

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REVIEW OF THE
SOLAR GENERATION FUND RIDER OF
DUKE ENERGY OHIO, INC.

CASE NO. 21-1164-EL-RDR

IN THE MATTER OF THE REVIEW OF THE
SOLAR GENERATION FUND RIDER OF
OHIO POWER COMPANY.

CASE NO. 21-1171-EL-RDR

IN THE MATTER OF THE REVIEW OF THE
SOLAR GENERATION FUND RIDER OF
OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING
COMPANY AND THE TOLEDO EDISON
COMPANY.

CASE NO. 21-1177-EL-RDR

IN THE MATTER OF THE REVIEW OF THE
SOLAR GENERATION FUND RIDER OF
THE DAYTON POWER AND LIGHT
COMPANY.

CASE NO. 21-1183-EL-RDR

FINDING AND ORDER

Entered in the Journal on December 15, 2021

I. SUMMARY

{¶ 1} The Commission approves the proposed solar generation fund rider tariffs of Ohio's electric distribution utilities (EDUs) to become effective on a bills-rendered basis on January 1, 2022.

II. FACTS AND PROCEDURAL BACKGROUND

{¶ 2} Am. Sub H. B. 128 (H.B. 128), which became effective on June 30, 2021, required the Commission to establish a rate mechanism for the retail recovery of costs related to the solar generation fund (SGF) for the period up to December 31, 2027. R.C. 3706.46. In accordance with this legislative directive, the Commission (1) established SGF Rider, and (2) ordered that EDUs responsible for collecting SGF Rider (a) file proposed tariffs for its implementation, (b) file an annual application for tariff approval no later than

45 days prior to the effective date of the proposed rider. Case No. 20-447-EL-UNC (*SGF Rider Case*)

{¶ 3} On October 20, 2021, the Commission approved the 2021 SGF Rider tariffs filed by Duke Energy Ohio, Inc. (Duke) (Case No. 21-918-EL-ATA). On November 15, 2021, Duke filed notice of its proposed 2022 SGF Rider tariffs (Case No. 21-1164-EL-RDR). Staff filed its review and recommendations regarding Duke’s tariff proposal on November 29, 2021.

{¶ 4} On October 20, 2021, the Commission approved the 2021 SGF Rider tariffs filed by Ohio Power Company (AEP Ohio) (Case No. 21-942-EL-ATA). On November 12, 2021, AEP Ohio filed its proposed 2022 SGF Rider tariffs (Case No. 21-1171-EL-RDR). Staff filed its review and recommendation regarding AEP Ohio’s tariff proposals on November 29, 2021.

{¶ 5} On October 20, 2021, the Commission approved the 2021 SGF Rider tariffs filed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy) (Case No. 21-938-EL-ATA). On November 15, 2021, FirstEnergy filed notice of its proposed 2022 SGF Rider tariffs¹ (Case No. 21-1177-EL-RDR). Staff filed its review and recommendation regarding FirstEnergy’s tariff proposal on November 29, 2021.

{¶ 6} On October 20, 2021, the Commission approved the 2021 SGF Rider tariffs filed by The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio) (Case No. 21-921-EL-ATA). On November 17, 2021, AES Ohio filed notice of its proposed 2022 SGF Rider

¹ Due to typographical errors in its original filings, FirstEnergy filed amended tariff pages on behalf of The Cleveland Electric Illuminating Company and The Toledo Edison Company on November 22, 2021. As the filings describe, the revised tariff pages reflect that the tariffs will become effective on a bills-rendered basis beginning on January 1, 2022, rather than January 1, 2021. The Commission accepts the revised filings and considers the implementation of FirstEnergy’s SGF Rider update based on filing effective dates on November 15, 2021.

tariffs (Case No. 21-1183-EL-RDR). Staff filed its review and recommendations regarding AES Ohio's tariff proposal on November 29, 2021.

III. DISCUSSION

{¶ 7} Duke, AEP Ohio, FirstEnergy, and AES Ohio are EDUs as defined in R.C. 4928.01(A)(6), and public utilities as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of the Commission.

{¶ 8} R.C. 3706.46 (effective June 30, 2021) required that the Commission establish the recovery mechanism for the retail recovery of costs related to the SGF for the period commencing January 1, 2021 and extending up to December 31, 2027. In consideration of the statutory obligation, the Commission established *SGF Rider Case*.

{¶ 9} 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 hearing.

{¶ 10} In Case No. 21-1164-EL-RDR, Duke filed tariff pages for SGF Rider for calendar year 2022. Staff's review of the filing concluded that the proposed tariffs include the appropriate rates for residential and non-residential customers to become effective on a bills-rendered basis beginning January 1, 2022. Accordingly, Duke's updated tariffs do not appear to be unjust or unreasonable, and the updated tariffs are approved without the need for further hearing.

{¶ 11} In Case No. 21-1171-EL-RDR, AEP Ohio filed tariff pages for SGF Rider for calendar year 2022. Staff's review of the filing concluded that the proposed tariffs include the appropriate rates for residential and non-residential customers to become effective on a bills-rendered basis beginning January 1, 2022. Accordingly, AEP Ohio's updated tariffs do not appear to be unjust or unreasonable, and the updated tariffs are approved without the need for further hearing.

{¶ 12} In Case No. 21-1177-EL-RDR, FirstEnergy filed tariff pages for SGF Rider for calendar year 2022. Staff's review of the filing concluded that the proposed tariffs include the appropriate rates for residential and non-residential customers to become effective on a bills-rendered basis beginning January 1, 2022. Accordingly, FirstEnergy's updated tariffs do not appear to be unjust or unreasonable, and the updated tariffs are approved without the need for further hearing.

{¶ 13} In Case No. 21-1183-EL-RDR, AES Ohio filed tariff pages for SGF Rider for calendar year 2022. Staff's review of the filing concluded that the proposed tariffs include the appropriate rates for residential and non-residential customers to become effective on a bills-rendered basis beginning January 1, 2022. Accordingly, AES Ohio's updated tariffs do not appear to be unjust or unreasonable, and the updated tariffs are approved without the need for further hearing.

IV. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the SGF tariffs, as filed by Duke, AEP Ohio, FirstEnergy, and AES Ohio, be approved, consistent with this Finding and Order. It is, further,

{¶ 16} ORDERED, That Duke, AEP Ohio, FirstEnergy, and AES Ohio be authorized to file, in final form, two complete copies of the tariffs (one in each EDU's respective case docket and one in each EDU's respective TRF docket) consistent with this Finding and Order. It is, further,

{¶ 17} ORDERED, That the effective date of each of the tariffs approved herein shall be the latter of: the date upon which the final tariff pages are filed with the Commission; or, January 1, 2022. It is, further,

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

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

COMMISSIONERS:

Approving:

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

MLW/hac

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Case No(s). 21-1164-EL-RDR, 21-1171-EL-RDR, 21-1177-EL-RDR, 21-1183-EL-RDR

Summary: Finding & Order approving the proposed solar generation fund rider tariffs of Ohio's electric distribution utilities (EDUs) to become effective on a bills-rendered basis on January 1, 2022 electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio