

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of	)	
The Cincinnati Gas & Electric Company	)	Case No. 99-1658-EL-ETP
for Approval of its Electric Transition	)	Case No. 99-1659-EL-ATA
Plan, Approval of Tariff Changes and	)	Case No. 99-1660-EL-ATA
New Tariffs.	)	

ENTRY ON REHEARING

The Commission finds:

- (3) The Cincinnati Gas & Electric Company (CG&E) submitted, on October 20, 2000, its proposed compliance tariffs to implement its electric restructuring plan approved by the Commission.
- (4) By entry dated November 21, 2000, the Commission approved CG&E's tariffs, subject to the modifications stated in the entry. By entry dated December 7, 2000, the Commission further modified its approval of the CG&E's tariffs specifically relating to the tariff provisions regarding termination and/or suspension of certified supplier service agreements.
- (5) On December 21, 2000, Exelon Energy, Strategic Energy L.L.C., the Mid-Atlantic Power Supply Association, Mid-American Energy Company, WPS Energy Services, Inc. and Enron Energy Services, Inc. (Marketers) filed an application for rehearing from the November 21, 2000 entry of the Commission approving the proposed compliance tariffs filed by CG&E on October 20, 2000. The Marketers assert the following grounds for rehearing:
  - (a) At present, the tariffs appear to permit CG&E to hold the customers responsible for meter test costs even if the meter is defective, which is unreasonable. The tariffs should clarify that a customer will not be held responsible for the cost of a meter test if the meter is defective.
  - (b) It is unreasonable for CG&E to charge a supplier for simply relaying to CG&E a customer's request for a duplicate bill. The tariffs should clarify that a supplier will not be charged for relaying to CG&E any customer's request for a duplicate bill.
  - (c) CG&E's modification of the required amounts of supplier collateral to reflect 90 days of esti-

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mated customer usage from the 45 days provided for under the stipulation is unreasonable and unlawful.

- (d) The tariffs provide CG&E the ability to invoice an estimated imbalance charge, prior to actual meter reading. The only reason not to wait for the actual meter readings would be if CG&E believed that a supplier was not scheduling in a reasonable manner for economic reasons. Since CG&E can address scheduling abuse in Section 15.7 and 20.1 of its tariffs, it is unreasonable, not to mention inefficient, to have a discretionary preliminary estimated bill procedure just for imbalances.
- (e) CG&E included two new certified supplier charges: (1) a \$155 per submission "Fee for Submitting Required Market Monitoring Reports for Certified Suppliers", and (2) a \$0.22 per bill "Fee for providing Commission Mandated Abandonment Notices as Bill Messages." These charges are unreasonable if the supplier does not specifically request these services of CG&E. The tariffs should clarify that these charges should only be applied if the supplier requests such services from CG&E.
- (f) CG&E's tariffs list a charge of \$24 to suppliers for a customer usage request of "One month of electronic Interval Meter data." It has always been assumed that utilities will charge for this type of historical data should a supplier request the data (with proper customer authorization) prior to enrolling that customer. However after the supplier has enrolled a customer and is supplying generation service, it is unreasonable to charge that supplier for ongoing customer meter data. Suppliers must schedule power on an hourly basis. If power supplied during a given hour does not match customer consumption, there exists a possibility that the supplier will incur penalties for imbalances. Of additional concern is the fact that, in many cases, the customer will already have paid the incremental cost of installing the interval meter. Customers above certain demand levels are required to have an interval meter installed (and pay for it) in order to shop. It is unreasonable

for the utility to require the customer to pay for the meter and then require the supplier to pay for the data.

- (6) On January 5, 2001, CG&E filed a memorandum contra to the Marketers' application for rehearing and a motion to file its memorandum contra out of time. CG&E states that it did not receive a copy of the application for rehearing until January 3, 2001. With respect to the issues raised by the Marketers, CG&E states that it does not construe its tariffs to permit charging customers for testing a meter if the meter is found to be defective and that Rule 4901:1-10-05, Ohio Administrative Code (OAC), specifically prohibits charging the customer if the meter is found to be defective. Further, with regard to the two new certified supplier charges discussed in subparagraph E above, CG&E states that it does not interpret its tariff to impose these charges against suppliers who do not request these services. For the remainder of the Marketers' arguments, CG&E argues that these charges and tariff provisions are reasonable and were approved by the Commission as part of the stipulation in CG&E's transition plan to which the Marketers agreed. CG&E also states that the provision in the tariffs regarding estimated imbalance charges is necessary for those cases where transmission scheduling agents abuse energy imbalance services by chronically under scheduling to serve its customers. Additionally, CG&E asserts that the issue of the 90-day supplier collateral requirement was considered and approved by the Commission and was the result of the Commission's ruling regarding the applicability of minimum stay provisions. Lastly, CG&E states that a marketer can avoid paying for electric interval meter data by using other means of communicating with the meter, such as pulse devices.
- (7) CG&E's motion to file its memorandum contra out of time is reasonable and should be granted.
- (8) After reviewing that application for rehearing and the memorandum contra, the Commission concludes that the application for rehearing should be denied. CG&E has provided clarification of the intent of its tariffs with regarding to the issues of cost of meter testing and applicability of charges for Market Monitoring Reports and Mandated Abandonment Notices with which the Commission concurs. With regard to the issue of the 90-day supplier collateral requirement, this issue was adequately considered not only in this case but also in the Dayton Power and Light Company's transition plan proceeding and approved by the Commission. As for the other changes to the certified supplier tariffs

requested by the Marketers, we are not persuaded that these changes are warranted. As CG&E has pointed out, the Marketers agreed to these provisions and charges when they signed the stipulation regarding the utility's transition plan. The time to address these provisions would have been before entering into the transition plan stipulation. Further, the provisions in question do not appear to be unreasonable inasmuch as CG&E will incur costs in providing these services. We also note that certain of these charges to which the Marketers complain can be avoided by alternative methods of obtaining the data provide for in the tariffs. Accordingly, we will deny rehearing.


It is, therefore,

ORDERED, That CG&E's motion to file its memorandum contra out of time is granted. It is, further,

ORDERED, That the Marketers' application for rehearing is hereby denied. It is, further,

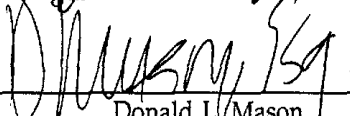
ORDERED, That a copy of this entry be served on all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Ronda Hartman Fergus

  
Judith A. Jones

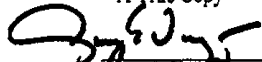
  
Donald L. Mason

RRG:geb

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Gary E. Vigorito  
Secretary