

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE 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.

CASE NO. 20-1025-EL-WVR

ENTRY

Entered in the Journal on May 21, 2020

{¶ 1} In this Entry, the attorney examiner grants a waiver of the testing requirement associated with the Economic Load Response Program Rider.

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the Companies or FirstEnergy) are electric light companies as defined by R.C. 4905.03, and public utilities as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} On May 11, 2020, the Companies filed an application for a waiver of the testing requirement associated with their Economic Load Response Program Rider (Rider ELR) for the 2019/2020 delivery year. The Companies explain that, under Rider ELR, participating customers are required to comply with emergency curtailment events called by PJM Interconnection, L.L.C. (PJM), American Transmission Systems, Inc., or the Companies. If PJM does not call an event in a delivery year, Rider ELR requires the Companies to conduct a test by May 31 in which the Companies interrupt all participating customers for one hour. The Companies note that PJM's Open Access Transmission Tariff also requires the Companies to perform an annual test.

{¶ 4} The Companies represent that no emergency curtailment events have been called during the current delivery year; therefore, the Companies are required to conduct the test by May 31, 2020. However, the Companies note that conducting the test will require participating 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. Accordingly, the Companies request a waiver of the Rider ELR testing requirement for the current delivery year.

{¶ 5} Letters in support of the Companies' application were filed by Ohio Energy Group, Industrial Energy Users-Ohio, and Nucor Steel Marion, Inc., on May 12, 2020, May 13, 2020, and May 14, 2020, respectively.

{¶ 6} Moreover, the Companies filed a request with the Federal Energy Regulatory Commission (FERC) for a waiver of the similar testing requirement contained in PJM's Open Access Transmission Tariff. On May 20, 2020, FERC granted the waiver. In approving the waiver, FERC noted that the Companies' request satisfied the following criteria for waivers of tariff provisions: (1) the applicant has acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties. *In re Ohio Edison Co.*, Docket No. ER20-1805-000 (May 20, 2020).

{¶ 7} The attorney examiner finds that the Companies' request for waiver of the testing requirement associated with Rider ELR for the 2019/2020 delivery year is reasonable and should be granted. Accordingly, the requirement in Rider ELR that the Companies perform a test by May 31, 2020, shall be waived. Nothing in this Entry should be construed to modify the testing requirement in Rider ELR for the 2020/2021 delivery year or subsequent delivery years.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the requirement in Rider ELR that the Companies perform a test by May 31, 2020, be waived. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Gregory A. Price

By: Gregory A. Price
Attorney Examiner

SJP/hac

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/21/2020 12:02:55 PM

in

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

Summary: Attorney Examiner Entry ordering that the requirement in Rider ELR that the Companies perform a test by May 31, 2020, be waived electronically filed by Heather A Chilcote on behalf of Gregory A. Price, Attorney Examiner, Public Utilities Commission of Ohio