

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
 Investigation of Further Consideration of the)
 Language Set Forth in the Tariffs of Columbia)
 Gas of Ohio, Inc., The East Ohio Gas) Case No. 99-661-GA-COI
 Company, and The Cincinnati Gas & Electric)
 Company Regarding the Enforcement of)
 Marketer Codes of Conduct for the Customer)
 Choice Programs.)


In the Matter of the Application of The East)
 Ohio Gas Company for Approval of Certain) Case No. 00-1370-GA-ATA
 Text and Language Changes Within its Gas)
 Tariff.)

In the Matter of the Application of Columbia)
 Gas of Ohio, Inc. to Revise its Tariff for its) Case No. 00-2450-GA-ATA
 Customer CHOICESM Program.)

ENTRY

The Commission finds:

- (1) By Entry dated August 24, 2000, the Commission directed The East Ohio Gas Company, n.k.a. Dominion East Ohio (East Ohio), to work with the Staff to modify the telephonic enrollment procedure in the East Ohio tariff to conform to the process and consumer safeguards set forth in the Competitive Retail Electric Service Rules issued by the Commission in *In the Matter of the Commission's Promulgation of Rules for Minimum Competitive Retail Electric Service Standards Pursuant to Chapter 4928, Revised Code*, Case No. 99-1611-EL-ORD (CRES rules). The process would allow marketers to enroll customers through telephone calls initiated by either the customer or the marketer. The Commission noted in the Entry that, although telephone solicitation initiated by gas marketers had not been permitted historically, the subject of telephonic enrollment had surfaced repeatedly during consideration of the CRES rules and that the Commission believed that its decision in the CRES had struck a fair balance between marketers' ability to contact and enroll customers and the need to safeguard consumers. The Commission further noted that differing telephonic enrollment requirements for gas marketers and for electric marketers could result in an unwieldy and unnecessary process by which a marketer who wishes to sell both electricity and natural gas in East Ohio's territory could call customers to enroll them in electric choice but would then have to end the call

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and have those customers call the marketer back to enroll them in gas choice.

- (2) In order to comply with the Commission's directive, East Ohio filed proposed tariffs on December 8, 2000, in Case No. 00-1370-GA-ATA.
- (3) In addition, on December 18, 2000, Columbia Gas of Ohio, Inc. (Columbia), on its own initiative, filed proposed tariffs for its gas choice program to make the telephonic enrollment procedure for gas marketers in the Columbia gas choice program consistent with the telephonic enrollment requirements contained in the CRES rules. The proposal was docketed as Case No. 00-2450-GA-ATA.
- (4) On January 24, 2001, The New Power Company (New Power) filed a motion for intervention in Case No. 00-2450-GA-ATA. This motion included support for proposed tariffs filed by Columbia and contained two new proposals by New Power: (1) that Columbia amend its tariffs to allow "marketer-initiated" internet enrollment; and (2) that Columbia remove the restriction in its tariff which prohibits contract terms of more than one-year for "first time participants" in the program.

On February 2, 2001, the Ohio Consumers Counsel filed a motion to intervene in Case No. 00-2450-GA-ATA as well. OCC raised a concern over New Power's new proposal to change the one-year restriction for "first time participants" in Columbia's gas choice program.

- (5) The Commission believes that the new proposals recommended by New Power merit further consideration. Therefore, interested parties may file comments in Case No. 00-2450-GA-ATA by March 12, 2001, addressing the proposals by New Power to allow for "marketer-initiated" internet enrollment and to remove the prohibition against contract terms of more than one year for "first time participants" in the Columbia program, including specifically whether the one-year prohibition should simply be extended to two years, in order to be consistent with the CRES rules.
- (6) The Staff has reviewed both companies' proposals with respect to telephonic enrollment and finds them acceptable. We find the proposed tariffs filed by both East Ohio and Columbia to be reasonable.
- (7) The Commission will address by subsequent entry the applications for rehearing filed in Case No. 99-661-GA-COI by East Ohio on January 31, 2001 and by Columbia on January 24, 2001.

It is, therefore,

ORDERED, That the motions of New Power and the Ohio Consumers' Counsel to intervene in case No. 00-2450-GA-ATA are granted. It is, further,

ORDERED, That the proposed amended tariff filed by East Ohio on December 8, 2000 and the proposed amended tariffs filed by Columbia on December 18, 2000 are approved. It is, further,

ORDERED, That East Ohio is authorized to file in final form four complete printed copies of its revised tariffs consistent with the findings of this Entry, and to cancel and withdraw its superceded tariffs. One copy shall be filed in Case No. 00-1370-GA-ATA, one copy shall be filed with the Applicant's TRF docket and the remaining two copies shall be designated for distribution to the Commission Staff. It is, further,

ORDERED, That Columbia is authorized to file in final form four complete printed copies of its revised tariffs consistent with the findings of this Entry, and to cancel and withdraw its superceded tariffs. One copy shall be filed in Case No. 00-2450-GA-ATA, one copy shall be filed with the Applicant's TRF docket and the remaining two copies shall be designated for distribution to the Commission Staff. It is, further,

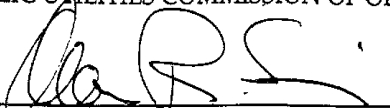
ORDERED, That the effective date of the proposed tariffs shall be a date not earlier than both the date of this Entry and the date upon which four complete, printed copies of final tariffs are filed with the Commission. The new tariffs shall be effective for services rendered on or after such effective date. It is, further,

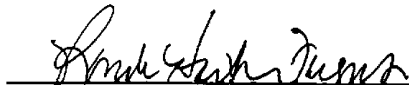
ORDERED, That Case Nos. 99-661-GA-COI and 00-2450-GA-ATA remain open until otherwise ordered by the Commission and that the docket for Case No. 00-1370-GA-ATA be closed. It is, further,

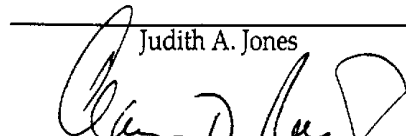
ORDERED, That persons interested in filing comments regarding the proposals made by New Power (regarding "marketer-initiated" internet enrollment and the one-year restriction for "first time participants") should do so by March 12, 2001. All such comments shall be filed in Case No. 00-2450-GA-ATA. It is, further,

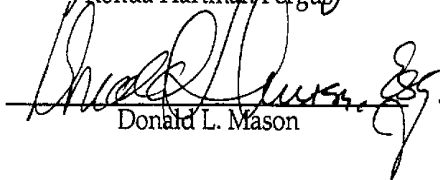
ORDERED, That a copy of this Entry be served upon all parties in these proceedings.

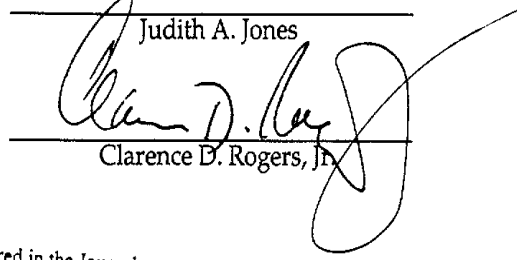
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


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Guy E. Vigorito
Secretary