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**FILE**

December 21, 2007

Betty McCauley  
Chief of Docketing  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

RECEIVED-DOCKETING DIV  
2007 DEC 21 PM 2:15

PUCO

**SUBJECT:**

Case Nos. 07-~~1292~~EL-ATA  
07-0648-EL-UNC  
05-1500-EL-COI  
89-6008-EL-TRF

Dear Ms. McCauley:

In response to the Commission's Finding and Order dated March 28, 2007 in Case No. 05-1500-EL-COI, enclosed please find an original and 15 copies of the Net Energy Metering Rider filing for The Toledo Edison Company.

Please open a new ATA docket and assign a case number. Also please file one copy of this filing in Case No. 07-0648-EL-UNC, one copy in Case No. 05-1500-EL-COI, one copy in Case No. 89-6008-EL-TRF, and return two time-stamped copies (with the assigned case number) in the enclosed envelope.

Should you have any questions, please feel free to call me at 330-761-4200.

Thank you.

Sincerely,



Steven E. Ouellette  
Director, Rates & Regulatory Affairs

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician Bm Date Processed 12/20/07

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )  
The Toledo Edison Company for ) Case No. 07-\_\_\_\_\_-EL-ATA  
Approval of Modifications )  
to Existing Net Energy Metering Rider )

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1. APPLICANT RESPECTFULLY PROPOSES: (Check applicable proposals)

- |   |   |
|---|---|
| <input type="checkbox"/> New Service  | <input type="checkbox"/> Change in Rule or Regulation |
| <input type="checkbox"/> New Classification   | <input type="checkbox"/> Reduction in Rates           |
| <input type="checkbox"/> Change In Classification   | <input type="checkbox"/> Correction of Error          |
| <input checked="" type="checkbox"/> Other, not involving increase in rates                        |   |
| <input type="checkbox"/> Various Related and Unrelated textual revision, without change in intent |   |

2. DESCRIPTION OF PROPOSAL: Changes to the existing Net Energy Metering Rider are proposed pursuant to the Commission's Order, in Docket No. 05-1500-EL-COI, issued on March 28, 2007, and reflect the proposed rule changes set forth in said Order and approved by JCAR on October 22, 2007. Also included are several changes that clarify the provisions of the existing rider.

3. TARIFFS AFFECTED: (If more than 2, use additional sheets)

Tariff Sheet No. 93

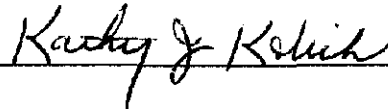
4. Attached hereto and made a part hereof are: (Check applicable Exhibits)

- ☒ Exhibit A - existing schedule sheets (to be superseded) if applicable
- ☒ Exhibit B - proposed schedule sheets
- ☐ Exhibit C-1
- a) if new service is proposed, describe;
- b) if new equipment is involved, describe (preferably with a picture, brochure, etc.) and where appropriate, a statement distinguishing proposed service from existing services;
- c) if proposed service results from customer requests, so state, giving if available, the number and type of customers requesting proposed service.

\_\_\_\_\_ Exhibit C-2 - if a change of classification, rule or regulation is proposed, a statement explaining reason for change.

  X   Exhibit C-3 - statement explaining reason for any proposal not covered in Exhibits C-1 or C-2

5. Applicant respectfully requests the Commission to approve the tariff sheets attached hereto, and to authorize The Toledo Edison Company to file the same in final form, becoming effective on the date, subsequent to filing, to be shown on the proposed schedule which will be filed with the Commission; and to be in the form and content shown in Exhibit B.



Kathy J. Kolich, Senior Attorney  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
(330) 384-4580

On behalf of The Toledo Edison Company

**TABLE OF CONTENTS**

The following rates, rules and regulations for electric service are applicable throughout Toledo Edison's service territory except as noted.

	<u>Sheet Numbers</u>	<u>Revision</u>
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Residential Rate "R-01a"	12	6 <sup>th</sup> Revised
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Residential Rate "R-09a" (Apartment Rate)	20	1 <sup>st</sup> Revised
Residential Conservation Service Program	21	Original
<b>GENERAL SERVICE</b>		
Small School Rate "SR-1a"	41	7 <sup>th</sup> Revised
Large School Rate "SR-2a"	42	8 <sup>th</sup> Revised
General Service Rate "GS-14"	44	8 <sup>th</sup> Revised
Small General Service Schedule	45	7 <sup>th</sup> Revised
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Large General Service Rate "GS-12"	43	4 <sup>th</sup> Revised
General Service Electric Space Conditioning Rate "GS-1"	47	4 <sup>th</sup> Revised
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Controlled Water Heating Rate "GS-19"	50	4 <sup>th</sup> Revised
Controlled Water Heating Rate "GS-19a"	51	3 <sup>rd</sup> Revised
Large Power Rate "PV-44"	60	4 <sup>th</sup> Revised
<b>RIDERS</b>		
Rider No. 1 Electric Fuel Component Rate	79	Original
Rider No. 4 Economic Development Rider	80	Original
Rider No. 4a Economic Development Rider	81	Original
Rider No. 6 Direct Load Control Experiment	83	Original
Rider No. 7 Prepaid Demand Option	84	Original
Rider No. 8 Replacement Electricity	85	Original
Rider No. 9 Transition Rate Credit Program/ Residential	86	2 <sup>nd</sup> Revised
Rider No. 11 Universal Service Rider	90	6 <sup>th</sup> Revised
Rider No. 12 Temporary Rider for EEF	91	1 <sup>st</sup> Revised
Rider No. 13 State and Local Tax Rider	92	6 <sup>th</sup> Revised
Rider No. 14 Net Energy Metering	93	1 <sup>st</sup> Revised
Rider No. 15 State kWh Tax Self-Assessor Credit Rider	94	1 <sup>st</sup> Revised
Rider No. 16 Residential Transmission and Ancillary Service	95	2 <sup>nd</sup> Revised
Rider No. 17 Commercial Transmission and Ancillary Service	96	2 <sup>nd</sup> Revised
Rider No. 18 Industrial Transmission and Ancillary Service	97	3 <sup>rd</sup> Revised
Rider No. 19 Regulatory Transition Charge Offset	98	Original
Rider No. 20 Fuel Recovery Mechanism	99	Original
Rider No. 21 Shopping Credit Rider	100	Original
Rider No. 22 Returning Customer Generation Service Rider	101	1 <sup>st</sup> Revised
Rider No. 23 Shopping Credit Adder	102	1 <sup>st</sup> Revised
Rider No. 24 Green Resource Rider	104	Original

### **Rider No. 14 Net Energy Metering Rider**

#### **Availability**

Pursuant to Section 4928.01(A)(30)-(32) of the Revised Code (Net Metering), a customer-generator is a customer of the Company that is a user of a net metering system. To qualify for a net metering system, the customer-generator facility must use as its fuel either solar, wind, biomass, landfill gas, or hydropower, or use a microturbine (a combustion turbine with a peak capacity of 100 kW or less) or a fuel cell which is located on the customer-generator's premises and operates in parallel with the Company's transmission and distribution systems and is intended primarily to offset part or all of the customer's requirements for electricity. A net metering system used by a customer-generator shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories.

Pursuant to Section 4928.67 of the Revised Code, service under this Rider is available upon request to customer-generators on a first come, first served basis so long as the total rated generating capacity used by customer-generator facilities is less than one percent of the Company's aggregate customer peak demand in this state.

#### **Metering**

In order to receive service under this Rider, Net Metering must be accomplished using a single meter capable of registering the flow of electricity in each direction. If the existing electrical meter in service at the customer's facility is not capable of measuring the flow of electricity in each direction, the Company will, upon written request by the customer-generator, acquire, install, maintain, and read an approved meter that is capable of measuring electricity in each direction. The customer-generator will pay the Company all expenses involved in either modifying the existing meter or providing a new meter capable of registering the flow of electricity in each direction. Maintenance of the meter will be the responsibility of the Company, which will own the meter. The Company, at its own expense and with written consent of the customer-generator, may install additional meters to monitor the flow of electricity. Maintenance of the additional meter(s) will be the responsibility of the Company, which will own the meter(s).

