

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
THE OHIO DEVELOPMENT SERVICES
AGENCY FOR AN ORDER APPROVING
ADJUSTMENTS TO THE UNIVERSAL
SERVICE FUND RIDER OF
JURISDICTIONAL OHIO ELECTRIC
DISTRIBUTION UTILITIES.

CASE NO. 18-976-EL-USF

OPINION AND ORDER

Entered in the Journal on September 19, 2018

I. SUMMARY

{¶ 1} The Commission adopts the unopposed Joint Stipulation and Recommendation filed to resolve all the issues presented by the Ohio Development Services Agency's Notice of Intent application.

II. DISCUSSION

A. *Applicable Law*

{¶ 2} R.C. 4928.52(B) provides that, if the Ohio Development Services Agency (ODSA) determines, after consultation with the Public Benefits Advisory Board, that revenues in the Universal Service Fund (USF) and revenues from federal or other sources of funding for those programs will be insufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education programs and to provide adequate funding for those programs, ODSA shall file a petition with the Commission for an increase in the USF rider rates. R.C. 4928.52(B) also provides that the Commission, after reasonable notice and opportunity for hearing, may adjust the USF riders by the minimum amount required to provide the necessary additional revenues. The USF is administered by ODSA, in accordance with R.C. 4928.51.

{¶ 3} The USF was established, under the provisions of R.C. 4928.51 through 4928.58, for the purposes of providing funding for the low-income customer assistance programs, including the consumer education programs authorized by R.C. 4928.56, and for

the administrative costs of those programs. The USF is funded primarily by the establishment of a universal service rider on the retail electric distribution service rates of jurisdictional electric utilities, namely Cleveland Electric Illuminating Company (CEI), Dayton Power & Light Company (DP&L), Duke Energy Ohio, Inc. (Duke), Ohio Edison Company (OE), Ohio Power Company (OP),¹ and Toledo Edison Company (TE) (individually or collectively, electric utilities).

{¶ 4} Each of the entities, CEI, DP&L, Duke, OE, OP and TE, is an electric distribution utility, as defined in R.C. 4928.01(A)(6), and a public utility, as defined in R.C. 4905.02, and, as such, is subject to the jurisdiction of this Commission. The USF rider rate for each of the aforementioned electric utilities was initially determined by ODSA and approved by the Commission.² Pursuant to R.C. 4928.52, the Commission has approved USF rider rate adjustments each year for each of the Ohio jurisdictional electric utilities since 2001.³

¹ By Entry issued on March 7, 2012, the Commission approved and confirmed the merger of Columbus Southern Power Co. (CSP) with OP, effective December 31, 2011. *In re Ohio Power Co. and Columbus Southern Power Co.*, Case No. 10-2376-EL-UNC, Entry (Mar. 7, 2012). The USF rates of OP and CSP have not been consolidated. *In re ODSA*, Case No. 15-1046-EL-USF (2015 USF Case), Opinion and Order (Oct. 28, 2015).

² *In re FirstEnergy Corp. on Behalf of Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company*, Case No. 99-1212-EL-ETP, Opinion and Order (July 19, 2000); *In re Cincinnati Gas & Electric Co.*, Case No. 99-1658-EL-ETP, Opinion and Order (Aug. 31, 2000); *In re Columbus Southern Power Co.*, Case No. 99-1729-EL-ETP, Opinion and Order (Sept. 28, 2000); *In re Ohio Power Co.*, Case No. 99-1730-EL-ETP, Order (Sept. 28, 2000); *In re Dayton Power & Light Co.*, Case No. 99-1687-EL-ETP, Order (Sept. 21, 2000); and *In re Monongahela Power Co.*, Case No. 00-02-EL-ETP, Order (Oct. 5, 2000).

³ See, e.g. *In re Application of Ohio Dept. of Dev. for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Elec. Dist. Util.*, Case No. 01-2411-EL-UNC, Opinion and Order (Dec. 20, 2001); *In re Application of Ohio Dept. of Dev. for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Elec. Dist. Util.*, Case No. 05-717-EL-UNC (2005 USF Case), Opinion and Order (Dec. 14, 2005), and Finding and Order (June 6, 2006); and 2015 USF Case, Opinion and Order (Dec. 16, 2015) (2015 USF Adjustment Order). Note that starting with the 2010 proceeding, the USF case designation code was implemented.

B. Universal Service Fund Background

{¶ 5} In the most recent USF case, the Commission approved ODSA's adjustment application pursuant to a stipulation filed on November 29, 2017. *In re ODSA*, Case No. 17-1377-EL-USF, Opinion and Order (Dec. 13, 2017) (*2017 USF Adjustment Order*). Consistent with the *2017 USF Adjustment Order*, as in several prior USF proceedings, ODSA committed to a two-phase USF process. In the first phase, ODSA agreed to file a notice of intent (NOI). The function of the NOI is to provide interested stakeholders with an opportunity to raise and pursue objections to the specific methodology ODSA intends to use in developing the USF rider revenue requirement and the USF rider rate design, which will be utilized in preparing its application for USF rider adjustments. In the second phase of the proceeding, ODSA files its USF rider adjustment application. Accordingly, the Commission will issue two orders in this proceeding: one order regarding the 2018 NOI, addressing the methodology ODSA will utilize to develop the USF rider revenue requirement, the USF rate design, and any issues raised by the parties concerning these items; and a second order regarding ODSA's subsequent application proposing USF rider adjustments, as necessary, for each of the six electric utilities.

C. History of This USF Proceeding

1. SUMMARY OF NOTICE OF INTENT

{¶ 6} On May 31, 2018, ODSA filed its NOI to file an application to adjust the USF riders of all the Ohio jurisdictional electric utilities, CEI, DP&L, Duke, OE, OP, and TE (collectively, EDUs), in accordance with R.C. 4928.52 and the *2017 USF Adjustment Order*. In the NOI, ODSA states as summarized below:

- (a) ODSA's subsequent adjustment application will request that each of the USF riders be revised to more accurately reflect the current costs of operating the Percentage of Income Payment Plan (PIPP) Plus program, Electric Partnership Program (EPP), including consumer education programs, and associated

administrative costs and to reflect known and measurable changes that take effect during the test period and the post-test period. The 2018 NOI includes ODSA's Exhibit A in support of its proposed allowance for 2019 projected costs associated with EPP. ODSA also proposes an adjustment to capture the impact of the anticipated change in PIPP enrollment and a reserve component to address PIPP-related cash flow fluctuations as a result of the weather-sensitive nature of electric service. ODSA proposes, as approved by the Commission since 2006, that the reserve be based on the highest monthly deficit during the test period. (ODSA Ex. 1 at 3-4.)

- (b) Consistent with the Commission approved settlement agreement between ODSA and Ohio Consumers' Counsel (OCC) (ODSA-OCC settlement agreement) in the 2005 USF proceeding, ODSA proposes an EPP allowance of \$14,946,196 based on its projection of payments to service providers and associated administrative costs during the 2019 collection period (*See Exhibit A, Table 1 to the 2018 NOI application*). *In re ODSA*, Case No. 05-717-EL-UNC (2005 USF Case), Opinion and Order (Sept. 28, 2005) at 9, 21-24; Opinion and Order (Dec. 14, 2005) at 7, 11; Finding and Order (June 6, 2006). ODSA will allocate this component of the revenue requirement among the electric utilities based on each electric utility's ratio of the cost of PIPP to the total cost of PIPP or, in the alternative, based on the amount of each EPP provider grant expended in the individual electric utility's service territory during the test period based on actual and projected data. (ODSA Ex. 1 at 4-6.)

- (c) ODSA proposes, consistent with the ODSA-OCC settlement agreement, as approved in each USF NOI proceeding since the *2005 USF Case*, an allowance for administrative costs based on the administrative costs incurred during the test period, subject to adjustments for reasonably anticipated post-test period costs, adjustments for the state fiscal year, and adjustments for prior unexpended administrative costs, to assure, to the extent possible, that the administrative costs incurred are collected during the collection year. *2005 USF Case Order*, Opinion and Order (Sept. 28, 2005) at 21. The administrative costs shall include costs incurred by the Commission to design, manage and supervise the aggregation process for PIPP Plus customers.⁴ The requested allowance for administrative costs will be allocated among the electric utilities based on the relative number of PIPP customer accounts as of the month of the test period exhibiting the highest PIPP customer account totals. (ODSA Ex. 1 at 6, 10-11.)
- (d) As in the past, ODSA proposes to include in the USF revenue requirement an allowance for under-collection, as a result of the difference between the amounts billed through the rider and the amount collected from customers. The allowance will be based on each electric utility's actual collection experience. (ODSA Ex. 1 at 9.)
- (e) ODSA proposes to include, based on the recommendation of the USF Rider Working Group, an allowance to be allocated to each

⁴ See, *In the Matter of the Implementation of R.C. 4928.54 and 4928.544*, Case No. 16-247-EL-UNC, Finding and Order (Mar. 2, 2016); Entry on Rehearing (Apr. 27, 2016).

of the electric utilities based on its cost of PIPP Plus for an independent third-party to review the application of ODSA agreed-upon procedures of the electric utilities. ODSA has not yet determined an amount but estimates \$150,000 to conduct such reviews in 2019 for the four electric utilities. (ODSA Ex. 1 at 9-10.)

- (f) ODSA proposes to employ the same USF rider revenue requirement and rate design methodology approved by the Commission in prior USF proceedings, which incorporates a two-step declining block rate design. More specifically, as proposed, the first block of the rate will apply to all monthly consumption up to and including 833,000-kilowatt hours (kWh). The second block rate will apply to all consumption above 833,000 kWh per month. For each electric utility, the rate per kWh for the second block will be set at the lower of the PIPP rate in effect in October 1999 or the per kWh rate that would apply if the electric utility's annual USF rider revenue requirement were to be recovered through a single block per kWh rate. The rate for the first block rate will be set at the level necessary to produce the remainder of the electric utility's annual USF rider revenue requirement. Thus, in those instances where the electric utility's October 1999 PIPP rider rate exceeds the per kWh rate that would apply if the electric utility's annual USF rider revenue requirement were to be recovered through a single block per kWh rate, the rate for both consumption blocks will be the same. (ODSA Ex. 1 at 11.)

2. PROCEDURAL BACKGROUND

{¶ 7} By Entry issued June 4, 2018, the jurisdictional electric utilities were joined as indispensable parties and the procedural schedule established such that motions to intervene and objections or comments were due by June 29, 2018; response to the objections or comments were due by July 10, 2018; direct testimony was due by July 23, 2018; reply testimony was due by July 30, 2018; and the evidentiary hearing was scheduled to commence on August 7, 2018.

{¶ 8} Motions to intervene were timely filed by OCC, Industrial Energy Users-Ohio (IEU), Ohio Partners for Affordable Energy (OPAE) and The Kroger Company (Kroger). In their respective motions to intervene, OCC, IEU, OPAE and Kroger assert real and substantial interest in this proceeding that may be adversely affected by the outcome of this case. No memorandum contra any of the motions to intervene was filed. Accordingly, the Commission finds the motions to intervene filed by OCC, IEU, OPAE and Kroger are reasonable and should be granted.

{¶ 9} OPAE and Kroger filed objections to the 2018 NOI application on June 29, 2018. Replies to the objections were filed by ODSA, OCC, IEU, and jointly by the EDUs.

{¶ 10} No party requested a prehearing conference.

{¶ 11} On July 23, 2018, ODSA, IEU, Kroger, DP&L, OE, CEI, TE, OP and Duke filed a Joint Stipulation and Recommendation (2018 NOI Stipulation) purportedly resolving the issues raised in the NOI application. In addition, ODSA filed the testimony of Megan Meadows in support of the 2018 NOI Stipulation.

{¶ 12} The hearing on the NOI was held, as scheduled, on August 7, 2018. Admitted into evidence at the hearing was ODSA's NOI application filed on May 31, 2018 (ODSA Ex. 1); the Stipulation filed July 23, 2018 (Joint Ex. 1 or 2018 NOI Stipulation) and the testimony of ODSA witness Megan Meadows in support of the Stipulation (ODSA Ex. 2).

D. Summary of the 2018 NOI Stipulation

{¶ 13} The 2018 NOI Stipulation addresses all of the issues raised regarding the NOI application. The NOI Stipulation was executed by ODSA, IEU, Kroger, DP&L, OE, CEI, TE, OP and Duke (collectively, Signatory Parties). While Staff, OCC, and OPAE did not sign the 2018 NOI Stipulation, they do not oppose the Stipulation. The Signatory Parties assert that the 2018 NOI Stipulation is a just and reasonable resolution of all the issues presented, violates no regulatory principle, and is the product of serious discussions among capable, knowledgeable parties undertaken in a cooperative process where all parties had the opportunity to participate. The 2018 NOI Stipulation adopts substantially the same methodologies approved in numerous prior USF proceedings to ensure adequate funding for the low-income customer assistance programs and consumer education programs and provides a reasonable contribution by all customer classes to the USF revenue requirement for 2019. Signatory Parties advocate that the rate design methodology provides for a reasonable contribution by all customer classes to the USF revenue requirement and does not violate R.C. 4928.52(C). Further, Signatory Parties aver that any case-to-case changes in the resulting revenue distribution under the two-block USF rate design are well within the range of estimation error inherent in any interclass cost of service study, particularly considering the impact changes in the industrial load has had on the USF rider rate revenue distribution since the USF riders were first implemented. Lastly, the Signatory Parties offer that, although the 2018 NOI Stipulation is not binding on the Commission, it is entitled to careful consideration, as it is sponsored by parties representing a wide range of interests and is not opposed by any party. The Signatory Parties request that the Commission issue an order adopting the Stipulation. (Joint Ex. 1 at 1-6; Tr. at 11-12.)

{¶ 14} The 2018 NOI Stipulation provides that the USF rider revenue requirement, to be recovered by the USF rider rates of the Ohio electric utilities during the 2019 collection period, should include the following elements, each of which will be determined in the manner proposed in ODSA's 2018 NOI application, and which is consistent with the revenue requirement methodology approved by this Commission in prior USF proceedings:

(a) cost of PIPP; (b) EPP costs and, if updated projections for the EPP allowance suggest the EPP allowance is no longer appropriate, ODSA will, consistent with its obligations, perform any necessary adjustments and document the basis for the adjustment in the adjustment phase of this USF proceeding; (c) administrative costs;⁵ (d) December 31, 2018, PIPP account balances; (e) reserve;⁶ (f) allowance for under-collection; (g) an allowance for evaluation of each electric utility's agreed-upon USF procedures; (h) USF interest offset; and (i) cost of the aggregation process for PIPP customers. (Joint Ex. 1 at 3-5; ODSA Ex. 1 at 3-11.)

{¶ 15} The 2018 NOI Stipulation also states that upon documentation that the basis for maintaining separate USF rates for OP and the CSP rate zone has been recovered on or about December, 2018, ODSA will propose in the adjustment phase of this proceeding that the Commission approve a unified USF rider rate for OP and CSP (jointly, AEP Ohio) customers. See *2015 USF Case*, Opinion and Order (Oct. 28, 2015) at 11-13, 21-22. The proposed unified AEP Ohio USF rider rate will retain the two-step declining block rate structure. All parties reserve their rights in the adjustment application phase of this proceeding to address the proposed AEP Ohio unification rate process, including the determination of the unified second block rate. (Joint Ex. 1 at 3.)

{¶ 16} The 2018 NOI Stipulation also provides that ODSA use the rate design methodology approved by the Commission in all prior ODSA applications, to recover the annual USF rider revenue requirement for the 2019 collection period.⁷ The USF is a two-step, declining block rate design where the first rate block applies to all monthly consumption up to and including 833,000 kWh per month. The second block of the rate,

⁵ Kroger does not support this provision, but agrees not to oppose the provision as part of the Stipulation. Kroger's non-opposition shall not be relied upon in any other forum or proceeding.

⁶ In the 2018 NOI Stipulation, based on the information provided at this time, the EDUs do not oppose the methodology proposed by ODSA, as proposed at pages 7-9 of the NOI application, to determine the reserve component of the USF revenue requirement but reserve the right to provide comments and/or object to the reserve requirement when ODSA files its application to adjust the USF rider rates.

⁷ For purposes of this Stipulation, Kroger agrees not to oppose the rate design methodology set forth in the 2018 NOI Stipulation. However, Kroger reserves the right to object and/or provide comments regarding the rate design methodology and/or the application of the two-step declining block rate design in a future USF rider rate adjustment proceeding.

applies to all consumption over 833,000 kWh per month, will be set at the lower of the PIPP rider rate in effect in October 1999 or the per kWh rate that would apply if the electric utility's annual USF rider rate were to be recovered through a single-block volumetric rate per kWh. The first block rate will be set at the level necessary to produce the remainder of the electric utility's annual USF rider revenue requirement. The Signatory Parties agree that this rate design methodology provides for a reasonable contribution by all customer classes to the USF revenue requirement and does not violate R.C. 4928.52(C). (Joint Ex. 1 at 5-6; ODSA Ex. 1 at 11.)

E. Consideration of the Stipulation

{¶ 17} Ohio Adm.Code 4901-1-30 permits parties to Commission proceedings to enter into stipulations. Although the stipulation is not binding on the Commission, the terms of such agreements are accorded substantial weight, particularly where the stipulation is not opposed. *Consumers' Counsel v. Pub. Util. Comm.*, 64 Ohio St.3d 123, 125, 592 N.E.2d 1370 (1992), citing *Akron v. Pub. Util. Comm.*, 55 Ohio St.2d 155,157, 378 NE.2d 480 (1978). This concept is particularly valid where the stipulation is unopposed by any party and resolves all the issues presented in the proceeding in which it is offered.

{¶ 18} The standard of review for considering the reasonableness of a stipulation has been discussed in numerous prior Commission proceedings. See, e.g., *In re Ohio-American Water Co.*, Case No. 99-1038-WW-AIR, Opinion and Order (June 29, 2000); *In re Cincinnati Gas & Electric Co.*, Case No. 91-410-EL-AIR, Order on Remand, (Apr. 14, 1994); *In re Western Reserve Telephone Co.*, Case No. 93-230-TP-ALT, Opinion and Order (Mar. 30, 1994); *In re Ohio Edison Co.*, Case No. 91-698-EL-FOR et al., Opinion and Order (Dec. 30, 1993); *In re Cleveland Electric Illum. Co.*, Case No. 88-170-EL-AIR, Opinion and Order (Jan. 31, 1989); *In re Restatement of Accounts and Records of the Cincinnati Gas and Electric Co.*, Case No. 84-1187-EL-UNC, Opinion and Order (Nov. 26, 1985). The ultimate issue for the Commission's consideration is whether the stipulation, which embodies time and effort by the Signatory

Parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Commission has used the following criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?
- (3) Does the settlement package violate any important regulatory principle or practice?

{¶ 19} The Supreme Court of Ohio has endorsed the Commission's analysis using these criteria to resolve cases in a manner economical to ratepayers and public utilities. *Indus. Energy Consumers of Ohio Power Co. v. Pub. Util. Comm.*, 68 Ohio St.3d 559, 629 N.E.2d 423 (1994), citing *Consumers' Counsel, supra*, at 126. The Court stated that the Commission may place substantial weight on the terms of a stipulation, even though the stipulation does not bind the Commission.

{¶ 20} Ms. Meadows testified that all parties were invited to participate in discussions to reach a resolution of the issues in this phase of the USF proceedings. Ms. Meadows states the 2018 NOI Stipulation is the result of serious discussions among capable, knowledgeable parties, does not violate any important regulatory principle or practice and the 2018 NOI Stipulation, as a whole, benefits customers and the public interest. According to ODSA witness Meadows, the parties to this case have been actively participating in the USF proceedings as well as other Commission proceedings for several years and all parties are represented by experienced, competent counsel. Further, the witness offered the Signatory Parties have been signatories to several prior NOI stipulations which adopted the identical rate design and nearly the same revenue requirement methodology. ODSA witness Meadows testified that while the remaining parties to this proceeding are not signatories, Staff, OCC and OP&E do not oppose the 2018 NOI Stipulation. Further, the witness notes the 2018 NOI Stipulation adopts the identical rate design methodology and

nearly the same revenue requirement methodology as approved in numerous prior USF proceedings. Accordingly, ODSA witness Meadows contends the methodologies reflected in the 2018 NOI Stipulation ensure adequate funding for the low-income customer assistance and consumer education programs administered by ODSA and provide a reasonable contribution by all customer classes to the USF revenue requirement. Further, the witness advocates that the 2018 NOI Stipulation benefits consumers and the public interest because the methodologies will result in USF rider rates that represent the minimal rates necessary to collect each electric utility's USF rider revenue requirement. Ms. Meadows submits the 2018 NOI Stipulation does not violate any important regulatory principles and practices, as the witness offers in each USF proceeding since 2001, the Commission has approved stipulations adopting the two-step declining block rate design and concluded that it does not violate R.C. 4928.52, which does not specify the rate design to be adopted. (ODSA Ex. 2 at 3-6.)

{¶ 21} Staff, OCC and OPAE confirmed that while they did not sign the Stipulation they do not oppose the 2018 NOI Stipulation (Tr. at 11-12).

III. COMMISSION CONCLUSION

{¶ 22} After reviewing the 2018 NOI, the Stipulation and the testimony offered at hearing, the Commission finds that the negotiation process involved knowledgeable, capable parties familiar with the USF as well as other Commission proceedings. The parties, and most counsel in the case, have been actively participating in the USF proceedings and numerous other Commission cases for several years. All parties were afforded the opportunity to participate in the negotiations which resulted in the Stipulation. Further, the Commission recognizes that Staff, OCC, and OPAE are the only parties to this USF proceeding that are not Signatory Parties to the Stipulation; however, Staff, OCC and OPAE do not oppose the Stipulation. (Joint Ex. 1 at 2-3; ODSA Ex. 2 at 4-5; Tr. at 11-12.)

{¶ 23} The Commission notes that the Stipulation adopts the USF rider revenue requirement methodology and USF rider rate design methodology proposed by ODSA in

its NOI application, which is consistent with the methodologies approved by the Commission in prior USF proceedings. Further, we find that the 2018 NOI Stipulation resolves all the issues presented, benefits consumers and is in the public interest as the Stipulation provides ODSA with a process to ensure adequate funding for the low-income customer assistance programs and the consumer education programs at the minimum rates necessary to collect each electric utility's USF revenue requirement without involving extensive litigation. (Joint Ex. 1 at 3-6; ODSA Ex. 1 at 3-11; ODSA Ex. 2 at 4, 5.)

{¶ 24} Last, the Commission concludes the Stipulation does not violate any important regulatory principle or practice. In each USF NOI proceeding since the adoption of the two-step declining block rate design, the Commission has, based on the record before it, adopted the stipulation endorsing the same rate design. (Joint Ex. 1 at 2, 6; ODSA Ex. 2 at 5.)

{¶ 25} Accordingly, the Commission finds the 2018 NOI Stipulation is reasonable and should be adopted in its entirety.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 26} Each of the entities, CEI, DP&L, Duke, OE, OP and TE, is an electric distribution utility, as defined in R.C. 4928.01(A)(6), and a public utility, as defined in R.C. 4905.02 and, as such, each is subject to the jurisdiction of this Commission.

{¶ 27} On May 31, 2018, ODSA filed its NOI to file an application to adjust the USF rider rates of CEI, DP&L, Duke, OE, OP and TE.

{¶ 28} OCC, IEU, OP&E, and Kroger requested and were granted intervention in this matter.

{¶ 29} By Entry issued June 4, 2018, a procedural schedule was established for the processing of ODSA's NOI application. Consistent with the procedural schedule, no party requested a prehearing conference.

{¶ 30} On July 23, 2018, ODSA, CEI, DP&L, Duke, OE, OP, TE, IEU, and Kroger filed the 2018 NOI Stipulation to resolve the issues raised by the NOI. The remaining parties did not oppose the NOI Stipulation, nor do they support the 2018 NOI Stipulation.

{¶ 31} The hearing was held on August 7, 2018 and ODSA presented the testimony of one witness in support of the 2018 NOI Stipulation.

{¶ 32} The 2018 NOI Stipulation meets the criteria used by the Commission to evaluate stipulations, is reasonable, and should be adopted in its entirety.

V. ORDER

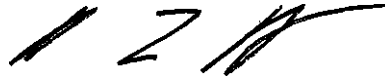
{¶ 33} It is, therefore,

{¶ 34} ORDERED, That the motions to intervene filed by OCC, IEU, OPAE and Kroger be granted. It is, further,

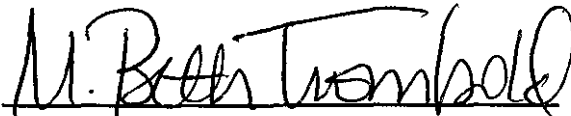
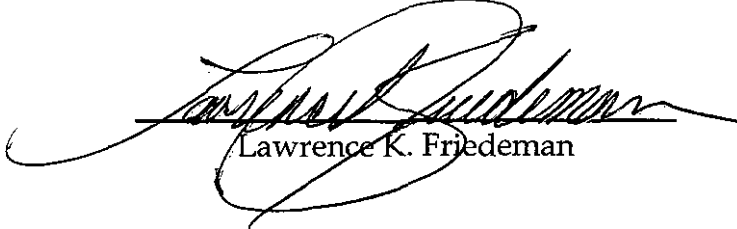

{¶ 35} ORDERED, That the 2018 NOI Stipulation filed on July 23, 2018 be adopted. It is, further,

{¶ 36} ORDERED, That a copy of this Opinion and Order be served on ODSA, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



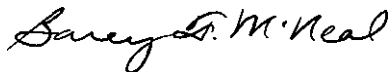
Asim Z. Haque, Chairman


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

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Barcy F. McNeal
Secretary