Minutes of the Commission Meeting
May 15 2019 - 1:30 p.m.

Present:

Sam Randazzo, Chairman
Daniel R. Conway, Commissioner
Dennis P. Deters, Commissioner
Lawrence K. Friedeman, Commissioner
Angela Hawkins, Legal Director
Gregory Price, Electric Section, Legal Department
Nicholas Walstra, Transportation Section, Legal Department
Sarah Parrot, Gas Section, Legal Department
Mary Fischer, Legal Department

This meeting was convened pursuant to the regular agenda issued on May 9, 2019, for the week of May 13, 2019.

The minutes of the May 1, 2019, Commission Meeting were approved by the Commissioners.

The Commission met for the purpose of considering the following cases and to act upon the proposed Entries and Orders.
### Electric:

#### Rehearing:

1. **18-857-EL-UNC**  
   Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company  
   (Entry considering application for rehearing)  
   Approval moved and seconded, vote 4-0.

#### Tariff:

2. **16-664-EL-RDR**  
   Duke Energy Ohio, Inc.  
   (Finding and order considering application)  
   Approval moved and seconded, vote 4-0.

3. **17-781-EL-RDR**  
   (Finding and order considering application)  
   Approval moved and seconded, vote 4-0.

#### Other:

3. **13-2145-EL-CSS**  
   Material Sciences Corporation v. The Toledo Edison Company  
   (Proposed opinion and order)  
   Approval moved and seconded, vote 4-0.

4. **17-2344-EL-CSS**  
   (Proposed opinion and order)  
   Stricken from the agenda.

Chairman Randazzo and Commissioners expressed concerns over whether the drafted order strikes an appropriate balance between the competing interests in this case. Commissioners acknowledged the importance of the reliability issues inherent in vegetation management cases, but also expressed actionable disappointment with Duke Energy Ohio's litigation practices and its failure to follow the directives of the attorney examiner. Commissioner Conway outlined several principles at issue in this case, including the fact that the Commissioners delegate the authority to conduct hearings and review evidence to attorney examiners and that the respect shown to these individuals reflects directly on the respect shown to the Commissioners and the agency as a whole. The Chairman stated that while the Commission is considering how to strike the right balance, the parties should strive to work out a sensible solution for how the vegetation in the right of way will be managed. He noted that the Commission will make a decision. He added that these parties will need to live with such a decision and it is in their best interests to work out something prudent that they can live with.

5. **18-445-EL-CSS**  
   Ricardo Garnell Lee v. Duke Energy Ohio, Inc.  
   (Entry addressing motion to dismiss)  
   Approval moved and seconded, vote 4-0.

6. **18-1226-EL-CSS**  
   Ron Mosley v. Dayton Power and Light Company  
   (Entry addressing motion to dismiss)  
   Approval moved and seconded, vote 4-0.

7. **18-1660-EL-CSS**  
   Ricardo Nelson v. Ohio Power Company dba AEP Ohio  
   (Entry addressing motion to dismiss)  
   Approval moved and seconded, vote 4-0.

8. **18-572-EL-ACP**  
   Direct Energy Services, LLC  
   (Finding and Order considering 2017 renewable portfolio standard report)  
   Approval moved and seconded, vote 4-0.

9. **18-573-EL-ACP**  
   Direct Energy Business, LLC  
   (Finding and Order considering 2017 renewable portfolio standard report)  
   Approval moved and seconded, vote 4-0.

10. **18-574-EL-ACP**  
    Direct Energy Business Marketing, LLC  
    (Finding and Order considering 2017 renewable portfolio standard report)  
    Approval moved and seconded, vote 4-0.

11. **18-607-EL-ACP**  
    IGS Dayton, Inc.  
    (Finding and Order considering 2017 renewable portfolio standard report)  
    Approval moved and seconded, vote 4-0.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Appellant/Appellee</th>
<th>Description</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. 18-608-EL-ACP</td>
<td>Interstate Gas Supply, Inc.</td>
<td>(Finding and Order considering 2017 renewable portfolio standard report)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>13.</td>
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<td>14. 18-675-EL-ACP</td>
<td>Major Energy Electric Services, LLC</td>
<td>(Finding and Order considering 2017 renewable portfolio standard report)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>15. 18-798-EL-ACP</td>
<td>AP Gas and Electric (OH), LLC</td>
<td>(Finding and Order considering alternative compliance payment)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>16. 18-678-EL-CSS</td>
<td>Harold E. Blackburn Jr. v. Duke Energy Ohio, Inc.</td>
<td>(Entry considering dismissal for lack of prosecution)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td><strong>Gas:</strong></td>
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<td>17. 18-878-GA-CSS</td>
<td>Brenda M. Jennings v. Vectren Energy Delivery of Ohio, Inc.</td>
<td>(Entry considering dismissal of complaint)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>18. 19-56-GA-CRS</td>
<td>RH EnergyMarketing, LLC</td>
<td>(Entry considering withdrawal of application)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>20. 19-566-GA-CSS</td>
<td>TyAnn Jones v. Vectren Energy Delivery of Ohio, Inc.</td>
<td>(Entry considering motion to dismiss with prejudice)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>21. 19-974-GE-UNC</td>
<td>Annual Report Required by R.C. 4933.123 Re: Service Disconnections</td>
<td>(Entry addressing annual report filing)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td><strong>Transportation:</strong></td>
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<td>22. 18-1836-TR-CVF</td>
<td>Pride Hauling Recycling, LLC</td>
<td>(Finding and order considering proposed settlement agreement)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>23. 19-830-RR-FED</td>
<td>Norfolk Southern Railway/Stark County</td>
<td>(Finding and order considering grade crossing improvement project)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td>24. 19-831-RR-FED</td>
<td>Wheeling &amp; Lake Erie Railroad/Medina County</td>
<td>(Finding and order considering grade crossing improvement project)</td>
<td>Approval moved and seconded, vote 4-0.</td>
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<td><strong>Comments:</strong></td>
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<td>25. FERC Docket Nos. EL19-58-000 ER19-1486-000</td>
<td>PJM Interconnection, LLC</td>
<td>Reserve Market Enhancements</td>
<td>The Commission authorized the filing of comments with FERC. Vote 4-0</td>
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There being no further business, the Commission Meeting adjourned at approximately 1:51 p.m.

Chair

Secretary