THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY FOR APPROVAL OF A DECOUPLING MECHANISM.	**CASE NO. 19-2080-EL-ATA** **CASE NO. 19-2081-EL-AAM**

FINDING AND ORDER

Entered in the Journal on January 15, 2020

I. SUMMARY

{¶ 1} The Commission approves the application for a decoupling mechanism filed by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (the Companies or FirstEnergy), to the extent set forth in this Finding and Order.

II. DISCUSSION

A. Procedural History

{¶ 2} The Companies are electric distribution utilities (EDUs) 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 this Commission.

{¶ 3} R.C. 4928.141 provides that an EDU shall provide customers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 4} On March 31, 2016, the Commission approved FirstEnergy's application for its fourth ESP. *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co. for Authority to Provide for a Std. Serv. Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Elec. Security Plan*, Case No. 14-1297-EL-SSO, Opinion and Order (Mar. 31, 2016).

{¶ 5} Am. Sub H. B. 6 (H.B. 6), which became effective on October 22, 2019, authorizes EDUs to file an application to implement a decoupling mechanism. Under this decoupling mechanism, "the base distribution rates for residential and commercial customers shall be decoupled to the base distribution revenue and revenue resulting from implementation of section 4928.66 of the Revised Code, excluding program costs and shared savings, and recovered pursuant to an approved electric security plan under section 4928.143 of the Revised Code, as of the twelve month period ending on December 31, 2018." R.C. 4928.471(A).

{¶ 6} On November 21, 2019, the Companies filed an application in this proceeding to implement a decoupling mechanism pursuant to R.C. 4928.471.

{¶ 7} R.C. 4928.471(B) states that the Commission shall issue an order approving an application for a decoupling mechanism not later than 60 days after the application is filed. The statute further states that, in determining that an application is not unjust and unreasonable, the Commission shall verify that the rate schedule or schedules are designed to recover the electric distribution utility's 2018 annual revenues as described in R.C. 4928.471(A) and that the decoupling rate design is aligned with the rate design of the electric distribution utility's existing base distribution rates.

{¶ 8} By Entry issued December 3, 2019, the attorney examiner established a period to solicit comments regarding the pending application, with initial and reply comments being due by December 17, 2019, and December 27, 2019, respectively.

{¶ 9} Comments were timely filed by The Ohio Hospital Association (OHA), the Ohio Consumers' Counsel (OCC), the Ohio Manufacturers' Association Energy Group (OMAEG), Northeast Ohio Public Energy Council (NOPEC), and the Companies.

{¶ 10} Staff filed its review and recommendations on January 8, 2020.

B. Motions to Intervene

{¶ 11} In addition to submitting responsive comments, OCC, NOPEC, and OMAEG filed motions to intervene in these proceedings. The Kroger Co. (Kroger) also filed a motion to intervene. In their respective motions to intervene, OCC, NOPEC, OMAEG, and Kroger claim that they satisfy the intervention requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11.

{¶ 12} No memoranda contra the motions to intervene have been filed.

{¶ 13} Upon review, the Commission finds that OCC, NOPEC, OMAEG, and Kroger have satisfied the intervention requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. Accordingly, their respective motions to intervene should be granted.

C. Summary of the Application

{¶ 14} The Companies propose a decoupling mechanism, the Conservation Support Rider (Rider CSR). Rider CSR is designed to true up FirstEnergy's annual residential and commercial customer base distribution revenue and revenue resulting from implementation of R.C. 4928.66, excluding program costs and shared savings to the corresponding level of revenues collected during the 12-month period ending December 31, 2018 (the 2018 baseline revenue). The Companies aver that their rate schedules, combined with Rider CSR, will collect from residential and commercial customers no more than the 2018 baseline revenue in each year, as any annual revenue amount greater than the 2018 baseline revenue will be credited to customers through Rider CSR. The Companies also propose that the Rider CSR credit or charge for a given calendar year will be applied in the following calendar year, subject to an annual reconciliation. Further, FirstEnergy states that Rider CSR's rate design is aligned with the rate design of the Companies' existing Rate RS and Rate GS base distribution rates, and will not result in double recovery by the Companies. FirstEnergy included proposed tariffs for Rider CSR in its application (Exhibit B), as well as the underlying calculations and supporting workpapers for Rider CSR (Exhibit A). The

Companies request that the Commission approve its application for rates effective on February 1, 2020 on a service rendered basis.

{¶ 15} As calculated by FirstEnergy, Rider CSR should be set as follows:

Ohio Edison Company		
	RATE 1[1]	RATE 2[2]
RS (all kWhs, per kWh):	0.0614¢	(0.0084¢)
GS (for each kW over 5kW of billing demand)	$0.2245	(0.0496¢)
The Cleveland Electric Illuminating Company		
	RATE 1	RATE 2
RS (all kWhs, per kWh):	0.1066¢	0.0147¢
GS (for each kW over 5kW of billing demand)	$0.2929	(0.0099¢)
The Toledo Edison Company		
	RATE 1	RATE 2
RS (all kWhs, per kWh):	0.1178¢	(0.0228¢)
GS (for each kW over 5kW of billing demand)	$0.4463	(0.0496¢)

D. Summary of Comments

{¶ 16} OCC and OMAEG submit comments urging that the Commission find that FirstEnergy has failed to meet its burden of proving that its decoupling application complies with R.C. 4928.471 and, consequently, deny the application. OCC and OMAEG state the Commission should scrutinize FirstEnergy's application to determine that the charges are just and reasonable and ensure customers are not double charged. Consistent with prior Commission precedent, OCC notes that the Companies bear the burden of proving that its

---

1 Pursuant to the proposed tariff, the credits and charges set forth in RATE 1 decouple the annual base distribution revenue for the RS and GS rate schedules so that they collect in any future annual period the amount of base distribution revenue collected as of the 12-month period ending on December 31, 2018.

2 Pursuant to the proposed tariff, the credits or charges set forth in RATE 2 decouple of the annual revenue resulting from implementation of R.C. 4928.66, excluding program costs and shared savings, and recovered pursuant to an approved ESP so that they collect in any future annual period the amount of such revenue collected as of the 12-month period ending on December 31, 2018.

application for a decoupling mechanism is in compliance with all applicable laws, including R.C. 4928.471. *See, e.g., In re Application of Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 18-1604-EL-UNC, Opinion and Order (July 17, 2019). OCC and OMAEG suggest that the Companies have failed to meet that burden, explaining that the Companies' application needs to provide supporting documentation to demonstrate that the proposed charges are consistent with all applicable laws. Specifically, OCC and OMAEG note that R.C. 4928.471 provides, "[i]f the commission determines that approving a decoupling mechanism will result in a double recovery by the electric distribution utility, the commission shall not approve the application unless the utility cures the double recovery." Based on an alleged lack of detail in the application and insufficient supporting information provided by the Companies, OCC and OMAEG claim that it is unclear whether the proposed charges for the decoupling mechanism may include duplicative charges, namely lost distribution revenue, from FirstEnergy's energy efficiency riders. *See, e.g., In re the Application of Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 17-2277-EL-RDR. OCC also contends that, while FirstEnergy recently filed updates to its energy efficiency riders to presumably exclude "revenue resulting from implementation of [R.C. 4928.66], excluding program costs and shared savings, and recover pursuant to an approved electric security plan, is being removed from the energy efficiency rider," the filings in that case allegedly lack the requisite supporting documentation required by the Commission to make a valid determination under R.C. 4928.471(D) that double recovery has not occurred. *In re the Application of Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 19-1904-EL-RDR, Application (Nov. 21, 2019). NOPEC and OHA support the arguments of OCC and OMAEG in their reply comments and urge the Commission to undertake a comprehensive review before approving FirstEnergy's application.

{¶ 17} In its reply comments, FirstEnergy argues that, in order to avoid the double recovery issue, the Commission could simply order in this proceeding that any lost distribution revenue recovered in Rider CSR should not also be recovered in its demand

side management and energy efficiency rider (Rider DSE).[3] However, the Companies state this action is not necessary given the fact that the Companies have already filed correspondence in Case No. 19-1904-EL-RDR to remove all lost distribution revenue from Rider DSE2 for customers served under Rate RS and Rate GS specifically to prevent any double recovery, a filing which, according to FirstEnergy, follows the Companies' approved rider update and audit process and clearly demonstrates all lost distribution revenue was removed from Rider DSE2. See *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 12-1230-EL-SSO, Opinion and Order (July 18, 2012) at 44; *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 14-1297-EL-SSO, Eighth Entry on Rehearing (Aug. 16, 2017). Additionally, FirstEnergy notes that the Companies are reconciling the lost distribution revenues collected in 2019 to the 2018 levels, as directed by R.C. 4928.471. As a result, FirstEnergy asserts that all affected customers, except Rate RS for The Cleveland Electric Illuminating Company, will receive a credit in 2020 due to the fact that lost distribution revenues collected in 2019 exceeded 2018 levels. (Application, Exhibit A at 1-3.)

