

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR APPROVAL
OF ITS SOLAR GENERATION FUND RIDER
TARIFFS.

CASE NO. 21-937-EL-RDR

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR APPROVAL
OF ITS SOLAR GENERATION FUND RIDER
TARIFFS.

CASE NO. 21-942-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 Ohio Power Company d/b/a AEP Ohio, as revised on October 6, 2021.

II. DISCUSSION

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio 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 14, 2021, in Case No. 21-942-EL-ATA, AEP Ohio filed an application, pursuant to R.C. 4909.18, for approval of its proposed solar generation fund rider tariffs.¹ AEP Ohio 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. AEP Ohio 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, with a per customer monthly cap of \$242. The proposed tariffs state that the solar generation fund rider is subject to reconciliation, 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 AEP Ohio’s application in Case No. 21-942-EL-ATA. Staff states that it has reviewed AEP Ohio’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, however, that AEP Ohio modify its proposed reconciliation language to indicate that the solar generation fund rider is subject to reconciliation and refunds, consistent with the language included in the proposed tariffs of the other electric

¹ On September 13, 2021, AEP Ohio filed a similar request for tariff approval in Case No. 21-937-EL-RDR. On September 14, 2021, AEP Ohio filed correspondence in that case, requesting that its tariff filing be withdrawn and noting that a new application had been filed in Case No. 21-942-EL-ATA. The Commission finds that AEP Ohio’s request to withdraw the tariff filing in Case No. 21-937-EL-RDR should be granted.

distribution utilities. Subject to this recommendation, Staff advises that AEP Ohio's proposed rates should become effective on November 1, 2021, on a bills-rendered basis.

{¶ 8} On October 5, 2021, AEP Ohio filed correspondence in response to Staff's review and recommendations. AEP Ohio notes that Staff's recommendation with respect to the Company's proposed reconciliation tariff language would result in the removal of the reference to R.C. 3706.46, which the Company opposes in light of the fact that the statute explicitly governs the reconciliation of the solar generation fund rider through parameters and directives that are not entirely addressed in the Commission's Entries in Case No. 21-447-EL-UNC. AEP Ohio submits that the statutory reference should remain in the tariffs.

{¶ 9} On October 6, 2021, AEP Ohio filed correspondence indicating that the Company has worked with Staff to resolve the issue with the proposed tariff language. Along with its correspondence, AEP Ohio provided revised tariffs, which include a provision stating that the solar generation fund rider "is subject to reconciliation and refunds, consistent with Section 3706.46 of the Revised Code and the Entries in Case No. 21-0447-EL-UNC."

{¶ 10} Upon review of the application in Case No. 21-942-EL-ATA, as well as Staff's review and recommendations and AEP Ohio's correspondence, the Commission finds that the Company's proposed solar generation fund rider tariffs, as revised on October 6, 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. AEP Ohio'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

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That AEP Ohio's solar generation fund rider tariffs, as revised on October 6, 2021, in Case No. 21-942-EL-ATA, be approved. It is, further,

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

{¶ 14} 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,

{¶ 15} ORDERED, That AEP Ohio's request to withdraw its tariff filing in Case No. 21-937-EL-RDR be granted and that the case be closed of record. It is, further,

{¶ 16} 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,

{¶ 17} 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

SJP/mef

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Case No(s). 21-0937-EL-RDR, 21-0942-EL-ATA

Summary: Finding & Order approving the proposed solar generation fund rider tariffs filed by Ohio Power Company d/b/a AEP Ohio, as revised on October 6, 2021 electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio