

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review of its )  
Rules for Market Monitoring, Chapter 4901:1-25 ) Case No. 02-1411-EL-ORD  
of the Ohio Administrative Code. )

ENTRY

The Commission finds:

- (1) The Public Utilities Commission of Ohio is an "agency" as defined by Section 119.032(A)(1), Revised Code.
- (2) Section 119.032(B), Revised Code, requires each agency as defined by Section 119.032(A)(1), Revised Code, to assign a review date to each of its rules that is currently in effect and to notify the Joint Committee on Agency Rule Review of the review date for each such rule.
- (3) By Finding and Order in Case No. 99-1612-EL-ORD dated March 30, 2000, the Commission determined that the review date for the Commission rules in Chapter 4901:1-25, O.A.C., was to be September 30, 2002. Chapter 4901:1-25, O.A.C., contains rules relating to the Commission's market monitoring responsibilities set forth in Section 4928.06(B)-(F), Revised Code.
- (4) Section 119.032(C), Revised Code, requires that each agency conducting a review of its rules determine all of the following:
  - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the statute was adopted;
  - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
  - (c) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork;
  - (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.
- (5) The Commission promulgated the rules contained in Chapter 4901:1-25, O.A.C., to implement Section 4928.06(B)-(F), Revised Code, by Finding and Order dated March 30, 2000. The Commission filed the rules with the Joint Committee on

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Agency Rule Review (JCARR), the Legislative Service Commission, and the Secretary of State on September 7, 2000. The rules became effective on September 18, 2000. After conducting the review envisioned by Section 119.032(C), Revised Code, Staff believes that the Rule 4901:1-25-01 should not be amended at this time. Staff concludes, however, that taking into consideration the purpose, scope, and intent of the statute under which Rule 4901:1-25-02, O.A.C., was adopted, i.e., monitoring markets to determine whether or not competition exists, Rule 4901:1-25-02, O.A.C. should be amended as follows:

- (A) In Rule 4901:1-25-02(A)(2)(b), O.A.C., insert "THE REPORTING ENTITY SHALL REPORT THIS DATA BY RATE SCHEDULE CLASS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR STREET LIGHTING/OTHER) AND BY SUBCLASS, IF APPLICABLE." after "peak hour of the month." This amendment will allow the Commission and Staff to track more easily the 20 percent load switching by revenue class provided for in various electric transition plan stipulations.
- (B) In Rule 4901:1-25-02(A)(3), O.A.C., insert "THE REPORTING ENTITY SHALL SUBMIT THIS INFORMATION SEPARATELY FOR EACH ELECTRIC DISTRIBUTION UTILITY'S SERVICE TERRITORY IN WHICH IT DOES BUSINESS." after "electric generation services." and before "The information in this report shall include,". This amendment corrects language in the rule. Reporting entities are currently submitting data as they would pursuant to the rule as amended.
- (C) In Rule 4901:1-25-02(A)(3)(c), O.A.C., insert "THE REPORTING ENTITY SHALL REPORT THIS DATA BY RATE SCHEDULE CLASS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR STREET LIGHTING/OTHER) AND BY SUBCLASS, IF APPLICABLE." after "total billed revenues." The Commission is currently receiving this data on an annual basis as part of the reporting entity's annual report. If Rule 4901:1-25-02(A)(3)(c), O.A.C., is amended as Staff suggests the Commission will receive monthly data filed on a quarterly basis. Because the data is more timely, it is more useful to Staff. Pursuant to the rule as it is currently written, the data will

be treated as confidential information. Amending this rule would permit the Commission to remove this data from the reporting entity's annual report.

- (6) Those persons or entities interested in filing comments regarding Rules 4901:1-25-01 and 4901:1-25-02, O.A.C., generally, or Staff's proposed amendments to Rule 4901:1-25-02, O.A.C., specifically, should do so no later than the close of business on July 15, 2002. Those persons or entities interested in filing reply comments should do so no later than the close of business on July 23, 2002.


It is, therefore,

ORDERED, That any interested person or entity wishing to file comments with this Commission regarding Rules 4901:1-25-01 and 4901:1-25-02, O.A.C., generally, or Staff's proposed amendments to Rule 4901:1-25-02, O.A.C., specifically, do so no later than the close of business on July 15, 2002. It is, further,

ORDERED, That those persons or entities interested in filing reply comments do so no later than the close of business on July 23, 2002. It is, further,

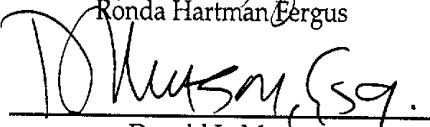
ORDERED, That a copy of this Entry be served upon each electric utility, each electric services company, each governmental aggregator, the Ohio Consumers' Counsel, any person or entity served the March 30, 2000 Entry in Case No. 99-1612-EL-ORD, and upon any other person or entity who expresses an interest in this proceeding.

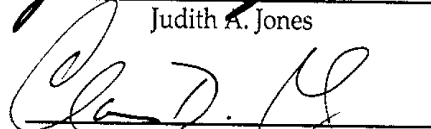
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Ronda Hartman Fergus

  
Judith A. Jones

  
Donald L. Mason

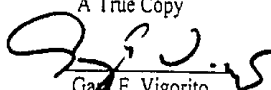
  
Clarence D. Rogers, Jr.

