

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Aligning Electric )  
Distribution Utility Rate Structure with )  
Ohio's Public Policies to Promote ) Case No. 10-3126-EL-UNC  
Competition, Energy Efficiency, and )  
Distributed Generation. )

ENTRY ON REHEARING

The Commission finds:

- (1) By entry issued December 29, 2010, the Commission solicited comments to aid the Commission in considering whether modifications to Ohio's electric utilities' rate structures would better align utility performance with Ohio's desired public policy outcomes, including competition, increased energy efficiency, and encouraging distributed generation pursuant to Section 4928.02, Revised Code.
- (2) Thereafter, by Finding and Order issued August 21, 2013, the Commission summarized the comments received and made a finding that the rate structure that may best accomplish the desired public policy outcomes may be straight fixed variable (SFV) rate design. The Commission also found that the appropriate time to implement such a design would be on an individual basis during each electric utility's rate case. Finally, the Commission encouraged electric utilities to file their next base rate case utilizing the SFV rate design and directed Staff to include an alternative rate design including SFV principles in its Staff Report for any base rate case filed that does not utilize an SFV rate design.
- (3) Section 4903.10, Revised Code, indicates that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by filing an application within 30 days after the entry of the order upon the journal of the Commission. Under Rule 4901-1-35(B), Ohio Administrative Code, any party may file a

memorandum contra within ten days after the filing of an application for rehearing.

- (4) On September 20, 2013, applications for rehearing were filed by Ohio Consumers' Counsel, Ohio Partners for Affordable Energy, and Ohio Poverty Law Center (collectively, Citizen Groups); Natural Resources Defense Council, Sierra Club, and the Ohio Environmental Council (collectively, Environmental Groups); and, the Environmental Law and Policy Center (ELPC). With its application for rehearing, ELPC contemporaneously filed a motion for leave to file an application for rehearing, requesting leave to file for rehearing even though ELPC did not enter an appearance in this case prior to filing for rehearing.
- (5) Initially, the Commission notes that Section 4903.10, Revised Code, provides that "[i]n any uncontested proceeding \* \* \* any affected person, firm, or corporation may make an application for a rehearing within thirty days after the entry of any final order upon the journal of the commission." The proceeding at issue is an uncontested Commission-opened docket seeking comments; consequently, it is unnecessary for ELPC to file a motion for leave to file an application for rehearing and the Commission finds the motion is moot.
- (6) Further, the Commission finds that sufficient reason has been set forth to warrant further consideration of the matters specified in the applications for rehearing. Accordingly, the applications for rehearing filed by the Citizen Groups, Environmental Groups, and ELPC should be granted.

It is, therefore,

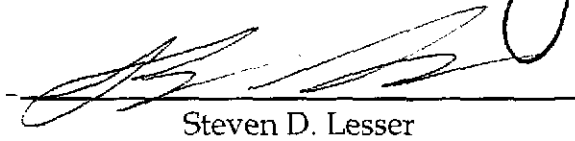
ORDERED, That the motion for leave to file an application for rehearing filed by ELPC is moot. It is, further,

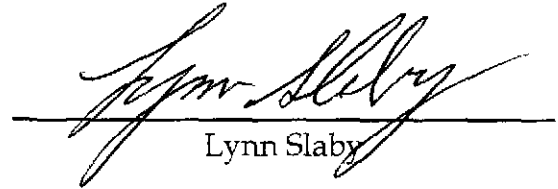
ORDERED, That the applications for rehearing set forth in Finding (6) be granted for further consideration of the matters specified therein. It is, further,

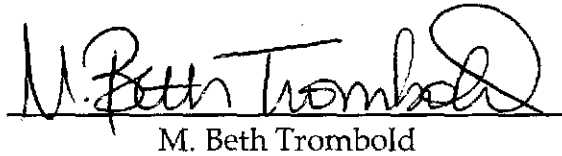
ORDERED, That a copy of this Entry on Rehearing be served upon each party of record.

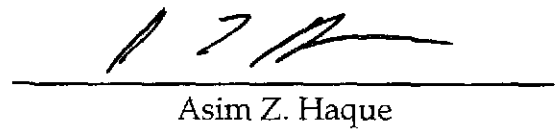
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Lynn Slaby

  
M. Beth Trombold

  
Asim Z. Haque

MWC/sc

Entered in the Journal

**OCT 16 2013**

  
Barcy F. McNeal

Barcy F. McNeal  
Secretary