

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Rohrich Corporation).))))	Case No. 95-1024-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Ferriot, Inc.).))))	Case No. 95-1064-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Diamond Crystal Salt (AKZO)).))))	Case No. 95-1119-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Armstrong Air Conditioning, Inc.).))))	Case No. 96-31-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Ohio Foundry, Inc.).))))	Case No. 96-42-EL-AEC
In the Matter of the Application of Ohio Edison Company for Approval of an Arrangement with an Existing Customer (Cobra Plastics).))))	Case No. 96-62-EL-AEC

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, Ohio Edison Company, is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.

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- (2) The Applicant now petitions this Commission for approval of various Agreements with various Customers. Each Agreement provides Economic Development provisions.
- (3) Each Agreement offers demand discounts over a five-year period to encourage the Customer to expand its operations at an existing or new facility in Applicant's service territory.
- (4) Terms of each Agreement specify that the Customer must commence expanding its operations at a specified location on or before a given date (Exhibit A) for the Customer to qualify for the demand discounts.
- (5) The Applicant states that the proposed Agreements will not be to the detriment of any Ohio Edison customers. Increased load from new or expanding industrial use in the Applicant's service area will permit the Applicant to better utilize its facilities, resulting in more efficient operations.
- (6) The Applicant will provide to the Staff of the Commission semiannual reports as to the level of economic sales provided by the incentive rate and any effects on other customers. The reports will be in the format ordered for Ohio Edison's Special Arrangements for Economic Development.
- (7) These Agreements are substantively identical to agreements approved by this Commission in prior Ohio Edison Cases. The applications are approved as filed pursuant to Section 4905.31, Revised Code.
- (8) These Agreements are categorized as Economic Development Contracts. The Commission will use the rate case proceeding to evaluate the appropriateness of recovery from jurisdictional customers of any revenue deficiency resulting from these contracts.
- (9) Our approval of these contracts does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant or any party to a contract approved by this Finding and Order from the provisions of any state or federal law which prohibit the restraint of trade.

It is, therefore,

ORDERED, That the Commission's approval of this contract does not constitute state action for the purpose of the antitrust laws. It is, further,

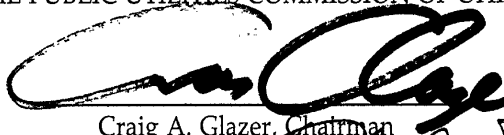
ORDERED, That the Agreements attached to the applications are approved. Two copies of each Agreement as filed with their application shall be accepted for inclusion in this docket. Pursuant to the contracts, if a Customer does not commence expanding its operations in the Applicant's service territory on or before the given date, the Applicant is to contact the Commission and, if necessary, withdraw the contract(s). It is, further,

ORDERED, That the Applicant include each Customer in its semiannual reports regarding its special arrangements for Economic Development. The semiannual reports should be submitted to the Energy and Water Division of the Commission's Utilities Department. It is, further,

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

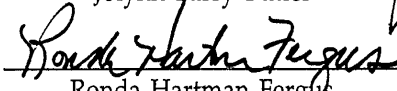
ORDERED, That a copy of this Finding and Order be served upon the Applicant, the Customers and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

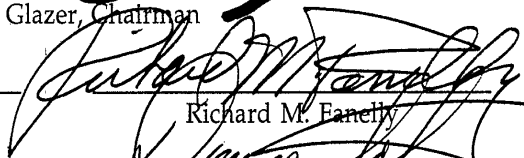


Craig A. Glazer, Chairman

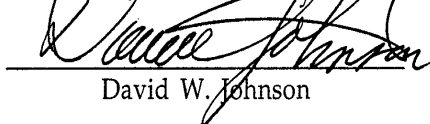
Jolynn Barry Butler



Ronda Hartman Fergus



Richard M. Fanelly



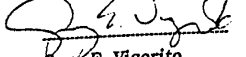
David W. Johnson

WLG:ct

Entered in the Journal

DEC 12 1996

A True Copy



Gary E. Vigorito
Secretary

Case No. 95-1024-EL-AEC et al.
Exhibit A

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EXHIBIT A

<u>Case Number</u>	<u>Customer Name & Location</u>	
95-1024-EL-AEC	Diamond Polymers, Inc./Akron	8/1/96
95-1064-EL-AEC	Ferriot, Inc./Akron	10/2/96
95-1119-EL-AEC	Diamond Crystal Salt/Akron	10/31/96
96-31-EL-AEC	Armstrong Air Conditioning/Bellevue	3/1/96
96-42-EL-AEC	Ohio Foundry, Inc./Tallmadge	12/6/96
96-62-EL-AEC	Cobra Plastics	12/4/96

SERVICE NOTICE

PAGE 1

CASE NUMBER 96-62-EL-AEC
CASE DESCRIPTION OHIO EDISON/COBRA PLASTICS
DOCUMENT SIGNED ON December 12, 1996
DATE OF SERVICE DEC 13 1996

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

COBRA PLASTICS
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TWINSBURG, OH 44087

NONE

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