

FILE



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

October 22, 2009

Renee J. Jenkins, Secretary
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, Ohio 43215-3793


Re: *In the Matter of the Application of the Ohio Department of Development for an Order Approving Adjustments to the Universal Service Fund Riders of Jurisdictional Ohio Electric Distribution Utilities, PUCO Case No. 09-463-EL-UNC.*

Dear Ms. Jenkins:

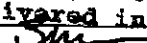
I am writing on behalf of the Office of the Ohio Consumers' Counsel ("OCC") to state OCC's position with regard to the Stipulation and Recommendation that was filed at the Public Utilities Commission of Ohio ("PUCO") on October 13, 2009 in regard to the subject case. This case involves an Application by the Ohio Department of Development ("ODOD") for approval of adjustments to the Universal Service Fund Riders of Ohio's electric distribution utilities. These Riders contain the rates through which Ohio's electric utilities collect funds from customers to support the PIPP programs and energy efficiency programs provided for under S.B. 3. The Stipulation was signed by ODOD, Duke Energy Ohio, Columbus Southern Power Company, the Ohio Power Company, the Cleveland Electric Illuminating Company, the Ohio Edison Company, the Toledo Edison Company, the Dayton Power & Light Company, the Industrial Energy Users of Ohio, the Staff of the PUCO, and Ohio Partners for Affordable Energy.

The reason that OCC did not sign the stipulation relates to the rate design therein. As OCC has stated in the past, OCC does not agree to the second block in the rate design and does not concede that it is lawful under R.C. 4928.52(C), which prohibits "shift[ing] among the customer classes of electric distribution utilities the cost of funding low-income customer assistance programs." While OCC is not contesting this stipulation on this issue, OCC does not waive its right to contest this or any rate design proposed by ODOD in future cases regarding the Universal Service Fund Rider.

Respectfully submitted,


Richard C. Reese
Assistant Consumers' Counsel

cc: Parties of Record

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