

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Ohio Power Company,)	
)	
Complainant,)	
)	
v.)	Case No. 06-890-EL-CSS
)	
Consolidated Electric Cooperative, Inc.,)	
)	
Respondent.)	

ENTRY ON REHEARING

The Commission finds:

- (1) On July 10, 2006, Ohio Power Company (Ohio Power) filed a complaint alleging violations of the Certified Territory Act (Act) by Consolidated Electric Cooperative, Inc. (Consolidated).
- (2) On July 25, 2007, the Commission issued its Opinion and Order (Order) finding that Consolidated had not violated the Act and dismissed the complaint.
- (3) On August 23, 2007, Ohio Power filed an application for rehearing alleging that the Order is unreasonable and unlawful. Ohio Power argues that the Commission erred in finding that the non-exclusive franchise accepted by Consolidated was a contract as contemplated under Section 4 of Article XVIII of the Ohio Constitution (hereafter Section 4) and misapplied Supreme Court of Ohio (Court) precedent. Also, Ohio Power asserts that issues raised concerning the obligation to serve and the ability of existing customers to switch to another electric service supplier, not addressed by the Commission, were ripe for Commission consideration. Further, Ohio Power contends that the Commission's statement, that if the franchise was not considered a contract, Lexington could have cured the problem by entering into a contract with Consolidated, does not provide a basis for the Commission's decision.

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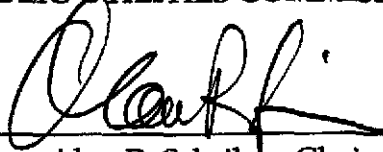
- (4) On September 4, 2007, Consolidated and the City of Delaware (respondents) filed a joint memorandum contra to Ohio Power's application. Respondents argue that the Commission correctly applied the law and Court precedent. Further, the respondents state that Ohio Power has not raised any issues that warrant rehearing and that the arguments raised have been adequately addressed by the Commission in its Order.
- (5) The Commission grants Ohio Power's application for rehearing. We believe that sufficient reason has been set forth by Ohio Power to warrant further consideration of the matters specified in the application for rehearing.

It is, therefore,

ORDERED, That Ohio Power's application for rehearing is granted for further consideration of the matters specified in the application for rehearing. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



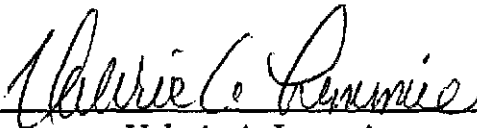
Alan R. Schriber, Chairman



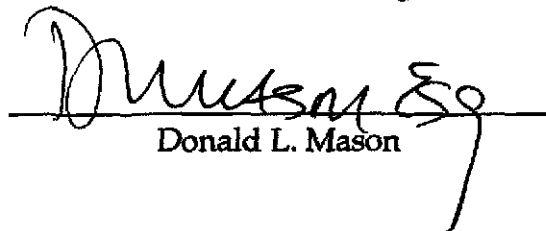
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Donald L. Mason

RRG:ct

Entered in the Journal

SEP 19 2007



Renee J. Jenkins
Secretary