

**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)	
Edison Company for Authority to)	Case No. 23-301-EL-SSO
Establish a Standard Service Offer)	
Pursuant to R.C. 4928.143 in the Form of)	
an Electric Security Plan.)	

**JOINT REPLY TO FIRSTENERGY’S MEMORANDUM IN OPPOSITION TO
MOTION FOR LIMITED STAY OF RIDER DCR IN ESP V DISTRIBUTION
RIDERS
BY
NORTHWEST OHIO AGGREGATION COALITION
OFFICE OF THE OHIO CONSUMERS’ COUNSEL
AND
OHIO MANUFACTURERS’ ASSOCIATION ENERGY GROUP**

I. INTRODUCTION

FirstEnergy filed a Memorandum Contra to the Motion for Limited Stay filed by the Office of the Ohio Consumers’ Counsel, Ohio Manufacturers’ Association Energy Group and the Northwest Ohio Aggregation Coalition (“Joint Movants”). FirstEnergy’s Memorandum Contra is virtually identical to the one filed by Ohio Energy Group’s (“OEG”), which Joint Movants responded to on December 26, 2023. Both filings are without merit and should be denied.

FirstEnergy initially states that the relief requested by Joint Movants’ Motion is “based on speculation and conjecture.”¹ FirstEnergy further argues that Joint Movants incorrectly assert that FirstEnergy engaged in a scheme to defraud customers related to

¹ FirstEnergy Memorandum Contra at 2.

settlement payments from the ESP IV case, because nothing in the indictment supports Joint Movants' claim.²

In response, Joint Movants note that OEG made a nearly identical argument in its Memorandum Contra.³ Joint Movants incorporate their response made to OEG's argument on this point,⁴ and will not repeat that argument here.

FirstEnergy further argues that the Joint Movants' Motion should be denied because the potential loss of revenue from Rider DCR, which could result from a stay, could harm FirstEnergy and its consumers.⁵ FirstEnergy's argument is nearly identical to the argument raised in OEG's Memorandum Contra.⁶ Joint Movants respond to FirstEnergy's argument by incorporating their response to the same argument raised by OEG.⁷

II. CONCLUSION

The PUCO should reject FirstEnergy's and OEG's arguments and grant Joint Movants' Motion for Limited Stay.

² *Id.*

³ OEG Memorandum Contra at 1-2.

⁴ Joint Movants' Reply to OEG Memorandum Contra at 2-5.

⁵ FirstEnergy Memorandum Contra at 3-4.

⁶ OEG Memorandum Contra at 3-4.

⁷ Joint Movants' Reply to OEG Memorandum Contra at 2.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Joint Reply to FirstEnergy's Memorandum in Opposition to Motion for Limited Stay of Rider DCR in ESP V Distribution Riders was served on the persons stated below via electronic transmission, this 28th day of December 2023.

/s/ John Finnigan

John Finnigan

Assistant Consumers' Counsel

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: Reply Joint Reply to FirstEnergy's Memorandum in Opposition to Motion for Limited Stay of Rider DCR in ESP V Distribution Riders by Northwest Ohio Aggregation Coalition, Office of the Ohio Consumers' Counsel and Ohio Manufacturers' Association Energy Group electronically filed by Alana M. Noward on behalf of Finnigan, John.