on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission