

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)
Cleveland Electric Illuminating Company for) Case No. 07-227-EL-ATA
Extension of the Existing Experimental)
Market-Based Tariff (MBT).)

In the Matter of the Application of Ohio)
Edison Company for Extension of the) Case No. 07-228-EL-ATA
Existing Experimental Market-Based)
Tariff (MBT).)

In the Matter of the Application of The Toledo)
Edison Company for Extension of the) Case No. 07-229-EL-ATA
Existing Experimental Market-Based)
Tariff (MBT).)

FINDING AND ORDER

The Commission finds:

- (1) The Applicants, The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company, are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On December 21, 2005, the Commission approved Case No. 05-1258-EL-ATA et al., a new experimental market-based tariff. On March 1, 2007, the Applicants filed applications seeking extension of those tariffs. The tariffs provide qualifying general service customers the opportunity to designate a limited percentage of their usage to be applied to market-based pricing. This program allows those customers an opportunity to manage their electricity costs by increasing their consumption during periods of lower prices or decreasing it during periods of higher prices, based on hourly price signals quoted by the Midwest Independent Transmission System Operator, Inc. ("Midwest ISO").
- (3) The program shall be extended for 12 months, ending December 31, 2008. Customers electing to take service under the MBT Program shall do so for a period of twelve or more consecutive billing periods. Customers may withdraw from the program with a

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written request, which must be received by the Company at least 3 business days prior to, and effective upon, the end of the first two billing periods while served under this rate schedule or within sixty (60) calendar days prior to, and effective upon, the end of the twelfth billing period. Customers are entitled to a one-time change in the Market Exposure Percentage (MEP) with a written request within sixty (60) calendar days prior to, and effective upon, the end of the twelfth billing period or anytime thereafter. Customers who withdraw or are removed from the MBT Program may not return to the Program.

- (4) The applications have been filed pursuant to Section 4909.18, Revised Code, and the Commission finds, as the Applicants allege, that they are not for an increase in rates and do not appear to be unjust or unreasonable and should be approved. The experimental tariffs are voluntary; therefore, the Commission finds it unnecessary to hold a hearing in this matter.

It is, therefore,

ORDERED, That the applications of The Toledo Edison Company, The Cleveland Electric Illuminating Company and Ohio Edison Company are approved. It is, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than both the date of this Finding and Order and the date upon which four complete printed copies of final tariffs are filed with the Commission. The new tariffs shall be effective for services rendered on or after such effective date. It is, further,

ORDERED, That the Applicants shall notify all affected customers via a bill insert within 30 days of the effective date of the tariffs. A copy of the customer notice shall be submitted to the Commission's Service Monitoring and Enforcement Department Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

ORDERED, That the Applicants are authorized to file in final form four complete copies of the tariff consistent with this Finding and Order. Each Applicant shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon the Applicants and all parties of record. It is, further,

ORDERED, That the cases be closed as a matter of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Paul A. Centolella

Valerie A. Lemmie

Ronda Hartman Fergus

Donald L. Mason

JMM:js

Entered in the Journal

NOV 28 2007

Renee J. Jenkins

Renee J. Jenkins
Secretary