

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY TO ADJUST ITS  
ECONOMIC DEVELOPMENT RIDER RATE.

CASE NO. 22-745-EL-RDR

## FINDING AND ORDER

Entered in the Journal on September 21, 2022

### I. SUMMARY

{¶ 1} The Commission approves the application of Ohio Power Company d/b/a AEP Ohio to adjust its economic development rider rate.

### 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. 4928.141 provides that an electric distribution utility shall provide consumers within its certified territory a standard service offer (SSO) of all competitive retail electric services necessary to maintain essential electric services to customers, including a firm supply of electric generation services. The SSO may be either a market rate offer in accordance with R.C. 4928.142 or an electric security plan (ESP) in accordance with R.C. 4928.143.

{¶ 4} R.C. 4905.31 authorizes the Commission to approve schedules or reasonable arrangements between a public utility and one or more of its customers. The statute provides that every such schedule or reasonable arrangement shall be under the supervision and regulation of the Commission, and is subject to change, alteration, or modification by the Commission.

{¶ 5} In Case No. 16-1852-EL-SSO, et al., the Commission modified and approved a stipulation and recommendation (Stipulation) filed by AEP Ohio, Staff, and numerous other signatory parties, which authorized the Company to implement an ESP for the period of

June 1, 2018, through May 31, 2024. Among other provisions, the Stipulation provided for the continuation of the economic development rider (EDR) through which AEP Ohio recovers foregone revenues associated with reasonable arrangements approved by the Commission under R.C. 4905.31. *In re Ohio Power Co.*, Case No. 16-1852-EL-SSO, et al. (*ESP 4 Case*), Opinion and Order (Apr. 25, 2018) at ¶ 105.

{¶ 6} Under Ohio Adm.Code 4901:1-38-08(A)(5), the Commission requires that an electric utility's EDR rate be updated and reconciled semiannually. Ohio Adm.Code 4901:1-38-08(C) permits affected persons to file a motion to intervene, as well as comments and objections to the electric utility's application, within 20 days of the date on which the application is filed. Additionally, the Commission has previously directed AEP Ohio to file an application to adjust its EDR rate to allow the Commission sufficient time to review the filing and perform due diligence with regard to the application in order to facilitate implementation of the adjusted EDR rate with the first billing cycle of April and October. *In re Columbus Southern Power Co. and Ohio Power Co.*, Case No. 09-1095-EL-RDR, Finding and Order (Jan. 7, 2010) at 12.

{¶ 7} On August 1, 2022, in the above-captioned case, AEP Ohio filed an application to adjust its EDR rate, with certain schedules filed under seal. In the application, AEP Ohio proposes to adjust the EDR rate from 4.73099 percent of base distribution rates to 3.77608 percent, effective with the first billing cycle in October 2022, as shown below:

Current Rate	Proposed Rate	Proposed Decrease
4.73099 percent	3.77608 percent	0.95491 percent

\*The EDR is determined by multiplying the customer's base distribution charges by the percentage EDR rate described in the chart above.

{¶ 8} On September 1, 2022, Staff filed its review and recommendations regarding AEP Ohio's application to adjust the EDR rate. The application and Staff's review and recommendations are summarized below.

**A. *Procedural Issues***

{¶ 9} On August 1, 2022, AEP Ohio also filed a motion for protective treatment of customer-specific load information of JSW Steel Ohio, Inc. (JSW Steel) and PRO-TEC Coating Company, LLC (PRO-TEC), which is contained in certain schedules, and was filed under seal, in accordance with Ohio Adm.Code 4901-1-24. While AEP Ohio takes no position as to the confidential and proprietary nature of the information under Ohio law, the Company notes that it filed the motion to permit its customers a timely opportunity to seek protective treatment.

{¶ 10} On August 2, 2022, and August 16, 2022, JSW Steel and PRO-TEC, respectively, filed motions for a protective order, as well as motions to intervene. In their respective motions to intervene, JSW Steel and PRO-TEC state that they are each served by AEP Ohio, pursuant to a Commission-approved reasonable arrangement, and as AEP Ohio notes their customer-specific information is part of the Company's EDR application. JSW Steel and PRO-TEC assert that they may be affected by AEP Ohio's proposed adjustment to its EDR rate and, therefore, each claims a direct, real, and substantial interest in this case that cannot be adequately represented by any other party to the proceeding. For these reasons, JSW Steel and PRO-TEC request that the Commission grant their respective motions for intervention. No memoranda contra the motions to intervene were filed.

{¶ 11} In their motions for protective treatment, JSW Steel and PRO-TEC state that AEP Ohio's EDR application includes certain customer-specific information related to electric usage and pricing that is confidential, sensitive, and proprietary trade secret information, as defined in R.C. 1333.61(D), and, as recognized by Ohio Adm.Code 4901-1-24(A)(7). According to JSW Steel and PRO-TEC, if the customer-specific information is released to the public, it would compromise their business position and ability to compete, by disclosing actual customer usage and pricing terms that are not generally known or readily ascertainable by their competitors. JSW Steel and PRO-TEC assert that non-disclosure of the customer-specific information is not inconsistent with the purposes of R.C. Title 49. No memoranda contra the motions for protective treatment were filed.

