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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Application of)	
FirstEnergy Corp. on Behalf of)	
Ohio Edison Company, The)	Case No. 99-1212-EL-ETP
Cleveland Electric Illuminating	)	Case No. 99-1213-EL-ATA PUCO
Company and The Toledo Edison	)	Case No. 99-1214-EL-AAM
Company for Approval for Their)	
Transition Plans and for Authorization)	
To Collect Transition Revenues.)	
In the Matter of the Application of)	
The Cincinnati Gas & Electric Company	)	Case No. 99-1658-EL-ETP
For Approval of its Electric Transition Plan	)	Case No. 99-1659-EL-ATA
Approval of Tariff Changes and New	)	Case No. 99-1660-EL-ATA
Tariffs, Authority to Modify Current	)	Case No. 99-1661-EL-AAM
Accounting Procedures, and Approval	)	Case No. 99-1662-EL-AAM
To Transfer its Generating Assets to an	)	Case No. 99-1663-EL-UNC
Exempt Wholesale Generator.)	
In the Matter of the Application of the)	
Dayton Power & 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.)	

MOTION TO DISAPPROVE
APPLICATIONS FOR APPROVAL OF THE UNIVERSAL SERVICE FUND RIDER
AND THE ENERGY EFFICIENCY REVOLVING LOAN FUND RIDER AS PROPOSED
BY THE OHIO DEPARTMENT OF DEVELOPMENT

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August 4, 2000

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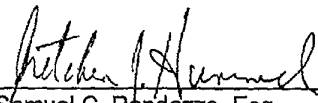
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**MOTION TO DISAPPROVE
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RIDER AND THE ENERGY EFFICIENCY REVOLVING LOAN FUND
RIDER AS PROPOSED BY THE OHIO DEPARTMENT OF
DEVELOPMENT**

Now comes the Industrial Energy Users-Ohio ("IEU-OH") and respectfully requests that the Public Utilities Commission of Ohio ("Commission") disapprove the Applications for Approval of the Universal Service Fund Rider and the Energy Efficiency Revolving Loan Fund Rider filed by the Ohio Department of Development ("ODOD") on July 13, 2000, in the above-styled cases. The reasons for this request are set forth in the attached memorandum in support, which is full incorporated herein.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Section 4928.52, Revised Code, establishes a universal service fund ("USF") rider to replace the percentage of income payment plan ("PIPP") rider, to fund low-income customer energy efficiency programs, and to fund administrative costs of the low-income

customer assistance programs and a consumer education program created in Section 4928.56, Revised Code. Section 4928.56, Revised Code, permits the Director of Development to adopt rules establishing an education program for "consumers eligible to participate in the low-income customer assistance programs" to provide information regarding energy efficiency and conservation.

On July 13, 2000, ODOD filed Applications for Approval of the Universal Service Fund Rider and the Energy Efficiency Revolving Loan Fund Rider in each of the transition plan cases captioned above. Each application proposes a USF rider composed of an amount to recover annual PIPP costs, administrative costs, an allocated amount of costs for statewide consumer education and targeted weatherization costs, and an Energy Efficiency Revolving Fund Rider.

Section 4928.52(A)(1), Revised Code, specifies that the PIPP component of the USF rider is to be "the level of percentage of income payment plan rider in existence on the effective date of this section." The PIPP riders contained in the USF riders proposed by ODOD are different from those in existence on the effective date of Section 4928.52(A)(1). Neither the bases nor the reasons for the differences are apparent in the applications.

Additionally, it is IEU-OH's understanding that the proposed USF riders include an annual amount of \$6,000,000 for consumer education.¹ Section 4928.56, Revised Code, permits the Director of Development to adopt rules establishing an education program for consumers eligible for low-income customer assistance programs. ODOD did, indeed,

¹ This understanding is based on the contents of a June 26, 2000, letter to Dan Neff, Chairman of the Public Benefits Advisory Board, from John Riordan, Deputy Director, Community Development Division, ODOD, containing information related to the calculation of the USF and energy efficiency revolving loan fund ("EERLF") riders. This letter is attached hereto as Attachment 1.

promulgate a rule. The rule consists of one short paragraph that basically mandates that the Director of Development establish a consumer education program as set forth in Section 4928.56, Revised Code. The rule provides no description of an education program, nor any detail of the reasons or purposes for which a total of \$6,000,000 annually is required. The entire budget for consumer education for all customers for electric restructuring over the market development periods is \$33 million. Section 4928.42, Revised Code. In light of this, ODO's proposed \$6 million per year for education directed at customers eligible for low-income assistance programs seems excessive.

Finally, Sections 4928.61 and 4928.62, Revised Code, *inter alia*, create an energy efficiency revolving loan ("EERL") program, the benefits of which are available to all customers; authorize the Director of Development to operate the program; create in the State Treasury an energy efficiency revolving loan fund ("EERLF"); and cap the aggregate revenue target for said fund at no more than \$15 million per year through 2005, and reduced thereafter not to exceed \$5 million per year. Section 4928.62, Revised Code, provides for the statewide rider to recover the aggregate revenue target determined by the Director of Development to be in effect for ten years after the starting date of competitive retail service or until \$100 million dollars is collected, whichever is first.

The ODO rider applications have proposed energy efficiency fund riders designed to collect \$15 million per year. Yet, there is no attached explanation of the energy efficiency loan program, or details supporting the requirement for \$15 million per year.

IEU-OH has several questions, concerns and potential issues with respect to the riders proposed and the support therefore. At this point, it seems clear that the level of consumer education dollars included in the USF rider is too high. IEU-OH has questions about the bases and support for a number of other details of the riders, the answers to which are necessary to ascertain their reasonableness and lawfulness. One thing is clear, however; these proposed riders are volumetric charges. Obviously, high volume industrial users will be required to provide the majority of funding for programs in which they do not participate. This, of course, adds emphasis to IEU-OH's interest in making sure the funding targets are not excessive and fund purposes are within the letter and spirit of the law.

The appropriateness of the proposed level of consumer education funding and other questions and concerns may be resolved by access to additional supporting documentation. To this end, IEU-OH has initiated a discussion with ODOD intended to resolve its concerns about the proposed riders and has informed counsel for ODOD of its intention to file this motion to preserve its potential objections. Likewise, IEU-OH has informed the Commission Staff about its questions and concerns and this filing. It is IEU-OH's intent to pursue informal resolution of these matters with ODOD. The purpose of this filing is to preserve IEU-OH's right to pursue the level of consumer education funding in the USF rider and other issues related to the USF and the EERLF riders it ultimately determines adversely affect its interests in the event informal discussions with ODOD fail.

It is, therefore, respectfully requested that the Commission either disapprove the Applications for Approval of the Universal Service Fund Rider and the Energy Efficiency

Revolving Loan Fund Rider filed by ODOD in the electric transition plan proceedings captioned above or, in the alternative, hold consideration thereof in abeyance until such time as IEU-OH has had the opportunity to pursue informal resolution of its concerns with ODOD.

Respectfully submitted,



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June 26, 2000

Mr. Dan Neff, Chairman
Public Benefits Advisory Board
326 Highland Avenue
P.O. Box 130
Cambridge, Ohio 43725

RE: Proposed Riders for the Universal Service Fund
And Energy Efficiency Revolving Loan Fund

Dear Chairman Neff:

Below are our calculations for the two riders called for by Senate Bill #3 Restructuring
Electric Industry-Permit Competition.

I. The Universal Service Fund (USF) consists of three components:

Consumer Education and Targeted Weatherization-	\$14,946,196
Cost of PIPP (Percentage of Income Payment Plan)-	\$47,703,815
PIPP Administration/Operations-	<u>\$ 1,932,561</u>
	\$64,582,572

(1) Consumer Education and Targeted Weatherization

These component costs are as follows: Administrative Costs (\$1,896,196); Energy Education Services (\$6,000,000); and Targeted Energy Efficiency & Weatherization (\$7,050,000).

2) Cost of PIPP

The Cost of PIPP is the gap between the cost of electricity for PIPP Customers and the total dollars remitted to the utility companies by those customers. The amount above is based upon 1999 information submitted by the companies [Electricity Distribution Utilities (EDUs)]. PIPP Administration/Operations was previously factored into base rates, not the PIPP rider. The EDUs actually recovered \$66,489,122. The USF will provide \$15 million for the legislatively mandated Targeted Weatherization services and Consumer Education- besides funding the PIPP.

The 1999 PUCO Ohio Statistics on Customer Accounts Receivable (OSCAR) report was our original source of data for calculating the Cost of PIPP. After several starts and stops with using the OSCAR, the Cost of PIPP was eventually determined from new data from each EDU. They reported the cost of electricity, and OSCAR was used as the source of payment amounts from customers. [The two combination utilities (CG&E and DP&L) also submitted payments by electric PIPP customers, because OSCAR combined gas and electric customers]

The Cost of PIPP is our best projection of this expense based on one year's data. Although we are comfortable that the estimate allows sufficient funding, we cannot be more accurate without better data that will come from direct administration of the program.

(3) PIPP Administration/Operations

The structure and process for providing the PIPP program is very similar to that of the regular Home Energy Assistance Program (HEAP)- both are based on the processing of a large number of applications, eligibility determination, payment crediting, and account management. The administrative cost of HEAP is well documented and was used to estimate that for the PIPP.

The Administration/Operations amount was calculated using the number of customers for each program in 1999. A cost per PIPP customer was calculated and applied to each EDU based on its number of PIPP customers. A five-percent (5%) inflation factor was applied to each of the next four years and an annual charge determined.

Administrative/Operations costs include those of the ODOD, as well as the network of fifty-three (53) local non-profit agencies and the State Department of Aging. These organizations provide outreach and the intake of applications. Administrative/Operations include salaries, fringes, and other personnel related costs such as supplies, space, equipment, etc.

II. The Determination of the USF Riders :

A portion of the Universal Service Fund was allocated to each company based on its respective share of the total Cost of PIPP. The USF Riders (average cost per kwh) are the allocated USF cost for each EDU divided by its total kwh (kilowatt hour) sales for 1999. It was decided to have one Rider rate per company.

For example, DP&L's cost of PIPP was \$6,227,488. This represents 13.05% of the total PIPP cost for all EDUs (\$47,703,815). DP&L's portion of the USF is 13.05% of the total cost of the USF program (\$64,582,572 x 13.05% = \$8,431,062). This was spread over DP&L's total sales of 14,448,925,000 kwh resulting in a rate of .0005835. The rates for all companies are shown below.

Company	Current Rider	1999 Rider Revenue Actual	Recommended Rider	Estimated USF Rider Revenue
Cleveland Electric and Illuminating (First Energy)	0.0005680	\$11,362,912	0.0004601	\$9,211,003
Cincinnati Gas and Electric	0.0004690	\$11,266,532	0.0002442	\$4,900,898
Columbus Southern Power (AEP)	0.0001830	\$2,949,692	0.0006240	\$10,254,800
Dayton Power and Light	0.0005700	\$5,466,249	0.0005835	\$8,431,062
Monongahela Power	0.0000400	\$65,897	0.0000490	\$81,091
Ohio Edison (First Energy)	0.0010461	\$25,603,901	0.0007249	\$18,084,089
Ohio Power (AEP)	0.0001681	\$4,123,001	0.0002998	\$9,587,567
Toledo Edison (First Energy)	0.0005610	\$5,650,938	0.0004086	\$4,032,063
		\$66,489,122		\$64,582,572

III. Energy Efficiency Revolving Loan

The rider for the Energy Efficiency Revolving Loan Program (.00010758) is the same for each EDU since it is not targeted and will be available to all customers.

IV. Operating Cushion

We believe that by starting the program in the fall, which is the lowest use period, we will gradually develop the recommended operating cushion during the first 6 months. Also, any payment on PIPP debt will be set aside for the cushion.

Sincerely,

John E. Riordan
Deputy Director
Community Development Division

Notice to: Public Benefits Advisory Board

If in your opinion this warrants a meeting on July 7, please contact Dan Neff no later than June 30, 2000. If you need more explanation please call me at (614) 466-5863, Fax: (614) 466-4708, e-mail jriordan@odod.state.oh.us

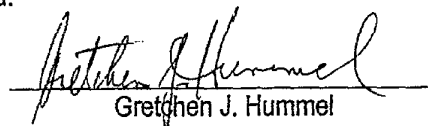
Cost of PIPP
(Electricity Cost less Customer Payments)
1999 PIPP Program

Company	Electric Cost ¹	\$\$ of Payments ²	Difference	Rider Factor ⁴
CEI	\$20,504,962	\$13,701,381	\$6,803,581	0.1426
CGE	\$9,421,338	\$5,801,357	\$3,619,981	0.0759
CSP	\$17,110,668	\$9,536,101	\$7,574,567	0.1588
DPL	\$15,183,128	\$8,955,640	\$6,227,488	0.1305
MP ³	\$194,474	\$199,690	\$60,681	0.0013
OE	\$36,581,693	\$23,224,129	\$13,357,564	0.2800
OP	\$21,325,558	\$14,243,833	\$7,081,725	0.1485
TE	\$8,574,641	\$5,596,413	\$2,978,228	0.0624
	\$128,896,462	\$81,258,544	\$47,703,815	

- 1 All costs were determined by the EDUs.
- 2 Payment amounts were contained in the 1999 OSCAR, except for DPL and CGE. These customer payments were calculated separately by those EDUs.
- 3 Since MP did not provide its PIPP electric cost, the Cost of PIPP was calculated differently from the other companies. MP reported to the PUCO that customer payments exceeded the amounts billed by \$5,216 in 1999. That amount was subtracted from the actual recovery (\$65,897).
- 4 Each EDU's proportion of the Cost of PIPP (Difference).

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion to Disapprove Application for Approval of the Universal Service Fund Rider and the Energy Efficiency Revolving Loan Fund Rider as Proposed by the Ohio Department of Development* was served upon the following parties of record this 4th day of August 2000, via electronic transmission, hand-delivery, or ordinary U.S. mail, postage prepaid.


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**On Behalf of the Ohio Schools Council
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Eastlake**

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**On Behalf of The Association for Hospitals
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On Behalf of UWUA Intervenors

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**On Behalf of Ohio Citizen Action and Safe
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