THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF THE OHIO DEPARTMENT OF DEVELOPMENT FOR AN ORDER APPROVING ADJUSTMENTS TO THE UNIVERSAL SERVICE FUND RIDER OF JURISDICTIONAL OHIO ELECTRIC DISTRIBUTION UTILITIES.	**CASE NO. 22-556-EL-USF**

OPINION AND ORDER

Entered in the Journal on December 14, 2022

I. SUMMARY

{¶ 1} The Commission adopts the Joint Stipulation and Recommendation filed on November 23, 2022, to resolve all the issues presented by the Ohio Department of Development's application to adjust the Universal Service Fund rider rates of jurisdictional Ohio electric distribution utilities.

II. DISCUSSION

A. Applicable Law and Background

{¶ 2} The Universal Service Fund (USF) was established, under the provisions of R.C. 4928.51 through 4928.58, for the purposes of providing funding for the low-income customer assistance programs, including the consumer education programs authorized by R.C. 4928.56, and for the administrative costs of those programs. The USF is administered by the Ohio Department of Development (ODOD), previously known as the Ohio Development Services Agency, in accordance with R.C. 4928.51. The USF is funded primarily by the establishment of a universal service rider on the retail electric distribution service rates of jurisdictional electric utilities, namely Ohio Power Company (AEP Ohio),[1] The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio), Duke Energy Ohio, Inc. (Duke), Cleveland Electric Illuminating Company (CEI), Ohio Edison Company (OE),

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1 By Entry issued on March 7, 2012, the Commission approved and confirmed the merger of Columbus Southern Power Company (CSP) with Ohio Power Company (OP) (jointly AEP Ohio), effective December 31, 2011, with OP as the surviving entity. *In re AEP Ohio*, Case No. 10-2376-EL-UNC, Entry (Mar. 7, 2012).

and Toledo Edison Company (TE). Each of the entities, AEP Ohio, AES Ohio, Duke, CEI, OE, and TE, is an electric distribution utility (EDU), 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. 4928.52(B) provides that, if ODOD, after consultation with the Public Benefits Advisory Board, determines that revenues in the USF and revenues from federal or other sources of funding for those programs will be insufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education programs and to provide adequate funding for those programs, ODOD shall file a petition with the Commission for an increase in the USF rider rates. R.C. 4928.52(B) also provides that the Commission, after reasonable notice and opportunity for hearing, may adjust the USF riders by the minimum amount required to provide the necessary additional revenues. To that end since 2001, the Commission has approved USF rider rate adjustments, as necessary, each year for the Ohio jurisdictional electric utilities.

{¶ 4} In the most recent USF case, the Commission adopted the Joint Stipulation and Recommendation filed on November 24, 2021, resolving the issues regarding the adjustment of and to adjust the USF rider rates of the jurisdictional EDUs, in accordance with R.C. 4928.52(B). The new USF rider rates became effective on a bills-rendered basis with each EDU's first billing cycle in January 2022. *In re Ohio Development Services Agency*, Case No. 21-659-EL-USF, Opinion and Order (Dec. 15, 2021) (*2021 USF Adjustment Order*).

B. History of This Proceeding

{¶ 5} Since 2005 the USF proceedings have been a two-phase process. In the first phase of the USF case, the notice of intent (NOI) phase, ODOD files, by May 31 each year, an application with its proposed methodology to calculate the USF revenue requirement and rate design, as well as any other matters that ODOD deems appropriate. In the second phase of the USF proceeding, ODOD files, by October 31 each year, an application consistent with the approved methodology to adjust the USF rider rates of the EDUs, as necessary. The two-phase process allows the Commission and the parties to the proceedings to consider, on a timely basis, any objections that may be raised by the parties in the initial phase and compliance with the approved methodology to determine the revenue requirement and rate design, as well as mathematical accuracy of the calculations in the second phase. *In re Ohio Department of Development*, Case No. 04-1616-EL-UNC, Opinion and Order (Dec. 4, 2008) at 8. ODOD agreed to continue to follow the two-phase process in the current USF case. *2021 USF Adjustment Order*, Opinion and Order (Dec. 15, 2021) ¶ 23.

1. NOTICE OF INTENT PHASE

{¶ 6} On May 27, 2022, in the above-noted case, ODOD filed its NOI to file an application to adjust the USF riders of the EDUs in accordance with R.C. 4928.52 and consistent with the process agreed to and approved in the *2021 USF Adjustment Order*. In summary, ODOD's 2022 NOI application indicated that the adjustment application would request that each of the USF riders be revised to reflect the current costs of operating the Percentage of Income Payment Plan Plus (PIPP) program, the Electric Partnership Program (EPP), including consumer education programs, and associated administrative costs and to reflect known and measurable changes that will take effect during the test period and the post-test period. Among the revisions ODOD accounts for in its amended application is the expansion of the PIPP income eligibility requirement from 150 percent to 175 percent of the federal poverty level. Further, in its NOI, ODOD proposed the methodology to determine the USF rider revenue requirement and the USF rider rate design.

{¶ 7} By Entry issued June 6, 2022, as amended by Entries issued July 29, 2022, and August 8, 2022, the jurisdictional EDUs were joined as indispensable parties in this case and a procedural schedule established.

{¶ 8} Motions to intervene were filed by, and intervention was granted to Ohio Energy Group (OEG), Industrial Energy Users-Ohio (IEU-Ohio), and Ohio Consumers' Counsel (OCC).

{¶ 9} A Joint Stipulation and Recommendation (2022 NOI Stipulation) was filed on August 5, 2022. The 2022 NOI Stipulation was executed by ODOD, AES Ohio, IEU-Ohio, AEP Ohio, OEG, and Duke. On that same date, ODOD also filed the testimony of Megan Meadows in support of the 2022 NOI Stipulation

{¶ 10} The hearing was held, as rescheduled, on August 30, 2022.

{¶ 11} By Opinion and Order issued October 5, 2022, the Commission approved and adopted, pursuant to the NOI Stipulation, the method to determine the USF rider revenue requirement and the USF rider rate design to be implemented by ODOD for the 2023 USF collection period. OCC was the only party to object to the NOI Stipulation. *In re ODOD*, Opinion and Order (Oct. 5, 2022) (*2022 NOI Order*).

{¶ 12} R.C. 4903.10 permits any party who has entered an appearance in a proceeding to apply for a rehearing, within thirty days, in respect to any matters determined in the proceeding. Further, R.C. 4903.10 states that if the commission does not grant or deny such application for rehearing within thirty days from the date of filing, the application for rehearing is denied by operation of law.

{¶ 13} On November 4, 2022, OCC filed an application for rehearing of the *2022 NOI Order* asserting four assignments of error:

(a) The Commission violated R.C. 4928.542 by authorizing ODOD to charge higher electricity prices to at-risk PIPP consumers than the rates charged to the utilities' standard service (SSO) consumers.

(b) The Commission erred by unreasonably and unlawfully finding that the 2022 NOI Stipulation benefits consumers and the public interest because higher PIPP rates relative to the SSO are to their detriment.

(c) The Commission erred by unreasonably and unlawfully claiming that the utilities' PIPP generation rates, while a component of the cost of the PIPP program, is beyond the scope of this proceeding because the USF rider revenue requirement methodology must comply with R.C. 4928.542.

(d) The Commission erred by unreasonably and unlawfully finding that the 2022 NOI Stipulation showed that serious bargaining occurred, and that diversity of interests was not required violating the first prong of the Commission test used to evaluate stipulations.

{¶ 14} On November 14, 2022, memoranda contra the application for rehearing were filed by ODOD and jointly by AES Ohio, Duke, and AEP Ohio.

{¶ 15} As each of the issues raised by OCC in its application for rehearing was thoroughly addressed in the 2022 NOI Order, the Commission elected not to grant or deny OCC's application for rehearing within the thirty days after the application was filed, in this instance by December 4, 2022. Accordingly, pursuant to R.C. 4903.10, OCC's application for rehearing was denied by operation of law.

2. Adjustment Phase

{¶ 16} On October 31, 2022, ODOD filed its application, and supporting testimony, to adjust the USF riders of the EDUs in accordance with the requirements of R.C. 4928.52 and the *2022 NOI Order*.

{¶ 17} By Entry issued on November 1, 2022, a hearing on the adjustment application was scheduled to commence on November 30, 2022, at the offices of the Commission.

{¶ 18} On November 21, 2022, ODOD filed an amended application and supplemental testimony. ODOD states that the amended application and supplemental testimony revise its adjustment application to incorporate actual data for the month of September 2022.

{¶ 19} On November 23, 2022, ODOD filed a Joint Stipulation and Recommendation (2022 Adjustment Stipulation) executed by ODOD, Duke, IEU-Ohio, AES Ohio, and AEP

Ohio (Signatory Parties). CEI, OE, and TE (jointly, FirstEnergy EDUs) and OEG endorse the 2022 Adjustment Stipulation as non-opposing parties. Further, Staff states that while it is not a signatory, Staff neither supports nor opposes the 2022 Adjustment Stipulation (Tr. at 57; Joint Ex. 1 at 1).

{¶ 20} On November 23, 2022, ODOD also filed the testimony of Ms. Meadows in support of the Stipulation.

{¶ 21} The hearing for the second phase of these proceedings was held on November 30, 2022 where the following documents were admitted into evidence: the application filed on October31, 2022 (ODOD Ex. 1) and the accompanying testimony of Ms. Meadows filed on October 31, 2022 (ODOD Ex. 2); the amended application filed November 21, 2022 (ODOD Ex. 3); the supplemental testimony of Megan Meadows filed November 21, 2022 (ODOD Ex. 4); the supplemental testimony of Ms. Meadows in support of the Stipulation filed November 23, 2022 (ODOD Ex. 5); the 2022 Adjustment Stipulation filed November 23, 2022 (Joint Ex. 1); and the testimony of James D. Williams filed November 23, 2022 (OCC Ex. 1). The Stipulation includes, as Appendix A, a copy of the proposed customer notice regarding the adjusted USF riders (Joint Ex. 1 at 10). After some discussion among the parties, the briefing schedule was set such that initial briefs were due by December 6, 2022, and reply briefs were due by December 8, 2022 (Tr. at 73).

{¶ 22} Initial and reply briefs were timely filed by ODOD, OCC, AEP Ohio, AES Ohio, and Duke.

C. Summary of the Amended Adjustment Application

{¶ 23} In the amended application, ODOD requests that each of the USF riders be adjusted to reflect the current costs of operating the PIPP program more accurately, EPP, consumer education programs, and the associated administrative costs. Based on ODOD's analysis of the revenues that the current USF rider rates would generate based on test period sales volumes and utilizing the USF rider revenue requirement methodology approved in the *2022 NOI Order*, ODOD has determined that, on an aggregated basis, the total annual revenues generated by the current USF riders will be $180,773,590 less than the annual revenues necessary to fulfill the objectives identified in R.C. 4928.52(A) for the 2023 USF collection period. More specifically, ODOD's analysis reveals that the revenues that would be generated by the current USF riders of each of the EDUs will be less than the annual revenue requirement to carry out the objectives set forth in R.C. 4928.52(A) for 2023. Therefore, ODOD requests an increase in the USF rider rates of all the EDUs.

Current USF Rider					Proposed USF Rider	
EDU	First 833,000 kWh[2]	Above 833,000 kWh	2022 Adjusted Test Period USF Rider Revenue	2023 Required Annual USF Rider Revenue Requirement	First 833,000 kWh	Above 833,000 kWh
CEI	$0.0015450	$0.0005680	$ 23,243,736	$30,434,758	$0.0020060	$ 0.0005680
AES Ohio	$0.0007223	$0.0004213	$ 9,547,863	$40,905,828	$0.0035110	$ 0.0005700
Duke	$0.0006075	$0.0003477	$ 11,485,776	$34,784,697	$0.0021270	$ 0.0004690
OE	$0.0022477	$0.0010461	$ 47,307,588	$62,368,675	$0.0029592	$ 0.0010461
AEP Ohio	$0.0024127	$0.0001756	$ 80,600,646	$180,761,552	$0.0053667	$ 0.0001756[3]
TE	$0.0021160	$0.0005610	$ 15,073,083	$18,776,773	$0.0027352	$ 0.0005610
Totals			$187,258,690	$368,032,282		
Deficiency				$180,773,590[4]		

(ODOD Ex. 3 at 5, 11 and Ex. I; ODOD Ex. 4 at 5-9 and Ex. MM-19 through MM-30; Tr. at 52-53, 56.)

2 Kilowatt hours (kWh).

3 AEP Ohio's USF rider rate for usage greater than 833,000 kWh is based on the average of the rate zone of Columbus Southern Power Company and OP's 1999 USF rider rates of $0.0001830 and $0.0001681, respectively, to yield a rate of $0.0001756.

4 There is a slight difference in the totals and deficiency due to rounding.

{¶ 24} The amended application and the supplemental testimony of Megan Meadows states that the USF revenue requirement, which the proposed USF riders are designed to generate, consists of the following elements:

(1) Cost of PIPP. The cost of PIPP component of the USF rider revenue requirement is intended to reflect the total cost of electricity consumed by the EDU's PIPP customers for the 12-month period January 2022 through December 2022 (test period), plus pre-PIPP balances, less the monthly installment payments billed to PIPP customers, less payments made by or on behalf of PIPP customers, including agency payments, to the extent that these payments are applied to outstanding PIPP arrearages over the same period. The calculation utilizes actual data available for January 2022 through September 2022, and projected data, based on the actual data for October 2021 through December 2021, for the remaining months of the test period. ODOD submits that the test period cost of PIPP must be adjusted for the following reasons: (1) to recognize the impact of Commission-approved EDU rate changes that will take effect on and after January 1, 2023; (2) to annualize the impact of Commission-approved EDU rate changes that took effect during the 2022 test year; and (3) to account for projected increases in PIPP enrollment during the 2023 collection period. The total adjusted cost of PIPP is $358,924,849. (ODOD Ex. 3 at 6 and Exs. A, A.1, A.1.a through A.1.d, and A.2 (Column F); ODOD Ex. 2 at 4-11; ODOD Ex. 4 at 2-6 and Ex. MM-1 – MM-6.)

(2) Electric Partnership Program and Consumer Education Costs. This element of the USF rider revenue requirement reflects the

costs associated with the low-income customer energy efficiency programs and the consumer education program, referred to collectively as the EPP, and their associated administrative costs, which are recovered through the USF riders pursuant to R.C. 4928.52(A)(2) and (3). In its NOI, ODOD projected its EPP costs to be $14,946,196, but agreed to review and amend the projection of its EPP costs. Based on its review, ODOD amended its proposed EPP and consumer education program costs to $10,243,231. ODOD notes that, consistent with the *2022 NOI Order*, this component of the USF rider revenue requirement is allocated to the EDUs based on the ratio of their respective cost of PIPP to the total cost of PIPP. (ODOD Ex. 2 at 12-13; ODOD Ex. 3 at 6-7 and Ex. B; ODOD Ex. 4 at 6.)

(3) Administrative Costs. This element of the USF rider revenue requirement represents an allowance for the costs incurred by ODOD in connection with its administration of the PIPP program, which are recoverable pursuant to R.C. 4928.52(A)(3). ODOD states that the proposed allowance for administrative costs, $4,435,128 has been determined in accordance with the standard approved by the Commission in the *2022 NOI Order*. The requested allowance for administrative costs has been allocated to the EDUs based on the number of PIPP customer accounts as of October 2021, which is the test period month exhibiting the highest PIPP customer account totals. In addition, pursuant to R.C. 4928.544(B), ODOD is authorized to include reimbursement of the Commission's costs incurred for aggregation of PIPP Plus customers as administrative cost.

(ODOD Ex. 2 at 13-21; ODOD Ex. 3 at 7, 10 and Ex. C; ODOD Ex. 4 at 6.)

(4) December 31, 2022 PIPP Account Balances. Because the USF rider is based on historical sales and historical PIPP enrollment patterns, the cost of PIPP component of an EDU's USF rider will, in actual practice, either over-recover or under-recover its associated annual revenue requirement over the collection period. Over-recovery creates a positive USF PIPP account balance for the particular EDU, which reduces the amount needed on a forward-going basis, to satisfy the USF rider revenue requirement. Conversely, where under-recovery has created a negative USF PIPP account balance as of the effective date of the new riders, there will be a shortfall in the cash available to ODOD, which will impair its ability to make the PIPP reimbursement payments due the EDUs on a timely basis. Thus, the amount of any existing positive USF PIPP account balance must be deducted in determining the target revenue level that the adjusted USF rider is to generate, while the deficit represented by a negative USF PIPP account balance must be added to the associated revenue requirement. In this case, ODOD requests that the proposed USF riders be implemented on a bills-rendered basis effective January 1, 2023. Accordingly, the USF rider revenue requirement of each EDU has been adjusted by the amount of the EDU's projected December 31, 2022, USF PIPP account balance to synchronize the new riders with the EDU's USF PIPP account balance as of their effective date. According to ODOD, this conforms to the methodology approved by the Commission in the 2022 NOI Order. (ODOD

Ex. 2 at 21-24; ODOD Ex. 3 at 7-8 and Ex. H; ODOD Ex. 4 at 6-7 and Ex. MM-7 through MM-12.)

(5) Reserve. PIPP-related cash flows can fluctuate significantly throughout the year, due in large measure, to the weather-sensitive nature of electricity sales and PIPP enrollment patterns. These fluctuations have, from time-to-time, resulted in negative USF PIPP account balances, which means that, in those months, ODOD had insufficient cash to satisfy its reimbursement obligations to the EDUs on a timely basis. To address this problem, ODOD has previously included an allowance to create a cash reserve as an element of the USF rider revenue requirement. However, as part of the 2022 NOI Order, the Commission approved a modification to the calculation of the reserve to consider the highest monthly deficit during the test period for the EDUs in the aggregate, as opposed to individually, since the funds are deposited in one USF account for all EDUs. The approved process also requires consideration of the aggregate projected year end account balance to determine whether a reserve allowance is needed. According to ODOD's analysis, the aggregate projected year end account balance is $41,712,143 on December 31, 2022, as shown on Exhibit H. Therefore, ODOD determined a reserve allowance of $ $21,529,425 in anticipation of possible cash flow changes due to increased utility costs and increased PIPP enrollment eligibility from 150 percent to 175 percent of the Federal Poverty Guidelines. (ODOD Ex. 3 at 8-9, Exs. F and H; ODOD Ex. 2 at 24-25; ODOD Ex. 4 at 7.)

(6) Allowance for Undercollection. This component of the USF rider revenue requirement is an adjustment to recognize that, due to the difference between amounts billed through the USF rider and the amounts actually collected from customers, the rider will not generate the target revenues. ODOD states that, in accordance with the methodology approved by the Commission in the 2022 NOI Order, the allowance for undercollection for each EDU is based on the collection experience of the particular EDU. The total requested allowance for undercollection is $ 7,656,715. (ODOD Ex. 3 at 9 and Ex. G; ODOD Ex. 4 at 7 and Ex. MM-13 through MM-18.)

(7) PIPP Program Audit Costs. In prior USF cases, ODOD has included an allowance for the audit of each EDU's PIPP-related accounting and reporting. In the 2022 NOI application, ODOD includes an allowance of $99,000 for audits to be performed on AEP Ohio, AES Ohio, and Duke. However, based upon the costs of the 2021 audits, ODOD estimates the cost to be $69,000, with the actual cost of each audit to be based upon the amount expended to conduct the audit of each EDU. Each EDU will be charged based on a fixed cost for the 2022 collection period. (ODOD Ex. 1 at 9 and Ex. D; ODOD Ex. 2 at 26-27).

{¶ 25} Accordingly, ODOD requests that the Commission find that the USF rider rate adjustments proposed in the amended application represent the minimum adjustments necessary to provide the revenues required to satisfy each EDU's respective USF rider revenue requirement. ODOD further requests that the Commission direct the EDUs to incorporate the new USF rider rates in their tariffs to be effective, on a bill rendered basis, beginning January 1, 2023. (ODOD Ex. 3 at 10-13.)

D. *Summary of the Stipulation*

{¶ 26} As previously noted, on November 23, 2022, the Signatory Parties filed a Stipulation to resolve all the issues raised in this phase of the USF case. As part of the 2022 Adjustment Stipulation, the Signatory Parties stipulate, agree, and recommend that the Commission issue an order approving adjustment to the USF riders of the jurisdictional EDUs in accordance with the terms and conditions specified as follows:[5]

1. This matter is properly before the Commission pursuant to R.C. 4928.52(B). The Commission has jurisdiction to approve this Stipulation as submitted and to issue an order authorizing adjustments to the current EDU USF riders in the minimum amount necessary to provide the revenues sufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education program and to provide adequate funding for those programs.

2. The application, amended application, supporting exhibits and the testimony of Megan Meadows filed in this docket by ODOD on October 31, 2022, and on November 21, 2022, as well as the testimony of Ms. Meadows in support of the 2022 Adjustment Stipulation filed on November 23, 2022, shall be admitted into evidence, and made a part of the record in this case.

3. If called to testify, an appropriate representative of each EDU would verify that the kWh sales data and other information supplied by the specific EDU to ODOD upon which ODOD relied in developing the USF rider revenue requirement and USF rider rate for each EDU, as

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5 The summary of the 2022 Adjustment Stipulation is not intended to supersede or replace the Stipulation.

set forth in the amended application, is true and accurate to the best of each EDU's knowledge and belief.

4. As set forth in ODOD's amended application, and as further described in and supported by the supplemental testimony of ODOD witness Meadows, the annual USF rider revenue requirement for each EDU shall be as follows:

AEP Ohio	$ 180,761,552
AES Ohio	$ 40,905,828
Duke	$ 34,784,697
CEI	$ 30,434,758
OE	$ 62,368,675
TE	$ 18,776,773

5. The methodology for determining the respective USF rider revenue requirements is consistent with the methodology accepted by the Commission in its October 5, 2022, Opinion and Order in the NOI phase of this proceeding.

6. The annual USF rider revenue requirement set forth in Paragraph 4 of this Stipulation shall be collected by the respective EDUs through a USF rider that incorporates a declining block rate design consisting of two consumption blocks. The first block of the rate is to apply to all monthly consumption up to and including 833,000 kWh. The second block shall apply to all consumption above 833,000 kWh per

month. For each EDU, the rate per kWh for the second block shall be set at the lower of the PIPP charge in effect in October 1999, or the per kWh rate that would apply if the EDU's annual USF rider revenue requirement were to be recovered through a single block per kWh rate. The rate for the first block is to be set at the level necessary to produce the remainder of the EDU's annual USF rider revenue requirement. The USF rider for each EDU, determined in accordance with the aforementioned methodology, is as set forth below:

EDU	First 833,000 kWh	Above 833,000 kWh
AEP Ohio	$ 0.0053667	$ 0.0001756[6]
AES Ohio	$0.0035110	$0.0005700
Duke	$ 0.0021270	$ 0. 0004690
CEI	$ 0. 0020060	$ 0.0005680
OE	$ 0. 0029592	$ 0.0010461
TE	$ 0. 0027352	$ 0.0005610

7. The rate design methodology utilized in calculating the recommended USF rider rates, as set forth in Paragraph 6 of the Stipulation, is identical to the methodology accepted by the Commission in its October 5, 2022 Opinion and Order in the NOI phase of this proceeding and in all prior USF rider rate adjustment proceedings. Any change in the existing relative customer class revenue responsibility resulting from the use of this rate design methodology is well within the range of estimation error inherent in any customer class cost-of-service analysis and does not

6 The AEP Ohio USF rider rate for usage greater than 833,000 kWh was determined by averaging the rate for the former CSP rate zone and OP's 1999 rates of $0.0001830 and $0.0001681, respectively.

violate R.C. 4928.52(C), which prohibits shifting the costs of funding low-income customer assistance programs among customer classes. By stipulating to the use of the EDU's October 1999 PIPP charge as a cap on the second block of the rider for purposes of this case, no Signatory Party waives its right to contest the continued use of the October 1999 PIPP charge as a cap on the second block of the rider in any future R.C. 4928.52(B) USF rider rate adjustment proceeding.

8. The rates for all EDUs represent the minimum rates necessary to satisfy their respective rider revenue requirements as set forth in Paragraph 4 of the Stipulation. The current USF rider of each EDU shall be withdrawn and cancelled and shall be replaced by the USF riders at the rates set forth in Paragraph 6. Each EDU shall file tariffs with the new USF rider rate within seven days of the Commission order adopting this Stipulation. The new USF riders shall be effective upon filing with the Commission and shall apply on a bills-rendered basis beginning with the first billing cycle of the month following their effective date. The EDUs shall notify customers of the adjustments to their respective USF riders by means of the customer notice attached hereto as Appendix A.

