

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF RETAIL ENERGY
SUPPLY ASSOCIATION,

COMPLAINANT,

v.

CASE NO. 18-736-EL-CSS

OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON
COMPANY,

RESPONDENTS.

ENTRY

Entered in the Journal on January 15, 2019

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities as defined in R.C. 4905.02 and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} On December 12, 2012, the Commission issued an Entry initiating an investigation into the health, strength, and vitality of Ohio's competitive retail electric service (CRES) market. *In re the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI (*CRES Market Investigation Case*). The investigation was intended to establish actions that the Commission can take to enhance the health, strength, and vitality of the CRES market. In the Entry initiating the investigation, the Commission presented a series of questions to stakeholders regarding market design and corporate separation as they impact the CRES market.

{¶ 4} On March 26, 2014, the Commission issued its Finding and Order in the *CRES Market Investigation Case*, adopting, in part, Staff's recommendations, with modifications. The Commission, in adopting one such recommendation, directed that each of the Ohio electric distribution utilities would be subject to an audit to ensure their compliance with R.C. 4928.17 and the Commission's corporate separation rules, as enumerated in Ohio Adm.Code Chapter 4901:1-37, as well as to further Ohio's policies pursuant to R.C. 4928.02. *CRES Market Investigation Case*, Finding and Order (Mar. 26, 2014) at 16-17. According to Staff's recommended audit schedule, FirstEnergy is the first electric distribution utility to undergo the prescribed audit.

{¶ 5} The audit of FirstEnergy's compliance with R.C. 4928.17 and the Commission's corporate separation rules was conducted and a final audit report was filed by Sage Management Consultants, LLC on May 14, 2018. An evidentiary hearing is scheduled to commence on January 17, 2019. *In re the Review of FirstEnergy's Compliance with R.C. 4928.17 and Ohio Adm.Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC, Entry (Dec. 14, 2018).

{¶ 6} On April 25, 2018, the Retail Energy Supply Association (RESA) filed a complaint in the above-captioned proceeding against the Companies, alleging that the Companies had violated several statutes and Commission rules pertaining to corporate separation requirements. R.C. 4928.02, 4928.17; Ohio Adm.Code Chapter 4901:1-37.

{¶ 7} The Companies filed an answer to the complaint on May 15, 2018, denying several of the allegations and asserting various affirmative defenses.

{¶ 8} In as much as RESA's allegations are the subject of the investigation in the audit described above, as reflected in RESA's submitted comments responding to the final audit report in that case, and in furtherance of administrative efficiency, the attorney examiner finds that this complaint proceeding should be stayed pending the outcome of Case No. 17-974-EL-UNC.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the complaint be stayed pending the outcome of Case No. 17-974-EL-UNC. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan Addison

By: Megan Addison
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

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1/15/2019 1:53:14 PM

in

Case No(s). 18-0736-EL-CSS

Summary: Attorney Examiner Entry ordering the complaint be stayed pending the outcome of Case No. 17-974-EL-UNC electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio