

**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	)	Case No. 14-1297-EL-SSO
Edison Company for Authority to Provide	)	
for a Standard Service Offer Pursuant to	)	
R.C. §4928.143 in the Form of an Electric	)	
Security Plan.	)	

---

**JOINT REPLY OF THE PJM POWER PROVIDERS GROUP  
AND THE ELECTRIC POWER SUPPLY ASSOCIATION  
IN SUPPORT OF THEIR JOINT MOTION TO STRIKE  
FIRSTENERGY'S MAY 4, 2016 CORRESPONDENCE**

---

The PJM Power Providers Group (“P3”)<sup>1</sup> and the Electric Power Supply Association (“EPSA”)<sup>2</sup> filed a motion to strike the correspondence filed on May 4, 2016, by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively “FirstEnergy”) because FirstEnergy’s letter was an improper supplement to its memorandum in support of its application for rehearing. FirstEnergy denies that its letter was improper, even though FirstEnergy was the party that wrote, signed and filed the letter to support its new rider proposal.

---

<sup>1</sup> P3 is a non-profit organization whose members are energy providers in the PJM Interconnection LLC (“PJM”) region, conduct business in the PJM balancing authority area, and are signatories to various PJM agreements. Altogether, P3 members own over 84,000 megawatts (“MWs”) of generation assets, produce enough power to supply over 20 million homes, and employ over 40,000 people in the PJM region, representing 13 states and the District of Columbia. This joint reply does not necessarily reflect the specific views of any particular member of P3 with respect to any argument or issue, but collectively presents P3’s positions.

<sup>2</sup> EPSA is a national trade association representing leading competitive power suppliers, including generators and marketers. Competitive suppliers, which collectively account for 40 percent of the installed generating capacity in the United States, provide reliable and competitively priced electricity from environmentally responsible facilities. EPSA seeks to bring the benefits of competition to all power customers. This joint reply does not necessarily reflect the specific views of any particular member of EPSA with respect to any argument or issue, but collectively presents EPSA’s positions.

FirstEnergy claims in its memorandum contra that the letter *only* confirms the position of the Signatory Parties who needed additional time to review FirstEnergy's proposal.<sup>3</sup> If so, the letter should have been signed and filed by the "Signatory Parties" and not FirstEnergy. FirstEnergy also claims that it only "reiterated certain information" in the letter and that the letter merely "explained" that the "Signatory Parties agreed with the Companies' position."<sup>4</sup> FirstEnergy, however, did much more than "reiterate" in the letter. It used the letter to (incorrectly) characterize its new rider proposal as a "narrow change" and "modest modification" as well as to claim the record was "replete with supporting evidence" for its new proposal.<sup>5</sup>

FirstEnergy cannot and has not pointed to any statutory or administrative authority for its rehearing supplement. Nothing in Ohio Revised Code Section 4903.10 allows a party to supplement an application for rehearing after the statutory period for rehearing has passed. Nothing in Ohio Administrative Code Rule 4901-1-35 allows FirstEnergy to supplement its memorandum in support after the 30-day rehearing period. As P3/EPSC argued in their motion to strike, it is irrelevant that FirstEnergy claims to speak on behalf of the "Signatory Parties." FirstEnergy wrote the letter and filed the letter with the sole purpose of supporting *its* application for rehearing and *its* new rider proposal.

---

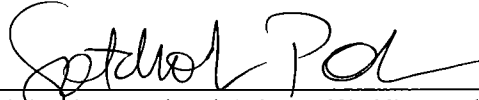
<sup>3</sup> FirstEnergy Memorandum Contra at 2.

<sup>4</sup> *Id.*

<sup>5</sup> See May 4, 2016 correspondence filed by FirstEnergy at 1.

The Commission should strike FirstEnergy's May 4, 2016 correspondence as an unauthorized supplement to FirstEnergy's May 2, 2016 memorandum in support of its application for rehearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Settineri", written over a horizontal line.

Michael J. Settineri (0073369) (Counsel of Record)

Gretchen L. Petrucci (0046608)

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

P.O. Box 1008

Columbus, OH 43216-1008

614-464-5462

614-719-5146 (fax)

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)

*Attorneys for the PJM Power Providers Group and  
the Electric Power Supply Association*

## CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 26th day of May 2016.

  
Gretchen L. Petrucci

[burkj@firstenergycorp.com](mailto:burkj@firstenergycorp.com)  
[cdunn@firstenergycorp.com](mailto:cdunn@firstenergycorp.com)  
[jang@calfee.com](mailto:jang@calfee.com)  
[talaxander@calfee.com](mailto:talaxander@calfee.com)  
[dakutik@jonesday.com](mailto:dakutik@jonesday.com)  
[cmooney@ohiopartners.org](mailto:cmooney@ohiopartners.org)  
[drinebolt@ohiopartners.org](mailto:drinebolt@ohiopartners.org)  
[tdoughtery@theoec.org](mailto:tdoughtery@theoec.org)  
[ghull@eckertseamans.com](mailto:ghull@eckertseamans.com)  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[fdarr@mwncmh.com](mailto:fdarr@mwncmh.com)  
[mpritchard@mwncmh.com](mailto:mpritchard@mwncmh.com)  
[mkurtz@BKLlawfirm.com](mailto:mkurtz@BKLlawfirm.com)  
[kboehm@BKLlawfirm.com](mailto:kboehm@BKLlawfirm.com)  
[jkylercohn@BKLlawfirm.com](mailto:jkylercohn@BKLlawfirm.com)  
[larry.sauer@occ.ohio.gov](mailto:larry.sauer@occ.ohio.gov)  
[Maureen.willis@occ.ohio.gov](mailto:Maureen.willis@occ.ohio.gov)  
[joliker@igsenergy.com](mailto:joliker@igsenergy.com)  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)  
[ricks@ohanet.org](mailto:ricks@ohanet.org)  
[stnourse@aep.com](mailto:stnourse@aep.com)  
[mjsatterwhite@aep.com](mailto:mjsatterwhite@aep.com)  
[yalami@aep.com](mailto:yalami@aep.com)  
[jfinnigan@edf.org](mailto:jfinnigan@edf.org)  
[wtpmlc@aol.com](mailto:wtpmlc@aol.com)  
[mkl@smxblaw.com](mailto:mkl@smxblaw.com)  
[gas@smxblaw.com](mailto:gas@smxblaw.com)  
[lhawrot@spilmanlaw.com](mailto:lhawrot@spilmanlaw.com)

[dwilliamson@spilmanlaw.com](mailto:dwilliamson@spilmanlaw.com)  
[meissnerjoseph@yahoo.com](mailto:meissnerjoseph@yahoo.com)  
[trhayslaw@gmail.com](mailto:trhayslaw@gmail.com)  
[lesliekovacic@toledo.oh.gov](mailto:lesliekovacic@toledo.oh.gov)  
[cynthia.brady@exeloncorp.com](mailto:cynthia.brady@exeloncorp.com)  
[david.fein@exeloncorp.com](mailto:david.fein@exeloncorp.com)  
[lael.campbell@exeloncorp.com](mailto:lael.campbell@exeloncorp.com)  
[christopher.miller@icemiller.com](mailto:christopher.miller@icemiller.com)  
[gregory.dunn@icemiller.com](mailto:gregory.dunn@icemiller.com)  
[jeremy.grayem@icemiller.com](mailto:jeremy.grayem@icemiller.com)  
[BarthRoyer@aol.com](mailto:BarthRoyer@aol.com)  
[athompson@taftlaw.com](mailto:athompson@taftlaw.com)  
[Marilyn@wflawfirm.com](mailto:Marilyn@wflawfirm.com)  
[blanghenry@city.cleveland.oh.us](mailto:blanghenry@city.cleveland.oh.us)  
[hmadorsky@city.cleveland.oh.us](mailto:hmadorsky@city.cleveland.oh.us)  
[kryan@city.cleveland.oh.us](mailto:kryan@city.cleveland.oh.us)  
[bojko@carpenterlipps.com](mailto:bojko@carpenterlipps.com)  
[gkrassen@bricker.com](mailto:gkrassen@bricker.com)  
[dstinson@bricker.com](mailto:dstinson@bricker.com)  
[dborchers@bricker.com](mailto:dborchers@bricker.com)  
[mkimbrough@keglerbrown.com](mailto:mkimbrough@keglerbrown.com)  
[mfleisher@elpc.org](mailto:mfleisher@elpc.org)  
[matt@matthewcoxlaw.com](mailto:matt@matthewcoxlaw.com)  
[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)  
[jeffrey.mayes@monitoringanalytics.com](mailto:jeffrey.mayes@monitoringanalytics.com)  
[twilliams@snhslaw.com](mailto:twilliams@snhslaw.com)  
[sechler@carpenterlipps.com](mailto:sechler@carpenterlipps.com)  
[gpoulos@enernoc.com](mailto:gpoulos@enernoc.com)

