

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Cincinnati Gas & Electric Company for) Case No. 99-1658-EL-ETP
Approval of its Electric Transition Plan,) Case No. 99-1659-EL-ATA
Approval of Tariff Changes and New) Case No. 99-1660-EL-ATA
Tariffs, Authority to Modify Current) Case No. 99-1661-EL-AAM
Accounting Procedures, and Approval) Case No. 99-1662-EL-AAM
to Transfer its Generating Assets to an) Case No. 99-1663-EL-UNC
Exempt Wholesale Generator.)

In the Matter of the Application of the)
Dayton Power and Light Company for)
Approval of its Transition Plan, for) Case No. 99-1687-EL-ETP
the Opportunity to Receive Transition) Case No. 99-1688-EL-AAM
Revenues, for Approval to Change) Case No. 99-1689-EL-ATA
Accounting Methods, and Approval to)
Amend its Tariff.)

In the Matter of the Applications of)
Columbus Southern Power Company) Case No. 99-1729-EL-ETP
and Ohio Power Company for Approval) Case No. 99-1730-EL-ETP
of Their Electric Transition Plans and)
for Receipt of Transition Revenues.)

In the Matter of the Application of)
Monongahela Power Company dba) Case No. 00-02-EL-ETP
Allegheny Power for Approval of an)
Electric Transition Plan.)

ENTRY

The Commission finds:

- (1) **On November 30, 1999, the Commission issued rules for the upcoming electric transition plan proceedings, including rules for electric utilities' consumer education plans. In the Matter of the Commission's Promulgation of Rules for Electric Transition Plans and of a Consumer Education Plan, Pursuant to Chapter 4928, Revised Code, Case No. 99-1141-EL-ORD (November 30, 1999), Attachment II. Pursuant to Rule 4901:1-20-03(B), Ohio Administrative Code, and Section (G) of the Commission-ordered consumer education plan, electric utility companies were required to include in their transition plan applications proposed**

consumer education plans with time frames for research and development, printing and production, and implementation. Implementation of the consumer education campaigns shall commence no later than the beginning of the third quarter of 2000 (*i.e.*, July 1, 2000).

- (2) Pursuant to Amended Substitute Senate Bill 3, the electric utility companies shall spend \$16 million in the aggregate in the first year and \$17 million in the aggregate for the duration of the market transition period on consumer education. The Commission determined, in establishing an education plan, that the funds authorized by Amended Substitute Senate Bill 3 shall only be allocated to aspects of the statewide campaign or the electric utility companies' service territory-specific campaigns. In the second entry on rehearing in Case No. 99-1141-EL-ORD, issued on January 27, 2000, at page 3, the Commission stated that the Consumer Education Plan does not prohibit the disbursement of some service territory-specific funds through contracts with community-based organizations to provide services relating to communicating the message of choice. The Commission wishes to clarify that all such contracts are subject to Commission approval. The Commission also reminds utilities that they may allocate additional dollars to the education of Ohioans if those funds are not requested as part of any recovery mechanism. However, any agreement between an electric utility company and parties to their respective cases regarding the funding of community-based organizations or trade organizations which is not submitted to, and approved by, the Commission constitutes an agreement by the utility to fund such activities.
- (3) Staff Reports were issued in the above-captioned transition plan proceedings. Among other things, the Staff Reports stated that the consumer education plans included in the transition plan filings are consistent with the requirements issued by the Commission on November 30, 1999. With one exception (inclusion of an energy marketer representative in the advisory group), the staff did not have any specific recommendations for the consumer education plans.

- (4) Section 4928.32(B), Revised Code, states that "prior to commission approval of the [transition] plan, the commission shall afford a hearing upon those aspects of the plan that the commission determines reasonably require a hearing." As enacted, this provision clearly affords the Commission with the discretion to determine whether certain aspects of a transition plan require a hearing. After reviewing the consumer education plans in the applications, as well as the staff's recommendations, the Commission believes that the consumer education aspect of the plans may not require a hearing. Prior to determining whether this issue in each of the transition plan proceedings should be set for hearing, we will afford parties to these proceedings an opportunity to submit comments regarding whether the companies' consumer education plans comply with Section 4928.42, Revised Code, and are consistent with the Commission-ordered consumer education plan established in Case No. 99-1141-EL-ORD. Comments should be filed by no later than April 17, 2000. Reply comments may be filed by no later than April 24, 2000. All comments should be served by e-mail on all other parties in accordance with the procedure established by the attorney examiner entries issued in these proceedings.
- (5) Supplemental company testimony and intervenor testimony on this issue only need not be filed in accordance with earlier attorney examiner entries. If the Commission determines that the consumer education aspect of any of the electric transition plans should be set for hearing, a separate timeframe for the filing of that testimony will be established. If such testimony is required, parties are hereby advised that only a brief preparation time will be permitted.

It is, therefore,

ORDERED, That comments and reply comments be submitted by no later than April 17, 2000 and April 24, 2000, respectively, regarding the consumer education plans. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

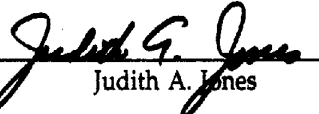
Alan R. Schriber, Chairman



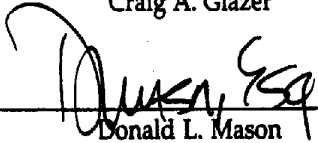
Ronda Hartman Fergus



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RRG;geb

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Secretary