

## THE PUBLIC UTILITIES COMMISSION OF OHIO

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.

CASE NO. 16-481-EL-UNC

IN THE MATTER OF THE FILING BY OHIO  
EDISON COMPANY, THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY AND  
THE TOLEDO EDISON COMPANY  
APPLICATION FOR APPROVAL OF A  
DISTRIBUTION PLATFORM  
MODERNIZATION PLAN.

CASE NO. 17-2436-EL-UNC

IN THE MATTER OF THE APPLICATION OF  
OHIO EDISON COMPANY, THE  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY AND THE TOLEDO EDISON  
COMPANY TO IMPLEMENT MATTERS  
RELATING TO THE TAX CUTS AND JOBS  
ACT OF 2017.

CASE NO. 18-1604-EL-UNC

IN THE MATTER OF THE APPLICATION OF  
OHIO EDISON COMPANY, THE  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY AND THE TOLEDO EDISON  
COMPANY FOR APPROVAL OF A TARIFF  
CHANGE.

CASE NO. 18-1656-EL-ATA

### ENTRY

Entered in the Journal on January 22, 2019

{¶ 1} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are electric distribution utilities as defined in R.C. 4928.01(A)(6) and public utilities as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.141 provides that an electric distribution utility shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric service to customers, including a

firm supply of electric generation service. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 3} On March 31, 2016, in Case No. 14-1297-EL-SSO, the Commission approved FirstEnergy's application for its fourth ESP (*ESP IV*). *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and the Toledo Edison Co. for Authority to Provide for a Std. Serv. Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Elec. Security Plan*, Case No. 14-1297-EL-SSO, Opinion and Order (Mar. 31, 2016) (*ESP IV Case*). Moreover, on October 12, 2016, the Commission issued the Fifth Entry on Rehearing in the *ESP IV Case*, further modifying *ESP IV*. *ESP IV Case*, Fifth Entry on Rehearing (Oct. 12, 2016).

{¶ 4} Among other terms, *ESP IV* requires the Companies to undertake grid modernization initiatives that promote customer choice in Ohio and to file a grid modernization business plan. *ESP IV Case*, Opinion and Order at 22, 95-96. Accordingly, on February 29, 2016, the Companies filed a grid modernization plan with the Commission in Case No. 16-481-EL-UNC. Subsequently, in the Fifth Entry on Rehearing in the *ESP IV Case*, the Commission noted that we intended to undertake a detailed policy review of grid modernization and that FirstEnergy's grid modernization business plan would be addressed following such review. *ESP IV Case*, Fifth Entry on Rehearing at 96-97. The Commission commenced this detailed policy review, entitled *PowerForward*, in 2017, and, on August 29, 2018, the Commission released *PowerForward: A Roadmap to Ohio's Electricity Future*. On December 4, 2017, the Companies filed an application for approval of a distribution platform modernization plan in Case No. 17-2436-EL-UNC.

{¶ 5} On November 9, 2018, a Stipulation and Recommendation (Stipulation) was filed in Case No. 17-2436-EL-UNC, as well as Case Nos. 16-481-EL-UNC, 18-1656-EL-ATA and 18-1604-EL-UNC, recommending a resolution of all issues in each case. The Stipulation was signed by the Companies, Direct Energy Services, LLC and Direct Energy Business, LLC, Environmental Defense Fund, Ohio Energy Group, Industrial Energy Users-Ohio,

Ohio Cable Telecommunications Association, Ohio Hospital Association, Interstate Gas Supply, Inc., and Staff.

{¶ 6} On November 15, 2018, the attorney examiner issued an Entry consolidating the above-captioned cases and setting a procedural schedule, including deadlines for filing testimony in support and in opposition of the Stipulation.

{¶ 7} Thereafter, on January 18, 2019, the Ohio Consumers' Counsel (OCC) filed a motion requesting an extension of the deadline for filing testimony opposing the Stipulation in these cases. OCC claims that the parties are engaged in continuing settlement negotiations and a short, three-day extension of the deadline, to January 25, 2019, is warranted and may assist in finalizing settlement discussions. Further, OCC contends that the three-day extension will still allow for sufficient time to depose witnesses before the evidentiary hearing commences on February 4, 2019.

{¶ 8} FirstEnergy filed a memorandum contra OCC's motion requesting an extension to file testimony, suggesting instead that the attorney examiner grant a more reasonable one-day extension to accommodate OCC's concerns. FirstEnergy also claims that it hopes to file a supplemental stipulation and recommendation by January 22, 2019.

{¶ 9} Upon review, the attorney examiner finds OCC's motion for an extension of the deadline for filing testimony opposing the Stipulation to be reasonable and, therefore, should be granted, in part, and directs that such testimony be filed by 12:00 p.m. on Friday, January 25, 2019. The attorney examiner agrees that this short extension is warranted given the continued settlement efforts and will allow parties sufficient time to execute depositions prior to the evidentiary hearing, which will commence as scheduled on February 4, 2019.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That OCC's motion for an extension to file testimony in opposition of the Stipulation be granted, in part. It is, further,

{¶ 12} ORDERED, That testimony in opposition to the Stipulation be filed no later than 12:00 p.m. on Friday, January 25, 2019. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Megan J. Addison

By: Megan J. Addison  
Attorney Examiner

JRJ/mef

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

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

Summary: Attorney Examiner Entry extending the deadline to file testimony in opposition to the Stipulation to 1/25/19 at 12:00pm electronically filed by Ms. Mary E Fischer on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio