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Via E-FILE

November 14, 2016

Public Utilities Commission of Ohio
PUCO Docketing
180 E. Broad Street, 10th Floor
Columbus, Ohio 43215

In re: Case No. 14-1297-EL-SSO

Dear Sir/Madam:

Please find attached the APPLICATION FOR REHEARING OF THE OHIO ENERGY GROUP e-filed today in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,

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MLKkew
Encl.
Cc: Certificate of Service

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter Of The Application Of The Ohio Edison Company, The Cleveland Electric Illuminating Company, And The Toledo Edison Company For Authority To Establish A Standard Service Offer Pursuant To R.C. §4928.143 In The Form Of An Electric Security Plan.	: : : : :	**Case No. 14-1297-EL-SSO**

APPLICATION FOR REHEARING
OF THE OHIO ENERGY GROUP

Pursuant to R.C. 4903.10 and Ohio Adm. Code 4901-1-35, the Ohio Energy Group ("OEG") submits this Application for Rehearing of the Fifth Entry on Rehearing ("Entry") issued by the Public Utilities Commission of Ohio ("Commission") in the above-captioned dockets on October 12, 2016. OEG submits that the Entry is unlawful and unreasonable because the Commission erred by not adopting OEG's alternative cost allocation proposal for the Distribution Modernization Rider ("DMR"). OEG's alternative DMR cost allocation: 1) results in exactly the same rate impacts on the residential class as the Staff allocation adopted by the Commission; 2) properly incorporates a distribution component to recover distribution-related costs from non-residential customers; and 3) received broad support from diverse parties.

OEG does not oppose the DMR rate design adopted by the Commission, as reflected in the tariffs filed by FirstEnergy on November 3, 2016. OEG's concern on rehearing is limited to the allocation of DMR costs among customer classes. A memorandum in support of this Application for Rehearing is attached.

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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In The Matter Of The Application Of The Ohio Edison Company, The Cleveland Electric Illuminating Company, And The Toledo Edison Company For Authority To Establish A Standard Service Offer Pursuant To R.C. §4928.143 In The Form Of An Electric Security Plan.	: : : : :	**Case No. 14-1297-EL-SSO**

MEMORANDUM IN SUPPORT

I. The Commission Erred By Not Adopting OEG's Alternative DMR Cost Allocation, Which: 1) Results In Exactly The Same Rate Impacts On The Residential Class As The Staff Allocation Adopted By The Commission; 2) Properly Incorporates A Distribution Component To Recover Distribution-Related Costs From Non-Residential Customers; And 3) Received Broad Support From Diverse Parties.

In its Entry, the Commission chose to adopt Staff's approach to allocate and recover the costs of the newly-established DMR. Under that approach, DMR costs will be allocated to and recovered from all customers based upon 50 percent demand and 50 percent energy. The Commission's explanation for adopting Staff's approach was that such an approach would avoid excessive rate impacts to residential customers.[1]

While the Commission's concern regarding residential customer rate impacts is appropriate, the Commission erred by failing to expressly consider or adopt OEG's alternative proposal, which results in the same rate impacts for residential customers as the Staff approach. Under that alternative proposal, DMR costs would first be allocated to the residential class using the same method recommended by Staff (50 percent demand and 50 percent energy).[2] Only after that first step was complete would OEG's methodology (50 percent demand and 50 percent distribution revenues) be used to allocate the remaining DMR costs to the non-residential rate schedules.

The alternative proposal OEG recommends would result in *exactly* the same rate impacts for residential customers as would occur under the Staff's methodology. Specifically, rather than 44 percent of costs being allocated to the residential class (a number which concerned the Commission), only 32.4 percent of costs would flow to that class. And the residential DMR charge would remain \$3.82/MWh.[3] However, the alternative

[1] Entry at 98 (*"The Commission finds that this allocation would excessively impact residential customers... This allocation will mitigate the impact of Rider DMR on residential customers."*).
[2] Rehearing Tr. Vol. II (July 12, 2016) at 431:4-13.
[3] These numbers are based on consideration of all three FirstEnergy operating companies on a consolidated basis and using historic billing determinants. The actual DMR charge by operating company will change annually and will be subject to true-

proposal would be superior to Staff's proposal because the non-residential DMR cost allocation would incorporate a distribution component to recover distribution-related costs.

The Commission's decision with respect to the DMR was based upon the premise that the rider was "*related to distribution rather than generation.*"[4] The Commission explained that the DMR *"is a distribution modernization incentive for the Companies,"*[5] a fact which Commissioner Slaby reiterated in his concurrence.[6] The DMR was authorized under R.C. 4928.143(B)(2)(h), which specifically allows provisions regarding a utility's distribution service to be adopted in the context on an ESP. Cost recovery under the DMR was conditioned in part on a demonstration of *"sufficient progress"* in improving FirstEnergy's distribution system.[7] And the Commission expressly agreed with OEG that the DMR is *"primarily a distribution-related rider since the revenues received by the Companies under the Rider are intended to incentivize increased investment in distribution modernization."*[8] Moreover, Chairman Haque specifically characterized the DMR as *"a distribution-based mechanism"* intended to help FirstEnergy *"invest in future distribution modernization endeavors."*[9] Yet under the currently approved allocation, none of the DMR costs will be allocated on the basis of distribution revenues.

