

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Joint Petition of Village of)
Brewster and Ohio Edison Company for) Case No. 09-985-EL-ATR
Approval of an Agreement Regarding the)
Transfer of Utility Assets.)

FINDING AND ORDER

The Commission finds:

- (1) On October 23, 2009, Applicants, Village of Brewster (Brewster) and Ohio Edison Company (Ohio Edison), jointly filed an application with exhibits to enter into an agreement concerning the transfer of ownership of approximately 1.0 mile of Ohio Edison's 23 kV distribution line (OE Distribution Line) to Brewster for a sale/purchase price of \$14,200 (Application).
- (2) Ohio Edison is a public utility, as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission. Brewster is a municipal electric utility and, as such, is not a jurisdictional public utility pursuant to Section 4905.02, Revised Code.
- (3) Applicants state that Brewster's 23 kV distribution line radially feeds the Village of Brewster from Ohio Edison's Crossroads Substation. Brewster's entire load has been removed from Ohio Edison's line and transferred to Brewster's municipal system. No other load is served by this line. Additionally, as this line runs through Brewster's municipal territory, Ohio Edison is unable to serve any customers off of this line.
- (4) Applicants state that the OE Distribution Line includes 29 poles, as described in the Application and Exhibits.
- (5) Ohio Edison states that it will relinquish all rights, title, and interest that it presently owns in the OE Distribution Line, which Brewster will utilize to provide a backup feed to one of its largest industrial customers, Shearer's Foods, as described in the Application.

- (6) The Applicants state that the transfer of assets contemplated in this transaction will allow Brewster to greatly enhance the reliability of service to Shearer's Foods without the need for duplicative lines, as described in the Application.
- (7) In the Application, Brewster represents that the proposed transfer of ownership and the resulting improvements to the OE Distribution Line will improve reliability in the area. The Applicants further assert that the transfer of ownership is in the public interest and will have no material adverse impact on retail rates or market prices.
- (8) Section 4905.02(B), Revised Code, exempts from Commission regulation those "[p]ublic utilities that are owned and operated by any municipal corporation." Therefore, the Commission finds that, since Brewster is a municipal corporation, the electric facilities under the ownership of Brewster are exempt from Commission regulation.
- (9) The OE Distribution Line at issue is being transferred to and will be operated by Brewster, and both parties to the transfer agreement agree to the transfer of service. In such cases, the Commission has found it appropriate to exercise its authority pursuant to Sections 4905.05 and 4905.06, Revised Code, to ensure that the proposed transfer results in uninterrupted and adequate service to the public utility's existing customers. Accordingly, in order to protect the public interest, the Commission will exert jurisdiction to this extent over the transaction proposed in the Application. *In the Matter of the Joint Application of Public Utility Service Corp. and the Board of Commissioners of Fairfield County to Remove Public Service Corp. from the Roll of Public Utilities Regulated by this Commission*, Case No. 87-1320-ST-UNC (September 9, 1987); *In the Matter of the Commission Investigation into the Operations and Service of Lake Erie Utilities Company*, Case No. 86-1561-WS-COI (October 18, 1988); *In the Matter of the Application of Ohio Edison Company for Approval of the Sale of Certain Facilities to Cuyahoga Falls Municipal Electric Utility*, Case No. 99-955-EL-ATR (November 18, 1999).
- (10) The Commission has reviewed the Application and is satisfied that the transfer of the OE Distribution Line to Brewster will not impair the quality of service presently provided or result in interrupted or unsatisfactory service to Ohio Edison's customers.

Accordingly, the Commission finds that the Application is reasonable and should be granted.

- (11) Within 30 days after the closing date of the transfer of the OE Distribution Line to Brewster, Ohio Edison should file a letter in this docket informing the Commission that the transaction has been completed.

It is, therefore,

ORDERED, That the joint request for approval of the proposed transfer of Ohio Edison's 23 kV distribution line to the Village of Brewster be granted, subject to the conditions set forth in finding (11). It is, further,

ORDERED, That Ohio Edison file a revised tariff and service territory map within 30 days that reflect the transfer approved herein. It is, further,

ORDERED, That the proposed transaction be recorded by Ohio Edison in accordance with the Uniform System of Accounts for Electric Companies which the Commission has prescribed for use by electric companies in Ohio. It is, further,

ORDERED, That nothing in this decision shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Paul A. Centolella
Paul A. Centolella

Ronda Hartman Fergus
Ronda Hartman Fergus

Valerie A. Lemmie
Valerie A. Lemmie

Cheryl E. Roberto
Cheryl E. Roberto

SUM/djb

Entered in the Journal

NOV 04 2008

Reneé J. Jenkins

Reneé J. Jenkins
Secretary