

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of	)	Case No. 23-0023-EL-SSO
Ohio Power Company for Authority to	)	
Establish a Standard Service Offer	)	
Pursuant to §4928.143, Ohio Rev. Code,	)	
in the Form of an Electric Security Plan.	)	

In the Matter of the Application of	)	Case No. 23-0024-EL-AAM
Ohio Power Company for Approval of	)	
Certain Accounting Authority.	)	

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**JOINT MOTION FOR AN EXTENSION OF TIME TO FILE INTERVENOR TESTIMONY,  
REQUEST FOR EXPEDITED RULING,  
AND MEMORANDUM IN SUPPORT**

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The Joint Movants respectfully request that the Attorney Examiner extend the date for the filing of Intervenor Testimony by two weeks to June 16, 2023.<sup>1</sup> Good cause exists for the Attorney Examiner to grant this Joint Motion because not a single all-party settlement meeting has yet occurred. Granting this Joint Motion will provide additional time for the type of good faith, arms-length bargaining between capable and knowledgeable parties that can result in a comprehensive settlement. The two-week extension of time is also eminently reasonable considering that the term of the proposed Electric Security Plan (“ESP”) would not begin until June 1, 2024. The Joint Movants also request an expedited ruling as permitted by Ohio Adm.Code 4901-1-12(C).<sup>2</sup> The reasons supporting this Joint Motion are further set forth in the accompanying Memorandum in Support.

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<sup>1</sup> The Joint Movants include the Retail Energy Supply Association (RESA), the Ohio Telecom Association (OTA), Ohio Partners for Affordable Energy (OPAEE), the Ohio Environmental Council (OEC), the Ohio Manufacturers’ Association Energy Group (OMAEG), Constellation Energy Generation, LLC and Constellation NewEnergy Inc. (Constellation), and One Energy Enterprises, Inc. (One Energy).

<sup>2</sup> Parties that have indicated they do not object to an expedited ruling include the Joint Movants, Staff, Walmart, Kroger, OCTA, OELC, OHA, and Calpine. AEP Ohio does not object to an expedited ruling so long as it is provided until May 23 to file a Memorandum Contra. The Ohio Consumers’ Counsel (OCC) objects to an expedited ruling.

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**MEMORANDUM IN SUPPORT OF  
JOINT MOTION**

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Pursuant to Ohio Adm. Code 4901-1-13(A), the Joint Movants request that the date for the filing of Intervenor Testimony be extended by two weeks to June 16, 2023. By Entry issued on March 2, 2023, the Attorney Examiner established a procedural schedule with a deadline for Intervenor Testimony to be filed by June 2, 2023.<sup>3</sup> Since the Attorney Examiner issued that Entry, not a single all-party settlement meeting has occurred. Granting this Joint Motion to provide two additional weeks for settlement negotiations prior to the filing of Intervenor Testimony will allow more opportunity for parties to discuss a comprehensive settlement prior to the filing of testimony. It is typical in cases before the Commission, especially major cases like an ESP proceeding, for parties to discuss settlement prior to the filing of testimony. A two-week extension of time to file Intervenor Testimony in this case is particularly reasonable considering that the proposed ESP term would not begin until June 1, 2024.

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<sup>3</sup> Entry (Mar. 2, 2023) at ¶ 6.

The Joint Movants believe that providing more time for settlement negotiations before the filing of Intervenor Testimony will establish a foundation for the type of good faith, arms-length bargaining between capable and knowledgeable parties that can lead to a comprehensive settlement. Delaying the date for the filing of Intervenor Testimony will allow the parties to explore positions that they might not otherwise consider after testimony is filed. Although the hearing date is currently scheduled for July 10, which is less than 60 days from the filing of this Joint Motion, this motion does not seek any other delay in the hearing schedule. The reasonable and relatively minor request for an extension of time will not prejudice any party, will not introduce any new risk to the timelines in the procedural schedule, and will not cause any undue burden.

Finally, because the deadline for filing Intervenor Testimony is less than 15 days from the filing of this Joint Motion, the Joint Movants request an expedited ruling as permitted by Ohio Adm.Code 4901-1-12(C). The Joint Movants have contacted all of the parties to this proceeding but cannot certify that no party objects to an expedited ruling. Specifically, while the majority of parties do not object to an expedited ruling, the Office of the Ohio Consumers' Counsel ("OCC") has indicated that it does so object. Therefore, under Ohio Adm.Code 4901-1-12(C), parties will have 7 days to file a Memorandum Contra unless the Attorney Examiner requires otherwise. The Joint Movants request that the Attorney Examiner issue a ruling as expeditiously as possible to allow preparations for settlement negotiations without simultaneously preparing witness testimony. Accordingly, for the reasons set forth in this Motion and Memorandum in Support, the Joint Movants respectfully request that the Attorney Examiner grant a two-week extension for intervenors to file testimony.

Respectfully submitted,

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May 19, 2023

### **CERTIFICATE OF SERVICE**

In accordance with Ohio Adm.Code 4901-1-05, the Commission's e-filing system will electronically serve notice of the filing of this document upon the interested parties, this 19<sup>th</sup> day of May, 2023. The following parties were provided by electronic mail a copy of this document.

/s/ Bryce A. McKenney  
Bryce A. McKenney

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**Case No(s). 23-0023-EL-SSO**

Summary: Motion Joint Motion for Extension of Time to File Intervenor Testimony electronically filed by Mr. Bryce A. McKenney on behalf of Retail Energy Supply Association.