



provide services relating to communicating the message of choice. The Commission wishes to clarify that all such contracts are subject to Commission approval. The Commission also reminds utilities that they may allocate additional dollars to the education of Ohioans if those funds are not requested as part of any recovery mechanism. However, any agreement between an electric utility company and parties to their respective cases regarding the funding of community-based organizations or trade organizations which is not submitted to, and approved by, the Commission constitutes an agreement by the utility to fund such activities.

- (3) On February 11, 2000, the Staff Report was issued in the above-captioned FirstEnergy transition plan proceeding. Among other things, the Staff Report stated that FirstEnergy's consumer education plan is consistent with the requirements issued by the Commission on November 30, 1999. With one exception (inclusion of an energy marketer representative in the FirstEnergy advisory group), the staff did not have any specific recommendations for FirstEnergy's consumer education plan (Staff Report at 28-30).
- (4) Section 4928.32(B), Revised Code, states that "prior to commission approval of the [transition] plan, the commission shall afford a hearing upon those aspects of the plan that the commission determines reasonably require a hearing." As enacted, this provision clearly affords the Commission with the discretion to determine whether certain aspects of a transition plan require a hearing. After reviewing the consumer education plan in FirstEnergy's application, as well as the staff's recommendations, the Commission believes that the consumer education aspect of FirstEnergy's plan may not require a hearing. Prior to determining whether this issue should be set for hearing, we will afford parties to these proceedings an opportunity to submit comments regarding whether the company's consumer education plan complies with Section 4928.42, Revised Code, and is consistent with the Commission-ordered consumer education plan established in Case No. 99-1141-EL-ORD. Comments should be filed by no later than April 3, 2000. Reply comments may be filed by no later than April 10, 2000. All comments should be served by e-mail on all

other parties in accordance with the procedure established by the attorney examiner's February 24, 2000 entry.

- (5) Supplemental company testimony and intervenor testimony on this issue only need not be filed on April 3 and April 10, respectively. If the Commission determines that the consumer education aspect of FirstEnergy's electric transition plan should be set for hearing, a separate timeframe for the filing of that testimony will be established. If such testimony is required, parties are hereby advised that only a brief preparation time will be permitted.

It is, therefore,

ORDERED, That comments and reply comments be submitted by no later than April 3, 2000 and April 10, 2000, respectively, regarding FirstEnergy's consumer education plan. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

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Ronda Hartman Fergus

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Craig A. Glazer

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Judith A. Jones

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