

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	Case No. 18-1656-EL-ATA
Edison Company for Approval of a Tariff)	
Change.)	

**COMMENTS REGARDING THE
PUCO STAFF’S REVIEW AND RECOMMENDATIONS
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

The latest event in this case where FirstEnergy is seeking to take more of consumers’ money is that the Staff of the Public Utilities Commission of Ohio (“PUCO”) filed a review and recommendation regarding FirstEnergy’s updated tax credit rider tariffs.¹ In that review, the Staff stated its belief that FirstEnergy’s tariff filings are inaccurate because they are inconsistent with a settlement (the “Settlement”) that FirstEnergy, the Staff, the Office of the Ohio Consumers’ Counsel (“OCC”) and others signed.² OCC expressed the same concern last month in our Motion to Reject FirstEnergy’s July 31, 2020 Revised Tariff Updates to the Tax Savings Adjustment Rider (Sept. 10, 2020) (“Motion”).

As OCC explained in that Motion, FirstEnergy’s filing is unlawful and denies customers some of the credits (rate offsets) that they are entitled to under the Settlement.³ Thus, OCC asked

¹ Staff Review and Recommendation (Oct. 6, 2020) (the “Staff Review”).

² Staff Review (“Staff reiterates its recommendation in the Companies’ DCR Case and recommends the beginning balances of Excess Deferred Income Taxes be adjusted to reflect the balances as of December 31, 2017, as shown in the Stipulation in this case.”).

³ OCC Motion at 2-5.

the PUCO to reject the tariff filings and require FirstEnergy to file updated tariffs that are consistent with the Settlement.⁴

The PUCO Staff agrees with OCC that FirstEnergy's tariffs are incorrect. But for reasons unexplained in its review, the PUCO Staff stated that it "does not recommend that the Commission reject the Companies' tariffs filed in this case."⁵ That means the PUCO Staff would not stand in the way of the PUCO's granting of FirstEnergy's proposal—which the Staff stated is inconsistent with the Settlement we all signed.

OCC objects to the PUCO's Staff's approach. The PUCO should rule that FirstEnergy's tariffs are incorrect as filed, as both OCC and the Staff concluded. And the PUCO should require FirstEnergy to correct the problem now, so FirstEnergy's consumers are protected from FirstEnergy. FirstEnergy's proposed tariffs would deny customers benefits (money) that is rightfully theirs under the approved Settlement. The PUCO should protect consumers by rejecting the tariffs and ordering FirstEnergy to file updated tariffs that provide customers with all the benefits that they are entitled to under the Settlement.

⁴ OCC Motion at 5.

⁵ Staff Review at 3.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments was served on the persons stated below via electronic transmission this 13th day of October 2020.

/s/ Christopher Healey

Christopher Healey

Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Summary: Comments Comments Regarding the PUCO Staff's Review and Recommendations by Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.