

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Procurement of)	Case No. 16-776-EL-UNC
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.)	

In the Matter of the Procurement of)	Case No. 17-957-EL-UNC
Standard Service Offer Generation for)	
Customers of Dayton Power & Light)	
Company.)	

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

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

**JOINT MOTION FOR EXTENSION OF
OHIO POWER COMPANY, DUKE ENERGY OHIO, INC., OHIO EDISON COMPANY,
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, THE TOLEDO EDISON
COMPANY, AND THE DAYTON POWER AND LIGHT COMPANY,
AND REQUEST FOR EXPEDITED RULING**

Pursuant to Rules 4901-1-12(C) and 4901-1-13(A), Ohio Administrative Code (O.A.C.), Ohio Power Company (“AEP Ohio”), Duke Energy Ohio, Inc. (“Duke Energy Ohio”), Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the “FirstEnergy Companies”), and The Dayton Power and Light Company (“DP&L”), respectfully move for a 30-day extension of the Commission’s deadline for submitting dual auction plans, which is currently October 13, 2020. The extended deadline would be November 12, 2020. The movants also request an expedited ruling on their motion.

A memorandum in support of this Application for Rehearing is attached.

Respectfully submitted,

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Counsel for The Dayton Power and Light Company

MEMORANDUM IN SUPPORT

On July 15, 2020, the Public Utilities Commission of Ohio (“Commission”) directed the AEP Ohio, Duke Energy Ohio, FirstEnergy Companies, and DP&L (“the electric distribution utilities”) to submit two plans to modify their standard service offer (“SSO”) procurement auctions:

- a. “[A] plan to change the current auction scheduled for Fall 2020 and Spring 2021 to substitute a 12-month product for the current, planned products[; and]
- b. “[A] new plan, within 90 days, for dual auctions for a period of four years, commencing with the June 2022 delivery year[,]” which “must include * * * [a] full requirements product with a proxy price, using the June 2021 capacity price as the proxy,” and “[a]n energy-only auction and a capacity-only hedge product.”

Finding and Order (July 15, 2020) at ¶ 35. AEP Ohio, Duke Energy Ohio, and the FirstEnergy Companies each filed motions to adjust their Fall 2020 and Spring 2021 auctions on August 7, August 14, and August 21, respectively. The Commission granted those motions. *See* Finding and Order (Aug. 26, 2020) at ¶ 12.

On August 14, 2020, the electric distribution utilities also filed applications for rehearing of the Commission’s July 15, 2020 Finding and Order. AEP Ohio and the FirstEnergy Companies asserted that the Commission lacked legal authority to reopen its prior orders modifying and approving their electric security plans (“ESPs”) *sua sponte* or to impose terms for auctions held under future ESPs without their consent. AEP Ohio and the FirstEnergy Companies also asked the Commission to clarify some significant components of the dual auction concept, including the Commission’s intent and record basis for several issues. DP&L asserted that the Commission erred by requiring it to amend its 2021 SSO competitive bid

process (“CBP”) auction and submit a plan for future CBP auctions, given that the Federal Energy Regulatory Commission (“FERC”) may resolve the present uncertainty surrounding its base residual auction (“BRA”) before DP&L holds its next scheduled SSO auction in April 2021. And Duke Energy Ohio asserted several grounds for rehearing, including that the Commission lacked authority to direct the electric distribution utilities to take actions beyond the duration of their currently approved ESPs; that the Commission unlawfully imposed unfunded mandates on Duke Energy Ohio by extending its SSO auctions beyond the term of its present ESP without also extending the cost recovery mechanisms that allow it to provide the SSO service; and that the Commission unlawfully restricted the electric distribution utilities’ authority to consider alternatives to competitive auctions to procure SSO supply under their next ESPs. The Commission granted those applications “for further consideration of the matters specified in the applications for rehearing.” Entry on Rehearing (Sept. 9, 2020) at ¶ 31.

The deadline for the electric distribution utilities to submit their dual auction plans is less than a week from today. The Commission has not ruled on the substance of the electric distribution utilities’ applications for rehearing, or provided the clarifications requested by AEP Ohio and the FirstEnergy companies. Addressing all of the issues raised in the pending applications for rehearing will greatly assist the electric distribution utilities to fully understand the Finding and Order and develop their dual auction plans in the best interests of customers. In order to give the Commission ample time to rule on the pending applications and, if the Commission denies or partially denies those applications, to give the electric utilities sufficient time to complete their plans, the electric distribution utilities respectfully request that the Commission extend the deadline for submitting the dual auction plans by 30 days, or until November 12, 2020.

An extension may also resolve the uncertainty surrounding PJM's BRA that prompted the Commission's July 15, 2020 Finding and Order. In July 2019, FERC ordered PJM not to conduct its BRA for the 2022-2023 delivery year (previously scheduled for August 2019). Finding and Order (July 15, 2020) at ¶ 2 (citing *Order on Motion for Supplemental Clarification*, Case No. EL16-49-00, at ¶ 2 (July 25, 2019)). In order to "quell the possible effects caused by uncertainty surrounding PJM's BRA" (*id.* at ¶ 37), the Commission ordered the electric distribution utilities to develop the dual auction plans (*id.* at ¶ 35.b.). However, the uncertainty regarding PJM's BRA may soon be resolved. The electric distribution utilities have heard that FERC is expected to rule on the scheduling of the next BRA in the next few weeks, possibly as early as October 15. If FERC issues its order as expected, the electric distribution utilities' dual auction plans may be moot.

For both of these reasons, the EDUs jointly move for a 30-day extension of the Commission's deadline for submitting dual auction plans to November 12, 2020. Given the impending current deadline for submitting those dual auction plans (October 13, 2020), the movants also request an expedited ruling on their motion. Counsel is unable to certify whether any party opposes an expedited ruling.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the Joint Motion for Extension and Request for Expedited Ruling was served by electronic mail upon the individuals listed below this 8th day of October, 2020.

/s/ Steven T. Nourse

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Summary: Motion JOINT MOTION FOR EXTENSION OF
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Pursuant electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company and
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