

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Anthony E. Finamore,)	
)	
Complainant,)	
)	Case No. 96-737-EL-CSS
v.)	
)	
Cincinnati Gas & Electric Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On July 26, 1996, Anthony E. Finamore (complainant) filed a complaint against Cincinnati Gas & Electric Company (CG&E, respondent, company) alleging that the respondent inappropriately charged complainant a monthly customer charge of \$4.00. Mr. Finamore asserts that the customer charge was originally for assistance and repair to his service within three feet on either side of his box but is no longer appropriate and requested a refund of such charge paid for the past thirty years.
- (2) CG&E filed, on August 19, 1996, its answer, affirmative defenses and a motion to dismiss. The respondent specifically denies that the monthly customer charge at issue is unlawful, inappropriate or unfair and that the complainant is entitled to a refund for such charge. CG&E states that contrary to Mr. Finamore's assertion the customer charge was never for assistance and repairs to complainant's service within three feet on either side of complainant's box. Furthermore, CG&E asserts that the complaint fails to state a claim upon which relief can be granted as the customer charge at issue was approved by the Commission in Case No. 91-410-EL-AIR, *In the Matter of the Application of the Cincinnati Gas & Electric Company for an Increase in Electric Rates in its Service Area* (Opinion and Order issued May 12, 1992) (91-410) and is in compliance with their tariff, and Sections 4905.22 and 4905.30, Revised Code. Furthermore, CG&E notes that it can not delete the customer charge from the complainant's bill as the respondent is required to similarly charge all persons for

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Watson Date Processed 9-26-96

doing a like and contemporaneous service under substantially the same circumstances and conditions pursuant to Sections 4905.32 and 4905.33, Revised Code. Finally, for all the reasons listed, CG&E request that the complaint be dismissed with prejudice.

- (3) On August 28, 1996, Mr. Finamore filed a letter in response to the answer, affirmative defenses, and motion to dismiss filed by CG&E. Mr. Finamore asserts that the purpose of the customer charge some thirty years ago was to cover the cost of replacing customers' circuit breakers or fuses and lighting furnace pilot lights, services which the company no longer provides. Therefore, the complainant argues that the customer charge should be eliminated from all customers' bills. In addition, Mr. Finamore enclosed copies of correspondence from the company, CG&E residential service tariff sheets dating from September 1956, and a page from the Opinion and Order in 91-410 which discusses the purpose of the customer charge. The correspondence from CG&E to Mr. Finamore included a letter which also explained the reason for the monthly customer charge. Mr. Finamore also received pages from the Opinion and Order in Case No. 79-11-EL-AIR, *In the Matter of the Application of The Cincinnati Gas & Electric Company to Increase its Rates for Electric Service to All Jurisdictional Customers* and the Staff Report in 91-410 from the Commission staff.
- (4) Pursuant to Section 4905.26, Revised Code, any person may file a complaint before the Commission complaining that any rate charged by a public utility is in any respect unjust or unreasonable and if it appears that reasonable grounds for complaint are stated a hearing shall be scheduled. Under Section 4905.32, Revised Code, a public utility may not bill for a rate or charge that has not been approved by the Commission. Any complainant challenging the rates of a utility will necessarily be challenging a Commission approved rate. However, the monthly customer charge rate at issue in this complaint was thoroughly considered and approved by the Commission in CG&E's last rate proceeding. As we stated in the 91-410 Opinion and Order, the purpose of the customer charge is to provide a utility with a partial recovery of the fixed costs which it incurs in order to provide service to a customer based on the customers' connection to the system irrespective of consumption. The complainant does not allege new or different information which states reasonable

grounds for reconsidering this issue nor does complainant assert that he has been treated differently than other similarly situated customers. Therefore, the Commission finds that the complainant has not set forth reasonable grounds to sustain a complaint and that CG&E's motion to dismiss the complaint should be granted.

It is, therefore,

ORDERED, That the respondent's request for a dismissal of the complaint with prejudice is granted and the case closed of record. It is, further,

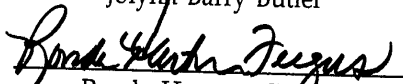
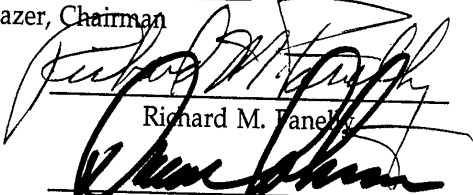
ORDERED, That a copy of this entry be served upon Anthony Finamore, CG&E and its counsel, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Craig A. Glazer, Chairman

Jolynn Barry Butler



Ronda Hartman Fergus
Richard M. Fanello
David M. Johnson

GNS/pdc

Entered in the Journal

SEP 19 1996

A True Copy


Gary E. Vigorito
Secretary

SERVICE NOTICE

PAGE 1

CASE NUMBER 96-737-EL-CSS
CASE DESCRIPTION ANTHONY E. FINAMORE/CG&E
DOCUMENT SIGNED ON September ¹⁹~~20~~, 1996
DATE OF SERVICE Sept 20, 1996

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

COMPLAINANT

ANTHONY E. FINAMORE
895 SHAYLER RD.
CINCINNATI, OH 45245

NONE

RESPONDENT

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

MICHAEL A. GRIBLER
CINCINNATI GAS & ELECTRIC CO.
P.O. BOX 960
CINCINNATI, OH 45202

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