

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
The Cleveland Electric Illuminating ) Case No. 09-761-EL-ATA  
Company to Create a Net Metering Tariff )  
Specifically for Hospitals. )

In the Matter of the Commission's Review )  
of Chapters 4901:1-9, 4901:1-10, 4901:1-21, ) Case No. 06-653-EL-ORD  
4901:1-22, 4901:1-23, 4901:1-24, and )  
4901:1-25 of the Ohio Administrative Code. )

FINDING AND ORDER

The Commission finds:

- (1) The Cleveland Electric Illuminating Company (CEI) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On May 1, 2008, the governor of the state of Ohio signed into law Amended Substitute Senate Bill No. 221, amending various provisions of Amended Substitute Bill No. 3. Among those amendments are various revisions to Chapter 4928 of the Revised Code, which necessitated corresponding revisions to several rules, including those governing net metering.
- (3) On November 5, 2008, in Case No. 06-653-EL-ORD, the Commission adopted revised Electric Service and Safety Standards (ESSS), in Chapter 4901:1-10 of the Ohio Administrative Code (O.A.C), which included revisions to Rule 4901:1-10-28, O.A.C., regarding hospital net metering.
- (4) On May 6, 2009, the Commission issued an entry on rehearing in Case No. 06-653-EL-ORD, which ordered the electric utilities to file applications to revise their tariffs to be consistent with the revised rules within 60 days of their effective date. The ESSS rules became effective on June 29, 2009.

- (5) On August 28, 2009, CEI filed hospital net metering tariffs in the form of an application in Case Nos. 09-761-EL-ATA and 06-653-EL-ORD.
- (6) The Commission has reviewed CEI's August 28, 2009, application to establish its Rider HNM Hospital Net Energy Metering Rider and finds that the tariff provisions filed pursuant to Section 4909.18, Revised Code, comply with the requirements of Rule 4901:1-10-28, O.A.C., are not for an increase in any rate, and do not appear to be unjust and unreasonable. Therefore, we find that the application should be approved.

It is, therefore,

ORDERED, That CEI's application to establish its hospital net metering tariff, as filed on August 28, 2009, be approved. It is, further,

ORDERED, That CEI is authorized to file, in final form, four complete copies of the tariff, consistent with this finding and order. CEI shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-900-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,

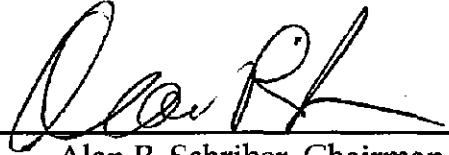
ORDERED, That CEI shall notify all affected customers via a bill message, via a bill insert, or via a separate mailing within 30 days of the effective date of the tariff. A copy of the customer notices shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and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

ORDERED, That 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 final tariffs are filed with the Commission. It is, further,

ORDERED, That nothing in this finding and order shall be binding upon this 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 CEI and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



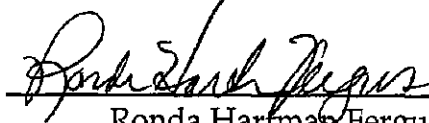
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Alan R. Schriber, Chairman



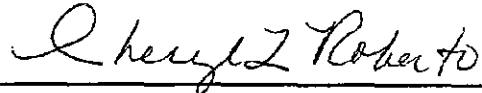
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Paul A. Centolella



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Ronda Hartman Fergus



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Cheryl L. Roberto



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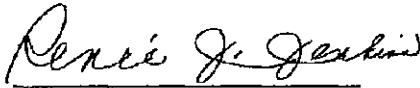
Valerie A. Lemmie

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Entered in the Journal

**OCT 14 2009**

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Renee J. Jenkins  
Secretary