{¶ 18} Not only does OCC assert that the decoupling charges could potentially be duplicative of other charges, OCC also contends that the application provides very little support for any of the numbers included therein, including how the Companies derived "base distribution revenue," whether the decoupling rate design is aligned with the rate design of the Companies' existing based distribution rates, or how the kWh projections were calculated. OMAEG questions the use of projections at all, noting that the Commission should direct that Rider CSR be reconciled annually based on actual costs in order to ensure the purpose of decoupling, i.e., charging or crediting ratepayers for the difference between

---

[3] Rider DSE is comprised of two sets of charges: (1) Rider DSE1 recovers costs incurred by the Companies associated with customers taking service under the Economic Load Response Rider, which is not directly applicable to this proceeding; and (2) Rider DSE2 charges recover costs incurred by the Companies associated with the programs that may be implemented by the Companies to comply with the requirements set forth in R.C. 4928.66 through demand-response programs, energy efficiency programs, peak demand reduction programs, and self-directed demand-response, energy efficiency, or other customer-sited programs.

actual costs and an established revenue number. Further, OMAEG disputes the Companies' calculation of approximately $66 million per year in lost distribution revenue recovery when FirstEnergy has indicated that it only spent approximately $64 million on its energy efficiency programs in 2018, adding that the $66 million does not include amounts collected for shared savings. OMAEG specifically notes that FirstEnergy should be excluding mercantile self-direct costs, savings, and the associated distribution revenue from its lost distribution calculation, as well as limiting its calculation to lost distribution revenue lost as a result of energy efficiency measures taken in 2018 to meet the one percent incremental energy efficiency requirement for 2018 provided for in R.C. 4928.66. The lack of underlying accounting records, or the absence of any witness to sponsor and explain the numbers in greater detail, lead OCC and OMAEG to the same conclusion: FirstEnergy has failed to meet its burden to prove that the proposed charges are lawful. Both OCC and OMAEG stress the importance of determining the correct calculation for lost distribution revenues as it might have a significant and lasting effect on ratepayers, including those who had opted out of the energy efficiency programs previously, for years to come.

{¶ 19} In its initial comments, OHA notes that, in general, OHA is not opposed to a decoupling mechanism being implemented by electric utilities, as it may serve as an important tool for reaching energy efficiency goals and standards. However, OHA adds that the future of the Companies' energy efficiency programs is unclear given the passage of H.B. 6, which could result in customers having to pay the Rider CSR charges until the Companies' next base distribution rate case even though the Companies no longer support those energy efficiency programs. OHA suggests that the Commission consider the reasonableness of Rider CSR, particularly its potential impacts and any corresponding benefit customers may receive.

{¶ 20} In response, the Companies first note that those commenters claiming that the application contains inadequate information to comply with R.C. 4928.471 chose not to serve any discovery in this proceeding. FirstEnergy also contests the allegation that its application is deficient, arguing that the application and exhibits, as well as the supporting

documentation submitted to Staff for its review, demonstrate that Rider CSR meets the requirements of R.C. 4928.471(B). Specifically, the Companies aver that this supporting documentation authenticates the levels of 2018 baseline and 2019 revenues. Further, the Companies state the base distribution rate design for Rates RS and GS, which include residential and commercial customers, was established in Case No. 07-551-EL-AIR, and was continued through several ESP proceedings, in which all of the commenters have been active participants. In response to OMAEG's claims, FirstEnergy further states that, while the reconciliation process set forth in R.C. 4928.471 ensures that Rider CSR will ultimately include only actual revenues, the permitted filing of an application as soon as November 21, 2019 necessarily contemplated the use of projections for a portion of the 2019 calendar year. The Companies also assert that the proposed 11-month recovery period in 2020 is a direct result of the General Assembly's allotted schedule for establishing a decoupling mechanism; moreover, the Companies note that subsequent annual Rider CSR updates will be based on 12-month recovery periods, as described in its application.

{¶ 21} While commenters question the proposed amount of lost distribution revenue to be collected through Rider CSR, the Companies assert they are merely following the statutory language and requesting to recover the amount dictated by R.C. 4928.471. For instance, FirstEnergy contends that the statute does not limit the decoupling to only energy efficiency measures taken in 2018; rather, the statute requires that the Companies collect in 2019 and future years the same amount of lost distribution revenue as was recovered in calendar year 2018. Similarly, the Companies assert that the statute does not prescribe any subcategories of lost distribution revenue to be included or excluded from that revenue level. Also, in responding to the concerns of OMAEG and OHA, the Companies suggest that these concerns are irrelevant when evaluating the plain language of R.C. 4928.471, which does not consider how the level of lost distribution revenue for 2018 compares to what was spent on energy efficiency programs or whether sponsored energy efficiency programs will continue in the future. Finally, the Companies rebut OMAEG's argument that affected ratepayers will include those who had previously opted out of the energy

efficiency programs, again noting that Rider CSR applies only to customers on rate schedules RS and GS, which are not eligible to opt out of energy efficiency and peak demand reduction. R.C. 4928.66. Further, the Companies assert that R.C. 4928.471 does not authorize the shifting of any lost distribution revenue from Rider DSE to Rider CSR in 2021 or any year thereafter. The Companies also note that OMAEG's comments are premised on the inaccurate assumption that energy efficiency will completely cease in 2021; on the contrary, FirstEnergy contends, only company-mandated programs will end and customers may continue to adopt voluntary energy efficiency measures.

{¶ 22} Alternatively, OCC and OMAEG suggest that the Commission approve FirstEnergy's decoupling rider as a zero rate rider to comply with the statutory requirement to rule on the application within 60 days of it being filed, and later update the rider once the legitimacy of the proposed charges and underlying data have been confirmed with adequate information and supporting documentation, subjected to a Staff or third-party audit, and verified during an evidentiary hearing. OMAEG adds that any refunds from Rider CSR should be credited to customers. NOPEC and OHA again agree with the comments submitted by OCC and OMAEG and request that, if FirstEnergy's application is granted, Rider CSR should be subject to an audit and the revenues subject to refund.

{¶ 23} The Companies assert that the requests for a reconciliation requirement or refund language are unnecessary, given the plain language of the statute, which provides for an annual reconciliation of any over or under recovery. R.C. 4928.471(B). Additionally, the Companies contend that a placeholder rider is not permitted under R.C. 4928.471, noting that the statute requires approval of a decoupling mechanism to recover 2018 annual revenues within the 60-day permitted timeframe. Moreover, FirstEnergy argues that the Commission has provided adequate process by soliciting comments and reply comments, adding that an evidentiary hearing is not required unless mandated by statute and R.C. 4928.471 contains no such requirement. According to the Companies, since the statute limits the Commission's review to verifying that the rate schedules are designed to recover the Companies' 2018 annual revenues and that the decoupling rate design is aligned with the

rate design of the Companies' existing base distribution rates, no additional process is required in these cases. Likewise, the Companies emphasize that R.C. 4928.471 does not require the filing of testimony; however, FirstEnergy notes that its application was accompanied by a sworn affidavit.

{¶ 24} Staff notes that, in its review, it examined the proposed schedules for consistency with H.B. 6 to ensure proper accounting and regulatory treatment was applied. Staff further states that its audit was conducted through a combination of document review, interviews, and interrogatories, and consisted of a review of the financial statements for completeness, occurrence, presentation, valuation, allocation, and accuracy. As a result of this review, Staff proposes three recommendations for the Commission's consideration. First, Staff recommends that the 2018 baseline revenue be weather normalized in order to remove the volatility in sales associated with weather. Based on a review of 30 years-worth of data from the National Oceanic and Atmospheric Administration's National Centers for Environmental Information, Staff determined that summer weather in 2018 was significantly warmer than normal (Staff Review and Recommendation at 1-2, Table 1). In fact, based on this data, the Akron and Toledo areas experienced the warmest summers on record, while the Cleveland area experienced the second warmest summer on record. Staff opines that, without weather normalization of 2018 sales, the abnormally warm summer experienced in the Companies' service territories during 2018 creates a baseline revenue that does not reflect sales in a year experiencing typical or average weather, and, thus, future filings could result in large under collections of the 2018 baseline revenue. Additionally, Staff recommends that, in order to be consistent with previously approved decoupling riders, the Companies should calculate 2018 baseline revenue in terms of revenue per customer. *See, e.g., In re the Application of Duke Energy Ohio, Inc.*, Case No. 11-5905-EL-RDR, Finding and Order (June 5, 2019); *In re the Application of Ohio Power Co.*, Case No. 19-571-EL-RDR (proposed rates went into effect automatically on July 1, 2019, following Staff's review); *In re the Application of Dayton Power and Light Co.*, Case No. 18-1605-EL-RDR (proposed rates went into effect automatically on December 30, 2018, following Staff's review). Finally, Staff

suggests that, because H.B. 6 does not prescribe the treatment of lost distribution revenues after a base rate case, the Commission should order the Companies to cease collecting lost distribution revenues once they have filed and the Commission has approved new distribution rates. At that point, the Companies will have established a new baseline revenue requirement and Staff contends that there will no longer be a need to recover lost distribution revenues. Ultimately, Staff recommends to the Commission that Rider CSR be approved, subject to its recommendations stated above.

E. Commission Conclusion

{¶ 25} As the Supreme Court of Ohio has stated numerous times, the Commission "is a creature of the General Assembly and may exercise no jurisdiction beyond that conferred by statute." *Penn Central Transportation Co. v. Pub. Util. Comm.*, 35 Ohio St.2d 97, 298 N.E.2d 97 (1973)." In construing a statute, our paramount concern is legislative intent. In determining legislative intent, the Commission first looks to the plain language in the statute and the purpose to be accomplished. If the meaning of the statute is unambiguous and definite, it must be applied as written and no further interpretation is necessary. *WorldCom, Inc. v. City of Toledo*, Case Nos. 02-3207-AU-PWC, 02-3210-EL-PWC, Opinion and Order (May 14, 2003), citing *State ex rel. Savarese v. Buckeye Local School Dist. Bd. of Ed.*, 74 Ohio St. 543, 660 N.E.2d 463 (1996).

{¶ 26} Not only does Ohio precedent dictate that the desired goal when construing statutes is to determine legislative intent, but that this intent could be determined by the language of the statute, on its face. *Akron Management Corp. v. Zaino*, 94 Ohio St.3d 101, 760 N.E.2d 405 (2002). However, in situations where the statute has been written with ambiguous language, it is appropriate that this Commission utilize the same considerations as the Supreme Court of Ohio would in determining "legislative intent" provided in R.C 1.49 as follows: "If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters: (A)The object sought to be attained; (B) The circumstances under which the statute was enacted; (C) The legislative history; (D) The

common law or former statutory provisions, including laws upon the same or similar subjects; (5) The consequences of a particular construction; [and] (6) The administrative construction of a statute." We also note that while we are not bound by bill analyses prepared by the Ohio Legislative Service Commission when construing a statute, we may refer to them when we find them helpful and objective. *State ex rel. Fockler v. Husted*, 150 Ohio St.3d 422, 82 N.E.3d 1135, 2017-Ohio-224.

{¶ 27} An application of the six considerations demonstrating "the intention of the legislature" is conclusive that the General Assembly envisioned significant adjustments to Ohio's energy efficiency requirements when it passed H.B. 6 into law and it is our duty, as the administrative agency overseeing the implementation of energy efficiency standards, to comport with, and effectuate, the General Assembly's desired intent. After careful consideration of the both the language of the statute, the legislative history and surrounding circumstances of its enactment, and the responsive comments submitted by interested stakeholders, we note that there is very little, if any, ambiguity in regard to the ultimate objectives of the General Assembly's passage of this legislation, including the language allowing electric distribution utilities to file an application for a decoupling mechanism.

{¶ 28} Upon review of FirstEnergy's November 21, 2019 application, the submitted comments, and Staff's review and recommendation, the Commission finds that the proposed rates for Rider CSR do not appear to be unjust or unreasonable, subject to Staff's third and final recommendation. Despite what may have constituted as "abnormally warm" weather in 2018, the General Assembly was clear in the statute when it directed that the Commission's review for determining whether an application for a decoupling mechanism is not unjust or unreasonable is limited to verifying "that the rate schedule or schedules are designed to recover the electric distribution utility's 2018 annual revenues as described in division (A) of this section and that the decoupling rate design is aligned with the rate design of the electric distribution utility's existing base distribution rates." R.C. 4928.471(B). Nowhere in the statute does it permit the Commission to modify the recoverability of the 2018 annual revenues on a weather normalization basis, or otherwise.

