

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application for)
Establishment of a Reasonable)
Arrangement Between Marathon) Case No. 10-2777-EL-AEC
Petroleum Company LP and Ohio)
Power Company.)

ENTRY

The attorney examiner finds:

- (1) On November 22, 2010, pursuant to Section 4905.31, Revised Code, the Marathon Petroleum Company LP (Marathon) filed an application for approval of a unique arrangement with Ohio Power Company (Ohio Power) for electric service at its refinery in Canton, Ohio.
- (2) By entry issued February 25, 2011, the case was scheduled for a hearing to commence on April 12, 2011.
- (3) On April 4, 2011, Marathon, Ohio Power, Ohio Environmental Council, and Staff filed a stipulation in this proceeding. The stipulation proposed to separate the provisions of the unique arrangement related to energy efficiency and peak demand reduction (EE/PDR Category) from the provisions of the unique arrangement related to Marathon's offer to commit its advanced energy or alternative energy resource capabilities to Ohio Power (AE/AER Category). The hearing commenced as scheduled on April 12, 2011, for the purpose of taking testimony regarding the stipulation on the EE/PDR Categories.
- (4) By entry issued April 6, 2011, the attorney examiner established a deadline of May 9, 2011, for the filing of testimony and scheduled the hearing to reconvene on May 17, 2011.
- (5) On May 3, 2011, Staff filed a motion requesting a continuance of the procedural schedule. Specifically, Staff explained that the parties are currently involved in settlement discussions and need more time to discuss a potential resolution of this matter. Staff further states that it has contacted the other parties to this case and none of the other parties object to the continuance. The attorney examiner finds that Staff's request is reasonable and should be granted.

Therefore, all testimony related to the provisions of the unique arrangement in the AE/AER Category should be prefiled by June 6, 2011, and the hearing will reconvene on June 14, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215.

It is, therefore,

ORDERED, That Staff's motion for a continuance be granted, and the procedural schedule set forth in Finding (5) be observed. It is, further,

ORDERED, That a copy of this entry be served on all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Katie L. Stenman

By: Katie L. Stenman
Attorney Examiner

grg/dah

Entered in the Journal

MAY 04 2011

Betty McCauley

Betty McCauley
Secretary

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Commerce Energy, Inc. for Certification) Case No. 02-1828-GA-CRS
as a Competitive Retail Natural Gas)
Supplier.)

ENTRY

The attorney examiner finds:

- (1) On August 12, 2010, the applicant, Commerce Energy, Inc. d/b/a Just Energy (Commerce Energy) filed an application in this case for renewal of its certification as a competitive retail natural gas service (CRNGS) provider. On September 10, 2010, the Commission suspended the automatic renewal process so the Commission's staff (Staff) could further review the certification renewal application. On September 20, 2010, a staff report was filed, and on September 30, 2010, the office of the Ohio Consumers' Counsel (OCC) was granted intervention. On November 4, 2010, Commerce Energy, Staff, and OCC filed a joint stipulation that resolved all the issues presented in the staff report. On November 22, 2010, the Commission issued an Opinion and Order approving the stipulation with limited revisions. As part of the stipulation, Commerce Energy agreed to file with the Commission a quarterly report on its progress in managing its sales force.
- (2) On April 15, 2011, the applicant filed a motion for protective order, pursuant to Rule 4901-1-24(D), Ohio Administrative Code (O.A.C.), requesting that certain limited information contained within the quarterly report, namely, a monthly breakdown of the number of third-party verification (TPV) calls that were processed, as well as the number of such calls that were not processed, be kept under seal. Because the applicant considers this information confidential, it redacted it from the version of the quarterly report that was publicly filed on April 15, 2011. However, three copies of the quarterly report, in unredacted form, i.e., containing the information for which protective treatment is sought, were filed, under seal, by the applicant on April 18, 2011.
- (3) In support of its motion for protective order, the applicant explains that public disclosure of the information for which protective