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EAGLE ENERGY, LLC

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June 15, 2005

Ms. Mariruth Wright
Public Utilities Commission of Ohio
Docketing Department
13th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

PUCO

2005 JUN 16 PM 3:30

RECEIVED-DOCKETING DIV

In the Matter of the Complaint of)
Teleflex Aerospace,)
Complainant,)
v.)
The Cincinnati Gas & Electric Company,)
Respondent,)
Relative to Alleged Violations of)
Section 4905.22, Revised Code.)

Case No. 05-782-EL-CSS

In the Matter of the Application of The)
Cincinnati Gas & Electric Company to)
Modify its RTP, Real Time Pricing)
Program to Incorporate Changes Resulting)
From Implementation of MISO Midwest)
Energy Markets.)

Case No. 05-671-EL-ATA

Dear Ms. Wright:

Enclosed for filing are an original and ten (10) copies of a Complaint filed in the above referenced cases. Would you please assign a Case Number to the Complaint and return a stamped copy to the undersigned.

If there are any questions concerning this matter, please contact the undersigned. Thank you in advance for your assistance in this matter.

Sincerely,

Donald I. Marshall,
President

cc: Anita M. Schafer
Mr. Robert Fortney
Mr. Robert Vargo

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Teleflex Aerospace,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 05- <i>782</i> -EL-CSS
The Cincinnati Gas & Electric)	
Company,)	
)	
Respondent)	
)	
Relative to Alleged Violations of)	
Section 4905.22, Revised Code.)	
In the Matter of the Application of The)	
Cincinnati Gas & Electric Company to)	
Modify its Rate RTP, Real Time Pricing)	Case No. 05-671-EL-ATA
Program to Incorporate Changes)	
Resulting from Implementation of)	
MISO Midwest Energy Markets.)	

COMPLAINT

Pursuant to Section 4905.26, Revised Code and Rule 4901-1-09 of the Ohio Administrative Code, Teleflex Aerospace (Customer or Complainant) respectfully makes the following allegations:

1. The Cincinnati Gas & Electric Company (CG&E or Company) is an electric light company as defined by Section 4905.03(A)(4), Revised Code and an electric distribution utility as defined by Section 4928.01(A)(6),

Revised Code, and as such is subject to the jurisdiction of the Public Utilities Commission of Ohio (Commission).

2. The Customer is a manufacturing industrial entity within the CG&E service territory and receives its distribution and generation service from CG&E at its facilities located at 11495 Deerfield Road, designated as Plant 3, under the provisions of Rate DP, Service at Primary Distribution Voltage and Rate RTP, Real Time Pricing Program.
3. Pursuant to the Commission's Opinion and Order dated September 29, 2004 in Case No. 03-93-EL-ATA, et al, and as modified by its Entry on Rehearing dated November 23, 2004, CG&E was permitted to modify its nonresidential generation rates to provide for market-based standard service offer pricing.
4. On December 14, 2004, CG&E filed proposed tariffs in response to the Commission's December 20 Opinion and Order and the November 23 Entry on Rehearing. On December 21, 2004, the Commission approved the proposed tariffs "subject to true-up on an interim basis."
5. The Customer has been a participant in CG&E's real-time pricing program under a Service Agreement dated May 1, 1998 in accordance with the terms and conditions of CG&E's electric tariff schedule entitled Rate RTP, Real Time Pricing Program, Sheet No. 90.
6. The May 1, 1998 Service Agreement, among other terms and conditions, defines the Customer's Baseline Load (CBL) as 129 kW. The CBL has

been mutually agreed upon by both CG&E and the Customer, as required by the provisions of the RTP tariff schedule.

7. The service agreement and the RTP tariff support the determination of the Customer's monthly bill for electricity in the following manner: (i) the Baseline Charge Standard Bill using the CBL each month based on the applicable tariff schedule, Rate DP in the instant case, using the CBL (129 kW) to establish the applicable demand and energy billing determinants; and, (ii) the RTP Billing for energy consumed in excess of the CBL, defined as the commodity charge, based on the market value of generation determined solely by the Company for demand and energy used in excess of the CBL. The commodity charge is based on CG&E's hour by hour real time incremental pricing incurred for each hour during the monthly billing period.
8. As of January 1, 2005, CG&E arbitrarily and improperly increased the Customer's Baseline Charge Standard Bill by ignoring the contractually established CBL of 129 kW. Effective January 1, 2005, the Company initiated the use of the actual established peak demand established during the billing period for certain rate Riders that have a demand rate related component, in violation of the existing Rate RTP and the May 1998 Service Agreement. (CG&E originally established the CBL at the minimum billing demand of 85% of the highest demand established during the 2004 summer billing months. Subsequent to the Customer's inquiry of this matter, the Company rescinded the minimum billing demand and

decided to utilize the actual demand established during the billing period.)

Attachment I indicates the change from the CBL to the actual demands for the twelve months ended March 2005. The impact of the Company's unilateral change is to double-bill the CBL by billing the CBL, as provided by the Service Agreement, and then by using the entire actual demand for billing purposes, which, by definition, includes the CBL. In addition, the Company has not provided the Customer a credit for the market value of the generation for the actual demand billed via the Riders in excess of the arbitrarily "revised" CBL.

9. CG&E failed to provide proper legal notice and failed to change any billing determinant of any of the "E" Schedules of the Commission's Standard Filing Requirements (SFRs) in any recent or pending case before the Commission to indicate the nature of the billing change.
10. Prior to January 1, 2005, the Customer's standard bill for the defined CBL of 129 kW was established at \$6.915 per kW (which has become known as Big "G"). As of January 1, the generation charge arbitrarily increased as a result of the unilateral and unlawful change by CG&E of the CBL. The actual charge per kW did not increase since Big "G" equals little "g" plus RSC ($\$5.8778/\text{kW} + \$1.0373/\text{kW} = \$6.915/\text{kW}$). The increase experienced by the Customer is due to the unlawful increase in the CBL from 129 kW to the actual peak kW demand. To increase Rider RSC and the other related Riders by unilaterally increasing the CBL to the actual demand is unlawful and contrary to the real time pricing program.

11. By unlawfully changing the Customer's CBL, the Customer has experienced an increase in rates in excess of 15% as set forth in Attachment II. In addition, the Customer has incurred more than \$30,000 in unlawful charges from January 1, 2005 through the May billing period due to a change in the administration of Rate RTP that the Company is now attempting to correct.
12. The Customer has had several meetings with CG&E in an attempt to resolve this matter. It was apparent that CG&E had not come to closure on the application of the new tariffs and the impact of billing RTP customers. On Monday, May 23, 2005, the Customer was informed that the monthly billing for the CBL standard charge shall be based on a CBL established by utilizing the highest fifteen minute interval actually experienced demand for all billing periods initiating with the January 2005 bill. The commodity charge portion of the monthly bill will continue to be based on the market value of generation on an hourly basis. Curiously, CG&E filed to modify its RTP tariff with the Commission on May 20, 2005 to incorporate its modified billing practices that have been in place since January 1, 2005. The Customer believes this practice is in direct conflict with Section 4909.17, Revised Code.
13. The RTP tariff requires that the CBL must be mutually agreed upon by the Customer and the Company. This tariff requirement has neither been modified by the CG&E filing in Case No. 05-671-EL-ATA nor has the Customer agreed with any modification to the CBL.

14. The Company's May 20 filing purportedly incorporates MISO requirements but mysteriously incorporates language changes under the Applicable Riders section that effectively states exactly how the Company has been unilaterally and retroactively billing RTP customers since January 1, 2005 but has nothing to do with the MISO requirements. Exhibit C-3, required by an "ATA" filing, is absent from CG&E's application so the Customer cannot fully ascertain the factual rationale for the language change.
15. The Customer believes the language change constitutes a rate increase under Section 4909.18, Revised Code. The language unilaterally increases the Customer's CBL resulting in an increase in charges that otherwise would not have been incurred.
16. The Customer agrees that the new Riders identified in the RTP tariff are ripe for billing purposes in concert with the standard tariff, Rate DP in the instant case, but the charges should be based on the CBL as contracted and not the actual demand as unilaterally employed by CG&E.
17. Riders cannot solely be used for monthly billing purposes. Rather, rate Riders are adjunct to a standard tariff which define the type of service provided and ultimately the resultant monthly charges for the service. As defined by Webster, a rider is an amendment or addition to a document or record.¹ Riders, on a stand-alone basis, have never been used to determine monthly charges and an exception to this practice is not warranted here.

¹ See Webster's II New Riverside University Dictionary.

