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November 24, 1998

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PUCO

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215

Case No. 98-942-GE-ORD

Subject: *Supplemental Memorandum*

Dear Clerk:

Please find enclosed an original and eleven (11) copies of a Supplemental Memorandum in the above-mentioned case. Please forward one (1) file-stamped copy of the Supplemental Memorandum to me in the enclosed, self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Timothy G. Rice
Senior Counsel

TR708

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Technician James M. [unclear] Date Processed Nov. 27, 1998

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Commission Review)
of Chapter 4901:1-18, Ohio Administrative)
Code (O.A.C.))

PUCO
Case No. 98-942-GE-ORD

**SUPPLEMENTARY MEMORANDUM
BY THE DAYTON POWER AND LIGHT COMPANY**

Now comes The Dayton Power and Light Company (DP&L) and files this Supplementary Memorandum to its previously filed Application for Rehearing to the Finding and Order issued by the Public Utilities Commission of Ohio ("Commission") in this proceeding on August 20, 1998 (Order). In the Order, the Commission adopted an amendment to O.A.C. 4901:1-18-05, requiring a gas company to provide a three day notice to a requesting property owner or their agent when a tenant terminates service either voluntarily or for non-pay. This amendment paralleled a provision of the recently promulgated Electric Service and Safety Standards (ESSS), which requires the same notice from electric distribution companies. DP&L now desires to supplement its Application for Rehearing as a result of a permanent waiver approved subsequently by the Commission in the ESSS.

MEMORANDUM IN SUPPORT

On August 20, 1998, the Commission issued an Order in this proceeding. It adopted an amendment to O.A.C. 4901:1-18-05, requiring gas companies to provide a three day notice of termination of service to a requesting non-customer property owner or agent of a proposed disconnection of service to a tenant. Such notice is required whether the contemplated termination is at the request of the tenant or for non-pay. As stated in the Order, this amendment paralleled a provision of the recently promulgated ESSS under Rule 4901:1-10-25(B). DP&L filed an Application for Rehearing in this case on September 16, 1998 and commented directly on this particular rule. Subsequently, on November 5, 1998 the Commission granted a permanent waiver request under the ESSS filed by the Ohio Electric Utility Institute (OEUI). One of the permanent waivers granted was a modification to Rule 4901:1-10-25(B). Specifically, the Commission added the following to Rule 4901:1-10-25:

- (C) Notwithstanding any notice requirement of an electric distribution company under this rule, an electric distribution company will not be found to have violated this rule if:
- (1) the electric distribution company uses reasonable efforts to determine the status of the customer/consumer as either a property owner or agent thereof or a tenant; or

- (2) the customer/consumer misrepresents the status of the customer/consumer as either a property owner or agent thereof or tenant.

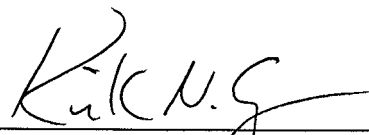
This modification to Rule 4901:1-10-25 provides some comfort to electric distribution companies who make good faith efforts to comply with this Rule.

DP&L files this Supplementary Memorandum to request the Commission insert this same language in proposed Rule 4901:1-18-05(G). There are two reasons for this request. First, the standard of care under which electric distribution companies provide notices to customers or consumers should not differ from the standard of care under which gas companies provide notices to its customers or consumers. Both electric distribution companies and gas companies provide vital and necessary utility services, requiring both companies to make good faith efforts in providing mandated notices. In turn, if such good faith efforts are made to provide these mandated notices, both electric distribution companies and gas companies deserve the protection granted to them in this requested modification. Second, combination companies like Cinergy and DP&L need the consistency of one standard of care as proposed here to assist in properly planning and programming the multitude of changes required by both the ESSS and proposed Rule 4901:1-18-05(G) under this case.

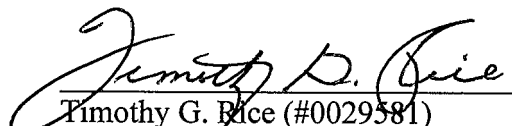
Conclusion

In consideration of the permanent waiver previously granted by the Commission under ESSS and the discussion above, DP&L respectfully requests the Commission insert the same language added [4901:1-10-25(C)] pursuant to the permanent waiver request of the OEUI into the proposed Rule 4901:1-18-05(G).

Respectfully submitted on behalf of
THE DAYTON POWER AND LIGHT COMPANY



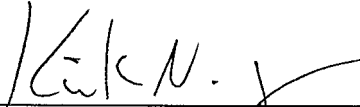
Kirk N. Guy (#0032752)
Associate General Counsel



Timothy G. Rice (#0029581)
Senior Counsel

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served upon The Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215 and all other listed parties of record via regular U.S. mail this 23 day of November, 1998.



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