

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 electric distribution utilities as defined in R.C. 4928.01(A)(6) and public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.
- (2) R.C. 4928.141 provides that an electric distribution utility shall provide customers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.
- (3) On August 4, 2014, FirstEnergy filed an application pursuant to R.C. 4928.141 to provide for an SSO to provide generation pricing for the period of June 1, 2016, through May 31, 2019. The application is for an ESP, in accordance with R.C. 4928.143.
- (4) The case proceeded to hearing on August 31, 2015, and concluded on October 29, 2015. A large portion of the hearing was conducted in a closed, confidential session due to the discussion of information claimed to be confidential trade secret information.

- (5) On September 30, 2015, the attorney examiner issued an Entry in this case which allowed certain enumerated parties to access and/or copy any part of the confidential and/or competitively sensitive confidential portion of the transcript, including confidential and/or competitively sensitive confidential exhibits.
- (6) The attorney examiner notes that the September 30 Entry did not consider that a small portion of the confidential and/or competitively sensitive information at issue belonged to Duke Energy Ohio (Duke). Several of the parties and individuals listed in the September 30 Entry have not executed confidentiality agreements or non-disclosure agreements with Duke.
- (7) Therefore, in order to guarantee the confidentiality of Duke's information, the attorney examiner finds that the following persons from the following intervening parties, FirstEnergy, Ohio Energy Group (OEG), Northwest Ohio Aggregation Coalition (NOAC), Ohio Power Co. (AEP Ohio), the Sierra Club, Interstate Gas Supply, Inc. (IGS), Industrial Energy Users of Ohio (IEU-Ohio), Ohio Hospital Association (OHA), Ohio Environmental Council (OEC), Environmental Defense Fund (EDF), Environmental Law and Policy Center (ELPC), Ohio Consumers' Counsel (OCC), Northeast Ohio Public Energy Council (NOPEC), PJM Power Providers Group (P3), Electric Power Supply Association (EPSA), Retail Energy Supply Association (RESA), and Ohio Manufacturers' Association Energy Group (OMAEG) may access and/or copy any part of the confidential and/or competitively sensitive confidential portion of the transcript pertaining to Duke's protected information contained in Volume VII of the transcript, which specifically includes pages 1373-1415, 1437-1447, 1467-1472, and the entirety of IGS Ex. 3 (Confidential):

Alexander, Trevor	FirstEnergy
Boehm, Kurt	OEG
Bojko, Kimberly	OMAEG
Borchers, Dylan	NOPEC
Cavicchi, Joseph	P3, EPSA
Champenois, Flora	Sierra Club
Cohn, Jody Kyler	OEG
Comings, Tyler	Sierra Club

Darr, Frank	IEU-Ohio
Dougherty, Trent	EDF, OEC
Fisk, Shannon	Sierra Club
Fleisher, Madeleine	ELPC
Hays, Tom	NOAC
Hixon, Beth	OCC
Kalt, Joseph	P3, EPSA
Kumar, Ajay	OCC
Mallarnee, Patricia	OCC
McKenzie, Matthew	AEP Ohio
Mendoza, Tony	Sierra Club
Nourse, Steven	AEP Ohio
O'Brien, Tom	OHA
Oliker, Joseph	IGS
Petricoff, Howard	RESA, EPSA, P3
Petrucci, Gretchen	RESA, EPSA, P3
Sauer, Larry	OCC
Settineri, Mike	RESA, EPSA, P3
Sites, Richard	OHA
Slone, Gregory	OCC
Soules, Michael	Sierra Club
Stinson, Dane	NOPEC
Vallen, Marc	NOAC
Willis, Maureen	OCC

- (8) Individuals desiring to access and/or copy the confidential and/or competitively sensitive confidential portions of the transcript and exhibits should bring the confidential document target for the desired documents and should be prepared to provide appropriate identification to the Commission's Docketing Division.
- (9) Further, any questions or issues arising regarding this list should be directed to Duke's counsel, Jeanne Kingery and Amy Spiller.

It is, therefore,

ORDERED, That the persons listed in Finding (7) may access and copy any part of the confidential and/or competitively sensitive confidential portion of Volume VII of the transcript as it relates to Duke's confidential and proprietary information, which specifically includes pages 1373-1415, 1437-1447, 1467-1472, and the entirety of IGS Ex. 3. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Megan Addison

By: Megan J. Addison
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/4/2015 4:01:31 PM

in

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

Summary: Attorney Examiner Entry directs that persons listed in Finding (7) may access and copy any part of the confidential and/or competitively sensitive confidential portion of Volume VII of the transcript as it relates to Duke's confidential and proprietary information which specifically includes pages 1373-1415, 1437-1447, 1467-1472, and the entirety of IGS Ex. 3. - electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio