

FILE

98

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 :
Authority to Establish a : Case No. 08-935-EL-SSO
Standard Service Offer :
Pursuant to RC §4928.143 :
in the Form of an :
Electric Security Plan. :

- - -

PROCEEDINGS

before Ms. Christine Pirik and Mr. Gregory Price,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, called at 9:00 a.m. on Friday,
October 24, 2008.

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VOLUME VII

11-7-08 Transcript dictated electronically

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This School
Council &

* "Current Bill" was based a 12-month history ending June 2008, includes a transmission cost adj, estimates the discount for prepay at 4.2%, includes the original discount.

District	Count of Prem Num	Total kWh	Current Bill*	Current Cents/ kWh*	2009 Proposed Bill	2009 Proposed Cents/kWh	% Increase
	16	5,862,544	\$ 590,420	10.07	\$ 694,395	11.84	17.6%
	5	2,905,342	\$ 261,578	9.00	\$ 334,520	11.51	27.9%
	6	3,494,403	\$ 376,614	10.78	\$ 432,550	12.38	14.9%
	8	4,531,779	\$ 382,266	8.44	\$ 502,214	11.08	31.4%
	9	4,412,852	\$ 418,103	9.47	\$ 509,377	11.54	21.8%
	5	1,228,698	\$ 122,793	9.99	\$ 141,191	11.49	15.0%
	3	1,372,532	\$ 144,587	10.53	\$ 165,942	12.09	14.8%
	4	1,494,655	\$ 173,663	11.62	\$ 190,096	12.72	9.5%
	6	2,332,743	\$ 253,625	10.87	\$ 287,913	12.34	13.5%
	9	5,548,439	\$ 582,950	10.51	\$ 665,927	12.00	14.2%
	2	1,575,146	\$ 163,339	10.37	\$ 189,383	12.02	15.9%
	6	4,251,202	\$ 412,282	9.70	\$ 515,127	12.12	24.9%
	2	505,469	\$ 54,485	10.78	\$ 59,906	11.85	9.9%
	13	9,069,847	\$ 892,473	9.84	\$ 1,049,264	11.57	17.6%
	2	1,722,400	\$ 201,568	11.70	\$ 229,164	13.30	13.7%
	7	1,415,010	\$ 148,806	10.52	\$ 173,152	12.24	16.4%
	3	1,109,040	\$ 120,639	10.88	\$ 133,776	12.06	10.9%

* "Current Bill" was based a 12-month history ending June 2008, includes a transmission cost adj, estimates the discount for prepay at 4.2%, includes the original discount.

*Continuing to review premises for eligibility.

District	Count of Prem Num	Total kWh	Current Bill*	Current Cents/ kWh*	2009 Proposed Bill	2009 Proposed Cents/kWh	% Increase
	17	11,206,348	\$ 1,113,529	9.94	\$ 1,331,549	11.88	19.6%
	6	2,950,950	\$ 300,481	10.18	\$ 349,180	11.83	16.2%
	15	6,949,606	\$ 654,241	9.41	\$ 811,245	11.67	24.0%
	3	957,194	\$ 99,557	10.40	\$ 114,873	12.00	15.4%
	6	4,423,624	\$ 420,706	9.51	\$ 493,900	11.17	17.4%
	5	7,195,293	\$ 633,612	8.81	\$ 809,713	11.25	27.8%
	48	12,877,313	\$ 1,265,569	9.83	\$ 1,527,873	11.86	20.7%
	1	3,571,800	\$ 300,381	8.41	\$ 399,413	11.18	33.0%
	2	1,190,480	\$ 122,166	10.26	\$ 145,250	12.20	18.9%
	8	6,280,476	\$ 638,824	10.17	\$ 781,674	12.45	22.4%
	14	4,424,176	\$ 454,103	10.26	\$ 545,484	12.33	20.1%
	6	3,186,165	\$ 289,762	9.09	\$ 355,109	11.15	22.6%
	9	6,304,873	\$ 590,302	9.36	\$ 725,941	11.51	23.0%
	19	8,399,004	\$ 805,409	9.59	\$ 1,032,456	12.29	28.2%

* "Current Bill" was based a 12-month history ending June 2008, includes a transmission cost adj, estimates the discount for prepay at 4.2%, includes the original discount.

*Continuing to review premises for eligibility.

District	# of Premises	Total kWh	Current Bill*	Current Cents/ kWh*	2009	
					Proposed Bill	Proposed Cents/kWh
						% Increase
	75	34,386,008	\$ 3,701,683	10.77	\$ 3,804,373	11.06
						2.8%
	9	2,784,842	\$ 298,110	10.70	\$ 307,873	11.06
						3.3%
	2	804,214	\$ 101,279	12.59	\$ 95,594	11.89
						-5.6%
	13	3,800,171	\$ 397,764	10.47	\$ 425,502	11.20
						7.0%
	6	1,319,532	\$ 148,650	11.27	\$ 150,530	11.41
						1.3%
	4	1,260,783	\$ 110,593	8.77	\$ 129,536	10.27
						17.1%
	7	5,047,416	\$ 475,598	9.42	\$ 529,878	10.50
						11.4%
	12	9,070,913	\$ 959,603	10.58	\$ 966,440	10.65
						0.7%
	7	661,968	\$ 74,909	11.32	\$ 76,168	11.51
						1.7%
	5	3,704,360	\$ 418,947	11.26	\$ 402,722	10.87
						-3.4%
	2	3,131,640	\$ 281,345	8.98	\$ 326,302	10.42
						16.0%
	5	1,225,470	\$ 128,059	10.45	\$ 133,763	10.92
						4.5%
	5	1,737,799	\$ 174,834	10.06	\$ 187,801	10.81
						7.4%
	1	182,640	\$ 21,598	11.83	\$ 21,008	11.50
						-2.7%
	3	1,198,230	\$ 133,308	11.13	\$ 141,486	11.81
						6.1%
	5	4,358,520	\$ 415,417	9.53	\$ 445,419	10.22
						7.2%
	5	1,039,960	\$ 102,876	9.89	\$ 112,322	10.80
						9.2%

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6	4,130,309	\$ 420,981	10.19	\$ 449,260	10.88	6.7%
5	2,176,628	\$ 256,762	11.80	\$ 253,343	11.64	-1.3%
2	1,602,260	\$ 199,172	10.15	\$ 184,616	11.13	3.6%
1	987,840	\$ 91,804	9.29	\$ 103,473	10.47	12.7%
2	1,816,520	\$ 224,698	12.37	\$ 215,163	11.84	-4.2%
21	4,987,328	\$ 600,106	12.03	\$ 577,990	11.59	-3.7%
4	1,331,940	\$ 137,447	10.32	\$ 144,211	10.83	4.9%
7	5,886,802	\$ 599,880	10.19	\$ 638,073	10.84	6.4%
4	4,024,360	\$ 403,432	10.02	\$ 433,372	10.77	7.4%
5	1,596,643	\$ 178,349	11.17	\$ 180,105	11.28	1.0%
5	7,950,298	\$ 954,650	12.01	\$ 874,889	11.00	-8.4%
3	1,277,600	\$ 131,649	10.30	\$ 138,240	10.82	5.0%
2	2,310,080	\$ 174,858	7.57	\$ 226,591	9.81	29.6%
4	2,143,630	\$ 231,333	10.79	\$ 240,543	11.22	4.0%
6	5,232,312	\$ 457,497	8.74	\$ 538,189	10.29	17.6%
1	1,506,720	\$ 156,300	10.37	\$ 165,252	10.97	5.7%
2	1,364,960	\$ 176,036	12.90	\$ 164,221	12.03	-6.7%
3	3,262,720	\$ 275,398	8.44	\$ 332,409	10.19	20.7%
4	913,912	\$ 110,986	12.14	\$ 106,337	11.64	-4.2%
4	400,416	\$ 42,858	10.70	\$ 44,588	11.14	4.0%

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*Continuing to review premises for eligibility.

Filed ESP vs. Proposal

OE- % Increase by District

12	3	1,133,138	\$	111,728	363,397	10.44	\$	376,434	10.63	1.8%
	3					9.86	\$	116,866	10.31	4.6%
	1	42,507	\$	5,863	16,772	9.62	\$	269,028	9.99	3.2%
	13	6,822,363	\$	795,357		13.79	\$	5,265	12.39	-10.2%
						11.66	\$	777,273	11.39	-2.3%
	1	2,370,764	\$	231,011		9.74	\$	253,451	10.69	9.7%
	4	1,091,964	\$	123,527		11.31	\$	122,624	11.23	-0.7%
	2	967,640	\$	101,922		10.53	\$	102,574	10.60	0.6%
	5	818,800	\$	95,198		11.63	\$	94,682	11.56	-0.5%
	20	11,511,603	\$	1,146,569		9.96	\$	1,204,695	10.47	5.1%
	4	1,496,152	\$	129,224		8.64	\$	153,349	10.25	18.7%
	1	158,400	\$	18,666		11.78	\$	18,573	11.73	-0.5%
	1	303,080	\$	36,104		11.91	\$	35,035	11.56	-3.0%
	10	6,092,533	\$	613,011		10.06	\$	635,094	10.42	3.6%
	11	3,583,491	\$	383,965		10.71	\$	398,619	11.12	3.8%
	7	3,215,284	\$	346,863		10.79	\$	355,720	11.06	2.6%
	6	2,621,109	\$	312,229		11.91	\$	308,615	11.77	-1.2%
	5	1,970,642	\$	193,177		9.80	\$	204,176	10.38	5.7%
	3	2,984,888	\$	304,371		10.20	\$	325,072	10.89	6.8%
	0	27	\$	20		72.64	\$	85	316.06	335.1%

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*Continuing to review premises for eligibility.

	5	2,263,591		333,345		10.07	\$	240,414	10.62	10.2%
	4	3,310,076	\$	333,345		10.07	\$	333,981	10.09	0.2%
	11	2,561,977	\$	310,049		12.10	\$	310,846	9.95	5.0%
	5	848,743	\$	90,708		10.69	\$	95,551	12.13	0.3%
	4	668,183	\$	53,665		8.03	\$	75,173	11.26	5.3%
	8	2,381,742	\$	239,978		10.08	\$	247,846	11.25	40.1%
	4	1,180,320	\$	135,283		11.46	\$	135,419	10.41	3.3%
	14	1,596,636	\$	171,404		10.74	\$	177,381	11.47	0.1%
	2	1,285,896	\$	145,573		11.32	\$	147,160	11.11	3.5%
	3	1,018,000	\$	114,535		11.25	\$	114,437	11.44	1.1%
	4	555,842	\$	55,521		9.99	\$	61,186	11.24	-0.1%
	2	1,158,160	\$	113,051		9.76	\$	123,464	11.01	10.2%
	1	1,610,239	\$	159,330		9.89	\$	162,701	10.66	9.2%
	12	4,631,906	\$	501,986		10.84	\$	520,384	10.10	2.1%
	5	3,104,513	\$	407,615		13.13	\$	385,522	11.23	3.7%
	8	1,477,204	\$	178,147		12.06	\$	169,978	12.42	-5.4%
	1	3,153,444	\$	256,015		8.12	\$	336,302	11.51	-4.6%
	3	1,855,359	\$	200,383		10.80	\$	193,654	10.66	31.4%
	2	1,282,360	\$	122,066		9.52	\$	136,533	10.44	-3.4%
								10.65	11.9%	

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*Continuing to review premises for eligibility.

20	7,414,360	\$	722,824	9.75	\$	763,060	10.29	2.4%
3	1,594,960	\$	171,236	10.74	\$	176,637	11.07	5.6%
6	2,773,375	\$	287,838	10.38	\$	285,640	10.30	-0.8%
3	1,626,486	\$	208,173	12.80	\$	199,536	12.27	-4.1%
29	7,891,730	\$	853,183	10.81	\$	895,712	11.35	5.0%

* "Current Bill" was based on a 12-month history ending June 2008, includes a transmission cost adj, estimates the discount for prepay at 4.2%, includes the original discount.

*Continuing to review premises for eligibility.

District	# of Premises	Total kWh	Current Bill*	Current Cents/ kWh*	2009		
					2009 Proposed Bill	Proposed Cents/kWh	% Increase
	7	3,222,320	\$ 362,450	11.25	\$ 446,141	13.85	23.1%
	1	838,500	\$ 76,111	9.08	\$ 79,848	9.52	4.9%
	3	368,080	\$ 43,032	11.69	\$ 48,928	13.29	13.7%
	12	3,142,504	\$ 303,060	9.64	\$ 320,678	10.20	5.8%
	1	2,690,400	\$ 247,037	9.18	\$ 258,663	9.61	4.7%
	5	1,377,589	\$ 150,462	10.92	\$ 176,563	12.82	17.3%
	4	557,292	\$ 55,920	10.03	\$ 65,788	11.80	17.6%
	5	1,745,200	\$ 183,024	10.49	\$ 205,131	11.75	12.1%
	2	1,334,000	\$ 140,583	10.54	\$ 166,416	12.47	18.4%
	9	4,468,269	\$ 444,588	9.95	\$ 480,869	10.76	8.2%
	2	1,670,240	\$ 162,667	9.74	\$ 167,633	10.04	3.1%
	6	811,718	\$ 88,224	10.87	\$ 99,917	12.31	13.3%
	5	304,195	\$ 35,801	11.77	\$ 41,035	13.49	14.6%
	2	1,468,500	\$ 139,853	9.52	\$ 168,580	11.48	20.5%
	8	8,962,274	\$ 822,748	9.18	\$ 890,107	9.93	8.2%
	4	2,444,520	\$ 222,880	9.12	\$ 320,403	13.11	43.8%
	5	4,821,006	\$ 463,487	9.61	\$ 507,471	10.53	9.5%

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*Continuing to review premises for eligibility.

	5	1,916,873	\$	201,850	10.53	\$	235,905	12.65	27.8%
	109	37,450,169	\$	3,535,444	9.44	\$	4,254,353	11.36	20.3%
	7	2,302,360	\$	226,429	9.83	\$	286,047	12.42	26.3%

* "Current Bill" was based on a 12-month history ending June 2008, includes a transmission cost adjustment, estimates the discount for prepay at 4.2%, includes the original discount.

*Continuing to review premises for eligibility.

Case No. 08-0935-EL-SSO
List of Errata Items *

(1)	Witness Hussing	Schedule / Exhibit Rider EDR Tariff Sheets	Explanation
(2)	Hussing	Schedule 5g	The words "Residential Non-Standard Credit" should be replaced with the words "Standard Charge" in the second sentence of section e. of the tariff sheets for proposed Rider EDR. This was a typographical error. On page 1 of 2, the words "for customers taking service under Rate Schedule RS for period 1" should be removed from the definition of term S ₁ . On page 2 of 2, the words "for RS Customers" should be removed from line 6. The charges under proposed Rider PUR (PIPP Uncollectible Recovery) will apply to all customers, not just Residential customers.
(3)	Warvell	Testimony	The answer on lines 3-13 incorrectly contains several references to the "Societal Benefits and Economic Development Rider", or "Rider SBE." All such references should be replaced with "Economic Development Rider", or "Rider EDR", respectively. This was a typographical error.
(4)	Hussing	Base Distribution Tariff Sheets	In the "Contract" section of the proposed base distribution tariff sheets for Rate Schedule GS, GP, GSU, and GT, the word "exclusive" is misspelled as "exlusive." This was a typographical error.
(5)	Hussing	Summary Rider	In the tariff sheet for the proposed Summary Rider the word "Development" as it pertains to the Economic Development Rider is misspelled as "Development." This was a typographical error.
(6)	Hussing	Rider RDC and Rider BDC	In the Rate section of the tariff sheets for proposed Rider RDC (Residential Distribution Credit) and proposed Rider BDC (Business Distribution Credit) contained in Schedule 3a for CEI, the words "January 1, 2009" should be replaced with "May 1, 2009." In addition, the Effective Date at the bottom of this same tariff sheet should be "May 1, 2009" instead of "January 1, 2009." This was a typographical error.
(7)	Hussing	Schedule 5g	On pages 2 and 4, the references to "Page 6 of Schedule 5p" should be references to "Page 6 of Schedule 5g." This was a typographical error.
(8)	Warvell	Rider CCA	A tariff sheet for proposed Rider CCA (Capacity Cost Adjustment) was inadvertently omitted from Schedule 3a for each of the Companies. This is the same tariff sheet that appears in Schedule 3b and 3c for each of the Companies.
(9)	Warvell	Rider PSR	Throughout the ESP filing, there are several references to the proposed "Power Supply Reservation Rider", or "Rider PSR." All such references should be replaced with "Standby Charge Rider", or "Rider SBC", respectively. Please see Attachment 1 for a list of all such occurrences.
(10)	Hussing	Electric Service Regulations - OE	A period needs to be added to the last sentence of Section IV.C of OE's proposed Electric Service Regulations (Original Sheet No. 4, page 4 of 23). This was a typographical error.
(11)	Hussing	Rider RAR	In the Availability section of the tariff sheets for proposed Rider RAR (Reasonable Arrangement) contained in Schedule 3a for OE and CEI, the second criterion worded "taking service under the Company's Economic Development Rider 4a" should be removed and the remaining criteria should be reordered accordingly. This was a typographical error.

* Please see Attachment 1 for a breakdown of the locations of all occurrences of each errata item listed above, by Company.

Case No. 08-0935-EL-SSO
List of Errata Items *

Witness	Schedule / Exhibit	Explanation
(12) Warvell Application		The base generation charges proposed by the Companies do not include standby charges. In the first sentence of paragraph A.2.c of the Companies' Application, the words "... includes components covering the minimum default service rider and the standby charges, both discussed..." should be replaced with the words "includes a component covering the minimum default service rider, which is discussed..." In the second sentence of the same paragraph, the words "...with these two charges..." should be replaced with the words "...this charge..."
(13) Warvell Rider ELR - OE		"Interruptible Rider - Electric Arc Furnace Rate (Original Sheet No. 29)" should be included in the list of applicable current riders under the Applicability section on page 1 of the Rider contained in OE's Schedule 3a.
(14) Hussing Rider EDR - OE		"Interruptible Rider - Electric Arc Furnace Rate (Original Sheet No. 29)" should be included in the list of applicable current riders under the Applicability section of section b. of the Rider contained in OE's Schedule 3a, 3b, and 3c
(15) Blank Application		The last sentence of paragraph 7.g of the Companies should begin with "Notwithstanding the foregoing..." instead of "In addition..."
(16) Hussing Rider DSE, Testimony		Throughout the ESP filing, there are several references to the recovery of costs associated with Section 4928.64(B) through the proposed Rider DSE (Demand Side Management and Energy Efficiency). These references are incorrect and should be removed. Please see Attachment 1 for a list of these occurrences.
(17) Hussing Rider EDR		In the Additional Provisions section of section d. of the proposed Rider EDR (Economic Development), the first provision should refer to a "charge" (singular), not "charges" (plural). This occurs on the same tariff sheet for Rider EDR contained in Schedule 3a, 3b, and 3c for each of the Companies.
(18) Warvell Schedule 5j		On pages 3 and 4 of the Companies' Schedule 5j- Worksheet for Rider CCA, the cumulative interest on line 30 was calculated incorrectly. As such, the values on lines 23, 24, 26, and 29 of column AA on page 3 should be (\$2,645,261), \$13,445,261, (\$1,928,635), and (\$247,554), respectively. Similarly, the revised values in column AN on page 4 should be (\$6,255,476), \$17,055,476, \$1,767,766, and (\$290,319), respectively.
(19) Schneider Testimony		On line 7 of page 5 of Witness Schneider's Direct Testimony, the word "ensure" should be replaced with the words "help support."
(20) Wagner Schedule 6d / Attachment G		On page 5 of Schedule 6d (TE), the carrying charges in column (E) were calculated incorrectly, which impacted the subsequent calculation of the rate for the proposed deferral recovery. This error for TE also impacted the total calculations for all of the Companies on page 7 of Schedule 6d. As a result, the estimated average rates found in the column entitled "Deferred Transition Taxes" on page 2 of Attachment G to the Companies' Application need to be corrected as follows: (i) The OH Total Average should be \$0.000191 per kWh, instead of \$0.000189 per kWh; (ii) TE should be \$0.000085 per kWh, instead of \$0.000073 per kWh.

* Please see Attachment 1 for a breakdown of the locations of all occurrences of each errata item listed above, by Company.

Case No. 08-0935-EL-SSO
List of Errata Items *

(21)	Witness	Schedule / Exhibit	Explanation
(21)	Hussing	Summary Rider	In the tariff sheet for the proposed Summary Rider, the Deferred Transmission Cost Recovery Rider (Sheet No. 107) is labeled with the letter "A" as being updated/reconciled on an annual basis. This reference is incorrect and the letter "A" next to the title of the Rider should be removed.
(22)	Warvell	Attachment A to Application	The note under the section entitled "Generation Deferrals and Carrying Costs" on page 1 indicates that the projected deferral amounts could increase under the Companies' proposal for charges for planning reserves under the Transmission and Ancillary Services Rider. This reference is incorrect and the words "Transmission and Ancillary Services Rider" should be replaced with the words "Capacity Cost Adjustment Rider."
(23)	Wagner	Attachment G to Application	Throughout Attachment G to the Application, there are various references that the Commission has already authorized the establishment of new deferrals and associated riders for recovery. These references are incorrect as the Commission has yet to rule on the Companies' proposal. As such, the following changes should be made: (1) the phrase "The Commission has determined that a non-passable adjustable distribution rider shall be established by" should be removed from the beginning of the first sentence under Section I, and the words "are proposing to establish a non-passable adjustable distribution rider" should be inserted after the word "(Companies)" in the same sentence; (2) the phrase "Commission has determined" should be replaced with the words "Companies are proposing" in the first sentence under Section II, and the words "by the Companies" should be removed from the same sentence; (3) the word "authorized" should be replaced with the word "proposing" elsewhere throughout the Attachment.
(24)	Schneider	Attachment E to Application	In the second paragraph of the "SAIDI Performance Band" section on page 2 of Attachment E to the Application, there is a reference to the "DIS rider" in each of the first two sentences. These references are incorrect and should be replaced with the words "DSI Rider" in each instance.
(25)	Hussing	Rider EDR Tariff Sheets	Under the Applicability section of sub-section (b) of this rider for TE, the words "and Generation Service Rider (GEN)" should be removed.
(26)	Wagner	Schedule 6f	In the "Proposed Deferral Recovery" section of pages 6, 8, and 10 of Schedule 6f, the "Net Balance Interest" was calculated incorrectly for each Company, and consequently, the aggregate for the three Companies on page 12. These calculation errors subsequently impacted pages 5, 7, 9, and 11 of Schedule 6f. As a result, the Estimated Annual Balances for 2010 and 2011 on line 4 of page 11 should be \$563,035,729 and \$698,986,448, instead of \$563,033,185 and \$698,980,390, respectively.
(27)	Wagner	Schedule 6i	In column 7 on page 9 of Schedule 6i, the tax rate for OE was stated incorrectly. This misstatement had subsequent impacts on pages 1, 4, 5, and 7 of Schedule 6i. As a result, the revised Estimated Eligible Property Tax Expense on line 2 of page 1 should be \$5,057,803 (for 2009), \$9,937,320 (for 2010), \$14,413,008 (for 2011), and \$18,079,222 (for 2012 and 2013). Similarly, the revised balances for the three Companies, in aggregate, on page 4 are \$15,429,873 (for 2009), \$30,131,329 (for 2010), \$43,970,671 (for 2011), and \$55,912,895 (for 2012 and 2013).

* Please see Attachment 1 for a breakdown of the locations of all occurrences of each errata item listed above, by Company.

Case No. 08-0935-EL-SSO
List of Errata Items *

	Witness	Schedule / Exhibit	Explanation
(28)	Wagner	Schedule 6j	In column B on page 3 of Schedule 6j, the principal deferral balance for TE was stated incorrectly. This misstatement had subsequent impacts on page 3 Schedule 6j. As a result, the actual deferral balance as of June 30, 2008 located on line 1, column B should be \$5,452,457.03 instead of \$5,402,457.03 and the total deferral balance on line 8, column D should be \$6,051,199.818 instead of \$6,001,199.88.
(29)	Warvell	Testimony	On line 13 of page 5 of Witness Warvell's Direct Testimony, the price "\$7.84/mmmwh" should be replaced with "\$7.64/mwh". This was typographical error.
(30)	Warvell	Testimony	On line 12 of page 11 of Witness Warvell's Direct Testimony, the phrase "Companies may find themselves" should be replaced with the phrase "The Companies' affiliate may find itself."
(31)	Jones	Testimony / Exhibit 9	There was an error in the calculation of the estimated market price for 2010 contained in the Direct Testimony of Dr. Jones, which resulted in the price estimate decreasing from \$98.34 per MWh to \$97.56 per MWh. This change should be reflected on page 2 (line 15) and page 26 (line 14) of the testimony, as well as Exhibit 9.
(32)	Jones	Testimony	In footnote number 9 located on page 18 of the Direct Testimony of Dr. Jones, the load-shaping costs of \$2.26 per MWh (industrial customers), \$4.95 per MWh (residential customers), and \$5.02 per MWh (commercial customers) for 2009 should be replaced with \$2.50 per MWh, \$5.50 per MWh, and \$5.57 per MWh, respectively.
(33)	Jones	Testimony	On line 4 of page 26 of the Direct Testimony of Dr. Jones, the word "non-residential" should be replaced with the word "residential."
(34)	Warvell	Attachment A to Application	In Attachment A to the Application, there are various references to the "Generation Phase-In Cost Charge Rider (GPICC)." These references are incorrect and should be replaced with "Deferred Generation Cost Recovery Rider (DGC)."
(35)	Warvell	Attachment D to the Application	In Attachment D to the Companies' Application, the Effective Date of the Fremont Energy Center should be 2010 instead of 2009.
(36)	Schneider	Attachment E to the Application	In the first sentence of the third paragraph of Attachment E to the Companies' Application, the word "non-bypassable" should be deleted.
(37)	Schneider	Testimony	On line 2 of page 4 of Witness Schneider's Direct Testimony, the word "years" should be deleted.
(38)	Schneider	Testimony	On line 3 of page 5 of Witness Schneider's Direct Testimony, the word "non-bypassable" should be deleted.

* Please see Attachment 1 for a breakdown of the locations of all occurrences of each errata item listed above, by Company.

Case No. 08-0935-EL-SSO
Location of Errata Items

Attachment 1

Item #	Schedule	Witness	Page Numbers - OE	Page Numbers - CEI	Page Numbers - TE
1	3a	Hussing	100	187	103
1	3b	Hussing	15	15	15
1	3c	Hussing	17	17	17
1	4b	Hussing	16	16	17
1	4c	Hussing	18	18	18
2	5g	Hussing	1, 2	1, 2	1, 2
3	Testimony	Warvell	26 (ln 6, 7, 13)	26 (ln 6, 7, 13)	26 (ln 6, 7, 13)
4	3a	Hussing	31, 33, 35, 37	31, 34, 37, 39	31, 34, 36, 38
5	3a	Hussing	57	60	58
5	3b	Hussing	3	3	3
5	3c	Hussing	3	3	3
5	4b	Hussing	3	3	3
5	4c	Hussing	3	3	3
6	3a	Hussing	CEI ONLY	61, 145	CEI ONLY
7	5q	Hussing	2, 4	2, 4	2, 4
8	3a	Warvell	3, 57, 102½	3, 60, 189½	3, 58, 105½
9	3a	Warvell	62, 68, 84, 89, 90, 99	141, 147, 171, 176, 177, 186	65, 71, 87, 92, 93, 102
9	3b	Warvell	7, 14	7, 14	7, 14
9	3c	Warvell	7, 16	7, 16	7, 16
9	4b	Warvell	7, 15	7, 15	8, 16
9	4c	Warvell	7, 17	7, 17	7, 17
9	Testimony	Warvell	20 (ln 16, 21), 21 (ln 11), 29 (ln 3)	20 (ln 16, 21), 21 (ln 11), 29 (ln 3)	20 (ln 16, 21), 21 (ln 11), 29 (ln 3)
10	3a	Hussing	8	OE ONLY	OE ONLY
11	3a	Hussing	62	141	OE & CEI ONLY
12	Application	Warvell	10 (Paragraph A.2.c)	10 (Paragraph A.2.c)	10 (Paragraph A.2.c)
13	3a	Warvell	78	OE ONLY	OE ONLY
14	3a	Hussing	98	OE ONLY	OE ONLY
14	3b	Hussing	13	OE ONLY	OE ONLY
14	3c	Hussing	15	OE ONLY	OE ONLY
14	4b	Hussing	14	OE ONLY	OE ONLY
14	4c	Hussing	16	OE ONLY	OE ONLY
15	Application	Blank	34	34	34
16	3a	Hussing	74, 75	161, 162	77, 78
16	3b	Hussing	9, 10	9, 10	9, 10
16	3c	Hussing	9, 10	9, 10	9, 10
16	4b	Hussing	10, 11	10, 11	11, 12

Case No. 08-0935-EL-SSQ
Location of Errata Items

Attachment 1

Item #	Schedule	Witness	Page Numbers - OE	Page Numbers - CEI	Page Numbers - TE
16	4c	Hussing	10, 11	10, 11	10, 11
16	Testimony	Hussing	11 (ln 4)	11 (ln 4)	11 (ln 4)
17	3a	Hussing	99	186	102
17	3b	Hussing	14	14	14
17	3c	Hussing	16	16	16
17	4b	Hussing	15	15	16
17	4c	Hussing	17	17	17
18	5j	Warvell	3, 4	3, 4	3, 4
19	Testimony	Schneider	5 (line 7)	page 5 (line 7)	page 5 (line 7)
20	Schedule 6d	Wagner	5, 7	5, 7	5, 7
20	Attachment G	Wagner	2	2	2
21	3a	Hussing	57	60	58
21	3b	Hussing	3	3	3
21	4b	Hussing	3	3	3
22	Attachment A	Warvell	1	1	1
23	Attachment G	Wagner	1, 2, 3	1, 2, 3	1, 2, 3
24	Attachment E	Schneider	2	2	2
25	3a	Hussing	TE Only	TE Only	101
25	3b	Hussing	TE Only	TE Only	13
25	3c	Hussing	TE Only	TE Only	15
25	4b	Hussing	TE Only	TE Only	15
25	4c	Hussing	TE Only	TE Only	16
26	6f	Wagner	5 - 12	5 - 12	5 - 12
27	6i	Wagner	1, 4, 5, 7, 9	1, 4, 5, 7, 9	1, 4, 5, 7, 9
28	6j	Wagner	3	3	3
29	Testimony	Warvell	5	5	5
30	Testimony	Warvell	11	11	11
31	Testimony	Jones	2, 26, Exhibit 9	2, 26, Exhibit 9	2, 26, Exhibit 9
32	Testimony	Jones	18	18	18
33	Testimony	Jones	26	26	26
34	Attachment A	Warvell	2 - 9	2 - 9	2 - 9
35	Attachment D	Warvell	1	1	1
36	Attachment E	Schneider	1	1	1
37	Testimony	Schneider	4	4	4
38	Testimony	Schneider	5	5	5

Op Co	Publication	
CEI	Cleveland Plain Dealer	
CEI	Ashtabula Star Beacon	
CEI	Lake County News Herald	
OE	Akron Beacon Journal	
OE	Elyria Chronicle Telegram	
OE	Medina County Gazette	
OE	Lorain Morning Journal	
OE	Ravenna Record Courier	
OE	Norwalk + Sandusky	
OE	Massillon Independent	
OE	The Youngstown Vindicator	
OE	Warren Tribune Chronicle	
OE	Bellevue Gazette	
OE	Lisbon Morning Journal	
OE	The Alliance Review	
OE	The Salem News	
OE	Ashland Times Gazette	
OE	Mansfield+Marion+Port Clinton+ Fremont	
OE	Springfield News	
OE	London Madison Press	
OE	Delaware Gazette	
TE	Toledo Blade	
TE	Bowling Green Sentinel Tribune	
TE	Bryan Times	
TE	Defiance Crescent News	
TE	Northwest Signal & Courier	

Cuyahoga County

(b) Thursday, September 25, 20http://www.puc.state.oh.us,
Cleveland City Hall Council Chanotline at 1-800-686-7826.
216, 601 Lakeside Avenue, Cle

September 22, 2008

Sworn to and subscribed before me this day of Sept 20 08

Jose Luis

Grand Bonds

Notary Public
Brenda G. Jordan
Notary Public, State of Ohio
Recorded in Cuyahoga County
My Commission Expires 09/04/11



THE PLAIN DEALER

Monday The Plain Dealer and
com turn the spotlight on area
organizations that make a positive
difference in our community and help
make Northeast Ohio a great place
to earn, work and do business.

Next organization to be
highlighted will be
Dollar Bank
Watch for it in Metro
Monday, September 22nd.

To highlight your organization,
contact Shirley Stineman at 216-999-4242
email: sstinema@plained.com

ministry as a cult that opposes
homosexuality, Catholicism and
the government.

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The U.S. military said in a
statement that six people, all
of them police or police cadets,
died in the bombings in Mosul
and Kirkuk. It said 65 people,
most of them with the police
force, were injured.

Also in Mosul, gunmen
killed two brothers and injured
a third, police and hospital of-
ficials said. An Iraqi soldier
was shot dead in a separate in-
cident.

U.S. deaths in Iraq

As of Sunday, at least
4,168 members of the
U.S. military have died in
the Iraq war since it be-
gan in March 2003,
according to an Associ-
ated Press count. At least
3,377 military personnel
died as a result of hostile
action, according to the
military's numbers.
The military reported no
new deaths or identifica-
tions Sunday.

SOURCE: ASSOCIATED PRESS

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled
a Case No. 08-935-EL-SSO, *In the Matter
of Ohio Edison Company, The Cleveland
Electric Company, and The Toledo Edison
Company, Authority to Establish a Standard Service
Plan to Section 4928.143, Revised Code, in the
Electric Security Plan.* In their application, the
companies seek Commission approval of their electric
service plan pursuant to Senate Bill 221, which was
passed on May 1, 2008. Senate Bill 221 requires
the companies to establish a standard service offer and,
in order to file an application for an electric
service plan according to the companies' application,
the electric service plan would result in increases in total
costs including generation, transmission, and
distribution averaging 5.32% in 2009, 4.01% in 2010, and
4.01% in 2011. In addition, the companies' application
includes investments in capital improvements for the
electric delivery systems, energy efficiency
conservation initiatives, and economic
development and job retention programs.

Hearings are scheduled for the purpose of
providing an opportunity for interested members of the
public to be heard in this proceeding. The local hearings
are as follows:

(a) Monday, September 24, 2008, at 6:30 p.m., at the
Cleveland City Forum, 1st Floor, 76 East High
Street, Cleveland, Ohio 44114.

(b) Tuesday, September 25, 2008, at 12:00 p.m., at the
Cleveland Council Chambers, 2nd Floor, Room
201, 100 East Avenue, Cleveland, Ohio 44114.

(c) Thursday, September 25, 2008, at 6:30 p.m., at the
Monticello Middle School Auditorium, 3665 Monticello
Blvd., Cleveland Heights, Ohio 44121.

(d) Wednesday, October 1, 2008, at 6:30 p.m., at the
Perkins High School Auditorium, 3714 Campbell Street,
Sandusky, Ohio 44870.

(e) Thursday, October 2, 2008, at 12:30 p.m., at the
Michael V. Disalle Government Center, One Government
Center, 640 Jackson Street, Toledo, Ohio 43604.

(f) Thursday, October 2, 2008, at 6:30 p.m., at the Gateway
Middle School, 900 Gibbs Street, Maumee, Ohio 43537.

(g) Tuesday, October 7, 2008, at 6:30 p.m., at the
Firestone High School Auditorium, 333 Rampart Avenue,
Akron, Ohio 44313.

(h) Tuesday, October 14, 2008, at 6:30 p.m., at the
Austintown Middle School, 800 South Raccoon Road,
Austintown, Ohio 44515.

(i) Wednesday, October 15, 2008, at 6:30 p.m., at the
Geneva High School, 1301 South Ridge Road East,
Geneva, Ohio 44041.

The evidentiary hearing will commence on October 16,
2008, at 10:00 a.m., at the offices of the Commission,
Hearing Room 11-C, 180 East Broad Street, Columbus,
Ohio 43215. Further information may be obtained by
contacting the Public Utilities Commission of Ohio, 180
East Broad Street, Columbus, Ohio 43215-3793, viewing
the Commission's web page at <http://www.puc.state.oh.us>,
or contacting the Commission's hotline at 1-800-686-7826.

ASHTABULA STAR BEACON

KATHY ALEXANDER
FIRST ENERGY CORP
56 MILFORD DR SUITE 100
HUDSON OH 44236

REFERENCE: A17157
2174499 legal notice hearing

Before the undersigned, a Notary Public of said County and State duly authorized to administer oaths, affirmation, etc., personally appeared, being duly sworn or affirmed, according to law, doth depose and say that he/she is a representative of Community Newspaper Holdings Inc., a corporation organized and doing business under the laws of the State of Ohio, and publishing a newspaper known as the Star Beacon in the city of Ashtabula, and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication that attached advertisement was inserted. The following correctly copied from the books and files of the aforesaid Corporation.

PUBLISHED ON: 09/22

TOTAL COST: 460.08 AD SPACE: 24.000 INCH
FILED ON: 09/23/08

NAME: Donna Prine

TITLE: Legal Advertising Clerk

In Testimony Whereof, I have hereunto set my hand and affix my official seal, the day and year aforesaid:

NOTARY: Corra Sue Wilfong Commission Expires: 11-22-2011

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings in Case No. 08-935-EL-SSO, *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*. In their application, the companies seek Commission approval of their electric security plan filed pursuant to Senate Bill 221, which was signed into law on May 1, 2008. Senate Bill 221 requires an electric utility to establish a standard service offer and, as part of that process, to file an application for an electric security plan. According to the companies' application, the electric security plan would result in increases in total customer rates, including generation, transmission, and distribution, averaging 5.32% in 2009, 4.01% in 2010, and 5.99% in 2011. In addition, the companies' application proposes investment in capital improvements for the companies' energy delivery systems, energy efficiency and demand response initiatives, and economic development and job retention programs.

The local hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in this proceeding. The local hearings will be held as follows:

- (a) Wednesday, September 24, 2008, at 6:30 p.m., at the Springfield City Hall City Forum, 1st Floor, 76 East High Street, Springfield, Ohio 45502.
- (b) Thursday, September 25, 2008, at 12:00 p.m., at the Cleveland City Hall Council Chambers, 2nd Floor, Room 216, 601 Lakeside Avenue, Cleveland, Ohio 44114.

(c) Thursday, September 25, 2008, at 6:30 p.m., at the Monticello Middle School, 10000 Monticello Blvd., Cleveland Heights, Ohio 44118.

(d) Wednesday, October 1, 2008, at 6:30 p.m., at the Perkins High School, 10000 Perkins Rd., Sandusky, Ohio 44870.

(e) Thursday, October 2, 2008, at 6:30 p.m., at the Michael V. Disalle Gov Center, 640 Jackson St., Sandusky, Ohio 44870.

(f) Thursday, October 2, 2008, at 6:30 p.m., at the Middle School, 900 Gifford St., Sandusky, Ohio 44870.

(g) Tuesday, October 7, 2008, at 6:30 p.m., at the Firestone High School, 10000 Firestone Rd., Akron, Ohio 44313.

(h) Tuesday, October 7, 2008, at 6:30 p.m., at the Austintown Middle School, 10000 Austintown Rd., Austintown, Ohio 44511.

(i) Wednesday, October 8, 2008, at 6:30 p.m., at the Geneva High School, 10000 Geneva Rd., Geneva, Ohio 44041.

The evidentiary hearing will be held on September 24, 2008, at 10:00 a.m., at the Hearing Room 11-C, 10000 Ohio 43215. Further information can be obtained by contacting the Public Utilities Commission at 10000 East Broad Street, Columbus, Ohio 43260, or by contacting the Commission's web site at www.puc.ohio.gov.

Star Beacon of Ashtabula, Ohio

ASHTABULA STAR BEACON

KATHY ALEXANDER
FIRST ENERGY CORP
56 MILFORD DR SUITE 100
HUDSON OH 44236

REFERENCE: A17157
2174499

legal notice hearing

Before the undersigned, a Notary Public of said County and State duly authorized to administer oaths, affirmation, etc., personally appeared, being duly sworn or affirmed, according to law, doth depose and say that he/she is a representative of Community Newspaper Holdings Inc., a corporation organized and doing business under the laws of the State of Ohio, and publishing a newspaper known as the Star Beacon in the city of Ashtabula, and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication that attached advertisement was inserted. The following correctly copied from the books and files of the aforesaid Corporation.

LEGAL NOTICE

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- (c) Thursday, September 25, 2008, at 6:30 p.m., at the Monticello Middle School Auditorium, 3665 Monticello Blvd., Cleveland Heights, Ohio 44121.
- (d) Wednesday, October 1, 2008, at 6:30 p.m., at the Perkins High School Auditorium, 3714 Campbell Street, Sandusky, Ohio 44870.
- (e) Thursday, October 2, 2008, at 12:30 p.m., at the Michael V. Disalle Government Center, One Government Center, 640 Jackson Street, Toledo, Ohio 43604.
- (f) Thursday, October 2, 2008, at 6:30 p.m., at the Gateway Middle School, 900 Gibbs Street, Maumee, Ohio 43537.
- (g) Tuesday, October 7, 2008, at 6:30 p.m., at the Firestone High School Auditorium, 333 Rampart Avenue, Akron, Ohio 44313.
- (h) Tuesday, October 14, 2008, at 6:30 p.m., at the Austintown Middle School, 800 South Raccoon Road, Austintown, Ohio 44515.
- (i) Wednesday, October 15, 2008, at 8:30 p.m., at the Geneva High School, 1301 South Ridge Road East, Geneva, Ohio 44041.

The evidentiary hearing will commence on October 16, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the Commission's web page at <http://www.puc.state.oh.us>, or contacting the Commission's hotline at 1-800-686-7826.

PUBLISHED ON: 09/22

TOTAL COST: 460.08
FILED ON: 09/23/08
AD SPACE: 24,000 INCH

The State of Ohio
Lake County, ss.

Loretta Bailey, being first duly sworn, says that she is the designated agent of The News-herald, a newspaper printed and of general circulation in the County of Lake, County of Geauga, and other districts; and in compliance with sections 7.12 and 5721.1 of the revised code of the State of Ohio as amended, effective September 14, 1957; that the attached notice was published on the same day of each week for

a period of One day
consecutive weeks in said newspaper commencing

September 22, 2008

(Signed:) Loretta Bailey

Total Cost \$ 902.40



Jeff Forman/JForman@News-Herald.com

Brian Leslie's dog Logan poses for a caricature Sunday during Woofstock at the Holden Arboretum in Kirtland. Stacy Long was drawing caricatures in exchange for donations to the Good Paws Good Cause organization.

Woofstock

From Page A1

unique pet gifts on Vendor's Rrrow.

Concord Township resident Chris Hoyt brought her 5-year-old son, 8-year-old daughter and Morkie (half Maltese/half Yorkie) to Woofstock.

Although she didn't win the pet-owner look-alike contest, Zoey still outshone many other females.

"We bought her a rhinestone collar and rhinestone clip," Hoyt said.

Angela Warholic, a 10-year-old Chester Township resident, said she enjoyed volunteering at the children's craft table.

"I'm an animal lover, and I love kids, so this was great," she said.

This was the eighth year for Woofstock, but the second time it has been at Holden, said Hope Brustein, executive director of the Geauga County Humane Society's Rescue Village.

More than 2,000 people and 600 dogs were expected to attend the event.

"People love to gather with

their dogs, people love to support Rescue Village and there's so much to do," she said.

The goal of Woofstock was to raise \$100,000 for Rescue Village and find homes for adoptable animals.

The adult and child who raised the most money from pledges received a Nintendo Wii system.

The \$5 parking fee was donated to Rescue Village, which cares for and finds homes for more than 2,200 sick, injured, abused and abandoned animals each year.

we have some retired people," Rhomberg said. "You learn about being part of the experience."

As with any campaign, the candidates are always looking for people to help and are grateful for the help they do get.

"It's crucial because you can't do it alone," Kelly said. "They truly care if you win, it gives them ownership of your race."

"I have to work really hard, not just because I want it, but because you're working with people who are putting in a lot of time," Rhomberg said.

He encourages interested volunteers to call him or visit his campaign Web site — www.vote4rhomberg.com — for more information.

Kelly encourages interested campaign volunteers to contact her by phone or visit her Web site: www.maureenkel-

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings in Case No. 08-935-EL-SSO, *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*. In their application, the companies seek Commission approval of their electric security plan filed pursuant to Senate Bill 221, which was signed into law on May 1, 2008. Senate Bill 221 requires an electric utility to establish a standard service offer and, as part of that process, to file an application for an electric security plan. According to the companies' application, the electric security plan would result in increases in total customer rates, including generation, transmission, and distribution, averaging 5.32% in 2009, 4.01% in 2010, and 5.99% in 2011. In addition, the companies' application proposes investment in capital improvements for the companies' energy delivery systems, energy efficiency and demand response initiatives, and economic development and job retention programs.

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AFFIDAVIT OF DISTRIBUTION

STATE OF Ohio

COUNTY OF Summit

I, Linda Lee, being duly sworn on oath says he/she is and during all times herein stated has been publisher of the publisher's designated agent in charge of the publication known as


Akron Beacon Journal ("Publisher")

and has full knowledge of the facts herein stated as follows:

The ad for First Energy Media ("Advertiser") was distributed to Publisher's full circulation on the 22nd day of September 2008.

By: 

Subscribed and sworn to before me
This 22 day of September, 2008.

Notary Seal: 

Annie Alexander

Notary Public

LEGAL NOTICE

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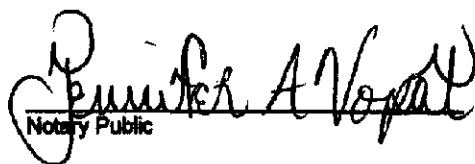
AFFIDAVIT

THE STATE OF OHIO
County of Lorain

I, the undersigned, being duly sworn, do upon my oath depose and say for the publishers of THE CHRONICLE TELEGRAM; that said newspaper is printed and published, and of general circulation in Lorain County; that said newspaper meets the requirements of Sections 7.12 and 5721.01 Ohio Revised Code as amended effective September 14, 1957, and that the notice, a copy of which is attached, was published in said newspaper on the 22nd day of September, 2008 A.D.


Legal Clerk, THE CHRONICLE TELEGRAM

Sworn to and subscribed before me this 26th day of September, A.D. 2008.


Notary Public



JENNIFER VOPAT

NOTARY PUBLIC
STATE OF OHIO

My Comm. Expires
January 29, 2013

Printer's Fees	\$	430.80
Notary Fees	\$	4.50
TOTAL	\$	435.30

1 courts would that the investigation was part of a federal push to legalize any "long-term same-sex marriage while out-lawing polygamy. He also said from the property Alamo Christian for girls having sex, "consent is rual Fouke. puberty."

pter crashes into house

Horan
Achenbaum
jo Tribune

top of the banister as it rolled downstairs.

The helicopter caught fire after it exited the homes front door and landed on a neighbor's front lawn, police said. The house did not catch fire, but fuel spilled onto the street. Firefighters were cleaning up the spill this afternoon.

James Meomartino, a neighbor, said he and his wife were startled awake by the sound of a loud boom. When they went outside, they saw the helicopter on fire, he said. Then they ran to help the Wilson family. "They were in shock," Meomartino said.

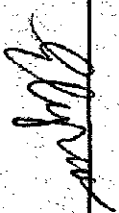
Police said it appeared the helicopter had lurched onto its side as it crashed, causing the blades to slice through the roof.

The Federal Aviation Administration is investigating, said Kenosha police Sgt. Eric Larsen.

A spokesman for the FAA said the helicopter, a Robinson R44, did not file a flight plan with aviation officials.

area must be warned to a ten- long term, this may not end up new equipment could operate them.

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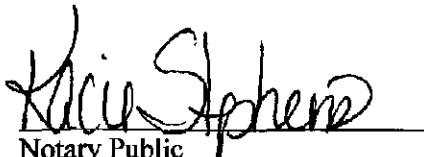
Published Daily except Sunday by
MEDINA COUNTY PUBLICATIONS, INC

THE STATE OF OHIO, Medina County

I, the undersigned, being duly sworn, do upon my oath depose and say for the publishers of THE MEDINA GAZETTE; that said newspaper is printed and published, and of general circulation in Medina County; that said newspaper meets the requirements of Sections 7.12 and 5721.01 Ohio Revised Code as amended effective September 14, 1957, and that the notice, a copy of which is attached, was published in said newspaper once on the 22nd day of September, 2008 A.D.


Legal Clerk, THE MEDINA GAZETTE

Sworn to and subscribed before me this Sept. 23, 2008


Notary Public

Kacie Stephens
Notary Public, State of Ohio
My commission expires August 2, 2011
Recorded in Medina County

stment \$1 trillion when the cost of clogged credit markets total economic activity | a temporary basis.

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THE MORNING JOURNAL

1657 BROADWAY
LORAIN, OHIO 44052

In Ohio 1-800-765-6901

www.morningjournal.com

(440) 245-6901

Below is our affidavit covering advertisement of a 4x6 Legal Notice of Hearing ad for First Energy Media which appeared in our Sept. 22, 2008 issue. We trust this affidavit will answer your purpose.

THE MORNING JOURNAL

AFFIDAVIT OF PUBLICATION

State of Ohio)

County of Lorain) ss

Kathy Preston, being first duly sworn, deposes and says that she is the bookkeeper of THE MORNING JOURNAL, and that she has examined the files of the publication of Sept. 22, 2008, and that on that date there appeared advertisement of a 4x6 Legal Notice of Hearing ad for First Energy Media correctly inserted according to order.

Kathy Preston
Bookkeeper

Sworn to and subscribed before me this 22 day of Sept.
2008

Dorothy Kitchen
Notary Public



Dorothy Kitchen
Notary Public
State of Ohio
My Comm. Exp. 9/9/11

p a safe one

The visit drew a few contrasts between Palin and Obama running mate Joe Biden.

The largest was the crowd. Some people had to wait in line about 90 minutes just to park their cars. Biden's largest crowd during a visit earlier this month was about 2,000.

But Biden made four stops in his two days, and ventured into Republican strongholds like Fort Myers and Sarasota.

Amherst-Main Branch
2051 Cooper Foster Park Rd.
Amherst, OH 44001
(440) 960-6600

Lorain
1825 East 28th St.
Lorain, OH 44055
(440) 277-8266

Elyria
230 East Broad St.
Elyria, OH 44035
(440) 322-2620

Wellington
216 North Main St.
Wellington, OH 44090
(440) 647-1999



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Lorain Morning Jnl.

Record Publishing Co.

126 North Chestnut Street • Ravenna, OH 44266
(330) 296-9657 • Fax (330) 296-2698
www.recordpub.com

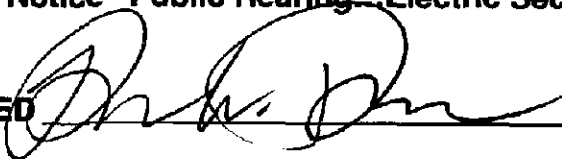
Publishers Affidavit

Before me, A Notary Public personally appeared **Bruce W. Bowers, Credit Manager**, who being duly sworn, deposes and says the following advertisements and/or inserts were published and/or distributed in the listed publications as requested:

DATE	PUBLICATION	SIZE	RATE	COST
09/22/2008	Record-Courier	24 "	\$11.88	\$285.12

Legal Notice "Public Hearing Electric Security Plan"

SIGNED



DATE

9/24/2008

TITLE Credit Manager

State of: **Ohio** County Of: **Portage**

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 24th Day OF **September** YEAR **2008**



Notary Public

Katherine E. Samodell

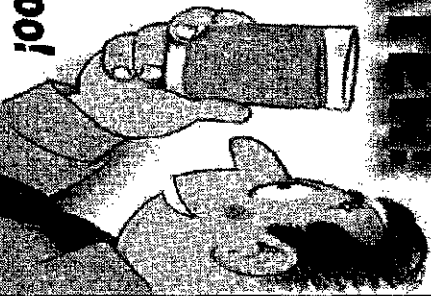
My Commission Expires **September 13, 2009**

Aurora Advocate • Bedford Times-Register • Cuyahoga Falls News -Press
The Gateway News • Hudson Hub-Times • Maple Heights Press
The News Leader • Record-Courier • Mr. Thrifty • Stow Sentry
Tallmadge Express • Twinsburg Bulletin

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5-7971 **www.clearwatersystems.com**

LEGAL NOTICE

Secretary, Cuyahoga County Budget Commission

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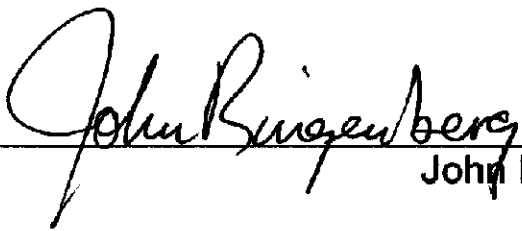
Remit to:
Norwalk Reflector
P. O. Box 71
Norwalk, OH 44857

Insert Order #4329
Cost: \$671.28

First Energy
56 Milford Drive, #100
Hudson, Ohio 44236


Proof of Publication

I, John J. Ringenberg, do attest that I am the Advertising Director of the Norwalk Reflector, that said paper is a daily newspaper printed and has general circulation in Huron County, State of Ohio, and that the attached legal advertisement was published in said paper on September 22, 2008.



John Ringenberg,
Advertising Director

Subscribed in my presence and sworn to on September 23,
2008.



Notary Public, State of Ohio, Huron County



MARJORIE MANSFIELD
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires
June 18, 2011

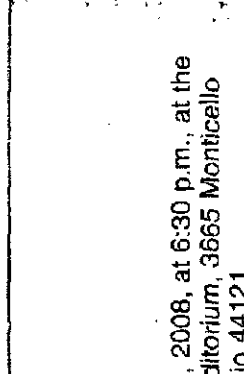


DR. MICHAEL KISIL
General Dentistry
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INSURANCE
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kenucky and Maryland. For a \$25 gate ticket, those attending receive a chance to win more than 40 new, pre-designated shotguns, rifles and pistols with an average value of \$500 each from Gander Mountain Sporting Goods in Sheffield Village. This year's grand prize is a Bush Hog 4200 "Trail Hand" ATV Utility Vehicle valued at more than \$7,000 and is from Born Implement on Vermilion Road. Multiple wins are possible for each ticket. The winner does not have to be present.

The gate ticket also includes all one can eat and drink as well as free door prizes. Throughout the day, individual "tip board raffles" are also held for assorted hunting, camping, fishing, forestry and boating gear and clothing from Gander Mountain and Born Implement.

Participants do not receive their guns at the raffle. Winners must take a certified letter sent to them to Gander Mountain, which conducts background checks. If a person cannot pass a background check, he or she is given full store credit toward other merchandise.

The Fraternal Order of Eagles, an international non-profit organization, unites fraternally in the spirit of liberty, truth, justice, and equality to make human life more desirable by lessening its ills and by promoting peace, prosperity, gladness and hope. Founded in 1898, the Eagles fund research in areas such as heart disease, kidney disease, diabetes and cancer and raise money for neglected and abused children and the aged, as well as work for social and civic change. The Eagles donate more than \$100 million annually to

Manney Kay (Sales Rep)

SWORN TO AND SUBSCRIBED BEFORE ME, this 20 day of September A.D. 2008
ANGELA CRONE

Amelia Barr

Booker's Fee.....	\$	_____
Affidavit.....	\$	_____
	\$	<u>430.80</u>

Publisher

to Dish Network in the Toledo market will receive a \$50 incentive to switch to DISH Network.
The statement also encouraged viewers to contact Time Warner Cable with their concerns.

*The Sandusky Register
Newspaper In Education
Department would like to
thank...*

KAZMAIER INSURANCE GROUP

*Serving The Firelands Area
For 15 Years*

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LEGAL NOTICE

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AFFIDAVIT OF PUBLICATION

STATE OF OHIO, STARK COUNTY.

Before me the undersigned, authority in and for Stark County, personally appears, Virginia L. Meyer, being first duly sworn, says that she is the Clerk of Gatehouse Media Newspapers, publishers of the Independent, a daily newspaper of general circulation in said County of Stark and State of Ohio, and that a notice of which the attached is a copy, was published in said paper on Monday September 22, 2008 Notice of PUCO Hearing. an ad for Ohio Edison Company case No 08-935-EL-SSO for authority to establish a standard service offer pursuant to section 4928.143, Revised code, in the form of an Electric Security Plan.

Virginia L. Meyer, Clerk

Sworn to and subscribed before me, this 24th day of September, 2008



JILL A. GRIFFITHS
Notary Public, State of Ohio
My Commission Expires 03-19-2011

Jill A. Griffiths

der and their al-Qaida allies are the most likely suspects behind a massive truck bombing at Islamabad's Marriott Hotel, officials and experts said Sunday. At least 53 died in the explosion, including two U.S. Defense Department employees and the Czech ambassador.

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THE STATE OF OHIO }
Mahoning County

Proof of Publication

Personally appeared before the undersigned authority, Julie Popovich
of THE VINDICATOR PRINTING COMPANY, publishers of THE VINDICATOR,
a newspaper printed and of general circulation in Mahoning, Trumbull and
Columbiana Counties in Ohio and Lawrence and Mercer Counties in Pennsylvania,
and being duly sworn, on her oath deposes and says that the notice hereto
attached was published 9/22/08 times and that insertions were as follows:

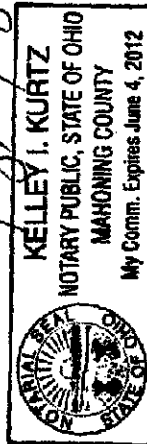
Advertisement..... \$ 764.00

Affidavit..... \$ 700.00

TOTAL..... \$ 1464.00

Sworn to and subscribed before me this 26 day of Sept A.D. 2008

Kelley I. Kurtz
NOTARY PUBLIC



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10

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Officers Exam 1/14/2008

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DAILY
BELLEVUE, OHIO

STATE OF OHIO,
COUNTY OF HURON.

Patricia A. Binsack being sworn, says she is bookkeeper at BROWN MEDIA HOLDINGS, which company publishes THE BELLEVUE GAZETTE (Daily), a newspaper in and of general circulation in said counties of Huron and Sandusky, and State of Ohio, and that the notice PUBLIC NOTICE here unto attached was published in THE BELLEVUE GAZETTE on the date SEPTEMBER 22, 2008 and in the following number of publications of said paper.

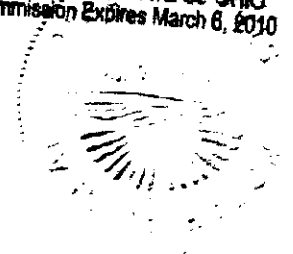
Patricia A. Binsack

Sworn to before me by said Patricia A. Binsack and signed by her in my presence this 22nd day of September, 2008.

Karalee Stess

1st Pub.	\$	<u>278.40</u>
2nd Pub.		<u> </u>
3rd Pub.		<u> </u>
4th Pub.		<u> </u>
5th Pub.		<u> </u>
Notary Fee		<u> </u>
Total	\$	<u>278.40</u>

KARALEE STESS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires March 8, 2010



oooped dirt into a clear , then took his family monument Park 40 min- r throwing the final 1:41 p.m. The grounds ed dozens of white ith infield dirt — mul- ire players on both l knelt to scoop up the oil from the mound plate area, stuffing it ockets.

tayed around for 45 ot wanting to walk ie exits one last time. atura's recording of crowd.

rk, New York" was and over. The organ- "Goodnight, Sweet- dnight." Two dozen

olice galloped onto he one fan who ran going to be in existence any longer," she said. "I wish it could have remained as a New York landmark, but I guess like all things it has come to its final days as we all do."

Fans were allowed on the field starting at 1 p.m. and entered through the left-field seats not far from where Aaron Boone's pennant-clinching home run landed five years ago. Glenn Bartow and his 13-year-old daughter arrived more than 12 hours before the game began at 8:36 p.m., and were the first ones into Monument Park. "We come every Sunday,"

LESS SAY THAT HUMAN PEOPLE RECALL got to experience the great ball- summer days of yore, they park before it is dismantled.

Street!" it said.

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The State of Ohio
The County of Columbiana

lusban

Beth E. Todd being duly sworn, says that she is the Controller of the Morning Journal, a newspaper, printed, published, and of general circulation in said county of Columbiana; that the notice of which is attached a copy, was for 1 day published in said newspaper commencing on the 22nd day of September A.D., 2008.

Beth E. Todd

Subscribed by the said Beth E. Todd and by her affirmed to before me, this 22nd of September A.D., 2008.

Printer's Fee \$428.40
Account Number L33938

Cynthia K. H.



only asks for a name, address and the reason for seeking the benefits.

The department says anyone approached and asked for sensitive information should refuse and report the incident to law enforcement.

— An argument over a card game prompted a call to police at 193 W. Fourth St. at 10:45 p.m. Saturday. The resident told police there was no fight, and his cousin had left so there would be no further problems.

East Liverpool

— An open door was reported at the neighbor's house 739 Chester Ave. at 4:11 p.m. Saturday. Police arrived to find the door had been kicked in. It appeared some copper had been stolen from the basement. Police, using the Columbiana County auditor's Web site, were unable to determine who owns the house. The neighbor said she heard someone pull up at 10:30 p.m. Friday, but did not know what the vehicle looked like. — While waiting for a tow

between new development and fire houses.
Grandview Heights is a compact 1.4 square miles, which means the fire department means the fire department.

LEGAL NOTICE

Association of America.
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STATE OF OHIO, }
STARK COUNTY

Affidavit of Publication

Before me, the undersigned, authority in and for Stark County personally appeared Carol Henthorne who being duly sworn, says he/she is the Bookkeeper

of the Alliance Publishing Company, Publishers of

THE REVIEW

a daily newspaper of general circulation in said County and State, and that a notice, of which the annexed is a copy, was published in said paper on Monday for 1 day

from and after the 22nd day of September, 20 08

Sworn to and subscribed before me, this 22nd day of September, 20 08

PAUL R. HUGHES

Notary Public, State of Ohio

Notary Public

My Commission Expires October 23, 2011.

Recorded In Stark County

LEGAL

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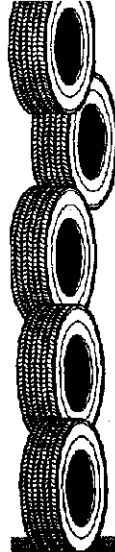
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Dr. Nick Simonovic, D.C.
C.C.S.P.

330-821-1777

Alma Lopez

Proof of Publication
SALEM NEWS

P.O. Box 268
161 North Lincoln Avenue
Salem, Ohio 44460

ACCT. #: S 335
ACCT. NAME: First Energy
TYPE: Legal Notice
FEE: \$367.20
File Date: 9/23/08

Hannah L. Ritchie,

Being duly sworn as a clerk of the Salem News, Salem, Ohio, a daily newspaper of general circulation in said City of Salem, County of Columbiana, and State of Ohio and states that the advertisement listed below was published in said newspaper on:

Published on
Monday, September 22, 2008.

Hannah L. Ritchie

Sworn to and subscribed before me, this

Today's date: September 23, 2008

Gladys Elaine McCoy



GLADYS ELAINE MCCOY, Notary Public
State of Ohio
My commission expires July, 17, 2012

Total Fee: \$367.20
Advertising Rep.: Blake Wolford



GLADYS ELAINE MCCOY, Notary Public
State of Ohio
My commission expires July, 17, 2012

LEGAL NOTICE

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two Defense Department employees were among the dead and that a third American - a State Department contractor - was missing.
Three U.S. Embassy employees

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Personally appeared before me

Tracy Dix

Publishers of The

Ashland Times-Gazette, a newspaper of general circulation, published in Ashland, Ashland County, Ohio, and made oath that the annexed advertisement was duly published in said paper for

1 consecutive weeks from and after the

22nd day of

September

Tracy Dix

T.C.D.

Sworn to and subscribed before me this

24th

day of

September 2006

Notary Public

NOTARY PUBLIC

my commission

EXPIRES

JULY 4, 2011

Publication Fee \$ 288.00

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TRAILERS: 1994 Hi-Point trailer - Enclosed side or small door, carpeted walls, wired, twin axles 2002 Ford Crown Victorias 4 dr., 1999 Chrysler roof & leather), 1992 Chevy 2dr., 1997 Chevy Camaro at \$8,000), 1996 Olds 4dr, 1995 Olds SW, 1994 Pontiac SE dr. (body damage), 1993 Pontiac Grand Am SE Corsica LT 4dr, 1992 Olds RLS 4dr, 1989 Toyota 2dr, 1988 Mazda 2dr (damage right rear wheel-axle), 88 Royale 2dr, 1984 Chevy 2dr.

Note: All Vehicles are as is and all were operating session. The two appraised vehicles are court order **Terms:** Cash or Check with proper ID



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Affidavit of Insertion

I, Scott Miller, Majors/National Account Manager, for the Newspaper Network of Central Ohio, hereby certify that the First Energy notice ran in the publications listed below.

Fremont News Messenger	September 22, 2008
Mansfield News Journal	September 22, 2008
Marion Star	September 22, 2008
Port Clinton News Herald	September 22, 2008

Signed Scott Miller

Date September 22, 2008

Notary Signature Sharon K. Courson



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Comm. Expires
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stan Marriott blast ws signs of al-Qaida

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AD, Pakistan — Tal-
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Islamabad's Mar-
officials and experts
At least 53 died in
including two U.S.
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to douse the flames
the truck and much
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according to dramat-
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ture of media-savvy al-Qaida.
Interior Ministry chief
Rehman Malik said "all roads
lead to FATA" in major Pakistani
suicide attacks — referring to
Federally Administered Tribal
Areas, where U.S. officials wor-
ry that Osama bin Laden and al-
Qaida No. 2 Ayman al-Zawahri
are hiding.

Mahmood Shah, a former gov-
ernment security chief for Pak-
istan's tribal areas, said that
while the attack had "all the sig-
natures" of an al-Qaida strike,
homegrown Taliban militants
probably had learned how to exe-
cute an attack of such magnitude.
Al-Qaida was providing "moti-
vay, motivation, direction and all
sort of leadership and using the
Taliban as gun fodder," he sug-
gested.

A Pakistani intelligence offi-
cial, speaking on condition of
anonymity because he is not au-
thorized to speak on the record
to media, said investigators were
examining just that theory.

Pakistani Prime Minister
Yousuf Raza Gilani said the at-
tack was an attempt to "destabi-
lize democracy" in Pakistan,
which this year emerged from
nine years of military rule, and
destroy its already fragile econ-
omy.

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Herbert News Reporter

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...the high position of Presi-
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Africa."

He said he would stand down at
a date to be determined by Parlia-
ment, which will convene in the
coming days to select an interim
president to serve until next year's
elections.

National Assembly speaker
Baleka Mbete, who is also chair-
woman of the African National
Congress, is widely tipped to be-
come the interim head of state,
paving the way for Mbeki's neme-
sis, Jacob Zuma, to take over after
the elections.

Obama headed to Tampa to cram for planned debate

CHARLOTTE, N.C. — Democ-
ratic presidential nominee Barack
Obama undergoes three days of
preparation this week for a crucial
foreign policy clash with John Mc-
Cain in the first debate of the gen-
eral election campaign.

Aides say it will be an opportu-
nity for Obama to demonstrate profi-
ciency in an area where polls have
shown voters give the edge to Mc-
Cain, a 26-year Washington veter-
an who promotes his ties to lead-
ers around the world.

Obama will head to Florida to
prepare for Friday's event at the
University of Mississippi.

If Obama can hold his own on
foreign policy, it could ease those
worries, aides said Sunday as they
tried to lower expectations for the
first-term Illinois senator, a powerful
speaker but an uneven performer
in multiple debates during the De-
mocratic primaries.

The Associated Press

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Theresa J. New Journal

quarter, helping the Bills twice overcome 9-point deficits in the last 8 minutes.

AP
Cincinnati Bengals running back Chris Perry is tackled by the New York Giants' Corey Webster during the fourth quarter Sunday at Giants Stadium in East Rutherford, N.J.

a page from the Giants' road to the Super Bowl last season. After an 0-2 start, the Giants went on the road and beat Washington to turn around their season. New York ended that game with a goal-line stand.

The Bengals, who scored a total of 17 points in losing to Baltimore and Tennessee, took a 13-10 halftime lead by scoring on their final three possessions of the half.

Graham sandwiched field goals of 22 and 30 yards around a 25-yard touchdown run by Perry. The key to the success was Palmer's ability to hit quick swing passes, crossing patterns and flanker screens to Antonio Chatman and Houshmandzadeh against an all-out pass rush that still sacked him four times in the first half — and six times overall.

New York, which squandered early field position, answered Cincinnati's first two scored with Jacobs' short TD and Carney's 24-yard field goal.

Carney tied the game at 13 in the third quarter with a 46-yard field goal, and he put New York ahead 16-13 with a 26-yarder.

Giants hustled to Derrick and run to the ding a video

icial in the ivably could he play was et it stand.

rk. Brandon 1-yard run was 26-of-43 rew a 4-yard Kevin Boss New York a 1:50 to play.

Bengals (0-3) and got a 21-rom Shayne final play of

ree scores in 17-yard pass lmer to T.J. gave Cincinnati. Then the Giants in nine

lead. ove the Ben-ting Housh-sses of 20, 8, o set up Gra-kicked field

yards for the e 0-3 for the 2003, coach first season. rushed for 74 carries, also rd run.

d 27-of-39 for hmandzadeh s for 146. time, the Ben-edy to borrow

ver Broncos escaped with a 34-32 win over the New Orleans Saints on Sunday.

rolled over the malfunctioning Rams. Vikings 20, Panthers 10

downs and the Falcons scored the first 24 points, giving the Chiefs their 12th straight loss.

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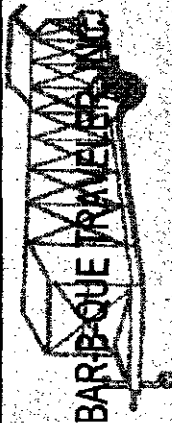
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Patricia A. Kovacs

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the First Energy Media
advertising was inserted according to instructions as follows:

Heading or number of advertisement Legal Notice - hearings

Space: 4x6 ad Date: 9/22/2008 Position: main news

WE HEREBY CERTIFY that the above information was obtained from our
file copies of the above dates and that same is correct and true to the best
of our knowledge and belief.

SPRINGFIELD NEW-SUN
202 North Limestone St.
Springfield, Ohio 45503

By: Leigh Spencer
(Print or type name here)

Signed: Leigh Spencer

Sworn to and subscribed before me, a Notary Public in and for Clark County, Ohio,
this 19th day of September.

(SEAL)

Vikki J. Ricketts
Notary Public in and for Clark County, Ohio

My commission expires:

V RICKETTS
Notary Public - State of Ohio
My Commission Expires 3-25-2012

VIKKI J. RICKETTS
Notary Public - State of Ohio
My Commission Expires 3-25-2012

hyde.

se milk — the first reported victim outside the mainland affected by a widening scandal over a toxic chemical found in baby formula and other Chinese dairy products. More than 6,200 infants have become sick and four babies have died in China after being fed baby formula-laced with melamine, a named industrial chemical. The Hong Kong government also announced Sunday, Sept. 21, that tests found melamine in Chinese-made infant milk. The Dairy Farm milk was made by Nestle's division in the Chinese coastal city Qingdao, it said. The Swiss food and drinks giant issued a statement Sunday saying that none of its infant-made dairy products contained melamine. Meanwhile, Singapore said melamine was detected in samples of White Rabbit

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LEGAL NOTICE

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NOTICE OF PUBLICATION

State of Ohio
Madison County

I, ANDREA FUGATE, do solemnly swear that I am ADVERTISING COORDINATOR of THE MADISON PRESS, a newspaper printed and published and of general circulation throughout Madison County, Ohio, and that the original notice, a true copy of which is hereto annexed, was published in said newspaper for 1 consecutive times, commencing on the 22nd day of SEPTEMBER A.D. 2008.

Andrea Fugate

Sworn to before me and subscribed in my presence this 22nd day of SEPTEMBER, A.D. 2008.

Printer's Fees \$ 212.40



LORETTA A. GREEN
Notary Public, State of Ohio
My Commission Expires 06-24-2013

Loretta A. Green

NOTARY PUBLIC

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He's hoping the '08-'09 winter
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will be at a rate triple the current
price, which he cites will be
\$149.91 per ton. So if he has to
use 6000 tons as in last winter, the
bill could be \$899,460. That is
Brand's worst case scenario pro-
jection.

Keeping the roads safe and
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them, Brand said is not an option.
There are pre-treatments

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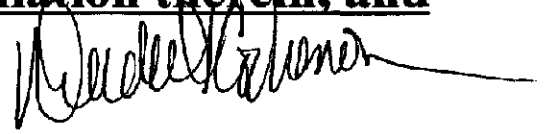
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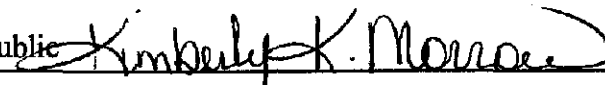
Sworn to before me and subscribed in my presence 22nd day September in the A.D., 2008

Printer Fees: \$286.80



KIMBERLY K. MORROW
Notary Public, State of Ohio
My Commission Expires 01/22/2013

Notary Public



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I, Shelly Kowalski duly sworn on oath says he/she is and during all times herein stated has been the publisher of the publisher's designated agent in charge of the publication known as

The Blade ("Publisher") has full knowledge of the facts herein stated as follows:

The ROP ad for First Energy, ("Advertiser") was distributed in the Publisher's full circulation on September 22, 2008.

By: 

Subscribed and sworn to before me

Notary Seal:

this 22 day of September 2008.

Karen Louise Jensen
Notary Public



KAREN LOUISE JENSEN
Notary Public, State of Ohio
My Commission Expires 02-07-09

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The State of Ohio
County of Wood, SS. }

NOTICE

Thursday, September 25, 2008, at 6:30 p.m., at the
Cleveland Heights, Ohio 44121.

Wednesday, October 1, 2008, at 6:30 p.m., at the
High School Auditorium, 3714 Campbell Street,
Cleveland, Ohio 44131.

Thursday, October 2, 2008, at 12:30 p.m., at the
V. Disalle Government Center, One Government
Center, 640 Jackson Street, Toledo, Ohio 43604.

Friday, October 3, 2008, at 6:30 p.m., at the Gateway
School, 900 Gibbs Street, Maumee, Ohio 43537.

Friday, October 7, 2008, at 6:30 p.m., at the
High School Auditorium, 333 Rampart Avenue,
Cleveland, Ohio 44131.

Wednesday, October 14, 2008, at 6:30 p.m., at the
John Middle School, 800 South Raccoon Road,
Columbus, Ohio 44515.

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Columbus, Ohio 44041.

