

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Ohio Edison Company for Approval of) Case No. 99-389-EL-AEC
an Agreement with a New Customer)
(ASC Industries, Inc.).)

In the Matter of the Application of)
Ohio Edison Company for Approval of) Case No. 99-664-EL-AEC
an Agreement with a New Customer)
(Plas Tech, Inc.).)

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, Ohio Edison Company, is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) The Applicant now petitions this Commission for approval of Agreements with various Customers. Each Agreement provides Economic Development provisions.
- (3) Each Agreement offers demand discounts to encourage the Customer to expand or locate its operations at an existing or new facility in Applicant's service territory. The Agreements state that the Customer shall receive discounts on base-load as follows:

<u>Year</u>	<u>% Discount</u>
1	50%
2	40%
3	30%
4- 2005	20%

- (4) The approval of this contract is subject to the determinations and constraints of S.B.3.
- (5) Terms of each Agreement specify that the Customer must have commenced locating its operations at a specified location on time or before a given date (Exhibit A) for the Customer to qualify for the demand discounts. Pursuant to the contract, if the Customer had not commenced expanding its operations in the Applicant's service territory on or before the given date, the Applicant was to contact the Commission and, if necessary, withdraw the contract.

- (6) The Applicant states that the proposed Agreements will not be to the detriment of any Ohio Edison customer. Increased load from new or expanding industrial use in the Applicant's service area will permit the Applicant to better utilize its facilities, resulting in more efficient operations.
- (7) The Applicant will provide to the Staff of the Commission semiannual reports as to the level of economic sales provided by the incentive rate and any effects on other customers. The reports will be in the format ordered for Ohio Edison's Special Arrangements for Economic Development.
- (8) These Agreements are substantively identical to agreements approved by this Commission in prior Ohio Edison cases. The applications should be approved as filed pursuant to Section 4905.31, Revised Code.
- (9) Our approval of these contracts does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant or any party to a contract approved by this Finding and Order from the provisions of any state or federal law, which prohibit the restraint of trade.

It is, therefore,

ORDERED, That the Agreements attached to the applications are approved. Two copies of each Agreement as filed with its application shall be accepted for inclusion in this docket. It is, further,

ORDERED, That the Applicant include the Customer in its semiannual reports regarding its Special Arrangements for Economic Development. The semiannual reports should be submitted to the Electric Division of the Commission's Utilities Department. It is, further,

ORDERED, That the Commission's approval of these contracts does not constitute state action for the purpose of antitrust laws. 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 a copy of this Finding and Order be served upon the Applicant, and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



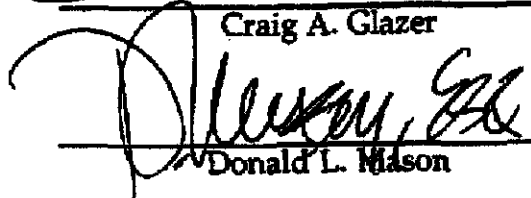
Ronda Hartman Fergus



Craig A. Glazer



Judith A. Jones



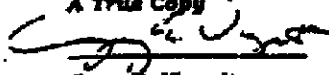
Donald L. Mason

MR:dj

Entered in the Journal

DEC 16 1999

A True Copy



Gary E. Vigorito
Secretary

Exhibit A

Case Number

Customer Name & Location

99-389-EL-AEC
99-664-EL-AEC

ASC Industries/Green
Custom Plas Tech/Mantua

August 1, 1999
August 1999

SERVICE NOTICE

PAGE 1

CASE NUMBER 99-664-EL-ABC
CASE DESCRIPTION OHIO EDISON/PLAS TECH
DOCUMENT SIGNED ON December 16, 1999
DATE OF SERVICE 12-16-99

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

OHIO EDISON COMPANY
OFFICE OF THE PRESIDENT
76 SOUTH MAIN STREET
AKRON, OH 44308

KURT E. TUROSKY
FIRSTENERGY
76 SOUTH MAIN STREET
AKRON, OH 44308

APPLICANT

PLAS TECH, INC.
PIONEER TRAIL
AURORA, OH 44202

NONE