

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	CASE NO. 20-1025-EL-WVR
Edison Company for Waiver of Rider)	
ELR Annual Testing Requirement Due to)	
the COVID-19 State of Emergency)	

**APPLICATION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY FOR
WAIVER OF RIDER ELR ANNUAL TESTING REQUIREMENT
AND
REQUEST FOR EXPEDITED TREATMENT**

I. INTRODUCTION

Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (the “Companies”) respectfully request a waiver of the testing requirement associated with their Economic Load Response Program Rider (“Rider ELR”) for the 2019/2020 delivery year. For the reasons more fully set forth below, conducting the test would be detrimental to customers on Rider ELR who would be required to curtail their load, interrupting their current operations and service levels at a time when customers are already facing financial challenges as a result of operations curtailed due to the COVID-19 state of emergency. The Companies further request expedited treatment of this Application.

II. DISCUSSION

1. The Companies have an interruptible tariff program, Rider ELR,¹ under which participating customers are required to comply with emergency curtailment events called by PJM

¹ P.U.C.O. No. 11 (“Ohio Edison Tariff”), Sheet 101; P.U.C.O. No. 13 (“CEI Tariff”), Sheet 101; P.U.C.O. No. 8 (“Toledo Edison Tariff”), Sheet 101.

Interconnection, L.L.C. (“PJM”), American Transmission Systems, Incorporated, or the Companies.² If PJM does not call an event in a delivery year, Rider ELR requires the Companies, by May 31, to conduct a test in which the Companies simultaneously interrupt all customers on Rider ELR for one hour:

In a PJM delivery year (June 1st – May 31st) when an Emergency Curtailment Event has not been requested of customers by PJM on this Rider between June 1 and May 7, the Compan[ies] shall simultaneously interrupt all customers on this Rider by May 31 in order to meet the Compan[ies’] PJM test obligations for Load Management Resources. The duration of this test will be one hour. The Compan[ies] will schedule the test and Customers shall receive advance notification of the test. All provisions of this Rider shall apply to this test.³

This Rider ELR obligation matches an obligation under the PJM tariff to conduct this annual test.⁴

2. No Emergency Curtailment Events have been called during the 2019/2020 delivery year. Therefore, pursuant to Rider ELR, the Companies are required to conduct the test by May 31, 2020.

3. As a result of the COVID-19 state of emergency, non-residential customers are faced with curtailed operations and constrained cash flow. The Commission has expressed concern for these customers’ circumstances and urged utilities to take actions to avoid service continuity interruptions to these customers.⁵

4. The Companies share the Commission’s concern. Moving forward with the test required by Rider ELR and the PJM tariff will require well-established demand response resource

² *Id.*

³ Ohio Edison Tariff at Sheet 101, 5th Revised Page 5 of 6; CEI Tariff at Sheet 101, 5th Revised Page 5 of 6; Toledo Edison Tariff at Sheet 101, 5th Revised Page 5 of 6.

⁴ PJM Open Access Transmission Tariff, Attachment DD, Section 11A(b)(ii).

⁵ *See, e.g.,* Case Nos. 20-602-EL-UNC, *et al.* (5/6/2020) Finding and Order at ¶ 40 (noting that “the operations of, and the cash flow available to, many Ohio businesses have been curtailed by efforts to address the COVID-19 public health emergency.”).

customers, who may be experiencing financial hardship as a result of operations already curtailed by the COVID-19 state of emergency, to curtail their load and interrupt their current operations and service levels.

5. Accordingly, the Companies request a waiver of the Rider ELR testing requirement for the 2019/2020 delivery year.

6. Concurrently with this application, the Companies are seeking from FERC a waiver of the requirement under the PJM tariff to conduct this test for the 2019/2020 delivery year. If FERC does not grant a waiver by May 26, the Companies will have to run the test. Therefore, this request for a waiver of Rider ELR's annual testing requirement is made subject to the FERC's timely grant of a waiver of the testing requirement in the PJM tariff.

7. Due to the upcoming deadline for the annual test, the Companies seek an expedited decision on this Application pursuant to O.A.C. 4901-1-12(C).⁶ Because no parties have intervened in this docket, no party objects to the issuance of an expedited decision under O.A.C. 4901-1-12(C).

III. CONCLUSION

For the forgoing reasons, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company respectfully request a waiver of the Rider ELR testing requirement for the 2019/2020 delivery year and treatment of this Application on an expedited basis.

⁶ See, e.g., Case No. 05-160-GA-UNC (2/9/2005) Entry (granting expedited review of request for waiver).

Respectfully submitted,

/s/Christine E. Watchorn

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Waiver of Rider ELR Annual Testing Requirement and Request for Expedited Treatment was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 11th day of May 2020. The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/Christine E. Watchorn

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Edison Company*

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1025-EL-WVR

Summary: Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Waiver of Rider ELR Annual Testing Requirement Due to the COVID-19 State of Emergency electronically filed by Ms. Christine E. Watchorn on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company