9. Development in its sole discretion may, after consulting Signatory Parties, commence a separate proceeding to address any potential changes in residential rates or to the cost to supply electricity to PIPP customers during the 2023 collection period. The Signatory Parties may oppose any proposals made by Development in such a proceeding.

10. Unlike traditional ratemaking, where the objective is to establish rates which will provide the applicant utility with a reasonable earnings opportunity, the USF riders must actually generate sufficient revenues to enable ODOD to meet its specific USF-related statutory and

contractual obligations on an ongoing basis. To this end, ODOD shall file, not later than October 31, 2023, an application with the Commission for such adjustments to the USF riders as may be necessary to assure, to the extent possible, that each EDU's USF rider will generate its associated revenue requirement, but not more than its associated revenue requirement, during the annual collection period following Commission approval of such adjustments. ODOD shall serve copies of such application upon all other parties to this proceeding. In the event ODOD fails to file such application on or before October 31, 2023, ODOD shall notify the Signatory Parties in writing of its intentions with respect to an application for adjustments to the USF riders, including its anticipated filing date. Such notice shall not affect the right of any Signatory Party to pursue such legal recourse against ODOD as may be available for failure to comply with the Stipulation, if any.

11. The Signatory Parties recognize that the EDU USF rider rates proposed in ODOD's annual USF rider adjustment applications are predicated on the assumption that the new USF riders authorized by the Commission will be effective on a bills-rendered basis during the January billing cycle of the following year. Although the October 31, 2023 filing deadline established in Paragraph 10 of this Stipulation for the filing of next year's application will provide adequate time for the Commission to act upon the application prior to January 1, 2024, if the application is not contested, the Signatory Parties recognize that this two-month interval may not be sufficient in the event that a party to the proceeding objects to the application and wishes to litigate the issue(s) raised in its

objection(s).[7] To address this concern, the Signatory Parties propose and agree that ODOD should again follow the NOI process first adopted in Case No. 04-1616-EL-UNC. Specifically, on or before May 31, 2023, ODOD shall file with the Commission a notice of its intent to submit its annual USF rider adjustment application and shall serve the NOI on all parties to this proceeding. The NOI shall set forth the methodology ODOD intends to employ in calculating the USF rider revenue requirement and in designing the USF rider rates in preparing its 2023 USF rider rate adjustment application and may also include such other matters as ODOD deems appropriate. Upon the filing of the NOI, the Commission will open the 2023 USF rider adjustment application docket and will establish a schedule for the filing of objections or comments, responses to the objections or comments, and, if a hearing is requested, a schedule for discovery, the filing of testimony, and the commencement of the hearing. The Commission will use its best efforts to issue its decision with respect to any objections raised not later than September 30, 2023. ODOD will conform its 2023 USF rider adjustment application to any directives set forth in the Commission's decision. If the order is not issued sufficiently in advance of the October 31, 2023, filing deadline to permit ODOD to incorporate such directives, ODOD will file an amended application conforming to the Commission's directives as soon as practicable after the order is issued.

12. The Signatory Parties support initiatives intended to control the costs that ultimately must be recovered through the USF riders. In furtherance of this objective, the Signatory Parties agree to the

7 In so stating, the Signatory Parties are referring to an objection relating to something other than the mathematical accuracy of ODOD's calculations. Signatory Parties contend an objection to the accuracy of an ODOD calculation can almost certainly be resolved informally in a time frame that will permit the Commission to issue a final order on the application in advance of the January billing cycles.

continuation of the USF Rider Working Group (Working Group) formed pursuant to the Stipulation approved by the Commission in Case No. 03-2049-EL-UNC. The Working Group is charged with developing, reviewing, and recommending cost-control measures.[8] Although recommendations made by the Working Group shall not be binding upon any Signatory Party, the Signatory Parties shall give due consideration to such recommendations and shall not unreasonably oppose the implementation of such recommendations.

13. Accordingly, the Signatory Parties respectfully request that the Commission issue an order adopting the Stipulation and directing each EDU to file new USF riders in accordance therewith, said riders to be effective with the January 2023 billing cycle on a bills-rendered basis.

E. Consideration of the Stipulation

{¶ 27} Ohio Adm.Code 4901-1-30 authorizes parties to Commission proceedings to enter into a stipulation. Although not binding upon the Commission, the terms of such an agreement are accorded substantial weight. *Consumers' Counsel v. Pub. Util. Comm.*, 64 Ohio St.3d 123, 125, 592 N.E.2d 1370 (1992), citing *Akron v. Pub. Util. Comm.*, 55 Ohio St.2d 155, 157, 378 N.E.2d 480 (1978). This concept is particularly valid where the stipulation is unopposed by any party and resolves all issues presented in the proceeding in which it is offered.

{¶ 28} The standard of review for considering the reasonableness of a stipulation has been discussed in a number of prior Commission proceedings. See, e.g., *In re Cincinnati Gas & Elec. Co.*, Case No. 91-410-EL-AIR, Order on Remand (Apr. 14, 1994); *In re Western Reserve Telephone Co.*, Case No. 93-230-TP-ALT, Opinion and Order (Mar. 30, 1994); *In re Ohio Edison*

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8 *In re Ohio Department of Development for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Electric Distribution Utilities*, Case No. 03-2049-EL-UNC, Opinion and Order (Dec. 3, 2003).

Co., Case No. 91-698-EL-FOR, et al., Opinion and Order (Dec. 30, 1993); *In re Cleveland Elec. Illum. Co.*, Case No. 88-170-EL-AIR, Opinion and Order (Jan. 31, 1989); *In re Restatement of Accounts and Records*, Case No. 84-1187-EL-UNC, Opinion and Order (Nov. 26, 1985). The ultimate issue for the Commission's consideration is whether the agreement, which embodies considerable time and effort by the signatory parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Commission has used the following criteria:

a. Is the settlement a product of serious bargaining among capable, knowledgeable parties?

b. Does the settlement, as a package, benefit ratepayers and the public interest?

c. Does the settlement package violate any important regulatory principle or practice?

