

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio )  
Edison Company for a Waiver of Rules )  
4901:1-10-05(J)(1), (J)(5)(a), and (J)(5)(b) of ) Case No. 14-1050-EL-WVR  
the Ohio Administrative Code. )

In the Matter of the Application of The )  
Cleveland Electric Illuminating Company )  
for a Waiver of Rules 4901:1-10-05(J)(1), ) Case No. 14-1052-EL-WVR  
(J)(5)(a), and (J)(5)(b) of the Ohio )  
Administrative Code. )

In the Matter of the Application of The )  
Toledo Edison Company for a Waiver of ) Case No. 14-1053-EL-WVR  
Rules 4901:1-10-05(J)(1), (J)(5)(a), and )  
(J)(5)(b) of the Ohio Administrative Code. )

FINDING AND ORDER

The Commission finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (Collectively, FirstEnergy or the Companies), are public utilities as defined in R.C. 4928.02, and, as such, are subject to the jurisdiction of this Commission.
- (2) On May 19, 2014, the Commission final filed with the Joint Committee on Agency Rule Review (JCARR) an amended rule in Ohio Adm.Code 4901:1-10-05, with an effective date of May 29, 2014, requiring electric utilities to file an advanced meter opt-out service tariff within 30 days of the effective date of the rule.
- (3) On June 9, 2014, the Companies filed motions for waivers of Ohio Adm. Code 4901:1-10-05(J)(1), (J)(5)(a),

and (J)(5)(b) to provide an advanced meter opt-out service tariff. The Companies assert that they do not need to file advanced meter opt-out service tariffs. FirstEnergy asserts that Toledo Edison and Ohio Edison have not installed advanced meters and do not have plans to install advanced meters. Further, FirstEnergy asserts that the Cleveland Electric Illuminating Company only offers advanced meters through a small pilot program with terms and conditions already approved by the Commission. FirstEnergy contends that developing advanced meter opt-out service tariffs is unnecessary and would serve no useful purpose. No party filed a memorandum contra to FirstEnergy's motions for waiver.

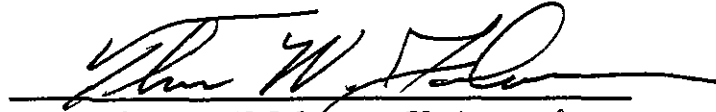
- (4) The Commission finds that FirstEnergy's motions for waiver of Ohio Adm.Code 4901:1-10-05(J)(1), (J)(5)(a), and (J)(5)(b) should be denied. The Commission finds that FirstEnergy should maintain on file with the Commission an approved tariff offering residential customers the option to remove an advanced meter and the option to decline the future installation of an advanced meter. We recognize that FirstEnergy does not currently have many advanced meters installed. However, the rule provides the opportunity for customers to decline the installation of an advanced meter if one is proposed to be installed in the future. Accordingly, we find that FirstEnergy should maintain a tariff on file with the Commission that contains terms and conditions that indicate the consumer protections provided for in Ohio Adm.Code 4901:1-10-05. We direct FirstEnergy to file a proposed tariff for opt-out service within thirty days of the date of this Order.

It is, therefore,

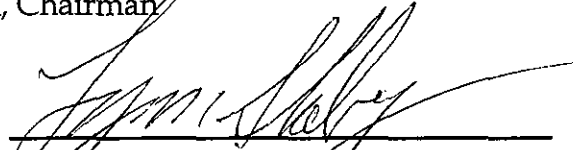
ORDERED, That FirstEnergy's applications for waiver of Ohio Adm.Code 4901:1-10-05 are denied, in accordance with Finding (4). It is, further,

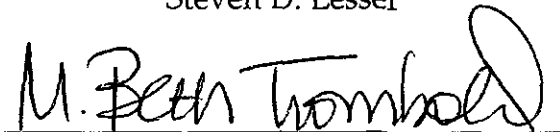
ORDERED, That a copy of this Finding and Order be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

  
Steven D. Lesser

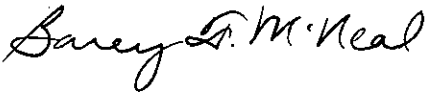
  
Lynn Slaby

  
M. Beth Trombold

  
Asim Z. Haque

BAM/sc

Entered in the Journal  
**AUG 20 2014**



Barcy F. McNeal  
Secretary