

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio	)	
Edison Company, The Cleveland Electric	)	
Illuminating Company and The Toledo	)	
Edison Company for a Waiver with	)	Case No. 14-2049-EL-WVR
Regard to Rule 4901:1-37-04(D)(1), Ohio	)	
Administrative Code	)	
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**APPLICATION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY AND THE TOLEDO EDISON COMPANY FOR  
WAIVER**

On December 12, 2012, the Commission issued an Entry (“December 12 Entry”) initiating an investigation into Ohio’s retail electric service market in the above-referenced matter. On May 29, 2013, the Commission issued an Entry (“May 29 Entry”) establishing a series of stakeholder collaboration workshops for the purpose of continuing the investigation into the health, strength, and vitality of the market. On March 26, 2014, the Commission issued a Finding and Order on Staff’s Development Work Plan (“March 26 Order”).

In the March 26 Order, the Commission directed electric distribution utilities (“EDUs”) to work with Competitive Retail Electric Service (“CRES”) providers and the Market Development Working Group (“MDWG”) to develop proper procedures for providing to CRES providers certain customer payment information.<sup>1</sup> Because the Commission did not provide a waiver of certain rules that prohibit the disclosure of some of this information, Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively “Companies”) filed an

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<sup>1</sup> March 26 Order at ¶20.

application for rehearing requesting that the Commission “modify its Order to specifically waive any rule that would prohibit the disclosure of the information, including Rule 4901:1-37-04(D)(1).” However, in ruling on the Companies’ application for rehearing and specific request for waiver, the Commission held:

that rehearing on this issue in FirstEnergy's and DP&L's applications for rehearing should be denied. Initially, the Commission notes that the Order directed the EDUs to work with CRES providers and the MDWG; it did not order the EDUs to begin disclosing information. Accordingly, during discussion with CRES providers as part of the MDWG, if the EDUs believe that Commission rules require customer authorization for the release of certain information, the EDUs should then seek limited waivers of the applicable rules.<sup>2</sup>

In the MDWG process, the Companies have been asked to provide to CRES providers a customer’s total bill payment information, including information related to the payment of EDU charges, regarding customers who are on an extended payment plan and who shop with CRES providers. The Companies are willing to provide this information, and are requesting a limited waiver under Rule 4901:1-37-04(D)(1) to permit them to do so. Rule 4901:1-37-04(D)(1) provides:

The electric utility shall not release any proprietary customer information (e.g., individual customer load profiles or billing histories) to an affiliate, or otherwise, without the prior authorization of the customer, except as required by a regulatory agency or court of law. (Emphasis added)

Moreover, the Companies are requesting that it be permitted to provide this information within ninety (90) days of the granting of the waiver to permit the Companies to adequate time to design and implement the functionality into their system. Wherefore, the Companies respectfully request that the Commission grant the request for a waiver of Rule 4901:1-37-04(D)(1) to provide a customer’s total bill payment information to CRES providers regarding customers who are on an extended payment

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<sup>2</sup> May 21, 2014 Entry on Rehearing at ¶11.

plan and who shop with CRES providers, and that they be permitted ninety (90) days from the granting of this waiver to commence providing this information.

Respectfully submitted,

/s/ Carrie M. Dunn \_\_\_\_\_

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**Case No(s). 14-2049-EL-WVR**

Summary: Application for a Waiver with Regard to Rule 4901:1-37-04(D)(1), Ohio Administrative Code electronically filed by Ms. Carrie M Dunn on behalf of The Toledo Edison Company and The Cleveland Electric Illuminating Company and Ohio Edison Company