

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the)
Cleveland Electric Illuminating Company)
Authority to Revise Tariff P.U.C.O. No. 13) Case No. 07-1288-EL-ATA
Minimum Requirements for Distribution)
System Interconnection.)

In the Matter of the Application of the)
Toledo Edison Company for Authority to)
Revise Tariff P.U.C.O No. 8 Minimum) Case No. 07-1289-EL-ATA
Requirements for Distribution System)
Interconnection.)

In the Matter of the Application of the)
Ohio Edison Company for Authority to)
Revise Tariff P.U.C.O No. 11 Minimum) Case No. 07-1290-EL-ATA
Requirements for Distribution System)
Interconnection.)

In the Matter of the Commission-Ordered)
Workshop into Electric Utility Fuel Source) Case No. 07-648-EL-UNC
Diversity and Fossil Fuel Generation)
Efficiency.)

In the Matter of the Application of the)
Commission's Review to Provisions of)
the Federal Energy Policy Act of 2005) Case No. 05-1500-EL-COI
Regarding Net Metering, Smart Metering,)
Demand Response, Cogeneration, and)
Power Production.)

FINDING AND ORDER

The Commission finds:

- (1) The Cleveland Electric Illuminating Company, the Toledo Edison Company, and the Ohio Edison Company of the FirstEnergy Corporation (FE Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.

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- (2) On March 28, 2007, in Case No. 05-1500-EL-COI, the Commission directed all electric utilities to file, for Commission approval, revised tariffs that comport with the interconnection service requirements and rules set forth in the Commission's Finding and Order and newly adopted Chapter 4901:1-22 of the Ohio Administrative Code.
- (3) Pursuant to that directive, the FE Companies proposed modifications to their interconnection service tariff schedules in Case Nos. 07-1288-EL-ATA, 07-1289-EL-ATA and 07-1290-EL-ATA on December 21, 2007.¹
- (4) On January 18, 2008, the Office of the Ohio Consumers' Counsel (OCC) moved to intervene, amend the tariffs, or in the alternative, hold a hearing.² OCC argues that the tariffs should contain standards for interconnection that are lawful and reasonable, and that the tariffs should be limited to assessing costs that are also lawful and reasonable. No memorandum contra OCC's motion was filed.
- (5) Subsequently, on September 15, 2008, the FE Companies filed revised interconnection tariffs.
- (6) Through its motion, OCC has set forth reasonable grounds to intervene. Accordingly, the Commission finds that OCC's motion for intervention should be granted.
- (7) With respect to OCC's motion to amend the tariffs, the Commission notes that OCC's motion is similar to one filed in Case No. 05-1500-EL-COI. As indicated in an entry issued on March 17, 2008 in that proceeding addressing OCC's motion, the intent of Rule 4901-1-06, Ohio Administrative Code, is to allow the Commission to authorize the amendment of any application by the applicant upon the Commission's own motion or upon the motion of any party for good cause shown. Allowing one party to move to amend the application of another party would foster retaliatory pleadings that would obstruct Commission proceedings. If a party believes that proposed tariffs violate a statute, rule, or order, a party should

¹ The FE Companies also filed its proposed interconnection tariffs in Case Nos. 07-648-EL-UNC and 05-1500-EL-COI.

² OCC previously moved to intervene in Case Nos. 07-648-EL-UNC and 05-1500-EL-COI on June 27, 2007 and December 23, 2005, respectively.

object to the filing and/or file comments. Accordingly, we will consider OCC's motion to amend to be an objection to the filing and comments thereto.

- (8) With respect to OCC's request for a hearing, the applications have been filed pursuant to Section 4909.18, Revised Code, and the Commission finds, as the FE Companies allege, that they are not for an increase in any rate, joint rate, toll, classification, charge or rental and do not appear to be unjust or unreasonable and should be approved. Further, as indicated by OCC in its motion, the Commission has undertaken a substantial investigation into these issues in Case No. 05-1500-EL-COI, including holding technical conferences and workshops, reviewing comments and a staff report, and issuing a finding and order and multiple entries on rehearing that specifically address interconnection issues. Therefore, the Commission finds that it is unnecessary to hold a hearing in this matter.
- (9) The Commission has reviewed the FE Companies' revised applications to modify their interconnection service tariff schedules and the comments received by OCC, as well as those filed in Case No. 05-1500-EL-COI, and finds that the modified tariff provisions, as filed on September 15, 2008, are not for an increase in any rate and do not appear to be unjust and unreasonable. Therefore, we determine that the applications should be approved.

It is, therefore,

ORDERED, That OCC's motion to intervene is granted. It is, further,

ORDERED, That the applications of the FE Companies are approved. It is, further,

ORDERED, That the FE Companies are authorized to file in final form six complete copies of their tariffs consistent with this Finding and Order. Each company shall file one copy in each of its TRF dockets (Case No. 89-6001-EL-TRF for the Cleveland Electric Illuminating Company, 89-6008-EL-TRF for the Toledo Edison Company, and 89-6006-EL-TRF for the Ohio Edison Company), and one copy in each of the instant case dockets. 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,

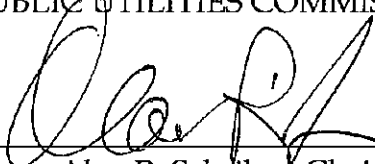
ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the date of this Finding and Order and the date upon which six complete copies of final tariffs are filed with the Commission. It is, further,

ORDERED, That the FE Companies shall notify all affected customers via a bill message, via a bill insert, or via a separate mailing within 30 days of the effective date of the tariffs. A copy of the customer notices shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

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,

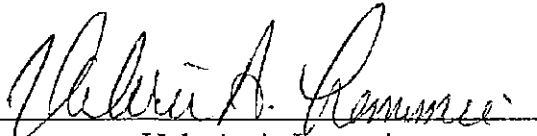
ORDERED, That a copy of this Finding and Order be served upon all parties of record.

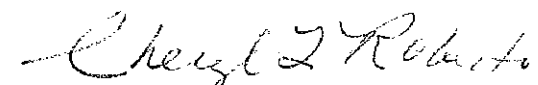
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

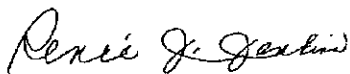

Valerie A. Lemmie


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JSK:clh

Entered in the Journal

SEP 24 2003


Renee J. Jenkins
Secretary