{¶ 12} The Commission finds that JSW Steel and PRO-TEC have set forth reasonable grounds for intervention and, therefore, their motions to intervene should be granted.

{¶ 13} With respect to the motions for protective orders, we note that the Commission has previously granted protective treatment for the same customer usage and pricing information that is the subject of the pending motions. *In re Ohio Power Co.*, Case No. 21-831-EL-RDR, Finding and Order (Sept. 8, 2021) at ¶ 13; *In re Ohio Power Co.*, Case No. 22-88-EL-RDR, Finding and Order (Mar. 23, 2022) at ¶ 13. The Commission again finds that the unopposed motions for protective treatment filed by AEP Ohio, JSW Steel, and PRO-TEC are reasonable and should be granted. Pursuant to Ohio Adm.Code 4901-1-24(F), this protective order shall expire 24 months after the issuance of this Finding and Order, unless an appropriate motion seeking to continue protective treatment is filed at least 45 days in advance of the expiration date.

**B. Summary of the Application**

{¶ 14} In support of its application, AEP Ohio explains that the proposed EDR rate is based on estimated cost under-recoveries as evidenced by the projected 2022 delta revenues, as well as on the actual and projected delta revenues associated with the Company's reasonable arrangements with JSW Steel and PRO-TEC. Further, AEP Ohio notes that, consistent with the Stipulation approved by the Commission in the *ESP 4 Case*, the proposed EDR rate also reflects the costs associated with the automaker credit, as well as the interruptible power credit, in accordance with the Commission's adoption of the joint stipulation and recommendation in the Company's distribution rate case proceedings. *ESP 4 Case*, Opinion and Order (Apr. 25, 2018) at ¶¶ 82, 102; *In re Ohio Power Co.*, Case No. 20-585-EL-AIR, et al. (*Rate Case*), Opinion and Order (Nov. 17, 2021) at ¶ 83.

{¶ 15} AEP Ohio states that its calculation of the proposed EDR rate is based on the over-/under-recovery balance as of June 2022, the projected over-/under-recoveries from July through September 2022, and the forecasted delta revenues and rider revenue from October through March 2023, which is consistent with the approach approved by the

Commission in the Company's prior EDR case. AEP Ohio also notes that its rate approach continues to include the accrual of carrying costs at the weighted average cost of long-term debt.

{¶ 16} In addition, AEP Ohio states that, if it determines during the EDR rate period that the EDR collections are or will be substantially different than anticipated or that the unrecovered costs based on delta revenues are or will be substantially different than anticipated, the Company will file an application to modify the EDR rate for the remainder of the rate period. AEP Ohio further states that it will continue to track the delta revenues and the EDR collections in order to reconcile any difference through subsequent EDR rate adjustments.

{¶ 17} Finally, AEP Ohio asserts that its proposed EDR rate is just and reasonable and that a hearing is not necessary. AEP Ohio requests that, at the conclusion of the 20-day comment period prescribed by Ohio Adm.Code 4901:1-38-08(C), the Commission approve the application in time for the new EDR rate to take effect with the first billing cycle of October 2022.

{¶ 18} In Staff's review and recommendations regarding AEP Ohio's application to adjust the EDR rate, Staff states that the proposed EDR rate of 3.77608 percent reflects the current and projected costs through March 31, 2023, which result from reasonable arrangements approved by the Commission, as well as the costs associated with the automaker credit and the interruptible power credit. Staff, therefore, recommends approval of the application for rates to become effective with the first billing cycle of October 2022.

### *C. Consideration of the Application*

{¶ 19} Upon review of AEP Ohio's application to adjust its EDR rate and Staff's review and recommendations, the Commission finds that the application does not appear to be unjust or unreasonable and that it should be approved. Therefore, we find that it is unnecessary to hold a hearing in this matter.

{¶ 20} Specifically, the Commission finds that AEP Ohio's proposed EDR rate of 3.77608 percent is reasonable and should be approved. Our approval of AEP Ohio's application will ensure that the Company recovers the costs resulting from foregone revenues associated with the reasonable arrangements approved for JSW Steel and PRO-TEC, as well as certain costs associated with the Company's interruptible power credit and automaker credit, as approved in the *ESP 4 Case* and the *Rate Case*. Accordingly, the Commission authorizes AEP Ohio to file revised tariffs to implement the adjusted EDR rate.

### III. ORDER

{¶ 21} It is, therefore,

{¶ 22} ORDERED, That the motions for intervention filed by JSW Steel and PRO-TEC be granted. It is, further,

{¶ 23} ORDERED, That the motions for protective treatment filed by AEP Ohio, JSW Steel, and PRO-TEC be granted. It is, further,

{¶ 24} ORDERED, That AEP Ohio's application to adjust its EDR rate be approved. It is, further,

{¶ 25} 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,

{¶ 26} 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,

{¶ 27} 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

GNS/hac

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**Case No(s). 22-0745-EL-RDR**

Summary: Finding & Order that the Commission approves the application of Ohio Power Company d/b/a AEP Ohio to adjust its economic development rider rate electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio