

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RECEIVED-DOCKETING DIV
2006 DEC 15 PM 4:16

PUCO

In the Matter of the Application of the)
Review of Chapters 4901:5-17, 4901:5-19,)
4901:5-21, 4901:5-23, 4901:5-25,) Case No. 06-1201-AU-ORD
4901:5-29, 4901:5-33, 4901:5-35,)
4901:5-37 of the Ohio Administrative Code.)

**INITIAL COMMENTS OF
INDUSTRIAL ENERGY USERS-OHIO**

Samuel C. Randazzo (Trial Attorney)
Lisa G. McAlister
Daniel J. Neilsen
MCNEES WALLACE & NURICK LLC
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Telephone: (614) 469-8000
Telecopier: (614) 469-4653
sam@mwncmh.com
lmcAlister@mwncmh.com
dneilsen@mwncmh.com

December 15, 2006

Attorneys for Industrial Energy Users-Ohio

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician DB Date Processed 12-15-06

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the)
Review of Chapters 4901:5-17, 4901:5-19,)
4901:5-21, 4901:5-23, 4901:5-25,) Case No. 06-1201-AU-ORD
4901:5-29, 4901:5-33, 4901:5-35,)
4901:5-37 of the Ohio Administrative Code.)

**INITIAL COMMENTS OF
INDUSTRIAL ENERGY USERS-OHIO**

I. BACKGROUND

On October 11, 2006, the Public Utilities Commission of Ohio ("Commission") issued an Entry requesting comments on proposed revisions to the Commission's fuel emergencies rules regarding: the governor's emergency powers (Rule 4901:5-17, Ohio Administrative Code), fuel emergencies related to the generation of electricity (Rule 4901:5-19, Ohio Administrative Code), coal allotment and coal shortages (Rules 4901:5-21 and 4901:5-23, Ohio Administrative Code), gas emergencies (Rule 4901:5-25, Ohio Administrative Code), heating oil and propane emergencies (Rule 4901:5-29, Ohio Administrative Code), transportation fuel emergencies (Rule 4901:5-33, Ohio Administrative Code), and set-asides and emergency reporting (Rule 4901:5-37, Ohio Administrative Code). Accordingly, Industrial Energy Users-Ohio ("IEU-Ohio") submits these comments for the Commission's consideration.

II. Comments

The proposed revisions to Rule 4901:5-17-02(C), Ohio Administrative Code, include making "any supplier subject to certification under Section 4928.08 of the Ohio Revised Code" subject to an order by the governor to sell electricity in order to alleviate hardship. Similarly, the proposed revisions to Rule 4901:5-19-01, Ohio Administrative Code, add a definition of "electric providers" that includes Competitive Retail Electric Service ("CRES") providers, which are not currently included in the list of entities subject to these rules. Finally, the proposed revisions to Rule 4901:5-19-04, Ohio Administrative Code, include requiring electric producers to "notify its consumers through reports in the news media or in written reports where appropriate, about an imminent shortage of electric service and request its consumers to reduce their consumption of electricity and to implement energy conservation measures" prior to an energy emergency. IEU-Ohio is a CRES provider as defined by Rule 4901:1-21-01, Ohio Administrative Code, and, thus, would be subject to the proposed rule that requires written or news media notice. Given the cost of providing written or news media notice of an imminent shortage, IEU-Ohio recommends that the rules be revised such that they permit telephonic or electronic notice, which may be faster, more effective and more cost effective for smaller electric providers than written or news media notice of an imminent shortage. Accordingly, IEU-Ohio proposes the following revision to Rule 4901:5-19-04, Ohio Administrative Code:

(A) Prior to an energy emergency, the Commission may, by order, require that each electric provider:

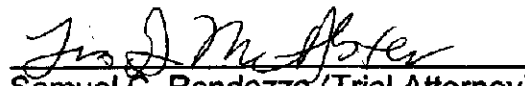
(1) notify its consumers through reports in the news media or in written reports where appropriate, **or, for electric providers who serve fewer than 5,000 customers, provide telephonic or electronic notice**

to each of its consumers, about an imminent shortage of electric service and request its consumers to reduce their consumption of electricity and to implement energy conservation measures...

III. CONCLUSION

Wherefore, for the reasons discussed above IEU-Ohio requests that the Commission incorporate IEU-Ohio's suggestions into the final rules.

Respectfully submitted,



Samuel C. Randazzo (Trial Attorney)

Lisa G. McAlister

Daniel J. Neilsen

MCNEES WALLACE & NURICK LLC

21 East State Street, 17th Floor

Columbus, OH 43215-4228

Telephone: (614) 469-8000

Telecopier: (614) 469-4653

sam@mwncmh.com

lmcaster@mwncmh.com

dneilsen@mwncmh.com

Attorneys for Industrial Energy Users-Ohio