

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

REPLY BRIEF OF ONE ENERGY ENTERPRISES INC.

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively the “Companies”) have failed to show that including a non-bypassable transmission rider (Rider NMB) in its proposed ESP is lawful. As a result, the Public Utilities Commission of Ohio (the “Commission”) should reject the Companies’ ESP V Application; or, at minimum, modify the ESP V Application to make Rider NMB bypassable.

I. LEGAL ARGUMENT

A. The conclusory statement by Interstate Gas Supply LLC (“IGS”) regarding Rider NMB remaining non-bypassable carries no weight.

In its Initial Brief, IGS offers only a conclusory statement that making Rider NMB bypassable “would unjustly and unreasonably add costs that suppliers don’t have embedded in their retail contracts and ultimately harm the competitive market.” (IGS Initial Brief at p. 13). Other suppliers in this case (e.g., Calpine) support making Rider NMB bypassable (Calpine Initial Brief Corrected pp. 8-14). IGS seems to forget that the Companies previously transitioned from a bypassable transmission cost recovery rider to a non-bypassable transmission rider (Rider NMB) prior to the Company’s ESP II proceeding, which required suppliers to adjust their business and presumably amend their contracts. (Calpine Ex. 1, p. 5). If Rider NMB became bypassable as a result of this proceeding, suppliers could (and presumably would) invoke “change in

law/regulation provisions” within their contracts to address any issues that may arise during a potential transition period. As a result, IGS’s argument lacks sufficient merit and should be ignored by the Commission.

II. CONCLUSION

For the reasons set forth herein and in its Initial Post-Hearing Brief, the Commission should reject the Companies’ ESP V Application in its entirety due to its unlawfulness. Alternatively, if the ESP V Application is not rejected in its entirety, the Commission should order that Rider NMB be made bypassable.

Respectfully submitted on behalf of
ONE ENERGY ENTERPRISES INC.

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing Reply Brief of One Energy Enterprises Inc. was served upon the parties of record listed below this 9th day of February, 2024, via email.

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Summary: Reply Reply Brief Of One Energy Enterprises Inc. electronically filed by
Mr. Marion H. Little on behalf of One Energy Enterprises Inc..