



Ohio Administrative Code

Rule 4901:1-35-08 Competitive bidding process requirements and use of independent third party.

Effective: December 25, 2014

(A) An electric utility proposing a market-rate offer in its standard service offer application, pursuant to section 4928.142 of the Revised Code or an ESP pursuant to section 4928.143 of the Revised Code, shall propose a plan for a competitive bidding process (CBP). An electric utility proposing an ESP, pursuant to section 4928.143 of the Revised Code, may propose a plan for a CBP. The CBP plan shall comply with the requirements set forth in paragraph (B) of rule 4901:1-35-03 of the Administrative Code. The electric utility shall use an independent third party to design an open, fair, and transparent competitive solicitation; to administer the bidding process; and to oversee the entire procedure to assure that the CBP complies with the CBP plan. The independent third party shall be accountable to the commission for all design, process, and oversight decisions. The independent third party shall incorporate into the solicitation such measures as the commission may prescribe, and shall incorporate into the bidding process any direction the commission may provide. Any modifications or additions to the approved CBP plan requested by the independent third party shall be submitted to the commission and staff for review prior to implementation.

(B) Within twenty-four hours after the completion of the bidding process, the independent third party shall submit a report to the commission summarizing the results of the CBP. The report shall include, but not be limited to, the following items:

- (1) A description of the conduct of the bidding process, including a discussion of any aspects of the process that the independent third party believes may have adversely affected the outcome.
- (2) The level(s) of oversubscription for each product.
- (3) The number of bidders for each product.
- (4) The percentage of each product that was bid upon by persons other than the electric utility.
- (5) The independent third party's evaluation of the submitted bids, including the bidders' generation



source and financial capabilities to perform.

(6) The independent third party's final recommendation of the least cost winning bidder(s).

(7) A listing of the retail rates that would result from the least cost winning bids, along with any descriptions, formulas, and/or tables necessary to demonstrate how the conversion from winning bid(s) to retail rates was accomplished under the conversion process approved by the commission in the electric utility's CBP plan.

(C) The electric utility and its independent third party auction manager shall provide access to staff and any consultant hired by the commission to assist in review of the CBP of any and all data, information, and communications pertaining to the bidding process, on a real time basis, regardless of the confidential nature of such data and information.

(D) The commission shall make the final selection of the least-cost winning bidder(s) of the CBP. The commission may rely upon the information provided in the independent third party's report in making its selection of the least-cost winning bidder(s) of the CBP.