#### **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 Attorney Examiner finds:

- (1) 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.<sup>1</sup>
- (2) By entry issued September 23, 2009, the Commission directed that a workshop be conducted on the development of the significantly excessive earnings test (SEET) and that Commission Staff develop and file recommendations for the SEET. The workshop was held on October 5, 2009.
- (3) On November 18, 2009, the Staff filed its SEET recommendations.
- (4) Interested persons may file comments to the Staff's recommendation. Comments should be filed with the Commission's Docketing Division by December 14, 2009. Reply comments should be filed by January 4, 2010. The Staff's recommendations and any filed comments may be viewed on the Commission's website.

# It is, therefore,

ORDERED, That comments and reply comments to the Staff's SEET recommendations be filed by December 14, 2009, and January 4, 2010, respectively. It is, further,

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).

ORDERED, That a copy of this entry be served upon all electric utilities, the parties to Case Nos. 08-917-EL-SSO, 08-918-EL-SSO, 08-920-EL-SSO, 08-935-EL-SSO, 08-936-EL-SSO, 08-1094-EL-SSO, Ohio Consumers' Counsel, and any other interested persons of record.

### THE PUBLIC UTILITIES COMMISSION OF OHIO

Bv:

Greta See

Attorney Examiner

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Entered in the Journal

NOV 1 9 2003

Reneé J. Jenkins

Secretary