

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the Ohio)
Development Services Agency for an Order)
Approving Adjustments to the Universal) Case No. 15-1046-EL-USF
Service Fund Riders of Jurisdictional Ohio)
Electric Distribution Utilities.)

ENTRY

The attorney examiner finds:

- (1) On May 29, 2015, the Ohio Development Services Agency (ODSA) filed a notice of intent (NOI) to file an application to adjust the Universal Service Fund (USF) riders of all Ohio jurisdictional electric distribution utilities, in accordance with R.C. 4928.52.
- (2) By Entry issued June 9, 2015, as amended on July 24, 2015, a procedural schedule was established for the NOI phase of this USF proceeding and all Ohio jurisdictional electric distribution utilities were joined as indispensable parties. The June 9, 2015 Entry scheduled an evidentiary hearing to commence on August 19, 2015, with briefs due August 26, 2015, and reply briefs due September 2, 2015.
- (3) On August 3, 2015, ODSA, Industrial Energy Users-Ohio, Dayton Power & Light Company, Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company filed a Joint Stipulation and Recommendation (Stipulation) to resolve the issues raised in the NOI application. Ohio Power Company (OP) and Ohio Partners for Affordable Energy oppose provisions of the NOI application and the Stipulation. Other parties to the proceeding, Ohio Consumers' Counsel, Duke Energy of Ohio, and Staff, did not join the Stipulation and, to date, have not taken a position on the Stipulation.
- (4) The evidentiary hearing commenced on August 19, 2015. At the hearing, ODSA requested and was granted an opportunity to file rebuttal testimony on the bargaining that had taken place between ODSA and OP. ODSA's rebuttal testimony was due by August 24, 2015.
- (5) By Entry issued August 20, 2015, the due date for rebuttal testimony was confirmed and the hearing was scheduled to

reconvene on August 27, 2015, at 1:00 p.m., at the offices of the Commission.

- (6) On August 24, 2015, ODSA and OP filed a joint expedited motion to adopt stipulated facts and a revision to the process. ODSA and OP aver that the testimony due August 24, 2015, relates to the first prong of the Commission's evaluation of a Stipulation, whether the Stipulation is the product of serious bargaining among capable, knowledge parties. In lieu of filing rebuttal testimony and reconvening the hearing, ODSA and OP request that the Commission adopt the facts as set forth in their joint motion. As part of the joint stipulation of facts and process, OP agrees not to challenge the "serious bargaining" prong of the three-part test the Commission uses to evaluate stipulations. Finally, ODSA and OP request that a new briefing schedule be established. ODSA and OP assert that the issue to be addressed on rebuttal pertains to issues raised by OP and involve only ODSA. Therefore, according to ODSA and OP, granting this motion on an expedited basis will not adversely affect the rights of any other party to this proceeding.
- (7) The attorney examiner finds ODSA's and OP's motion to be a reasonable alternative to the filing of rebuttal testimony and the continuance of the hearing. Accordingly, the hearing scheduled for August 27, 2015, is cancelled. Further, initial briefs shall be due by September 2, 2015, and reply briefs shall be due by September 9, 2015.

It is, therefore,

ORDERED, That the continuation of the evidentiary hearing scheduled for August 27, 2015, is cancelled. It is, further,

ORDERED, That initial briefs shall be due by September 2, 2015, and reply briefs shall be due by September 9, 2015. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Greta See

By: Greta See
Attorney Examiner

JRJ/dah

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in

Case No(s). 15-1046-EL-USF

Summary: Attorney Examiner Entry that the continuation of the evidentiary hearing scheduled for August 27, 2015, is cancelled; and that initial briefs shall be due by September 2, 2015, and reply briefs shall be due by September 9, 2015; electronically filed by Debra Hight on behalf of Greta See, Attorney Examiner.