SJD/vrm

Entered in the Journal

JUN 20 2002

A True Copy

  
Gary E. Vigorito  
Secretary

**4901:1-25-02 Market monitoring-reporting requirements.**

(A) Pursuant to sections 4905.04, 4905.05, and 4905.06 of the Revised Code, each electric distribution utility and pursuant to division (F) of section 4928.06 of the Revised Code, each electric utility, electric services company, electric cooperative, and governmental aggregator subject to certification under section 4928.08 of the Revised Code shall submit market monitoring data to the commission, on forms to be issued by the commission, as follows:

- (1) Each electric distribution utility, electric utility, competitive retail electric service provider (electric services company, marketer, broker, nongovernmental aggregator, and independent power producer), certified competitive electric cooperative and certified governmental aggregator shall file a quarterly report which contains information that includes, but is not limited to, the following:
  - (a) Entity name.
  - (b) Business address.
  - (c) Name and title of the person responsible for submitting the market monitoring data required by this rule.
  - (d) Authorized signature.
  - (e) The address, telephone number, fax number, and e-mail address of the person responsible for customer enrollment.
  - (f) Those reporting entities that file quarterly transaction reports with the federal energy regulatory commission (FERC), should submit a copy of its current FERC quarterly transaction report to this commission in the same form that it filed the report with the FERC.
  - (g) Appended to a reporting entity's first quarterly report for each calendar year, a copy of the reporting entity's most recent securities and exchange commission form 10-K or the 10-K of the controlling owner of the reporting entity.

The information contained in the report filed with the commission pursuant to paragraph (A)(1) of this rule is public information.

- (2) Each electric distribution utility shall file on a quarterly basis monthly data related to noncompetitive electric generation services. The information contained in this report shall include, but not be limited to, the following:

- (a) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in MWH, and the amount of billed revenues. The reporting entity shall report this data by rate schedule and by class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable separately for standard offer customers and for special contract customers.
- (b) Monthly system peak data identifying the number of MW, the peak day of the month, the peak day of the week, and the peak hour of the month. THE REPORTING ENTITY SHALL REPORT THIS DATA BY RATE SCHEDULE CLASS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR STREET LIGHTING/OTHER) AND BY SUBCLASS, IF APPLICABLE.

The information contained in the report filed with the commission pursuant to paragraph (A)(2) of this rule is public information.

- (3) Each certified competitive retail electric service provider, a certified competitive electric cooperative, and certified governmental aggregator shall submit to commission staff on a quarterly basis monthly data related to competitive electric generation services. THE REPORTING ENTITY SHALL SUBMIT THIS INFORMATION SEPARATELY FOR EACH ELECTRIC DISTRIBUTION UTILITY'S SERVICE TERRITORY IN WHICH IT DOES BUSINESS. The information contained in this report shall include, but not be limited to, the following:
  - (a) Identity of the reporting entity. If the reporting entity is a CRES provider or is reporting on behalf of a CRES provider, the reporting entity should include the CRES certificate number.
  - (b) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in MWH. The reporting entity shall report this data by rate schedule class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.
  - (c) For those customers for whom the entity provides generation service, total billed revenues. THE REPORTING ENTITY SHALL REPORT THIS DATA BY RATE SCHEDULE CLASS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR STREET LIGHTING/OTHER) AND BY SUBCLASS, IF APPLICABLE.

The information contained in the report submitted to commission staff pursuant to paragraph (A)(3) of this rule is confidential information.

- (4) Each aggregator and certified governmental aggregator shall submit to commission staff on a quarterly basis monthly data related to aggregation activity. The reporting entity shall submit this information separately for each electric distribution utility's service territory in which it does business. The

information contained in this report shall include, but not be limited to, the following:

- (a) The identity of the aggregator including its CRES certificate number.
- (b) The electric distribution utility's service territory for which the report is being made.
- (c) The name of each aggregated group.
- (d) The number of customers by class in each aggregated group.
- (e) The total number of customers in each aggregated group.
- (f) The total number of all customers by class.
- (g) The total number of customers.

The information contained in the report submitted to commission staff pursuant to paragraph (A)(4) of this rule is confidential information.

- (B) Pursuant to Chapter 4935. and division (E) of section 4928.02 of the Revised Code, any entity that owns or has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and to commission staff cost-effective and efficient access to information regarding the operation of the transmission or distribution systems of electric utilities to assist in determining the existence and extent of a transmission constrained area, and to information that may assist the commission or commission staff in determining the impact of transmission constraints on the price of a competitive retail electric service. Each entity that owns or that has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and commission staff a report of any denials of service for either transmission or distribution service due to constraints in the transmission or distribution system, the amounts of energy curtailed or denied, the duration of these curtailments or denials, and the reasons why the service was denied. These reports shall be provided to the commission and to commission staff with the quarterly report filed pursuant to paragraph (A)(1) of this rule.
- (C) Nothing in this rule shall limit the ability of the commission, or commission staff, to collect additional data from any electric distribution utility or any electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code in carrying out the commission's responsibilities under Chapter 4928. of the Revised Code.