Rather, we are charged to verify that the proposed rate schedules are designed to recover the 2018 baseline amount. Thus, for the same reason FirstEnergy successfully disputes arguments proffered by OMAEG and OCC, we must reject Staff's initial recommendation that the 2018 baseline revenues be normalized for the weather. Likewise, Staff suggests that the Companies calculate 2018 baseline revenue on a per customer basis to be consistent with previously approved decoupling mechanisms; however, as pointed out by FirstEnergy, this is the first application for a decoupling mechanism pursuant to R.C. 4928.471. As such, the earlier applications are not controlling in the Commission's determination in these proceedings and we are not compelled to adopt this second recommendation at this time.

{¶ 29} Contrarily, we believe Staff's final recommendation is consistent with the plain language of the statute and the General Assembly's intent that the decoupling mechanism only remain in effect until the Commission subsequently approves base distribution rates for the Companies. R.C. 4928.471(C); See also Legislative Service Comm., Am. Sub. H.B. 6, Final Bill Analysis (Oct. 18, 2019) at 24.

{¶ 30} Additionally, we do not find that approving Rider CSR will result in double recovery by the Companies, based upon the supporting documentation in these proceedings, as well the filings and submissions in Case No. 19-1904-EL-RDR, of which we will now take administrative notice. This documentation demonstrates that any lost distribution revenue recovered in Rider CSR will not also be recovered in Rider DSE. We are not convinced by the speculative arguments of commenters that we should find in the alternative. However, as an additional measure to ensure that the costs recovered through Rider CSR are not duplicative of those recovered through Rider DSE, the Commission directs FirstEnergy to file revised tariffs which specify that the funds collected through Rider CSR should be subject to refund, based on the results of any future audit ordered by the Commission and conducted by Staff or a third-party consultant of the Companies' Rider CSR and/or Rider DSE.

{¶ 31} We also agree with FirstEnergy that sufficient due process was afforded in these proceedings. As recognized by the Supreme Court of Ohio, "there is no constitutional right to notice and hearing in rate-related matters if no statutory right to a hearing exists." *Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 300, 2006-Ohio-5789, 856 N.E.2d 213. We thoroughly considered the comments and reply comments submitted and, in applying our broad discretion to schedule a matter for hearing, do not find a hearing to be necessary in these proceedings. Accordingly, the Commission authorizes the Companies to file revised final tariffs to implement the adjusted Rider CSR rates, to be effective no earlier than February 1, 2020, on a services rendered basis.

III. ORDER

{¶ 32} It is, therefore,

{¶ 33} ORDERED, That the motions to intervene filed by OCC, NOPEC, OMAEG, and Kroger be granted. It is, further,

{¶ 34} ORDERED, That the Companies' application for a decoupling mechanism be approved, to the extent set forth in this Finding and Order. It is, further,

{¶ 35} ORDERED, That the Companies be authorized to file tariffs, in final form, consistent with this Finding and Order. The Companies shall file one copy in this case docket and one copy in their respective TRF dockets. It is, further,

{¶ 36} ORDERED, That the effective date of the new tariffs shall be a date not earlier than February 1, 2020 and the date upon which the final tariffs are filed with the Commission. It is, further,

{¶ 37} ORDERED, That the Companies notify all affected customers of the changes to the tariffs via a bill message or via a bill insert within 30 days of the effective date of the tariffs. A copy of the customer notice shall be submitted to the Commission's Service

Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least ten days prior to its distribution to customers. It is, further,

{¶ 38} 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,

{¶ 39} ORDERED, That a copy of this Finding and Order be served upon all parties of record in Case No. 14-1297-EL-SSO and all parties of record in this proceeding.

COMMISSIONERS:
Approving:
Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

MJA/mef

Case No(s). 19-2080-EL-ATA, 19-2081-EL-AAM

Summary: Finding & Order that the Commission approves the application for a decoupling mechanism filed by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (the Companies or FirstEnergy), to the extent set forth in this Finding and Order electronically filed by Docketing Staff on behalf of Docketing