

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Columbus Southern Power Company and ) Case No. 09-796-EL-ATA  
Ohio Power Company to Modify Their )  
Net Metering and Hospital Net Metering )

In the Matter of the Commission's Review )  
of Chapters 4901:1-9, 4901:1-10, 4901:1-21, ) Case No. 06-653-EL-ORD  
4901:1-22, 4901:1-23, 4901:1-24, and )  
4901:1-25 of the Ohio Administrative Code. )

FINDING AND ORDER

The Commission finds:

- (1) Columbus Southern Power Company and Ohio Power Company (collectively, Companies) are public utilities as defined in Sections 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On May 1, 2008, the governor of the state of Ohio signed into law Amended Substitute Senate Bill No. 221, amending various provisions of Amended Substitute Bill No. 3. Among those amendments are various revisions to Chapter 4928 of the Revised Code, which necessitated corresponding revisions to several rules, including those governing net metering.
- (3) On November 5, 2008, in Case No. 06-653-EL-ORD, the Commission adopted revised Electric Service and Safety Standards (ESSS) in Chapter 4901:1-10 of the Ohio Administrative Code (O.A.C.), which included revisions to Rule 4901:1-10-28, O.A.C., regarding hospital net metering.
- (4) On May 6, 2009, the Commission issued an entry on rehearing in Case No. 06-653-EL-ORD, which ordered the electric utilities to file applications to revise their tariffs to be consistent with the revised rules within 60 days of their effective date. The ESSS rules became effective on June 29, 2009.

- (5) On August 28, 2009, the Companies filed net metering and hospital net metering tariffs in Case No. 06-653-EL-ORD.
- (6) On September 11, 2009, the Companies re-filed their net metering and hospital net metering tariffs in the form of an application in Case No. 09-796-EL-ATA.
- (7) On November 20, 2009, the Companies filed amended hospital net metering tariffs in Case No. 09-796-EL-ATA.
- (8) The Commission has reviewed the Companies' September 11, 2009 application, as amended on November 20, 2009, to establish its Schedule NEMS (Net Energy Metering Service) and NEMS-H (Net Energy Metering Service-Hospitals) and finds that the tariff provisions filed pursuant to Section 4909.18, Revised Code, comply with the requirements of Rule 4901:1-10-28, O.A.C., are not for an increase in any rate, and do not appear to be unjust and unreasonable. Therefore, we find that the application should be approved.

It is, therefore,

ORDERED, That the Companies' application to establish net metering and hospital net metering tariffs, as amended on August 28, 2009, be approved. It is, further,

ORDERED, That the Companies are authorized to file, in final form, four complete copies of the tariffs, consistent with this finding and order. The Companies shall file one copy in their respective TRF docket (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the date of this finding and order and the date upon which final tariffs are filed with the Commission. It is, further,

ORDERED, That nothing in this finding and order 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,

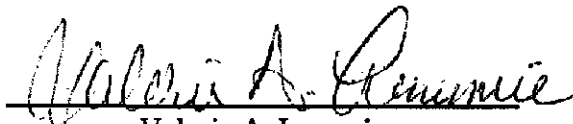
ORDERED, That a copy of this Finding and Order ne served upon the companies and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

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Paul A. Centolella



Valerie A. Lemmie



Ronda Hartman Fergus




Cheryl L. Roberto

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Entered in the Journal

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Renee J. Jenkins  
Secretary