



- (2) On October 22, 2008, the Commission approved DEO's proposed tariffs. The Commission has determined that the late payment language in the approved tariffs is inconsistent with the stipulation adopted by the Commission. The approved tariff language allows DEO to assess a late payment charge earlier than would be allowed under the terms of the stipulation. Therefore the Commission will modify its October 22, 2008, entry, nunc pro tunc, to require DEO to modify its tariff language, in Second Revised Sheet No. K4, as follows:

**14. Charge on Delinquent Bills.** Each monthly bill shall be due and payable within fourteen (14) days from the date of its mailing or electronic delivery. If not paid in full by the time the next bill is generated, a late payment charge of 1 1/2% may be imposed at the next bill date on all past due balances on the customer's account.

Late payment charges will not be assessed to customers participating in the Percentage Income Payment Plan ("PIPP") or the PIPP arrearage crediting program. Late payment charges will not be assessed to customers participating in a short-term payment plan or the budget billing plan provided they make the minimum payment required under the plan by the bill due date. If the required payment under a short-term payment plan or budget billing plan is paid late, the late payment charge will be applied only to amounts due but not paid under the payment plan.

The preceding late payment charge provisions will not take effect until 180 days after the effective date of these Rules and Regulations. Until that time, previously approved late payment charge provisions will remain in place.

- (3) On November 5, 2008, the Commission also approved DEO's bill format, which reflected changes approved in this case, including the approved tariffs. The approved bill format included a late payment fee definition which stated that "1.5% late payment charge (LCP) may be added to the past-due amount of your bill if you do not pay the minimum required amount by the bill due

date." The Commission also finds that the November 5, 2008, entry should be corrected, nunc pro tunc, to direct DEO to change the definition on its bill format to be consistent with the approved stipulation and tariffs in these proceedings.

It is, therefore,

ORDERED, That the October 22 and November 5, 2008, entries be corrected, nunc pro tunc, as set forth herein.

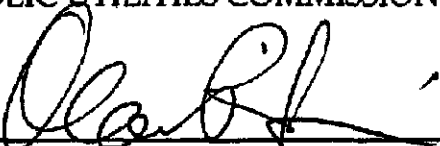
ORDERED, That DEO be authorized to file, in final form, four complete, printed copies of tariffs, consistent with the findings of this entry. DEO shall file one copy in its TRF docket number (or may make such filing electronically as directed in case number 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, that the effective date of the new tariffs shall be the date upon which four complete, printed copies of the final tariffs are filed with the Commission. The new tariffs shall be effective for bills rendered on or after such effective date. It is, further,

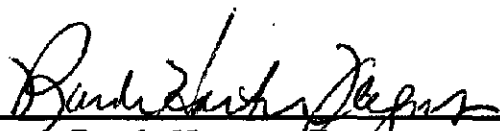
ORDERED, That nothing in this entry shall be deemed to be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

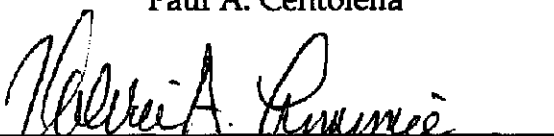
ORDERED, That a copy of this entry be served upon all parties of record in these proceedings.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Alan R. Schriber, Chairman

  
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Paul A. Centolella

  
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Ronda Hartman Fergus

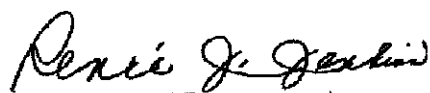
  
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Valerie A. Lemmie

  
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Cheryl L. Roberto

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Entered in the Journal

**APR 29 2009**

  
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Renee J. Jenkins  
Secretary