The lack of any distribution revenue-based allocation for the non-residential DMR costs is contrary to cost causation principles, regulatory practice throughout the country, the recommendations set forth in NARUC's *Electric Utility Cost Allocation Manual* that *"there is no energy component of distribution-related costs,"* and the Commission's treatment of other distribution-related riders.[10] Additionally, allocating 50 percent of DMR to non-residential rate schedules based upon energy harms economic development in Ohio, contrary to the state policy set forth in R.C. 4928.02(H) as well as one of the main objectives behind the proposed DMR, by placing a disproportionate amount of DMR costs on large energy-intensive users. The lack of any distribution revenue-

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up to ensure annual recovery of $204 million. But the numbers in this Application for Rehearing are accurate for assessing the rate impact of differing revenue allocation proposals.

[4] Entry at 90.

[5] Entry at 90.

[6] Entry, Concurring Opinion of Commission Lynn Slaby at 1.

[7] Entry at 96.

[8] Entry at 97.

[9] Entry, Concurring Opinion of Chairman Asim Z. Haque at 1-2.

[10] OEG Brief at 6-7 (citing Rehearing Tr. Vol. VI (July 21, 2016) at 1318:1-1319:7 and National Association of Regulatory Utility Commissioners, Electric Utility Cost Allocation Manual (January 1992), *available at* https://eflle.mpsc.state.mi.us/efUe/docs/ I 76$9/0078.pdf at 89).

based allocation may also be detrimental to Commission's argument that the DMR is actually a distribution-related rider permitted under R.C. 4928.143(B)(2)(h) when this case is inevitably appealed.

The Commission can remedy all of these concerns by simply adopting OEG's alternative proposal. Not only does adoption of that alternative proposal solve several problems with the current DMR cost allocation, but the rate increases to non-residential rate schedules resulting from that allocation remain reasonable, as shown below on a consolidated operating company basis.[11]

Allocation of $204 Million OE/CEI/TE Combined
Staff Proposal -- 50% on 4 CP Demands/50% on mWh Energy
versus Compromise Alternative --
Residential Allocation per Staff 50% Energy/50% 4 CP Demand with Residual to
All Other Rate Schedules per OEG Method

	mWh	Staff 50% on 4 CP Demand 50% on mWh Energy	% of Total	Rate $/mWh	Compromise Alternative Residential per Staff Residual per OEG	% of Total	Rate $/mWh
RS	17,317,712	66,112,611	32.4%	3.82	66,112,611	32.4%	3.82
GS	15,094,059	64,493,987	31.6%	4.27	85,905,897	42.1%	5.69
GP	4,063,686	15,698,612	7.7%	3.86	13,771,081	6.8%	3.39
GSU	4,872,957	17,890,398	8.8%	3.67	12,285,411	6.0%	2.52
GT	11,507,697	38,943,245	19.1%	3.38	20,378,139	10.0%	1.77
STL	296,589	567,698	0.3%	1.91	3,765,141	1.8%	12.69
POL	100,968	193,262	0.1%	1.91	1,671,703	0.8%	16.56
TRF	35,378	100,187	0.0%	2.83	110,017	0.1%	3.11
Total	53,289,046	204,000,000	100.0%	3.83	204,000,000	100.0%	3.83
Residential Typical Bill at 750 kWh per month				$2.86			$2.86

A broad coalition of diverse parties supported OEG's alternative DMR allocation proposal and/or a distribution revenue-based allocation, including Nucor Steel Marion, Material Sciences Corporation, Industrial Energy Users-Ohio, the Ohio Manufacturers' Association Energy Group, and the Office of the Ohio Consumers' Counsel.[12] Nucor explained that *"if the Commission wishes to further lessen the impact of Rider DMR on residential customers, the Commission may choose to adopt an alternative discussed in OEG's brief that limits*

[11] On November 3, 2016, FirstEnergy filed compliance tariffs in this proceeding that reflect slight changes in the DMR rates among operating companies, but these changes do not impact the rationale behind this Application for Rehearing.
[12] Reply Brief on Rehearing by Nucor Steel Marion, Inc. ("Nucor Reply Brief") at 5; Initial Rehearing Brief by Material Sciences Corporation at 26; Reply Rehearing Brief by Material Sciences Corporation at 11; Initial Rehearing Brief of Industrial Energy Users-Ohio at 6-7; Rehearing Reply Brief of Industrial Energy Users-Ohio at 2; Reply Brief on Rehearing of Ohio Manufacturers' Association Energy Group at 27-28; Rehearing Reply Brief by the Office of the Ohio Consumers' Counsel ("OCC Rehearing Reply Brief") at 42.

this allocation to the residential class."[13] And OCC concluded that *"OEG's alternative to allocate costs to residential customers based on 50 percent demand, 50 percent energy is reasonable and should be adopted by the PUCO...**OCC appreciates and supports OEG's alternative allocation methodology as it pertains to the allocation of costs to the residential class.**"*[14] Hence, even the statutory representative for residential customers agrees that OEG's alternative proposal alleviates concerns regarding the rate impact of the DMR on residential customers.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Commission should adopt OEG's alternative cost allocation recommendation.

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November 14, 2016

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[13] Nucor Reply Brief at 5.
[14] OCC Rehearing Reply Brief at 42 (emphasis added).

CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the PUCO's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 14th day of November, 2016 to the following:

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