{¶ 29} The Supreme Court of Ohio has endorsed the Commission's analysis using these criteria to resolve cases in a manner economical to ratepayers and public utilities. *Indus. Energy Consumers of Ohio Power Co. v. Pub. Util. Comm.*, 68 Ohio St.3d 559, 629 N.E.2d 423 (1994), citing *Consumers' Counsel* at 126. The Supreme Court of Ohio stated in that case that the Commission may place substantial weight on the terms of a stipulation, even though the stipulation does not bind the Commission.

1. IS THE SETTLEMENT A PRODUCT OF SERIOUS BARGAINING AMONG CAPABLE, KNOWLEDGEABLE PARTIES?

a. Signatory Parties' Position

{¶ 30} ODOD witness Meadows, Chief of Community Services Division, testified that she directs and supervises the preparation of the USF rate application and has responsibility for administering the programs for low-income utility customers. Ms. Meadows testified that the 2022 Adjustment Stipulation satisfies the three-part test utilized by the Commission to evaluate stipulations. Ms. Meadows notes that the parties to this case have been actively participating in the USF proceedings, and other Commission cases, for several years and that all parties are represented by experienced, competent counsel. All parties were afforded the opportunity to participate in a prehearing conference and to engage in settlement discussions on the proposed stipulation. According to Ms. Meadows, all parties were afforded the opportunity to object to the adjustment application prior to and during a settlement conference conducted on November 21, 2022. Subsequently, on that same day, Ms. Meadows confirmed a draft Stipulation was circulated to the parties and all parties, including OCC, given the chance to negotiate revisions to the draft Stipulation. Indeed, Ms. Meadows declares that the parties amended the draft Stipulation and ultimately the Stipulation was filed on November 23, 2022. Duke indicates that the changes to the final Stipulation demonstrate bargaining did occur, even if OCC could not be persuaded to sign onto the agreement. (ODOD Ex. 6; Tr. at 10-11; ODOD Br. at 3, 5; AEP Ohio Br. at 3-4; Duke Br. at 7). Accordingly, the Signatory Parties reason the 2022 Adjustment Stipulation is the product of serious bargaining among capable, knowledgeable parties and, therefore, meets the first prong used by the Commission to evaluate a stipulation. (ODOD Ex. 2 at 1, 2; ODOD Ex. 5 at 3-4; ODOD Br. at 5.)

{¶ 31} Further, the Signatory Parties highlight the fact that the Commission has already rejected OCC's arguments finding that a diversity of interest among signatory parties is not a determinative aspect of the Commission's three-prong test and that no particular party must join a stipulation for the first prong of the test to be satisfied (ODOD Br. at 6; AEP Ohio Br. at 4-5). Nonetheless, referencing R.C. 4928.52, ODOD proclaims to represent the interest of all customers, residential, commercial, and industrial who must pay the USF rider as well as residential PIPP customers. (Tr. at 15; ODOD Br. at 5.).

b. OCC's Position

{¶ 32} OCC witness James Williams, Senior Utility Consumer Policy Analyst, testified that the settlement filed in this proceeding does not meet the first prong of the Commission's test to evaluate stipulations. Mr. Williams proclaims that ODOD's Amended Application was filed on November 21, 2022, and that two days later, without any settlement meetings or settlement negotiations, the Stipulation was agreed to by the

Signatory Parties and filed on November 23, 2022. OCC argues in its brief that limited bargaining occurred via emails exchanged during the course of the afternoon before the Stipulation was filed. OCC witness Williams claims that the Stipulation reflects limited bargaining among the Signatory Parties and incorporates the Amended Application without modification and, therefore, the Stipulation does not comply with the first prong of the Commission's test. (OCC Ex. 1 at 7-8; OCC Br. at 4.)

{¶ 33} OCC also asserts that the Stipulation lacks a diversity of interests among the Signatory Parties because OCC, the statutory representative of residential consumers, is not a signatory party to the Stipulation. OCC witness William contends that the Signatory Parties have limited interests and are not a proxy for those residential consumers that the Stipulation most affects across the state of Ohio. (OCC Ex. 1 at 7-8; OCC Br. at 5.)

{¶ 34} Further in its brief, OCC disputes the claims that ODOD represents the interests of PIPP and USF ratepayers. OCC highlights the inability of ODOD witness Meadows to cite any authority that assigns this representative capacity to ODOD. In addition, OCC emphasizes that Ms. Meadows admitted during cross-examination that there has been no discussion within ODOD about the bill impacts to residential consumers associated with the amended application. For these reasons, OCC contends the Stipulation fails to satisfy the first prong of the Commission's three-prong test. (OCC Br. at 6-7; Tr. at 14, 21, 36-37.)

c. Conclusion

{¶ 35} The Commission finds that the 2022 Adjustment Stipulation complies with the first prong of the three-prong test. As noted above, to facilitate the timely adoption of new USF rider rates, the scope of this phase of the USF proceeding is limited to compliance with the Commission-approved methods to determine the revenue requirement and rate design, and the accuracy of the calculations. The record evidence supports a finding that all parties were afforded the opportunity to raise objections to the adjustment application and to engage in settlement negotiations which resulted in the Stipulation (ODOD Ex. 6). After a draft stipulation was circulated, OCC challenges that limited bargaining occurred by way of emails. The Commission is satisfied by the bargaining process which took place prior to the filing of the Stipulation, where all parties were provided the draft stipulation and had the opportunity to participate and negotiate a resolution. The manner of the opportunity to engage in negotiations, in-person, via email communications, or virtual meetings, is not a determinative aspect of whether negotiations occurred. OCC does not dispute that the negotiation process involved knowledgeable, capable parties with competent counsel, familiar with the USF. Furthermore, the Commission notes that the parties, and most counsel in the case, have been actively participating in the USF proceedings for many years. While OCC participated in the negotiations for this phase of the USF case, the parties were unable to reach an agreement which OCC was willing to execute. As OCC acknowledged in the initial phase of this case, the three-part test utilized by the Commission and recognized by the Ohio Supreme Court does not incorporate the diversity of interest component, which OCC, again requests the Commission recognize. We again reject OCC's requests to revise the first prong of the test used to evaluate stipulations based on the diversity of interest of the signatory parties. The Commission concludes, as we have repeatedly ruled, that a diversity of interest among the signatory parties is not determinative of the first part of the test. *2022 NOI Order* (Oct. 5, 2022) at 35; *In re Suburban Natural Gas Co.*, Case No. 18-1205-GA-AIR, et al., Opinion and Order (Sept. 26, 2019) at ¶ 90; *In re Ohio Power Co.*, Case No. 14-1158-EL-ATA, Second Entry on Rehearing (Feb. 1, 2017) at ¶ 14; *In re Ohio Power Co.*, Case No. 14-1693-EL-RDR, et al., Opinion and Order (Mar. 31, 2016) at 52. OCC reiterates that it is the legal representative of Ohio residential customers, and, on that basis, challenges ODOD's claim to advocate on behalf of all customers including PIPP customers. The Commission has repeatedly and consistently determined that we will not require any single party, including OCC, to agree to a stipulation to meet the first part of the three-part test. *In re Vectren Energy Delivery of Ohio, Inc.*, Case No. 13-1571-GA-ALT, Opinion and Order (Feb. 19, 2014) at 10; *In re FirstEnergy*, Case No. 12-1230-EL-SSO, Opinion and Order (July 18, 2012) at 26, citing *Dominion Retail, Inc. v. The Dayton Power and Light Co.*, Case No. 03-2405-EL-CSS, et al., Opinion and Order (Feb. 2, 2005) at 18, Entry on Rehearing (Mar.

23, 2005) at 7-8. To do otherwise would equate to a single party's ability to veto a stipulation. Further, the Commission cannot conclude, as OCC argues, that because the Stipulation substantially adopts ODOD's amended adjustment application, as proof that serious bargaining did not occur. Finally, we note that the Stipulation includes a provision for ODOD to evaluate the USF rates during the 2023 collection period (Joint Ex. 1 at 5). Accordingly, the Commission concludes that the Adjustment Stipulation is the product of serious bargaining among capable, knowledgeable parties. (Joint Ex. 1 at 1, 5; ODOD Ex. 5 at 3-4; ODOD Ex. 6; Tr. at 10-11.)

2. DOES THE SETTLEMENT, AS A PACKAGE, BENEFIT RATEPAYERS AND THE PUBLIC INTEREST?

a. Signatory Parties' Position

{¶ 36} ODOD witness Meadows also testifies the 2022 Adjustment Stipulation ensures adequate funding for the low-income customer assistance programs and the consumer education programs administered by ODOD at the minimal rider rates necessary to collect each EDU's USF rider revenue requirement. While OCC takes issue with the customer notice, ODOD replies that the customer notice in this case is the same notice approved by the Commission in numerous prior USF proceedings (Joint Ex. 1 at Appendix A). Accordingly, ODOD concludes that the Stipulation complies with the second criteria used by the Commission to evaluate a stipulation. (Joint Ex. 1 at 1; ODOD Ex. 5 at 4.)

{¶ 37} In their respective briefs, Duke, AEP Ohio, and AES Ohio endorse the Stipulation. Duke notes that ODOD witness Meadows' testimony states the Stipulation represents the minimal rates necessary to collect the EDU's USF rider requirements, as calculated in accordance with the methodology approved by the Commission in the NOI Order. (Duke Br. at 8; AES Ohio Br. at 2-3.)

{¶ 38} AEP Ohio also emphasizes that irrespective of PIPP consumers' electric usage, PIPP customers must only pay a percentage of their income to have the remainder of their monthly bill forgiven. AEP Ohio concludes that such a program is a tremendous benefit to customers and that the Stipulation allows for a timely continuation of the USF rider that funds PIPP. (AEP Ohio Br. at 5.)

b. OCC's Position

{¶ 39} OCC witness Williams testifies that the Stipulation results in "unreasonably high" USF rates. Williams calculates that a residential customer using 1,100 kWh a month will experience an increase of $3.25 with AEP Ohio; an increase of $3.07 with AES Ohio; and an increase of a $1.67 with Duke as a result of the USF riders from December 2022 to January 2023. OCC witness Williams states that these are significant rate increases in a single rider over one month and claims that the rate increases do not consider the impact of other rate increases, rising electricity costs, and on-going concerns regarding inflation. In addition, OCC notes the customer notice does not explain the reason for the increase in the USF rider rate. (OCC Ex. 1 at 8-9; Tr. at 38-39; OCC Br. at 11.)

{¶ 40} Further, OCC emphasizes that ODOD did not consider customer bill impacts associated with the amended application. In its brief, OCC states that in all instances, the higher costs, which are added to PIPP consumers arrearages, are paid by all consumers via the USF rider. OCC notes that ODOD had not estimated the cost of PIPP for October through December 2022 and has not calculated an updated aggregated revenue requirement based on the assumption that the October through December 2022 cost of PIPP increase could be along the same magnitude as September 2022 and that ODOD has no rationale on why those calculations were not performed. As a result, OCC claims it is not beneficial to consumers that the Stipulation adopts significantly increased USF rider rates, where updated costs for October through December 2022 have not yet been determined. Accordingly, OCC argues the 2022 Adjustment Stipulation fails the second prong of the three-prong test. (OCC Br. at 9, 12.)

c. Conclusion

{¶ 41} The Commission also finds that the 2022 Adjustment Stipulation, as a package, benefits ratepayers and the public interest given that the Stipulation facilitates adequate funding, at the minimum USF rider rates necessary to continue the low-income customer assistance programs and the consumer education program offered by ODOD. While OCC focuses on the magnitude of the increase in USF rates for 2023, we determine that the USF rates have been determined in compliance with the 2022 NOI Order. As to OCC's claims regarding the data for October through December 2022, the Commission recognizes that it has been the practice for at least the last 10 years to use the data for the same month from the previous year to determine the USF rider rates for the upcoming collection period. We note that ODOD again followed that practice in this case. Other than the miscalculation of the annual increases, OCC has not raised an objection that the amended adjustment application and Adjustment Stipulation are not in compliance with the 2022 NOI Order. The Commission also notes, as AEP Ohio states, PIPP customers may continue to make their income-based monthly installment payment to maintain their electric utility service. Therefore, we find that the USF rider rates set forth in the Stipulation are not unjust or unreasonable. It is clearly in the public interest to maintain the customer assistance and customer education programs funded by the USF and, the 2022 Adjustment Stipulation reflects the minimum USF rider rates necessary to produce the required revenues to provide adequate funding for those programs. For these reasons, the Commission concludes that the 2022 Adjustment Stipulation meets the requirements of this prong of the test used to evaluate stipulations. (Joint Ex. 1 at 1; ODOD Ex. 5 at 4; AEP Ohio Br. at 5.)

