

FirstEnergy.**FAX**

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June 8, 2007

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

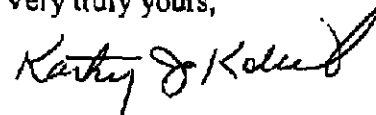
Dear Ms. Jenkins:

**Re: Comments of FirstEnergy Solutions Corp.
 Case No. 06-653-EL-ORD**

Enclosed for filing, please find the original and twelve (12) copies of the *Comments of FirstEnergy Solutions Corp.* regarding the above-referenced case. Please file the enclosed *Comments*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,



kag
Enclosures

cc: Duane W. Luckey, Esquire

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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Review of Chapters 4901:1-10,)	
4901:1-21, 4901:1-22, 4901:1-23,)	Case No. 06-653-EL-ORD
4901:1-24, and 4901:1-25 of the)	
Ohio Administrative Code)	

COMMENTS OF FIRSTENERGY SOLUTIONS CORP.

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Ohio Administrative Code)	

COMMENTS OF FIRSTENERGY SOLUTIONS CORP.

Pursuant to the Commission's April 4, 2007 Order in the above referenced proceeding, FirstEnergy Solutions Corp. submits its comments to the proposed rule changes set forth in said Order.

I. INTRODUCTION

FirstEnergy Solutions Corp. ("FES") is a certified retail electric service ("CRES") provider, offering competitive retail electric generation service in various states, including the State of Ohio. FES thanks the Commission for the opportunity to provide comments to the proposed rule changes, with such comments limited to those involving government aggregation, pre-enrollment lists and information included on a consolidated bill. Based on its experience in customer choice and governmental aggregation programs, and for the reasons more fully discussed below, FES asks the Commission to further modify the proposed rules as described below.

II. RECOMMENDATION

A. Inclusion of Customer Account Numbers

In Section 4901:1-10-2406 (E), the proposed rule sets forth the limited situations in which an electric distribution utility ("EDU") is to disclose a customer's account number. Pre-enrollment eligibility lists are excluded from the events in which account numbers can be disclosed. Based on FES' experience both in Ohio (where no such information is currently provided) and in Pennsylvania (where such information is currently provided), FES believes that the inclusion of customer account numbers on pre-enrollment eligibility lists enhances the potential for a robust competitive market by eliminating unnecessary administrative steps and ensuring that the enrolling customer's account information is correct throughout the process. If the information is provided in a pre-enrollment eligibility list, then the CRES provider is assured that the information is accurate before soliciting the customer, rather than having to hope that the customer identifies the appropriate information as his account number and that he has recorded it correctly. In such situations, additional administrative steps are needed to correct information that can be provided automatically at the beginning of the process. By eliminating the unnecessary steps of following up when enrollment applications provide incorrect account information, administrative costs of the CRES provider are reduced and enrollment delays are minimized, thus potentially reducing the costs of providing service to customers that elect to shop in the retail electric generation market.

In Pennsylvania, where customer account information is provided, the enrollment process has been streamlined and avoids unnecessary frustration on the part of the customer and potential suppliers. Moreover, there is no evidence in Pennsylvania that the

inclusion of customer account numbers on pre-enrollment eligibility lists increases opportunities for slamming or other inappropriate activities. FES believes that the same would be true in Ohio, especially given the existence of anti-slamming rules, with related penalties, and the fact that customers would still have seven days in which to rescind any selection that they make.

If this suggestion is adopted, Section 4901:1-10-~~2406~~ (E)(1) (Order, p. 36.) should be modified to add "(c) EDU pre-enrollment eligibility lists." Section 4901:1-10-~~2406~~ (F)(4) (Order, pp. 37-38) should be modified to change the notice so that it reads as follows: "We are required to include your name, address, account number and usage information on a list of eligible customers ..." And Section 4901:1-10-~~289~~ (E) (Order, p. 46) should be modified to read: "... the eligible customer list shall, at a minimum, contain customer name, service and mailing address, account number, rate schedule ..."

B. Identification of Mercantile Commercial Customers

As proposed, Section 4901:1-10-~~3210~~, (Order p. 48) places the responsibility on the EDU to identify the mercantile commercial customers in a governmental aggregation scenario. This requirement is inconsistent with Section 4901:1-21-17(E)(1)(f) of the Ohio Administrative Code. Pursuant to Section 4901:1-21-17(E)(1), a governmental aggregator has the burden to ensure that only eligible customers are included in its aggregation. Excluded from the list of eligible customers are (f) "A mercantile customer that has not provided affirmative consent to join the aggregation." (Order, p. 140.) Clearly, if the responsibility to exclude mercantile commercial customers from government aggregation groups lies with the governmental aggregator, so too should the responsibility to identify such customers.

If this suggestion is adopted, Section 4901:1-10-3210 (Order, p. 48) should be modified to strike section (A)(3) and Section 4901:1-21-17(D)(1)(c) (Order, p. 139) should also be eliminated.

C. Definition of a Mercantile Customer

There has been confusion over whether the definition of "mercantile commercial customer" should be interpreted to include an aggregation of accounts to achieve the threshold kWh sales, or individual accounts meeting said threshold. Under the rules of statutory interpretation, standard industry practice would suggest the latter, given that virtually all other calculations are based on individual meter accounts rather than a customer name, regardless of the number of locations within a territory from which the customer takes service. If the Commission agrees, then FES suggests that the definition of "mercantile commercial customer" be clarified in the definitions found in both Section 4901:1-21-01 (22V) (Order, p. 103) and Section 4901:1-24-01(Q) (Order, p. 152) as follows: "Mercantile commercial customer' means a commercial or industrial customer if the electricity consumed is for non residential use and the customer consumes more than seven hundred thousand kilowatt hours per year per account..."

D. Correction of Section 4901:1-21-05

The phrase "for a" should be removed from Section 4901:1-21-05(C)(1) to read "Soliciting customers to enroll ~~for a competitive retail electric service~~ at either of the following times: ..." (emphasis added.)

E. Opt-Out Disclosure Requirements

As proposed, Section 4901:1-21-17 (Order, p. 140) creates unnecessary confusion. In a renewal opt-out situation where the selected supplier remains the same as in the previous opt-out period, all current customers enrolled with the existing program would be flagged as switched to a CRES supplier when, in fact, they are enrolled with the same selected supplier and are simply given the opportunity to opt-out for the next term should they so desire. In order to clarify the rule so as to avoid this confusion, FES suggests the following change to Section 4901:1-21-17(E)(1)(d): "A customer in contract with a CRES provider, other than the selected provider of the Governmental Aggregator:"

F. Consolidated Billing Requirements

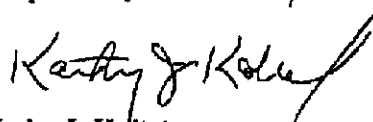
Under Section 4901:1-10-3313, as proposed, the price per kWh information that is to be included on a customer's bill creates confusion for customers who are receiving a fixed price discount off of the EDU's rates -- a pricing option offered by FES. Currently, the price per kWh on the bill changes monthly, which is interpreted by many customers as having a variable rate, rather than a fixed rate. Such confusion could be alleviated by simply allowing for the bill to show the percent discount rather than a price per kWh when applicable.

If this recommendation is adopted, Section 4901:1-10-3313 (E)(2) (Order, p. 55) should be changed as follows: "To the extent applicable, itemization for each charge including for fixed price offers, the unit price per kWh for competitive service, or for percent-off offers, a listing of the percent discount, and for all other offers ..."

III. Summary.

For the foregoing reasons, FirstEnergy Solutions Corp. respectfully asks the Commission to further modify the rules set forth above in an effort to further promote competitive retail electric generation service in the State of Ohio.

Respectfully submitted, ,



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