

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The )  
Cincinnati Gas & Electric Company for a )  
Temporary Waiver of Certain Electric Service )  
and Safety Standards at Chapter 4901:1-10, ) Case No. 02-564-EL-ORD  
Ohio Administrative Code, and of the )  
Competitive Retail Electric Service Standards at )  
Chapter 4901:1-21, Ohio Administrative Code. )

ENTRY

The Commission finds:

- (1) As of January 1, 2004, amended Electric Service and Safety Standards (ESSS) at Chapter 4901:1-10, Ohio Administrative Code (O.A.C.), and Competitive Retail Electric Service (CRES) Standards at Chapter 4901:1-21, O.A.C., went into effect.
- (2) On January 13, 2004, as supplemented on March 24, 2004, The Cincinnati Gas & Electric Company (CG&E) filed a request for a temporary waiver of seven provisions of the ESSS and CRES rules until May 1, 2004. More specifically, CG&E requests a waiver from the following requirements:
  - (a) Rule 4901:1-10-14(L), O.A.C. - This rule requires that, when a customer of the electric distribution utility (EDU) who has paid the EDU a cash deposit subsequently transfers to a CRES provider, the EDU credit the generation portion of the deposit to the customer's EDU balance on the next bill and refund any remaining balance to the customer. In its supplement filed on March 24, 2004, CG&E states that it has implemented automated processes to meet the requirements of this rule.
  - (b) Rule 4901:1-10-22(B)(5), O.A.C. - This provision includes the exact statement to be displayed on customer bills which provides contact information for the Commission and Ohio Consumers' Counsel (OCC). CG&E requests a

temporary waiver to allow time to amend its bills to include the Commission's local telephone number and the Commission's and OCC's website on customer bills. CG&E states that its bills currently include the toll-free telephone numbers of the Commission and OCC and, therefore, customers are able to contact the agencies, if necessary.

- (c) Rule 4901:1-10-22(B)(23), O.A.C. - As amended, this section requires that residential customer bills include a notice that a written explanation of the price-to-compare is available from the EDU. This section, as amended, also eliminates the requirement to provide price-to-compare information to small commercial customers. CG&E states that the current bill lists the price-to-compare on the customer bill but does not note that a written explanation is available.
- (d) Rule 4901:1-10-33(E)(5), O.A.C. - Section (E)(5) requires that a customer bill which contains CRES charges highlight any change in the CRES rate, terms or conditions on the next two bills. According to CG&E, its current consolidated bill includes the following message, when applicable: "Your electric supplier has changed the rate by which this bill is calculated. Please contact your supplier with any questions." CG&E notes that the new bill will highlight the message by placing four asterisks on each side of the message.
- (e) Rule 4901:1-10-33(I), O.A.C. - This rule requires that CG&E include a notation on a consolidated bill which indicates the outstanding amount owed to a former CRES provider and the date after which the EDU will no longer remit payments to the former CRES provider. CG&E states that it purchases the accounts receivable of the only competitive supplier in its service territory using rate-ready billing. Therefore, according to CG&E, the CRES provider is paid as new charges are determined and does not collect

payments directly from CRES customers. For that reason, CG&E concludes that no current customer faces this situation and, therefore, no customer is affected by the waiver request.

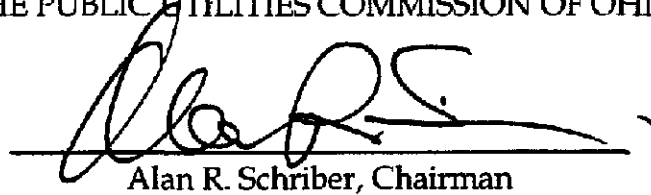
- (f) Rule 4901:1-10-29(I)(4) and (5), O.A.C. - These provisions require the EDU to report to the Ohio Department of Development, on behalf of the customer's CRES provider, the arrearages accrued before a customer goes onto the percentage of income payment plan (PIPP). CG&E states that it purchases the account receivables of the only residential CRES supplier in its service area and that it is rare that a customer leaves the electric choice program to participate in the PIPP program. Accordingly, CG&E asserts that no customer will be harmed by the company's delay to implement an automated process to compile such information.
  - (g) CRES Rule 4901:1-21-17(D), O.A.C. - This provision requires the CRES provider to obtain from the EDU an eligible customer list which identifies customers currently in contract with a CRES provider or in special contract with the EDU. CG&E states that it has previously compiled this information manually but expects to have a fully automated process in place by April 18, 2004.
- (3) The Commission finds that in light of CG&E's representation that CG&E customers are not likely to be disadvantaged or significantly inconvenienced by the approval of the requested waivers and the brief duration of time over which CG&E requests these waivers, that the request is reasonable and should be granted until May 1, 2004.

It is, therefore,

ORDERED, That CG&E's request for a temporary waiver of the above-listed ESSS or CRES rules is granted until May 1, 2004. It is, further,

ORDERED, That a copy of this entry be served upon CG&E and its counsel.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



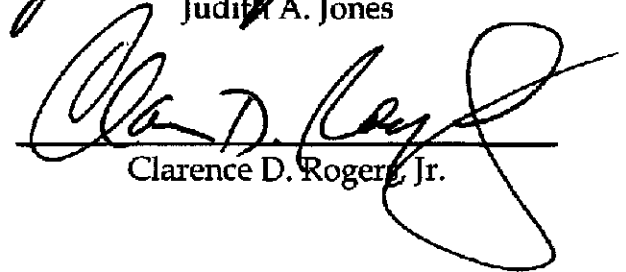
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Entered in the Journal

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Renee J. Jenkins  
Secretary