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Certification of Publication

I, Shawn Dill, an advertising representative
of THE SENTINEL-TRIBUNE, a newspaper published and of general circulation in the City of Bowling Green
and in the County of Wood, State of Ohio, being duly sworn according to law, says that a notice, a true copy
of which is hereto attached, was published in said paper on September 22, 08

Sworn to and subscribed before me this 22nd day of Sept, 20 08

Printer's Fee, \$ _____

Affidavit, \$ _____

Total, \$ _____

Susan Businger
Notary Public, Wood County, Ohio

SUSAN BUSINGER
NOTARY PUBLIC
STATE OF OHIO
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MAY 23, 2013

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Monday, Oct. 13, 2008

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OSU's Terrelle Pryor looks for running room

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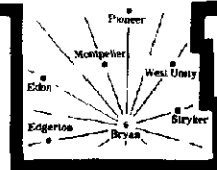
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THIS IS TO CERTIFY THAT FIRST
ENERGY INSERTED A LEGAL
NOTICE FOR HEARINGS IN THE
BRYAN TIMES ON SEPTEMBER 22,
2008. THE NOTICE WAS 24" @ \$ 8.94
TOTALING \$214.56.

JANICE E. CROCKER
Notary Public, State of Ohio
My Commission Expires January 12, 2009

perate. "They're the ones that are going to be able to give us the best firsthand knowledge," she said.

Dr. Fred Mullins, medical director of the Joseph M. Still Burn Center, said the two suffered second- and third-degree burns but had no other injuries from the crash and are in overall good health.

ry results

5, 2, 4-20-21-25; Pick 3, 9-9-1; Pick 4, 1-4-4-6; 6-20-21-27-36-39-40-42-44-46-47-51-56-60-64-0-8-9; Pick 4, 4-3-7-6; Ten-On Numbers 8-12-7-52-53-56-62-64-71-74-78.

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ago, the day after storm arrived, could be weeks or more before basic services are restored in all areas, but it was closed.

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The Crescent-News

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Affidavit of Publication

Order: Public Notice - Rate Hearings (FIRST ENERGY MEDIA)
Placed by: Kathy Alexander

This is to confirm that the ROP advertisement for Public Notice - Rate Hearings was inserted in The Crescent-News according to the following schedule:

<u>Date</u>	<u>Ad Name</u>	<u>Size</u>	<u>Rate</u>	<u>Cost (Net)</u>
9-22-08	"Legal Notice-Hearings"	4 x 6	\$10.20 pci	\$244.80

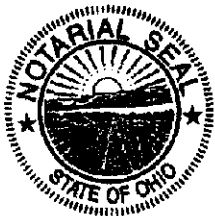
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DATE:

Jean H. Hensley
Advertising Representative
9-22-08



LINDA J. RICKER
Notary Public
In and for the State of Ohio
My Commission Expires
September 17, 2012

Sworn to before me and subscribed in
my presence, this 22nd day of

Sept AD., 20 08

Linda J. Ricker
Notary Public commission expiring 9/17/2012.

is considered a conservative
an assertive Japan.

nature of the crisis reflects a sys-
temic breakdown in supervision

companies are expected to act as
industry role models for safety

today the world health
Organization demanded stricter
monitoring of the industry.

1 accidents mean big ble for supercollider

(AP)—Scientists
up glitches in the
energy a few months into
2009 so in the long term, this
may not end up being such
a large delay in the phys-

ics program," Seth Zenz, a
graduate student from the
University of California,
wrote on the site of the U.S.
physicists working at the
European Organization for
Nuclear Research, or CERN.

"It's obviously a short-term
disappointment, though,
and a lost opportunity," he
wrote.

CERN spokesman James
Gillies said the repair opera-
tion will last until close to
the usual winter shutdown
time at the end of November.
There has been some discus-
sion that the new equipment
could operate through the
winter, but no decision has
been made, he said.

The melting of the wire con-
necting two magnets Friday
would have taken only a
couple of days to repair on
smaller, room-temperature
accelerators that have been
in use for decades, Gillies
said.

y we'll come

LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings in Case No. 08-935-EL-SSO, *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*. In their application, the companies seek Commission approval of their electric security plan filed pursuant to Senate Bill 221, which was signed into law on May 1, 2008. Senate Bill 221 requires an electric utility to establish a standard service offer and, as part of that process, to file an application for an electric security plan. According to the companies' application, the electric security plan would result in increases in total customer rates, including generation, transmission, and distribution, averaging 5.32% in 2009, 4.01% in 2010, and 5.99% in 2011. In addition, the companies' application proposes investment in capital improvements for the companies' energy delivery systems, energy efficiency and demand response initiatives, and economic development and job retention programs.

The local hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in this proceeding. The local hearings will be held as follows:

- (a) Wednesday, September 24, 2008, at 6:30 p.m., at the Springfield City Hall City Forum, 1st Floor, 76 East High Street, Springfield, Ohio 45502.
- (b) Thursday, September 25, 2008, at 12:00 p.m., at the Cleveland City Hall Council Chambers, 2nd Floor, Room 216, 601 Lakeside Avenue, Cleveland, Ohio 44114.

- (c) Thursday, September 25, 2008, at 6:30 p.m., at the Monticello Middle School Auditorium, 3665 Monticello Blvd., Cleveland Heights, Ohio 44121.

- (d) Wednesday, October 1, 2008, at 6:30 p.m., at the Perkins High School Auditorium, 3714 Campbell Street, Sandusky, Ohio 44870.

- (e) Thursday, October 2, 2008, at 12:30 p.m., at the Michael V. Disalle Government Center, One Government Center, 640 Jackson Street, Toledo, Ohio 43604.

- (f) Thursday, October 2, 2008, at 6:30 p.m., at the Gateway Middle School, 900 Gibbs Street, Maumee, Ohio 43537.

- (g) Tuesday, October 7, 2008, at 6:30 p.m., at the Firestone High School Auditorium, 333 Rampart Avenue, Akron, Ohio 44313.

- (h) Tuesday, October 14, 2008, at 6:30 p.m., at the Austintown Middle School, 800 South Raccoon Road, Austintown, Ohio 44515.

- (i) Wednesday, October 15, 2008, at 6:30 p.m., at the Geneva High School, 1301 South Ridge Road East, Geneva, Ohio 44041.

The evidentiary hearing will commence on October 16, 2008, at 10:00 a.m., at the offices of the Commission, Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215. Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793, viewing the Commission's web page at <http://www.puc.state.oh.us>, or contacting the Commission's hotline at 1-800-688-7826.

PROOF OF PUBLICATION

State of Ohio, Henry County, ss.

Christopher Cullis, being first duly sworn, deposes and says that he is the Publisher of the Northwest Signal, a daily newspaper published in Napoleon, in said Henry County, Ohio, and of general circulation therein; that the annexed advertisement and notice was printed and published in said newspaper for1..... days/weeks, the first insertion being on the ...23... day of September 2008 and for ...0..... consecutive days/weeks thereafter.

X. Christopher Cullis
Christopher Cullis

Subscribed to in my presence and sworn before me this ...23... day of September

X. Peggy S. Woods
Peggy S. Woods, Notary Public

My Commission expires: September 4, 2011

Notary Fees \$ 1.00
Printer's Fee \$ 228.90

The Public Utilities Commission of Ohio local hearings in Case No. 08-935-EL-S of the Application of Ohio Edison Company, Electric Illuminating Company, and The Company for Authority to Establish a Standard Offer Pursuant to Section 4928.143, Revised Code, for an Electric Security Plan. In the companies seek Commission approval of a security plan filed pursuant to Senate Bill 330 signed into law on May 1, 2008. Senate Bill 330 requires an electric utility to establish a standard offer as part of that process, to file an application for a security plan. According to the companies, the electric security plan would result in lower customer rates, including generation, transmission and distribution, averaging 5.32% in 2009, 4.0% in 2010, and 5.99% in 2011. In addition, the companies propose investment in capital improvement projects, energy delivery systems, energy efficiency and demand response initiatives, and economic development and job retention programs.

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- (a) Wednesday, September 24, 2008, at 10:00 a.m., Springfield City Hall City Forum, 1st Floor, Springfield, Ohio 45502.
- (b) Thursday, September 25, 2008, at 10:00 a.m., Cleveland City Hall Council Chambers, 2nd Floor, 601 Lakeside Avenue, Cleveland, Ohio 44115.

mac planning to take part include GM, Chrysler LLC, IBM Corp., AT&T, Motorola Inc., Deloitte LLP and Masco Corp.

Liveris, who is scheduled to give today's keynote address to the economic club about the need for a national, comprehensive industrial policy, has been vocal

plants, arguing the sluggish U.S. economy could affect thousands of workers.

The auto executives have said they're committed to building more fuel-efficient vehicles, but the companies are going through the most difficult business environment in more than 30 years.

millions of dollars in unneeded mandates for water infrastructure upgrades without help from the federal government. We have a ticking time bomb ready to blow up if we don't act now."

The legislation would authorize an almost \$2 billion,

21 states and the District of Columbia, and put the public's health at risk in 772 U.S. municipalities. The Environmental Protection Agency (EPA) estimates that about 850 billion gallons of untreated wastewater and storm water from these systems are sending untreated sewage into the waterways, streets, parks and homes of communities in every state. EPA has identified almost \$6.3 billion in improvements necessary to address CSO problems in over 100 communities throughout Ohio.

Can we hinder oil prices more than Rita

to \$4.56 a gallon midday Thursday and moved even higher Friday to \$4.87 a gallon.

After the storm, initial infrastructure assessments showed little structural damage, setting the stage for some price recovery in the wholesale markets. Other market factors have also begun to contribute to some softening in soaring wholesale prices. U.S. refinery capacity utilization has been low this year, in large part due to falling petroleum demand.

Consequently, refineries not affected by the hurricanes have some room to ramp up and help fill the product gap. The locations of these refineries may limit their ability to get product to where it is most needed. World refining capacity is also available to send extra product imports to the United States, and relative prices are encouraging these imports.

Finally, crude prices fell substantially on bad news from the financial markets that raised further concerns over the global economy and the potential for further softening in world petroleum demand.

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October 27, 2005

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Via Hand Delivery

Ms. Renee Jenkins
Docketing Division
Public Utilities Commission of Ohio
13th Floor
180 East Broad Street
Columbus, OH 43215-3793

Re: *In the Matter of the Application of Green Mountain Energy Company for
Waivers, Case No. 05-1147-EL-UNC*

Dear Ms. Jenkins:

Green Mountain Energy Company ("Green Mountain") serves as the competitive retail electric supplier to the Northeast Ohio Public Energy Council's ("NOPEC") governmental aggregation program, which operates in the service territories of Cleveland Electric Illuminating Company and Ohio Edison Company (collectively, "the EDUs"). Regrettably, as the result of certain regulatory events at the federal and RTO level, Green Mountain has been forced to exercise its rights to terminate its electric supply agreement with NOPEC, effective December 31, 2005. However, Green Mountain is not seeking to abandon its certificate.

As NOPEC, the EDUs, and the Commission Staff are aware, Green Mountain has worked diligently in an effort to mitigate the effects of the federal and RTO regulatory events in order to continue to provide competitive retail generation service to NOPEC, and to preserve the substantial strides the stakeholders have made to make retail electric competition a reality in Ohio. Green Mountain appreciates the opportunity it had to work with NOPEC, the EDUs, Staff,

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BAILEY CAVALIERI LLC

Ms. Renee Jenkins
Docketing Division
Public Utilities Commission of Ohio
October 27, 2005
Page 2

and the Commission to bring electric choice to NOPEC's constituents, and it is with deep regret that Green Mountain no longer will participate in the largest aggregation program in the nation.

Very truly yours,

BAILEY CAVALIERI LLC

A handwritten signature in cursive script, appearing to read "Dane Stinson".

Dane Stinson

cc: Alan R. Schriber, Chairman
Ronda H. Fergus, Commissioner
Judy A. Jones, Commissioner
Donald L. Mason, Commissioner
Clarence D. Rogers, Jr., Commissioner
Christine M.T. Pirik, Chief of Staff
Steven R. Brennan, Director, Utilities Dept.

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of WPS Energy
Services, Inc., and Green Mountain Energy
Company,

Complainants,

v.

Case No. 02-1944-EL-CSS

FirstEnergy Corp.,
Cleveland Electric Illuminating Company,
Toledo Edison Company, and
Ohio Edison Company,

Respondents.

OPINION AND ORDER

The Commission, considering the complaint, the evidence of record, the stipulation, and being otherwise fully advised, hereby issues its Opinion and Order.

APPEARANCES

Jim Petro, Attorney General of the State of Ohio, by Mr. Duane W. Luckey, Section Chief, and Mr. Steven T. Nourse, Assistant Attorney General, Public Utilities Section, 180 East Broad Street, Columbus, Ohio 43215-3793, on behalf of the staff of the Public Utilities Commission of Ohio.

Robert S. Tongren, Ohio Consumers' Counsel, and Mr. John Smart, Assistant Consumers' Counsel, 10 West Broad Street, Suite 1800, Columbus, Ohio 43215-3485.

Chester, Willcox & Saxbe, LLP, by Mr. John W. Bentine, Mr. Bobby Singh, and Mr. David Butler, 65 East State Street, Columbus, Ohio 43215, and Mr. Ivan L. Henderson, Bank One Center, 600 Superior Center, Suite 1300, Cleveland, Ohio 44114, on behalf of complainant, WPS Energy Services, Inc.

Ms. Evelyn R. Robinson, 5450 Frantz Road, Suite 240, Columbus, Ohio 43016, and Mr. Bruce J. Weston, 169 West Hubbard Avenue, Columbus, Ohio 43215-1439, on behalf of complainant, Green Mountain Energy Company.

Jones Day, by Ms. Helen L. Liebman, 1900 Huntington Center, 41 South High Street, Columbus, Ohio 43215, and Mr. David A. Kutik, North Point, 901 Lakeside Avenue, Cleveland, Ohio 44114-1190, and Mr. James W. Burk, FirstEnergy Corp., 76 South Main Street, Akron, Ohio 44308, on behalf of respondents, First Energy Corp., Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.

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Comptroller
EP 16

OPINION:I. History of the Proceedings

On July 30, 2002, WPS Energy Services, Inc., (WPS) and Green Mountain Energy Company (Green Mountain) filed a complaint with the Commission against FirstEnergy Corp., Cleveland Electric Illuminating Company, Toledo Edison Company, and Ohio Edison (collectively, FirstEnergy). The complaint alleges, among other specific items, that FirstEnergy has violated the Commission's September 13, 2001 Opinion and Order in *In the Matter of the Establishment of Electronic Data Exchange Standards and Uniform Business Practices for the Electric Utility Industry*, Case No. 00-813-EL-EDL, by failing to negotiate and implement a receivables purchase agreement. By entry dated September 10, 2002, the attorney examiner granted a motion by the Ohio Consumers' Counsel (OCC) to intervene in the proceeding.

On December 12, 2002, the Commission issued an entry scheduling this matter for hearing and directing FirstEnergy to proceed with implementation of an accounts receivable agreement providing for an interim purchase rate of 96 percent for service rendered after the customer's first scheduled meter read in 2003. The Commission stated its intention that the accounts receivable purchased at this rate would be subject to a later reconciliation based upon our ultimate findings on the issues in this proceeding. The Entry also scheduled the hearing in the proceeding for February 4, 2003.

On January 10, 2003, FirstEnergy filed an application for rehearing and a request for an expedited ruling pursuant to Section 4903.10, Revised Code, and Rules 4901-1-12 and 4901-1-35, Ohio Administrative Code (O.A.C.). Additionally, on that same date, FirstEnergy filed a motion for stay of the requirement to purchase receivables and of the hearing, and a request for an expedited ruling on that motion. Subsequently, on January 17, 2003, complainants filed a memorandum contra the motion for stay. On January 21, 2003, complainants filed a memorandum contra the application for rehearing. In addition, on January 21, 2003, the OCC filed a memorandum contra the motion to stay.

