

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Investigation into the)
Development of the Significantly Excessive) Case No. 09-786-EL-UNC
Earnings Test Pursuant to S. B. 221 for Electric)
Utilities.)

ENTRY

The Commission finds:

- (1) On May 1, 2008, the governor signed into law Amended Substitute Senate Bill No. 221, amending various statutes in Title 49 of the Ohio Revised Code. Among the statutory amendments were changes to Section 4928.14, Revised Code, to establish a standard service offer (SSO). Pursuant to the amended language of Section 4928.14, Revised Code, electric utilities are required to provide consumers with an SSO, consisting of either a market-rate offer (MRO) or an electric security plan (ESP). Pursuant to the directives of Section 4928.142(D)(4), Revised Code, and Section 4928.143(E) and (F), Revised Code, the Commission is required to evaluate the earnings of each electric utility's approved ESP or MRO to determine whether the plan or offer produces significantly excessive earnings for the electric utility.
- (2) The Commission has determined that certain aspects of the methodology for determining whether an electric utility has significantly excessive earnings as a result of an approved ESP or MRO should be examined within the framework of a workshop.¹ To carry out the Commission's directives, the Commission Staff will be conducting a workshop to allow interested stakeholders to present concerns and to discuss and clarify issues raised by the Staff. The workshop will commence on Monday, October 5, 2009, at 9:00 a.m., and continue through Tuesday, October 6, 2009, if necessary. The workshop will be held at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11th floor, Hearing Room E, Columbus,

¹ *In re Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company*, Case No. 08-935-EL-SSO, Opinion and Order at 64 (December 19, 2008); and *In re Columbus Southern Power Company and Ohio Power Company*, Case No. 08-917-EL-SSO, et al., Opinion and Order at 68 (March 18, 2009).

Ohio. In addition, a telephone bridge will be available. Persons who wish to participate in the workshop by telephone should call 614-644-1080, immediately prior to the commencement of the workshop. The agenda, including a list of issues and/or questions for interested stakeholders, will be posted to the Commission's website, under "Announcements," shortly after the issuance of this entry.

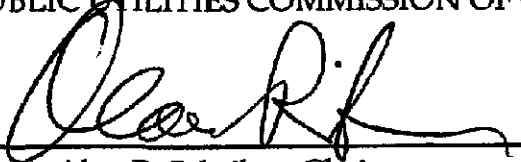
- (3) Upon completion of the workshop, the Commission directs Staff to develop and file recommendations for the significantly excessive earnings test (SEET). A subsequent entry will be issued establishing a procedural schedule for interested stakeholders to file comments on Staff's proposal.

It is therefore,

ORDERED, That the SEET workshop is scheduled to commence on October 5, 2009, at 9:00 a.m., at the offices of the Commission. It is, further,

ORDERED, That a copy of this entry be served upon all electric utilities, the Ohio Consumers' Counsel, and any other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella

Ronda Hartman Fergus

Valerie A. Lemmie



Cheryl L. Roberto

GNS/vrm

Entered in the Journal

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Renee J. Jenkins
Secretary