3. DOES THE SETTLEMENT PACKAGE VIOLATE ANY IMPORTANT REGULATORY PRINCIPLE OR PRACTICE?

a. Signatory Parties' Position

{¶ 42} The Signatory Parties proclaim the 2022 Adjustment Stipulation does not violate any important regulatory principles or practices. ODOD witness Meadows testified the USF rider revenue requirements and the USF rider rate design were determined consistent with the methodologies approved by the Commission in the 2022 NOI Order. AEP Ohio notes that this phase does not establish the process for acquiring PIPP generation or approving the PIPP auction rate. Further, AEP Ohio claims that OCC's arguments to address prior issues raised during the NOI phase are barred by the doctrines of res judicata and collateral estoppel. (ODOD Ex. 5 at 4; Duke Br. at 8; AES Ohio Br. at 3; AEP Ohio Br. at 6-8.)

b. OCC's Position

{¶ 43} OCC witness Williams claims that the proposed increases in the USF rider rates are unjust and unreasonable in violation of R.C. 4905.22, and thus, the Stipulation fails the third prong of the Commission's test (OCC Ex. 1 at 9). In its brief, OCC also claims that regulation should enable a consumer to understand their bill and that principle is violated in this instance because customers are not going to receive notice in their bill on why the January 2023 USF rider rate has increased (OCC Br. at 13).

c. Conclusion

{¶ 44} For the third prong of the test, we are satisfied that the Stipulation meets this requirement. Upon review of the record, the Commission concludes that the USF rates are consistent with the methodology approved in the NOI phase of this proceeding. As AEP Ohio mentions, the Commission considered but rejected OCC's claims raised in the first phase of this case. OCC alleges that consumers will not receive a notice of the January 2023 USF rider rate increase on their bills. We disagree. Customers will receive notice of the change in the USF rate and the EDUs will file amendments to their respective tariff. Accordingly, the Commission concludes that the Stipulation does not violate any important regulatory principle or practice.

{¶ 45} In accordance with the Stipulation, ODOD is merely required to consult with the Signatory Parties. However, upon our review of the 2022 Adjustment Stipulation, we respectfully request that ODOD keep all parties informed regarding this case and the next USF filing, noting ODOD's commitment to consult with others to address potential changes in the cost to supply electricity to PIPP customers during the 2023 collection period. The Commission asks that ODOD also notify non-opposing parties OEG and FirstEnergy EDUs, as well as Staff and OCC. The Commission notes that ODOD conceded that it would not object to consulting all parties to this case. (Joint Ex. 1 at 5; Tr. at 48-49, 54).

{¶ 46} Also, as part of the 2022 Adjustment Stipulation, in the event ODOD fails to file its adjustment application on or before October 31, 2023, ODOD shall notify the Signatory Parties in writing of its intentions with respect to an application for adjustments to the USF riders, including its anticipated filing date. Under the circumstances, the Commission recommends ODOD notify all parties, as well as file a letter in the USF case docket. While the scope of the issues to be addressed in the adjustment phase is limited, because the USF rates need to be implemented by the first billing cycle of January the following year, it is important that all parties be timely notified of any delay in the filing of the adjustment application.

{¶ 47} Finally, the Commission recommends ODOD hold at least an annual meeting of the Working Group and notify all parties to the prior USF proceeding. The Commission is satisfied that this meeting would provide the opportunity for ODOD and interested parties, including Staff and OCC, to consider the impacts of the USF rates on residential and other consumers. (Joint Ex. 1 at 6, 8; Tr. at 54-55.)

III. COMMISSION CONCLUSION ON THE STIPULATION

{¶ 48} After reviewing the 2022 Adjustment Stipulation and the record evidence in this matter, the Commission finds that the Stipulation is reasonable and should be adopted. Finally, to facilitate the retrieval of USF cases in the future, the Commission directs ODOD to continue to file future USF cases with the USF purpose code.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 49} The USF was established, pursuant to R.C. 4928.51 through 4928.58, for the purposes of providing funding for the low-income customer assistance programs, including the consumer education program, authorized by R.C. 4928.56, and for payment of the administrative costs of those programs.

{¶ 50} The USF is administered by ODOD, in accordance with R.C. 4928.51.

{¶ 51} ODOD filed an application on October 31, 2022, as amended on November 21, 2022, to adjust the USF riders of the EDUs, in accordance with the requirements of R.C. 4928.52.

{¶ 52} The hearing was held on November 30, 2022. At the hearing, the 2022 Adjustment Stipulation was admitted into the record, which, if approved, purports to resolve all issues in this case.

{¶ 53} The 2022 Adjustment Stipulation, and proposed customer notice, are reasonable and should be adopted.

{¶ 54} The two-step, declining block USF rider rates set forth in the Stipulation reflect the minimum level necessary to produce the required revenues for ODOD to cover the administrative costs of the low-income customer assistance programs and the consumer education program and to provide adequate funding for those programs.

V. ORDER

{¶ 55} It is, therefore,

{¶ 56} ORDERED, That the 2022 Adjustment Stipulation and the proposed customer notice be approved. It is, further,

{¶ 57} ORDERED, That the EDUs be authorized to file, in final form, four complete copies of their tariffs consistent with this Opinion and Order, within seven days after the date of this Order. Each EDU shall file one copy in its TRF docket and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

{¶ 58} ORDERED, That the effective date of the new tariffs be a date not earlier than both the date of this Opinion and Order and the date upon which the copies of the final tariffs are filed with the Commission. The new USF riders shall be effective upon filing with the Commission and apply on a bills-rendered basis in the first billing cycle of the month following their effective date. It is, further,

{¶ 59} ORDERED, That the EDUs notify all customers affected by the tariff by the customers' first bill that will include the new USF rider rate. It is, further,

{¶ 60} ORDERED, That ODOD file all subsequent USF cases under the USF purpose code. It is, further,

{¶ 61} ORDERED, That a copy of this Opinion and Order be served on ODOD, the electric-energy list serve, and all persons of record.

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

GNS/IMM/hac