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)  
[glpetrucci@vorys.com](mailto:glpetrucci@vorys.com)  
[thomas.mcnamee@ohioattorneygeneral.gov](mailto:thomas.mcnamee@ohioattorneygeneral.gov)  
[thomas.lindgren@ohioattorneygeneral.gov](mailto:thomas.lindgren@ohioattorneygeneral.gov)  
[sfisk@earthjustice.org](mailto:sfisk@earthjustice.org)  
[msoules@earthjustice.org](mailto:msoules@earthjustice.org)  
[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)  
[laurac@chappelleconsulting.net](mailto:laurac@chappelleconsulting.net)  
[gthomas@gtpowergroup.com](mailto:gthomas@gtpowergroup.com)  
[stheodore@epsa.org](mailto:stheodore@epsa.org)  
[mdortch@kravitzllc.com](mailto:mdortch@kravitzllc.com)  
[rparsons@kravitzllc.com](mailto:rparsons@kravitzllc.com)  
[dparram@taftlaw.com](mailto:dparram@taftlaw.com)  
[charris@spilmanlaw.com](mailto:charris@spilmanlaw.com)  
[dwolff@crowell.com](mailto:dwolff@crowell.com)  
[rlehfeldt@crowell.com](mailto:rlehfeldt@crowell.com)  
[dfolk@akronohio.gov](mailto:dfolk@akronohio.gov)  
[Kevin.moore@occ.ohio.gov](mailto:Kevin.moore@occ.ohio.gov)  
[William.michael@oc.ohio.gov](mailto:William.michael@oc.ohio.gov)  
[rsahli@columbus.rr.com](mailto:rsahli@columbus.rr.com)  
[ajay.kumar@occ.ohio.gov](mailto:ajay.kumar@occ.ohio.gov)  
[callwein@keglerbrown.com](mailto:callwein@keglerbrown.com)  
[mkimbrough@keglerbrown.com](mailto:mkimbrough@keglerbrown.com)  
[ghiloni@carpenterlipps.com](mailto:ghiloni@carpenterlipps.com)  
[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)  
[rkelter@elpc.org](mailto:rkelter@elpc.org)  
[mwarnock@bricker.com](mailto:mwarnock@bricker.com)

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

**Commission of Ohio Docketing Information System on**

**5/26/2016 4:17:57 PM**

**in**

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

Summary: Reply Joint Reply of the PJM Power Providers Group and the Electric Power Supply Association in Support of their Joint Motion to Strike FirstEnergy's May 4, 2016 Correspondence electronically filed by Mrs. Gretchen L. Petrucci on behalf of PJM Power Providers Group and Electric Power Supply Association