

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, the Cleveland Electric)	
Illuminating Company, and the Toledo)	Case No. 23-301-EL-SSO
Edison Company for Authority to)	
Establish a Standard Service Offer)	
Pursuant to R.C. 4928.143 in the Form of)	
an Electric Security Plan.)	

**MEMORANDUM IN SUPPORT OF OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING COMPANY AND THE TOLEDO
EDISON COMPANY’S MOTION FOR INTERIM RELIEF TO CONDUCT SSO
AUCTIONS AND REQUEST FOR EXPEDITED TREATMENT
BY
NORTHWEST OHIO AGGREGATION COALITION
OHIO MANUFACTURERS’ ASSOCIATION ENERGY GROUP
AND
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

I. INTRODUCTION

The relief requested in the Utilities’ Motion is relief that can be taken and should be taken as requested. Moreover, holding the standard service offer (“SSO”) auction is also cause for the PUCO to approve the Joint Motion for Limited Stay filed by OCC, Northwest Ohio Aggregation Coalition and the Ohio Manufacturers’ Association Energy Group (“Joint Movants”).

Joint Movants filed the Motion for Limited Stay of consideration of one rider of the Utilities’ fifth electric security plan to protect consumers after new information came to light *i.e.*, former PUCO Chair Samuel Randazzo’s indictment for bribery and embezzlement.¹ The Joint Movants sought to protect consumers’ right to a fair process by

¹ *In the Matter of the Application of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C.*

staying consideration and approval of Rider DCR as part of ESP V and staying any consideration of implementing modifications or increases to Rider DCR as part of the new ESP, because of the likelihood that “expenses underlying criminal activities admitted to by FirstEnergy Corp. and now alleged to have occurred by Randazzo”² are embedded in Rider DCR and were recovered from customers. Joint Movants advised the PUCO that their Motion could be granted without harm to consumers as FirstEnergy could continue current Rider DCR and move forward with a competitively bid SSO auction, regardless of the stay. The limited stay requested by Joint Movants was only to stay consideration of re-approving and implementing, or modifying or increasing Rider DCR under and as part of ESP V. The Utilities’ Motion asking to move forward with the auction confirms that this option exists and that the Utilities are willing to undertake such steps. The PUCO should therefore grant both the Joint Motion and the Utilities’ Motion.

II. ARGUMENT

Allowing FirstEnergy to conduct SSO auctions is consistent with Joint Movants’ Motion for a Limited Stay. Joint Movants therefore do not oppose FirstEnergy’s Motion for interim relief. In fact, the Motion for interim relief is consistent with the Joint Movants’ request to protect consumer’s right to a fair and thorough and deliberate process—just as the Commission stated it would do in other cases when it granted stays of those proceedings.³ A limited stay of considering re-approving and implementing as part of ESP V, or modifying or increasing Rider DCR as part of ESP V would protect

4928.143 in the Form of an Electric Security Plan, Case No. 23-301-EL-SSO, Motion and Memorandum in Support, Motion at 1 (Dec. 6, 2023). Cite to Entry, Case No. 19-361-EL-RDR (Dec. 30, 2020) at 9.

² *Id.*, Motion at 2.

³ *Id.*, Memorandum in Support at 13.

consumers from inappropriate charges being passed on to customers through Rider DCR that may be tied to FirstEnergy’s “unparalleled corruption of Ohio’s democratic process.”⁴ As Joint Movants explained in their Memorandum in Support of the Motion for a Limited Stay, the SSO auctions are a consumer protection mechanism which can and should continue to occur even if Joint Movants’ Motion is granted. Joint Movants further explained that the PUCO’s ability to authorize continuing SSO auctions weighs in favor of granting the limited stay requested by Joint Movants.⁵

III. CONCLUSION

Allowing FirstEnergy to conduct interim SSO auctions pending the Commission’s thorough review of its ESP V Application is consistent with protecting consumers from any inappropriate Rider DCR charges being passed on to customers while the H.B. 6 investigations and criminal indictments are pending. Therefore, Joint Movants support FirstEnergy’s request and recommend that it be granted.

⁴ *Retirement Sys. of City of St. Louis v. Jones*, Case No. 2:20-cv-4813, Order of Final Settlement Approval at 17 (Aug. 23, 2022) (Emphasis added).

⁵ *Id.*, Memorandum in Support at p. 13., *see also In the Matter of the Application of the Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan*, Case No. 08-1094-EL-SSO, Entry (March 22, 2017).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum in Support of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company's Motion for Interim Relief to Conduct SSO Auctions and Request for Expedited Treatment was served on the persons stated below via electronic transmission, this 20th day of December 2023.

/s/ John Finnigan

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The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Memorandum Memorandum in Support of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company's Motion for Interim Relief to Conduct SSO Auctions and Request for Expedited Treatment by Northwest Ohio Aggregation Coalition, Ohio Manufacturers' Association Energy Group and Office of the Ohio Consumers' Counsel electronically filed by Alana M. Noward on behalf of Finnigan, John.