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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application)
of the Cincinnati Gas & Electric)
Company to Modify its Non-)
Residential Generation Rates to)
Provide for Market-Based) Case No. 03-93-EL-ATA
Standard Service Offer Pricing)
and to Establish a Pilot)
Alternative Competitively-Bid)
Service Rate Option Subsequent)
to Market Development Period)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Certain Costs Associated) Case No. 03-2079-EL-AAM
With The Midwest Independent)
Transmission System Operator)

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for)
Authority to Modify Current Accounting)
Procedures for Capital Investment in its) Case No. 03-2081-EL-AAM
Electric Transmission And Distribution) Case No. 03-2080-EL-ATA
System And to Establish a Capital)
Investment Reliability Rider to be)
Effective After the Market Development)
Period)

REQUEST OF INTEGRYS ENERGY SERVICES, INC.
FOR A DECLARATORY RULING

Integrys Energy Services, Inc. ("Integrys"), formerly known as WPS
Energy Services, Inc., is an intervenor in Case No. 03-93-EL-ATA, a certified retail
electric service provider ("CRES") and a member of the Ohio Marketers Group which
has been an active participant in these consolidated cases. Integrys respectfully requests
that the Commission issue a declaratory ruling authorizing an alternative method of

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documentation for customers seeking to purchase energy from a CRES with a waiver of the Rate Stabilization Charge ("RSC"), the Annually Adjusted Component ("AAC") and System Reliability Tracker ("SRT") riders. Pursuant to the Commission's Entry of February 9, 2005 in the above styled docket, a retail customer who wishes to waive the RSC, ACC and SRT riders must do so in writing. Integrys requests that customers who enroll telephonically for CRES energy be able to document the waiver telephonically using the Commission's Rule 4901:1-21-06 process of scripted questions, recorded responses and follow up letter. Integrys' proposal for a telephonic protocol for authorization is attached as attachments to this Request for a Declaratory Ruling.

Respectfully submitted,



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Attorneys for Integrys Services, Inc.

MEMORANDUM IN SUPPORT

In the Second Entry on Rehearing in the above styled proceeding, the Commission, as part of the Duke Energy Ohio Rate Stabilization plan, permitted customers who made or committed to making arrangement with CRES for energy through December 31, 2008 to waive the RSC, AAC and subsequently the SRT riders. In exchange for the waivers, the customer had to accept the risk that if they failed to have a CRES supply their energy at any time prior to December 31, 2008, the customer could be charged the higher of the Market Based Standard Service rate ("MBSSO") or the monthly average cost of acquired power for that month by Duke Energy Ohio.

The Commission, by Entry issued February 9, 2006 in this proceeding, presented customers with two methods of documenting that fact that desired to waive the riders and permit Duke to sell the capacity funded by the riders. The two methods of verification consisted of presenting Duke Energy Ohio with executed copies of their CRES contract showing the coverage, or signing a written statement acknowledging that if customers failed to obtain their energy from a CRES prior to December 31, 2008 they would be potentially charged higher rates for MBSSO service than customers who paid the waived riders.

Integrus now requests the Commission permit documentation based on recorded oral authorization in lieu of written authorization. Integrus notes that many customers are now purchasing energy from CRES using the telephonic enrollment process under Commission Rule 4901:1-21-06 which, instead of signatures on a written form, verifies enrollment with an audio recording of the customer agreeing to a standardized set of terms. Integrus believes that requiring a written rider waiver verification for an

otherwise oral enrollment is both inconvenient for the customer and administratively more costly for the CRES and the electric distribution utility. Customers should have the option in oral enrollment for CRES service to also orally waive the RSC, AAC and SRT riders. Further, the telephonic waivers should be merely incorporated as part of the telephonic enrollment process.

To accomplish the telephonic documentation of the RSC, AAC and SRT riders, Integrys proposes the *telephone protocol* in Attachment A including a follow-up letter to Duke, a copy of which is attached as Attachment B. Integrys has met with both the Staff and Duke, neither of whom opposes the concept of telephonic documentation. Further, both Duke and the Staff are in accordance with the proposed protocol. Finally, Integrys has proposed a script that it will use in its telephonic enrollment, a copy of which is attached as Exhibit A. Integrys has submitted copies of such to the Commission Staff and Duke who are reviewing the draft at this time.

Integrys seeks the declaratory order authorizing telephonic documentation of the rider waiver, and requests the Commission follow the precedent of the February 9, 2005 Entry and make the additional documentation options open to all CRES immediately.

WHEREFORE, Integrys respectfully requests that the Commission grant a declaratory ruling that states that telephonic authorization can include authorization of the rider waiver, and that the telephonic procedure and follow up letter to Duke provided in Attachment A & B be found acceptable for this purpose.

