

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
DUKE ENERGY OHIO, INC. FOR  
APPROVAL TO ESTABLISH A NEW SOLAR  
GENERATION FUND RIDER.

CASE NO. 21-918-EL-ATA

## FINDING AND ORDER

Entered in the Journal on October 20, 2021

### I. SUMMARY

{¶ 1} The Commission approves the proposed solar generation fund rider tariffs filed by Duke Energy Ohio, Inc. on September 10, 2021.

### II. DISCUSSION

{¶ 2} Duke Energy Ohio, Inc. (Duke or the Company) 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.

{¶ 3} R.C. 3706.46 requires the Commission to establish a rate mechanism for the retail recovery of costs related to the solar generation fund for the period up to December 31, 2027.

{¶ 4} R.C. 4909.18 provides, in part, that a public utility may file an application to establish any rate, charge, regulation, or practice. If the Commission determines that the application is not for an increase in any rate and does not appear to be unjust or unreasonable, the Commission may approve the application without the need for a hearing.

{¶ 5} In Case No. 21-447-EL-UNC, the Commission established the recovery mechanism for solar generation fund costs, which is to be effective from November 1, 2021, through December 31, 2027, subject to final reconciliation. *In re Establishing the Solar Generation Fund Rider Pursuant to R.C. 3706.46*, Case No. 21-447-EL-UNC, Entry (July 14, 2021), Entry on Rehearing (Sept. 8, 2021). Among other things, each electric distribution

utility was directed to file an annual application no later than 45 days prior to the effective date of the proposed solar generation fund rider.

{¶ 6} On September 10, 2021, in Case No. 21-918-EL-ATA, Duke filed an application, pursuant to R.C. 4909.18, for approval of its proposed solar generation fund rider tariffs. Duke states that its application is consistent with the Commission's July 14, 2021 Entry in Case No. 21-447-EL-UNC, which required the filing of the proposed tariffs. Duke also notes that, in accordance with R.C. 3706.46, the Company's retail customers are to be assessed a charge for recovery of costs related to the solar generation fund for the period up to December 31, 2027. The proposed tariffs reflect a rider rate of \$0.10 per month for residential customers. For non-residential customers, the rider rate is \$0.000285 per kilowatt hour (kWh) up to 833,000 kWh. The proposed tariffs state that the solar generation fund rider is subject to reconciliation, including but not limited to, refunds to customers, consistent with R.C. 3706.46 and the Entries in Case No. 21-447-EL-UNC.

{¶ 7} On October 5, 2021, Staff filed its review and recommendations in response to Duke's application in this case. Staff states that it has reviewed Duke's proposed solar generation fund rider tariffs and concludes that the Company has included the appropriate rates for residential and non-residential customers. Staff recommends that the proposed rates should become effective on November 1, 2021, on a bills-rendered basis.

{¶ 8} Upon review of the application in this case, as well as Staff's review and recommendations, the Commission finds that Duke's proposed solar generation fund rider tariffs, as filed on September 10, 2021, do not appear to be unjust or unreasonable, are consistent with the Commission's directives in Case No. 21-447-EL-UNC, and should be approved. Duke's proposed solar generation fund rider tariffs constitute a "first filing" for a new service and, thus, the application is not an application for an increase in rates. *City of Cleveland v. Pub. Util. Comm.*, 67 Ohio St.2d 446, 424 N.E.2d 561 (1981); *Cookson Pottery v. Pub. Util. Comm.*, 161 Ohio St. 498, 120 N.E.2d 98 (1954). Accordingly, consistent with R.C. 4909.18, the Commission finds that no hearing is required in this matter.

### III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Duke's solar generation fund rider tariffs, as filed on September 10, 2021, in Case No. 21-918-EL-ATA, be approved, consistent with this Finding and Order. It is, further,

{¶ 11} ORDERED, That Duke be authorized to file tariffs, in final form, consistent with this Finding and Order. Duke shall file one copy in this case docket and one copy in its TRF docket. It is, further,

{¶ 12} ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date upon which the final tariff pages are filed with the Commission. It is, further,

{¶ 13} ORDERED, That nothing in this Finding and Order shall be binding upon the Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

{¶ 14} ORDERED, That a copy of this Finding and Order be served upon all parties and interested persons of record.

COMMISSIONERS:

*Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

MJS/kck

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**Case No(s). 21-0918-EL-ATA**

Summary: Finding & Order approving the proposed solar generation fund rider tariffs filed by Duke Energy Ohio, Inc. on September 10, 2021 electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio