

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Buckeye Energy Brokers, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 06-835-EL-CSS
)	
Cleveland Electric Illuminating Company,)	
Ohio Edison Company, and FirstEnergy)	
Corp.,)	
)	
Respondent.)	

ENTRY ON REHEARING

The Commission finds:

- (1) On February 7, 2007, the Commission issued its Entry (Entry) in this proceeding. Based on a review of the pleadings filed in this proceeding, the Commission granted a motion to dismiss filed by The Cleveland Electric Illuminating Company, The Ohio Edison Company and FirstEnergy Corp. (collectively, "the Companies").
- (2) Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission, within 30 days of the entry of the order upon the Commission's journal.
- (3) Buckeye Energy Brokers, Inc. (Buckeye) filed an application for rehearing on March 7, 2007, which asserted two general assignments of error. The Companies filed a memorandum contra Buckeye's application for rehearing on March 16, 2007.
- (4) On April 4, 2007, the Commission issued an Entry on Rehearing that granted Buckeye's application for rehearing to further consider the matters specified in Buckeye's application for rehearing.
- (5) On May 4, 2007, the Companies filed an application for rehearing regarding the Commission's April 4, 2007 Entry on

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Rehearing, which raises three general assignments of error: (1) the Commission erred by not setting forth the reasons for its decision, in accordance with Section 4903.09, Revised Code; (2) the Commission erred by not setting forth the purpose for which rehearing is granted, in accordance with Section 4903.10, Revised Code; and (3) the Commission has not considered two other grounds, as stated in the Companies' motion to dismiss filed on August 24, 2006, which also would support dismissal of Buckeye's complaint.

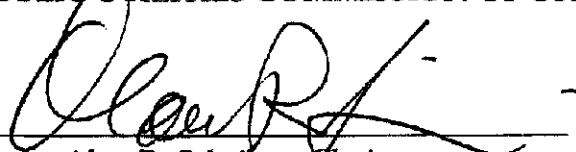
- (6) On May 14, 2007, Buckeye filed its memorandum contra the Companies' application for rehearing of the Commission's April 4, 2007 Entry on Rehearing. Buckeye asserts that the time is not ripe for filing a rehearing request under the authorities cited by the Companies. Buckeye submits that the April 4, 2007 Entry on Rehearing does not make any findings that modified the Commission's prior February 7, 2007 Entry (which granted the Companies' motion to dismiss Buckeye's complaint). Instead, Buckeye interprets the April 7, 2007 Entry on Rehearing to mean that the Commission is continuing to consider the assignments of error raised in its application for rehearing.
- (7) The Commission finds that Buckeye's reading of the April 4, 2007 Entry on Rehearing is correct. The general assignments of error raised by Buckeye are still under consideration by the Commission. Further, the Commission did comply with Sections 4903.09 and 4903.10, Revised Code, when it stated that it was granting rehearing to reconsider the matters raised in Buckeye's application for rehearing. Accordingly, the Companies' application for rehearing is without merit and should be denied.

It is, therefore,

ORDERED, That the Companies' May 4, 2007 application for rehearing is denied. It is, further,

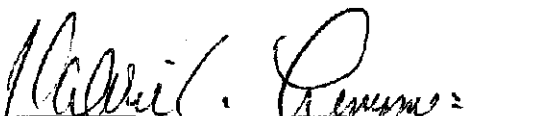
ORDERED, That a copy of this Entry on Rehearing be served upon all parties in this proceeding.

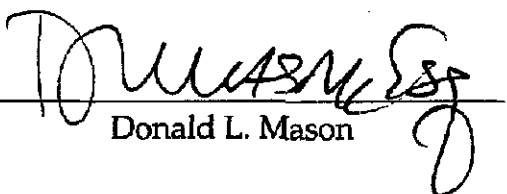
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

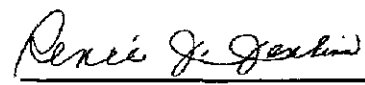

Valerie A. Lemmie


Donald L. Mason

JKS:ct

Entered in the Journal

MAY 30 2007


Renee J. Jenkins
Secretary