



ENVIRONMENTAL LAW & POLICY CENTER

Protecting the Midwest's Environment and Natural Heritage

November 15, 2018

Via electronic filing

Ms. Barcy F. McNeal
Docketing Division Chief
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: PUCO Case Nos. 16-481-EL-UNC *et al.*, *In the Matter of the Filing by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company of a Grid Modernization Business Plan*

Dear Ms. McNeal:

The Environmental Law & Policy Center (“ELPC”) submits this correspondence in response to the Stipulation and Recommendation (“Stipulation”) filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (“FirstEnergy” or “Companies”) in the above-captioned cases on November 9, 2018. In that Stipulation, FirstEnergy and the other signatory parties requested that the Public Utilities Commission of Ohio (“Commission”) act on the Stipulation by December 31, 2018. Stipulation at 7.

This Stipulation proposes at least \$655 million of spending by FirstEnergy over three years (\$516 million for capital costs and \$139 million for operations and maintenance costs), in what the Stipulation bills as a major step to move “the Commission’s PowerForward Roadmap forward for future grid modernization projects, innovative regulations and forward-thinking policies for the benefit of customers.” Stipulation at 2-3. These significant expenditures include entirely new elements beyond those described in FirstEnergy’s initial filings in Case Nos. 16-481-EL-UNC and 17-2436-EL-UNC, among them a deployment of 700,000 smart meters not included in the previous plans. The proposed Stipulation is also accompanied by a new and different analysis of the projected costs and benefits for customers, with little underlying detail. See Stipulation Attachment B.

Generally, when a utility files a proposal to undertake major spending on this scale, the proposal contains a detailed analysis of every element of the spending. Such a detailed proposal allows for the proper review and inquiry through discovery requests and depositions to determine if the proposal meets the utility’s burden of proof justifying the spending. In this case, the Stipulation

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contains no such detail, leaving parties with an even greater need for discovery followed by sufficient time to analyze the responses. Moreover, to the extent any relevant information is included in FirstEnergy's previous grid modernization filings from one year and 20 months ago respectively, that information may now be stale.

Given the significant new costs contemplated in the Stipulation, and the fact that this is the first "test case" aimed at carrying out the Commission's PowerForward Roadmap, ELPC believes a fast-track procedural schedule aiming toward a final decision in just 52 days would not provide adequate due process. ELPC therefore seeks a scheduling conference for all parties to share their views regarding a reasonable timeline for exploring the merits and potential flaws of the proposed Stipulation.

Sincerely,

/s/ Madeline Fleisher

Madeline Fleisher

Environmental Law & Policy Center

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cc: Service List, Case Nos. 16-481-EL-UNC et al.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Correspondence submitted on behalf of the Environmental Law & Policy Center was served by electronic mail, upon all Parties of Record, on November 15, 2018.

/s/ Madeline Fleisher

Madeline Fleisher

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-2436-EL-UNC, 16-0481-EL-UNC, 18-1604-EL-UNC, 18-1656-EL-ATA

Summary: Correspondence Correspondence by the Environmental Law & Policy Center
Regarding Case Schedule electronically filed by Madeline Fleisher on behalf of
Environmental Law and Policy Center