

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Long-Term)	
Forecasting Report of Ohio Edison)	
Company, The Cleveland Electric)	
Illuminating Company, The Toledo)	Case No. 17-913-EL-FOR
Edison Company and American)	
Transmission Systems, Inc.)	

**APPLICATION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, THE TOLEDO EDISON COMPANY AND
AMERICAN TRANSMISSION SYSTEMS, INC.
FOR A LIMITED WAIVER AND REQUEST FOR EXPEDITED RULING**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, electric utilities as defined in § 4928.01(A)(11), Ohio Rev. Code, and American Transmission Systems, Inc., a major utility facility as defined in § 4935.04(A)(1)(a) Ohio Rev. Code, (collectively, the “Applicants” or “Companies”) seek a limited waiver of the requirement set forth in § 4901:5-5-04(G), Ohio Adm. Code, obligating the Companies to include critical energy infrastructure information (“CEII”) in the Companies’ Long-Term Forecasting Reports (“LTFR”) in both a confidential version and a redacted version. If the waiver is granted, the Companies would file a redacted version of CEII, and make the confidential version of CEII available to the Public Utilities Commission of Ohio (“Commission”) and Staff upon request. The Companies also request that the Commission issue a ruling on this application in an expedited fashion.

The Companies note that the on May 11, 2016, the Commission revised the Rule in question to eliminate the requirement to file under seal the confidential version of

CEII, and instead require utilities to maintain and make such CEII information available to Staff upon request at the Companies' place of business. (Case No. 15-53-GE-ORD, Finding and Order, May 11, 2016). The Companies also note that a similar request was granted for the Companies' 2016 LTFR. (Case No. 16-582-EL-FOR, Entry, April 13, 2016).

The Companies seek a limited waiver pursuant to § 4901:5-5-02(C), Ohio Admin. Code, which provides that the Commission may waive any requirement of this chapter for good cause shown.

1. BACKGROUND

The requirement to file CEII under seal in the Companies' annual LTFR is specified in current Commission Rule 4901:5-5-04(G). In Case No. 15-53-GE-ORD, to the Commission revised this Rule so as to eliminate the confidential filing version of the LTFR, and require Electric Transmission Owners to instead maintain and make such confidential CEII information available to Staff upon request at the reporting person's place of business. On January 24, 2017, the adopted rule was filed with the Joint Committee on Agency Rule Reviews ("JCARR"). The adopted Rule 4901:5-5-04(A) reads as follows:

To the extent the information sought from Electric Transmission Owners in this rule contains critical energy infrastructure information, such information shall remain at the reporting person's premises, but subject to inspection and review at the request of the commission's staff, unless the commission staff determines it necessary to take possession.

II. LAW AND ARGUMENT

Good cause exists for granting the Companies' application for limited waiver as requested herein. First, the goal of the existing Rule 4905:5-5-04(G), O.A.C., the protection of CEII, is maintained by granting the waiver requested herein. Second, the Companies' request for waiver effectuates the adopted amendments to the existing Rule, which is currently pending final approval at JCARR. Third, the adopted rule is more efficient and less burdensome than the existing Rule. Fourth, the CEII information is not specifically identified in the relevant statute, 4935.04, Revised Code, but rather, the information is only specifically identified in the Commission's Rule. Therefore, granting this waiver is not inconsistent with any statute. Should the Commission or Staff request the Companies to file under seal a confidential version of their 2017 LTFR, the Companies will do so.

III. CONCLUSION

Wherefore, the Applicants respectfully request that the Commission grant their request on an expedited basis for a waiver of the obligation for the Companies to file CEII in their respective LTFRs in both confidential and redacted form, and instead permit the Companies to file the redacted version only and maintain and make the confidential information available to the Commission and its Staff upon request.

Respectfully submitted,

/s/ Robert M. Endris _____

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CERTIFICATE OF SERVICE

I certify that these comments were filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 7th day of April, 2017. The Commission's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Robert M. Endris
*One of the Attorneys for Ohio Edison
Company, The Cleveland Electric
Illuminating Company and The Toledo
Edison Company*

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Summary: Motion Motion for Limited Waiver of Rule 4901:5-5-04(G)and Expedited Ruling electronically filed by Mr. Robert M. Endris on behalf of Endris, Robert Mr.