

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Cleveland Thermal Steam Distribution, LLC to Adjust its Tariff.) Case No. 08-238-HT-UNC)

FINDING AND ORDER

The Commission finds:

- (1) Cleveland Thermal Steam Distribution, LLC (Cleveland Thermal or Company), is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of the Commission. Cleveland Thermal has been authorized by this Commission and franchised by the City of Cleveland to supply steam through pipes or tubing to consumers within the City of Cleveland for heating or cooling purposes.
- (2) On March 11, 2008, Cleveland Thermal filed an application requesting approval to adjust its tariff pursuant to the Commission's October 15, 1998 Opinion and Order in Case No. 97-522-HT-AIR. In that Opinion and Order, the Commission approved a flexible tariff in which the tariff block rates for the General Service Schedule are set at 1.10 times the authorized rates contained in the Standard Steam Service Agreement. The Commission further found that Cleveland Thermal is required to submit an application under Section 4905.31 Revised Code, for approval of any revisions to the Standard Steam Service Agreement prior to any future adjustments to the tariff rates.
- (3) On February 27, 2008, the Commission approved new Standard Steam Service Agreements in Case No. 07-732-HT-AEC. The Standard Steam Service Agreements provide for pre-specified increases in those rates on January 1, of years 2008, 2009, 2010, and 2011.
- (4) In this application, Cleveland Thermal seeks to adjust its tariff rates for the General Service Schedule by setting them at 1.10 times the authorized rates contained in the recently approved Standard Steam Service Agreement after recovering the gross receipts tax and the "tax on tax" effect. The approval being sought would apply to each of the four years the Standard Steam Service Agreement will be in effect.

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- (5) Cleveland Thermal has attached as exhibits the existing tariff, revised tariff, rationale behind the tariff increase and a proposed Tariff Customer Notice which will be sent to all steam tariff customers informing them of the adjustment in the steam tariff rate effective with bills submitted on and after April 1, 2008.
- (6) The Commission has reviewed the application and proposed notice and finds them to be reasonable and consistent with the Commission's October 15, 1998 Opinion and Order in Case No. 97-522-HT-AIR and in the public interest, and should be approved. Cleveland Thermal shall make annual filings with the Commission to reflect subsequent revisions to its tariff in 2009 through 2011.

It is, therefore,

ORDERED, That the application of Cleveland Thermal for authority to revise its tariff is granted. It is, further,

ORDERED, That Cleveland Thermal is authorized to file in final form four complete copies of the tariff consistent with this Finding and Order. Each Applicant shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-800-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That the effective date of the new tariff shall be a date not earlier than both the date of this Finding and Order and the date upon which final tariffs are filed with the Commission. The new tariffs shall be effective for services rendered on or after such effective date. 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 applicant commence notification to its customers of the increase in rates authorized herein by bill insert proposed by the company in their application within 30 days of this Finding and Order. It is, further,

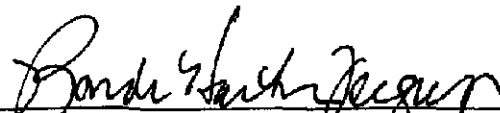
ORDERED, That a copy of this Finding and Order be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

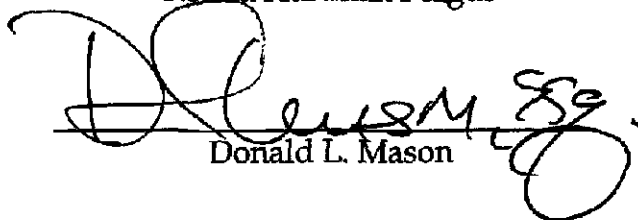
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Ferguson



Donald L. Mason

Valerie A. Lemmie

JR:sm

Entered in the Journal

MAR 26 2008



Renee J. Jenkins
Secretary