

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	Case No. 19-363-EL-WVR
Illuminating Company, and The Toledo)	
Edison Company for a Waiver of Rule)	
4901:1-39-04.)	

**MOTION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY
FOR WAIVER AND REQUEST FOR EXPEDITED RULING**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the “Companies”) respectfully request a waiver of the September 1, 2019 filing date to submit new energy efficiency and peak demand reduction (“EE/PDR”) portfolio plans.¹ Newly-enacted Am. Sub. H.B. 6 (“HB 6”), which is scheduled to go into effect on October 22, 2019, directs the Commission to extend the Companies’ existing EE/PDR plans, with a proportional budget increase, through December 31, 2020. As a result, any plans the Companies file on September 1, 2019 will become moot several weeks later.

Therefore, in the interest of administrative efficiency, the Companies respectfully request that the Commission indefinitely suspend the filing requirement for the Companies’ new EE/PDR portfolio plans pending future Commission action under HB 6. In the alternative, if the Commission elects to set a new filing date, the Companies propose that it be extended to December 1, 2019, when, if necessary, the Companies would propose to file one-year plans that continue all terms and conditions of the existing plans, effective January 1, 2020 through December 31, 2020, with a proportional budget increase as provided in HB 6.

¹ The Attorney Examiner’s March 6, 2019 Entry in this proceeding established the September 1, 2019 filing date in light of the Commission’s adoption of amendments to its EE/PDR portfolio plan rules, which, among other things, contemplate the annual filing of EE/PDR portfolio plans on September 1.

The Companies further request that the Commission grant this application on an expedited basis so that the Companies have sufficient time to manage their filing requirements. Because no parties have intervened in this docket, no party objects to the issuance of an expedited ruling under O.A.C. 4901-1-12(C).

Respectfully submitted,

/s/ Robert M. Endris

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MEMORANDUM IN SUPPORT

I. THE ENACTMENT OF HB 6 PROVIDES GOOD CAUSE TO WAIVE THE SEPTEMBER 1 FILING REQUIREMENT

On November 21, 2017, the Commission approved the Companies' EE/PDR portfolio plans for the 2017-2019 plan period.² Under O.A.C. 4901:1-39-04(A), the Companies were required to file updated portfolio plans by April 15, 2019. That filing requirement was extended in this docket to September 1, 2019, and it has now effectively been preempted by the General Assembly. Under HB 6, which was enacted in mid-July and will become effective October 22, 2019, the Companies will no longer be subject to EE/PDR portfolio plan filing requirements. Rather, under HB 6, the Commission is directed to extend the Companies' existing EE/PDR portfolio plans through December 31, 2020, at which time they will terminate. Further, the Commission is required to increase the existing budget for the extended term of each plan to include an amount equal to the annual average of the approved budget for the 2017-2019 plan period.³

Thus, any updated EE/PDR portfolio plans filed by the Companies on September 1, 2019 will become moot on October 22, 2019. Time and resources spent preparing the plans for filing on September 1, and any time spent by the Commission and interested parties reviewing the plans, will have been wasted. Therefore, an indefinite waiver of the September 1, 2019 deadline is reasonable and appropriate given that HB 6, once it becomes effective, will dispense with the need for filing updated EE/PDR portfolio plans.

In the alternative, if the Commission does not believe that an indefinite waiver is the best approach, the Companies request that the filing requirement be extended until December 1, 2019.

² *In the Matter of the Application of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2017 through 2019*, Case No. 16-743-EL-POR, Opinion and Order, ¶¶ 12, 71 (Nov. 21, 2017).

³ See HB 6 Section 4928.66(F)(2), (3).

At that time, if a filing is necessary, the Companies' plan would be to make a filing consistent with the General Assembly's intent as expressed in HB 6; namely, the updated plans would continue all terms and conditions of the existing plans, effective January 1, 2020 through December 31, 2020, with a budget increase equal to the annual average of the 2017-19 approved budget. This alternative would enable the Companies to comply with the relevant provisions of the Commission's existing rules and the rule amendments pending in Case No. 12-2156-EL-ORD, as well as the intent of HB 6.

II. CONCLUSION

For the reasons set forth above, the Companies respectfully request that the Commission grant this Motion on an expedited basis by indefinitely waiving the September 1, 2019 filing requirement for updating the Companies' EE/PDR portfolio plans. In the alternative, the Companies request that the filing requirement be extended until no earlier than December 1, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that this Motion for Waiver and Request for Expedited Ruling was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 12th day of August, 2019.

/s/ Robert M. Endris
*One of the Attorneys for Ohio Edison
Company, The Cleveland Electric
Illuminating Company, and The Toledo
Edison Company*

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Case No(s). 19-0363-EL-WVR

Summary: Motion MOTION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY FOR WAIVER AND REQUEST FOR EXPEDITED RULING

electronically filed by Mr Robert M Endris on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company