

## 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 TO REVISE  
RELIABILITY PERFORMANCE STANDARDS  
PURSUANT TO OHIO ADM.CODE 4901:1-10-  
10(B)(7).

CASE NO. 20-580-EL-ESS

IN THE MATTER OF THE APPLICATION OF  
OHIO EDISON COMPANY, THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY AND  
THE TOLEDO EDISON COMPANY FOR  
APPROVAL OF A WAIVER OF OHIO  
ADM.CODE 4901:1-10-10(B)(3), (4), (5) AND  
(6)(A).

CASE NO. 20-581-EL-WVR

### ENTRY

Entered in the Journal on March 2, 2022

{¶ 1} Ohio Adm.Code 4901:1-10-10 requires electric distribution utilities (EDUs) to prescribe the measurement of each EDU's service reliability, the development of minimum performance standards for such reliability, and the reporting of performance against the established standards. More specifically, Ohio Adm.Code 4901:1-10-10(B) requires each EDU to file an application to establish EDU-specific minimum reliability standards, and the rule sets forth the procedural process for reviewing such application. Furthermore, Ohio Adm.Code 4901:1-10-10(B)(7) states that an EDU may file an application to revise its authorized performance standards, along with supporting justification for such revisions, for approval pursuant to the prescribed procedural process, "unless otherwise ordered by the commission \* \* \* or attorney examiner." Ohio Adm.Code 4901:1-10-10(B)(7).

{¶ 2} In *In re the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 16-481-EL-UNC, et al. (*FirstEnergy Decision*), Opinion and Order (July 17, 2019), the Commission approved a stipulation that, among other things, required Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) to file an application under Ohio Adm.Code 4901:1-10-10(B)(7) to revise their reliability

performance standards within six months of a final order being issued. *FirstEnergy Decision* at ¶¶ 41, 133.

{¶ 3} On February 26, 2020, in *In re the Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 17-1842-EL-ORD (*Rules Case*), Finding and Order (Feb. 26, 2020), the Commission issued a Finding and Order addressing the written comments filed by parties and revising certain rules within Ohio Adm.Code Chapter 4901:1-10 based on the comments. Within the Finding and Order, the Commission adopted a revision to Ohio Adm.Code 4901:1-10-01(T), the definition of "major event." *Rules Case* at ¶¶ 15-16. Also, the Commission granted Dayton Power & Light Company's request that EDUs be allowed to file updated reliability performance standards to reflect the change in definition. *Rules Case* at ¶ 16. In granting this request, the Commission ordered EDUs to file a standards' case within six months of the February 26, 2020 Order, unless an EDU already had scheduled such a filing. *Rules Case* at ¶ 16.

{¶ 4} On March 11, 2020, FirstEnergy filed an application to revise its reliability performance standards to comply with the *FirstEnergy Decision*. Pursuant to Ohio Adm.Code 4901:1-10-02(C), FirstEnergy also requested a limited waiver of Ohio Adm.Code 4901:1-10-10(B)(3), (4), (5), and (6)(a) for a period of 30 calendar days to allow FirstEnergy to supplement its application to reflect the changes to Ohio Adm.Code 4901:1-10-01(T) made in the *Rules Case* at ¶¶ 15-16.

{¶ 5} On April 10, 2020, FirstEnergy filed its supplemental application and work papers, which, among other things, reflect the changes made in the *Rules Case* regarding Ohio Adm.Code 4901:1-10-01(T).

{¶ 6} On November 2, 2020, the attorney examiner issued an Entry in the *Rules Case* that stayed the Commission's directive within the February 26, 2020 Finding and Order directing EDUs to file updated reliability and performance standards since a substantive ruling on the applications for rehearing filed in the *Rules Case* was still pending at that time.

{¶ 7} By Entry issued November 3, 2020, the attorney examiner stayed FirstEnergy's proceeding in this matter until the rules adopted by the Commission in the *Rules Case* were final and effective. Furthermore, pursuant to Ohio Adm.Code 4901:1-10-02(C), the attorney examiner granted FirstEnergy's limited waiver request.

{¶ 8} On November 1, 2021, the revisions adopted by the Commission in the *Rules Case*, including the amendment to the definition of "major event" found within Ohio Adm.Code 4901:1-10-01(T), became effective.

{¶ 9} In light of the above rules to Ohio Adm.Code Chapter 4901:1-10 becoming effective on November 1, 2021, the attorney examiner lifts the stay set in the November 3, 2020 Entry. Furthermore, the attorney examiner notes that FirstEnergy bases its proposed reliability performance standards on data from 2015-2019. Due to the timing of finalizing the rules within Ohio Adm.Code Chapter 4901:1-10, performance data from 2015-2019 has now become stale, and, therefore, the attorney examiner directs FirstEnergy to file a revised application that uses reliability performance data from 2017-2021. FirstEnergy should file this revised application within 60 days of the issuance of this Entry.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the order to stay this proceeding be lifted. It is, further,

{¶ 12} ORDERED, That FirstEnergy file a revised application reflecting reliability performance data from 2017-2021 within 60 days of this Entry. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew J. Sandor

By: Matthew J. Sandor  
Attorney Examiner

GAP/mef

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**Case No(s). 20-0580-EL-ESS, 20-0581-EL-WVR**

Summary: Attorney Examiner Entry lifting the stay in the proceeding and ordering the filing of a revised application electronically filed by Ms. Mary E. Fischer on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio