

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	
Electric Illuminating Company, and)	
the Toledo Edison Company for)	Case No. 08-935-EL-SSO
Authority to Establish a Standard)	
Service Offer Pursuant to)	
Section 4928.143, Revised Code in the)	
Form of an Electric Security Plan.)	

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (FirstEnergy) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On July 31, 2008, FirstEnergy filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. This application is for an electric security plan in accordance with Section 4928.143, Revised Code. Contemporaneously, in Case No. 08-936-EL-SSO, FirstEnergy filed a separate application for a market rate offer in accordance with Section 4928.142, Revised Code.
- (3) By entry dated August 5, 2008, the attorney examiner established September 4, 2008, as the deadline by which parties were required to file motions to intervene in this proceeding. The following parties timely filed motions to intervene in this proceeding, and the attorney examiner finds that the motions should be granted.

Ohio Energy Group
 Ohio Consumers' Counsel (OCC)
 Kroger Company
 Ohio Environmental Council
 Industrial Energy Users-Ohio
 Ohio Partners for Affordable Energy
 Nucor Steel Marion, Inc.

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Northwest Ohio Aggregation Coalition
Constellation NewEnergy and Constellation Energy Commodities
Group, Inc.
Ohio Hospital Association
Neighborhood Environmental Coalition, The Empowerment Center of
Greater Cleveland, United Clevelanders Against Poverty, Cleveland
Housing Network and The Consumers for Fair Utility Rates
Natural Resources Defense Council
Sierra Club
National Energy Marketers Association
Integrus Energy Service, Inc.
Direct Energy Services, LLC
City of Akron
Ohio Manufacturers' Association
FPL Energy Power Marketing, Inc and Gexa Energy Holdings, LLC
City of Cleveland
Northeast Ohio Public Energy Council
Ohio Farm Bureau Federation
American Wind Association, Wind on Wires, and Ohio Advance
Energy
Ohio Association of School Business Officials, the Ohio School Boards
Association, and the Buckeye Association of School Administrators
Citizens Power, Inc. (Citizens Power)
Omnisource Corporation
Material Sciences Corporation
Ohio Schools Council
Council of Smaller Enterprises

- (4) On September 4, 2008, David Hughes, Kelli O'Neill, and Ronald O'Connell filed a motion to intervene in this proceeding in conjunction with the motion to intervene filed by Citizens Power. These three individuals are directors of Citizens Power and residential customers of Cleveland Electric Illuminating Company. FirstEnergy filed a memorandum contra the motion to intervene filed by Mr. Hughes, Ms. O'Neill, and Mr. O'Connell. FirstEnergy argues that these individuals have not shown a real and substantial interest in this proceeding and that the individuals' interests are fully represented by existing parties to these proceedings. FirstEnergy did not object to intervention by Citizens Power.

The attorney examiner finds that the interests of Mr. Hughes, Ms. O'Neill, and Mr. O'Connell as directors of Citizens Power are adequately represented by Citizens Power, which has been granted intervention above. Further, the interests of Mr. Hughes, Ms. O'Neill, and Mr. O'Connell as residential customers of Cleveland Electric Illuminating Company are adequately represented by OCC, which has also been granted intervention. Accordingly, the attorney examiner finds that intervention by Mr. Hughes, Ms. O'Neill, and Mr. O'Connell should be denied, pursuant to Rule 4901-1-11(A)(2), Ohio Administrative Code.

- (5) The following parties filed motions to intervene after the deadline established by the attorney examiner for intervention. Macy's, Inc., and BJ's Wholesale Club, Inc., did include a motion for leave to file out of time. The attorney examiner finds that, in light of the fact that this is the first time electric utilities have filed applications for standard service offers under Am. Sub. Senate Bill 221, these motions to intervene should be granted, notwithstanding the failure to file the motions by the deadline for intervention.

Morgan Stanley Capital Group
Wal-Mart Stores East, LP and Sam's East, Inc.
Macy's, Inc., and BJ's Wholesale Club, Inc.

- (6) Motions for admission *pro hac vice* were filed on behalf of the following individuals. The attorney examiner finds that these motions should be granted.

David C. Rinebolt
Garrett A. Stone
Michael K. Lavanga
Cynthia A. Fonner
Craig G. Goodman
Theodore S. Robinson
Damon E. Xenopoulos
Shaun C. Mohler
Greg K. Lawrence
Grace C. Wung

- (7) Finally, a prehearing conference should be scheduled. The purpose of the prehearing conference is to discuss witness order and scheduling. The prehearing conference will be held on October 10, 2008, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio.

It is, therefore,

ORDERED, That the motions to intervene filed by various parties be granted in accordance with Finding (3). It is, further,

ORDERED, That the motion to intervene filed by David Hughes, Kelli O'Neill, Ronald O'Connell be denied in accordance with Finding (4). It is, further,

ORDERED, That the motions to intervene filed after the deadline for intervention be granted in accordance with Finding (5). It is, further,

ORDERED, The motions for admission pro hac vice filed on behalf of various individuals be granted in accordance with Finding (6). It is, further,

ORDERED, That a prehearing conference will be held in accordance with Finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Gregory A. Price
Attorney Examiner

geg/ct

Entered in the Journal

OCT 02 2008



Renee J. Jenkins
Secretary