

THE PUBLIC UTILITIES COMMISSION OF OHIO

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. 22-1036-EL-RDR

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

CASE NO. 22-1052-EL-RDR

IN THE MATTER OF THE REVIEW OF THE
SOLAR GENERATION FUND RIDER OF
THE DAYTON POWER AND LIGHT
COMPANY D/B/A AES OHIO.

CASE NO. 22-1059-EL-RDR

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

CASE NO. 22-1069-EL-RDR

FINDING AND ORDER

Entered in the Journal on December 14, 2022

I. SUMMARY

{¶ 1} The Commission approves the proposed solar generation fund rider tariffs of Ohio's electric distribution utilities to become effective on a bills-rendered basis on January 1, 2023.

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 electric distribution utilities (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 November 15, 2022, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy) filed notice of its proposed 2023 SGF Rider tariffs (Case No. 22-1036-EL-RDR). Staff filed its review and recommendation regarding FirstEnergy's tariff proposals on November 29, 2022.

{¶ 4} On November 10, 2022, Ohio Power Company (AEP Ohio) filed notice of its proposed 2023 SGF Rider tariffs (Case No. 22-1052-EL-RDR). Staff filed its review and recommendation regarding AEP Ohio's tariff proposals on November 29, 2022.

{¶ 5} On November 17, 2022, The Dayton Power and Light Company d/b/a AES Ohio (AES Ohio) filed notice of its proposed 2023 SGF Rider tariffs (Case No. 22-1059-EL-RDR). Staff filed its review and recommendations regarding AES Ohio's tariff proposals on November 29, 2022.

{¶ 6} On November 17, 2022, Duke Energy Ohio, Inc. (Duke) filed notice of its proposed 2023 SGF Rider tariffs (Case No. 22-1069-EL-RDR). Staff filed its review and recommendations regarding Duke's tariff proposals on November 29, 2022.

{¶ 7} On November 22, 2022, The Ohio Manufacturers' Association Energy Group (OMAEG) filed separate motions to intervene in each of the captioned cases. In its memoranda in support of the intervention requests, OMAEG claims that (1) its members have a real and substantial interest in the outcome of these proceedings based on the additional SGF rider charges that the EDUs are proposing for the calendar year 2023, (2) its intervention will not unduly prolong or delay the proceeding, and (3) its intervention will contribute to a just and expeditious resolution of the issues in the cases. No memoranda contra the motions to intervene were filed in any of the cases.

III. DISCUSSION

{¶ 8} FirstEnergy, AEP Ohio, AES Ohio, and Duke 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.

{¶ 9} 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*.

{¶ 10} 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.

{¶ 11} In Case No. 22-1036-EL-RDR, FirstEnergy filed tariff pages for SGF Rider for calendar year 2023. 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, 2023. 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.

{¶ 12} In Case No. 22-1052-EL-RDR, AEP Ohio filed tariff pages for SGF Rider for calendar year 2023. 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, 2023. 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.

{¶ 13} In Case No. 22-1059-EL-RDR, AES Ohio filed tariff pages for SGF Rider for calendar year 2023. 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, 2023. 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

{¶ 14} In Case No. 22-1069-EL-RDR, Duke filed tariff pages for SGF Rider for calendar year 2023. 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, 2023. 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.

{¶ 15} With respect to OMAEG's unopposed motions to intervene, the Commission finds that OMAEG satisfies the intervention criteria provided in R.C. 4903.221 and Ohio Adm.Code 4901-1-11. Accordingly, OMAEG is granted intervention as to each of the captioned cases.

IV. ORDER

{¶ 16} It is, therefore,

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

{¶ 18} ORDERED, That FirstEnergy, AEP Ohio, AES Ohio, and Duke 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,

{¶ 19} 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, 2023. It is, further,

{¶ 20} 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,

{¶ 21} ORDERED, That OMAEG be granted intervention in each of the captioned cases, as provided in Paragraph 15. It is, further,

{¶ 22} 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). 22-1036-EL-RDR, 22-1052-EL-RDR, 22-1059-EL-RDR, 22-1069-EL-RDR

Summary: Finding & Order that the Commission approves the proposed solar generation fund rider tariffs of Ohio's electric distribution utilities to become effective on a bills-rendered basis on January 1, 2023 electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio