

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of The)	
NewPower Company for a CRES Certificate.)	Case No. 00-2003-EL-CRS
)	
In the Matter of the Application of The)	
NewPower Company to Abandon)	Case No. 02-1849-EL-ABN
Competition Retail Electric Service.)	

ENTRY

The Commission finds:

- (1) On July 3, 2002, The NewPower Company (NewPower) filed a notice of material change and a request for waivers of certain certification and notice rules with regard to both its gas and electric customers. Further information was filed on July 15, 2002. NewPower is both a certificated Competitive Retail Electric Service (CRES) provider and a natural gas marketer. As a CRES provider, NewPower serves approximately 4,000 customers on the FirstEnergy Corp. operating systems of Toledo Edison Company and Ohio Edison Company, 6,000 customers on Cincinnati Gas & Electric Company, and until recently 700 customers on Columbus Southern Power Company. NewPower states that on June 11, 2002, it filed a voluntary petition for bankruptcy. By the end of July 2002, NewPower anticipates that it will no longer own or operate an electric or natural gas marketing operation in Ohio. For that reason and in tandem with this notice of material change in its operation, NewPower requests that the Commission grant a waiver to permit the prompt transfer or disposal of customer portfolios within the state of Ohio.
- (2) With regard to its electric customers, NewPower sought waivers from the Commission's rules that require the filing of an application and a 90-days notice to customers and electric distribution companies (EDUs) before abandoning service.
- (3) On July 22, 2002, NewPower filed an application to abandon its CRES service with the transfer of its customers to other CRES providers or to the EDUs. Although its request for a waiver of the filing of an abandonment application is moot, NewPower renewed its requests for certain notification waivers. In order to provide timely written notice to CRES customers, NewPower requests the waiver of the 90-day notice of the abandonment to its customers and the EDUs. As part of its application, NewPower has filed a copy of its proposed notice to customers and the EDUs.

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- (4) The Commission finds that, under the circumstances of this case, the requested waivers for notice to its CRES customers and the EDUs are reasonable and should be granted. Upon the transfer of its CRES customers and the notice provided for in its abandonment application, NewPower is authorized to abandon CRES service.
- (5) On July 10, 2002, Cincinnati Gas & Electric Company (CG&E) filed a motion requesting that whatever relief NewPower is granted that the Commission clarify that NewPower must abide by the return of customers and settlement process contained in approved EDU tariffs and agreements. The Commission's granting of certain waivers and NewPower's application to abandon its CRES service is not intended to relieve NewPower from abiding by the return and settlement processes contained in approved utility tariffs and agreements except for the waivers granted herein.

It is, therefore,

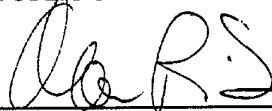
ORDERED, That NewPower's application for abandonment and notice waiver requests are granted. It is, further,

ORDERED, That NewPower notifies the Commission when the customer/EDU notice provided for in its application has been completed. It is, further

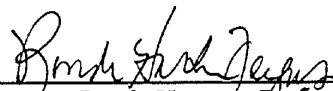
ORDERED, That NewPower be removed from the Commission's list of CRES providers. It is, further,

ORDERED, That a copy of this entry be served upon NewPower and the affected EDUs.

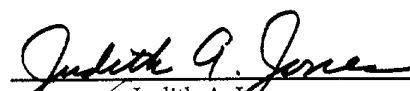
THE PUBLIC UTILITIES COMMISSION OF OHIO



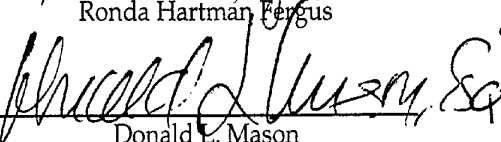
Alan R. Schriber, Chairman



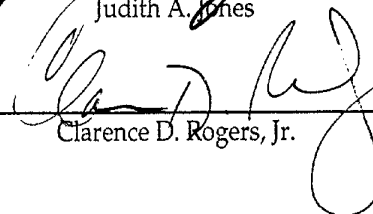
Ronda Hartman Fergus



Judith A. Jones



Donald L. Mason



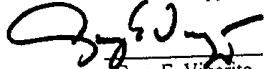
Clarence D. Rogers, Jr.

RRG/vrm

Entered in the Journal

JUL 23 2002

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Gary E. Vigorito
Secretary