

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 July 18, 2023

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or the 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 proposed 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 (Armada), The Ohio Manufacturers' Association Energy Group (OMAEG), Citizens' Utility Board of Ohio (Citizens' Utility Board), Ohio Partners for Affordable Energy (OPAE), Calpine Retail Holdings, LLC, Nationwide Energy Partners (Nationwide), Ohio Hospital Association, ChargePoint, Inc., Walmart Inc., 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, Constellation Energy Generation, LLC and Constellation NewEnergy, Inc., Ohio Telecom Association, Ohio Cable Telecommunications Association, Northeast Ohio Public Energy Council, and Enel North America, Inc., and 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. In this motion, Staff requested a continuance of the evidentiary hearing scheduled to commence on July 10, 2023, asking that it be rescheduled for August 15, 2023, and requesting that the deadline for Staff to file testimony be reset to July 28, 2023. Staff explained that a continuance was needed to allow the parties to continue settlement discussions and to determine whether a settlement can be achieved. On June 23, 2023, OPAE, ELPC, OMAEG, and Kroger filed a limited memorandum contra Staff's motion that did not object to a continuance of the procedural schedule but noted that these parties could have conflicts with the specific hearing date proposed by Staff.

{¶ 8} By Entry issued June 27, 2023, the attorney examiner granted Staff's motion for continuance and rescheduled the evidentiary hearing to commence on August 28, 2023. This Entry also amended the deadline for filing Staff testimony to July 28, 2023.

{¶ 9} On July 12, 2023, Staff filed a motion for an extension of the deadline for filing its testimony and a request for expedited consideration. In this motion and supporting memorandum, Staff requests that its deadline for filing testimony be extended to August 21, 2023. Staff states that it believes progress is being made in negotiations among the parties, but that Staff is unable to adequately prepare and file testimony by the current deadline while also continuing productive settlement discussions. To allow discussions to continue, Staff requests that it be granted the requested extension for filing its testimony. Staff avers that no party should be prejudiced by such an extension, as Staff is not seeking to postpone the evidentiary hearing. Staff states that all parties have been contacted on this matter and that none expressed any opposition to the motion prior to it being filed.¹ Staff also notes that Armada, Citizens' Utility Board, ELPC, Nationwide and OCC had not responded.

{¶ 10} On July 17, 2023, OCC filed a memorandum contra Staff's motion for an extension to file testimony. OCC states that Staff's request should be granted only if the evidentiary hearing currently scheduled to begin on August 28, 2023, is moved to September 25, 2023. OCC responds that delaying Staff testimony for an additional three weeks will impede settlement discussions, not improve them, because other parties will not have a clear understanding of Staff's position. Further, OCC argues that extending Staff's filing deadline shortens hearing preparation time for all other parties, as parties would have only one week to review Staff's testimony and prepare to address it at hearing. OCC submits that delaying the hearing until September 25, 2023, would be consistent with earlier procedural schedules

¹ Staff notes that AEP Ohio indicated that it does not oppose Staff's request for a continuance of the testimony deadline or the request for expedited treatment, provided that the August 28, 2023 hearing date is not moved.

in which Staff testimony was due about one month prior to the start of the evidentiary hearing. Absent a concurrent delay of the evidentiary hearing, OCC argues that Staff's request for extension should be denied.

{¶ 11} Having reviewed the motion for extension of the deadline for filing Staff's testimony and the memorandum contra filed in opposition, the attorney examiner finds Staff's motion to be reasonable and that it should be granted, consistent with the terms of this Entry. The attorney examiner believes that allowing sufficient resources to be devoted both to settlement negotiations and testimony preparation can benefit these proceedings. However, the attorney examiner finds that an appropriate new deadline for the filing of Staff testimony to be August 18, 2023. Except for this extension of Staff's deadline for filing testimony, no other procedural dates or deadlines are amended by this Entry.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Staff's motion for extension of the deadline for filing testimony be granted and that the deadline for filing Staff testimony be extended to August 18, 2023, consistent with Paragraph 11 of this Entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ David M. Hicks

By: David M. Hicks
Attorney Examiner

PAS/dmh

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in

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

Summary: Attorney Examiner Entry that Staff's motion for extension of the deadline for filing testimony be granted and that the deadline for filing Staff testimony be extended to August 18, 2023, consistent with Paragraph 11 of this Entry electronically filed by Ms. Donielle M. Hunter on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio.