

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF THE
POLITICAL AND CHARITABLE SPENDING
BY OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON
COMPANY.

CASE NO. 20-1502-EL-UNC

ENTRY

Entered in the Journal on April 22, 2021

{¶ 1} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are electric distribution utilities, as defined by 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. 4905.06 states, in relevant part, that the Commission has general supervision over all public utilities within its jurisdiction as defined in R.C. 4905.05, and may examine such public utilities and keep informed as to their general condition, capitalization, and franchises, and as to the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, the safety and security of the public and their employees, and their compliance with all laws, orders of the Commission, franchises, and charter requirements.

{¶ 3} R.C. 4905.05 states, in relevant part, that the jurisdiction, supervision, powers, and duties of the Commission extend to every public utility, the plant or property of which lies wholly within this state and when the property of a public utility lies partly within and partly without this state to that part of such plant or property which lies within this state; to the persons or companies owning, leasing, or operating such public utilities; to the records and accounts of the business thereof done within this state; and to the records and accounts of any companies which are part of an electric utility holding company system exempt under section 3(a)(1) or (2) of the "Public Utility Holding Company Act of 1935," 49 Stat. 803, 15 U.S.C. 79c, and the rules and regulations promulgated thereunder, insofar as such

records and accounts may in any way affect or relate to the costs associated with the provision of electric utility service by any public utility operating in this state and part of such holding company system.

{¶ 4} The Commission opened this proceeding on September 15, 2020, to review the political and charitable spending by the Companies in support of Am. Sub. H.B.6 and the subsequent referendum effort. On that same date, the attorney examiner directed the Companies to show cause, by September 30, 2020, demonstrating that the costs of any political or charitable spending in support of Am. Sub. H.B. 6, or the subsequent referendum effort, were not included, directly or indirectly, in any rates or charges paid by ratepayers in this state. Further, the attorney examiner directed interested parties to file comments regarding the Companies' response by October 29, 2020, and to file reply comments by November 13, 2020.

{¶ 5} Motions to intervene were granted in this case for Ohio Hospital Association, Interstate Gas Supply, Inc., Industrial Energy Users-Ohio, Northwest Ohio Aggregation Coalition, Ohio Manufacturers' Association Energy Group, Ohio Partners for Affordable Energy, Environmental Law & Policy Center, Natural Resources Defense Council, Ohio Environmental Council, Citizens' Utility Board of Ohio, and the Ohio Consumers' Counsel (OCC).

{¶ 6} Prehearing conferences were held in this case on January 7, 2021, and March 25, 2021. Comments regarding the Companies' response to the show cause order were stayed pending the resolution of discovery disputes that were the subject of those prehearing conferences.

{¶ 7} During the prehearing conference held on March 25, 2021, the attorney examiner granted portions of a pending motion to compel filed by OCC and directed FirstEnergy to provide its responses by April 12, 2021. To date, no subsequent discovery disputes have been raised in this proceeding.

{¶ 8} The attorney examiner believes a comment period may now be scheduled to allow interested parties an opportunity to file comments regarding the Companies' September 30, 2020 response to the show cause order. Accordingly, the attorney examiner directs interested parties to file comments regarding the Companies' response by May 21, 2021, and to file reply comments by June 4, 2021.

{¶ 9} As a final matter, on September 23, 2020, Ohio Energy Group (OEG) moved to intervene in this proceeding. In support of its motion, OEG asserts that it is a non-profit entity representing the interests of large industrial customers, who may be directly affected by the outcome of this proceeding. OEG adds that it satisfies the intervention standards in R.C. 4903.221 and Ohio Adm.Code 4901-1-11(A)(2), which require that a party must have a real and substantial interest in a proceeding to intervene. No memoranda contra OEG's motion to intervene were filed.

{¶ 10} The attorney examiner finds that OEG has satisfied the intervention requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. Accordingly, the attorney examiner finds that OEG's motion to intervene is reasonable and should be granted.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That interested parties file initial and reply comments regarding the Companies' September 30, 2020 response to the show cause order by May 21, 2021, and June 4, 2021, respectively. It is, further,

{¶ 13} ORDERED, That the motion to intervene filed by OEG be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

SJP/kck

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Summary: Attorney Examiner Entry ordering that interested parties file initial and reply comments regarding the Companies' September 30, 2020 response to the show cause order by May 21, 2021, and June 4, 2021, respectively, and granting the motion to intervene filed by OEG.

electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio