

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON
COMPANY FOR MODIFICATION OF A
TARIFF

CASE NO. 16-1790-EL-ATA

FINDING AND ORDER

Entered in the Journal on August 2, 2017

I. SUMMARY

{¶ 1} The Commission approves the application of The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, as amended, to revise their tariffs to remain compliant with Ohio Adm.Code 4901:1-10-34.

II. DISCUSSION

{¶ 2} The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are electric distribution utilities, as defined in R.C. 4928.01(A)(6), and public utilities, as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of the Commission.

{¶ 3} R.C. 4909.18 provides, in part, that a public utility may file an application to establish any rate, charge, regulation, or practice. If the Commission determines that the application is not for an increase in any rate and does not appear to be unjust or unreasonable, the Commission may approve the application without the need for a hearing.

{¶ 4} On November 2, 2016, the Companies filed an application to revise their Cogeneration and Small Power Production tariff (PUCO No. 11, Sheet No. 50), Cogenerators and Small Power Production Facilities tariff (PUCO No. 13, Sheet No. 48), and Cogeneration and Small Power Producer Rate CO-1 tariff (PUCO No. 8, Sheet No. 70) (collectively, Cogeneration Production Tariffs) in accordance with Ohio Adm.Code 4901:1-10-34, as amended in the Commission's latest rulemaking proceeding for Ohio Adm.Code Chapter 4901:1-10, in which the Commission adopted rules to ensure compliance with the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended by the Energy Policy Act of 2005, at 16 U.S.C. 824a-3. *In re Comm. Review of Ohio Adm.Code Chapter 4901:1-10 Regarding Elec. Cos.*, Case No. 12-2050-EL-ORD (Case No. 12-2050-EL-ORD), Finding and Order (Jan. 15, 2014); Case No. 12-2050-EL-ORD, Entry on Rehearing (May 28, 2014). The Companies further allege that the application is not for an increase in any rate, joint rate, toll, classification, charge or rental.

{¶ 5} On March 7, 2017, Staff filed comments regarding the Companies' application for approval of their revised Cogeneration Production Tariffs. Staff indicated that FirstEnergy failed to satisfy certain requirements set forth in Ohio Adm.Code 4901:1-10-34. Consequently, Staff recommended that the tariffs should provide that the locational marginal price (LMP) rate, as well as the option to enter into a voluntarily negotiated contract in lieu of the LMP rate, be available to all qualifying facilities with a net capacity of 20 megawatts, or smaller, through the PURPA tariff. Staff also recommended that the Companies add language to the tariff pages stating that all negotiated contracts are subject to approval by the Commission and include the timeline for such an approval process. No other comments or objections to FirstEnergy's application were filed in this proceeding.

{¶ 6} On May 18, 2017, the Companies amended their application and filed revised tariff pages addressing the recommendations proposed by Staff.

{¶ 7} On May 30, 2017, the Staff submitted a letter of notification regarding the Companies' amended application for approval of the Cogeneration Production Tariffs. Based upon its review, Staff concludes that FirstEnergy's amended application is responsive to Staff's comments and complies with the requirements set forth in Ohio Adm.Code 4901:1-10-34.

{¶ 8} The Commission finds that FirstEnergy's proposed application, as amended on May 18, 2017, is not for an increase in rates under R.C. 4909.18. Further, upon consideration of Staff's review, we find the proposed tariffs do not appear to be unjust or unreasonable and should be approved. Further, we find that no hearing is necessary in this matter, and the Companies are authorized to file, in final form, the amended Cogeneration Production Tariffs, in accordance with this Finding and Order.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That FirstEnergy's application, as amended on May 18, 2017, be approved. It is, further,

{¶ 11} ORDERED, That FirstEnergy file its tariffs, in final form, consistent with this Finding and Order. The Companies shall file one copy in this case docket and one copy in each company's respective TRF docket. It is, further,

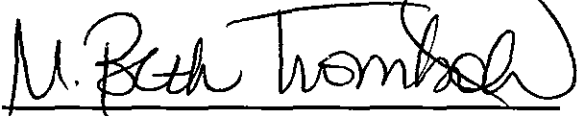
{¶ 12} ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date upon which the final tariff pages are filed with the Commission. It is, further,


{¶ 13} 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,

{¶ 14} ORDERED, That a copy of this Finding and Order be served upon all parties and interested persons of record.

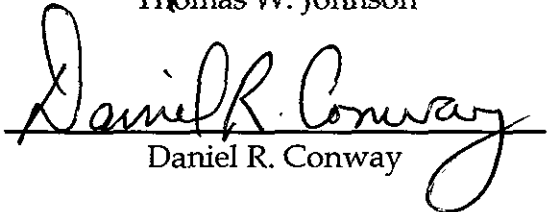
THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


M. Beth Trombold


Thomas W. Johnson

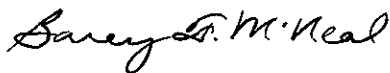

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AUG 02 2017


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Secretary