

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE 2014 REVIEW OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDER OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 13-2173-EL-RDR

IN THE MATTER OF THE 2015 REVIEW OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDER OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 14-1947-EL-RDR

IN THE MATTER OF THE 2016 REVIEW OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDER OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 15-1843-EL-RDR

IN THE MATTER OF THE 2017 REVIEW OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDER OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 16-2167-EL-RDR

IN THE MATTER OF THE 2018 REVIEW OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDER OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 17-2277-EL-RDR

ENTRY

Entered in the Journal on July 26, 2021

{¶ 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 customers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including firm supply of electric generation services. 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} The Commission has approved several riders in FirstEnergy's ESP proceedings, some of which require the Companies to file semi-annual updates no later than December 1st and June 1st of each year and are subject to an annual audit by the Commission. One of these Commission-approved riders is the Demand Side Management and Energy Efficiency Rider (Rider DSE). *In re FirstEnergy*, Case No. 08-935-EL-SSO, et al.; *In re FirstEnergy*, Case No. 10-388-EL-SSO; *In re FirstEnergy*, Case No. 12-1230-EL-SSO; *In re FirstEnergy*, Case No. 14-1297-EL-SSO. Rider DSE recovers costs incurred by the Companies associated with energy efficiency, peak demand reduction, and demand side management programs.

{¶ 4} On March 24, 2015, FirstEnergy filed an application in Case No. 13-2173-EL-RDR, in support of Staff's 2014 annual review of Rider DSE (*2014 Rider DSE Review*).

{¶ 5} On March 31, 2016, FirstEnergy filed an application in Case No. 14-1947-EL-RDR, in support of Staff's 2015 annual review of Rider DSE (*2015 Rider DSE Review*).

{¶ 6} On March 31, 2017, FirstEnergy filed an application in Case No. 15-1843-EL-RDR, in support of Staff's 2016 annual review of Rider DSE (*2016 Rider DSE Review*).

{¶ 7} On March 30, 2018, FirstEnergy filed an application in Case No. 16-2167-EL-RDR, in support of Staff's 2017 annual review of Rider DSE.

{¶ 8} On March 29, 2019, FirstEnergy filed an application in Case No. 17-2277-EL-RDR, in support of Staff's 2018 annual review of Rider DSE.

{¶ 9} On June 28, 2018, Staff filed its review and recommendations in the *2014 Rider DSE Review* and *2015 Rider DSE Review*. Subsequently, on July 29, 2019, Staff filed its review and recommendation in the *2016 Rider DSE Review*.

{¶ 10} FirstEnergy filed comments in response to Staff's recommendations in the *2014 Rider DSE Review* and *2015 Rider DSE Review* on February 28, 2019.

{¶ 11} By Entry issued January 29, 2020, the attorney examiner consolidated the above-captioned proceedings and established a procedural schedule.

{¶ 12} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists. The Department of Health is making COVID-19 information, including information on preventative measures, available via the internet at coronavirus.ohio.gov/.

{¶ 13} Given the concerns raised in the Executive Order, the attorney examiner rescheduled the hearing to commence on December 14, 2020; however, on November 2, 2020, the attorney examiner issued an Entry indicating that a new hearing date would be set by subsequent entry.

{¶ 14} On May 27, 2021, a prehearing conference was held to discuss mutually agreeable dates for the hearing.

{¶ 15} On May 28, 2021, the attorney examiner established a new procedural schedule with the evidentiary hearing to commence on September 22, 2021.

{¶ 16} Further, on July 23, 2021, the Companies filed a motion for a 90-day extension of the remaining procedural schedule. The Companies represent that the Ohio Consumers' Counsel only supports a 14-day extension and opposes a 90-day extension while none of the remaining parties contacted by the Companies oppose the extension. The attorney examiner notes that a similar motion was filed in *In the Matter of the Determination of the Existence of Significantly Excessive Earnings for 2017 Under the Electric Security Plan of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case Nos. 18-857-EL-UNC et al. (*SEET Review*).

{¶ 17} The attorney examiner finds that a 14-day extension of the procedural schedule should be granted. The attorney examiner also finds that, although the Companies did not request expedited consideration of its motion, the time period for the filing of memoranda contra should be shortened to seven days and no replies will be permitted. Finally, the attorney examiner finds that, in order to discuss whether a longer extension of the procedural schedule is warranted, a prehearing conference should be held by telephone on Monday, August 2, 2021 at 10:00 a.m. At the designated time of the conference, the parties shall dial 614-721-2972 and enter access code 407 206 720# to join in the prehearing conference. For administrative convenience, the prehearing conference will be held concurrently with a prehearing conference in the *SEET Review*, but the attorney examiner notes that these cases have not been consolidated.

{¶ 18} It is, therefore,

{¶ 19} ORDERED, That the procedural schedule be extended by 14 days as set forth in Paragraph 17. It is, further,

{¶ 20} ORDERED, That memoranda contra the motion for extension be filed by July 30, 2021. It is, further,

{¶ 21} ORDERED, That a prehearing conference shall be scheduled for August 2, 2021, at 10:00 a.m. It is, further,

{¶ 22} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/26/2021 2:47:58 PM

in

Case No(s). 13-2173-EL-RDR, 14-1947-EL-RDR, 15-1843-EL-RDR, 16-2167-EL-RDR, 17-2277-EL-RDR

Summary: Attorney Examiner Entry extending the procedural schedule 14 days and requiring any memoranda contra the motion for extension be filed by 7/30/21; and scheduling a prehearing teleconference for 8/2/21 at 10:00am electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio