**BEFORE THE**

**UNITED STATES OF AMERICA**

**FEDERAL ENERGY REGULATORY COMMISSION**

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| Constellation Energy Commodities Group, Inc. | :: | Docket No. IN12-7-000 |

**MOTION FOR EXEMPTION FROM HEARING**

**AND**

**FOR APPROVAL OF UNOPPOSED OHIO ALLOCATION PLAN**

 Comes now the Public Utilities Commission of Ohio and respectfully requests that its allocation plan be approved and that it be exempted from attending the oral argument scheduled in the above referred matter for the reason that there are no unresolved issues regarding the allocation of disgorgement funds for the State of Ohio, as more fully explained below.

1. On March 9, 2012, the Commission issued an Order Approving Stipula­tion and Consent Agreement in the above-referenced docket, establishing a fund within the NYISO, ISO-NE and PJM (the Fund). Any requests for apportionment of the monies in the Fund were only to be made by the appropriate state agency or agencies of those respective states.
2. On July 10, 2012, the Indicated PJM State Consumer Advocate Agencies (JCA) filed a motion proposing apportionment of a portion of the monies in the PJM Fund. Specifically, JCA requested that the presiding judge allocate twenty percent of the PJM portion of the Fund to a Consumer Advocates of PJM States (CAPS) non-profit entity.
3. On July 11, 2012, an Order Denying Opposed Motions for Eligibility Determination and Directing Eligible Parties to File Joint Stipulations was issued. The July 11 Order directed eligible state agency parties in the PJM footprint to file a joint stipulation within sixty days of the order regarding a proposed allocation and distribution method of the PJM portion of the disgorgement fund. The July 11 Order further stated that the eligible state agency parties were to inform the presid­ing judge if a joint stipulation could not be reached, and an oral argu­ment would be held. With respect to the July 10 Motion, the July 11 Order directed JCA to “discuss the contents of their pending motion with all eligible state agency parties in the PJM region in accordance with this order for the purpose of making a good faith effort to reach a joint stipulation.”
4. On July 30, 2012, Indicated PJM State Agencies, consisting of state util­ity commissions and several offices of attorneys general, filed a motion for adoption of a stipulation regarding allocation of the PJM fund among the PJM state jurisdictions. On September 10, 2012, the Public Utilities Commission of Ohio filed a specific allocation plan for how funds would be distributed within Ohio. No other state agency in Ohio and, specifically, the Consumers’ Counsel for the state of Ohio \ submitted allocation plans.
5. On September 10, 2012, JCA filed a slight modification to its alloca­tion plan submitted in its July 10 Motion, but noted that a joint agree­ment among all PJM state agencies was not reached within the allotted timeframe. JCA, therefore, requested that oral arguments be scheduled to resolve the issues of allocation and distribution of the PJM portion of the fund.
6. On September 17, 2012 the Deputy Chief Administrative Law Judge issued an order setting oral arguments on October 4, 2012 in the above referred matter to resolve JCA’s September 10 submission and all other necessary and appropriate issues related to the allocation and distribution of PJM funds.
7. Because the Public Utilities Commission of Ohio is the only Indicated PJM State Agency to file a specific allocation plan from the State of Ohio, there are no issues to be resolved regarding the allocation of funds in the State of Ohio and its filing should be approved. The Public Utilities Commission of Ohio has no position as to the alloca­tion of funds for the other states and therefore asks to be exempted from attending the oral argument scheduled for October 4, 2012.

 Wherefore the Public Utilities Commission of Ohio asks that its plan be approved and it be exempted from attending the oral hearing on October 4, 2012.

Respectfully submitted,

*/s/ Thomas W. McNamee*

**Thomas W. McNamee**

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**On behalf of**

**The Public Utilities Commission of Ohio**

Dated at Columbus, Ohio this September 25, 2012

# CERTIFICATE OF SERVICE

 I hereby certify that the foregoing have been served in accordance with 18 C.F.R. Sec. 385.2010 upon each person designated on the official service list compiled by the Secretary in this proceeding.

*/s/ Thomas W. McNamee*

**Thomas W. McNamee**

Dated at Columbus, Ohio this September 25, 2012.