

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter the Application of FirstEnergy)
Corp. on Behalf of Ohio Edison Company,)
The Cleveland Electric Illuminating Com-) Case No. 99-1212-EL-ETP
pany, and the Toledo Edison Company for) Case No. 99-1213-EL-ATA
Approval of Their Transition Plans and for) Case No. 99-1214-EL-AAM
Authorization to Collect Transition Reve-)
nues.)

In the Matter of the Application of The Cin-)
cinnati Gas & Electric Company for Approval) Case No. 99-1658-EL-ETP
of its Electric Transition Plan, Approval of) Case No. 99-1659-EL-ATA
Tariff Changes and New Tariffs, Authority to) Case No. 99-1660-EL-ATA
Modify Current Accounting Procedures, and) Case No. 99-1661-EL-AAM
Approval to Transfer its Generating Assets to) Case No. 99-1662-EL-AAM
an Exempt Wholesale Generator.) Case No. 99-16663-EL-UNC

In the Matter of the Application of The Day-)
ton Power and Light Company for Approval)
of its Transition Plan, for the Opportunity to) Case No. 99-1687-EL-ETP
Receive Transition Revenues, for Approval) Case No. 99-1688-EL-AAM
to Change Accounting Methods, and Ap-) Case No. 99-1689-EL-ATA
proval to Amend its Tariff.)

In the Matter of the Applications of Colum-)
bus Southern Power Company and Ohio)
Power Company for Approval of Their Elec-) Case No. 99-1729-EL-ETP
tric Transition Plans and for Receipt of Tran-) Case No. 99-1730-EL-ETP
sition Revenues.)

In the Matter of the Application of Monon-)
gahela Power Company dba Allegheny Power) Case No. 00-02-EL-ETP
for Approval of an Electric Transition Plan.)

ENTRY

The Commission finds:

- (1) On July 13, 2000, as amended on July 17, 2000, the Ohio Department of Development (ODOD) filed applications in the above-captioned cases for approval of Universal Service Fund (USF) riders and Energy Efficiency Revolving Loan Fund (EERLF) riders for each of the electric companies. In accordance with the requirements of Ohio's electric

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Technician Anna M. Hiron Date Processed Aug 25, 2000

restructuring legislation (Amended Substitute Senate Bill 3 or S.B. 3), Sections 4928.52 and 4928.62, Revised Code, provide that USF and EERLF riders are to be effective on July 1, 2000 and January 1, 2001, respectively. However, due to delays in the transfer of the program, ODOD requested that the Commission make the USF riders effective September 1, 2000. The stipulations submitted in each of these proceedings provide that the USF and EERLF riders are to be determined by ODOD and approved by the Commission.

- (2) On August 17, 2000, the Commission adopted the rates reflected in ODOD's applications.¹ We found that ODOD's proposed USF and EERLF rider rates satisfied the statutory requirements of S.B. 3 and were consistent with the stipulations permitting ODOD to determine the rider rates.
- (3) On August 15, 2000, Cincinnati Gas & Electric Company (CG&E) filed a motion to correct procedural deficiencies and ambiguities in ODOD's application. CG&E argues that the Commission must perform an audit of CG&E to determine the (Percentage of Income Payment Plan) PIPP component of the USF rate. CG&E also claims that the establishment of the USF rider may result in CG&E being deprived of the portion of the current PIPP rate attributable to recovery of deferred PIPP balances. CG&E further contends that a variety of tasks must be completed before the USF and EERLF riders go into effect. For example, CG&E states that it must sign an operating agreement with ODOD and that ODOD must provide CG&E with data necessary to determine which customers will receive arrearage forgiveness. CG&E claims that it may not be able to modify its accounting and billing systems to accommodate the PIPP to USF rider transfer. According to CG&E, it is unlikely that it will be able to accomplish all necessary requirements prior to ODOD's expected September 1, 2000 effective date. CG&E also argues that the Commission cannot approve the USF rider without following the procedures for a hearing set forth in Section 4909.18, Revised Code. CG&E also filed tariffs to establish the USF rider as well as a deferred asset recovery (DAR)

¹ The USF and EERLF rider rates proposed by ODOD were approved for the FirstEnergy operating companies on July 19, 2000. *In the Matter of the Application of FirstEnergy Corp. on Behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, and Toledo Edison Company for Approval of Their Transition Plans and for Authorization to Collect Transition Revenues*, Case No. 99-1212-EL-ETP et al. (July 19, 2000).

rider to continue to recover that portion of the current PIPP rate attributable to recovery of deferred PIPP balances. The Dayton Power & Light Company (DP&L) filed a similar motion on August 16, 2000, raising many of the same arguments raised by CG&E. CG&E and DP&L are requesting that the Commission delay the implementation of the USF rider until the end of the year or allow the companies to continue to recover a portion of their current PIPP rate regarding deferred unpaid PIPP balances until the end of the year.

- (4) As we noted in our August 17, 2000 entry, S.B. 3 provided ODOD with considerable discretion in determining rules for the programs, for administering the programs, and for determining the amounts that are necessary to fund administrative costs and the consumer education program for low-income customers required under Section 4928.56, Revised Code. ODOD stated in its applications to adopt riders that September 1, 2000 is the starting date for the low-income energy assistance program, and the program needs to be under way prior to the start of the winter heating season if it is to provide meaningful assistance to low-income customers. Our role in this process is to provide ODOD assistance in establishing a baseline PIPP component for the USF and to determine whether the electric utility companies have accurately reflected ODOD's riders in their transition plans and tariffs. Therefore, if CG&E and DP&L are having difficulties in implementing billing systems and procedures to put the new USF rider into effect, they should work with ODOD to resolve those matters. Inasmuch as there may be some merit to the concerns raised by CG&E and DP&L regarding their ability to implement billing of the new USF riders by September 1, 2000, we would request that ODOD consider those concerns.

With regard to the arguments that there are regulatory deficiencies in the USF rider adoption process, the Commission finds no merit to the companies' arguments. First, we do not believe that the ratemaking requirements of Section 4909.18, Revised Code, come into play regarding the adoption of the USF. This rider is being implemented pursuant to Sections 4928.51 and 4928.52, Revised Code, which do not require a hearing before ODOD establishes the initial riders. Second, although the Commission did not prepare and file a formal audit report regarding a baseline PIPP program component for the USF rider, ODOD, with the assistance of

our staff, obtained information from the electric distribution utility companies, as well as from the 1999 "OSCAR" (Ohio Statistics on Customer Accounts Receivable) to arrive at an appropriate baseline PIPP component. (See, July 13, 2000 Application, Attach. C). We believe this substantially comports with the intent of Section 4928.51(D), Revised Code. Lastly, with regard to the claims that the establishment of the USF rider may result in CG&E and DP&L being deprived of the portion of the current PIPP rate attributable to recovery of deferred PIPP balances, the Commission finds that this was a matter that should have been considered in the negotiation of the transition plan stipulations. Section 4928.52(A), Revised Code, is quite clear that the USF Rider is to replace the PIPP rider when the USF rider takes effect. Consequently, it would be improper to permit these companies to continue to collect their past unrecovered PIPP balance portion of the current PIPP through a DAR rider.

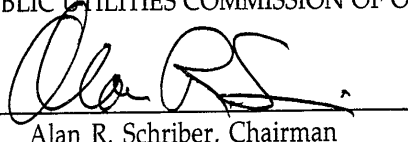
It is, therefore,

ORDERED, That the motions of CG&E and DP&L to correct procedural deficiencies and ambiguities in ODO's application to approve USF and EERLF riders is denied. It is, further,

ORDERED, That each of the above-caption electric utility companies shall file, forthwith, amended tariffs setting forth the USF rider to be effective September 1, 2000. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



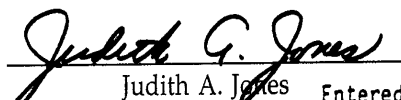
Alan R. Schriber, Chairman



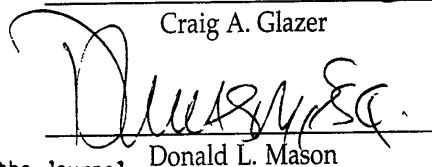
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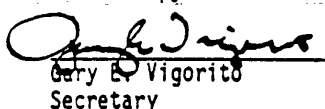
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RRG:geb

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Gary E. Vigorito
Secretary

SERVICE NOTICE

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CASE NUMBER 99-1214-EL-AAM
CASE DESCRIPTION FIRST ENERGY/OE/CEI/TE
DOCUMENT SIGNED ON August 24, 2000
DATE OF SERVICE Aug 28, 2000

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