

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF  
YOUNGSTOWN THERMAL, LLC AND  
YOUNGSTOWN THERMAL COOLING, LLC

CASE No. 17-1534-HC-UNC

### ENTRY

Entered in the Journal on September 28, 2017

{¶ 1} Youngstown Thermal, LLC and Youngstown Thermal Cooling, LLC are heating and cooling companies as defined in R.C. 4905.03(H) and public utilities as defined in R.C. 4905.02. As such, the Commission has jurisdiction over the companies (collectively, Youngstown Thermal).

{¶ 2} By letter received June 14, 2017, Youngstown Thermal informed the Commission that it was experiencing acute financial distress. On June 15, 2017, Staff initiated a review of the issues raised by Youngstown Thermal's correspondence; Staff filed a report of its findings on June 29, 2017. Ultimately, Staff concluded that Youngstown Thermal was permitting or about to permit a breach of its duty to furnish adequate service to its customers pursuant to R.C. 4905.22. Staff also concluded that Youngstown Thermal was insolvent, or in imminent danger of becoming insolvent, as defined in R.C. 1701.01(O). Therefore, Staff recommended that the Commission consider placing Youngstown Thermal into receivership.

{¶ 3} On June 30, 2017, the Commission issued a Finding and Order concluding that Youngstown Thermal could not ensure adequate service to its customers in violation of R.C. 4905.22 and that Youngstown Thermal was in imminent danger of insolvency. Thus, the Commission directed the Attorney General to seek the appointment of a receiver over Youngstown Thermal.

{¶ 4} Pursuant to that mandate, the Attorney General filed a complaint and a motion for the appointment of a receiver in the Mahoning County Common Pleas Court

on July 7, 2017. Subsequently, on August 1, 2017, the Mahoning County Common Pleas Court granted the Attorney General's motion and placed Youngstown Thermal in receivership.

{¶ 5} Meanwhile, on July 21, 2017, the Commission issued a Second Finding and Order. Therein, the Commission concluded that an emergency surcharge was necessary to protect public health and safety, as well as to prevent unnecessary or unavoidable property damage, by ensuring that heating and cooling service to downtown Youngstown was maintained. Thus, the Commission directed Youngstown Thermal and Staff to cooperate in planning an emergency surcharge on customer rates.

{¶ 6} On July 28, 2017, as revised on July 31, 2017, Staff filed a Report and Recommendation for an emergency surcharge on all Youngstown Thermal customers.

{¶ 7} On August 2, 2017, the Commission issued a Third Finding and Order, in which the Commission established an emergency rate surcharge pursuant to R.C. 4909.16 as recommended by Staff.

{¶ 8} On August 4, 2017, the receiver filed final tariffs consistent with the Commission's Third Finding and Order, pursuant to which the tariffs were approved and effective immediately for services rendered on or after the filing date.

{¶ 9} On September 1, 2017, the Young Men's Christian Association of Youngstown Ohio (the YMCA), a ratepayer and customer of Youngstown Thermal, filed an application for rehearing of the Commission's August 4, 2017 Third Finding and Order.

{¶ 10} On September 27, 2017, the Commission issued an Entry on Rehearing granting the YMCA's application for rehearing and directing the attorney examiners to schedule a hearing regarding the revenue requirement and rate design of the emergency surcharge.

{¶ 11} Accordingly, the attorney examiner finds that the evidentiary hearing should commence on November 7, 2017, at 10:00 a.m. in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215.

{¶ 12} Pre-filed testimony should be filed no later than October 31, 2017.

{¶ 13} Further, the attorney examiner finds that a prehearing conference should be held on October 24, 2017, at 10:00 a.m. in Conference Room 1247 at the offices of the Commission, 180 East Broad Street, 12th Floor, Columbus, Ohio 43215.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That a prehearing conference be scheduled for October 24, 2017, as stated in Paragraph 13. It is, further,

{¶ 16} ORDERED, That the evidentiary hearing in this proceedings be scheduled for November 7, 2017, as stated in Paragraph 11. It is, further,

{¶ 17} ORDERED, That all pre-filed testimony be filed as stated in Paragraph 12. It is, further,

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Patricia Schabo

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By: Patricia A. Schabo  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 17-1534-HC-UNC**

Summary: Attorney Examiner Entry scheduling a prehearing conference for 10/24/2017 as stated in Paragraph 13, scheduling the evidentiary hearing for 11/7/2017 as stated in Paragraph 11, and directing all pre-filed testimony be filed as stated in Paragraph 12. - electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio