

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1717-EL-AEC  
an Arrangement with an Existing )  
Customer (American Steel Foundries). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1773-EL-AEC  
an Arrangement with an Existing )  
Customer (Marion Steel). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1774-EL-AEC  
an Arrangement with an Existing )  
Customer (Sandusky Plastics, Inc.). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1775-EL-AEC  
an Arrangement with an Existing )  
Customer (Morton International). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1776-EL-AEC  
an Arrangement with an Existing )  
Customer (Commercial Intertech). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 94-1777-EL-AEC  
an Arrangement with an Existing )  
Customer (Brost Foundry Company). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 95-39-EL-AEC  
an Arrangement with an Existing )  
Customer (Sandusky Plastics, Inc.). )

In the Matter of the Application of )  
Ohio Edison Company for Approval of ) Case No. 95-40-EL-AEC  
an Arrangement with an Existing )  
Customer (Republic Engineered )  
Steel.) )

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Technician Anna M. Hyslop Date Processed Dec 19, 1997

In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Brost Foundry Company).	) ) ) )	Case No. 95-41-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Bunting Bearings Corp.).	) ) ) )	Case No. 95-42-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Johnson Metal, Inc.).	) ) ) )	Case No. 95-45-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Mansfield Foundry Corp.).	) ) ) )	Case No. 95-46-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (United Engineering).	) ) ) )	Case No. 95-48-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Falcon Foundry).	) ) ) )	Case No. 95-49-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Quaker City Castings).	) ) ) )	Case No. 95-50-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Republic Engineered Steel).	) ) ) )	Case No. 95-51-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Republic Engineered Steel).	) ) ) )	Case No. 95-52-EL-AEC

In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-53-EL-AEC
an Arrangement with an Existing	)	
Customer (USS/Kobe Steel).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-56-EL-AEC
an Arrangement with an Existing	)	
Customer (Sandusky International).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-57-EL-AEC
an Arrangement with an Existing	)	
Customer (Morton Salt).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-411-EL-AEC
an Arrangement with an Existing	)	
Customer (Elyria Foundry).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-415-EL-AEC
an Arrangement with an Existing	)	
Customer (G & C Foundry).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 95-704-EL-AEC
an Arrangement with an Existing	)	
Customer (WCI Steel, Inc).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 96-1284-EL-AEC
an Arrangement with an Existing	)	
Customer (Celotex Corporation).	)	
In the Matter of the Application of	)	
Ohio Edison Company for Approval of	)	Case No. 96-1285-EL-AEC
an Arrangement with an Existing	)	
Customer (Glidden Company).	)	

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, Ohio Edison Company, is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) The Applicant petitioned this Commission for approval of Agreements or Amendments to Agreements with several of its customers (See Attachment I).
- (3) Each Agreement and each Amendment to a previously approved agreement provides for special terms, conditions and rates to be applied to the provisions of interruptible service or real time pricing service to each of the customers.
- (4) The applications were held by the Commission pending the submission and Commission approval of Applicant's Interruptible Buy Through provisions filed pursuant to the guidelines adopted in the Entry On Rehearing issued April 11, 1996 in Case No. 95-866-EL-UNC.
- (5) Applicant's tariffs pursuant to the guidelines were approved by the Commission in Case No. 95-866-EL-UNC on October 17, 1996.
- (6) Subsequent to the approval of those tariffs, the customers with contracts applicable to this Finding and Order chose to cancel their contracts and take service under the buy through tariff provisions or real time pricing tariff provisions.
- (7) The applications should be approved as filed pursuant to Section 4905.31, Revised Code.
- (8) The Commission will use the rate case proceeding to evaluate the appropriateness of recovery from jurisdictional customers of any revenue deficiency resulting from the Agreements or Amendments.
- (9) The Commission puts the Applicant on notice that, should certain regulatory or legislative changes occur in Ohio such that customers have substantially more choices as to the provider of their electric energy in the future, the Commission may consider allowing customers to take a "fresh

look" at long term commitments. The Commission will continue to review this issue in the roundtable process.

