

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF THE
NORTHEAST OHIO PUBLIC ENERGY COUNCIL
FOR A WAIVER OF OHIO ADM.CODE 4901:1-
21-17(F).

CASE NO. 16-2177-EL-WVR

ENTRY

Entered in the Journal on November 9, 2016

I. SUMMARY

{¶ 1} The Commission grants NOPEC's application for a limited waiver of Ohio Adm.Code 4901:1-21-17(F).

II. DISCUSSION

{¶ 2} On November 4, 2016, the Northeast Ohio Public Energy Council (NOPEC) filed an application for a limited waiver of Ohio Adm.Code 4901:1-21-17(F), which requires a governmental aggregator to file opt-out notices no more than thirty, but no less than ten, days prior to sending them to customers. This rule also requires the notices include the beginning and end dates of the twenty-one day opt-out period and the identification of the selected CRES provider.

{¶ 3} In its application, NOPEC explains that NOPEC entered into an agreement (Master Agreement), effective January 1, 2010, for FirstEnergy Solutions (FES) to supply electric service to its aggregation program through December 31, 2019. NOPEC also states that FES was identified as the supplier for NOPEC's upcoming three-year aggregation program, as NOPEC indicated when it filed its most recently required opt-out notification materials. *In re NOPEC*, Case No. 00-2317-EL-GAG (Oct. 12, 2016). However, NOPEC asserts that, on October 28, 2016, FES notified NOPEC that it was terminating the Master Agreement effective January 1, 2017. As a result, NOPEC explains that a large number of its customers may be returned to the standard service offer (SSO) of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison

Company, which may lead to customer confusion and frustration. In an effort to avoid this confusion, NOPEC states it has entered into negotiations with other competitive retail electric service (CRES) providers and may have a supplier in place to serve its members by January 1, 2017.

{¶ 4} In order to provide a smooth transition when enrolling its customers in the new program, NOPEC requests a limited, one-time waiver of Ohio Adm.Code 4901:1-21-17(F). Instead, NOPEC proposes to file its opt-out notice for Staff's review one day prior to mailing the notice to its eligible customers. In support of its request, NOPEC asserts that it is familiar with the Commission's regulatory requirements and has worked with Staff for over 15 years regarding the review of its opt-out notices for both the electric and natural gas markets in Ohio. Moreover, NOPEC adds that the product to be offered in its next aggregation program will likely be substantially similar to NOPEC's other product offerings.

{¶ 5} Additionally, NOPEC requests an expedited ruling on its application for a waiver, pursuant to Ohio Adm.Code 4901-1-12(F), arguing that no other parties are involved with this request and the request itself does not affect any substantial customer rights.


{¶ 6} Ohio Adm.Code 4901:1-21-02 allows the Commission, upon an application or motion by a party, to waive any requirement of Ohio Adm.Code Chapter 4901:1-21, for good cause. As NOPEC has argued, waiver of this requirement would assist NOPEC in providing a more efficient transition for its customers to the new aggregation program. The Commission finds that, due to these unique circumstances, good cause exists for waiver of Ohio Adm.Code 4901:1-21-17(F). The Commission stresses that the waiver extends only to the requirement that NOPEC's proposed opt-out notices be docketed 10 days prior to their mailing, and that NOPEC must comply with all other requirements imposed by Title 49 of the Revised Code and the Commission's rules and regulations.

{¶ 7} It is, therefore,

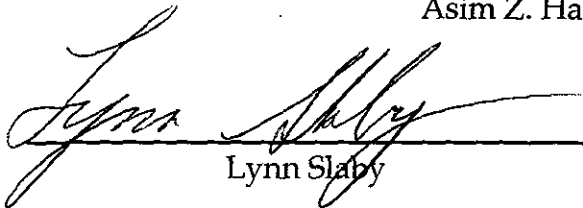
{¶ 8} ORDERED, That NOPEC be granted a limited waiver of Ohio Adm.Code 4901:1-21-17(F), consistent with Paragraph 6 above. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson




M. Howard Petricoff

MJA/vrm

Entered in the Journal

NOV 09 2018



Barcy F. McNeal
Secretary