

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Provide) Case No. 14-1297-EL-SSO
for a Standard Service Offer Pursuant to)
R.C. 4928.143 in the Form of An Electric)
Security Plan.)

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) are public utilities within the definition of R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.
- (2) On August 4, 2014, FirstEnergy filed an application for a standard service offer (SSO) pursuant to R.C. 4928.141. This application is for an electric security plan (ESP) in accordance with R.C. 4928.143 that will begin on June 1, 2016.
- (3) On November 25, 2014, Sierra Club filed a motion for a subpoena duces tecum directed to FirstEnergy Solutions Corp. (FES). Sierra Club sought various documents including revenue and cost projections for a power plant, communications regarding a proposed "power purchase agreement," and compliance assessments regarding several environmental regulations.
- (4) On December 1, 2014, PJM Power Providers Group (PJM) and Electric Power Supply Association (EPSA) filed a motion for a subpoena duces tecum requesting similar items from FES, including avoidable cost rates for two power plants for the last three base residual auctions, communications from the independent market monitor

regarding the avoidable cost rate, and the default cap or alternative cap for these power plants. On December 8, 2014, FES filed the following motions: a motion to quash the subpoena duces tecum of Sierra Club, a motion to quash the subpoena duces tecum of the PJM and EPSA, and a motion for protective order.

- (5) On October 31, 2014, the Ohio Consumers' Counsel (OCC) and the Northeast Ohio Public Energy Council (NOPEC) jointly filed a motion to compel discovery from FirstEnergy, alleging FirstEnergy had withheld certain discovery and was unwilling to agree to the terms of a reasonable protective agreement. On December 1, 2014, the attorney examiner issued an Entry that, inter alia, denied the motion to compel filed by OCC and NOPEC, but required FirstEnergy to modify its protective agreement. OCC and NOPEC filed a request for interlocutory appeal and an application for review regarding the attorney examiner's December 1, 2014 Entry.
- (6) In order to expeditiously resolve these pending motions, as well as any other procedural matter, the attorney examiner finds it necessary to schedule a prehearing conference. At this conference, the parties are expected to be prepared to argue the issues presented in the pending motions. The conference will be transcribed. Accordingly, a prehearing conference shall be held on Thursday, December 18, 2014, at 2:00 p.m., at the offices of the Commission, Hearing Room 11A, 180 East Broad Street, Columbus, Ohio 43215. Parties should submit any memoranda contra the pending motions by Monday, December 15, 2014. Pursuant to Ohio Adm.Code 4901-1-12, the attorney examiner finds that the motions should be addressed as an expedited ruling. Therefore, replies will not be considered.

It is, therefore,

ORDERED, That a prehearing conference be scheduled, in accordance with finding (6). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy Chiles

By: Mandy W. Chiles
Attorney Examiner

JRJ/sc

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in

Case No(s). 14-1297-EL-SSO

Summary: Attorney Examiner Entry scheduling a prehearing conference for Thursday, 12/18/2014 to resolve pending motions and other procedural matters. - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio