

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 October 18, 2021

{¶ 1} In this Entry, the attorney examiner grants the motion for a 14-day extension of the procedural schedule and directs that the evidentiary hearing be rescheduled for

December 22, 2021, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 E. Broad Street, Columbus, Ohio 43215.

{¶ 2} 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.

{¶ 3} 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.

{¶ 4} 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.

{¶ 5} 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*).

{¶ 6} 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*).

{¶ 7} 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*).

{¶ 8} 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 (*2017 Rider DSE Review*).

{¶ 9} 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 (*2018 Rider DSE Review*).

{¶ 10} 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*.

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

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

{¶ 13} 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/.

{¶ 14} 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.

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

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

{¶ 17} Further, on July 23, 2021, the Companies filed a motion of 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.

{¶ 18} By Entry issued July 26, 2021, the attorney examiner granted the request for a 14-day extension of the procedural schedule, set a deadline for memoranda contra the Companies' request for a 90-day extension, and scheduled a prehearing conference for August 2, 2021, in order to discuss the Companies' request.

{¶ 19} On July 30, 2021, OCC filed a memorandum contra the Companies' motion for a 90-day extension of the procedural schedule, primarily questioning whether such a lengthy extension was warranted after the 14-day extension had already been granted. No other memoranda contra were filed.

{¶ 20} On August 2, 2021, OCC filed a request to have a court reporter transcribe the prehearing conference.

{¶ 21} The prehearing conference occurred, as scheduled, on August 2, 2021. During the conference, the majority of parties did not contest the Companies' request for a 90-day extension in order to conduct settlement negotiations. Ultimately, the attorney examiner indicated that an extension would be granted and instructed the parties to provide their availability for a hearing in November or December. Moreover, recognizing OCC's

concerns regarding whether settlement was likely to occur in the event the extension request was granted, the attorney examiner informed the Companies that they would need to file a report in the docket every 30 days once an extension had been granted, in order to avail the attorney examiner of the status of settlement negotiations. The prehearing conference was not transcribed.

{¶ 22} On August 9, 2021, the attorney examiner granted the request for an additional extension and scheduled the evidentiary hearing for December 8, 2021. The attorney examiner also ordered that the Companies should file correspondence providing the status of settlement negotiations every 30 days.

{¶ 23} On October 15, 2021, the Companies filed a motion for a 14-day extension of the remaining case schedule to allow for ongoing settlement discussions. The Companies also request expedited treatment. The Companies certify that no parties object to the motion or to the expedited treatment of the motion.

{¶ 24} The attorney examiner finds that the Companies' motion for a 14-day extension of the procedural schedule is reasonable and should be granted. Accordingly, the evidentiary hearing shall convene on December 22, 2021, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing. Consistent with CDC Guidelines and the May 17, 2021 Ohio Department of Health Order, individuals who are not fully vaccinated should continue to wear a face covering and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, additional instructions regarding further safety requirements or accommodations for the hearing room will be forthcoming, either posted on the Commission's website or communicated to the parties.

{¶ 25} It is, therefore,

{¶ 26} ORDERED, That the evidentiary hearing shall be rescheduled for December 22, 2021, at 10:00 a.m. as set forth in Paragraph 24. It is, further,

{¶ 27} ORDERED, That the procedural schedule be extended by 14 days as set forth in Paragraph 24. It is, further,

{¶ 28} 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/kck

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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 ordering that the evidentiary hearing shall be rescheduled for December 22, 2021, at 10:00 a.m. as set forth in Paragraph 24 and that the procedural schedule be extended by 14 days as set forth in Paragraph 24.
electronically filed by Kelli C. King on behalf of Jacky Werman St. John, Attorney Examiner,
Public Utilities Commission of Ohio