

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE JOINT APPLICATION  
OF NEXTERA ENERGY SERVICES OHIO, LLC,  
AND THE NORTHEAST OHIO PUBLIC ENERGY  
COUNCIL FOR A WAIVER OF OHIO ADM.CODE  
4901:1-10-29(F)(1).

CASE NO. 16-2252-EL-WVR

### ENTRY

Entered in the Journal on December 7, 2016

#### I. SUMMARY

{¶ 1} The Commission grants the joint application of NextEra Energy Services Ohio, LLC and the Northeast Ohio Public Energy Council for a limited waiver of Ohio Adm.Code 4901:1-10-29(F)(1).

#### II. DISCUSSION

{¶ 2} On November 23, 2016, NextEra Energy Services Ohio, LLC (NextEra) and the Northeast Ohio Public Energy Council (NOPEC) jointly filed an application for a limited waiver of Ohio Adm.Code 4901:1-10-29(F)(1), which requires an electric utility to send a notification to a customer upon receipt of that customer's request to enroll with a competitive retail electric service (CRES) provider, offering information regarding that customer's ability to rescind his or her decision to enroll within seven days from the postmark date on the notice.

{¶ 3} In its application, NextEra and NOPEC explain that after NOPEC's current CRES provider unexpectedly terminated its contract, NextEra and NOPEC entered into a new service agreement, effective January 1, 2017, for NextEra to supply electric service to NOPEC's aggregation program. Although both parties have been working to ensure electric aggregation will be in place by January 1, 2017, NOPEC and NextEra believe that the required confirmation letters may jeopardize the transition being completed on time and cause confusion for existing NOPEC aggregation participants who will have received opt-out letters and who previously received a termination letter from the prior CRES supplier.

{¶ 4} In order to provide a smooth transition when enrolling its customers in the new program, and to avoid confusion caused by the confirmation letter process, NextEra and NOPEC request a limited, one-time waiver of Ohio Adm.Code 4901:1-10-29(F)(1) for the existing NOPEC aggregation participants. In support of their request, NextEra and NOPEC assert that the waiver will avoid the timing delay the confirmation letter process would create for current aggregation participants, as well as minimize the risk of confusing current participants or requiring them to temporarily take service from the standard service offer before participating in the new aggregation program. Additionally, NextEra and NOPEC state that current participants will not be penalized in the event they choose to leave the new program after initially enrolling. Moreover, NextEra and NOPEC add that Ohio Edison Company and The Cleveland Electric Illuminating Company do not oppose the waiver request.

{¶ 5} Additionally, NextEra and NOPEC request an expedited ruling on its application for a waiver, pursuant to Ohio Adm.Code 4901-1-12(F), claiming that an extensive amount of work needs to be finished in the remaining weeks of 2016 in order to ensure that electric aggregation will be in place by January 1, 2017.

{¶ 6} The application filed by NextEra and NOPEC is supported by correspondence filed by Ohio Consumers' Counsel (OCC) on November 23, 2016. OCC notes that waiver of the rule will allow for a more seamless transition for current aggregation participants who wish to continue to participate in the new aggregation program. OCC also emphasizes that, according to the joint application, customers will not be penalized for terminating service early.

{¶ 7} Ohio Adm.Code 4901:1-10-02 allows the Commission, upon an application or motion by a party, to waive any requirement of Ohio Adm.Code Chapter 4901:1-10, for good cause shown. As NextEra and NOPEC have 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 and the fact that no interested parties seem to oppose the request, good cause exists for waiver of Ohio Adm.Code

4901:1-10-29(F)(1) for NOPEC's existing aggregation customers. The Commission stresses that the waiver only applies to the extent designated in this Entry, and that NextEra and NOPEC must comply with all other requirements imposed by Title 49 of the Revised Code and the Commission's rules and regulations. The Commission would like to emphasize, for instance, that this waiver request will not affect a customer's ability to opt out of the new program, there will be no applicable cancellation fees in the event aggregation participants later cancel their enrollment with the new program, and that new aggregation participants will still be entitled to a confirmation letter.

### III. ORDER

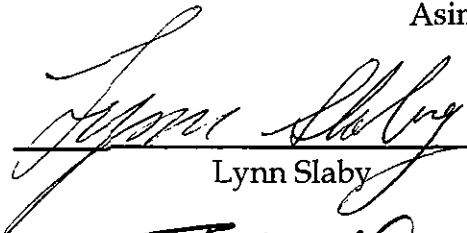
{¶ 8} It is, therefore,

{¶ 9} ORDERED, That NextEra and NOPEC be granted a limited waiver of Ohio Adm.Code 4901:1-10-29(F)(1), consistent with Paragraph 7 above. It is, further,

{¶ 10} 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/sc

Entered in the Journal DEC 07 2016

  
Barcy F. McNeal  
Secretary