

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 October 12, 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} Throughout the past several months, the Commission has been advised of, responded to, and is now continuing to monitor the financially distressed status of Youngstown Thermal. First, by Finding and Order issued June 30, 2017, the Commission concluded 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. Therefore, the Attorney General initiated proceedings in the Mahoning County Common Pleas Court; and, on August 1, 2017, the court placed Youngstown Thermal into receivership. On July 21, 2017, the Commission issued a Second Finding and Order concluding that an emergency surcharge was necessary to ensure continued heating and cooling service to Youngstown Thermal's customers and directing Youngstown Thermal and Staff to cooperate in planning the necessary emergency surcharge. Subsequently, on August 2, 2017, the Commission issued a Third Finding and Order that established an emergency rate surcharge pursuant to R.C. 4909.16 as recommended by Staff. On August 4, 2017, pursuant to the Commission's Third Finding and Order, the receiver filed final tariffs, which were approved and effective immediately for services rendered on or after the filing date.

{¶ 3} 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 2, 2017 Third Finding and Order.

{¶ 4} 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.

{¶ 5} By Entry filed September 28, 2017, the attorney examiner scheduled the evidentiary hearing to occur on November 7, 2017. The attorney examiner also scheduled a prehearing conference for October 24, 2017, and directed that pre-filed testimony be filed no later than October 31, 2017.

{¶ 6} On October 2, 2017, the YMCA filed a motion for a continuance of the evidentiary hearing. For cause, counsel for the YMCA states that he will be out of the state on a previously scheduled business trip, for which all flight and hotel reservations have been paid and confirmed. Counsel represents that he will be available for the evidentiary hearing most dates after November 17, 2017.

{¶ 7} The attorney examiner finds that the YMCA's request for a continuance is reasonable, supported by good cause, and should be granted. Accordingly, the evidentiary hearing is rescheduled to commence on November 20, 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.

{¶ 8} The prehearing conference will be conducted as originally scheduled on October 24, 2017.

{¶ 9} Pre-filed testimony should be filed no later than November 13, 2017.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the YMCA's motion for a continuance of the evidentiary hearing is granted. It is, further,

{¶ 12} ORDERED, That the evidentiary hearing be rescheduled to commence on November 20, 2017, as stated in Paragraph 7. It is, further,

{¶ 13} ORDERED, That all pre-filed testimony be filed as stated in Paragraph 9. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Patricia Schabo

By: Patricia A. Schabo
Attorney Examiner

JRJ/sc

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in

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Summary: Attorney Examiner Entry granting YMCA's motion for a continuance of the evidentiary hearing to 11/20/2017 as stated in Paragraph 7 and directing all pre-filed testimony be filed as stated in Paragraph 9. - electronically filed by Sandra Coffey on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio