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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Columbus Southern Power Company)
for Approval of Electric Transition Plan) Case No. 99-1729-EL-ETP
and Application for Receipt of Transition)
Revenues.)

In the Matter of the Application of)
Ohio Power Company for Approval of) Case No. 99-1730-EL-ETP
Electric Transition Plan and Application)
For Receipt of Transition Revenues.)

COLUMBUS SOUTHERN POWER COMPANY'S AND
OHIO POWER COMPANY'S RESPONSES TO OHIO
CONSUMERS' COUNSEL'S APPLICATION FOR REHEARING OR
ALTERNATE MOTION FOR REHEARING

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Clairian B. McCauley Date Processed 11/1/00 Attorneys for Columbus Southern Power Company and Ohio Power Company

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OHIO POWER COMPANY'S
RESPONSES TO OHIO CONSUMERS' COUNSEL'S APPLICATION FOR
REHEARING OR ALTERNATE MOTION FOR REHEARING**

On October 27, 2000, Ohio Consumers' Counsel ("OCC") filed in this proceeding, a pleading titled Application for Rehearing or, In the Alternative Motion to Enforce The Stipulation. The focus of OCC's pleading is the ruling by this Commission, in its September 28, 2000, Opinion and Order in this proceeding, concerning minimum stay requirements for residential customers who return to standard offer service provided by an electric distribution utility—in this instance Columbus Southern Power Company or Ohio Power Company (the AEP Companies).

OCC contends that the "two-return" policy found in the Stipulation and Recommendation submitted in this proceeding on May 8, 2000, is less restrictive for residential customers than the "first-year exemption" adopted by the Commission in Case No. 00-813-EL-EDI (the OSP docket), and, therefore, should not have been rejected by the Commission's modification to the Stipulation and Recommendation.

The AEP Companies desire to make two observations concerning OCC's application and alternative motion. First, it may well be that a uniform and simple to understand minimum stay policy for the entire state could be seen as being less restrictive in the sense that more customers will understand the policy and will not be confused as they move about the state from one EDU's service area to another's. Similarly, with electronic and print advertising crossing EDU service territories, the potential for confusion caused by different minimum stay policies could itself create barriers to customers understanding their options. In this regard, a single policy would be better accommodated by a state-wide and various local consumer education plans. It is difficult to judge what is less restrictive. If customers have difficulty understanding their options, it may well be said that confusion creates a barrier which makes a seemingly less restrictive option more restrictive.

The second observation concerns the timing of the AEP Companies' transition cases, as well as the transition cases of Ohio's other electric utility cases, and the OSP work group process and Case No. 00-813-EL-EDI. Whatever disagreements interested parties have had in these many proceedings, they probably all would agree that they and the Commission have not had the luxury of sufficient time to first set all the state-wide rules and then proceed with the transition cases. The processing of cases with state-wide scope at the same time as individual utility transition cases proceeded, created the potential for an utterly confusing roll-out of customer choice. To the credit of many participants, much of that confusion has been avoided.

It is clear that the thinking on the minimum stay issue was evolving as these various dockets were going forward. It cannot be mere coincidence that the two utilities

whose settlements adopted the "first-year exemption" policy were the first two settlements submitted to the Commission, while the last three settlements incorporated the "two-return" policy. At the same time, the Commission's thinking on this issue also was evolving, but in the opposite direction. The Commission's ruling in the Opinion and Order in the AEP Companies' transition plan cases represents its ultimate conclusion on what is the most reasonable minimum stay policy for residential customers throughout Ohio. The Commission's modification to the minimum stay provision of the settlement in the AEP Companies' transition plan proceeding appears to be consistent with the Commission's attempt to manage the many dockets before it in a way which results, to the extent possible, in uniform policies on issues that are deserving of uniformity and which would have been uniformly resolved if a more reasonable and orderly industry restructuring implementation process had been possible.

Respectfully submitted,

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Attorneys for Columbus Southern Power
Company and Ohio Power Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Columbus Southern Power Company's and Ohio Power Company's Memorandum in Response to Ohio Consumers' Counsel's Application for Rehearing or Alternate Motion for Rehearing have been served on counsel of record in this proceeding by First Class and Electronic mail this 6th day of November, 2000.

Mary Ryan Fenlon
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