

### **SECTION III - CUSTOMER CHOICE ENROLLMENT AND PARTICIPATION GUIDELINES**

#### **1. Selection of Certified Supplier**

In order to obtain Competitive Retail Electric Service from a Certified Supplier, a customer must enter into an agreement with a Certified Supplier who meets the requirements for participation in this Customer Choice Program pursuant to the Certified Supplier Service Rules, Regulations, and Rates, specified in Duke Energy Ohio P.U.C.O. Electric No. 20. Enrollment of customers is done through a Direct Access Service Request (DASR), which may be submitted only by Certified Suppliers. DASRs will be effective on the next regularly scheduled meter read date provided that it is received by the Company at least twelve (12) calendar days before the next regularly scheduled meter read date. Enrollments will be processed on a "first in" priority basis based on the received date, using contract date as the tiebreaker. Should the contract date also be the same, the enrollments will be processed on a first in priority basis, based on the order in which the Company received the DASRs. An account may only be served by one Certified Supplier at a time.

Customers may contact the Company at any time to report that they have been switched without giving consent. To decrease the probability of this occurring, the Company requires that Certified Suppliers obtain, and maintain in their files, customer authorizations as dictated by Commission rules. These authorizations must be made available to the Company, upon request, within three (3) business days.

If Percentage Income Payment Plan (PIPP) customers are aggregated for the purpose of competitively auctioning the supply of Competitive Retail Electric Service, such customers will receive their Competitive Retail Electric Service from the successful bidder. In this event, PIPP customers would not be eligible to select another Certified Supplier or to opt out of the Customer Choice Program.

#### **2. Pre-Enrollment End-use Customer Information List**

Upon request, the Company will electronically provide to any supplier certified by the Commission the most recent End-use Customer information list. The Company will offer the End-use Customer information list beginning on October 1, 2000 with updates available quarterly throughout the Market Development Period. Once the list has been updated, a supplier may not use an End-use Customer information list from a prior quarter to contact a customer, but suppliers shall not be required to purchase subsequent lists.

The Company will provide customers the option to have all the customer's information listed in the section below removed from the End-use Customer information list. The Company will also provide customers the option to have all the customer's information listed below reinstated on the End-use Customer information list. The customer will be provided written notice of his or her options quarterly throughout the Market Development Period and prior to the distribution of the first list.

The following information will be provided on the End-use Customer information list for each customer who has not requested that all information be removed from this list:

- (a) End-use Customer name
- (b) Service Address
- (c) Service City
- (d) Service State and Zip Code
- (e) Mailing Address
- (f) Mailing City
- (g) Mailing State and Zip Code

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- (h) Rate Schedule under which service is rendered, including class and sub-class (if applicable)
- (i) Rider (if applicable)
- (j) Load Profile Reference Category
- (k) Meter Type (will provide information that is readily available)
- (l) Interval Meter data indicator (will provide information that is readily available)
- (m) Budget Bill/PIPP indicator
- (n) Meter Read Cycle
- (o) Most recent twelve (12) months of historical consumption data (actual energy usage plus demand, if available)

**3. Customer Choice Participation Requirements**

To participate in the Customer Choice Program, a customer must have an active electric service account with the Company. After the Company has accepted the customer's application for electric service, the customer may select and contact a Certified Supplier. The Company shall provide a list of all approved Certified Suppliers and which classes of customers the Certified Supplier will serve to a) all of its customers prior to the initiation of competition and quarterly throughout the remainder of the Market Development Period; b) all applicants for new service and customers returning to Standard Offer Service; and c) any customer upon request. The Company shall not endorse any Certified Supplier nor indicate that any Certified Supplier will receive preference because of a corporate relationship.

Interval meters are required for customers who choose a Certified Supplier and have a maximum peak demand equal to or greater than 100 kW for the most recent twelve (12) month period. Interval meters are also required for those customers that have an interruptible load contract with their Certified Supplier. The Company may also require interval metering, at Company expense, for other customers based on a review of the customer's rate schedule, billing history and class load profile information. In addition, a communication link must also be installed. The enrollment DASR for these customers will not be approved until a customer-signed interval meter request work order has been executed and submitted approving the interval meter installation.

Customers are responsible for the incremental costs of the interval meters and the incremental costs associated with the installation of required interval metering. While the Company will install the meter, the Certified Supplier, on behalf of the customer, or the customer, must arrange for the installation of the communication link (analog telephone line, hard wired or cellular). The Company will be allowed access to the communication link for meter interrogation. The interval metering equipment will be maintained and owned by the Company. The charges for the installation of the interval metering equipment are specified on tariff Sheet No. 96 "Meter Service Charges." These charges may be paid over a period not to exceed twenty-four (24) months.

Upon the successful processing of an enrollment and/or drop DASR, the Company will notify the customers in writing with the name and phone number of the Certified Supplier, the previous Certified Supplier (if applicable), the effective service change date, the Company's toll-free telephone number, the right to request an actual meter read prior to the transfer of service and the right to rescind (if applicable).

**4. Switching Rules**

An enrollment DASR must be received by the Company at least twelve (12) calendar days before the effective date, which will be the customer's next regularly scheduled meter reading date, to enroll with or switch to a new Certified Supplier. Enrollment DASRs will be effective according to the following schedule:

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- (a) If an enrollment DADR is received twelve (12) or more days prior to the next regularly scheduled meter read date and no other enrollment DADR is currently pending, the enrollment DADR will be effective on the next regularly scheduled meter read date.
- (b) If an enrollment DADR is received less than twelve (12) days prior to the next regularly scheduled meter read date and no other enrollment DADR is currently pending, the enrollment DADR will be effective on the second regularly scheduled meter read date after the enrollment DADR is received.
- (c) If an enrollment DADR is currently pending, and another enrollment DADR is received, the first enrollment DADR will be effective and the second enrollment DADR will be rejected. There cannot be two pending enrollment DADRs for the same account at the same time.
- (d) If an enrollment DADR for an active electric service account is submitted for Company Consolidated billing, as described in Section 10 herein, and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the DADR will be rejected if the Company's account with the customer has an arrears of 30 days or more totaling \$50.00 or more.
- (e) If an enrollment DADR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DADR will be rejected until the Company's information system has the capability to accept such DADRs, which will occur by July 1, 2002. Prior to July 1, 2002, in order for an enrollment DADR to be accepted for a summary billing account, the Certified Supplier must submit the DADR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.
- (f) If an enrollment DADR for an active electric service account is submitted for the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's adjusted due date program, the DADR will be rejected until the Company's information system has the capability to accept such DADRs, which will occur by November 1, 2002. Prior to November 1, 2002, in order for an enrollment DADR to be accepted for an account with an adjusted due date, the Certified Supplier must submit the DADR with a billing option for either separate billing by the Company and the Certified Supplier or the Company Consolidated billing option known as Rate Ready.

For the purpose of switching rules, customers are divided into three categories; residential, small commercial and industrial, and large commercial and industrial. Residential customers are customers who use electricity for residential purposes. Small commercial and industrial customers are defined as customers who use electricity for nonresidential purposes, consume less than 700,000 kWh of electricity per year and are not part of a national account involving multiple facilities in one or more states. Large commercial and industrial customers are customers who use electricity for nonresidential purposes, consume greater than or equal to 700,000 kWh of electricity per year or are part of a national account involving multiple facilities in one or more states.

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Residential and small commercial and industrial customers, pursuant to Commission rules, have the right to rescind an enrollment. Any residential or small commercial and industrial enrollment, either with a Certified Supplier or with the Company, may be rescinded by contacting the Company within seven days from the postmark date on the notice advising of the enrollment. When the Company receives notice of a rescission, the impending enrollment will be cancelled and the residential or small commercial and industrial customer will remain with their current supplier.

Large commercial and industrial customers using at least 700,000 kWh annually or customers who are part of a national account, will have seven (7) days from the date of the postmark of the confirmation notice to notify the Company, in writing, that the customer chooses to rescind the enrollment due to a conditional contract with the Certified Supplier that is conditional on receiving the higher shopping credit. If the customer fails to notify the Company during the seven (7) day period, then the Company shall deem the enrollment to be final. The Company's switching practices, including the ability to rescind, have no affect on the contractual obligations existing between the Certified Supplier and the customer. Any disputes arising between the Certified Supplier and the customer regarding any provision of the contract must be resolved between the Certified Supplier and the customer.

The following rules apply to any retail customer:

Waiver of Rider SRA-SRT

- (a) During the ESP period, Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers served by a Certified Supplier may avoid Rider SRA-SRT and receive a shopping credit (Rider SC) if they agree to remain off ESP-SSO service through December 31, 2011.
- (b) For a Small Commercial and Industrial End-use Customer or a Large Commercial and Industrial End-use Customer to avoid (waive) Rider SRA-SRT and receive a shopping credit (Rider SC), the following steps must be followed:
  - i) The Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer or their agent must submit a Rider SRA-SRT Waiver Notification form found on the Company's web site.
  - ii) Within 30 days of the Company's receipt of the Rider SRA-SRT Waiver Notification form, the Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer must either sign the Company's Customer Agreement for the waiver program or provide the Company acceptable proof that they have a fully executed contract with a Certified Supplier securing generation service through December 31, 2011.

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- iii) If the requirements in paragraphs i) and ii) above are met, the waiver of Rider SRA-SRT and the associated shopping credit (Rider SC) become effective for the appropriate account number(s) on the regularly scheduled Meter Read Date(s) for the account number(s) that occur(s) at least 60 days subsequent to the Company's receipt of the Rider SRA-SRT Waiver Notification form submitted per paragraph i) above.
  
- (c) Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT and receive a shopping credit (Rider SC) if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. Small Commercial and Industrial End-use Customers and Large Commercial and Industrial End-use Customers receiving generation service through such a governmental aggregation who do not want to participate in the Rider SRA-SRT waiver program may request the Company to bill them monthly for Rider SRA-SRT and to not apply a monthly shopping credit (Rider SC) to their bill.
  
- (d) Any Small Commercial and Industrial End-use Customer or Large Commercial and Industrial End-use Customer participating in the Rider SRA-SRT waiver program, including those receiving generation service through a governmental aggregation, who returns to the ESP-SSO prior to December 31, 2011, will be billed a monthly early return premium as described below in paragraph (d)(iii) of the next section.
  
- (e) Residential End-use customers receiving generation service through a governmental aggregator will avoid (waive) Rider SRA-SRT if the governmental aggregator notifies the Company at least sixty (60) days prior to the start of the governmental aggregation of its intent to place all Residential End-Use Customers served by the governmental aggregation on the Rider SRA-SRT waiver program and to maintain the governmental aggregation through December 31, 2011. Residential End-use Customers receiving generation service through such a governmental aggregation who do not want to participate in the Rider SRA-SRT waiver program may request the Company to bill them monthly for Rider SRA-SRT.

#### End-use Customer Return to ESP-SSO Service

- (a) An End-use Customer's return to ESP-SSO service may be a result of End-use Customer choice, Certified Supplier default, termination of a Certified Supplier contract, opt out or termination of a governmental aggregation program, or Certified Supplier withdrawal.
  
- (b) An End-use Customer may contact the Company to return to the Company's Standard Offer Rate. The return to the Standard Offer Rate shall be conducted under the same terms and conditions applicable to an enrollment with a Certified Supplier. Thus, the Company will provide a rescission period consistent with the Commission's rules. Provided the End-use Customer has observed the applicable notification requirements and the Company has effectuated the request to return to the Standard Offer Rate twelve (12) calendar days prior to the next regularly scheduled Meter Read

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Date, the End-use Customer will be returned to the Standard Offer Rate on the next regularly scheduled Meter Read Date.

(c) Residential End-use Customers

- i) Residential End-use Customers are not subject to a minimum stay.
- ii) If a Residential End-use Customer's Certified Supplier defaults or the Residential End-use Customer opts out of a governmental aggregation program, the Residential End-use Customer will return to the Company's ESP-SSO and may switch to another Certified Supplier at any time. A Residential End-use Customer opting out of a governmental aggregation program must contact and inform the Company of the "opt out".
- iii) If a Residential End-use Customer receiving generation service through a governmental aggregation that has agreed to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRT), and then returns to the ESP-SSO prior to December 31, 2011, such Residential End-use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP-SSO.

The Residential End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Residential End-use Customer to the Company.

(d) Small Commercial and Industrial End-use Customers

- i) A Small Commercial and Industrial End-use Customer participating in the Rider SRT/IMF waiver program who as of September 30, 2008 was being served by a Certified Supplier under a contract that expires on or after January 1, 2009, may return to the ESP-SSO without being charged a monthly early return premium (described in paragraph iii) below) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the expiration of their current contract with the Certified Supplier, excluding contract extensions.
- ii) Small Commercial and Industrial End-use Customers are not subject to a minimum stay.
- iii) If a Small Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO prior to December 31, 2011, such Small Commercial and Industrial End-use Customer will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP-SSO.

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- iv) If a Small Commercial and Industrial End-use Customer served by a Certified Supplier individually or as part of a governmental aggregation pays Rider SRA-SRT while switched and does not receive a shopping credit, such Small Commercial and Industrial End-use Customer may return to the ESP-SSO without being charged an early return premium.
- v) A Small Commercial and Industrial End-use Customer who enters a contract to be served by a Certified Supplier after December 31, 2008, and participates in the Rider SRT waiver program may return to the ESP-SSO on the January, 2012 regularly scheduled Meter Read Date(s) for their account(s) without being charged a monthly early return premium (described in paragraph iii) above) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the January, 2012 regularly scheduled Meter Read Date(s).

If a Small Commercial and Industrial Customer returns to the Company, the Small Commercial and Industrial Customer is placed on the ESP-SSO. The Small Commercial and Industrial End-use Customer will be mailed a letter the day following the successful processing of a DASR returning the Small Commercial and Industrial End-use Customer to the Company.

(e) Large Commercial and Industrial End-use Customers

- i) A Large Commercial and Industrial End-use Customer participating in the Rider SRT/IMF waiver program who as of September 30, 2008 was being served by a Certified Supplier under a contract that expires on or after January 1, 2009, may return to the ESP-SSO without being charged a monthly early return premium (described in paragraph iii) below) if the Large Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the expiration of their current contract with the Certified Supplier, excluding contract extensions.
- ii) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO between May 15th and September 16th and prior to December 31, 2011, such Large Commercial and Industrial End-use Customer must remain on the ESP-SSO for twelve (12) consecutive billing cycles (minimum stay) and will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal monthly charges calculated per the ESP-SSO.
- iii) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier agrees to remain off the ESP-SSO through December 31, 2011 (in exchange for avoiding Rider SRA-SRT and receiving a shopping credit) or receives generation service through a governmental aggregation that has agreed to this arrangement returns to the ESP-SSO outside the May 15th through September 16th timeframe and prior to December 31, 2011, such Large Commercial and Industrial End-use Customer will not be subject to a minimum

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stay and will be billed a monthly early return premium based on 15% of the applicable generation charges and Riders described in Tariff 19 in addition to the normal charges calculated per the ESP-SSO.

- iv) If a Large Commercial and Industrial End-use Customer served by a Certified Supplier individually or as part of a governmental aggregation pays Rider SRA-SRT while switched and does not receive a shopping credit, such Large Commercial and Industrial End-use Customer may return to the ESP-SSO without being subject to a minimum stay and without being charged an early return premium.
- v) A Large Commercial and Industrial End-use Customer who enters a contract to be served by a Certified Supplier after December 31, 2008, and participates in the Rider SRT waiver program may return to the ESP-SSO on the January, 2012 regularly scheduled Meter Read Date(s) for their account(s) without being charged a monthly early return premium (described in paragraph iii) above) if the Small Commercial and Industrial End-use Customer notifies the Company of its desire to return to the ESP-SSO no less than sixty (60) days prior to the January, 2012 regularly scheduled Meter Read Date(s).

#### **5. Certified Supplier Defaults**

If a Certified Supplier defaults, the Company will notify the customers of the default. However, service to the affected customers will not be interrupted due to the default. The customers involved will return to the Company's Standard Offer Rate on their next regular scheduled meter read date, unless there is sufficient time to choose an alternative supplier.

#### **6. Certified Supplier Drops Customer**

If the Certified Supplier decides to discontinue service to a customer, the Certified Supplier will notify the customer in accordance with Commission rules and submit a Drop DASR to the Company at least twelve (12) calendar days in advance of the requested drop date, which will be the next regular scheduled meter read date. The Company will notify the customer when a Drop DASR is received.

#### **7. Return to Standard Offer Rate Due to Arrears**

Prior to the effective date of an agreement for the Company to purchase the receivables of a Certified Supplier, a customer's electric service account actively enrolled with the Certified Supplier, billed on Company Consolidated billing, and having arrears of 30 days or more totaling \$50.00 or more must have the billing option changed by the Certified Supplier to separate billing by the Company and the Certified Supplier, as described in Section 10 herein, or the Company will return the account to the Company's Standard Offer Rate.

#### **8. Requests for Customer Specific Usage Information**

A customer or a Certified Supplier, acting as the customer's authorized agent, may request specific usage information. The customer specific usage request will include twelve (12) months of historical data (if available) including monthly kWh usage, meter read dates, and associated monthly maximum demand history, if applicable.

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This information will be provided to the customer or the Certified Supplier, acting as the customer's authorized agent, free of charge.

If the customer requests monthly interval metering data, the customer will be required to pay the charge specified on the tariff Sheet No. 95 "Meter Data Charges." Charges to Certified Suppliers for interval data are specified in P.U.C.O. Electric No. 20.

#### **9. Customer Aggregation**

Customers may be aggregated for purposes of negotiating the purchase of Competitive Retail Electric Services from a Certified Supplier. Customer aggregation is not restricted by the class of customer within an aggregated group. Accordingly, any customer may be represented by an aggregator. However, an aggregator is not a customer, but rather an agent for aggregated customers. Each aggregated customer will be treated as an individual customer of the Company for billing purposes under their otherwise applicable rate schedules, including the billing of applicable Generation Charges and Shopping Credits. Combination of meter registrations of aggregated customers will not be permitted. No charge of a tariff service will be affected by a customer's aggregation status, and aggregation of load cannot be used for qualification under a tariff.

#### **10. Bill Payment Option**

A Certified Supplier must notify the Company which billing option is being chosen for its customers: (1) Company Consolidated billing or (2) separate billing by the Company and the Certified Supplier. When the Company Consolidated billing option is selected, the customer will receive one bill from the Company, which will include both the Company's and the Certified Supplier's charges stated separately. The customer is responsible for payment in full to the Company for both the Company and Certified Supplier charges when the Company performs consolidated billing. The billing option must be identified at the time the enrollment DASR is submitted to the Company. Regardless of the billing option selected by the Certified Supplier, the customer may still choose to have budget billing for bills rendered by the Company.

If a change DASR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier to Company Consolidated billing and the Certified Supplier is participating in the Company's Purchase of Accounts Receivable (PAR) Program, the Company will reject the change DASR if the Company's account with the customer has an arrears of 30 days or more totaling \$50.00 or more.

If a change DASR for a customer's electric service account actively enrolled with a Certified Supplier is submitted to change the billing option from separate billing by the Company and the Certified Supplier or from the Company Consolidated billing option known as Rate Ready to the Company Consolidated billing option known as Bill Ready and the account is currently involved in the Company's summary billing program, the DASR will be rejected until the Company's information system has the capability to accept such DASRs, which will occur by July 1, 2002. Prior to July 1, 2002, in order for a billing option change DASR to be accepted for this situation, the change submitted must be from separate billing by the Company and the Certified Supplier to the Company Consolidated billing option known as Rate Ready or from the Company Consolidated billing option known as Rate Ready to separate billing by the Company and the Certified Supplier.

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For customers who have a maximum annual peak demand greater than or equal to 100 kW for the most recent twelve (12) month period, the required interval metering will be used to support the Certified Suppliers' billing options. If a customer has a maximum annual peak demand less than 100 kW and the Company must install special metering to support a Certified Supplier's billing option, the customer will be responsible for the incremental costs of upgrading the present meter plus all costs associated with the installation of that metering equipment. The charges for an interval meter will be at the tariffed rate, which may be paid over a period not to exceed twenty-four (24) months.

If the Company is providing the consolidated bill option for the Certified Supplier, the Company will remit payments received for Certified Supplier charges including the associated taxes to the Certified Supplier.

All billed charges are grouped into categories and a payment priority is established for each. If a partial payment is received, the Company will apply the following payment priorities classification. Payments will be applied first to prior gas and electric Regulated Utility Charges, second to current gas and electric Regulated Utility Charges, third to prior electric Certified Supplier charges and gas supplier charges (if applicable), fourth to current electric Certified Supplier charges and gas supplier charges (if applicable), and then on a pro-rata basis for non-regulated products and services. When the priority classification is equal, payments will be applied to the oldest receivables first.

If the dual bill option is chosen, the customer will receive separate bills from the Company and the Certified Supplier for their respective charges. The Company and Certified Supplier shall be individually responsible for the collection of their respective charges.

Regardless of the bill option chosen by the Certified Supplier, customers who fail to pay in full their Regulated Utility Charges to the Company will be subject to the Company's late payment charge policy as it applies to those Regulated Utility Charges. The customer will also be subject to the rules and regulations governing the credit, collection and disconnection procedures in accordance with Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code.

The Certified Supplier is ultimately responsible for the collection of any unpaid charges for services provided by them, as well as for developing their own credit and collection policies. However, in the course of following its collection procedures for Regulated Utility Charges, the Company may inform customers of such arrearages. In accordance with the rules and regulations governing the credit, collection and disconnection procedures specified in Sections 4901:1-17 and 4901:1-18 of the Ohio Administrative Code, the Certified Supplier may not physically disconnect customers for non-payment of Certified Supplier charges.

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