

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's	)	
Review of Chapter 4901:1-10 of the	)	Case No. 17-1842-EL-ORD
Ohio Administrative Code	)	

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COMMENTS OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY

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Respectfully submitted,

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## **I. Introduction**

Pursuant to the Commission’s Entry of July 17, 2019 (“Entry”), Ohio Edison Company (“Ohio Edison”), The Cleveland Electric Illuminating Company (“CEI”), and The Toledo Edison Company (“Toledo Edison”) (collectively, the “Companies”), respectfully submit these comments on the Commission’s review of and the Commission Staff’s proposed revisions to the Rules contained in Chapters 4901:1-10 of the Ohio Administrative Code (“OAC”). These Rules regarding minimum electric service standards for electric distribution utilities are intended to provide protections and safeguards for electric distribution utility customers as well as the utilities, and to require the reporting of information that is useful to the Commission and other interested stakeholders. The existing Rules, for the most part, attempt to ensure adequate protections and safeguards while recognizing that the cost of compliance is ultimately borne primarily by ratepayers. It is therefore important that revisions to these Rules do not result in compliance burdens that are impractical to implement or result in costs that outweigh their benefits. As explained below, certain of Commission Staff’s proposed revisions to the Rules do not provide benefits commensurate with the increased costs of compliance for utilities.

The Companies respectfully request the Commission consider their comments and appropriately modify and/or add to the proposed Rules.

## **II. Comments**

### **A. OAC 4901:1-10-01 Definitions.**

Commission Staff proposes deleting the current exception for transmission outages from the computation of a major event in OAC 4901:1-10-01(T). The Companies disagree. Including transmission outages in the definition of “major events” is inconsistent with other key provisions of this Chapter of the OAC. For instance, subparagraph (C) of OAC 4901:1-10-10 outlines the

required contents of each electric distribution utility’s annual report to the Commission and requires each utility to file three versions of the annual report: one that excludes both major events and transmission outages, one that includes only major events, and one that includes only transmission outages. Since transmission outages and major events are treated separately for purposes of the OAC 4901:1-10-10 annual report, transmission outages should be excluded from the definition of major event, and Commission Staff’s proposed revision to OAC 4901:1-10-01(T) should be rejected.

In addition, Commission Staff proposes adding a definition for “Non-commodity good” or “Non-commodity service” to OAC 4901:1-10-01(W). This definition, however, conflicts with the Companies’ Commission-approved Corporate Separation Plan and tariff provisions. Specifically, the Companies’ Corporate Separation Plan allows the Companies to offer a limited number of *products* and *services* pursuant to existing tariff provisions.<sup>1</sup>To ensure consistency, this Rule should be edited to include the words “or product” as follows:

(W) “Non-commodity good” or Non-commodity service” is neither a tariffed service or product provided by an electric distribution utility nor a competitive retail electric service as set forth in division (A)(4) of section 4928.01 of the Revised Code.

**B. OAC 4901:1-10-07      Outage reports.**

The Companies oppose Commission Staff’s proposed changes to the definition of “outage” in OAC 4901:1-10-07(A), which would expand the number of interruptions of service that qualify as an “outage.” The proposed changes would significantly increase the number of “reportable” events each year and would require significant resources and staffing changes by the Companies to implement. The Companies anticipate that the proposed change will substantially increase the number of reportable events, burdening both the Commission and electric distribution utilities.

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<sup>1</sup> Section VI.

The change to subparagraphs (A)(1) and the new (A)(2) alone would double the current number of events that require a report in each of those categories. Further, Staff's proposed addition of subparagraph (A)(4), under which a circuit lockout qualifies as an "outage" even if there is no interruption of service to customers, would result in approximately 500 new reportable events per year. This will create a significant administrative burden for both the Companies and the Commission, without any commensurate benefit. The proposed change should be rejected.

**C. OAC 4901:1-10-09     Minimum customer service levels.**

Commission Staff proposes revising OAC 4901:1-10-09(A)(5) to require that an electric utility notify the Director of the Service Monitoring and Enforcement Department (the "Director") when it is "otherwise unable to accept inbound customer calls." While the Companies support this proposed requirement, Staff also proposes revising OAC 4901:1-10-09(A)(5) to require electric utilities to notify the Director whenever the utility "activates outage messaging on its system." The Companies oppose this additional requirement, which would be overly burdensome.

For the Companies, outage messaging is customer-specific, and is activated whenever any customer is experiencing an outage. Outage messaging provides customers with critical outage information, including the estimated time of restoration of electric service. As a practical matter, there are a number of outages that occur every day, regardless of weather, whether through unforeseen equipment failure, wildlife, or other unforeseen and unpreventable causes. Commission Staff's proposed change to OAC 4901:1-10-09(A)(5) to include the activation of "outage messaging" would require daily, if not hourly, communication between the Companies and the Director. While the Companies are ready and willing to provide necessary notices to the Director, the proposed requirement of notices for outage messaging is overly burdensome and should be rejected.

**D. OAC 4901:1-10-12 Provision of customer rights and obligations.**

The Commission Staff's proposed OAC 4901:1-10-12(M) should be rejected, based on the Companies' comments below on Commission Staff's proposed changes to OAC 4901:1-10-24.

**E. OAC 4901:1-10-14 Establishment of credit for applicants and customers.**

Staff proposes to clarify that this Rule governs the establishment of credit for nonresidential applicants and customers. This clarification is helpful, since the proper section for the establishment of residential credit is in OAC 4901:1-17 "Establishment of Credit for Residential Service." If the Commission accepts this change, however, then it should also delete OAC 4901:1-10-14(I)(3), a subsection which relates to residential accounts. In addition, Commission Staff's proposed addition of a third requirement to Subdivision (I), i.e., that the applicant not be delinquent at the time of application, requires that the word "both" at the end of OAC 4901:1-10-14(I) be changed to "all."

**F. OAC 4901:1-10-24 Customer safeguards and information.**

Staff proposed two additions to this section, both of which should be rejected. The first, an addition to OAC 4901:1-10-24(F)(4), could be read to require the Companies to publish, on their websites for public viewing, a list of "customer specific information," which Commission regulations define to include names, service and mailing addresses, rate schedules, applicable riders, load profile reference categories, meter types, interval meter data indicators, net metering indicators, budget bill indicators, PIPP plus indicators, meter read dates or schedules and historical monthly customer energy usage data for the most recent twelve months.<sup>2</sup> Presumably, this was not Commission Staff's intention, since it would contradict other Commission rules protecting customers' privacy,<sup>3</sup> and pose a danger to customers. If, however, Staff's intention was simply to

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<sup>2</sup> See OAC 4901:1-10-24(F)(3) (citing OAC 4901:1-10-29).

<sup>3</sup> See, e.g., OAC 4901:1-10-24(E).

make available to customers a list of the types of information available to CRES providers on the pre-enrollment list, the Companies recommend that Staff's proposed language be amended to replace "list" with "categories:"

In addition, the electric utility may offer its customers the option of contacting the electric utility by electronic means and, if it does so, the electric utility shall add its electronic mail address or web site to the above notice. The categories ~~list~~ of customer specific information listed on the pre-enrollment shall be displayed in an easily accessible place on each utility's website for customers to view.

Staff also proposed new OAC 4901:1-10-24(H), which would allow a customer to request a CRES block on his or her account. This block would prevent the customer's CRES provider from being switched unless the customer provides the utility with a specific code to remove the block. This additional protection seems unnecessary, since a customer already has to provide his or her account number, which is considered confidential customer information,<sup>4</sup> in order to enroll with a CRES provider. Requiring an additional step for the utility to switch the customer would place additional unnecessary burden on the distribution utility. It would also require the implementation of costly information technology implementations which are also unnecessary. Because a customer must provide his or her account number prior to enrollment, this redundant and costly addition should not be adopted.

### **III. Conclusion**

The Companies appreciate the opportunity to comment on the proposed changes to the Rules. The Companies urge the Commission to adopt the Companies' recommendations as set forth in these comments.

Respectfully submitted,

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<sup>4</sup> OAC 4901:1-10-24(E)(1).

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 16<sup>th</sup> day of August, 2019. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

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Summary: Comments electronically filed by Mr. Scott J Casto on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company