

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
ESTABLISH A STANDARD SERVICE OFFER
PURSUANT TO R.C. 4928.143 IN THE
FORM OF AN ELECTRIC SECURITY PLAN.

CASE NO. 23-301-EL-SSO

ENTRY ON REHEARING

Entered in the Journal on July 10, 2024

I. SUMMARY

{¶ 1} The Commission grants the applications for rehearing filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company; One Energy Enterprises Inc.; Ohio Manufacturers' Association Energy Group; jointly by the Office of the Ohio Consumers' Counsel and Northwest Ohio Aggregation Coalition; and jointly by Environmental Law and Policy Center, Citizens Utility Board of Ohio, and the Ohio Environmental Council for the purpose of further consideration of the matters specified.

II. DISCUSSION

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are electric distribution utilities (EDUs), as defined in R.C. 4928.01(A)(6), and public utilities, as defined under R.C. 4905.02. As such, the Companies are subject to the jurisdiction of this Commission.

{¶ 3} R.C. 4928.141 mandates that an EDU shall provide 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, to all consumers

within its certified territory. 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.

{¶ 4} Most recently, in Case No. 14-1297-EL-SSO, the Commission modified and approved, pursuant to the stipulations filed in that case, FirstEnergy's application for its fourth ESP to commence on June 1, 2016, and continue through May 31, 2024, pursuant to R.C. 4928.143. *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 14-1297-EL-SSO, Opinion and Order (Mar. 31, 2016); Fifth Entry on Rehearing (Oct. 12, 2016); Eighth Entry on Rehearing (Aug. 16, 2017).

{¶ 5} On April 5, 2023, FirstEnergy filed an application (Application) that, if approved, would establish the Companies' fifth ESP for a period to commence on June 1, 2024, and continue through May 31, 2032.

{¶ 6} A technical conference was held on May 10, 2023, to allow interested persons the opportunity to better understand the Companies' Application.

{¶ 7} By Entry issued July 19, 2023, the administrative law judge (ALJ) established an initial procedural schedule, which was extended on October 11, 2023.

{¶ 8} Local public hearings were conducted on September 7, 2023, in Cleveland; on September 14, 2023, in Toledo; and on September 26, 2023, in Akron.

{¶ 9} By Entry issued October 11, 2023, the following parties were granted intervention in this case: Ohio Energy Leadership Council (OELC), Ohio Energy Group (OEG), Northeast Ohio Public Energy Council, Ohio Partners for Affordable Energy, Office of the Ohio Consumers' Counsel (OCC), Calpine Retail Holdings LLC, Interstate Gas Supply, Citizens Coalition and Utilities for All, Northwest Ohio Aggregation Coalition (NOAC), Ohio Manufacturers' Association Energy Group (OMAEG), Walmart Inc., Nucor Steel Marion (Nucor), Utility Workers Union of America Local 126, One Energy Enterprises Inc. (One Energy), Constellation Energy Generation LLC and Constellation NewEnergy Inc., Ohio Hospital Association, Armada Power LLC, Nationwide Energy Partners, The Kroger

Co., Citizens Utility Board of Ohio (CUB), Environmental Law and Policy Center (ELPC), Retail Energy Supply Association (RESA), Enel North America Inc., Ohio Environmental Council (OEC), Utica East Ohio Midstream LLC, and collectively Direct Energy Business LLC, Direct Energy Services LLC, Reliant Energy Northeast LLC, Stream Ohio Gas and Electric LLC, and XOOM Energy Ohio LLC.¹

{¶ 10} The hearing commenced on November 7, 2023, and concluded on December 6, 2023. Further, deadlines for initial and reply briefs were set for January 19, 2024, and February 9, 2024, respectively (Tr. Vol. XIV at 2644).

{¶ 11} By Opinion and Order, issued May 15, 2024, the Commission approved the Application, as modified by Staff's recommendations and the Opinion and Order.

{¶ 12} R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for a rehearing with respect to any matters determined therein by filing an application within 30 days after the entry of the order upon the Commission's journal.

{¶ 13} On June 14, 2024, applications for rehearing were filed by FirstEnergy; One Energy; OMAEG; jointly by OCC and NOAC; and jointly by ELPC, CUB, and OEC. On June 24, 2024, memoranda contra the applications for rehearing were filed by FirstEnergy; OEG; OCC; Nucor; OELC; OMAEG; and jointly by RESA and IGS.

{¶ 14} The Commission believes that sufficient reason has been set forth in the applications for rehearing to warrant further consideration of the matters specified. Accordingly, the applications for rehearing filed by FirstEnergy; One Energy; OMAEG;

¹ ChargePoint, Inc. filed a motion to intervene on May 10, 2023, and subsequently filed a notice to withdraw on September 15, 2023. Thus, its motion to intervene was never granted.

jointly by OCC and NOAC; and jointly by ELPC, CUB, and OEC shall be granted for the limited purpose of affording the Commission more time to consider the issues raised.

III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the applications for rehearing filed by FirstEnergy; One Energy; OMAEG; jointly by OCC and NOAC; and jointly by ELPC, CUB, and OEC be granted for further consideration of the matters specified in the applications for rehearing. It is, further,

{¶ 17} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

JWS/mef

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Case No(s). 23-0301-EL-SSO

Summary: Entry on Rehearing ordering that the Commission grants the applications for rehearing filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company; One Energy Enterprises Inc.; Ohio Manufacturers' Association Energy Group; jointly by the Office of the Ohio Consumers' Counsel and Northwest Ohio Aggregation Coalition; and jointly by Environmental Law and Policy Center, Citizens Utility Board of Ohio, and the Ohio Environmental Council for the purpose of further consideration of the matters specified electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio.