

**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 ) Case No. 16-776-EL-UNC  
Edison Company, The Cleveland Electric )  
Illuminating Company, and the Toledo Edison )  
Company. )

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**NORTHEAST OHIO PUBLIC ENERGY COUNCIL'S  
MEMORANDUM IN SUPPORT  
OF THE OFFICE OF THE OHIO CONSUMERS' COUNSEL'S  
MOTION TO POSTPONE THE FIRSTENERGY UTILITIES' JANUARY 2023  
STANDARD SERVICE OFFER AUCTION**

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On December 29, 2022, the Office of the Ohio Consumers' Counsel's ("OCC") filed a motion to postpone the FirstEnergy utilities'<sup>1</sup> ("FirstEnergy") standard service offer ("SSO") auction for the benefit of residential consumers. The auction currently is scheduled for January 10, 2023. FirstEnergy's final auction for the 2023-2024 delivery year is scheduled for March 20, 2023. The Northeast Ohio Public Energy Council ("NOPEC") supports postponement of the January 10, 2023 auction for a reasonable period of time that still allows the March 20, 2023 final auction to proceed as scheduled.

In its motion, OCC cites two matters that warrant postponement of FirstEnergy's January 10, 2023 SSO auction: (1) NOPEC's pending show-cause and certificate renewal proceedings,<sup>2</sup> and (2) the electric utilities' pending minimum stay tariff cases.<sup>3</sup> Comments are due in the show-

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<sup>1</sup> The FirstEnergy utilities are The Cleveland Electric Illuminating Company, The Toledo Edison Company and Ohio Edison Company.

<sup>2</sup> See Case No. 00-2317-EL-GAG, Entry (September 7, 2022) initiating show cause proceeding; and NOPEC's certificate renewal application filed November 22, 2022.

<sup>3</sup> See Case Nos. 22-1127-EL-ATA, 22-1129-EL-ATA, 22-1138-EL-ATA, and 22-1140-EL-ATA.

cause case on January 13, 2023 and replies are due January 20, 2023. Comments are due in the minimum stay cases on January 6, 2023 and replies are due January 17, 2023.

A brief postponement of FirstEnergy's January 10, 2023 SSO auction will allow the Public Utilities Commission of Ohio ("PUCO") and its Staff sufficient time to consider these imminent comments and resolve the matters pending in these cases, including granting renewal of NOPEC's electric certificate. The PUCO's determinations regarding the renewal of NOPEC's electric certificate and resumption of the NOPEC electric aggregation program, as well as any other changes, *i.e.*, minimum stay, will provide market certainty, which in turn may lead to more robust auction participation by wholesale suppliers and to more favorable auction pricing.

Since filing its August 24, 2022 Notice of Material Change, which notified the PUCO that NOPEC's Standard Price Program ("SPP") customers were returning to the SSO, NOPEC's stated intent has been to resume service to these customers for the 2023-2024 delivery year.<sup>4</sup> NOPEC continues to stand ready, willing and able to do so starting June 1, 2023. Adherence to the March 20, 2023 auction schedule will afford NOPEC time to restart service to its SPP customers, which will provide further certainty to potential auction participants that they will not be obligated to serve SPP load and encourage more robust auction participation, which provides benefits to all SSO customers.

Accordingly, NOPEC supports a reasonable postponement of FirstEnergy's January 10, 2023 SSO auction for a reasonable period of time that still allows the March 20, 2023 final auction to proceed as scheduled.

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<sup>4</sup> See Case No. 00-2317-EL-GAG, Notice of Material Change of Business Operations (August 24, 2022), attachment.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Memorandum in Support of the Ohio Consumers' Counsel's Motion to Postpone the FirstEnergy Utilities' January 2023 Standard Service Offer Auctions Motion to Intervene* was sent by, or on behalf of, the undersigned counsel to the following parties of record this 3<sup>rd</sup> day of January 2023.



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Summary: Memorandum in Support of the Office of the Ohio Consumers' Counsel's Motion to Postpone the FirstEnergy Utilities January 10, 2023 Standard Service Auction electronically filed by Dane Stinson on behalf of Northeast Ohio Public Energy Council