

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the	)	
Dayton Power and Light Company for	)	
Approval of its Transition Plan, for	)	Case No. 99-1687-EL-ETP
the Opportunity to Receive Transition	)	Case No. 99-1688-EL-AAM
Revenues, for Approval to Change	)	Case No. 99-1689-EL-ATA
Accounting Methods, and Approval to	)	
Amend its Tariff.	)	
In the Matter of the Applications of	)	
Columbus Southern Power Company	)	Case No. 99-1729-EL-ETP
and Ohio Power Company for Approval	)	Case No. 99-1730-EL-ETP
of Their Electric Transition Plans and	)	
for Receipt of Transition Revenues.	)	
In the Matter of the Application of	)	
Monongahela Power Company dba	)	Case No. 00-02-EL-ETP
Allegheny Power for Approval of an	)	
Electric Transition Plan.	)	

ENTRY

The attorney examiner finds:

- (1) On November 21, 2000, the Commission issued entries approving compliance tariffs in the electric transition cases of The Cincinnati Gas and Electric Company and FirstEnergy Corp. on behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.
- (2) In those entries, the Commission adopted, on an interim basis, the staff's recommendation that the companies' use of service provisions in the standard rules and regulations be made in accordance with the Commission's decision in *Brooks et al. v. Toledo Edison Co.*, Case No. 94-1987-EL-ATA (May 8, 1996). The *Brooks* decision held that The Toledo Edison Company could not restrict the resale or redistribution of electric service by a landlord to a tenant if the resale or redistribution takes place only upon property owned by the landlord, and if the landlord was not operating as a public utility. However, the Commission also stated that it intends to review this issue further. Therefore, it provided all interested parties the opportunity to submit comments regarding the issue of sales for resale and the findings of the *Brooks* order in light of Senate Bill 3 and electric restructuring within 15 days of the approval of those entries. Interested parties were given seven days after that date to file reply comments.

- (3) Any interested party in the above-captioned cases should also be afforded the same opportunity to file comments on this issue. Accordingly, interested parties wishing to file comments shall do so by December 6, 2000. Reply comments shall be due by December 13, 2000. It is the Commission's intention to consider all comments received on this issued on a consolidated basis.

It is, therefore,

ORDERED, That the above findings be observed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

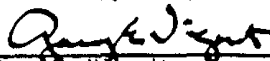

By: R. Russell Gooden
Attorney Examiner

;geb

RM

Entered in the Journal
NOV 22 2000

A True Copy


Gary E. Vigorito
Secretary

SERVICE NOTICE

PAGE 1

CASE NUMBER 99-1687-EL-ETP
CASE DESCRIPTION DAYTON POWER & LIGHT COMPANY
DOCUMENT SIGNED ON November ~~27~~, 2000
DATE OF SERVICE 11.28.2000

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

APPLICANT

DAYTON POWER & LIGHT COMPANY
ATHAN VINOLUS, ATTORNEY
1065 WOODMAN DRIVE
DAYTON, OH 45432

CHARLES J. FARUKI
FARUKI GILLIAM & IRELAND
500 COURTHOUSE PLAZA, S.W.
10 NORTH LUDLOW STREET
DAYTON, OH 45402

PAUL L. HORSTMAN
FAUKI GILLMAN & IRELAND
600 COURTHOUSE PLAZA, S.W.
10 NORTH LUDLOW ST
DAYTON, OH 45402

RICHARD D. REID
DAYTON POWER & LIGHT COMPANY
P.O. BOX 8825
DAYTON, OH 45401

JEFFREY S. SHARKEY
FARUKI GILLIAM & IRELAND
500 COURTHOUSE PLAZA, S.W.
10 NORTH LUDLOW STREET
DAYTON, OH 45402

JAMES A. DEARIE
FARUKI GILLIAM & IRELAND P.L.L.
500 COURTHOUSE PLAZA, S.W.
10 NORTH LUDLOW STREET
DAYTON, OH 45402

ATHAN A. VINOLUS
TRIAL ATTORNEY
DAYTON POWER & LIGHT COMPANY
1065 WOODMAN DRIVE
DAYTON, OH 45432

INTERVENOR

AMERICAN MUNICIPAL POWER-OHIO, INC
KENNETH E. HEGEMANN, PE
2600 AIRPORT DRIVE
COLUMBUS, OH 43219

JEFFREY L. SMALL, ESQ.
CHESTER, WILLCOX & SAXBE
17 SOUTH HIGH STREET
SUITE 900
COLUMBUS, OH 43215

INTERVENOR

ASSOCIATION FOR HOSPITALS & HEALTH
RICHARD L. SITES
155 EAST BROAD STREET
COLUMBUS, OH 43215-3620

NONE

INTERVENOR

BUCKEYE POWER, INC.
P.O. BOX 26036
COLUMBUS, OH 43226-0036

SCOTT A. CAMPBELL
THOMPSON HINE & FLORY
10 WEST BROAD STREET, 7TH FLOOR
COLUMBUS, OH 43215

INTERVENOR

CINCINNATI GAS & ELECTRIC CO.
139 EAST FOURTH STREET
P.O. BOX 960
CINCINNATI, OH 45201

JAMES B. GAINER
CINERGY CORPORATION
139 EAST FOURTH ST.
P.O. BOX 960
CINCINNATI, OH 45201-0960

INTERVENOR

COLUMBIA ENERGY POWER MARKETING
LARRY FRIEDEMANN
136 N. SUMMIT ST.
TOLEDO, OH 43604

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

COLUMBIA ENERGY SERVICES CORP.
1600 DUBLIN ROAD
ATTN: PATRICK RYAN
COLUMBUS, OH 43215

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

COLUMBUS SOUTHERN POWER COMPANY
WILLIAM R. FORRESTER
1 RIVERSIDE PLAZA-29
COLUMBUS, OH 43215-2373

MARVIN I. RESNIK
AMERICAN ELECTRIC POWER SERVICE
1 RIVERSIDE PLAZA
COLUMBUS, OH 43215

INTERVENOR

CORNING CORPORATION

M. HOWARD PETRICOFF
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

DYNEGY INC.
DAVID L. CRUTHIRDS, ESQ.
1000 LOUISIANA ST. SUITE 5800
HOUSTON, TX 77002-5050

M. HOWARD PETRICOFF
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

EDGEMONT NEIGHBORHOOD COALITION,
INC.

ELLIS JACOBS
ATTORNEY AT LAW
LEGAL AID SOCIETY OF DAYTON
333 W. FIRST STREET, SUITE 500
DAYTON, OH 45402

INTERVENOR

ENRON CORP.
400 METRO PLACE NORTH
DUBLIN, OH 43017-3375

JANINE L. MIGDEN
ENRON CORP.
REGIONAL DIR., STATE GOV. AFFAIRS
400 METRO PLACE NORTH
DUBLINUS, OH 43017-3375

INTERVENOR

ENRON ENERGY SERVICES, INC.
JANINE MIGDEN
400 METRO PLACE NORTH, SUITE 310
DUBLIN, OH 43017

M. HOWARD PETRICOFF
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

EXELON ENERGY
R. SCOTT BROWN, VICE PRESIDENT
2600 MONROE BLVD.
NORRISTOWN, PA 19403

DAVID DULICK
COUNSEL
EXELON ENERGY
2600 MONROE BLVD.
NORRISTOWN, PA 19403

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

FIRSTENERGY CORP.
H. PETER_BURG, PRESIDENT & CEO
76 SOUTH MAIN STREET
AKRON, OH 44308

ARTHUR E. KORKOSZ
FIRSTENERGY CORP.
76 SOUTH MAIN STREET
AKRON, OH 44308

INTERVENOR

INDUSTRIAL ENERGY USERS-OHIO
PEGGY CLAYTOR, CHAIRMAN
21 EAST STATE STREET 17TH FLOOR
COLUMBUS, OH 43215-4228

KIMBERLY J. WILE BOJKO, ESQ.
MCNEES WALLACE & NURICK
FIFTH THIRD CENTER
21 EAST STATE ST, SUITE 1700
COLUMBUS,, OH 43215

SAMUEL C. RANDAZZO
MCNEES, WALLACE & NURICK
FIFTH THIRD CENTER
21 EAST STATE STREET SUITE 910
COLUMBUS, OH 43215

GRETCHEN J. HUMMEL, ESQ.
MCNEES, WALLACE & NURICK
FIFTH THIRD CENTER
21 EAST STATE STREET, SUITE 1700
COLUMBUS, OH 43215-4228

INTERVENOR

MID-ATLANTIC POWER SUPPLY ASSOC.

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

MONTGOMERY COUNTY PROSECUTOR'S
OFFICE

MAUREEN R. GRADY
ATTORNEY AT LAW
369 SOUTH ROOSEVELT AVE.
COLUMBUS, OH 43209

INTERVENOR

NATIONAL ENERGY MARKETERS ASSN.
CRAIG G. GOODMAN, ESQ., PRESIDENT
3333 K STREET, N.W. SUITE 425
WASHINGTON, DC 20007

JOELLE KAY OGG, ESQ.
JOHN & HENGERER
1200 17TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036-3013

INTERVENOR

NEWENERGY MIDWEST, LLC
KENNETH J. WALSH, MANAGER
29 SOUTH LASALLE ST. SUITE 900
CHICAGO, IL 60603-1505

M. HOWARD PETRICOFF
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

OHIO COUNCIL OF RETAIL MERCHANTS
JOHN C. MAHANEY, JR., PRESIDENT
50 W. BROAD ST, SUITE 2020
COLUMBUS, OH 43215

JEFFREY L. SMALL, ESQ.
CHESTER, WILLCOX & SAXBE
17 SOUTH HIGH STREET
SUITE 900
COLUMBUS, OH 43215

INTERVENOR

OHIO DEPARTMENT OF DEVELOPMENT
242 FEDERAL PLAZA WEST
SUITE 401
YOUNGSTOWN, OH 44503-1604

JODI M. ELSASS-LOCKER
ASST. ATTORNEY GENERAL
CO-COUNSEL FOR OHIO DEPT OF DEV
77 SOUTH HIGH STREET, 29TH FLOOR
COLUMBUS, OH 43215

MAUREEN R. GRADY
ATTORNEY AT LAW
369 SOUTH ROOSEVELT AVE.
COLUMBUS, OH 43209

INTERVENOR

OHIO ENVIRONMENTAL COUNCIL
MR. JACK SHANER
1207 GRANDVIEW AVE. SUITE 201
COLUMBUS, OH 43212-3449

VICKI L. DEISNER, ESQ.
OHIO ENVIRONMENTAL COUNCIL
1207 GRANDVIEW AVE.
ROOM 201
COLUMBUS, OH 43212-3449

WILLIAM M. ONDREY GRUBER
ATTORNEY AT LAW
2714 LEIGHTON ROAD
SHAKER HEIGHTS, OH 44120

INTERVENOR

OHIO MANUFACTURERS ASSOCIATION
ERIC L. BURKLAND, PRESIDENT
33 N. HIGH STREET
COLUMBUS, OH 43215-3005

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

ELIZABETH H. WATTS
BRICKER & EKCLER LLP
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

INTERVENOR

OHIO PARTNERS FOR AFFORDABLE
ENERGY
P.O. BOX 1793
FINDLAY, OH 45840

DAVID C. RINEBOLT
OHIO PARTNERS FOR AFFORDABLE ENERGY
P.O. BOX 1793
FINDLAY, OH 45839-1793

INTERVENOR

OHIO POWER COMPANY
WILLIAM R. FORRESTER
1 RIVERSIDE PLAZA-29
COLUMBUS, OH 43215-2373

MARVIN I. RESNIK
AMERICAN ELECTRIC POWER SERVICE
1 RIVERSIDE PLAZA
COLUMBUS, OH 43215

INTERVENOR

OHIO RURAL ELECTRIC COOPERATIVES
6677 BUSCH BLVD
COLUMBUS, OH 43229

ROBERT P MONE
THOMPSON, HINE AND FLORY
10 WEST BROAD STREET
SUITE 700
COLUMBUS, OH 43215

SCOTT A. CAMPBELL
THOMPSON HINE & FLORY
10 WEST BROAD STREET, 7TH FLOOR
COLUMBUS, OH 43215

INTERVENOR

SHELL ENERGY SERVICES CO. L.L.C.
AMY GOLD
P.O. BOX 4402
HOUSTON, TX 77210

GREGORY K. LAWRENCE, ESQ.
MCDERMOTT, WILL & EMERY
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20005

PAUL F. FORSHAY
SUTHERLAND ASBILL & BRENNAN LLP
1275 PENNSYLVANIA AVE. NW
WASHINGTON, DC 10004-2415

LANGDON D. BELL
BELL, ROYER & SANDERS CO., LPA
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

STRATEGIC ENERGY, L.L.C.
TWO GATEWAY CENTER
9TH FLOOR
PITTSBURGH, PA 15222

WANDA M. SCHILLER
STRATEGIC ENERGY LTS.
TWO GATEWAY CENTER
PITTSBURGH, PA 15222-1458

SALLY W. BLOOMFIELD
BRICKER & ECKLER
100 SOUTH THIRD STREET
COLUMBUS, OH 43215

JUDITH B. SANDERS
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

BARTH E. ROYER
BELL, ROYER & SANDERS CO., L.P.A.
33 SOUTH GRANT AVENUE
COLUMBUS, OH 43215-3927

INTERVENOR

SUPPORTING COUNCIL OF PREVENTITIVE
EFFORT

ELLIS JACOBS
ATTORNEY AT LAW
LEGAL AID SOCIETY OF DAYTON
333 W. FIRST STREET, SUITE 500
DAYTON, OH 45402

INTERVENOR

UNITED WORKERS UNION OF AMERICA
AFL-CIO

DAVID B. LIEB
SPIEGEL & MCDIARMID
1350 NEW YORK AVENUE, NW
WASHINGTON, DC 20005-4798

SCOTT H. STRAUSS
SPEIGEL & MCDIARMID
1350 NEW YORK AVENUE, NW
WASHINGTON, DC 20005-4798

INTERVENOR

UTILITY WORKERS UNION OF AMERICA
LOCAL NO. 175

JOHN R. DOLL
LOGOTHETIS, PENCE & DOLL
111 W. FIRST ST.
SUITE 1100
DAYTON, OH 45402-1156

INTERVENOR

WESTERN RESERVE ALLIANCE
10916 MAGNOLIA DR.
CLEVELAND, OH 44106

AARON RUPERT
LEGAL ASSISTANT
1223 WEST 6TH STREET
CLEVELAND, OH 44113

INTERVENOR

WPS ENERGY SERVICES, INC.
MARK A. RADTKE, PRESIDENT
1088 SPRINGHURST DRIVE
GREEN BAY, WI 54304

M. HOWARD PETRICOFF
VORYS, SATER, SEYMOUR & PEASE
52 EAST GAY STREET
P.O. BOX 1008
COLUMBUS, OH 43216-1008

INTERVENOR

OFFICE OF CONSUMERS' COUNSEL
10 WEST BROAD STREET
SUITE 1800
COLUMBUS, OH 43215

TERRY L. ETTER
OHIO CONSUMERS' COUNSEL
10 W. BROAD STREET
SUITE 1800
COLUMBUS, OH 43215

DIRKEN D. WINKLER
OHIO CONSUMERS' COUNSEL
10 W. BROAD STREET
SUITE 1800
COLUMBUS, OH 43215

BARRY COHEN
ATTORNEY AT LAW
OFFICE OF CONSUMERS' COUNSEL
10 W. BROAD STREET, SUITE 1800
COLUMBUS, OH 43215

----- INTERESTED PARTIES -----

GEORGE WALEN
UNION LOCAL 175
2307 EMBURY PARK ROAD
DAYTON, OH 45414-5599

NONE

TAFF TSCHAMIER
MANAGER-RETAIL MARKETS, XENERGY
3 BURLINGTON WOODS
BURLINGTON, MA 01803

NONE