#### **Billing**

The provisions of this rider will be applied to the rate schedule to which the customer would be assigned if that customer were not a customer-generator. The customer-generator will be billed or credited charges and applicable riders as measured by the meter. Measured demand specified in the appropriate tariff shall be based on the peak demand measured as supplied by the Company only, flowing from the Company's system to the customer-generator's facility. If the Company supplies more kilowatt-hours of electricity than the customer-generator facility feeds back to the Company's system during the billing period, all energy charges of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the Company supplied. If the customer-generator facility feeds more kilowatt-hours of electricity back to the system than the Company supplies to the customer-generator facility during the billing period, energy charges of the unbundled generation component of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the customer-generator facility supplied, which shall be allowed to accumulate as a bill credit until netted against the customer generator's bill. A refund in an amount of the accumulated bill credit will be paid to the customer-generator after three consecutive billing periods of such accumulation upon written request by the customer-generator.

**Rider No. 14 Net Energy Metering Rider**

**Application**

Customer-generators seeking to receive service under the provisions of this rider must submit a written application to the Company demonstrating compliance with the Net Energy Metering Rider provisions and quantifying the total rated generating capacity of the customer-generator facility.

**Interconnection**

The Company's Distribution Interconnection Tariff shall apply to service under this rider.

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### Rider No. 14 Net Energy Metering Rider

#### Availability and Purpose

Pursuant to Section 4928.01(A)(30)-(32) of the Revised Code (Net Metering), a customer-generator is a customer of the Company that is a user of a net metering system. To qualify ~~for as a~~ net metering system, the ~~customer-generator facility must use as its fuel either solar, wind, biomass, landfill gas, or hydropower, or use a microturbine (a combustion turbine with a peak capacity of 100 kW or less) or a fuel cell, which is located on the customer-generator's premises and operates in parallel with the Company's transmission and distribution system facilities, and is intended primarily to offset part or all of the customer's-generator's requirements for electricity as those requirements are determined at the time application for service under this rider is made. A net metering system used by a customer-generator shall meet all applicable safety and performance standards established by the 2002 National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories, and Rules 4901:1-22-03 and 4901:1-22-04 of the Ohio Administrative Code.~~

Pursuant to Section 4928.67 of the Revised Code, service under this Rider is available ~~upon request to a customer-generator-generator upon request on a first-come, first-served basis, so long as the total rated generating capacity used by customer-generator facilities all customer-generators within the Company's service territory is less than one percent of the Company's aggregate customer peak demand in this state-the State as determined by the Company.~~

~~The purpose of this Rider is to provide customers the opportunity to offset part or all of their electricity consumption with self generation to the extent not prohibited by Federal law. Due to jurisdictional and other legal issues, this rider is not intended to provide customers with the opportunity to sell electricity to the Company for resale.~~

#### Metering

In order to receive service under this Rider, Net Metering must be accomplished using a single meter capable of registering the flow of electricity in each direction. If ~~the its~~ existing electrical meter ~~in service at the customer's facility is not capable of measuring the flow of electricity in each directiontwo directions,~~ the Company will, upon written request by the customer-generator, acquire, install, maintain, and read an approved meter ~~that is capable of measuring electricity in each direction. The customer-generator will pay the Companyshall be responsible for all expenses involved in either modifying the existingpurchasing and installing an approved meter or providing a new meter capable of registering the flow of electricity in each direction. Maintenance of the meter will be the responsibility of the Company, which will own the meter. The Company, at its own expense and with written consent of the customer-generator, with such consent not being unreasonably withheld, may install additional meters to monitor the flow of electricity. Maintenance of the additional meter(s) will also be the responsibility of the Company, which will own thesaid additional meter(s).~~

#### Billing

The provisions of this rider will be applied to the rate schedule ~~tofor~~ which the customer-generator would be assigned~~otherwise qualify if thatthe customer-were-generator did not a customer-generator have said net metering system.~~ The customer-generator will be billed or credited ~~all~~ charges and applicable riders ~~asof the appropriate rate schedule applied to usage measured by the approved meter--Measured demand in accordance with standard metering practices. Any measured billing demands specified in the appropriate tariff shall be based on the peak demand measured as supplied by the Company only, flowing from the Company's system to the customer-generator's facility. Net kilowatt-hours of electricity shall be calculated from measured usage to produce billing units matching appropriate rate schedule pricing units, such as monthly, hourly or by time-of-day.~~

If the Company supplies more kilowatt-hours of electricity than the ~~customer-generator facility~~ net metering system feeds back to the Company's system during the billing period, all energy charges

of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the Company ~~supplied~~ supplies.

If the ~~customer-generator facility~~ net metering system feeds more kilowatt-hours of electricity back to the ~~Company's system~~ than the Company supplies to the customer-generator facility during the billing period, energy charges of the unbundled generation component of the appropriate rate schedule shall be applied to the net kilowatt-hours of electricity that the ~~customer-generator facility supplied, which net metering system supplied, with credits for such electricity included in the next billing cycle.~~ Such credits shall be allowed permitted to accumulate as a bill credit until netted against the customer generator's bill. A generator's bill, or until the customer-generator requests in writing a refund in that amounts to, but is no greater than, an amount annual true-up of the accumulated bill credit will be paid to the customer-generator after three consecutive billing periods of such accumulation upon written request by the customer-generator credits over a twelve-month period.

Rider No. 14 Net Energy Metering Rider

Application

Customer-generators seeking to receive service under the provisions of this ~~rider~~ Rider must submit, at least 45 days prior to the date it expects to take service under this Rider, a written application to the Company demonstrating the total generating capacity of the net metering system and compliance with the Net Energy Metering Rider provisions and quantifying the total rated generating capacity of the customer-generator facility, set forth herein. If the Company determines after a period of at least twelve months of operation, that the net metering system is not producing electricity primarily to offset all or part of the customer-generator's requirements for electricity, the Company shall have the right to remove the customer-generator from this rider and terminate any related contract(s), provided that the Customer is given no more than three months to modify its generating output from the net metering system so as to more accurately match the customer-generator's electricity requirements.

Interconnection

The Company's Distribution Interconnection Tariff shall apply to service under this rider.

Stand-by Service

To the extent applicable, customer-generators taking service under this Rider are also subject to the Company's tariffs for partial (stand-by) service.

The existing Net Energy Metering Rider was approved under Case No. 02-2022-EL-ATA

The changes are proposed pursuant to the Commission's Order, in Docket No. 05-1500-EL-COI, issued on March 28, 2007, and reflect the proposed rule changes set forth in said Order and approved by JCAR on October 22, 2007. Also included are several changes that clarify the provisions of the existing rider. All proposed major changes from the rider currently in effect are summarized below:

- a. **Microturbines:** Proposing the elimination of the 100 kW size limitation for microturbine capacity, pursuant to rule changes made in OAC 4901:1-21-01(A)(22) and 4901:1-21-13(A)(1)(a).
- b. **Crediting:** Proposing the elimination of the requirement that credits accumulate for at least three consecutive months and the addition of a provision that allows refunds of amounts up to, but no greater than, an annual true-up of accumulated credits over a 12-month period, pursuant to rule changes made in OAC 4901-1-10-28(E)(3).
- c. **Billing Units:** Proposing clarification language to make clear Net kWh's would be calculated to match tariff blocking, hourly basis, time-of-day basis of current and potential future tariffs.
- d. **Intended to Offset Usage:** Proposing additional language to place the customer on notice that the purpose of the rider is not to allow sales of power to the utility for resale, but rather is for the purpose of primarily offsetting all or a part of a customer-generator's electricity requirements. Consistent with this purpose, additional language has been proposed that allows the Company to remove a customer from the rider if it is discovered that after a minimum of 12 months of operation, the net metering system is producing more electricity than originally represented by the customer and the customer has not adjusted output to better match its electricity requirements within three months of receiving notice from the Company of the customer's non-compliance with the Rider requirements.
- e. **Application:** Proposing a requirement that a customer complete and submit an application at least 45 days prior to the date it expects to take service under the rider so as to provide the Company with sufficient time to evaluate the application, including as examples the customer's metering needs and whether the customer meets the prerequisites set forth in the Rider.
- f. **Standby:** Proposing clarification language so as to make clear that standby charges may be applicable, pursuant to those schedules.
- g. **Miscellaneous Text Changes:** Various textual changes are proposed for added clarity.