

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 ) Case No. 14-1297-EL-SSO  
Authority to Provide 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 as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.
- (2) On August 4, 2014, FirstEnergy filed an application pursuant to R.C. 4928.141 to provide for a standard service offer (SSO) to provide generation pricing for the period of June 1, 2016, through May 31, 2019. The application is for an electric security plan (ESP), in accordance with R.C. 4928.143.
- (3) By Entry issued August 29, 2014, the attorney examiner established a procedural schedule. Thereafter, by Entries issued October 6, 2014, and December 1, 2014, the attorney examiner modified the procedural schedule following collective motions filed by multiple parties. According to those modifications, the prehearing conference was set to take place on January 16, 2015, and the hearing was set to convene on January 28, 2015.
- (4) On December 22, 2014, FirstEnergy filed a stipulation and recommendation, recommending improvements to FirstEnergy's ESP, which has been submitted for Commission review in this proceeding.
- (5) The parties to the stipulation in support include: Ohio Power Company, Ohio Energy Group, City of Akron, Council of Smaller Enterprises, Cleveland Housing Network,

Consumer Protection Association, Council for Economic Opportunities in Greater Cleveland, Citizens Coalition, Nucor Steel Marion, Inc., Material Science Corp., Association of Independent Colleges and Universities of Ohio (AICUO), and the International Brotherhood of Electrical Workers, Local 245.

- (6) A prehearing conference was held on December 18, 2014, to address pending discovery issues. A second prehearing conference was held on December 30, 2014, to discuss additional outstanding discovery issues. Further, at the December 30, 2014 conference, many parties expressed concerns that, given the filing of the stipulation, the existing procedural schedule would not allow sufficient time for discovery on the new information, preparation of supplemental testimony, and taking of depositions.
- (7) In light of the stipulation and the various concerns raised by parties at the December 30, 2014 prehearing conference regarding the current procedural schedule, the attorney examiner finds that amending the procedural schedule at this time is reasonable. In order to afford the parties sufficient time to submit additional discovery requests, review testimony, and depose witnesses, the attorney examiner submits the following procedural schedule:
  - (a) Discovery requests regarding the stipulation, except for notices of deposition, should be served by February 13, 2015.
  - (b) Testimony on behalf of FirstEnergy should be filed by January 21, 2015.
  - (c) Testimony on behalf of the interveners should be filed by February 5, 2015.
  - (d) Testimony on behalf of the Staff should be filed by February 18, 2015.
  - (e) A prehearing conference shall be scheduled for February 18, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.

- (f) The evidentiary hearing shall convene on February 24, 2015, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-A, Columbus, Ohio.
- (8) Further, the attorney examiner finds that the response time for discovery should be shortened to 10 days for all discovery served after the issuance of this Entry. Discovery requests and replies shall be served by hand delivery, e-mail or facsimile (unless otherwise agreed by the parties). An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming (unless otherwise agreed by the parties). To the extent that a party has difficulty responding to a particular discovery request within the 10-day period, counsel for the parties should discuss the problem and work out a mutually satisfactory solution.
- (9) Finally, the attorney examiner notes that, pursuant to Ohio Adm.Code 4901-1-26(A)(3), parties attending the prehearing conference scheduled for February 18, 2015, shall be prepared to identify any witness that will testify in the evidentiary hearing, provide the subject matter of any witness testimony, and indicate dates on which the witness is unavailable to testify.

It is, therefore,

ORDERED, That, the modified procedural schedule set forth in Finding (7) be observed by the parties. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Gregory Price

By: Gregory A. Price  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**in**

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

Summary: Attorney Examiner Entry ordering parties to observe the modified procedural schedule set forth in Finding (7). - electronically filed by Sandra Coffey on behalf of Gregory Price, Attorney Examiner, Public Utilities Commission of Ohio