

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY FOR TARIFF  
APPROVAL.

CASE NO. 20-963-EL-ATA

## FINDING AND ORDER

Entered in the Journal on May 5, 2021

### I. SUMMARY

{¶ 1} The Commission grants the application of Ohio Power Company d/b/a AEP Ohio to amend its Cogeneration/Small Power Production tariff.

### II. DISCUSSION

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Company) is an electric distribution utility (EDU), as defined by R.C. 4928.01(A)(6), and a public utility, as defined by R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission.

{¶ 3} Pursuant to R.C. 111.15(B) and R.C. 106.03(A), all state agencies are required to conduct a review of their rules, every five years, to determine whether those rules should be continued without change, be amended, or be rescinded. Consistent with the statutes, in Case No. 12-2050-EL-ORD, the Commission reviewed its rules contained in Ohio Adm.Code Chapter 4901:1-10.

{¶ 4} In Case No. 12-2050-EL-ORD, the Commission issued its decision adopting amendments to certain rules in Ohio Adm.Code Chapter 4901:1-10, including Ohio Adm.Code 4901:1-10-28, Net metering, and Ohio Adm.Code 4901:1-10-34, Compliance with PURPA [Public Utility Regulatory Policies Act of 1978]. *In re the Commission's Review of Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 12-2050-EL-ORD, Finding and Order (Jan. 15, 2014), Second Entry on Rehearing (May 28, 2014), Fifth Entry on Rehearing (Dec. 19, 2018) at ¶ 16, Seventh Entry on Rehearing (Feb. 27, 2019) at ¶ 18. Among other things, Ohio Adm.Code 4901:1-10-34 addresses the implementation of a standard market-

based rate for electricity transactions between EDUs and qualifying facilities, as provided by PURPA, specifically for small power production facilities and cogeneration facilities.

{¶ 5} On May 1, 2020, AEP Ohio filed an application for tariff amendment to comply with the Commission's Seventh Entry on Rehearing in Case No. 12-2050-EL-ORD. In addition, AEP Ohio requests that, because of necessary adjustments to the Company's information technology and billing systems to implement the amended tariff provisions, the tariffs have an effective date not less than 90 days after the Commission's order approving the tariff.

{¶ 6} On April 26, 2021, Staff filed its review and recommendation regarding AEP Ohio's proposed tariff amendments. Staff details the revisions that the Company made to its Cogeneration/Small Power Production tariff. Staff notes that the proposed tariff changes include making the tariff available to customers with qualified cogeneration and/or small power production facilities with a total design capacity of 20 megawatts (MW) or less, which is an increase from the previous 100 kilowatts (kW); adding language to clarify that all customers with distributed generation are subject to the Company's Minimum Requirements for Interconnection Service, pursuant to Ohio Adm.Code Chapter 4901:1-22, along with provisions for metering requirements and applicable charges; updating the rates provided for energy payments to qualified cogeneration and/or small power production facilities with a total design capacity of less than 100 kW, as well as facilities greater than 100 kW but less than 20 MW; and adding terms regarding the credits for participating customers. Staff concludes that the amendments are consistent with the changes the Commission adopted to Ohio Adm.Code 4901:1-10-34. Accordingly, Staff recommends that the Commission approve the application to amend the tariff.

### III. COMMISSION CONCLUSION

{¶ 7} Upon review of AEP Ohio's application to amend its tariff and the Staff's review and recommendation, the Commission finds that the amendments to AEP Ohio's tariff are consistent with the Commission's Orders and Entries on Rehearing in Case No. 12-

2050-EL-ORD and should be approved. Further, the Commission finds that no hearing is required in this case.

#### IV. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That AEP Ohio's application for tariff amendment be approved.  
It is, further,

{¶ 10} ORDERED, That AEP Ohio is authorized to file its tariffs, in final form, consistent with this Finding and Order. AEP Ohio shall file one copy in this case docket and one copy in its TRF docket. It is, further,

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

{¶ 12} ORDERED, That nothing in this Finding and Order shall be binding upon the Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

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

#### COMMISSIONERS:

##### *Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

GNS/hac

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Summary: Finding & Order granting the application of Ohio Power Company d/b/a AEP Ohio to amend its Cogeneration/Small Power Production tariff. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio