

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Ohio )  
Adm. Code 4901:1-36, Electric ) Case No. 13-953-EL-ORD  
Transmission Cost Recovery Riders. )

In the Matter of the Review of Ohio )  
Adm. Code 4901:1-37, Corporate ) Case No. 13-954-EL-ORD  
Separation for Electric Utilities and )  
Affiliates. )

In the Matter of the Review of Ohio )  
Adm. Code 4901:1-38, Reasonable ) Case No. 13-955-EL-ORD  
Arrangements for Electric Utility )  
Customers. )

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**COMMENTS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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These proceedings are significant for Ohio consumers because the Public Utilities Commission of Ohio (“PUCO” or “Commission”) will consider amendments to the rules that govern transmission cost collection from consumers,<sup>1</sup> corporate separation of electric utilities and affiliates,<sup>2</sup> and reasonable arrangements for electric customers.<sup>3</sup> These rules impact the rates that consumers pay for their electric service. And those rates should be no more than what is just and reasonable under Ohio law.

On April 17, 2013, the Public Utilities Commission of Ohio (“PUCO” or “Commission”) opened this docket to review Chapters 4901:1-36, 4901:1-37, and

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<sup>1</sup> Ohio Adm. Code Chapter 4901:1-36.

<sup>2</sup> Ohio Adm. Code Chapter 4901:1-37.

<sup>3</sup> Ohio Adm. Code Chapter 4901:1-38.

4901:1-38 of the Ohio Administrative Code in accordance with the R.C. 119.032 requirement that all state agencies conduct a review of their rules every five years. Subsequently, the PUCO held a stakeholder workshop on May 7, 2013 inviting comments from any interested parties. At that meeting, however, no revisions were proposed in regard to the rules that govern transmission cost collection from consumers (4901:1-36) or the rules on corporate separation (4901:1-37). The only comments presented at the stakeholder meeting were asserted by FirstEnergy Solutions Corporation (“FES”), insisting that the approval of any reasonable arrangements approved under Chapter 4901:1-38 of the Ohio Administrative Code (the rules that govern reasonable arrangements) should not impinge on a customer’s ability to shop for generation service. FES did not, however, propose any substantive changes, nor were any comments filed in the public docket for any of the three cases.

Then, on December 18, 2014, the PUCO issued an Entry indicating that the PUCO Staff proposed no changes to the PUCO’s rules on corporate separation<sup>4</sup> for electric utilities and reasonable arrangements<sup>5</sup> for electric customers.<sup>6</sup> However, the PUCO Staff proposed one amendment to the PUCO’s rules on transmission cost collection from customers. Specifically, the PUCO Staff recommends that Adm. Code 4901:1-36-06 be amended by adding the following language:

On a quarterly basis, each electric utility that seeks recovery of transmission and transmission-related costs shall submit to staff a report listing the cost components and amounts, customer revenue, and the monthly over and under-recovery in a format similar to

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<sup>4</sup> Ohio Adm. Code Chapter 4901:1-37.

<sup>5</sup> Ohio Adm. Code Chapter 4901:1-38.

<sup>6</sup> December 18, 2013 Entry at 2.

that used in the application schedules for the reconciliation adjustment.<sup>7</sup>

The PUCO invited comments on the rules review by January 17, 2014.<sup>8</sup>

OCC agrees with the PUCO Staff that electric utilities should be required to provide information, on a quarterly basis, in regard to the collection of transmission and transmission-related costs from customers. However, electric utilities should also be required to file that information with the PUCO (on a quarterly basis) in the public docket (in addition to providing it to the PUCO Staff). Public filings should be mandated so that all interested parties, including the OCC, are availed of the information that affects the rates that customers pay for electric service. This is in the best interests of the public, which pays for the transmission and transmission-related costs as part of their electric service.

OCC proposes no other changes to Chapters 4901:1-36, 4901:1-37, or 4901:1-38 of the Ohio Administrative Code at this time, but reserves the right to file Reply Comments (including proposed rule changes) in response to Comments filed by any other person or entity.

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<sup>7</sup> Entry, Case Nos. 13-953-EL-ORD, 13-954-EL-ORD, 13-955-EL-ORD, Attachment A-1, p. 3 (December 8, 2013).

<sup>8</sup> Id. at 2.

Respectfully submitted,

BRUCE J. WESTON  
OHIO CONSUMERS' COUNSEL

*/s/ Michael J. Schuler*

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments were served on the persons stated below via electronic service this 17<sup>th</sup> day of January 2014.

/s/ Michael J. Schuler

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Summary: Comments Comments by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Schuler, Michael J.