

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

FOURTH FINDING AND ORDER

Entered in the Journal on January 10, 2018

I. SUMMARY

{¶ 1} The Commission grants the request of the receiver for Youngstown Thermal, LLC, and Youngstown Thermal Cooling, LLC, to implement emergency rates to replace the ordinance rates previously charged to customers.

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, which established 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 previously approved by the Commission. 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. The Commission approved this request on December 20, 2017.

{¶ 8} Youngstown Thermal's ordinance rates, set by the City of Youngstown, expired on December 31, 2017. Subsequently, on January 3, 2018, the receiver filed proposed final tariffs to establish emergency rates with the Commission equivalent to the rates previously set by ordinance. The proposed final tariffs also included a late payment fee.

III. CONCLUSION

{¶ 9} The Commission finds that the emergency rates contained in the proposed final tariffs are reasonable and should be approved pursuant to R.C. 4909.16. The rates set by ordinance by the City of Youngstown have expired, and it is necessary to establish rates filed with the Commission to prevent injury to the business or interests of the public and of Youngstown Thermal. Moreover, the emergency rates are equivalent to the rates previously charged under the ordinance plus a late filing fee. Accordingly, the Commission finds that the emergency rates should be effective with bills rendered after the issuance of this Fourth Finding and Order.

IV. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the emergency rates contained in the proposed final tariff be approved. It is, further,

{¶ 12} ORDERED, That the proposed final tariffs be approved, effective bills rendered after the issuance of this Fourth Finding and Order. It is, further,

{¶ 13} ORDERED, That Youngstown Thermal carry out all steps necessary to comply with this Entry. 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 Fourth Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Asim Z. Haque, Chairman

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Thomas W. Johnson

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JAN 16 2018

Barcy F. McNeal

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Secretary