Respectfully submitted,



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Attachment A

Evidence of Supplier Contract for Purposes of Customer RSC/AAC/SRT Rider Waiver

Integrys Proposed Telephonic Process

- 1) Audio recordings will be used to memorialize the verbal acceptance by the Customer of all conditions set forth in the uninterruptible generation supply agreement offered by the CRES.
- 2) This supply agreement will meet Customer requirements for uninterrupted generation, capacity and transmission.
- 3) Upon verbal acceptance of the generation supply agreement by the Customer, the CRES will present to the Customer on the same audio recording the information now provided in the one page waiver approved by the PUCO in its February 9, 2005 Entry in Case No. 03-93-EL-ATA.
- 4) Customer will verbally acknowledge the information provided in Step 3 on the recorded telephone line.

"As the authorized representative for this electric account, you agree to verbal execution of an agreement with Integrys Energy Services, Inc. to provide uninterruptible generation service through December 31, 2008 and that such agreement contemplates full capacity, energy and transmission requirements for your account? Yes.

Do you understand that upon acceptance of these terms you agree to waive payment of three riders on your Duke Energy bill through December 31, 2008? These riders are the Annually Adjusted Component, the Rate Stabilization Charge and the System Reliability Tracker. Yes.

Lastly, do you authorize Integrys Energy Services, Inc. to provide waiver of payment to Duke Energy for the riders and, if required, a recording of this enrollment conversation to Duke Energy on your behalf? Yes."

- 5) Each audio recording will have a unique numeric identifier that can be used for tracking purposes.
- 6) The CRES will submit the RSC/AAC/SRT Waiver Notification Form via the internet at <http://www.cinergy.com/rscwaivernotification/> in accordance with the requirements of Duke Energy one calendar day following the telephonic enrollment of Customer. In addition to the "Required Fields" on the Waiver Notification Form, the CRES will also submit the Customer's e-mail address

on the form. In the absence of a Customer e-mail address, the CRES will provide Duke Energy the Customer's mailing address on the form.

- 7) Upon receipt of the Waiver Notification Form, Duke Energy will send the Customer via e-mail or US Mail confirmation that their waiver request was received, the effective date of the waiver, and the pricing policy for Customers who return to Duke Energy.
- 8) Integrys will submit to Duke Energy one business day following telephonic enrollment a the waiver information and the unique numeric tracking number of the audio recording and the date and time stamp of the recording.
- 9) The CRES will submit an EDI 814E transaction to Duke Energy within the necessary timeframe to effectuate the Customer's enrollment on the meter reading date corresponding to the effective date of CRES' agreement with the Customer.
- 10) The CRES will retain the audio recording of the Customer's enrollment for at least two years after the contract with the customer is terminated.
- 11) The CRES will grant Duke Energy the right to inspect and copy such audio recordings solely for enrollment and waiver verification purposes. Duke Energy shall not share or provide the audio recordings to any third party without the express written approval of the CRES (written approval includes mail, email, or fax), unless Duke Energy is required to produce such recordings to the PUCO or to a third party pursuant to a subpoena.

The CRES will conduct the telephonic enrollment process according to all PUCO requirements including those in Rule 4901:1-21-06 of the Administrative Code.



Attachment B

6797 N. High Street, Suite 314 Worthington, Ohio 43085

Via Fax: 513-287-2718

Certified Supplier Business Center
Duke Energy Ohio, Inc
139 E. Fourth Street
EY575
Cincinnati, Ohio 45202

To Whom It May Concern:

In accordance with the Market-Based Standard Service Offer Tariff (the "Tariff") on file at and approved by the Public Utilities Commission of Ohio, **Customer** is hereby submitting acknowledgement to Duke Energy Ohio, Inc that **Customer** has executed an agreement with a creditworthy CRES provider, **IntegrYS Energy Service, Inc.**, to provide uninterruptible generation service through December 31, 2008 for the following accounts:

Account # _____

Such agreement is effective **Month Year** and contemplates the full capacity, energy and transmission requirements of **Customer**. Sixty days notice to Duke Energy Ohio, Inc of the effective date of such agreement has been previously provided and should be noted in your records.

This executed acknowledgement shall serve as sufficient proof, in accordance with the Tariff, to qualify to bypass the Annually Adjusted Component, the Rate Stabilization Charge and the System Reliability Tracker through December 31, 2008. If there are any further questions, please feel free to contact our **IntegrYS Energy Service, Inc.**, at **614-844-4310**.

Verbal Signature,

Customer

Audio Recording Tracking Number _____


Date of Audio Recording _____

Time of Audio Recording _____

Via Fax: 513-287-2718

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request of Integrys Energy Services, Inc. for Declaratory Filing has been electronically delivered to the parties in the above captioned proceedings this 4th day of May, 2007.


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