

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
The Cincinnati Gas & Electric Company)
for Approval by the Public Utilities)
Commission of Ohio of an Agreement) Case No. 96-03-EL-AEC
with Keebler Corporation Pursuant to)
Section 4905.31 of the Ohio Revised)
Code.)

FINDING AND ORDER

The Commission finds:

- (1) The Applicant, The Cincinnati Gas and Electric Company, is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) The Applicant now petitions this Commission for approval of an Agreement with Keebler Corporation. The Agreement will permit CG&E to read Keebler's gas and electric meters every four weeks (rather than monthly) and bill Keebler for thirteen demand and usage reads (rather than twelve) on an annual basis.
- (3) The terms of the Agreement are as follows:
 - (a) The initial term of this Agreement will be for one year.
 - (b) Beginning with the initial bill under this Agreement and continuing for the period this Agreement is in effect, the Customer will pay an additional customer charge of \$100.00 dollars for the services provided under this Agreement.
 - (c) The initial bill under this Agreement will be prorated for the period between the last monthly bill and the first four-week bill.
 - (d) In order to make the thirteen billing cycles equate to the normal twelve billing cycles, the adjusted billing demand will be calculated by multiplying the Customer's current billing demand by .92308. This adjusted billing demand will then become Keebler's billing demand unless the ratchet applies.

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Technician Jan Schupler Date Processed 11-1-96

- (e) For calculating the ratchet amount, the billing demand will be no less than 85% of 12/13 of the highest actual billing demand established in the summer period or the adjusted billing demand, whichever is greater. The summer period is defined as any billing period ending in the months June - September.
- (4) The application should be approved as filed pursuant to Section 4905.31, Revised Code.
- (5) The Commission will use the rate case proceeding to evaluate the appropriateness of recovery from jurisdictional customers of any revenue deficiency resulting from this Agreement.
- (6) Our approval of this contract does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the Applicant or any party to a contract approved by this Finding and Order from the provisions of any state or federal law which prohibit the restraint of trade.

It is, therefore,

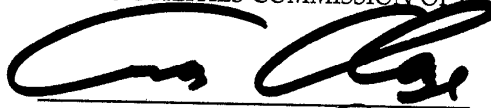
ORDERED, That the Agreement attached to the application be approved pursuant to its terms. Two copies of the Agreement as filed with the application shall be accepted for inclusion in this Docket. It is, further,

ORDERED, That the Applicant report to the Energy and Water Division of the Commission's Utilities Department semiannually, in January and July, the results of the Agreement including the increase in load and sales, the total dollar difference in the billing at the appropriate tariff rates and the billing at the contract rates, and the number of jobs believed to have been created and or saved due to the contract. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

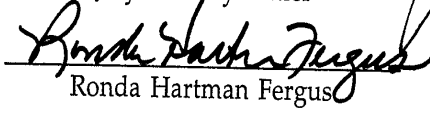
ORDERED, That a copy of this Finding and Order be served upon the Applicant, the Customer and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




Craig A. Glazer, Chairman

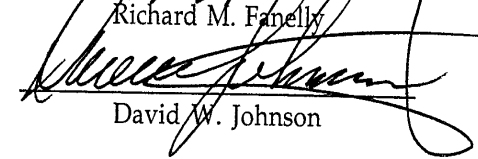
Jolynn Barry Butler



Ronda Hartman Fergus



Richard M. Fanelly



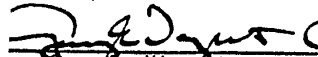
David W. Johnson

WLG:jc

Entered in the Journal

OCT 31 1996

A True Copy



Gary E. Vigoreto
Secretary

SERVICE NOTICE

PAGE 1

CASE NUMBER 96-3-EL-AEC
CASE DESCRIPTION CG&E/KEEBLER CORPORATION
DOCUMENT SIGNED ON October 31, 1996
DATE OF SERVICE NOV 1 1996

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

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