

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 December 20, 2017

I. SUMMARY

{¶ 1} The Commission grants the request of the receiver for Youngstown Thermal, LLC, and Youngstown Thermal Cooling, LLC, to suspend collection of the emergency rate surcharge previously approved by the Commission in our Third Finding and Order on August 2, 2017.

II. HISTORY

{¶ 2} Youngstown Thermal, LLC and Youngstown Thermal Cooling, LLC (Youngstown Thermal) provides steam and chilled water service for heating and cooling purposes to approximately 40 customers in downtown Youngstown, Ohio. Therefore, Youngstown Thermal is a heating and cooling company as defined in R.C. 4905.03(H) and a public utility under R.C. 4905.02. As such, Youngstown Thermal is subject to the Commission's jurisdiction.

{¶ 3} On June 30, 2017, the Commission issued a Finding and Order in this proceeding concluding that Youngstown Thermal could not ensure adequate service to their customers in violation of R.C. 4905.22 and that Youngstown Thermal was in imminent danger of insolvency. Thus, pursuant to the authority granted by R.C. 4905.60, 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 Court of Common Pleas, and, on August 1, 2017, the Court placed Youngstown Thermal into receivership.

{¶ 4} On July 21, 2017, the Commission issued a Second Finding and Order in this proceeding concluding that an emergency rate surcharge was necessary to ensure continued heating and cooling service to Youngstown Thermal's customers and directing Youngstown Thermal and Staff to work together on a plan for the necessary emergency rate surcharge. Subsequently, on July 28, 2017, Staff filed its recommendation for an emergency rate surcharge.

{¶ 5} On August 2, 2017, the Commission issued our Third Finding and Order, in which we adopted the Staff recommendation for an emergency rate surcharge pursuant to R.C. 4909.16. On August 4, 2017, the receiver filed final tariffs consistent with the Third Finding and Order. Pursuant to the Third Finding and Order, the tariffs were approved upon filing and effective immediately for services rendered on or after the filing date.

{¶ 6} On September 1, 2017, the Young Men's Christian Association of Youngstown Ohio (the YMCA) filed an application for rehearing of the Commission's August 4, 2017 Third Finding and Order. On September 27, 2017, the Commission granted rehearing for the purpose of holding a hearing regarding the revenue requirement and rate design of the emergency rate surcharge approved by the Commission in the Third Finding and Order. This hearing was held on November 20, 2017.

{¶ 7} On December 12, 2017, the receiver for Youngstown Thermal filed a letter requesting that the Commission suspend collection of the emergency rate surcharge.

III. CONCLUSION

{¶ 8} The Commission finds that the request to suspend collection of the emergency rate surcharge is reasonable and should be granted. Accordingly, the emergency rate surcharge should be suspended, effective bills rendered after the issuance of this Entry.

IV. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the emergency rate surcharge approved by the Commission in the Third Finding and Order on August 2, 2017, be suspended, effective bills rendered after the issuance of this Entry. It is, further,

{¶ 11} ORDERED, That Youngstown Thermal carry out all steps necessary to comply with this Entry. It is, further,


{¶ 12} ORDERED, That Youngstown Thermal file final tariffs consistent with this Entry, and that the final tariffs shall be approved upon filing, subject to final review by the Commission. The new tariffs shall be effective for bills rendered on or after the issuance of this Entry. It is, further,

{¶ 13} ORDERED, That the Youngstown Thermal file in final form two complete copies of tariffs consistent with this Entry. One copy shall be filed with this case docket, and one shall be filed with the TRF docket. It is, further,

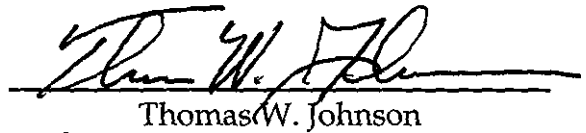
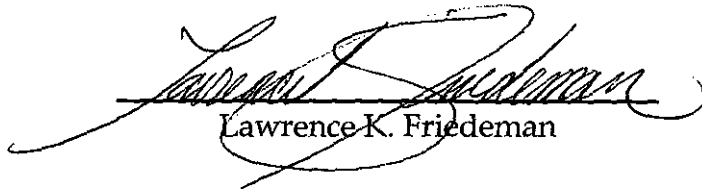
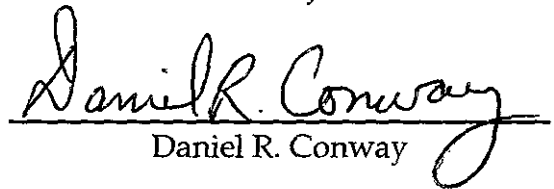
{¶ 14} ORDERED, That Youngstown Thermal notify their customers of the changes to the tariff via bill message or bill insert within 30 days of the effective date. A copy of this notice shall be submitted to the Commission's Service Monitoring and Enforcement Department at least 10 days prior to its distribution to customers. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman


M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

GAP/PAS/sc

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DEC 20 2017



Barcy F. McNeal
Secretary