

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )	
Ohio Edison Company, The )	
Cleveland Electric Illuminating )	PUCO Case No. 23-301-EL-SSO
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 )	

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**JOINT MOTION TO EXTEND THE PROCEDURAL SCHEDULE**

**EXPEDITED RULING REQUESTED**

Pursuant to Ohio Adm. Code 4901-1-13(A), the Joint Movants<sup>1</sup> respectfully request that the deadlines for the submission of intervenor and Staff testimony and the date for the commencement of the evidentiary hearing in this matter be extended by approximately sixty (60) days to permit the parties in this case to focus their efforts at this time on settlement discussions. Further, an extension of these dates is reasonable in light of commitments by some of the parties in this case in other pending PUCO matters.

Accordingly, as set forth more fully in the attached Memorandum in Support, the Joint Movants respectfully request the following modified testimony deadlines and evidentiary hearing date in this matter:

- testimony on behalf of intervenors due by **December 8, 2023**;
- testimony on behalf of Staff due by **December 22, 2023**; and
- evidentiary hearing to commence on **January 8, 2024, at 10:00 am**.

Joint Movants do not propose to extend any other procedural dates at this time.

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<sup>1</sup> The Joint Movants include Ohio Energy Leadership Council (“OELC”), Ohio Manufacturers’ Association Energy Group (“OMAEG”), The Kroger Co., Ohio Partners for Affordable Energy (“OPAE”), The Utility Workers Union of America, Local 126 (“UWUA Local 126”), and Citizens Coalition and Utilities for All.

Pursuant to Ohio Adm.Code 4901-1-12(C), Joint Movants respectfully request an expedited ruling on this Motion in light of the imminent deadlines for the submission of testimony by the intervenors and Staff. Joint Movants have circulated to the FirstEnergy Companies, Staff and all intervenor parties a draft copy of this Motion to determine whether any party would object to the relief requested or expedited treatment. Joint Movants certify that, as of the filing of this Motion, (1) Calpine Retail Holdings, LLC, Walmart Inc., The Ohio Hospital Association, the NRG Retail Companies<sup>2</sup>, Enel North America, Inc. and One Energy Enterprises Inc. have indicated that they do not oppose the requested extensions, (2) Nucor Steel Marion, Inc. has indicated that it takes no position on this Motion and does not object to expedited consideration of the Motion, (3) the FirstEnergy Companies and NOPEC have indicated that they oppose the Motion and request for expedited consideration of the Motion, (4) OCC has indicated that it is not taking a position on this motion and instead may be seeking to stay this matter, and (5) RESA does not oppose an expedited ruling and otherwise takes no position on the motion. The remaining parties have not responded regarding their position on this Motion.

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<sup>2</sup> The NRG Retail Companies includes Direct Energy Business LLC, Direct Energy Services LLC, Reliant Energy Northeast LLC dba NRG Home and NRG Business, Stream Ohio Gas & Electric LLC, and XOOM Energy Ohio LLC.

Dated: October 3, 2023

Respectfully Jointly Submitted,

/s/ David F. Proaño

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**MEMORANDUM IN SUPPORT OF JOINT MOTION TO  
EXTEND THE PROCEDURAL SCHEDULE**

**EXPEDITED RULING REQUESTED**

The Joint Movants respectfully request that the Commission extend by approximately sixty (60) days the deadlines for the filing of intervenor and Staff testimony and the commencement of the evidentiary hearing in this matter.

Good cause exists for granting this modest extension of these deadlines in this case. Settlement negotiations have commenced among the FirstEnergy Companies, Staff and the intervening parties in this case. A modest extension of these matter deadlines and the hearing date will permit the parties to focus their time and efforts on settlement negotiations rather than on preparing for an extensive evidentiary hearing. Further, this is the first request by any party to extend any of the deadlines in this matter. In addition, multiple parties in this matter are also parties to *Matter of the OVEC Generation Purchase Rider Audits Required by ORC Section 4928.148 for DP&L, Duke Ohio and AEP Ohio*, Case No. 21-477-EL-RDR, which evidentiary hearing is scheduled to commence on October 31, 2023, only one week before the evidentiary hearing is scheduled to commence in this matter. The time and effort required to prepare for and attend that OVEC Rider hearing presents scheduling issues with the evidentiary hearing currently set in this matter. A

modest extension of the testimony deadlines and hearing date in this case would help address this scheduling issue.

Accordingly, the Joint Movants respectfully request the following extended deadlines in this matter:

- testimony on behalf of intervenors due by **December 8, 2023**;
- testimony on behalf of Staff due by **December 22, 2023**; and
- evidentiary hearing to commence on **January 8, 2024, at 10:00 am**.

The Joint Movants do not seek to extend any other deadlines in this case, including the current October 4, 2023, deadline to serve discovery requests (except for deposition notices). Accordingly, this modest extension of the above testimony deadlines and hearing date will not unduly prejudice any party, nor unduly delay the resolution of this matter.

Dated: October 3, 2023                      Respectfully Jointly Submitted,

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## **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the forgoing Joint Motion to Extend the Procedural Schedule was served upon the persons listed below by email on this 3<sup>rd</sup> day of October 2023.

/s/David F. Proaño

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Summary: Motion EXPEDITED RULING REQUESTED - Joint Motion to Extend the Procedural Schedule electronically filed by Mr. David F. Proano on behalf of Ohio Energy Leadership Council (OELC), f/k/a Industrial Energy Users-Ohio.