

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of The Dayton)	
Power and Light Company d/b/a AES Ohio for)	Case No. 22-0900-EL-SSO
Approval of Its Electric Security Plan)	
In the Matter of the Application of The Dayton)	
Power and Light Company d/b/a AES Ohio for)	Case No. 22-0901-EL-ATA
Approval of Revised Tariffs)	
In the Matter of the Application of The Dayton)	
Power and Light Company d/b/a AES Ohio for)	Case No. 22-0902-EL-AAM
Approval of Accounting Authority Pursuant to)	
Ohio Rev. Code § 4905.13)	

**MOTION FOR EXTENSION OF TIME
AND
REQUEST FOR AN EXPEDITED RULING**

Constellation Energy Generation, LLC and Constellation NewEnergy, Inc. (collectively “Constellation”) move, pursuant to Ohio Administrative Code (“O.A.C.”) 4901-1-12(C) for an extension of the deadline for serving discovery requests and the deadline to file testimony along with reconvening the hearing at a later date. Per the current procedural schedule, the deadline for serving discovery requests is March 22, 2023, direct testimony by intervenors is due by March 29, 2023, and the evidentiary hearing is scheduled to continue on April 12, 2023. For the reasons outlined below, Constellation requests an extension of these dates so that the deadline for serving discovery requests would be April 12, 2023, direct testimony by intervenors would be due by April 19, 2023, and the evidentiary hearing would continue no earlier than May 3, 2023. Constellation’s counsel represents that the Office of the Ohio Consumers’ Counsel and the Ohio Energy Leadership Council do not oppose the extension motion or the request for expedited ruling, and that Staff

neither opposes nor supports the motion. Constellation respectfully requests that the Commission grant this motion on an expedited basis, pursuant to O.A.C. 4901-1-12(C).

Respectfully Submitted,

/s/ Michael J. Settineri

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MEMORANDUM IN SUPPORT

Per the current procedural schedule in these proceedings, the deadline for serving discovery requests is March 22, 2023 and the deadline for filing direct testimony by intervenors is March 29, 2023. The evidentiary hearing has been called and continued to April 12, 2023. Given that settlement discussions are ongoing with the prospect that a stipulation will be filed, Constellation proposes that these dates be extended so that the deadline for serving discovery requests would be April 12, 2023, direct testimony by intervenors would be due by April 19, 2023, and the evidentiary hearing would continue no earlier than May 3, 2023. While the filing of a stipulation may warrant extending deadlines further, Constellation submits this motion now given next week's testimony deadline.

O.A.C. 4901-1-12(A) permits the extension of deadlines for good cause shown. Constellation submits that good cause exists. Constellation seeks an extension because settlement discussions are still taking place. The previous extensions have allowed parties to focus on settlement and an additional extension will allow for settlement discussions to conclude without the added pressure of meeting case deadlines. Other parties will not be harmed by Constellation's motion and there will not be any undue delay especially given the possibility of a stipulation being filed in this proceeding. Thus, given that settlement discussions continue and the short extension sought, good cause exists to extend the deadline for serving discovery requests, for filing direct testimony by intervenors, and for continuing the evidentiary hearing to a later date.

Notably, an extension of deadlines will very likely occur if a stipulation is filed in this proceeding. The Commission has regularly granted extension motions and/or set revised procedural schedules to provide time to prepare for hearing when a stipulation does not resolve all issues for all parties. For instance, the Attorney Examiners extended and set new procedural

schedules (sometimes multiple times) after stipulations were filed for consideration in the prior electric security plan cases of each Ohio electric distribution utility. *See e.g., In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service, etc.*, Case Nos. 17-1263-EL-SSO, et al., Entry at 2 (May 9, 2018); *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, etc.*, Case Nos. 16-1852-EL-SSO, Entry at 2-3 (September 5, 2017); *In the Matter of the Application of The Dayton Power and Light Company for Approval of Its Electric Security Plan, etc.*, Case Nos. 16-395-EL-SSO, February 1, 2017 Transcript at 24 (February 2017); and *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 14-1297-EL-SSO, Entry at 2-3 (January 14, 2015). In those cases, the hearings began two months or longer after the stipulations were filed.

In addition, the Attorney Examiners have extended and set new procedural schedules after stipulations were filed for consideration in prior rate cases. *See e.g., In the Matter of the Application of Columbia Gas of Ohio, Inc. for Authority to Amend Its Filed Tariffs to Increase the Rates and Charges for Gas Services and Relate Matters, etc.*, Case Nos. 21-637-GA-AIR, et al., Entry at 5 (November 3, 2022); *In the Matter of the Application of Duke Energy Ohio, Inc. for an Increase in Its Electric Distribution Rates, etc.*, Case Nos. 21-887-EL-AIR et al., Entry at 2 (September 20, 2022); and *In the Matter of the Application of Ohio Power Company for an*

Increase in Electric Distribution Rates, etc., Case Nos. 20-585-EL-AIR et al., Entry at 3-4 (April 5, 2021).

Accordingly, given that settlement discussions are still occurring and with the prospect of a stipulation being filed, Constellation requests an extension of the deadline for serving discovery requests and for filing direct testimony by intervenors along with continuing the evidentiary hearing to a later date. The deadline for serving discovery requests would be April 12, 2023, direct testimony by intervenors would be due by April 19, 2023, and the evidentiary hearing would recommence no earlier than May 3, 2023. Assuming a stipulation is filed within that time, the parties can revisit deadlines as necessary. Counsel for all parties have been contacted – the Office of the Ohio Consumers’ Counsel and the Ohio Energy Leadership Council do not oppose the extension motion or the request for expedited ruling, and Staff neither opposes nor supports the motion. For the reasons set forth above, Constellation respectfully requests that the Commission expeditiously grant this motion.

Respectfully Submitted,

/s/ Michael J. Settineri

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 22nd day of March 2023 upon all persons/entities listed below:

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Case No(s). 22-0900-EL-SSO, 22-0901-EL-ATA, 22-0902-EL-AAM

Summary: Motion for Extension of Time and Request for an Expedited Ruling
electronically filed by Mr. Michael J. Settineri on behalf of Constellation Energy
Generation, LLC and Constellation NewEnergy, Inc..