

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
The Cincinnati Gas & Electric Company)	Case No. 99-1658-EL-ETP
for Approval of its Electric Transition)	Case No. 99-1659-EL-ATA
Plan, Approval of Tariff Changes and)	Case No. 99-1660-EL-ATA
New Tariffs.)	

ENTRY

The Commission finds:

- (1) The applicant, The Cincinnati Gas & Electric Company (CG&E or the 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 Commission's opinion and order dated August 31, 2000, ordered the company to informally distribute its proposed compliance tariffs to all interested parties within 14 days following the issuance of the order. Following the proposed compliance tariff distribution, interested parties were given 14 days to provide informal comments to the staff. Within 14 days thereafter, the company was ordered to file its proposed tariffs in the form of an application for approval of compliance tariffs.
- (3) In accordance with this schedule, interested parties provided informal comments to the staff concerning the company's proposed tariffs. Subsequent to the informal comments, various modifications were made to the proposed tariffs based on the informal comments and the staff's review.
- (4) As directed in the opinion and order, CG&E submitted, on October 20, 2000, ten complete printed copies of proposed compliance tariffs to be effective on January 1, 2001.
- (5) The Commission's staff has reviewed CG&E's proposed compliance tariffs, as well as the comments contained in pleadings filed by various intervenors. The proposed compliance filing incorporates some of the modifications based on those filings. The staff recommends that, with the exceptions set forth in Findings (6), (7) and (8), of this entry, CG&E's proposed tariffs should be found to be consistent with the discussion and findings set forth in the opinion and order. The Commission finds that CG&E's proposed tariffs, as modified by this entry, should be approved.
- (6) The staff recommends that the modifications to the company's tariffs detailed in Attachment A should be made to provide specific procedures to follow before termination or suspension of a certified supplier. We agree with the staff's recommendations and

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direct the company to submit final tariff revisions consistent with the language set forth in Attachment A. Consistent with this tariff provision, if the Commission does not act within 10 days upon receipt of a request for authorization to terminate or suspend a certified supplier, the company's request to terminate or suspend shall be deemed authorized on the 11th day.

- (7) The staff further recommends that language should be included in the tariffs to comply with the Commission's entry of July 19, 2000, in Case No. 00-813-EL-EDI which states, on page 13, "accordingly, we will only allow a minimum stay period to be imposed where the utility can demonstrate that the customer was given at least 14 days notice that the customer would be returned to SOS subject to a stated minimum stay period, and that the customer failed to choose an alternative. Such should clearly specify (1) the date by which the customer must choose another CRES or alternative and that the customer will return to SOS if the customer fails to make such choice; (2) the minimum stay period during which the customer will be ineligible to switch; and (3) any alternatives available to the customer to avoid the minimum stay period."
- (8) On November 3, 2000, the Ohio Council of Retail Merchants (OCRM) filed a motion to disapprove CG&E's proposed tariff filing as not being in compliance with the Commission's order approving the electric transition plan for the company. CG&E filed a response to that motion. We believe that most of the concerns raised by the OCRM have been addressed herein. However, with regard to the adequacy of CG&E's Rider AG (Tariff No. 19, Sheet No. 22, pages 4-5 and Tariff No. 20, Sheet No. 36, pages 6-7) which provides for an alternative to the "minimum stay" provisions discussed in our August 31, 2000 Entry on Rehearing in Case No. 00-813-EL-EDI, we will hold approval of the AG Rider in abeyance until the Commission's staff and the OSPO participants submit a recommendation for a uniform alternative to the minimum stay provision and the Commission has had time to review the matter.
- (9) The Commission approves, on an interim basis, the "Use of Service" provisions which have deleted previous portions prohibiting master metering by landlords. However, the Commission intends to review further the issue of sales for resale. Consistent with the entry approving FirstEnergy's compliance tariffs, all interested parties should submit comments regarding the issue of sale for resale and the findings of the *Brooks* order in light of Senate Bill 3 and electric restructuring within 15 days of the approval of that entry. Reply comments should be filed no later than 7 days after that date.

It is, therefore,

ORDERED, That CG&E's proposed compliance tariffs filed October 20, 2000, as modified herein, are approved. It is, further,

ORDERED, That the company is authorized to file in final form, four complete printed copies of the tariffs consistent with the findings of this entry, and to cancel and withdraw the superseded tariffs. One copy shall be filed in this case docket, one copy shall be filed with the companies' TRF dockets, and the remaining two copies shall be designated for distribution to the Commission staff. It is, further,

ORDERED, That the effective date of the new tariffs shall be January 1, 2001. The rates contained in the new tariffs shall be applicable on a bills-rendered basis. It is, further,


ORDERED, That the company shall make all approved tariffs available on its official company website and provide all approved tariffs electronically to the Commission's Docketing Division. It is, further,

ORDERED, That nothing in this entry shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation. 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


Ronda Hartman Fergus


Judith A. Jones

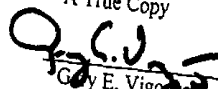

Donald L. Mason

RBF:dj

Entered in the Journal

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A True Copy


Gay E. Vigor
Secretary

ATTACHMENT A

SECTION XX DEFAULT, SUSPENSION, AND TERMINATION OF A CERTIFIED SUPPLIER

~~20.2~~ Notice of Suspension or Termination

~~The Company shall notify the Certified Supplier in writing five (5) business days in advance of any suspension or termination, except for a suspension or termination due to a default as described in Section 20.1(e), which shall become effective immediately and without prior notice to the Certified Supplier. The notice shall state the reason why the Company seeks to suspend or terminate the Certified Supplier. The Company shall send the notice to the address and fax number provided by the Certified Supplier in its Certified Supplier Service Agreement.~~

20.2 NOTICE OF INTENT TO SUSPEND OR TERMINATE

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TARIFF OR THE CERTIFIED SUPPLIER SERVICE AGREEMENT, IN THE EVENT OF A DEFAULT, THE COMPANY SHALL SERVE WRITTEN NOTICE OF SUCH DEFAULT IN REASONABLE DETAIL AND WITH A PROPOSED REMEDY TO THE CERTIFIED SUPPLIER AND THE COMMISSION. IF THE CERTIFIED SUPPLIER DOES NOT REMEDY THE DEFAULT WITHIN 20 (TWENTY) DAYS, THE COMPANY SHALL SERVE WRITTEN NOTICE TO THE CERTIFIED SUPPLIER OF THE COMPANY'S INTENT TO TERMINATE OR SUSPEND THE CERTIFIED SUPPLIER SERVICE AGREEMENT.

~~20.2~~ Effect of Default

~~In the event of default, the Company shall have the discretion to temporarily suspend or completely terminate the Certified Supplier's participation in the Company's Customer Choice Program.~~

20.3 SUSPENSION OR TERMINATION AUTHORIZATION

SIMULTANEOUSLY, WITH THE WRITTEN NOTICE OF THE COMPANY'S INTENT TO TERMINATE OR SUSPEND, THE COMPANY SHALL FILE A WRITTEN REQUEST WITH THE COMMISSION FOR AUTHORIZATION TO TERMINATE OR SUSPEND THE CERTIFIED SUPPLIER SERVICE AGREEMENT. IF THE COMMISSION DOES NOT ACT WITHIN 10 (TEN) DAYS UPON RECEIPT OF THE REQUEST, THE COMPANY'S REQUEST TO TERMINATE OR SUSPEND SHALL BE DEEMED AUTHORIZED ON THE 11TH (ELEVENTH) DAY.