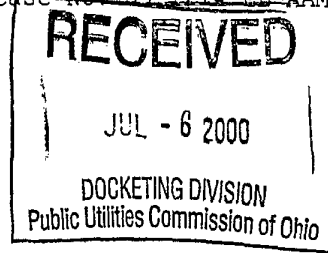


PUBLIC

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the : Case No. 99-1212-EL-ETP
Application of First Energy : Case No. 99-1213-EL-ATA
Corp. on Behalf of Ohio : Case No. 99-1214-EL-AAM
Edison Company, The :
Cleveland Electric :
Illuminating Company and The :
Toledo Edison Company for :
Approval for Their :
Transition Plans and for :
Authorization to Collect :
Transition Revenues. :



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

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

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

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

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MEMORANDUM IN OPPOSITION TO THE MOTION OF
THE COALITION FOR CHOICE IN ELECTRICITY FOR
COMPLIANCE TARIFF FILING, SERVICE, REVIEW, AND COMMENT PROCEDURES

The Dayton Power and Light Company ("DP&L or Company") opposes the Motion of Coalition for Choice in Electricity ("CCE") for Compliance Tariff Filing, Service, Review, and Comment Procedures ("Motion") for the reasons that (1) DP&L's Stipulation eliminates the need for the proposed review and comment procedures for tariff filings, and (2) CCE has not provided any reasonable justification for departure from the Commission's regular practice of Staff review of proposed implementing tariffs without intervenor participation.

In the Motion, CCE asked the Commission to order review of each Ohio utility's proposed tariff filings together with all relevant work papers by intervenors simultaneous with the tariff filing at the Commission and the establishment of a two-week comment. The Stipulation and Recommendation in DP&L's case eliminates the need for the requested order. Specifically, in Section V of the Stipulation and Recommendation, DP&L agreed (a) to establish a Technical and Tariff Working Group process to help to assure that efficient progress is made toward formation of a competitive marketplace and (b) as a part of this working group process to provide responses to requests for information submitted to it by Signatory Parties, provided that such requests for information are deemed reasonably related to the requirements


of the Stipulation and Recommendation. DP&L believes this provision in the Stipulation provides CCE and its members more than adequate access to information regarding DP&L's tariff filings. Importantly, DP&L in Section II of the Stipulation and Recommendation reached agreement with CCE on many tariff terms. Specifically, DP&L and CCE agreed to (a) an amended Alternative Generation Supplier Coordination Tariff attached as Exhibit B1, (b) Electric Distribution Service Rules and Regulation Tariffs attached as Exhibit B2, (c) energy imbalance tariff terms attached as Exhibit C to the Stipulation, and (d) net metering tariff language attached as Exhibit F to the Stipulation. These agreements eliminate the need for the review and comment requested by CCE as to DP&L's tariffs. Second, CCE has not shown a justification for abandoning the regular practice of Staff review of tariff filings for compliance with Commission orders. Therefore, the Commission should adhere to its regular practice of Staff review. Finally, if CCE believes that the tariffs approved by the Commission failed to conform to the Commission's transition plan order, CCE has an adequate remedy by filing a complaint case pursuant to Ohio Rev. Code § 4905.26 or Ohio Rev. Code § 4928.16.

For these reasons the Motion of CCE should be denied.

Respectfully submitted,

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Counsel for The Dayton Power
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing MEMORANDUM IN
OPPOSITION TO THE MOTION OF THE COALITION FOR CHOICE IN
ELECTRICITY FOR COMPLIANCE TARIFF FILING, SERVICE, REVIEW, AND
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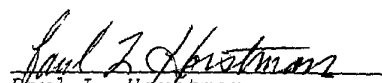
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