

THE PUBLIC UTILITIES COMMISSION OF OHIO

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.

CASE NO. 23-23-EL-SSO

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR APPROVAL
OF CERTAIN ACCOUNTING AUTHORITY.

CASE NO. 23-24-EL-AAM

ENTRY

Entered in the Journal on June 27, 2023

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Company) is an electric distribution utility, as defined in R.C. 4928.01(A)(6), and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} R.C. 4928.141 mandates that an electric distribution utility shall provide to all consumers within its certified territory, a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation service. 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} On January 6, 2023, AEP Ohio filed an application that, if approved, would establish the Company's fifth ESP for a period to commence on June 1, 2024, and continue through May 31, 2030. AEP Ohio also filed an application for approval of certain accounting authority to implement aspects of the proposed ESP. In its application, AEP Ohio proposes a procedural schedule including that the hearing commence on July 10, 2023.

{¶ 4} A technical conference on AEP Ohio's ESP application was held on February 7, 2023.

{¶ 5} By Entry issued March 2, 2023, the attorney examiner set the procedural schedule for the Commission's consideration of AEP Ohio's ESP application and related matters and, among other things, established the following procedural dates: a prehearing conference on June 22, 2023; Staff testimony to be filed by June 30, 2023; and the evidentiary hearing to commence on July 10, 2023.

{¶ 6} By Entries issued April 17, 2023, and May 30, 2023, the following parties were granted intervention in these cases: Ohio Energy Group, Armada Power, LLC, The Ohio Manufacturers' Association Energy Group (OMAEG), Citizens' Utility Board of Ohio, Ohio Partners for Affordable Energy (OPAE), Calpine Retail Holdings, LLC, Nationwide Energy Partners, Ohio Hospital Association, ChargePoint, Inc., Walmart Inc. (Walmart), Interstate Gas Supply, LLC, Environmental Law & Policy Center (ELPC), The Kroger Company (Kroger), One Energy Enterprises Inc., Ohio Environmental Council, Ohio Consumers' Counsel (OCC), Retail Energy Supply Association, Ohio Energy Leadership Council f.k.a. Industrial Energy Users-Ohio, jointly by Constellation Energy Generation, LLC and Constellation NewEnergy, Inc., Ohio Telecom Association, Ohio Cable Telecommunications Association, Northeast Ohio Public Energy Council, Enel North America, Inc., Direct Energy Business Services LLC, and Direct Energy Services LLC.

{¶ 7} On June 16, 2023, Staff filed a motion for continuance and request for expedited consideration. As outlined in the motion, Staff requests a continuance of the evidentiary hearing currently scheduled to commence on July 10, 2023. Staff asks that the evidentiary hearing be rescheduled to commence on August 15, 2023. In conjunction with continuing commencement of the evidentiary hearing, Staff requests that the deadline for Staff to file testimony be reset to July 28, 2023. Staff submits that a continuance is needed to allow the parties to continue settlement discussions and to determine whether a settlement can be achieved. Staff also states that the Company suggested that, should the motion be granted, the prehearing conference scheduled for June 22, 2023, also be rescheduled to a later date. Pursuant to Ohio Adm.Code 4901-1-12(C), Staff requests an expedited ruling on the motion. Staff certifies that as of the filing of the motion: (1) no party objected to the

granting of a continuance¹; and (2) OPAE did object to the motion because of scheduling conflicts the week of August 15. Staff also certifies that several parties were unable to consent to Staff's proposed hearing date because they had not been able to confirm the availability of their witnesses.

{¶ 8} On June 23, 2023, a joint limited memorandum contra Staff's motion was filed by OPAE, ELPC, OMAEG and Kroger (Joint Movants). Joint Movants state that while they do not oppose the request for a continuance of the procedural schedule to explore settlement, Joint Movants cannot agree to the hearing date proposed by Staff. OPAE argues both attorneys are in mediation the week of August 15 and are out of town August 17 and 18, leaving OPAE unrepresented at the hearing. ELPC counsel states that due to vacation scheduled and cases in other states, counsel for ELPC is unavailable the week of August 14. Counsel for OMAEG states they are not available August 18 through August 25, 2023, though no reason is offered. Kroger's witness is not available the week of August 15, 2023. Joint Movants state if counsel for Walmart can be assured of a date certain for Walmart's witness, counsel for Walmart could consent to Staff's proposed hearing date.

{¶ 9} Having reviewed the motion for continuance and the memoranda contra filed in opposition to the motion, the attorney examiner finds Staff's motion to be reasonable and that it should be granted. The attorney examiner believes that allowing additional time for further settlement discussions could be beneficial to resolution of the cases and that such extension of time will not unduly prolong the proceedings. Further, while Joint Movants filed a memorandum contra the motion for continuance, no parties generally objected to a continuance being granted. Rather, the concerns raised centered on an agreeable date upon which to commence a rescheduled hearing. Taking into consideration the information provided by Joint Movants, the attorney examiner finds that the evidentiary hearing should be rescheduled to commence on August 28, 2023, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio. Based upon this

¹ Staff notes that OCC took no position on the motion.

new hearing date, the attorney examiner finds that Staff's deadline to file testimony should be amended to July 28, 2023.

{¶ 10} Finally, because the originally scheduled prehearing conference did not take place, the attorney examiner finds that a procedural/prehearing conference shall be scheduled for August 10, 2023, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Staff's motion for continuance be granted, consistent with the terms of this Entry. It is, further,

{¶ 13} ORDERED, That the evidentiary hearing scheduled to commence on July 10, 2023, be called and continued, and shall reconvene on August 28, 2023, in accordance with Paragraph 9. It is, further,

{¶ 14} ORDERED, That Staff shall file any testimony by July 28, 2023. It is, further,

{¶ 15} ORDERED, That a prehearing conference be scheduled for August 10, 2023, consistent with Paragraph 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Greta See

By: Greta See
Attorney Examiner

NJW/dr

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 23-0023-EL-SSO, 23-0024-EL-AAM

Summary: Attorney Examiner Entry granting Staff's motion for continuance, consistent with the terms of this Entry; ordering that the evidentiary hearing scheduled to commence on July 10, 2023, be called and continued, and reconvene on August 28, 2023, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio; ordering that Staff file testimony by July 28, 2023; and scheduling a prehearing conference for August 10, 2023, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio electronically filed by Debbie S. Ryan on behalf of Greta N. See, Attorney Examiner, Public Utilities Commission of Ohio.