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PUCO

Cinergy Corp.  
139 East Fourth Street  
Rm 25 AT II  
P.O. Box 960  
Cincinnati, OH 45201-0960  
Tel 513.287.3601  
Fax 513.287.3810  
jfinnigan@cinergy.com

JOHN J. FINNIGAN, JR.  
Senior Counsel

Via Overnight Mail

December 12, 2000

**CINERGY**

Daisy Crockron  
Chief, Docketing Department  
Public Utilities Commission of Ohio  
180 East Broad Street - 10th Floor  
Columbus, Ohio 43215-3793

Re: In the Matter of the Application of The Cincinnati Gas & Electric Company for Approval of its Retail Electric Tariff and Certified Supplier Tariff - Case No. 00-2412EL-ATA

Dear Ms. Crockron:

Enclosed is an original and twelve copies of The Cincinnati Gas & Electric Company's Application for Approval of Retail Electric Tariff, P.U.C.O. Electric No. 19, and Certified Supplier Tariff, P.U.C.O. Electric No. 20. Please date-stamp two copies and return in the envelope provided.

If you have any questions, please feel free to contact me.

Very truly yours,



John J. Finnigan, Jr.

JJF/ssf

Enclosures

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FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Application Not for an Increase in Rates,  
pursuant to Section 4909.18 Revised Code

RECEIVED  
CASE NO. 00-2412-ATA  
PUCO  
DEC 13 11:07

In the Matter of the Application of The Cincinnati )  
Gas & Electric Company for Approval of its Retail ) Case No. 00- 2412 EL-ATA  
Electric Tariff and Certified Supplier Tariff )

1. APPLICANT RESPECTFULLY PROPOSES: (Check applicable proposals)

- ☐ New Service ☐ Change in Rule or Regulation  
☐ New Classification ☐ Reduction Rates  
☐ Change in Classification ☐ Correction of Error  
☒ Other, not involving increase in rates.  
☐ Various related and unrelated textual revision, without change in intent

2. DESCRIPTION OF PROPOSAL: This application is made pursuant to Section 4909.18, Ohio Revised Code, and requests approval of language changes in applicant's Retail Electric Tariff and Certified Supplier Tariff.

3. TARIFFS AFFECTED: (If more than 2, use additional sheets)

P.U.C.O. Electric No. 19, Sheet No. 22

Tariff Title: Section III - Service Regulations Customer Choice Enrollment and Participation Guidelines

Section: 4. Switching Rules - Large commercial and industrial customers

P.U.C.O. Electric No. 20, Sheet No. 36

Tariff Title: Section VII - End-use Customer Enrollment Process

Section: 7.7 e) v.)

4. Attached hereto and made a part hereof are: (Check applicable Exhibits)

- ☒ Exhibit A - existing schedule sheets (to be superseded) if applicable  
☒ Exhibit B - proposed schedule sheets

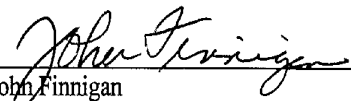
\_\_\_\_ Exhibit C-1

- (a) if new service is proposed, describe;
- (b) if new equipment is involved, describe (preferably with a picture, brochure, etc.) and where appropriate, a statement distinguishing proposed service from existing services;
- (c) if proposed service results from customer requests, so state, giving if available, the number and type of customers requesting proposed service

\_\_\_\_ Exhibit C-2 - if a change of classification, rule or regulation is proposed, a statement explaining reason for change.

X Exhibit C-3 - statement explaining reason for any proposal not covered in Exhibits C-1 or C-2.

- 5. This application will not result in an increase in any rate, joint rate, toll, classification, charge or rental.
- 6. Applicant respectfully requests the Commission to permit the filing of the rate schedule, to become effective on the date, subsequent to filing, to be shown on the proposed schedule which will be filed with the Commission; and to be in the form shown in Exhibit B.

  
\_\_\_\_\_  
John Finnigan  
Senior Counsel  
The Cincinnati Gas & Electric Company  
Title

139 East Fourth Street  
Cincinnati, Ohio 45202  
Address

(513) 287-2633  
Telephone Number

Exhibit A

CURRENT TARIFF SCHEDULE

PUCO ELECTRIC NO. 19, SHEET NO. 22

SECTION III – SERVICE REGULATIONS CUSTOMER CHOICE

ENROLLMENT AND PARTICIPATION GUIDELINES

And

PUCO ELECTRIC NO.20, SHEET NO. 36

SECTION VII – END-USE CUSTOMER ENROLLMENT PROCESS

### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES

#### 1. Selection of Certified Supplier

In order to obtain Competitive Retail Electric Service from a Certified Supplier, a customer must enter into an agreement with a Certified Supplier who meets the requirements for participation in this Customer Choice Program pursuant to the Certified Supplier Service Rules, Regulations, and Rates, specified in CG&E P.U.C.O. Electric No. 20. Enrollment of customers is done through a Direct Access Service Request (DASR), which may be submitted only by Certified Suppliers. DASRs will be effective on the next regularly scheduled meter read date provided that it is received by the Company at least twelve (12) calendar days before the next regularly scheduled meter read date. Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. Should the contract date also be the same, the enrollments will be processed on a first in priority basis, based on the order in which the Company received the DASRs. An account may only be served by one Certified Supplier at a time.

Customers may contact the Company at any time to report that they have been switched without giving consent. To decrease the probability of this occurring, the Company requires that Certified Suppliers obtain, and maintain in their files, customer authorizations as dictated by Commission rules. These authorizations must be made available to the Company, upon request, within three (3) business days.

If Percentage Income Payment Plan (PIPP) customers are aggregated for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Competitive Retail Electric Service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program.

#### 2. Pre-Enrollment End-use Customer Information List

Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact a customer, but suppliers shall not be required to purchase subsequent lists.

The Company will provide customers the option to have all the customer's information listed in the section below removed from the End-use Customer information list. The Company will also provide customers the option to have all the customer's information listed below reinstated on the End-use Customer information list. The customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.

The following information will be provided on the End-use Customer information list for each customer who has not requested that all information be removed from this list:

- (a) End-use Customer name
- (b) Service Address
- (c) Service City
- (d) Service State and Zip Code
- (e) Mailing Address
- (f) Mailing City
- (g) Mailing State and Zip Code
- (h) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
- (i) Rider (if applicable)

Filed pursuant to an Entry dated November 21, 2000 in Case No. 99-1658-EL-ETP before the Public Utilities Commission of Ohio.

Issued: December 13, 2000

Effective: February 2, 2001

Issued by J. Joseph Hale, Jr., President

### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)

- (j) Load Profile Reference Category
- (k) Meter Type (will provide information that is readily available)
- (l) Interval Meter data indicator (will provide information that is readily available)
- (m) Budget Bill/PIPP Indicator
- (n) Meter Read Cycle
- (o) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

#### 3. Customer Choice Participation Requirements

To participate in the Customer Choice Program, a customer must have an active electric service account with the Company. After the Company has accepted the customer's application for electric service, the customer may select and contact a Certified Supplier. The Company shall provide a list of all approved Certified Suppliers and which classes of customers the Certified Supplier will serve to a) all of its customers prior to the initiation of competition and quarterly throughout the remainder of the Market Development Period; b) all applicants for new service and customers returning to Standard Offer Service; and c) any customer upon request. The Company shall not endorse any Certified Supplier nor indicate that any Certified Supplier will receive preference because of a corporate relationship.

Interval meters are required for customers who choose a Certified Supplier and have a maximum peak demand equal to or greater than 100 kW for the most recent twelve (12) month period. Interval meters are also required for those customers that have an interruptible load contract with their Certified Supplier. CG&E may also require interval metering, at Company expense, for other customers based on a review of the customer's rate schedule, billing history and class load profile information. In addition, a communication link must also be installed. The enrollment DASR for these customers will not be approved until a customer-signed interval meter request work order has been executed and submitted approving the interval meter installation.

Customers are responsible for the incremental costs of the interval meters and the incremental costs associated with the installation of required interval metering. While CG&E will install the meter, the Certified Supplier, on behalf of the customer, or the customer, must arrange for the installation of the communication link (analog telephone line, hard wired or cellular). CG&E will be allowed access to the communication link for meter interrogation. The interval metering equipment will be maintained and owned by the Company. The charges for the installation of the interval metering equipment are specified on tariff Sheet No. 96 "Meter Service Charges." These charges may be paid over a period not to exceed twenty-four (24) months.

Upon the successful processing of an enrollment and/or drop DASR, the Company will notify the customers in writing with the name and phone number of the Certified Supplier, the previous Certified Supplier (if applicable), the effective service change date, the Company's toll-free telephone number, the right to request an actual meter read prior to the transfer of service and the right to rescind (if applicable).

#### 4. Switching Rules

An enrollment DASR must be received by the Company at least twelve (12) calendar days before the effective date, which will be the customer's next regularly scheduled meter reading date, to enroll with or switch to a new Certified Supplier. Enrollment DASRs will be effective according to the following schedule:

- (a) If an enrollment DASR is received twelve (12) or more days prior to the next regularly scheduled meter read date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the next regularly scheduled meter read date.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (b) If an enrollment DSR is received less than twelve (12) days prior to the next regularly scheduled meter read date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the second regularly scheduled meter read date after the enrollment DSR is received.
- (c) If an enrollment DSR is currently pending, and another enrollment DSR is received, the first enrollment DSR will be effective and the second enrollment DSR will be rejected. There cannot be two pending enrollment DSRs for the same account at the same time.

For the purpose of switching rules, customers are divided into three categories; residential, small commercial and industrial, and large commercial and industrial. Residential customers are customers who use electricity for residential purposes. Small commercial and industrial customers are defined as customers who use electricity for nonresidential purposes, consume less than 700,000 kWh of electricity per year and are not part of a national account involving multiple facilities in one or more states. Large commercial and industrial customers are customers who use electricity for nonresidential purposes, consume greater than or equal to 700,000 kWh of electricity per year or are part of a national account involving multiple facilities in one or more states.

Residential and small commercial and industrial customers, pursuant to Commission rules, have the right to rescind an enrollment. Any residential or small commercial and industrial enrollment, either with a Certified Supplier or with the Company, may be rescinded by contacting the Company within seven days from the postmark date on the notice advising of the enrollment. When the Company receives notice of a rescission, the impending enrollment will be cancelled and the residential or small commercial and industrial customer will remain with their current supplier.

The following rules apply to any customer receiving service under any rate constituting the Company's Standard Service Offer:

**Residential Customers**

- (a) Residential customers will not be subject to a minimum stay until January 1, 2002.
- (b) Beginning May 16, 2002 and throughout the Market Development Period, if a residential customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that residential customer must remain on the Standard Offer Rate until the following May 15. However, if the residential customer has not previously switched, the residential customer may switch at any time. Following the stay out period through the following May 15, returning residential customers may switch to another Certified Supplier at any time for the remainder of the Market Development Period; however, if the residential customer returns again to the Standard Offer Rate, the customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- (c) If a residential customer's Certified Supplier defaults or the residential customer opts out of a governmental aggregation program, the residential customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A residential customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the residential customer should not be subject to the minimum stay requirement.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (d) To avoid the above minimum stay requirement, residential customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows residential customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a residential customer returns to the Company, the residential customer, absent an affirmative action, is placed on the Standard Offer Rate. The residential customer will be mailed a letter the day following the successful processing of a DASR returning the residential customer to the Company. The letter will state (1) the date by which the residential customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the residential customer will return to the Company's Standard Offer Rate if the residential customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the residential customer will be ineligible to switch if the residential customer returns to the Standard Offer Rate. The residential customer has until twelve (12) calendar days before his or her first meter read after his or her return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the residential customer with more than the minimum required fourteen (14) days notice before the residential customer would be subject to a minimum stay. A returning residential customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning residential customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed Rider AG, Optional Alternative Generation Service from the time of his or her initial return until the residential customer selects either a Certified Supplier or the Standard Offer Rate.

**Small Commercial and Industrial Customers**

- (a) Small commercial and industrial customers will be subject to a minimum stay beginning January 1, 2002.
- (b) Beginning May 16, 2002 and throughout the Market Development Period, if a small commercial and industrial customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that small commercial and industrial customer must remain on the Standard Offer Rate until the following May 15. However, if the small commercial and industrial customer has not previously switched, the small commercial and industrial customer may switch at any time. Following the stay out period through the following May 15, returning small commercial and industrial customers may switch to another Certified Supplier at any time for the remainder of the Market Development Period; however, if the small commercial and industrial customer returns again to the Standard Offer Rate, the customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (c) If a small commercial and industrial customer's Certified Supplier defaults or the small commercial and industrial customer opts out of a governmental aggregation program, the small commercial and industrial customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A small commercial and industrial customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the small commercial and industrial customer should not be subject to the minimum stay requirement.
- (d) To avoid the above minimum stay requirement, small commercial and industrial customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows small commercial and industrial customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinerity futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a small commercial and industrial customer returns to the Company, the small commercial and industrial customer, absent an affirmative action, is placed on the Standard Offer Rate. The small commercial and industrial customer will be mailed a letter the day following the successful processing of a DASR returning the small commercial and industrial customer to the Company. The letter will state (1) the date by which the small commercial and industrial customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the small commercial and industrial customer will return to the Company's Standard Offer Rate if the small commercial and industrial customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the small commercial and industrial customer will be ineligible to switch if the small commercial and industrial customer returns to the Standard Offer Rate. The small commercial and industrial customer has until twelve (12) calendar days before its first meter read after its return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the small commercial and industrial customer with more than the minimum fourteen (14) days notice before the small commercial and industrial customer would be subject to a minimum stay. A returning small commercial and industrial customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service and the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning small commercial and industrial customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed Rider AG, Optional Alternative Generation Service from the time of its initial return until the small commercial and industrial customer selects either a Certified Supplier or the Standard Offer Rate.

**Large Commercial and Industrial Customers**

- (a) Beginning January 1, 2001, large commercial and industrial customers returning to the Standard Offer Rate must remain on the Standard Offer Rate for a period of not less than twelve (12) consecutive Billing Cycles.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (b) The Company offers an exit fee for large commercial and industrial customers to switch from the Company before the end of the Company's minimum stay requirement. The exit fee, that may vary based on the large commercial and industrial customer size or rate class, will be offered to allow the large commercial and industrial customer to avoid meeting the minimum stay requirement. The exit fee will be calculated based on the projected generation revenue over the remainder of the 12 month minimum stay requirement minus the average annual cost of generation. The customer's historic usage for similar period one year prior will be used for the consumption projection and the applicable shopping credit will be used for calculating generation revenue. Large commercial and industrial customers must provide prior notification to the Company before returning to the Standard Offer Rate.
- (c) Notification Periods for Large Commercial and Industrial Customers
  - i) Large commercial and industrial customers are subject to a ninety (90) day notification period before returning to the Standard Offer Rate between May 1 and October 31.
  - ii) Large commercial and industrial customers wishing to return to the Standard Offer Rate between November 1 and April 30 of each calendar year shall give a minimum of sixty (60) days notice.
  - iii) Large commercial and industrial customers returning to the Company's Standard Offer Rate without 60 or 90 days prior notice (whichever is applicable) will be assessed a charge of \$10/kW, based on peak kW demand during the three (3) Billing Cycles subsequent to their return.
- (d) If a large commercial and industrial customer's Certified Supplier defaults or the large commercial and industrial customer opts out of a governmental aggregation program, the large commercial and industrial customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A large commercial and industrial customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the large commercial and industrial customer should not be subject to the minimum stay requirement.

**5. Certified Supplier Defaults**

If a Certified Supplier defaults, the Company will notify the customers of the default. However, service to the affected customers will not be interrupted due to the default. The customers involved will return to the Company's Standard Offer Rate on their next regular scheduled meter read date, unless there is sufficient time to choose an alternative supplier.

**6. Certified Supplier Drop Customers**

If the Certified Supplier decides to discontinue service to a customer, the Certified Supplier will notify the customer in accordance with Commission rules and submit a Drop DASR to the Company at least twelve (12) calendar days in advance of the requested drop date, which will be the next regular scheduled meter read date. The Company will notify the customer when a Drop DASR is received.

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### SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)

#### 7. Requests for Customer Specific Usage Information

A customer or a Certified Supplier, acting as the customer's authorized agent, may request specific usage information. The customer specific usage request will include twelve (12) months of historical data (if available) including monthly kWh usage, meter read dates, and associated monthly maximum demand history, if applicable. This information will be provided to the customer or the Certified Supplier, acting as the customer's authorized agent, free of charge.

If the customer requests monthly interval metering data, the customer will be required to pay the charge specified on the tariff Sheet No. 95 "Meter Data Charges." Charges to Certified Suppliers for interval data are specified in P.U.C.O. Electric No. 20.

#### 8. Customer Aggregation

Customers may be aggregated for purposes of negotiating the purchase of Competitive Retail Electric Services from a Certified Supplier. Customer aggregation is not restricted by the class of customer within an aggregated group. Accordingly, any customer may be represented by an aggregator. However, an aggregator is not a customer, but rather an agent for aggregated customers. Each aggregated customer will be treated as an individual customer of the Company for billing purposes under their otherwise applicable rate schedules, including the billing of applicable Generation Charges and Shopping Credits. Combination of meter registrations of aggregated customers will not be permitted. No charge of a tariff service will be affected by a customer's aggregation status, and aggregation of load cannot be used for qualification under a tariff.

#### 9. Bill Payment Option

A Certified Supplier must notify the Company which billing option is being chosen for its customers: (1) Company Consolidated bill statements, or (2) Separate Company and Certified Supplier bill statements. When the Company Consolidated billing option is selected, the customer will receive one bill from the Company, which will include both the Company's and the Certified Supplier's charges stated separately. The customer is responsible for payment in full to the Company for both the Company and Certified Supplier charges when the Company performs consolidated billing. The billing option must be identified at the time the enrollment DASR is submitted to the Company. Regardless of the billing option selected by the Certified Supplier, the customer may still choose to have budget billing for bills rendered by the Company.

For customers who have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options. If a customer has a maximum annual peak demand less than 100 kW and the Company must install special metering to support a Certified Supplier's billing option, the customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment. The charges for an interval meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months.

If the Company is providing the consolidated bill option for the Certified Supplier, the Company will remit payments received for Certified Supplier charges including the associated taxes to the Certified Supplier.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

All billed charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

If the dual bill option is chosen, the customer will receive separate bills from the Company and the Certified Supplier for their respective charges. The Company and Certified Supplier shall be individually responsible for the collection of their respective charges.

Regardless of the bill option chosen by the Certified Supplier, customers who fail to pay in full their Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy as it applies to those Regulated Utility Charges. The customer will also be subject to the rules and regulations governing the credit, collection and disconnection procedures in accordance with Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

The Certified Supplier is ultimately responsible for the collection of any unpaid charges for services provided by them, as well as for developing their own credit and collection policies. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform customers of such arrearages. In accordance with the rules and regulations governing the credit, collection and disconnection procedures specified in Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, the Company may not disconnect a customer for non-payment of the Certified Supplier's charges, nor may the Certified Supplier physically disconnect customers for non-payment of Certified Supplier charges.

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**SECTION VII**  
**END-USE CUSTOMER ENROLLMENT PROCESS**

**7.1. Certified Supplier Authorization**

In order to be authorized to enroll End-use Customers in the Company's Customer Choice Program, a Certified Supplier must meet the requirements contained in Section V - Certified Supplier Registration and Participation Requirements, must have submitted a TSA Designation form to the Company, and must, where applicable, have the appropriate rates in production within the Company's billing system, as described in Section X - Billing Services and Obligations. Aggregators or governmental aggregators must either become a Certified Supplier as described above or must act through a Certified Supplier.

**7.2. Percentage of Income Payment Plan (PIPP) Customers**

In the event the Director of the Ohio Department of Development (ODOD) aggregates PIPP customers for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Commodity service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program, as ODOD would mandate the source of electric Commodity for these customers.

**7.3. Pre-Enrollment End-use Customer Information List**

- a) Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The supplier will pay the Company \$150.00 for providing the list to the supplier.
- b) The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact End-use Customers, but suppliers shall not be required to purchase subsequent lists.
- c) The Company will provide End-use Customers the option to have all the End-use Customer's information listed in the section below removed from the End-use Customer information list. At the same time, the Company will also provide End-use Customers the option to have all End-use Customer's information listed below reinstated on the End-use Customer information list. The End-use Customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.
- d) The following information will be provided on the End-use Customer information list for each End-use Customer who has not requested that all information be removed from this list:
  - i) End-use Customer name
  - ii) Service Address
  - iii) Service City
  - iv) Service State and Zip Code
  - v) Mailing Address
  - vi) Mailing City
  - vii) Mailing State and Zip Code
  - viii) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
  - ix) Rider (if applicable)
  - x) Load Profile Reference Category

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SECTION VII  
END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)

- xi) Meter Type (will provide information that is readily available)
- xii) Interval Meter data indicator (will provide information that is readily available)
- xiii) Budget Bill/PIPP indicator
- xiv) Meter Read Cycle
- xv) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

- e) The Company will provide the End-use Customer information list by either a compact disc or on a designated website. The information will be prepared and distributed in a uniform and useable format that allows for data sorting. End-use Customers participating in the percentage of income payment plan (PIPP) program will be served exclusively through the PIPP program administered by the Ohio Department of Development.

7.4. Certified Supplier Requests for End-use Customer Information

- a) Certified Suppliers may request historical Interval Meter data through a DASR after receiving the appropriate End-use Customer authorization. The Interval Meter data will be transferred in a standardized electronic transaction. The Certified Supplier will be responsible for the incremental costs incurred to prepare and send such data. The charges for these services are listed in this tariff.
- b) Generic End-use Customer information will be readily available on a designated web site.
- c) For End-use Customer specific information and to decrease the possibility of End-use Customer "slamming", the Certified Suppliers must obtain, and maintain in their files, End-use Customer authorizations, as dictated by Commission rules, which authorize the release of the End-use Customer's historical usage data. These authorizations must be made available to the Company, upon request, within three (3) business days and must be retained by the Certified Supplier for a period not less than two calendar years after the calendar year in which received.
- d) Specific End-use Customer information will include twelve (12) months of historical data (if available) including monthly kWh usage, Meter Read Dates, and associated monthly maximum demand history, if applicable.

7.5. Direct Access Service Requests (DASRs)

- a) Enrollment of individual End-use Customers, including individual End-use Customers participating in an aggregation or governmental aggregation program, is done through a DASR for each service account, which may be submitted only by Certified Suppliers.
- b) Certified Suppliers may begin to submit enrollment DASRs on November 20, 2000.
- c) Enrollment DASRs received November 20, 2000 through December 23, 2000 will be effective on the End-use Customer's January Meter Read Date. Starting December 24, 2000, enrollment DASRs will be effective on the next Meter Read Date provided that it is received by the Company at least twelve (12) calendar days before the next Meter Read Date.

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SECTION VII  
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- d) Enrollment DASRs will be effective according to the following schedule:
- i) If an enrollment DSR is received twelve (12) or more days prior to the next regularly scheduled Meter Read Date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the next regularly scheduled Meter Read Date.
  - ii) If an enrollment DSR is received less than twelve (12) days prior to the next regularly scheduled Meter Read Date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the second regularly scheduled Meter Read Date after the enrollment DSR is received.
  - iii) If an enrollment DSR is currently pending, and another enrollment DSR is received, the first enrollment DSR will be effective and the second enrollment DSR will be rejected. There cannot be two pending enrollment DASRs for the same account at the same time.
- e) The Company will process all valid DASRs within one (1) business day and send the End-use Customer confirmation within two (2) business days. The Company will electronically advise the Certified Supplier of acceptance. Notice of rejection of the DSR to the Certified Supplier shall also be sent in one business day, if possible, but in no event later than four (4) calendar days, and include the reasons for the rejection.
- f) The Company shall provide a rescission period as provided by the Commission's rules. If the End-use Customer rescinds, the Company shall send a drop notice to the Certified Supplier. In the event of End-use Customer rescission, the previous Certified Supplier will continue to serve the End-use Customer under the same terms and conditions.
- g) Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. If the contract date is the same, enrollments will be processed "first in" based on when the enrollment was electronically received by the Company.
- h) To participate in the Customer Choice Program, an End-use Customer must have an active electric service account with the Company. After the electric service account is active, a Certified Supplier may submit a DSR as described herein.
- i) The Certified Supplier must submit a TSA Designation Agreement executed by an eligible TSA prior to an enrollment DSR being accepted.
- j) For Consolidated Rate-Ready Company Billing, the Certified Supplier's rates must be in production before a DSR will be accepted.
- k) A separate DSR must be submitted for each service account.
- l) If a Certified Supplier has reached its participation limit as described in Section VI - Credit Requirements, additional enrollment DASRs from the Certified Supplier will be rejected and returned to the Certified Supplier until the Company approves additional credit enhancements.

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- m) The Certified Supplier will be responsible for paying any Charge for a successfully processed enrollment DADR, except that the Company shall waive the switching fee for the first 20% of residential End-use Customers that switch to a Certified Supplier during the Market Development Period.
  - 7.6. Communications from the Company to the End-use Customer
    - a) Upon confirmation of a valid Enrollment DADR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
    - b) Upon confirmation of a valid Drop DADR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
    - c) Within one (1) business day after receiving an End-use Customer's request to rescind an enrollment, the Company will initiate the rescission and mail the End-use Customer confirmation that such action has been taken.
  - 7.7. End-use Customer Return to Standard Offer Rate
    - a) An End-use Customer's return to Standard Offer Rate may be a result of End-use Customer choice, Certified Supplier default, termination of a Certified Supplier contract, opt out or termination of a governmental aggregation program, or Certified Supplier withdrawal.
    - b) An End-use Customer may contact the Company to return to the Company's Standard Offer Rate. The return to the Standard Offer Rate shall be conducted under the same terms and conditions applicable to an enrollment with a Certified Supplier. Thus, the Company will provide a rescission period consistent with the Commission's rules. Provided the End-use Customer has observed the applicable notification requirements and the Company has effectuated the request to return to the Standard Offer Rate twelve (12) calendar days prior to the next regularly scheduled Meter Read Date, the End-use Customer will be returned to the Standard Offer Rate on the next regularly scheduled Meter Read Date.
    - c) Residential End-use Customers
      - i) Residential End-use Customers will not be subject to a minimum stay until January 1, 2002.
      - ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Residential End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Residential End-use Customer must remain on the Standard Offer Rate until the following May 15.
- Provided that:
- 1) Residential End-use Customers may switch at any time if the Residential End-use Customer has not previously switched.

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- 2) Following the stay out period through the following May 15, returning Residential End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Residential End-use Customer returns again to the Standard Offer Rate, the Residential End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- iii) If a Residential End-use Customer's Certified Supplier defaults or the Residential End-use Customer opts out of a governmental aggregation program, the Residential End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Residential End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Residential End-use Customer should not be subject to the minimum stay requirement.
- iv) To avoid the above minimum stay requirement, Residential End-use Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Residential End-use Customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

The Residential End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Residential End-use Customer to the Company. The letter will state (1) the date by which the Residential End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Residential End-use Customer will return to the Company's Standard Offer Rate if the Residential End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Residential End-use Customer will be ineligible to switch if the Residential End-use Customer returns to the Standard Offer Rate. If a Residential End-use Customer returns to the Company, the Residential End-use Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Residential End-use Customer has until twelve (12) calendar days before their first meter read after their return to the Company to choose the Company's service under Rider AG, Optional Alternative Generation Service. A returning Residential End-use Customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements.

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The above process provides the Residential End-use Customer with more than the minimum required fourteen (14) days notice before the Residential End-use Customer would be subject to a minimum stay. A returning Residential End-use Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of their initial return until the Residential End-use Customer selects either a Certified Supplier or the Standard Offer Rate.

d) Small Commercial and Industrial End-use Customers

- i) Small Commercial and Industrial End-use Customers will be subject to a minimum stay beginning January 1, 2002.
- ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Small Commercial and Industrial End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Small Commercial and Industrial End-use Customer must remain on the Standard Offer Rate until the following May 15.

Provided that:

- 1) Small Commercial and Industrial End-use Customers may switch at any time if the Small Commercial and Industrial End-use Customer has not previously switched.
- 2) Following the stay out period through the following May 15, returning Small Commercial and Industrial End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Small Commercial and Industrial End-use Customer returns again to the Standard Offer Rate, the Small Commercial and Industrial End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- iii) If a Small Commercial and Industrial End-use Customer's Certified Supplier defaults or the Small Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Small Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Small Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.
- iv) To avoid the above minimum stay requirement, Small Commercial and Industrial Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Small Commercial and Industrial Customers a minimum stay of one (1) billing cycle and contains market rates. Market rates based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

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If a Small Commercial and Industrial Customer returns to the Company, the Small Commercial and Industrial Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Small Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Small Commercial and Industrial End-use Customer to the Company. The letter will state (1) the date by which the Small Commercial and Industrial End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate if the Small Commercial and Industrial End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Small Commercial and Industrial End-use Customer will be ineligible to switch if the Small Commercial and Industrial End-use Customer returns to the Standard Offer Rate. The Small Commercial and Industrial End-use Customer has until twelve (12) calendar days before its first meter read after its return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the Small Commercial and Industrial End-use Customer with more than the minimum fourteen (14) days notice before the Small Commercial and Industrial End-use Customer would be subject to a minimum stay. A returning Small Commercial and Industrial Customer who does not make such selection between Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning Small Commercial and Industrial Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of its initial return until the Small Commercial and Industrial Customer selects either a Certified Supplier or the Standard Offer Rate.

e) Large Commercial and Industrial End-use Customers

- i) Beginning January 1, 2001, Large Commercial and Industrial Customers returning to the Standard Offer Rate must remain on the Standard Offer Rate for a period of not less than 12 consecutive Billing Cycles.
- ii) The Company offers an exit fee for Large Commercial and Industrial End-use Customers to switch from the Company before the end of the Company's minimum stay requirement. The exit fee, that may vary based on the Large Commercial and Industrial End-use Customer size or rate class, will be offered to allow the Large Commercial and Industrial End-use Customer to avoid meeting the minimum stay requirement. The formula for the exit fee is contained in the Service Regulations in the P.U.C.O. Electric No. 19. Large Commercial and Industrial End-use Customers must provide prior notification to the Company before returning to the Company's Standard Offer Rate.

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- iii) Notification Periods for Large Commercial and Industrial End-use Customers
  - 1) Large Commercial and Industrial End-use Customers are subject to a ninety (90) day notification period before returning to the Company's Standard Offer Rate between May 1 and October 31.
  - 2) Large Commercial and Industrial End-use Customers are subject to a minimum of sixty (60) days notification period before returning to the Company's Standard Offer Rate between November 1 and April 30.
  - 3) Large Commercial and Industrial End-use Customers returning to the Company's Standard Offer Rate without 60 or 90 days prior notice (whichever is applicable) will be assessed a charge of \$10/kW, based on peak kW demand during the three (3) Billing Cycles subsequent to their return.
- iv) If a Large Commercial and Industrial End-use Customer's Certified Supplier defaults or the Large Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Large Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Large Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Large Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.

7.8. Dispute Resolution

Any disputes concerning an End-use Customer's selection of a Certified Supplier that cannot be resolved among the End-use Customer and the affected Certified Suppliers may be directed to the Public Interest Center of the Commission by any of the parties involved.

Exhibit B

PROPOSED TARIFF SCHEDULE

PUCO ELECTRIC NO. 19, SHEET NO. 22

SECTION III – SERVICE REGULATIONS CUSTOMER CHOICE

ENROLLMENT AND PARTICIPATION GUIDELINES

And

PUCO ELECTRIC NO.20, SHEET NO. 36

SECTION VII – END-USE CUSTOMER ENROLLMENT PROCESS

**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES**

**1. Selection of Certified Supplier**

In order to obtain Competitive Retail Electric Service from a Certified Supplier, a customer must enter into an agreement with a Certified Supplier who meets the requirements for participation in this Customer Choice Program pursuant to the Certified Supplier Service Rules, Regulations, and Rates, specified in CG&E P.U.C.O. Electric No. 20. Enrollment of customers is done through a Direct Access Service Request (DASR), which may be submitted only by Certified Suppliers. DASRs will be effective on the next regularly scheduled meter read date provided that it is received by the Company at least twelve (12) calendar days before the next regularly scheduled meter read date. Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. Should the contract date also be the same, the enrollments will be processed on a first in priority basis, based on the order in which the Company received the DASRs. An account may only be served by one Certified Supplier at a time.

Customers may contact the Company at any time to report that they have been switched without giving consent. To decrease the probability of this occurring, the Company requires that Certified Suppliers obtain, and maintain in their files, customer authorizations as dictated by Commission rules. These authorizations must be made available to the Company, upon request, within three (3) business days.

If Percentage Income Payment Plan (PIPP) customers are aggregated for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Competitive Retail Electric Service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program.

**2. Pre-Enrollment End-use Customer Information List**

Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact a customer, but suppliers shall not be required to purchase subsequent lists.

The Company will provide customers the option to have all the customer's information listed in the section below removed from the End-use Customer information list. The Company will also provide customers the option to have all the customer's information listed below reinstated on the End-use Customer information list. The customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.

The following information will be provided on the End-use Customer information list for each customer who has not requested that all information be removed from this list:

- (a) End-use Customer name
- (b) Service Address
- (c) Service City
- (d) Service State and Zip Code
- (e) Mailing Address
- (f) Mailing City
- (g) Mailing State and Zip Code
- (h) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
- (i) Rider (if applicable)

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- (j) Load Profile Reference Category
- (k) Meter Type (will provide information that is readily available)
- (l) Interval Meter data indicator (will provide information that is readily available)
- (m) Budget Bill/PIPP indicator
- (n) Meter Read Cycle
- (o) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

**3. Customer Choice Participation Requirements**

To participate in the Customer Choice Program, a customer must have an active electric service account with the Company. After the Company has accepted the customer's application for electric service, the customer may select and contact a Certified Supplier. The Company shall provide a list of all approved Certified Suppliers and which classes of customers the Certified Supplier will serve to a) all of its customers prior to the initiation of competition and quarterly throughout the remainder of the Market Development Period; b) all applicants for new service and customers returning to Standard Offer Service; and c) any customer upon request. The Company shall not endorse any Certified Supplier nor indicate that any Certified Supplier will receive preference because of a corporate relationship.

Interval meters are required for customers who choose a Certified Supplier and have a maximum peak demand equal to or greater than 100 kW for the most recent twelve (12) month period. Interval meters are also required for those customers that have an interruptible load contract with their Certified Supplier. CG&E may also require interval metering, at Company expense, for other customers based on a review of the customer's rate schedule, billing history and class load profile information. In addition, a communication link must also be installed. The enrollment DASR for these customers will not be approved until a customer-signed interval meter request work order has been executed and submitted approving the interval meter installation.

Customers are responsible for the incremental costs of the interval meters and the incremental costs associated with the installation of required interval metering. While CG&E will install the meter, the Certified Supplier, on behalf of the customer, or the customer, must arrange for the installation of the communication link (analog telephone line, hard wired or cellular). CG&E will be allowed access to the communication link for meter interrogation. The interval metering equipment will be maintained and owned by the Company. The charges for the installation of the interval metering equipment are specified on tariff Sheet No. 96 "Meter Service Charges." These charges may be paid over a period not to exceed twenty-four (24) months.

Upon the successful processing of an enrollment and/or drop DASR, the Company will notify the customers in writing with the name and phone number of the Certified Supplier, the previous Certified Supplier (if applicable), the effective service change date, the Company's toll-free telephone number, the right to request an actual meter read prior to the transfer of service and the right to rescind (if applicable).

**4. Switching Rules**

An enrollment DASR must be received by the Company at least twelve (12) calendar days before the effective date, which will be the customer's next regularly scheduled meter reading date, to enroll with or switch to a new Certified Supplier. Enrollment DASRs will be effective according to the following schedule:

- (a) If an enrollment DASR is received twelve (12) or more days prior to the next regularly scheduled meter read date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the next regularly scheduled meter read date.

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- (b) If an enrollment DASR is received less than twelve (12) days prior to the next regularly scheduled meter read date and no other enrollment DASR is currently pending, the enrollment DASR will be effective on the second regularly scheduled meter read date after the enrollment DASR is received.
- (c) If an enrollment DASR is currently pending, and another enrollment DASR is received, the first enrollment DASR will be effective and the second enrollment DASR will be rejected. There cannot be two pending enrollment DASRs for the same account at the same time.

For the purpose of switching rules, customers are divided into three categories; residential, small commercial and industrial, and large commercial and industrial. Residential customers are customers who use electricity for residential purposes. Small commercial and industrial customers are defined as customers who use electricity for nonresidential purposes, consume less than 700,000 kWh of electricity per year and are not part of a national account involving multiple facilities in one or more states. Large commercial and industrial customers are customers who use electricity for nonresidential purposes, consume greater than or equal to 700,000 kWh of electricity per year or are part of a national account involving multiple facilities in one or more states.

Residential and small commercial and industrial customers, pursuant to Commission rules, have the right to rescind an enrollment. Any residential or small commercial and industrial enrollment, either with a Certified Supplier or with the Company, may be rescinded by contacting the Company within seven days from the postmark date on the notice advising of the enrollment. When the Company receives notice of a rescission, the impending enrollment will be cancelled and the residential or small commercial and industrial customer will remain with their current supplier.

Large commercial and industrial customers using at least 700,000 kWh annually or customers who are part of a national account and that receive the lower shopping credit, will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the customer fails to notify the Company during the seven (7) day period then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no effect on the contractual obligations existing between the Certified Supplier and the customer. Any disputes arising between the Certified Supplier and the customer regarding any provision of the contract must be resolved between the Certified Supplier and the customer.

The following rules apply to any customer receiving service under any rate constituting the Company's Standard Service Offer:

**Residential Customers**

- (a) Residential customers will not be subject to a minimum stay until January 1, 2002.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

- (b) Beginning May 16, 2002 and throughout the Market Development Period, if a residential customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that residential customer must remain on the Standard Offer Rate until the following May 15. However, if the residential customer has not previously switched, the residential customer may switch at any time. Following the stay out period through the following May 15, returning residential customers may switch to another Certified Supplier at any time for the remainder of the Market Development Period; however, if the residential customer returns again to the Standard Offer Rate, the customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- (c) If a residential customer's Certified Supplier defaults or the residential customer opts out of a governmental aggregation program, the residential customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A residential customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the residential customer should not be subject to the minimum stay requirement.
- (d) To avoid the above minimum stay requirement, residential customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows residential customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a residential customer returns to the Company, the residential customer, absent an affirmative action, is placed on the Standard Offer Rate. The residential customer will be mailed a letter the day following the successful processing of a DASR returning the residential customer to the Company. The letter will state (1) the date by which the residential customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the residential customer will return to the Company's Standard Offer Rate if the residential customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the residential customer will be ineligible to switch if the residential customer returns to the Standard Offer Rate. The residential customer has until twelve (12) calendar days before his or her first meter read after his or her return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the residential customer with more than the minimum required fourteen (14) days notice before the residential customer would be subject to a minimum stay. A returning residential customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning residential customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed Rider AG, Optional Alternative Generation Service from the time of his or her initial return until the residential customer selects either a Certified Supplier or the Standard Offer Rate.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

**Small Commercial and Industrial Customers**

- (a) Small commercial and industrial customers will be subject to a minimum stay beginning January 1, 2002.
- (b) Beginning May 16, 2002 and throughout the Market Development Period, if a small commercial and industrial customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that small commercial and industrial customer must remain on the Standard Offer Rate until the following May 15. However, if the small commercial and industrial customer has not previously switched, the small commercial and industrial customer may switch at any time. Following the stay out period through the following May 15, returning small commercial and industrial customers may switch to another Certified Supplier at any time for the remainder of the Market Development Period; however, if the small commercial and industrial customer returns again to the Standard Offer Rate, the customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- (c) If a small commercial and industrial customer's Certified Supplier defaults or the small commercial and industrial customer opts out of a governmental aggregation program, the small commercial and industrial customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A small commercial and industrial customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the small commercial and industrial customer should not be subject to the minimum stay requirement.
- (d) To avoid the above minimum stay requirement, small commercial and industrial customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows small commercial and industrial customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cineroy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

If a small commercial and industrial customer returns to the Company, the small commercial and industrial customer, absent an affirmative action, is placed on the Standard Offer Rate. The small commercial and industrial customer will be mailed a letter the day following the successful processing of a DASR returning the small commercial and industrial customer to the Company. The letter will state (1) the date by which the small commercial and industrial customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the small commercial and industrial customer will return to the Company's Standard Offer Rate if the small commercial and industrial customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the small commercial and industrial customer will be ineligible to switch if the small commercial and industrial customer returns to the Standard Offer Rate. The small commercial and industrial customer has until twelve (12) calendar days before its first meter read after its return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

The above process provides the small commercial and industrial customer with more than the minimum fourteen (14) days notice before the small commercial and industrial customer would be subject to a minimum stay. A returning small commercial and industrial customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service and the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning small commercial and industrial customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed Rider AG, Optional Alternative Generation Service from the time of its initial return until the small commercial and industrial customer selects either a Certified Supplier or the Standard Offer Rate.

**Large Commercial and Industrial Customers**

- (a) Beginning January 1, 2001, large commercial and industrial customers returning to the Standard Offer Rate must remain on the Standard Offer Rate for a period of not less than twelve (12) consecutive Billing Cycles.
- (b) The Company offers an exit fee for large commercial and industrial customers to switch from the Company before the end of the Company's minimum stay requirement. The exit fee, that may vary based on the large commercial and industrial customer size or rate class, will be offered to allow the large commercial and industrial customer to avoid meeting the minimum stay requirement. The exit fee will be calculated based on the projected generation revenue over the remainder of the 12 month minimum stay requirement minus the average annual cost of generation. The customer's historic usage for similar period one year prior will be used for the consumption projection and the applicable shopping credit will be used for calculating generation revenue. Large commercial and industrial customers must provide prior notification to the Company before returning to the Standard Offer Rate.
- (c) Notification Periods for Large Commercial and Industrial Customers
  - i) Large commercial and industrial customers are subject to a ninety (90) day notification period before returning to the Standard Offer Rate between May 1 and October 31.
  - ii) Large commercial and industrial customers wishing to return to the Standard Offer Rate between November 1 and April 30 of each calendar year shall give a minimum of sixty (60) days notice.
  - iii) Large commercial and industrial customers returning to the Company's Standard Offer Rate without 60 or 90 days prior notice (whichever is applicable) will be assessed a charge of \$10/kW, based on peak kW demand during the three (3) Billing Cycles subsequent to their return.
- (d) If a large commercial and industrial customer's Certified Supplier defaults or the large commercial and industrial customer opts out of a governmental aggregation program, the large commercial and industrial customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A large commercial and industrial customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the large commercial and industrial customer should not be subject to the minimum stay requirement.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

**5. Certified Supplier Defaults**

If a Certified Supplier defaults, the Company will notify the customers of the default. However, service to the affected customers will not be interrupted due to the default. The customers involved will return to the Company's Standard Offer Rate on their next regular scheduled meter read date, unless there is sufficient time to choose an alternative supplier.

**6. Certified Supplier Drop Customers**

If the Certified Supplier decides to discontinue service to a customer, the Certified Supplier will notify the customer in accordance with Commission rules and submit a Drop DASR to the Company at least twelve (12) calendar days in advance of the requested drop date, which will be the next regular scheduled meter read date. The Company will notify the customer when a Drop DASR is received.7.

**7. Requests for Customer Specific Usage Information**

A customer or a Certified Supplier, acting as the customer's authorized agent, may request specific usage information. The customer specific usage request will include twelve (12) months of historical data (if available) including monthly kWh usage, meter read dates, and associated monthly maximum demand history, if applicable. This information will be provided to the customer or the Certified Supplier, acting as the customer's authorized agent, free of charge.

If the customer requests monthly interval metering data, the customer will be required to pay the charge specified on the tariff Sheet No. 95 "Meter Data Charges." Charges to Certified Suppliers for interval data are specified in P.U.C.O. Electric No. 20.

**8. Customer Aggregation**

Customers may be aggregated for purposes of negotiating the purchase of Competitive Retail Electric Services from a Certified Supplier. Customer aggregation is not restricted by the class of customer within an aggregated group. Accordingly, any customer may be represented by an aggregator. However, an aggregator is not a customer, but rather an agent for aggregated customers. Each aggregated customer will be treated as an individual customer of the Company for billing purposes under their otherwise applicable rate schedules, including the billing of applicable Generation Charges and Shopping Credits. Combination of meter registrations of aggregated customers will not be permitted. No charge of a tariff service will be affected by a customer's aggregation status, and aggregation of load cannot be used for qualification under a tariff.

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**SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES (Contd.)**

**9. Bill Payment Option**

A Certified Supplier must notify the Company which billing option is being chosen for its customers: (1) Company Consolidated bill statements, or (2) Separate Company and Certified Supplier bill statements. When the Company Consolidated billing option is selected, the customer will receive one bill from the Company, which will include both the Company's and the Certified Supplier's charges stated separately. The customer is responsible for payment in full to the Company for both the Company and Certified Supplier charges when the Company performs consolidated billing. The billing option must be identified at the time the enrollment DADR is submitted to the Company. Regardless of the billing option selected by the Certified Supplier, the customer may still choose to have budget billing for bills rendered by the Company.

For customers who have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options. If a customer has a maximum annual peak demand less than 100 kW and the Company must install special metering to support a Certified Supplier's billing option, the customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment. The charges for an interval meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months.

If the Company is providing the consolidated bill option for the Certified Supplier, the Company will remit payments received for Certified Supplier charges including the associated taxes to the Certified Supplier.

All billed charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

If the dual bill option is chosen, the customer will receive separate bills from the Company and the Certified Supplier for their respective charges. The Company and Certified Supplier shall be individually responsible for the collection of their respective charges.

Regardless of the bill option chosen by the Certified Supplier, customers who fail to pay in full their Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy as it applies to those Regulated Utility Charges. The customer will also be subject to the rules and regulations governing the credit, collection and disconnection procedures in accordance with Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

The Certified Supplier is ultimately responsible for the collection of any unpaid charges for services provided by them, as well as for developing their own credit and collection policies. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform customers of such arrearages. In accordance with the rules and regulations governing the credit, collection and disconnection procedures specified in Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, the Company may not disconnect a customer for non-payment of the Certified Supplier's charges, nor may the Certified Supplier physically disconnect customers for non-payment of Certified Supplier charges.

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**SECTION VII  
END-USE CUSTOMER ENROLLMENT PROCESS**

**7.1. Certified Supplier Authorization**

In order to be authorized to enroll End-use Customers in the Company's Customer Choice Program, a Certified Supplier must meet the requirements contained in Section V - Certified Supplier Registration and Participation Requirements, must have submitted a TSA Designation form to the Company, and must, where applicable, have the appropriate rates in production within the Company's billing system, as described in Section X - Billing Services and Obligations. Aggregators or governmental aggregators must either become a Certified Supplier as described above or must act through a Certified Supplier.

**7.2. Percentage of Income Payment Plan (PIPP) Customers**

In the event the Director of the Ohio Department of Development (ODOD) aggregates PIPP customers for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Commodity service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program, as ODOD would mandate the source of electric Commodity for these customers.

**7.3. Pre-Enrollment End-use Customer Information List**

- a) Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The supplier will pay the Company \$150.00 for providing the list to the supplier.
- b) The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact End-use Customers, but suppliers shall not be required to purchase subsequent lists.
- c) The Company will provide End-use Customers the option to have all the End-use Customer's information listed in the section below removed from the End-use Customer information list. At the same time, the Company will also provide End-use Customers the option to have all End-use Customer's information listed below reinstated on the End-use Customer information list. The End-use Customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.
- d) The following information will be provided on the End-use Customer information list for each End-use Customer who has not requested that all information be removed from this list:
  - i) End-use Customer name
  - ii) Service Address
  - iii) Service City
  - iv) Service State and Zip Code
  - v) Mailing Address
  - vi) Mailing City
  - vii) Mailing State and Zip Code
  - viii) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
  - ix) Rider (if applicable)
  - x) Load Profile Reference Category

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**END-USE CUSTOMER ENROLLMENT PROCESS (Contd.)**

- xj) Meter Type (will provide information that is readily available)
    - xii) Interval Meter data indicator (will provide information that is readily available)
    - xiii) Budget Bill/PIPP indicator
    - xiv) Meter Read Cycle
    - xv) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)
  - e) The Company will provide the End-use Customer information list by either a compact disc or on a designated website. The information will be prepared and distributed in a uniform and useable format that allows for data sorting. End-use Customers participating in the percentage of income payment plan (PIPP) program will be served exclusively through the PIPP program administered by the Ohio Department of Development.
- 7.4. Certified Supplier Requests for End-use Customer Information
- a) Certified Suppliers may request historical Interval Meter data through a DASR after receiving the appropriate End-use Customer authorization. The Interval Meter data will be transferred in a standardized electronic transaction. The Certified Supplier will be responsible for the incremental costs incurred to prepare and send such data. The charges for these services are listed in this tariff.
  - b) Generic End-use Customer information will be readily available on a designated web site.
  - c) For End-use Customer specific information and to decrease the possibility of End-use Customer "slamming", the Certified Suppliers must obtain, and maintain in their files, End-use Customer authorizations, as dictated by Commission rules, which authorize the release of the End-use Customer's historical usage data. These authorizations must be made available to the Company, upon request, within three (3) business days and must be retained by the Certified Supplier for a period not less than two calendar years after the calendar year in which received.
  - d) Specific End-use Customer information will include twelve (12) months of historical data (if available) including monthly kWh usage, Meter Read Dates, and associated monthly maximum demand history, if applicable.
- 7.5. Direct Access Service Requests (DASRs)
- a) Enrollment of individual End-use Customers, including individual End-use Customers participating in an aggregation or governmental aggregation program, is done through a DASR for each service account, which may be submitted only by Certified Suppliers.
  - b) Certified Suppliers may begin to submit enrollment DASRs on November 20, 2000.
  - c) Enrollment DASRs received November 20, 2000 through December 23, 2000 will be effective on the End-use Customer's January Meter Read Date. Starting December 24, 2000, enrollment DASRs will be effective on the next Meter Read Date provided that it is received by the Company at least twelve (12) calendar days before the next Meter Read Date.

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- d) Enrollment DASRs will be effective according to the following schedule:
- i) If an enrollment DSR is received twelve (12) or more days prior to the next regularly scheduled Meter Read Date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the next regularly scheduled Meter Read Date.
  - ii) If an enrollment DSR is received less than twelve (12) days prior to the next regularly scheduled Meter Read Date and no other enrollment DSR is currently pending, the enrollment DSR will be effective on the second regularly scheduled Meter Read Date after the enrollment DSR is received.
  - iii) If an enrollment DSR is currently pending, and another enrollment DSR is received, the first enrollment DSR will be effective and the second enrollment DSR will be rejected. There cannot be two pending enrollment DASRs for the same account at the same time.
- e) The Company will process all valid DASRs within one (1) business day and send the End-use Customer confirmation within two (2) business days. The Company will electronically advise the Certified Supplier of acceptance. Notice of rejection of the DSR to the Certified Supplier shall also be sent in one business day, if possible, but in no event later than four (4) calendar days, and include the reasons for the rejection.
- f) The Company shall provide a rescission period as provided by the Commission's rules. If the End-use Customer rescinds, the Company shall send a drop notice to the Certified Supplier. In the event of End-use Customer rescission, the previous Certified Supplier will continue to serve the End-use Customer under the same terms and conditions.
- g) Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. If the contract date is the same, enrollments will be processed "first in" based on when the enrollment was electronically received by the Company.
- h) To participate in the Customer Choice Program, an End-use Customer must have an active electric service account with the Company. After the electric service account is active, a Certified Supplier may submit a DSR as described herein.
- i) The Certified Supplier must submit a TSA Designation Agreement executed by an eligible TSA prior to an enrollment DSR being accepted.
- j) For Consolidated Rate-Ready Company Billing, the Certified Supplier's rates must be in production before a DSR will be accepted.
- k) A separate DSR must be submitted for each service account.
- l) If a Certified Supplier has reached its participation limit as described in Section VI - Credit Requirements, additional enrollment DASRs from the Certified Supplier will be rejected and returned to the Certified Supplier until the Company approves additional credit enhancements.

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- m) The Certified Supplier will be responsible for paying any Charge for a successfully processed enrollment DSR, except that the Company shall waive the switching fee for the first 20% of residential End-use Customers that switch to a Certified Supplier during the Market Development Period.
  - 7.6. Communications from the Company to the End-use Customer
    - a) Upon confirmation of a valid Enrollment DSR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
    - b) Upon confirmation of a valid Drop DSR from a Certified Supplier, the Company will mail the End-use Customer a confirmation notice within one (1) business day after confirmation.
    - c) Within one (1) business day after receiving an End-use Customer's request to rescind an enrollment, the Company will initiate the rescission and mail the End-use Customer confirmation that such action has been taken.
  - 7.7. End-use Customer Return to Standard Offer Rate
    - a) An End-use Customer's return to Standard Offer Rate may be a result of End-use Customer choice, Certified Supplier default, termination of a Certified Supplier contract, opt out or termination of a governmental aggregation program, or Certified Supplier withdrawal.
    - b) An End-use Customer may contact the Company to return to the Company's Standard Offer Rate. The return to the Standard Offer Rate shall be conducted under the same terms and conditions applicable to an enrollment with a Certified Supplier. Thus, the Company will provide a rescission period consistent with the Commission's rules. Provided the End-use Customer has observed the applicable notification requirements and the Company has effectuated the request to return to the Standard Offer Rate twelve (12) calendar days prior to the next regularly scheduled Meter Read Date, the End-use Customer will be returned to the Standard Offer Rate on the next regularly scheduled Meter Read Date.
    - c) Residential End-use Customers
      - i) Residential End-use Customers will not be subject to a minimum stay until January 1, 2002.
      - ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Residential End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Residential End-use Customer must remain on the Standard Offer Rate until the following May 15.
- Provided that:
- 1) Residential End-use Customers may switch at any time if the Residential End-use Customer has not previously switched.

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- 2) Following the stay out period through the following May 15, returning Residential End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Residential End-use Customer returns again to the Standard Offer Rate, the Residential End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- iii) If a Residential End-use Customer's Certified Supplier defaults or the Residential End-use Customer opts out of a governmental aggregation program, the Residential End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Residential End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Residential End-use Customer should not be subject to the minimum stay requirement.
- iv) To avoid the above minimum stay requirement, Residential End-use Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Residential End-use Customers a minimum stay of one (1) billing cycle and contains market based rates. Market rates are based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

The Residential End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Residential End-use Customer to the Company. The letter will state (1) the date by which the Residential End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Residential End-use Customer will return to the Company's Standard Offer Rate if the Residential End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Residential End-use Customer will be ineligible to switch if the Residential End-use Customer returns to the Standard Offer Rate. If a Residential End-use Customer returns to the Company, the Residential End-use Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Residential End-use Customer has until twelve (12) calendar days before their first meter read after their return to the Company to choose the Company's service under Rider AG, Optional Alternative Generation Service. A returning Residential End-use Customer who does not make such selection between service under Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements.

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The above process provides the Residential End-use Customer with more than the minimum required fourteen (14) days notice before the Residential End-use Customer would be subject to a minimum stay. A returning Residential End-use Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of their initial return until the Residential End-use Customer selects either a Certified Supplier or the Standard Offer Rate.

d) Small Commercial and Industrial End-use Customers

- i) Small Commercial and Industrial End-use Customers will be subject to a minimum stay beginning January 1, 2002.
- ii) Beginning May 16, 2002 and throughout the Market Development Period, if a Small Commercial and Industrial End-use Customer is on the Standard Offer Rate for any part of the period May 16 through September 15 (the stay out period), that Small Commercial and Industrial End-use Customer must remain on the Standard Offer Rate until the following May 15.

Provided that:

- 1) Small Commercial and Industrial End-use Customers may switch at any time if the Small Commercial and Industrial End-use Customer has not previously switched.
- 2) Following the stay out period through the following May 15, returning Small Commercial and Industrial End-use Customers may switch to another Certified Supplier or elect service under Rider AG, Optional Alternative Generation Service, at any time for the remainder of the Market Development Period; however, if the Small Commercial and Industrial End-use Customer returns again to the Standard Offer Rate, the Small Commercial and Industrial End-use Customer has the option of the minimum stay requirements or Rider AG, Optional Alternative Generation Service.
- iii) If a Small Commercial and Industrial End-use Customer's Certified Supplier defaults or the Small Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Small Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Small Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.
- iv) To avoid the above minimum stay requirement, Small Commercial and Industrial Customers may select the Company's Rider AG, Optional Alternative Generation Service. Rider AG, Optional Alternative Generation Service allows Small Commercial and Industrial Customers a minimum stay of one (1) billing cycle and contains market rates. Market rates based on the next month NYMEX Cinergy futures contract price, as of the fourth business day prior to the end of the current calendar month, adjusted for load factor and line losses or another publicly available index price, adjusted for load factor and line losses. In no event shall the market based price be below the Standard Offer Rate.

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If a Small Commercial and Industrial Customer returns to the Company, the Small Commercial and Industrial Customer, absent an affirmative action, is placed on the Standard Offer Rate. The Small Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Small Commercial and Industrial End-use Customer to the Company. The letter will state (1) the date by which the Small Commercial and Industrial End-use Customer must choose Rider AG, Optional Alternative Generation Service, which is an alternative to the minimum stay period; (2) the Small Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate if the Small Commercial and Industrial End-use Customer does not choose Rider AG, Optional Alternative Generation Service; and (3) the minimum stay period during which the Small Commercial and Industrial End-use Customer will be ineligible to switch if the Small Commercial and Industrial End-use Customer returns to the Standard Offer Rate. The Small Commercial and Industrial End-use Customer has until twelve (12) calendar days before its first meter read after its return to the Company to choose the Company's Rider AG, Optional Alternative Generation Service.

The above process provides the Small Commercial and Industrial End-use Customer with more than the minimum fourteen (14) days notice before the Small Commercial and Industrial End-use Customer would be subject to a minimum stay. A returning Small Commercial and Industrial Customer who does not make such selection between Rider AG, Optional Alternative Generation Service or the Standard Offer Rate will remain on the Standard Offer Rate and be subject to the above minimum stay requirements. A returning Small Commercial and Industrial Customer who chooses Rider AG, Optional Alternative Generation Service in the appropriate time frame will be billed under Rider AG, Optional Alternative Generation Service from the time of its initial return until the Small Commercial and Industrial Customer selects either a Certified Supplier or the Standard Offer Rate.

e) Large Commercial and Industrial End-use Customers

- i) Beginning January 1, 2001, Large Commercial and Industrial Customers returning to the Standard Offer Rate must remain on the Standard Offer Rate for a period of not less than 12 consecutive Billing Cycles.
- ii) The Company offers an exit fee for Large Commercial and Industrial End-use Customers to switch from the Company before the end of the Company's minimum stay requirement. The exit fee, that may vary based on the Large Commercial and Industrial End-use Customer size or rate class, will be offered to allow the Large Commercial and Industrial End-use Customer to avoid meeting the minimum stay requirement. The formula for the exit fee is contained in the Service Regulations in the P.U.C.O. Electric No. 19. Large Commercial and Industrial End-use Customers must provide prior notification to the Company before returning to the Company's Standard Offer Rate.

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- iii) Notification Periods for Large Commercial and Industrial End-use Customers
  - 1) Large Commercial and Industrial End-use Customers are subject to a ninety (90) day notification period before returning to the Company's Standard Offer Rate between May 1 and October 31.
  - 2) Large Commercial and Industrial End-use Customers are subject to a minimum of sixty (60) days notification period before returning to the Company's Standard Offer Rate between November 1 and April 30.
  - 3) Large Commercial and Industrial End-use Customers returning to the Company's Standard Offer Rate without 60 or 90 days prior notice (whichever is applicable) will be assessed a charge of \$10/kW, based on peak kW demand during the three (3) Billing Cycles subsequent to their return.
- iv) If a Large Commercial and Industrial End-use Customer's Certified Supplier defaults or the Large Commercial and Industrial End-use Customer opts out of a governmental aggregation program, the Large Commercial and Industrial End-use Customer will return to the Company's Standard Offer Rate and may switch to another Certified Supplier at any time. A Large Commercial and Industrial End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out" decision so the Company is aware that the Large Commercial and Industrial End-use Customer should not be subject to the minimum stay requirement.
- v) Large Commercial and Industrial End-use Customers that receive the lower shopping credit will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the Large Commercial and Industrial End-use Customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the Large Commercial and Industrial End-use Customer fails to notify the Company during the seven (7) day period, then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no effect on the contractual obligations existing between the Certified Supplier and the End-use Customer. Any disputes arising between the Certified Supplier and the End-use Customer regarding any provision of the contract must be resolved between the Certified Supplier and the End-use Customer.

**7.8. Dispute Resolution**

Any disputes concerning an End-use Customer's selection of a Certified Supplier that cannot be resolved among the End-use Customer and the affected Certified Suppliers may be directed to the Public Interest Center of the Commission by any of the parties involved.

Filed pursuant to an Entry dated  
Commission of Ohio

in Case No. 00- EL-ATA before the Public Utilities

Issued:

Effective:

Issued by J. Joseph Hale, Jr., President

Explanation of Change

The Cincinnati Gas & Electric Company has filed its Retail Electric Tariff, P.U.C.O. Electric No. 19, and its Certified Supplier Tariff, P.U.C.O. Electric No. 20, contemporaneously with this filing. These tariffs set forth the new procedures that the Company will follow to implement customer choice.

The Company's customer choice program is structured to provide two-tiered levels of shopping credits for customers who switch to a certified supplier in each customer class. Under this system, the customer will receive a higher shopping credit if the customer is in the first 20% of switching customers in each class.

The switching levels for each customer class can change on a daily basis. Furthermore, there may be a lag of time between the time when a certified supplier enters into a contract with a customer and the time when the certified supplier submits a direct access service request to the Company and the Company processes the direct access service request to enroll the customer in the Company's customer choice program.

The Company's customer enrollment procedures do not provide for a right of rescission for large commercial or industrial customers who use at least 700,000 kWh annually or customers who are part of a national account. As a result, it is possible that such customers could enter into a contract with a certified supplier predicated on receiving the higher shopping credit, yet they could actually receive the lower shopping credit due to the brief time lag inherent in the enrollment process.

The Company submits this tariff change to address this problem. The new tariff language provides a seven-day right of rescission for large commercial and industrial customers and customers who are part of a national account provided that they enroll in the Company's customer choice program at the lower shopping credit rate but they had a contract with their certified supplier conditioned on receiving the higher shopping credit rate. This new tariff language will provide greater certainty to certified suppliers and their customers in their contracting process, thus making it an easier decision for customers to exercise choice.