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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for) Case No. 99-1658-EL-ETP
Approval of its Electric Transition Plan,) Case No. 99-1659-EL-ATA
Approval of Tariff Changes and New) Case No. 99-1660-EL-ATA
Tariffs, Authority to Modify Current) Case No. 99-1661-EL-AAM
Accounting Procedures, and Approval to) Case No. 99-1662-EL-AAM
Transfer its Generating Assets to an) Case No. 99-1663-EL-UNC
Exempt Wholesale Generator.)

ENTRY

The attorney examiner finds:

- (1) By previous entries, numerous parties have been granted intervention in these proceedings. The following parties have filed motions to intervene that have not been ruled on to date: the city of Cleveland (Cleveland) on February 10, 2000; American Municipal Power-Ohio, Inc. on March 9, 2000; People Working Cooperatively, Inc. on March 30, 2000; Dynegy, Inc. on April 18, 2000; and the Ohio Environmental Council on April 21, 2000.
- (2) CG&E filed a memorandum contra Cleveland's motion to intervene. CG&E argues that Cleveland has failed to demonstrate a real and substantial interest in these proceedings. CG&E contends that Cleveland has not asserted that it will offer competitive retail electric service in the CG&E service area in the future and thus, none of the interests that Cleveland has espoused as the basis for its intervention are at issue in this case. Furthermore, CG&E argues that Cleveland's interests are already adequately represented in these matters. Cleveland states it is an Ohio municipality that owns and operates a municipal electric utility that provides electric power and energy to residential, commercial, and industrial customers within Cleveland. Cleveland also claims that it deals with a wide range of issues affecting electric retail customers including the reliable and economic supply of utility services to its customers. Cleveland argues that its interests are affected by these proceedings because one of its principal concerns is furthering electric competition to provide lower rates for the residences and businesses within Cleveland. Also, Cleveland contends that its wholesale transactions could be

affected by matters at issue in these cases, including but not limited to issues related to regional transmission entities.

- (3) Upon review of the pleadings, the examiner agrees that Cleveland has stated an interest that is sufficient to meet the standards for intervention. The examiner finds that Cleveland's concern in furthering electric competition to provide lower rates for residences and businesses within Cleveland and the effect these proceedings may have on Cleveland's wholesale transactions warrant intervention. The examiner also finds that the other entities in Finding (1) requesting intervention have set forth a sufficient interest to warrant intervention and their motions for intervention should be granted. The examiner notes that, while the interests of these parties may be partially represented by other intervenors, the examiner believes that each of the parties has stated a real and substantial interest that justifies being granted intervention. To the extent necessary, the examiners can control duplicative cross-examination by requiring parties with common interests to consolidate their efforts. Accordingly, efforts by intervenors to eliminate or mitigate duplicative case participation are strongly encouraged. Accordingly, the motions to intervene filed by those parties identified in Finding (1) should also be granted.
- (4) Several motions were filed by attorneys licensed in Ohio for admission *pro hac vice* for attorneys licensed to practice in other states. It is requested that David L. Cruthirds be permitted to appear on behalf of Dynegy, Inc.; and that Keith R. McErea, Paul F. Forshay, Gregory K. Lawrence, James M. Bushee, David A. Codevilla, and Daniel J. Oginsky be permitted to appear on behalf of Shell Energy Services. These motions for admission *pro hac vice* are reasonable and should be granted.
- (5) On April 27, 2000, CG&E filed a motion to delay filing of its supplemental testimony related to the operational support plan issues under discussion in the pro forma tariff. CG&E claims that the testimony and exhibits due to be filed on May 1, 2000, relate to the pro forma tariff matters under discussion in the working groups and the non rate terms and conditions of CG&E's FERC Open Access Transmission Tariff (OATT) and the proposed addition to the OATT. CG&E states that numerous parties representing diverse interests have been meeting in an attempt to reach a settlement regarding some

or all of the operational support plan rule issues that are a part of all transition cases. According to CG&E, it appears that at least a partial settlement of the operational support plan rule issues may be in sight. Therefore, it claims a delay in the filing date until May 8, 2000, would permit the parties involved to focus their efforts on the settlement process instead of the preparation of testimony.

- (6) Upon review of the motion the examiner finds that good cause has been stated to warrant granting the motion. Accordingly, CG&E's supplemental testimony related to the operational support plan should be filed on or before May 8, 2000. As a result of granting the extension for the filing of CG&E's testimony, the filing date for intervenor and staff testimony related to the operational support issues should similarly be extended seven days.

It is, therefore,

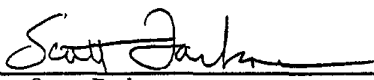
ORDERED, That the motions to intervene filed by those parties identified in Finding (1) be granted, and that the motions for admission of attorneys *pro hac vice* be granted pursuant to Finding (1). It is, further,

ORDERED, That CG&E's motion for an extension of time to file operational support plan supplemental testimony be granted. It is, further,

ORDERED, That the filing date for intervenor and staff testimony related to the operational support issues be extended by seven days. It is, further,

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

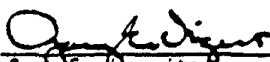
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Scott Farkas
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Gary E. Vigorito
Secretary