On January 23, 2003, complainants filed a motion for relief, requesting specific Commission directives to FirstEnergy with respect to the purchase of receivables. FirstEnergy filed its response on January 28, 2003.

On February 5, 2003, the Commission granted FirstEnergy's application for rehearing and stay for the limited purpose of allowing the Commission additional time in which to consider the issues raised therein. The case proceeded to hearing on April 23, 2003. After extensive negotiations, the complainants, respondents and staff entered into a stipulation on April 24, 2003 regarding the issues presented in this case. Testimony in support of the stipulation was presented by Ms. Ann M. Farrell-Novak on behalf of WPS, Mr. Paul Markovich on behalf of GMEC, and Mr. Ronald Green on behalf of FirstEnergy. OCC did not join in the stipulation, but presented no testimony in opposition.

II. Summary Of The Stipulation

The stipulation (Joint Ex. 1) presented in this proceeding was produced in an attempt to resolve all issues presented by the complainants in their original complaint and

subsequent pleadings in this proceedings. The key elements are summarized in the following sections. While the stipulation provides that changes in the partial payment priority posting shall apply to any competitive retail electric service (CRES) provider in the FirstEnergy service territory, those providers wishing to be part of the provision relating to advances on receivables, as discussed below, were required by its terms to become a party to the stipulation by signing the agreement no later than May 9, 2003. No additional signatory parties joined in the agreement by that deadline.

Partial Payment Priority Posting

The stipulation would change the current partial payment posting priority for the respondent operating companies and all CRES providers utilizing consolidated billing in the three affected service territories, thereby improving collections for CRES providers and avoiding the need for the respondents to purchase the CRES receivables (Joint EX. 1, at 3). Current Commission rules provide for the following posting priority:¹ electric distribution utility (EDU) past due, EDU current, CRES past due, and CRES current. The stipulation proposes to change the order to: CRES past due, EDU past due, EDU current, CRES current (*Id.* at 4). When a customer pays the full bill, both the EDU and CRES provider will receive the entire amount due them. If only a partial payment is made, CRES past due amounts shall be satisfied first with any excess amounts flowing through the priority protocol. Any excess amounts paid by the customer will be held by the EDU and applied to the next month's bill in accordance with the proposed modified priority posting (*Id.* at 5). Customers on a deferred payment plan will be deemed to have paid in full if they meet the monthly plan obligation, which is defined as the monthly payment plus current charges. Budget customers are deemed to have paid the full amount if they pay the monthly budgeted amount and current CRES charges, if not included in the budgeted amount (*Id.* at 5).

In situations where customers are dropped by the CRES provider or the customer drops the CRES provider, the CRES provider's past due amounts will remain on the bill for at least nine billing cycles or until the customer is disconnected or terminated by FirstEnergy, whichever occurs first. Payments made during that period are subject to the modified payment priority (*Id.* at 5-6).

Implementation Timeframe/Interim Relief

The stipulation establishes a time schedule for implementation of the various provisions, along with a plan for interim relief in the event the time schedule is not met. Implementation will be achieved as part of FirstEnergy's new accounting program, scheduled to begin July 1, 2003. FirstEnergy commits to implement the modified billings and collections portion of the program with respect to billings and collections on or after October 1, 2003. A progress report shall be provided to complainants by August 1, 2003 (*Id.* at 10). If the partial payment priority has not been fully implemented by October 1, 2003, FirstEnergy will continue to make payments under the existing payment priority provisions, and, in addition, advance on a monthly basis to CRES parties to this agreement the difference between 97 percent of the then-monthly amount billed and the lesser

¹ The Commission notes that in Case Nos. 02-564-EL-ORD and 02-565-EL-ORD it established a new payment priority of: EDU past due, CRES past due, CRES current, and EDU current. This change is presently pending before the Joint Committee on Agency Rule Review.

amount paid by CRES customers for the same month's charges. This latter amount shall be subject to repayment by CRES providers to the agreement, with interest at a defined prime rate (*Id.* at 10-11). If the modified partial posting payment priority is not implemented by January 1, 2004, the percentage applied to the difference will advance to 98 percent and the interest rate will be reduced to one percent below prime (*Id.* at 11). Once the modified partial payment plan is fully implemented, the CRES providers will have a repayment period equal to the time during which FirstEnergy has made advances (*Id.*).

Late Charges

Signatory CRES providers shall impose by July 1, 2004, a late payment charge of 1.5 percent on customers in those communities in which they are contractually permitted to do so (*Id.* at 8). These late charges shall be provided to FirstEnergy as compensation for billing and collection services and the costs incurred in implementing and maintaining the agreement. For customers on whom a late charge cannot be assessed, the CRES provider will compensate FirstEnergy at an amount equivalent to the 1.5 percent of the past due amounts for such customers (*Id.*). A CRES provider who does not have the ability to assess the charge can be relieved of the obligation if it can show that the financial benefits of the change of the modified partial payment posting priority is outweighed by the payment of the equivalent amount to FirstEnergy (*Id.* at 13).

Additional Customer Information

In an effort to address the CRES providers' information needs on collection of inactive accounts, FirstEnergy will provide upon request the following customer information: 1) social security number; 2) telephone number; 3) employer; 4) forwarding address; 5) whether the customer is on a deferred payment plan; and 6) the date, amount, and allocation between FirstEnergy and the CRES provider of the last payment (*Id.* at 7). The following information will also be added to the government aggregation list FirstEnergy provides to CRES providers: 1) telephone number; 2) whether the customer is currently in arrears with FirstEnergy; 3) whether the customer is on a deferred payment plan; and 4) whether the customer already is taking service from a CRES provider (*Id.* at 7-8).

PIPP Program

FirstEnergy, subject to Ohio Department of Development (ODOD) approval, will implement the process to submit CRES provider pre-PIPP arrears on its invoice to ODOD for reimbursement of amounts out of the USF fund associated with amounts owed by customers to the CRES provider at the time the customer joins the PIPP program. Such amounts would be remitted to the CRES provider promptly upon receipt of such amounts by FirstEnergy from ODOD (*Id.* at 12-13).

Customer Education

Prior to the implementation of the modified partial payment posting priority the signatory parties will agree upon a customer education plan. The plan would provide for written communications from CRES providers and/or FirstEnergy to customers with a CRES provider arrearage (*Id.* 6).

Pleadings, Testimony and Prior Rulings of the Commission

As part of the stipulation the parties have agreed to withdraw filed testimony and all motions, subpoenas, and applications in this case (*Id.* at 9). Additionally, GMEC agrees to dismiss its application for relief from the existing partial payment credit priorities, filed in Case No. 03-940-EL-UNC. WPS and GMEC agree not to seek purchase of receivables by FirstEnergy at the Commission or in a court of law (*Id.*). Additionally, the stipulation provides that the Commission's approval of the stipulation shall supercede the December 12, 2002 entry in this case and relieve FirstEnergy of any obligations it would have imposed (*Id.* at 9-10). Finally, the signatory parties agree not to seek enforcement of the December 12, 2002 entry (*Id.* at 10).

Late Filed Exhibit Regarding Waiver of Orders and Rules

On July 18, 2003, the signatory parties submitted a late-filed joint stipulation exhibit in accordance with Section IV, ¶10 of the stipulation, enumerating rules and orders that should be waived in order to implement the stipulation. The waiver would be applicable to the service territories of all respondents. The requested waivers are as follows:

- (1) Waiver to allow FirstEnergy to modify the partial payment posting priority in effect on the date the Commission issues its Opinion and Order (p. 4, ¶ 1) – Rule 4901:1-10-22(I), O.A.C.
- (2) Waiver to allow FirstEnergy to modify its billing and collection activities in accordance with the Stipulation (p. 4, ¶ 1) – Chapters 4901: 1-10 and 4901:1-18, O.A.C.
- (3) Waiver to allow FirstEnergy to make deferred payment arrangements on CRES charges, whereby the monthly payment agreed to by FirstEnergy and the customer will be subject to the modified partial payment posting priority in the Stipulation (p. 6, ¶ 4) – Chapter 4901:1-18, O.A.C.
- (4) Waiver to allow FirstEnergy to disclose specific customer information to assist in CRES collection efforts, whether or not a customer consents or objects to FirstEnergy's provision of such information (p. 7, ¶ 6) -- Rules 4901:1-10-12 and 22, and Rule 4901:1-20-16(G)(4)(a), O.A.C.
- (5) Waiver to clarify that CRES providers are not prohibited from disclosing an inactive customer's account number or social security number when related to the CRES provider's collection and credit reporting purposes and for the CRES providers' "accounting" (to Respondents) of the direct payments made to the CRES provider by active customers, whether or not a customer consents or objects to the disclosure (p. 7, ¶ 6) – Rule 4901:1-21-10(B), O.A.C.
- (6) Waiver to allow FirstEnergy to provide additional customer information in the governmental aggregation list (p. 7, ¶ 7) – Rules 4901:1-10-32 and 4901:1-20-16(G)(4)(a), O.A.C.

- (7) Waiver from any requirement that may have been imposed on FirstEnergy to purchase CRES accounts receivable (p. 4, ¶ 1; p. 9, ¶10; p. 14, ¶ 20).
- (8) Waiver to allow FirstEnergy to modify any new partial payment posting priority that may go into effect after the date of the Commission's Opinion and Order, including, without limitation, that set forth in the revised electric service and safety standards (ESSS) rules issued March 18, 2003 (p. 9, ¶ 10).
- (9) Waiver to allow FirstEnergy to modify the language on the disconnect notice (p.12, ¶ 15) -- Rule 4901:1-18-05, O.A.C., and Rules 4901:1-10-16 through 19, O.A.C.
- (10) Waiver to allow FirstEnergy to apply payments by a guarantor on behalf of a mutual customer according to the partial payment posting priority in the Stipulation (pp. 4-5, ¶ 1) -- Rule 4901:1-10-14(L)(3)(b), O.A.C.
- (11) Waiver to allow FirstEnergy to apply energy assistance payments by a public or private agency on behalf of a mutual customer according to the partial payment posting priority in the Stipulation (pp. 4-5, ¶ 1) -- Rule 4901:1-18-04(B)(7), O.A.C.
- (12) Waiver from any other requirements imposed, now or in the future, by rule or Commission order, including all pending proposed rules that are inconsistent with the terms of the Stipulation.

III. Testimony

FirstEnergy, GMEC and WPS provided testimony in support of the stipulation.

Ms. Ann M. Farrell-Novak, Director of Aggregation, WPS, testified on its behalf. Ms. Farrel-Novak identified the stipulation, stated that it was the product of extensive negotiations by the parties, and expressed her opinion that it is a reasonable resolution of all issues in the complaint (Tr. 14). Further, she stated that the stipulation is superior to a purchase of receivables program for a number of reasons. First, it allows for CRES arrearages to be paid first, which could allow CRES bad debt experience to more closely align with electric industry average bad debt experience. Second, it decreases customer confusion by coordinating CRES and EDU deferred payment plans and providing one phone call with which to handle payment arrangement. Third, it provides CRES providers with more collection information and better control over when to drop a customer for non-payment. Fourth, it clarifies the definition and allocation of partial payments and past due amounts. Fifth, it resolves the problems negotiating a purchase of receivables program and gives a time for implementation. Sixth, it provides a mechanism for customers who switch to the PIP program to be better handled and managed (*Id.* at 14-16).

Mr. Paul Markovich, President, Midwest Region, GMEC, testified on its behalf. Mr. Markovich stated that the stipulation's primary benefit was that GMEC will now be ap-

Practices for the Electric Utility Industry, Case No. 00-813-EL-EDI, by failing to negotiate and implement a receivables purchase agreement.

- (2) On December 12, 2002, the Commission issued an entry scheduling this matter for hearing and directing FirstEnergy to proceed with implementation of an accounts receivable agreement providing for an interim purchase rate of 96 percent for service rendered after the customer's first scheduled meter read in 2003.
- (3) On January 10, 2003, FirstEnergy filed an application for rehearing and a request for an expedited ruling pursuant to Section 4903.10, Revised Code, and Rules 4901-1-12 and 4901-1-35, O.A.C. Additionally, on that same date, FirstEnergy filed a motion for stay of the requirement to purchase receivables and of the hearing, and a request for an expedited ruling on that motion. Subsequently, on January 17, 2003, complainants filed a memorandum contra the motion for stay.
- (4) On January 21, 2003, complainants filed a memorandum contra the application for rehearing. In addition, on January 21, 2003, the Ohio Consumers' Counsel filed a memorandum contra the motion to stay.
- (5) On January 23, 2003, complainants filed a motion for relief, requesting specific Commission directives to FirstEnergy with respect to the purchase of receivables. FirstEnergy filed its response on January 28, 2003.
- (6) On February 5, 2003, the Commission granted FirstEnergy's application for rehearing for the limited purpose of allowing the Commission additional time in which to consider the issues raised therein.
- (7) The hearing was held in this case on April 23, 2003.
- (8) After extensive negotiations, the complainants, respondents and staff entered into a stipulation on April 24, 2003 regarding the issues presented in this case. A late-filed exhibit to the stipulation listing proposed waivers necessary to implement the stipulation was filed on July 18, 2003.
- (9) The stipulation satisfies the standard of review established by the Commission for the evaluation of the reasonableness of stipulations. *See, e.g., Ohio-American Water Co.*, Case No. 99-1038-WW-AIR (June 29, 2000); *Cincinnati Gas & Electric Co.*, Case No. 91-410-EL-AIR (April 14, 1994); *Western Reserve Telephone Co.*, Case No. 93-230-TP-ALT (March 30, 1994); *Ohio Edison Co.*, Case No. 91-698-EL-FOR et al. (December 30, 1993); *Cleveland Electric Illum Co.*, Case No. 88-

The Ohio Supreme Court has endorsed the Commission's analysis using these criteria to resolve issues in a manner economical to ratepayers and public utilities. *Indus. Energy Consumers of Ohio Power Co. v. Pub. Util. Comm.* (1994), 68 Ohio St.3d 547 (citing *Consumers' Counsel, supra*, at 126). The court stated in that case that the Commission may place substantial weight on the terms of a stipulation, even though the stipulation does not bind the Commission (*Id.*).

Based on our three-prong standard of review, we find that the first criterion, that the process involved serious bargaining by knowledgeable, capable parties, is met. Multiple bargaining sessions, open to all parties, took place before, and subsequent to, commencement of the hearings. The parties to these negotiations have been involved in many cases before the Commission, including a number of prior cases involving similar issues presented in this case. While OCC did not join in the stipulation, it has not offered testimony in opposition.

The stipulation satisfies the second prong, because it significantly reduces the number of possible proceedings and appeals. It also facilitates development of the customer choice program by providing additional data, structure and process guidance for customers, CRES providers and EDUs in administration of the program.

Finally, the stipulation meets the third criterion because it does not violate any important regulatory principle or practice. The stipulation balances the interests of the parties while bringing substantial benefits to electric choice customers. Furthermore, the policies of the state embodied in S.B. 3 will be implemented more quickly and efficiently than would otherwise be possible.

