

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Investigation of Ohio's Retail Electric	)	Case No. 12-3151-EL-COI
Service Market.	)	

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**JOINT MOTION FOR EXTENSIONS OF DEADLINES  
FOR INITIAL AND REPLY COMMENTS  
AND  
REQUEST FOR AN EXPEDITED RULING  
BY  
INDUSTRIAL ENERGY USERS-OHIO,  
OHIO ENERGY GROUP,  
OHIO PARTNERS FOR AFFORDABLE ENERGY,  
OHIO POVERTY LAW CENTER,  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL,  
AND  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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The Office of the Ohio Consumers' Counsel ("OCC"), Ohio Partners for Affordable Energy ("OPAE"), Ohio Energy Group ("OEG"), Industrial Energy Users-Ohio ("IEU-Ohio"), Ohio Poverty Law Center ("OPLC"), and Northeast Ohio Public Energy Council ("NOPEC") (together referred to as "Joint Movants"), move the Public Utilities Commission of Ohio ("Commission" or "PUCO"), pursuant to Ohio Adm. Code 4901-1-12(C) and 4901-1-13, for an extension of time for all interested persons and/or parties to file Initial and Reply Comments in this proceeding. Specifically, Joint Movants request that all parties be granted a thirty-day extension to file Initial Comments, from January 30, 2013 to March 1, 2013, Joint Movants also request thirty days to prepare and file Reply Comments, moving the date for Reply Comments from February 15, 2013 to

April 1, 2013.<sup>1</sup> Additionally, Joint Movants request an expedited ruling on this Motion, pursuant to Ohio Adm. Code 4901-1-12(C).

Wherefore, Joint Movants respectfully request that, for good cause shown, the Commission grant their request for an extension of the comment schedule and their request for an expedited ruling for the reasons set forth in the attached memorandum in support.

Respectfully submitted,

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<sup>1</sup> The fifteenth day would be Saturday March 30, 2012, so Monday April 1, 2013 is being used.

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Ohio Adm. Code 4901-1-13(A) allows for extensions of time to file pleadings and other papers for good cause shown. On December 12, 2012, the PUCO issued an Entry initiating an investigation into Ohio's retail electric service market and established a schedule for interested persons and/or parties to file Initial Comments on or before January 30, 2013, and Reply Comments on or before February 15, 2013. Joint Movants request additional time to address and respond to the questions posed by this Commission in this case that is important for Ohio electricity customers.

The Commission's December 12, 2012 Entry seeks comments and reply comments about whether the existing electric generation default service<sup>2</sup> should be modified or continued in its current form. At the present time, a utility must offer standard service<sup>3</sup> and is required to stand ready to serve if customers' competitive retail electric service provider defaults.<sup>4</sup> This provides a safe harbor of sorts for a customer

<sup>2</sup> “Default service” is referred to under R.C. 4828.14 and pertains to the scenario where a supplier fails to provide retail electric generation service to customers within the certified territory of an electric distribution utility, and the customer defaults to the utility’s standard service offer. It appears that the PUCO is using the term “default service” to mean the utility’s standard service offer service, and not just service that the customer defaults to due to supplier failure.

<sup>3</sup> R.C. 4928.141.

<sup>4</sup> R.C. 4928.14.

who chooses not to shop or whose supplier defaults. When changes and modifications to the standard service offer and default service are being considered, the interests of residential customers, who greatly rely upon default service, may be significantly affected.

Additionally, the Commission has asked for comments on a number of other areas that will impact residential, commercial, and industrial customers. These areas include, but are not limited to, access to supply and demand-side retail electric service, protecting customers against market deficiencies and market power, the use of smart meters by competitive retail electric service providers, energy efficiency and demand response products and the collection, from customers, of the costs of compliance.

The Commission is also seeking comments on several issues regarding corporate separation that highlight competitive concerns regarding the sharing of information, the potential for customers to be misled by a utility's corporate separation structure, the use of shared services by the remaining "structurally separated" EDUs, the need for full legal separation, and the effect of PJM and FERC rules in mitigating market power that could harm customers.

The scope of this review is very broad. Indeed, the investigation at issue is monumental in scope and of utmost importance to the vast number of Ohio's electric consumers that could be affected by its outcome.

Due to the upcoming holidays, it has been, and will continue to be difficult for the Joint Movants to individually or potentially collectively coordinate and respond with Initial Comments, which are currently due by January 30, 2013. Moreover, many of the individual Joint Movants are currently involved in multiple and overlapping significant

proceedings pending before the PUCO, including the Dayton Power and Light Company ESP case (Case No. 12-426-EL-SSO et al.), the Duke Energy of Ohio Electric and Gas Rate Cases (Case Nos. 12-1682-EL-AIR et al. and 12-1685-GA-AIR, et al.), other PUCO Rules Review proceedings (Case No. 12-925-GA-ORD) and (Case No. 12-2050-EL-ORD), and other cases. Given the scope and magnitude of the issues involved in this investigation, as well as the many other matters where the parties are preparing cases to present for the Commission's consideration, Joint Movants request that the Commission grant the thirty-day extension on the initial comments and thirty days to prepare and file reply comments.

Ohio Adm. Code 4901-1-12(C) allows for the Commission to rule on an expedited basis. The timing of the comment schedule, which currently calls for Initial Comments to be filed by January 30, 2013, warrants such an expedited ruling.

For the good cause set forth above, the Joint Movants request that the Commission grant an extension of the procedural schedule in the above-referenced proceeding, whereby Initial Comments will be due on or before March 1, 2013, and Reply Comments will be due on or before April 1, 2013. The Joint Movants further request that this Commission rule on an expedited basis.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion has been served upon the below-named persons via electronic service this 24th day of December, 2012.

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Summary: Motion Joint Motion for Extensions of Deadlines for Initial and Reply Comments and Request for an Expedited Ruling, by Industrial Energy Users-Ohio, Ohio Energy Group, Ohio Partners for Affordable Energy, Ohio Poverty Law Center, Northeast Ohio Public Energy Council and the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Grady, Maureen R. Ms.