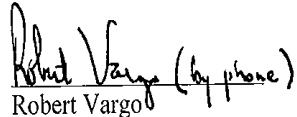
18. CG&E has violated Section 4905.22, Revised Code, by charging Teleflex Aerospace for service at rates other than what was approved by the Commission in its December 21, 2004 Entry.

WHEREFORE, Teleflex Aerospace respectfully requests that the Commission:

- A. Find that reasonable grounds for the Complaint have been stated;
- B. Require that notice of the Complaint be published and that a hearing be held;
- C. Find that CG&E has violated Section 4905.22, Revised Code, by applying billing determinants that have not been previously approved by the Commission and are contradictory to a duly executed Service Agreement;
- D. Order CG&E to provide service pursuant to the May 1, 1998 Service Agreement from January 1, 2005 and through the period until the Commission authorizes a change in the RTP tariff;
- E. Order CG&E to re-bill the Customer's service from January 1, 2005 utilizing the appropriate Commission authorized tariffs;
- F. Prohibit any change to the RTP tariff that would increase any customer bill until such changes have been filed under Section 4909.18, Revised Code and subsequently approved by the Commission;
- G. Prohibit CG&E from canceling the RTP Service Agreement until either the Commission approves modifications to the RTP tariff under Section 4909.18, Revised Code, or the Customer is provided another rate option that will not capriciously increase charges for electric service;

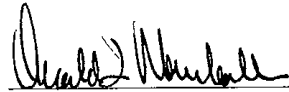
- H. Consolidate this Complaint with Case No. 05-671-EL-ATA; and,
- I. Provide any other relief that the Commission deems just and reasonable.

Respectfully submitted,

 (by phone)

Robert Vargo
Teleflex Aerospace
11495 Deerfield Road
Cincinnati, Ohio 45242

Telephone: (513) 881-5490



Donald I. Marshall
Eagle Energy, LLC
4465 Bridgetown Road
Cincinnati, Ohio 45211

Telephone: (513) 251-7283

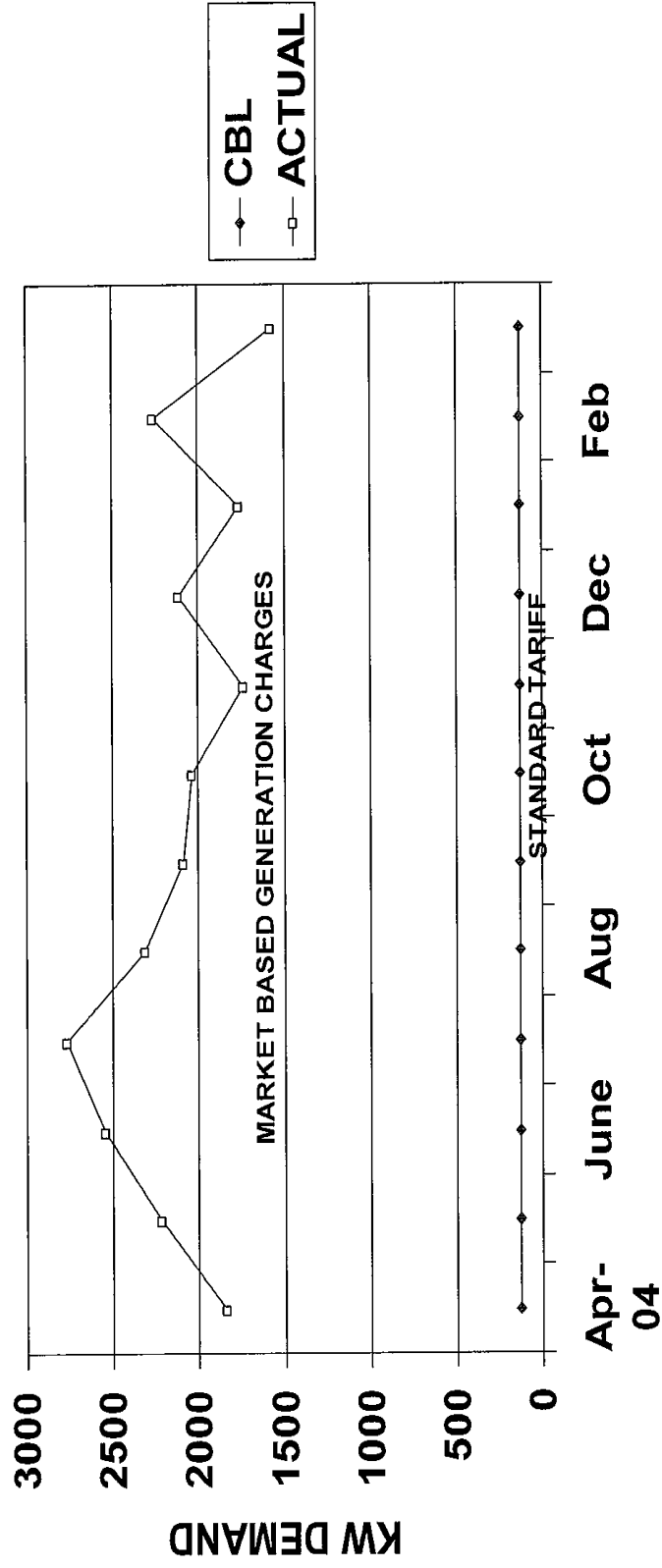
E-mail: EagleEnergy@FUSE.net

Dated: June 15, 2005

TELEFLEX AEROSPACE

Comparison of Baseline Demand and Actual Demand

Twelve Months Ended March 2005



ATTACHMENT II

TELEFLEX AEROSPACE						
Billing Comparison						
Period Ended March 22, 2005						
Billing Period Ended:	March 22, 2005					
kW Demand:						
RTP =	129.00					
Actual =	1,572.00					
kWh Energy =	568,401					
Rate Components	As Billed			Billed Under Contract Terms		
	Component	Rate	Amount	Component	Rate	Amount
RTP Program Charge	-	\$ 150.00	\$ 150.00	-	\$ 150.00	\$ 150.00
Customer Charge	-	100.00	100.00	-	100.00	100.00
Distribution Demand Charge	129.00	2.126	274.25	129.00	2.126	274.25
Transmission Charges			226.26			226.26
Rider TCR	129.00	0	-	129.00	0	-
Rider RSC						
First 1000 kW	1,000.00	1.0373	1,037.30	129.00	1.0373	133.81
Additional kW	572.00	0.8183	468.07	-	0.8183	-
First 300 kWh/kW	471,600	0.003307	1,559.58	38,700	0.003307	127.98
Additional kWh	96,801	0.002652	256.72	529,701	0.002652	1,404.77
Rider AAC						
First 1000 kW	1,000.00	0.2766	276.60	129.00	0.2766	35.68
Additional kW	572.00	0.2182	124.81	-	0.2182	-
First 300 kWh/kW	471,600	0.000882	415.95	38,700	0.000882	34.13
Additional kWh	96,801	0.000707	68.44	529,701	0.000707	374.50
Rider IMF						
First 1000 kW	1,000.00	0.2766	276.60	129.00	0.2766	35.68
Additional kW	572.00	0.2182	124.81	-	0.2182	-
First 300 kWh/kW	471,600	0.000882	415.95	38,700	0.000882	34.13
Additional kWh	96,801	0.000707	68.44	529,701	0.000707	374.50
Rider SRT						
First 1000 kW	1,000.00	0.2516	251.60	129.00	0.2516	32.46
Additional kW	572.00	0.1985	113.54	-	0.1985	-
First 300 kWh/kW	471,600	0.001139	537.15	38,700	0.001139	44.08
Additional kWh	96,801	0.000701	67.86	529,701	0.000701	371.32
Rider RTC						
First 300 kWh/kW	471,600	0.00685	3,230.46	38,700	0.00685	265.10
Additional kWh	96,801	0.00010	9.68	529,701	0.0001	52.97
Rider EER						
All kWh	568,401	0.00010758	61.15	568,401	0.00010758	61.15
Rider OET						
First 2000 kWh	2,000	0.00465	9.30	2,000	0.00465	9.30
Next 13000 kWh	13,000	0.00419	54.47	13,000	0.00419	54.47
Additional kWh	553,401	0.00363	2,008.85	553,401	0.00363	2,008.85
Rider USR						
All kWh	568,401	0.0005157	293.12	568,401	0.0005157	293.12
MBSSO Generation Charge						
First 1000 kW	129.00	5.8778	758.24	129.00	5.8778	758.24
Additional kW						
Total Riders			\$ 13,239.20			\$ 7,256.75
RTP Market Value Generation			31,794.79			31,794.79
Total Bill			\$ 45,033.99			\$ 39,051.54
Difference						\$ 5,982.45