

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Procurement of Standard )  
Service Offer Generation for Customers of ) Case No. 17-2391-EL-UNC  
Ohio Power Company )

In the Matter of the Procurement of Standard )  
Service Offer Generation for Customers of ) Case No. 17-0957-EL-UNC  
the Dayton Power and Light Company )

In the Matter of the Procurement of Standard )  
Service Offer Generation for Customers of ) Case No. 18-6000-EL-UNC  
Duke Energy Ohio, Inc. )

In the Matter of the Procurement of Standard )  
Service Offer Generation as Part of the )  
Fourth Electric Security Plan for Customers ) Case No. 16-0776-EL-UNC  
of Ohio Edison Company, The Cleveland )  
Electric Illuminating Company, and The )  
Toledo Edison Company )

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**MOTION OF THE RETAIL ENERGY SUPPLY ASSOCIATION  
FOR LEAVE TO ENTER APPEARANCE ON REHEARING**

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R.C. 4903.10 allows “any party” who has appeared in a Commission proceeding to seek rehearing of “any order.” The Retail Energy Supply Association (RESA) has not previously appeared in this proceeding. Accordingly, RESA respectfully request an order granting leave to appear in this proceeding for purposes of rehearing, in accordance with R.C. 4903.10(A) and (B).

The Commission should grant leave to enter an appearance for rehearing if it finds: “(A) “The applicant's failure to enter an appearance prior to the entry upon the journal of the commission of the order complained of was due to just cause; and, (B) The interests of the applicant were not adequately considered in the proceeding.” Both findings should be made here.

RESA is comprised of a diverse group of retail suppliers, some of whom are affiliated with or own generation resources and some who do not. Some RESA members participate in electric utility standard service offer (SSO) auctions; others do not. Each member's interests are similar to the others but none are ever exact. RESA typically intervenes in cases where there is an alignment of interests among a sufficient number of members. This is not every case.

The July 15, 2020 Order is the end result of a process that started with the February 13, 2020 Entry in Duke Energy Ohio's ESP, Case No. 17-1263-EL-SSO. "[T]he Commission directed Staff to file a proposal for a modified product which contains capacity flow-through provisions since the uncertainty caused by FERC's order precludes the use of a more-traditional three-year auction product [.]"<sup>1</sup> RESA had no reason to believe that the proposal to modify the auction process would spill-over to the other EDUs until comments were solicited on May 15, 2020. IGS Energy—a RESA member—filed comments. These comments represent the positions of IGS, not RESA generally.

The July 15 Order adopts various parts of the commenters' proposals to arrive at a modified auction design. RESA could not have anticipated the model adopted in the Order before the Order was issued. The Order affects different RESA members in different ways. Now that the Commission's intentions are clear, the implications for RESA members are equally clear. RESA's position is set forth in the Application for Rehearing being filed contemporaneously with this motion.

RESA is joined in the Application for Rehearing by IGS, Direct Energy Business, LLC and Direct Energy Services, LLC (Direct). The interests of these co-applicants were considered in the proceeding, and those interests certainly overlap with those of RESA as a group. But neither the Commission nor the commenting parties explored the Commission's underlying authority to modify an

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<sup>1</sup> July 15, 2020 Order ¶4.

approved electric security plan (ESP). This is an important interest to RESA and it was not adequately considered in the proceeding.

While not required to consider whether granting this motion would prejudice any party, it is worth mentioning that this motion does not. IGS and Direct are parties to the proceeding and filed comments. They have joined the Application for Rehearing. The Commission will need to consider these rehearing arguments regardless of whether it grants RESA's motion to appear on rehearing.

For these reasons, the Commission should grant RESA's motion for leave to appear in this proceeding on rehearing.

Dated: August 14, 2020

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail this 14th day of August, 2020 to the following:

/s/ Lucas A. Fykes

One of the Attorneys for Retail Energy Supply Association

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Summary: Motion Motion for Leave to Enter Appearance electronically filed by Mr. Lucas A Fykes on behalf of Retail Energy Supply Association