

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Procurement of                    )  
Standard Service Offer Generation as Part        )  
of the Fourth Electric Security Plan for            )  
Customers of Ohio Edison Company, The            )  
Cleveland Electric Illuminating Company,        )  
and The Toledo Edison Company                    )

Case No. 16-776-EL-UNC

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**MOTION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY FOR  
LEAVE TO FILE COMMENTS *INSTANTER***

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Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (“Companies”) respectfully request leave to file comments to Staff’s March 13, 2020 Proposal and Recommendation (“Staff’s Proposal”)<sup>1</sup> *instanter*. For cause, the Companies state that they were not able to file their comments by the due date as a result of circumstances outside of their control, as explained in the attached Memorandum in Support, which is incorporated by reference.

Staff’s Proposal pertains to the Companies’ procurement of Standard Service Offer (“SSO”) generation on behalf of their customers. The Companies’ Comments will provide the Commission with valuable insight on the effects of modifications to the SSO product on the Companies and their customers. Therefore, the Companies must be permitted to comment upon Staff’s proposal and provide an alternative approach for establishing capacity cost for the Commission’s consideration. Granting the Companies’ Motion is in the interest of equity and will

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<sup>1</sup> Case Nos. 17-2391-EL-UNC, 17-0957-EL-UNC, 18-6000-EL-UNC, and 16-0776-EL-UNC (3/13/2020) Staff Proposal and Recommendation.

not prejudice any party or result in undue delay. Additional reasons in support of this Motion are contained in the attached Memorandum in Support.

WHEREFORE, for the foregoing reasons, the Companies respectfully request leave to submit their Comments *instanter* and are contemporaneously filing them.

Respectfully submitted,

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## MEMORANDUM IN SUPPORT

### I. BACKGROUND AND DISCUSSION

On the afternoon of March 13, 2020, Staff’s Proposal for a modified SSO product was filed in each electric distribution utility’s auction results docket,<sup>2</sup> including in this case – the Companies’ auction results docket. The Companies did not receive service of Staff’s Proposal. An April 6, 2020 Entry in this case found that “[i]n order to accomplish the review of Staff’s proposal and recommendation to modify the SSO auction products such that the capacity obligation is priced at \$0/MW-day and suppliers are made whole for all Reliability Pricing Model capacity costs incurred through a ‘pass-through’ charge, the attorney examiner opens this case for comment.”<sup>3</sup> The Entry established April 16, 2020 as the deadline for comments.<sup>4</sup> The Companies did not receive service of the April 6, 2020 Entry.

The Companies first learned of the comment deadline at approximately 5:00 p.m. on April 16, 2020 when counsel for IGS<sup>5</sup> served comments upon counsel for the Companies (and others) via email. The Companies promptly notified the Attorney Examiner that they had not received service of the Entry setting the comments deadline, and that they would seek leave to file comments as quickly as possible. In the intervening time, the Companies have reviewed and analyzed Staff’s Proposal and prepared their comments in response.

The Companies now request leave to submit their comments, *instanter*. Granting the Companies’ Motion will allow the Commission to accomplish the objective of conducting a full

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<sup>2</sup> Case Nos. 17-2391-EL-UNC, 17-0957-EL-UNC, 18-6000-EL-UNC, and 16-0776-EL-UNC (3/13/2020) Staff Proposal and Recommendation.

<sup>3</sup> Case No. 16-0776-EL-UNC (4/6/2020) Entry at ¶ 7.

<sup>4</sup> *Id.* at ¶ 9.

<sup>5</sup> The service email for the Joint Comments of IGS and Direct Energy is time-stamped 4:54 p.m. on April 16, 2020.

and fair review of Staff's Proposal for modifying the SSO auction products.<sup>6</sup> The Companies' Comments will provide the Commission with valuable insight on the effects of modifications to their SSO product. As explained in the Companies' Comments, the method of pricing capacity that the Commission chooses will influence the retail rate impacts on the Companies' customers. Also, more fundamentally, the Companies are legally responsible for procuring SSO supply through a competitive bid process, and the approach to pricing capacity can be disruptive to the Companies' auction process and results. Because the outcome of this issue will have a clear and direct impact upon the Companies and their customers that the Companies are uniquely positioned to describe for the record, the Companies must have the opportunity to provide their comments and propose an alternative approach for establishing capacity cost for the Commission's consideration. Granting the Companies' Motion is in the interest of equity and will not prejudice any party. Moreover, granting this Motion will not result in any delay in this proceeding, as the Companies seek leave to submit their comments *instanter*, and are contemporaneously filing them.

## II. CONCLUSION

For the foregoing reasons, the Commission should grant Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company leave to file their Comments in response to the March 13, 2020 Staff Proposal and Recommendation *instanter*.

Respectfully submitted,

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<sup>6</sup> See, e.g., (4/6/2020) Entry at ¶ 7.

*Attorney for Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The Toledo  
Edison Company*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Motion of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Leave to File Comments *Instante* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 8<sup>th</sup> day of May 2020. The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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

**Commission of Ohio Docketing Information System on**

**5/8/2020 4:41:50 PM**

**in**

**Case No(s). 16-0776-EL-UNC**

Summary: Motion Motion of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Leave to File Instanter electronically filed by Mr Robert M Endris on behalf of Ohio Edison Company and The Toledo Edison Company and The Cleveland Electric Illuminating Company