- (10) Our approval of these contracts does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant or any party to a contract approved by this Finding and Order from the provisions of any state or federal law which prohibit the restraint of trade.

It is, therefore,

ORDERED, That the Agreements and/or amendments attached to each applications are approved for the time they were in effect. Two copies of the Agreement as filed with the application shall be accepted for inclusion in this docket. It is, further,

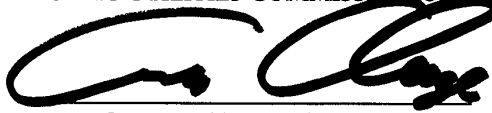
ORDERED, That for the time the agreements were in effect the Applicant include each customer in its semiannual reports regarding its Special Arrangements for Economic Development, and shall also include data detailing the number of actual requests for interruptions, the Customer's response to each request, and either the duration of the interruption or the cost per kWh for replacement power (whichever is applicable). The semiannual reports should be submitted to the Energy and Water Division of the Commission's Utilities Department. It is, further,

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

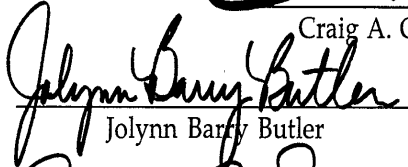
ORDERED, That the Commission's approval of the Contracts does not constitute state action for the purpose of the antitrust laws. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicant, the Customers and all parties of record.

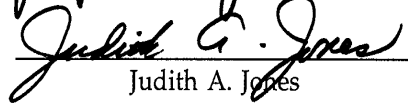
THE PUBLIC UTILITIES COMMISSION OF OHIO



Craig A. Glazer, Chairman



Jolynn Barry Butler



Judith A. Jones

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Ronda Hartman Fergus

DLH:ct

Entered in the Journal

DEC 18 1997

A True Copy



Gary E. Vigorito  
Secretary

## ATTACHMENT I

<u>Case No.</u>	<u>Customer</u>	<u>Date Filed</u>
94-1717-EL-AEC	American Steel Foundries	10/31/94
94-1773-EL-AEC	Marion Steel	11/02/94
94-1774-EL-AEC	Sandusky Plastics	11/02/94
94-1775-EL-AEC	Morton Salt	11/02/94
94-1776-EL-AEC	Commercial Intertech	11/02/94
94-1777-EL-AEC	Brost Foundry	11/02/94
95-39-EL-AEC	Sandusky Plastics	01/17/95
95-40-EL-AEC	Republic Engineered Steel	01/17/95
95-41-EL-AEC	Brost Foundry	01/17/95
95-42-EL-AEC	Bunting Bearings	01/17/95
95-45-EL-AEC	Johnson Metal, Inc	01/17/95
95-46-EL-AEC	Mansfield Foundry	01/17/95
95-48-EL-AEC	United Engineering	01/17/95
95-49-EL-AEC	Falcon Foundry	01/17/95
95-50-EL-AEC	Quaker City Castings	01/17/95
95-51-EL-AEC	Republic Engineered Steel	01/17/95
95-52-EL-AEC	Republic Engineered Steel	01/17/95
95-53-EL-AEC	USS/Kobe Steel	01/17/95
95-56-EL-AEC	Sandusky International	01/17/95
95-57-EL-AEC	Morton Salt	01/17/95
95-411-EL-AEC	Elyria Foundry	04/25/95
95-415-EL-AEC	G & C Foundry	04/25/95
95-704-EL-AEC	WCI Steel, Inc.	07/31/95
96-1284-EL-AEC	Celotex Corporation	11/27/96
96-1285-EL-AEC	Glidden Company	11/27/96

SERVICE NOTICE  
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CASE NUMBER 94-1777-EL-AEC  
CASE DESCRIPTION OHIO EDISON/BROST FOUNDRY  
DOCUMENT SIGNED ON December 18, 1997  
DATE OF SERVICE DEC 19 1997

PERSONS SERVED  
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PARTIES OF RECORD

ATTORNEYS

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APPLICANT

THE BROST FOUNDRY COMPANY

NONE