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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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- In the Matter of the Commission's Promulgation of Amendments to Rules for Electric Service and Safety Standards Pursuant to Chapter 4928, Revised Code.) Case No. 99-1613-EL-GRD
- In the Matter of the Application of The Toledo Edison Company's Interconnection Service Requirements.) Case No. 00-1257-EL-ATA
- In the Matter of the Application of Ohio Edison Company's Interconnection Service Requirements.) Case No. 00-1258-EL-ATA
- In the Matter of the Application of The Cleveland Electric Illuminating Company's Interconnection Service Requirements.) Case No. 00-1259-EL-ATA
- In the Matter of the Application of The Cincinnati Gas & Electric Company For Approval of its Interconnection Procedures Tariff.) Case No. 00-1253-EL-ATA
- In the Matter of the Application of the Dayton Power and Light Company for Approval to Establish an Interconnection Service Tariff for DP&L Distribution Service.) Case No. 00-1256-EL-ATA
- In the Matter of the Application of Columbus Southern Power Company for Approval of Minimum Requirements for Distribution System Interconnection.) Case No. 00-1248-EL-ATA
- In the Matter of the Application of Ohio Power Company for Approval of Minimum Requirements for Distribution System Interconnection.) Case No. 00-1247-EL-ATA
- In the Matter of the Application of Monongahela Power Company dba Allegheny Power to Establish an Interconnection Tariff.) Case No. 00-1337-EL-ATA

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COMMENTS OF THE OHIO CONSUMERS' COUNSEL

On January 17, 2002, the Public Utilities Commission of Ohio ("Commission") issued an Entry on Rehearing denying the Applications for Rehearing in these dockets. However, the Commission provided interested parties an opportunity to file comments on the revised interconnection tariffs filed by the electric distribution utilities. Herein, the Ohio Consumers' Counsel ("OCC") files brief comments on the tariffs. OCC's comments are limited to a discussion of the fees proposed by the utilities for interconnection of the smaller facilities (single phase less than or equal to 25 kW) that should qualify for the simplified interconnection agreement pursuant to the pro forma tariff, the referenced technical requirements (Jt. Ex. 2) and the interconnection request screening process (Jt. Ex. 3). OCC's limited comments should not be construed as OCC's support for other provisions in the proposed tariffs to which OCC did not comment herein.

The pro forma tariff includes the statement under "interconnection fees" that the utility "shall not charge any fees for interconnection other than those authorized by this tariff." Pro Forma Tariff at 5. The pro forma tariff allows the utility to charge each interconnection customer a nonrefundable interconnection application fee payable at the time the application is submitted. In addition, each interconnection customer shall deposit with the utility an amount per kW of generation referenced in the application. The utility shall apply the deposits to the utility's costs associated with the interconnection. If such costs are greater than the deposit, the customer shall pay additional costs; if such costs are less than the deposit, the utility will refund the balance.

If the interconnection requires construction or an upgrade, the customer will pay the actual cost of such construction or upgrade.

No other fees are described in the pro forma tariff. The tariff has a heading for “additional fees,” but none are described. Given the language that the utilities may not charge any fees other than those authorized by the pro forma tariff and given that no additional fees are described, there should be no additional fees. The utilities should not be allowed to include additional fees in their tariffs that are not included in the pro forma tariff.

Moreover, with regard to the smaller facilities that pass through the screening process and thereby qualify for simplified interconnection, the utility and the customer will execute a simplified interconnection agreement. In the case of such interconnections, construction or upgrades are not necessary. The application fee is the only fee that this customer should pay. If a deposit were requested, no additional costs would be incurred, and the entirety of the deposit should be refunded.

For example, The Cincinnati Gas & Electric Company (“CG&E”) will charge no fees for the interconnection application or for the interconnection of the facilities that qualify for the simplified interconnection process. This is appropriate given that the smaller facilities that qualify for the simplified interconnection agreement present only a minimal additional cost, if any, to the utility.

Monogahela Power Company

Monogahela Power Company (“Mon Power”) proposes a \$250 application fee and a deposit of \$10 per kW of generation. The application fee is based on hourly labor

costs of \$54 per hour, and the deposit was developed by increasing hourly labor costs as the kW size of the unit increased.

OCC recommends that Mon Power be required to provide more support for its application fee. Especially with regard to the smaller units that qualify for the simplified process, the application fee should be kept to the minimum amount that can be reasonably supported. In the alternative, absent adequate support from Mon Power, the Commission should approve no application fees for the smaller units that are expected to pass through the screening process to the simplified agreement.

As for the deposit, there should be no deposit required for the smaller units that are expected to pass through the screening process and qualify for the simplified agreement. For units that do not pass through the screening process, some refundable deposit may be required. However, there is no support for the extent to which Mon Power increases the labor costs and the required deposit based on the additional kW size of the units.

The Dayton Power and Light Company

The Dayton Power and Light Company ("DP&L") proposes a \$175 application fee for smaller units and a supplemental review fee of \$150 if the application requires supplemental review (based on the interconnection request screening process contained within the technical requirements). These fees are supported by one to two hours of labor expense (\$65 per hour for an engineer and \$110 per hour for a manager). In addition, DP&L's tariff states that a system impact study may be necessary for smaller facilities

that do not pass through the screening process. DP&L proposes to charge \$500 for such a “small user impact study”, based on seven hours of labor at the same costs as above.

The Commission should reject the application fee as well as the supplemental review and system impact study fees proposed by DP&L. There is inadequate support for the application fee, especially in light of the pro forma tariff’s simplified process for smaller facilities. If a unit is expected to pass through the screening process to the simplified interconnection agreement, the application fees, if there are any at all, should be kept to a minimum amount that can be reasonably supported.

As for the supplemental review fee and the system impact study fee, such fees are not in conformance with the pro forma tariff’s provisions for interconnection fees. The Commission should therefore not approve these fees. If a smaller unit does not pass through the screening process and requires a supplemental review or a system impact study, the cost of that review or study should be applied to the deposit allowed in the pro forma tariff. The deposit covers only the actual costs incurred by the utility to perform the review or study, and the balance is refunded to the customer.

Columbus Southern Power Company and Ohio Power Company

Columbus Southern Power Company (“CSP”) and Ohio Power Company (“OPC”) propose to charge each customer that applies for interconnection an application fee of \$100 for smaller facilities. CSP and OPC support these fees with labor costs at an average cost of \$50 an hour. As stated above with respect to Mon Power and DP&L, if an application fee is approved at all, it should be the minimum amount supported by the utilities.

In addition, OPC and CSP have “additional fees”, including a fee for an inspection of the inverter settings of a static inverter-connected generator with capacity in excess of 10 kW, for which the customer will pay a \$115 charge for each inspection and another \$115 charge for an inspection of the protective equipment settings of a non-static inverter-connected generator. OPC and CSP support these fees with 1.5 hours of labor costs at \$70 per hour. These fees are not included in the pro forma tariff and should not be approved by the Commission.

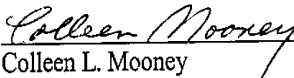
Finally, like DP&L, CSP and OPC also propose a fee for a system impact study for smaller facilities (up to 25 kW) that do not pass through the screening process. In those cases, the customer must deposit \$500 for such a study. There is no specific cost data to support this figure. Again, as in the case of DP&L, fees for such studies are not contemplated by the pro forma tariff. Therefore, such fees should not be approved. If the screening process results in a need for such studies, the cost of such studies should be recovered through the deposit allowed in the pro forma tariff. Any amount of the deposit not actually spent should be refunded to the customer.

Toledo Edison Company, Ohio Edison Company and The Cleveland Electric Illuminating Company

The Toledo Edison Company, Ohio Edison Company and The Cleveland Electric Illuminating Company propose a \$250 application fee for the smaller facilities. However, these companies provided no supporting cost documentation. The Commission should therefore reject the \$250 application fee as being unsupported by any cost information.

Respectfully submitted,

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OHIO CONSUMERS' COUNSEL

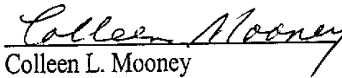


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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments of the Ohio Consumers' Counsel has been served by first class mail, postage prepaid, or hand delivered to the following parties of record this 1st day of March 2002.



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