

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Commission's  
Review of Chapter 4901:1-20, Ohio  
Administrative Code, Regarding  
Transition Plans for Electric Utilities**

**Case No. 12-2817-EL-ORD**

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**COMMENTS OF OHIO EDISON COMPANY,  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND  
THE TOLEDO EDISON COMPANY**

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Pursuant to the Commission's Entry of March 20, 2013, Ohio Edison Company ("Ohio Edison"), The Cleveland Electric Illuminating Company ("CEI"), and The Toledo Edison Company ("Toledo Edison") (collectively, the "Companies"), respectfully file brief comments to Staff recommended amendments to rules contained in Chapter 4901:1-20 of the Ohio Administrative Code ("O.A.C."). The Companies appreciate the opportunity to comment and respectfully request the Commission consider their comments and appropriately modify the proposed rules. In short, the Companies recommend the entire rescission of Chapter 4901:1-20.

The Companies note that Staff correctly eliminated most of this Chapter recognizing that "Chapter 4901:1-20, O.A.C, was initially created following enactment in 2000 of Senate Bill 3, which authorized the Commission to write rules requiring the filing of electric transition plans."<sup>1</sup> However, Staff recommended maintaining three rules from this Chapter (as amended) including Rules 4901:1-20-01, 4901:1-20-03 and 4901:1-20-16. Staff amended Rule 4901:1-20-01 and added, in part:

The purpose of this chapter is to establish rules of the form and process under which an electric utility...applies for establishment of its standard service offer regarding corporate separation, as required by section 4928.17 of the Revised

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<sup>1</sup> Entry at ¶5 (March 20, 2013).

Code, and complies with independent transmission requirements specified in section 4928.12, Revised Code.

Staff also recommended maintaining with certain amendments Section 4901:1-20-16 related to corporate separation.

The Companies recommend rescinding the entire Chapter 4901:1-20. Section 119.032 provides that rule should be rescinded if it duplicates or overlaps with other rules. Moreover, Governor's Executive Order 2011-01K provides that the Commission should "amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth." As recognized by the Commission in its entry, "[s]ubsequently, in 2008, Senate Bill 221 superseded Senate Bill 3, and Chapter 4901:1-35, O.A.C, was enacted to provide rules for filing electric standard service offers."<sup>2</sup> Moreover, Chapter 4901:1-37 was promulgated to provide rules for corporate separation. Because these rules are already provided, Chapter 4901:1-20 is no longer necessary to provide rules for either standard service offers or corporate separation. Having rules in three different places is unnecessary, duplicative, redundant and confusing. For all of those reasons, the Commission should rescind Chapter 4901:1-20 in its entirety.

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<sup>2</sup> *Id.*

Respectfully submitted,

/s/ Carrie M. Dunn

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**CERTIFICATE OF SERVICE**

The Companies filed this document with the Commission's Docketing Information System. Interested parties may obtain this document via that system.

/s/ Carrie M. Dunn

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Summary: Comments electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company and The Toledo Edison Company and The Cleveland Electric Illuminating Company