

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application)
of Ohio Valley Electric Corporation,)
for)

(1) Approval of Modification)
No. 15 to a Power Agreement between)
Ohio Valley Electric Corporation and)
The United States of America and)

Case No. 93-500-EL-AEC

(2) Permission to File Modification)
No. 15 in the Commission's Tariff)
Files.)

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, Ohio Valley Electric Corporation, is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) This Commission has previously approved a Power Agreement between Applicant and The United States of America, then acting through the Atomic Energy Commission, by Order dated January 29, 1953, in Proceeding No. 23,719 and Order dated July 21, 1953, in Proceeding No. 24,150. The Atomic Energy Commission's function was transferred to the Administrator of the Energy Research and Development Administration in 1975 and then to the Department of Energy in 1977.
- (3) This Commission has subsequently approved fourteen (14) modifications to the Agreement: Modification No. 1, approved by Order dated July 21, 1953, in Proceeding No. 24,150;

Modification No. 2, approved by Order dated April 27, 1964, in Proceeding No. 32,418;

Modification No. 3, approved by Order dated July 27, 1966, in Proceeding No. 34,029;

Modification No. 4, approved by Order dated January 30, 1967, in Proceeding No. 34,346;

Modification No. 5, approved by Order Dated August 22, 1967, in Proceeding No. 34,690;

Modification No. 6, approved by Order dated August 4, 1970, in Proceeding No. 36,636;

Modification No. 7, approved by Order dated June 16, 1976, in Proceeding No. 76-427-ATR;

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Modification No. 8, approved by Order dated July 26, 1977, in Proceeding No. 77-924-EL-ATR;

Modification No. 9, approved by Order dated October 4, 1978, in Proceeding No. 78-1253-EL-ATR;

Modification No. 10, approved by Order dated November 14, 1979, in Proceeding No. 79-944-EL-AEC

Modification No. 11, approved by Order dated March 19, 1980, in Proceeding No. 80-174-EL-ATR;

Modification No. 12, approved by Order dated September 30, 1981, in Proceeding No. 81-1062-EL-ATR; and

Modification No. 13, approved by Order dated November 21, 1989, in Proceeding No. 89-1596-EL-AEC.

Modification No. 14, approved by Order dated August 27, 1992, in Proceeding No. 92-1161-EL-AEC.

- (4) The Agreement is for the supply of electric power by OVEC to DOE's uranium enrichment plant in Pike County, Ohio.
- (5) The Applicant now petitions this Commission for approval of Modification No. 15 to the DOE Power Agreement.
- (6) Pursuant to the Energy Policy Act of 1992, the United States Enrichment Corporation (USEC) was established to lease from DOE its uranium enrichment facilities beginning July 1, 1993; and the DOE was authorized by such Act to continue to receive electricity under the DOE Power Agreement and resell it to USEC.
- (7) Modification No. 15 provides DOE the right to sell to USEC power as provided pursuant to this Agreement. Such power and energy purchased from the Applicant shall not be limited in amount at any of the enrichment facilities.
- (8) Modification No. 15 should be approved in accordance with its terms as filed pursuant to Section 4905.31, Revised Code.
- (9) Our approval of this contract does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant or any party to contracts approved by this Finding and Order from the provisions of any state or federal law which prohibit the restraint of trade.

It is, therefore,

ORDERED, That the Modification attached to the application is approved and shall become effective pursuant to its terms. Two

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copies of the Modification as filed shall be accepted for inclusion in this docket. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicant.

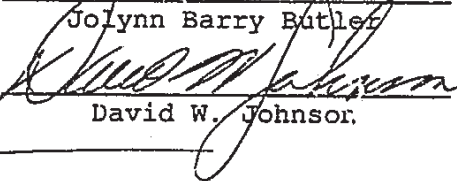
THE PUBLIC UTILITIES COMMISSION OF OHIO


Craig A. Glazer, Chairman


J. Michael Biddison


Jolynn Barry Butler


Richard M. Fanelly

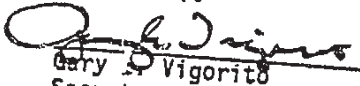

David W. Johnson

DLH:cr

Entered in the Journal

JUL 1 1993

A True Copy


Gary A. Vigorito
Secretary

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in

Case No(s). 93-0500-EL-AEC

Summary: Finding & Order electronically filed by Docketing Staff on behalf of Docketing