

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Alternative)
Energy Status Report of Ohio Edison)
Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company.)

) Case No. 11-2479-EL-ACP

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for a Force Majeure)
Determination for Their In-State Solar)
Resources Benchmark Pursuant to)
Section 4928.64(C)(4)(a), Revised Code.)

ENTRY

The attorney examiner finds:

- (1) On January 24, 2011, in Case No. 11-411-EL-ACP (11-411), Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) filed an application requesting that the Commission make a *force majeure* determination regarding the Companies' compliance with the solar energy resources (SER) benchmark for 2010. In the application, the Companies requested that the Commission make a *force majeure* determination to reduce the Companies' aggregate SER benchmark to the amount actually acquired by the Companies in 2010.
- (2) By entry issued March 2, 2011, the attorney examiner established a procedural schedule in 11-411 for the filing of comments and reply comments. The Office of the Ohio Consumers' Counsel (OCC), the Solar Alliance (SA), the Ohio Environmental Council (OEC), and the Environmental Law and Policy Center (ELPC) requested and were granted intervention and timely filed comments in 11-411.
- (3) On April 11, 2011, in 11-411, FirstEnergy filed a notice of withdrawal of its January 24, 2011, *force majeure* application on

the basis that it had procured additional solar renewable energy credits (SRECs) originating in Ohio.

- (4) Thereafter, on April 15, 2011, in the above-captioned case, FirstEnergy refiled its *force majeure* application to reflect the additional Ohio SRECs it had acquired. Additionally, FirstEnergy asserts that, despite its best efforts, it was able to acquire only 1,629 of the 3,206 SRECs required to meet its 2010 SER benchmark. Consequently, FirstEnergy requests a *force majeure* determination as to the shortfall, specifically, 1,577 SRECs.
- (5) Motions to intervene in the matter were filed by ELPC, Ohio Energy Group (OEG), and Nucor Steel Marion (Nucor). No memoranda contras were filed in opposition to the motions to intervene. The attorney examiner finds that the motions to intervene are reasonable and should be granted.
- (6) On May 16, 2011, Nucor filed comments on the Companies' application. Additionally, Nucor filed a motion for admission *pro hac vice*, requesting that Michael K. Lavanga be admitted to practice before the Commission in this proceeding. The attorney examiner finds that the motion for admission *pro hac vice* is reasonable and should be granted.
- (7) By entry issued May 6, 2011, the attorney examiner established a procedural schedule pursuant to Rule 4901:1-40-06(A), Ohio Administrative Code, setting June 6, 2011, as the deadline for the filing of initial comments on the Companies' application and June 20, 2011, as the deadline for reply comments.
- (8) On May 23, 2011, Staff filed a motion to extend the deadline for initial comments to June 27, 2011, and to extend the deadline for reply comments until July 11, 2011. Staff states that, because of other pressing case work and scheduling conflicts, additional time is needed to review the pending application. Staff further adds that neither FirstEnergy nor any intervening party objects to the requested extension.
- (9) The attorney examiner finds that the motion to extend the deadline is reasonable and should be granted. Accordingly, for all parties, the deadline for filing comments on the Companies' application shall be extended from June 6, 2011, to June 27, 2011, and the deadline for filing reply comments shall be extended from June 20, 2011, to July 11, 2011.

It is, therefore,

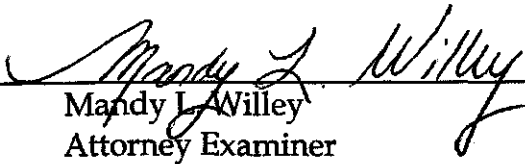
ORDERED, That the motions to intervene filed by ELPC, OEG, and Nucor be granted. It is, further,

ORDERED, That the motion for admission *pro hac vice* of Michael K. Lavanga be granted. It is, further,

ORDERED, That the procedural schedule be modified as set forth in finding (9). It is, further,

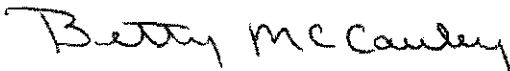
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Mandy L. Willey
Attorney Examiner

gfg /sc

Entered in the Journal
MAY 26 2011


Betty McCauley
Secretary