

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Akron)
Thermal, Limited Partnership for an) Case No. 09-453-HT-AEM
Emergency Increase in its Rates and Charges)
for Steam and Hot Water Service.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-442-HC-AEC
of a Modification to an Existing)
Arrangement.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-441-HT-AEC
of an Arrangement with an Existing)
Customer.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership to Issue Three) Case No. 09-414-HT-AIS
Promissory Long-Term Notes.)

In the Matter of the Application of Akron)
Thermal, Limited Partnership for Approval) Case No. 09-315-HT-ATA
of Revised Tariffs.)

ENTRY NUNC PRO TUNC

The Commission finds:

- (1) On May 29, 2009, Akron Thermal, Limited Partnership (ATLP) filed an application in 09-453-HT-AEM for an emergency annual increase of \$4,195,561 in its rates and charges for steam and hot water service. By Opinion and Order issued September 2, 2009, the Commission denied ATLP's application.
- (2) On September 8, 2009, ATLP filed a letter in the docket (September 8 Letter), stating that ATLP and Akron Thermal Cooling (ATC) were suspending operations at 5:00 p.m. EST that day. Because it indicated a change in the provider of heating and cooling service, from ATLP to the city of Akron (City), or a representative of the city, Akron Energy Services, LLC (AES), we construed the September 8 Letter as an application for substitution of service.

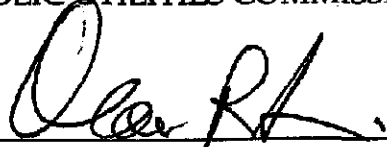
- (3) On September 23, 2009, the Commission issued an entry (September 23 Entry) granting ATLP's application for substitution of service, and ordering the transfer of customer accounts and operations from ATLP to the City. It has come to the Commission's attention that we did not aptly describe in that entry our intent as to what specific actions ATLP needed to take to effectuate the transfer of operations to the City, as ordered.
- (4) Implicit in the process of transferring operations from one steam and hot water provider to another, in order to provide uninterrupted service to customers, is the transfer of any permits necessary to operate from the former provider of service to the current provider. Without the transfer of such permits, the provision of service cannot be effectuated by the transferee.
- (5) In light of the implied transfer of permits in the process of transferring steam and hot water operations from one provider to another, the first ordering paragraph of the Commission's September 23 Entry should be clarified and revised, nunc pro tunc, as follows, to effectively delineate what is to be included in the transfer of operations from ATLP to the City: "ORDERED, That the transfer of customer accounts and operations from ATLP to the City of Akron, including the transfer of any permits necessary to operate any specific units or facilities, be approved as set forth in this entry."

It is, therefore,

ORDERED, That the Commission's September 23, 2009, order be revised, nunc pro tunc, in accordance with finding (5). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

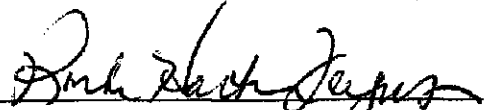
THE PUBLIC UTILITIES COMMISSION OF OHIO



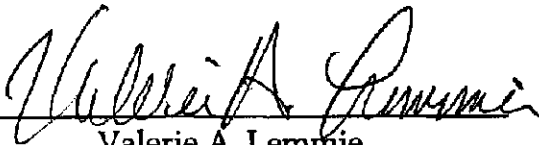
Alan R. Schriber, Chairman



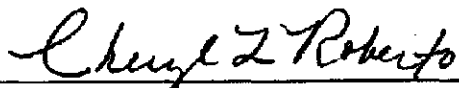
Paul A. Centolella



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RLH:ct

Entered in the Journal

~~OCT 07 2009~~



Renee J. Jenkins
Secretary