

FILE



Nancy H. Rogers
Attorney General
State of Ohio

180 East Broad Street, 9th Fl.
Columbus, OH 43215
www.ag.state.oh.us

October 24, 2008

Via Hand-Delivery

The Honorable Christine M.T. Pirik and Gregory Price
Attorney Examiners
The Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

PUCO

2008 OCT 24 PM 2:20

RECEIVED-CCKETING DIV

Re: *FirstEnergy*, Case No. 08-935-EL-SSO

Dear Examiners Pirik and Price:

Case No. 07-551-EL-AIR has been fully litigated, briefed, and is pending before the Commission. During the prehearing conference held on October 10, 2008, you directed the parties to review all prefiled testimony and to remove testimony that addressed issues that have already been litigated before the Commission in the AIR case. Counsel for the Staff understands the Attorney Examiners' directive to be that issues raised in the AIR case will be decided based upon the record compiled in *that* case, even though some of the same issues have been raised again by FirstEnergy as part of its electric security plan application in the captioned case. Attorney Examiner Price expressed his expectation that the AIR case decision will be issued later this year. In accordance with Staff counsels' understanding of this directive, the Staff withdraws the entire prefiled testimonies of Barbara Bossart and Pete Baker.

Respectfully submitted,

William L. Wright
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, OH 43215-3793
614.466.4397 (telephone)
614.644.8764 (fax)
william.wright@puc.state.oh.us

WLW/klk

cc: Parties of Recordr

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business

Technician _____ Date Processed 5 **OCT 24 2008**