

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The Dayton )  
Power and Light Company for Approval of ) Case No. 05-623-EL-ATA  
Tariff Changes Associated with Request to )  
Change its Excise Tax Surcharge Tariff Rate. )

In the Matter of the Application of The Cincinnati )  
Gas & Electric Company to Modify its Rider OET, ) Case No. 05-625-EL-UNC  
Ohio Excise Tax Rider. )

In the Matter of the Application of Monongahela )  
Power Company for Approval of Tariff Changes ) Case No. 05-688-EL-ATA  
Associated with Request to Change its Energy )  
Tax Rider Rate. )

In the Matter of the Application of Ohio Power )  
for Approval to Change the KWH Tax Riders ) Case No. 05-702-EL-ATA  
Included In its Tariffs. )

In the Matter of the Application of Columbus )  
Southern Power Company for Approval to ) Case No. 05-703-EL-ATA  
Change the KWH Tax Riders Included In its )  
Tariffs. )

In the Matter of the Application of the Ohio )  
Edison Company for Approval of Tariffs Related ) Case No.05-718-EL-ATA  
to the Revised Section 5727.81 O.R.C. )

In the Matter of the Application of The Cleveland )  
Electric Illuminating Company for Approval of ) Case No.05-720-EL-ATA  
Tariffs Related to the Revised Section )  
5727.81 O.R.C. )

In the Matter of the Application of the Toledo )  
Edison Company for Approval of Tariffs Related ) Case No.05-721-EL-ATA  
to the Revised Section 5727.81 O.R.C. )

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FINDING AND ORDER

The Commission finds:

- (1) The Applicants are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) Pending House Bill No. 66 of the Ohio General Assembly includes an amendment to Section 5728.81, Revised Code, which would increase the Ohio excise tax levied on electric distribution companies. Each of the public electric utilities, as captioned above, is requesting to change its kWh tax riders to reflect the rates of taxation in the final amended Section 5727.81, Revised Code, if passed.
- (3) Section 4909.161, Revised Code, permits any electric utilities required to pay the Ohio excise tax imposed by Section 5727.81, Revised Code, to file with the Commission revised rate schedules that will permit full recovery on a permanent basis of such tax and directs the Commission to act promptly to approve those schedules filed consistent with Section 4905, Section 4909 and Section 4928.34(A)(6), Revised Code.
- (4) Each application requests amendments to current tariff provisions in order to reflect the rates of taxation currently proposed under House Bill 66. The Commission finds the applications to be reasonable. However, should the final taxation rates approved by the Ohio legislature differ from the applications, the tariffs shall be updated to reflect the rates approved by the Legislature.

It is, therefore,

ORDERED, That the applications as captioned above are approved pursuant to Finding (4). It is, further,

ORDERED, That each Applicant is authorized to file in final form four complete copies of tariffs consistent with this Finding and Order. One copy shall be with this case docket, one copy shall be with the Applicant's TRF docket and the remaining two copies shall be designated for distribution to the Rates and Tariffs Division of the Commission's Utilities Department. The Applicants shall also update their tariffs previously filed electronically with the Commission's Docketing Division. It is, further,

ORDERED, That the approved rates shall be effective with bills rendered on July 1, 2005, or with bills rendered on the date on which amended Section 5727.81, Revised Code, is approved by the Ohio legislature, whichever is later. It is, further,

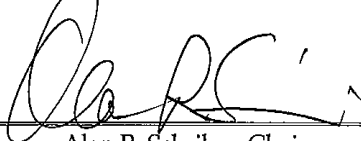
ORDERED, That the Applicants shall notify all effected customers via a bill message or via a bill insert within 60 days of the effective date of the tariffs. It is, further,

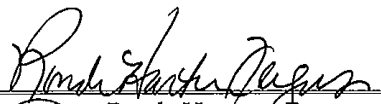
ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicants and all parties of record. It is, further,

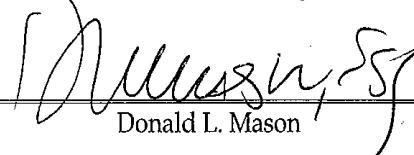
ORDERED, That these cases be closed as a matter of record.

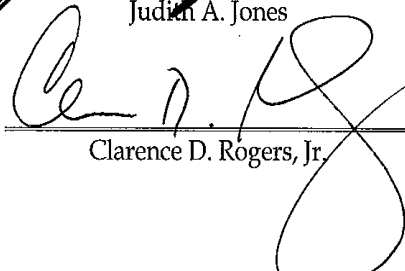
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Alan R. Schriber, Chairman

  
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Ronda Hartman Fergus

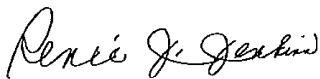
  
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Judith A. Jones

  
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Donald L. Mason

  
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Clarence D. Rogers, Jr.

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Entered in the Journal  
JUN 14 2005

  
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Renee J. Jenkins

Renee J. Jenkins  
Secretary