Accordingly, we find that the stipulation, including the proposed waivers, should be adopted. We note with respect to waiver 12 that our waiver applies to current rules and rules pending at JCARR to be effective in the future, including specifically rules amended in Case Nos. 02-564-EL-ORD, 02-565-EL-ORD, and 03-888-AU-ORD. However, the impact of any other future changes to Commission rules in this stipulation will be considered and determined at that time. The Commission encourages FirstEnergy to raise those issues in any future docket.

We also note that the terms of the stipulation, except for paragraph 13, shall apply to all CRES providers that utilize the consolidated billing of FirstEnergy. FirstEnergy should file any necessary amended tariffs, consistent with the stipulation, to implement these changes within 60 days of the date of this order, for Commission's approval.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) On July 30, 2002, WPS Energy Services, Inc., (WPS) and Green Mountain Energy Company (Green Mountain) filed a complaint with the Commission against FirstEnergy Corp., Cleveland Electric Illuminating Company, Toledo Edison Company, and Ohio Edison (collectively, FirstEnergy). The complaint alleges, among other specific items, that FirstEnergy has violated the Commission's September 13, 2001 Opinion and Order in *In the Matter of the Establishment of Electronic Data Exchange Standards and Uniform Business*

appropriately paid for the electric service it provides, which will give GMEC a great deal more certainty about cash flows and provide a platform for further growth in Ohio and elsewhere in the Midwest (Tr. 20). For these reasons, he recommends that the Commission adopt the stipulation (*Id.*).

Mr. Ronald L. Green, Director of Customer Services, FirstEnergy, testified on its behalf. Mr. Green stated the company has agreed to the stipulation because of its belief that it addresses the concerns of the CRES providers, yet does not require FirstEnergy to purchase CRES receivables, nor incur associated costs (Tr. 23). From the company's perspective, there are five basic critical points to the document. First, the modified partial payment priority significantly improves CRES cash flow. Second, the stipulation allows the company to provide expanded customer information to the CRES providers. Third, creation of CRES late payment charges will help to defray the cost of administering the program, and also provide customers with an incentive to pay bills on time. Fourth, payment of advances will be made to the CRES providers if the modified payment priority cannot be implemented by October 1, 2003. Fifth, CRES customer pre-PIPP arrears will be recovered from the universal service fund through FirstEnergy's monthly billings to the Ohio Department of Development (*Id.* at 23-27).

IV. Criteria For Evaluating Stipulations

Rule 4901-1-30, O.A.C., authorizes parties to Commission proceedings to enter into stipulations. Although not binding on the Commission, the terms of such agreements are accorded substantial weight. See, *Consumers Counsel v. Pub. Util. Comm.* (1992), 64 Ohio St.3d 123, at 125, citing *Akron v. Pub. Util. Comm.* (1978), 55 Ohio St.2d 155. This concept is particularly valid where the stipulation is supported or unopposed by the vast majority of parties in the proceeding in which it is offered.

The standard of review for considering the reasonableness of a stipulation has been discussed in a number of prior Commission proceedings. See, e.g., *Ohio-American Water Co.*, Case No. 99-1038-WW-AIR (June 29, 2000); *Cincinnati Gas & Electric Co.*, Case No. 91-410-EL-AIR (April 14, 1994); *Western Reserve Telephone Co.*, Case No. 93-230-TP-ALT (March 30, 1994); *Ohio Edison Co.*, Case No. 91-698-EL-FOR et al. (December 30, 1993); *Cleveland Electric Illum. Co.*, Case No. 88-170-EL-AIR (January 30, 1989); *Restatement of Accounts and Records (Zimmer Plant)*, Case No. 84-1187-EL-UNC (November 26, 1985). The ultimate issue for our consideration is whether the agreement, which embodies considerable time and effort by the signatory parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Commission has used the following criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?
- (3) Does the settlement package violate any important regulatory principle or practice?

170-EL-AIR (January 30, 1989); *Restatement of Accounts and Records (Zimmer Plant)*, Case No. 84-1187-EL-UNC (November 26, 1985).

- (10) The stipulation, including its proposed waivers of Commission orders and rules, is reasonable and should be adopted. The provisions of this stipulation shall supersede the requirements and obligations established for FirstEnergy in the December 12, 2002 entry in this proceeding.


It is, therefore,

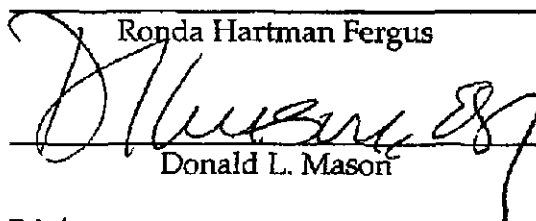
ORDERED, That the stipulation filed in this proceeding on April 24, 2003, including the late filed exhibit to the stipulation filed July 18, 2003, is hereby approved, subject to approval of necessary amended tariffs consistent with the stipulation. The provisions of the stipulation shall supersede the requirements and obligations of our December 12, 2002 entry in this proceeding. It is, further,


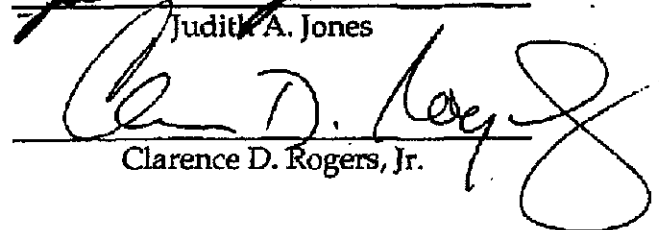
ORDERED, That FirstEnergy file for Commission approval any necessary amendments to its tariffs to implement the stipulation within 60 days of the date of this order. It is, further,

ORDERED, That a copy of this entry be served upon interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman

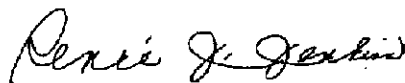
Ronda Hartman Fergus

Donald L. Mason

Judith A. Jones

Judith A. Jones

Clarence D. Rogers, Jr.

APA/vrm

Entered in the Journal

AUG 6 2003



Renee J. Jenkins
Secretary

The Public Utilities Commission of Ohio
Case No. 05-1500-EL-COI

**SERIES OF TECHNICAL CONFERENCES
IN RESPONSE TO
THE FEDERAL ENERGY POLICY ACT OF 2005**

THURSDAY – APRIL 6, 2006 9:00 a.m. – 4:30 p.m. EST

THE FOURTH TECHNICAL CONFERENCE: Smart Metering and Demand Response
(Energy Policy Act of 2005, Section 1252)

9:00 a.m. **“Welcome to the PUCO’s Technical Conference on the Energy Policy Act Amendment on Smart Metering and Demand Response”** – Judith A. Jones, Commissioner, Public Utilities Commission of Ohio

INTRODUCING THE ISSUE: (9:15 – 9:30 a.m.)

“What Did Congress Say in the Energy Policy Act of 2005 about Time-based Metering and Communications and Demand Response?”

- Gary Nakarado, Energy Counsel and Attorney At Law
(Courtesy of the Ohio Consumers Counsel)

Morning Panel:

Smart Metering and Demand Response: Exploring the Current Process

(9:30 – 10:30 a.m.)

Staff Moderators: Russ Gooden, Jan Karlak, Greg Scheck, and Sara Zeigler

- Steve Ouellette & Greg Hussing, FirstEnergy
- David Roush & Jack Carr, American Electric Power
- Aaron Cooper, Dayton Power and Light
- Richard Stevie, Cinergy

Q & A - Audience Participation (as time permits)

- Dale Arnold, Ohio Farm Bureau
- Pat O’ Laughlin, Buckeye Power
- Kevin Murray, Industrial Energy Users of Ohio (IEU-Ohio)
- Brian White, Gulf Power
- Steve George, Charles Rivers & Associates

Networking Break (10:30 – 10:45 a.m.)

(More....)

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Stand-by Power in Ohio: Exploring the Current Process
(Morning Panel continued) (10:45 a.m. – 12:30 p.m.)

More Q & A - Audience Participation (as time permits)

Networking Lunch (12:30 – 1:30 p.m.) Box Lunches will be available at attendee's cost.

Afternoon Workshop: Getting the Most Out of an Advanced Metering Infrastructure, Smart Metering and Demand Response

Staff Moderators: Russ Gooden, Jan Karlak, Greg Scheck, and Sara Zeigler

- David Hyland, Converge
- Michael Wiebe, MWC
- Nick Klett, Elster Electricity, L.L.C.
- Ken Caird, Network Reliability Products and Services, GE Energy
- Dan Delurey, Demand Response and Advanced Metering Coalition (DRAM)

Updates to the programs for the entire series will be available at <http://www.puco.ohio.gov/>

Exhibit 1 Information: Price Update Adjustments

	2009	2010	2011
Auction Reference Prices	\$82.46	\$81.19	\$79.84
Transmission & Ancillary Services	\$ 7.50	\$ 7.50	\$ 7.50
Auction Ref. Prices Less Tr. & Anc.	\$74.96	\$73.69	\$72.34

Exhibit 2 Information: Transmission and Ancillary Services Adjustments

	2009	2010	2011
Auction Reference Price	\$74.96	\$73.69	\$72.34
Ref. Price Less 2008 Price (\$68.18)	\$ 6.78	\$ 5.51	\$ 4.16
MWH Sales	57,202,000	57,705,000	58,211,000
Incremental Rev.	\$387,829,560	\$317,954,550	\$242,157,760
Distribution Rev. Per FE	\$137,000,000	\$150,000,000	\$151,000,000
Total Rev.	\$524,829,560	\$467,954,550	\$393,157,760
Total Revenues Discounted	\$483,803,061	\$397,653,054	\$307,976,673
Summed Disc. Rev.		\$1,189,432,788	
Benefits to Customers	\$1,189,432,788 - \$1,853,100,000 = - 663,667,212		

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Third Revised
Exhibit 1.

Auction Reference Prices

	2006-2008	2009	2010	2011	09 - 11 Average
RTCP04 ₀₆₋₀₈	\$39.25				
RTCP _{09,10,11}		\$55.71	\$54.85	\$53.94	
ACP	\$58.10				
MP _{09,10,11}		\$82.57	\$84.88	\$88.19	\$85.21
Apples to Apples Prices Relationship Ratios	\$58.10	-\$5.89	-\$5.93	-\$5.96	
	1.48	\$7.50	\$7.50	\$7.50	
		\$84.18	\$86.45	\$89.73	
		1.51	1.58	1.66	
Inflation factor (ratios)					7%

Auction Reference Prices

	\$82.46	\$81.19	\$79.84	\$81.17
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Inflation factor (prices)

5%

Staff Exp.
9A

Third Revised Exhibit 2.

Alternative Net Present Value of Benefits Calculation

<u>Auction Reference Price Rates</u>		2008	2009	2010	2011
2008 Generation Rate		\$ 68.18			
Auction Reference Price		\$	82.46	\$ 81.19	\$ 79.84
Reference Price less 2008 price (\$68.18)		\$	14.28	\$ 13.01	\$ 11.66
MWh Sales			57,202,000	57,705,000	58,211,000
Incremental Revenues over 2008		\$	817,104,870	\$ 750,830,826	\$ 679,003,014
Distribution		\$	137,000,000	\$ 150,000,000	\$ 151,000,000
Total Revenues Auction Reference Rate		\$	954,104,870	\$ 900,830,826	\$ 830,003,014
Total Revenues Discounted		\$ 2,295,194,703	\$ 879,521,451	\$ 765,497,693	\$ 650,175,559

<u>Reference NPV: Ohio Summary</u>	Blank Alt. 1	Auction Ref. Case
ESP Revenues (NPV)	\$ 1,853,100,000	\$ 1,853,100,000
Auction Reference Revenues (NPV)	\$ 2,861,400,000	\$ 2,295,194,703
Benefits to Customers	\$ 1,008,300,000	\$ 442,094,703
Per Megawatt Hour Net Present Benefit		\$ 2.55

Step 24
9B

**Price Matrix and Reconciliation Mechanism
and Associated Tariff Riders
Exhibit "C" Index**

<u>Document Title</u>	<u>Attachment Number</u>
Price Matrix Methodology – Overview	1
Standard Service Charge (SSC) Rider	2
Current Tariff Prices by Rate Block and SSC Development.....	3
Sample Calculation to Obtain Tariff Price Multiplier in Aggregate	4
Kilowatt-hours and Current Revenue by Rate.....	5
Reconciliation Rider – Overview	6
Standard Service Charge (SSC) Reconciliation Rider.....	7
Sample Calculation of Reconciliation Rider.....	8

Staff Exp
9C

1. The Current Tariff Price (CTP) is calculated for each rate block by summing the generation and RSC⁵ prices for that block.
2. Generation and RSC Current Revenues (CR) are summed for each tariff rate schedule.
3. Gross Auction Revenues are calculated by multiplying the auction clearing price by the metered kWh sales at the customer level (adjusted for losses)⁶ for the entire load including special contracts.
4. Net Auction Revenues are calculated by multiplying the auction clearing price by the metered kWh sales at the customer level (adjusted for losses)⁶ for the load excluding special contracts.
5. Tariff Auction Revenues are calculated by adding Net Auction Revenues to 50% times (Gross Auction Revenue – Net Auction Revenue - Special Contract Revenues)⁷
6. Tariff Auction Revenues are allocated to the tariff rate schedules in the same proportion as Tariff Current Revenues excluding special contract revenues.
7. The Standard Service Charges (SSC) for each rate schedule are calculated by multiplying the Current Tariff Prices (CTP) for a particular rate schedule by the Tariff Price Multiplier (TPM). The TPM is the ratio of the Tariff Auction Revenue (AR) allocated to the rate schedule to the Tariff Current Revenues (CR) for that rate schedule.

⁴ Current Tariff Prices = current generation price + RSC price (that will become effective 1/1/06 included in the tariff.

⁵ The RSC will become effective 1/1/06 and is equivalent in value to the GTC (Generation Transition Charge) component.

⁶ The metered kWh sales at the customer level will be multiplied by (1 + Distribution Loss Factor). The loss factor used in the Gross Auction Revenue calculation is less than the loss factor used in the Net Auction Revenue calculation due to the Special Contract kWh losses being less than the system average.

⁷ Special Contract Revenues = current generation component + RSC component (that will become effective 1/1/06) of revenues for special contracts.

Fourth Revised Exhibit 1.

Auction Reference Prices

	2006-2008	2009	2010	2011	09 - 11 Average
RTCP04 ₀₆₋₀₈	\$39.25				
RTCP _{09,10,11}		\$55.71	\$54.85	\$53.94	
ACP	\$58.10				
MP _{09,10,11}		\$82.57	\$84.88	\$88.19	\$85.21
		-\$6.89	-\$5.93	-\$5.96	
		\$7.50	\$7.50	\$7.50	
Relationship Ratio	1.48				

Auction Reference Prices	\$80.85	\$79.62	\$78.30	\$79.59
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Inflation factor (prices)

7%

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Fourth Revised Exhibit 2.

Alternative Net Present Value of Benefits Calculation

Auction Reference Price Rates		2008	2009	2010	2011
2008 Generation Rate	\$	68.18			
Auction Reference Price	\$		80.85	79.62	78.30
Reference Price less 2008 price (\$68.18)	\$		12.67	11.44	10.12
MWh Sales			57,202,000	57,705,000	58,211,000
Incremental Revenues over 2008	\$		725,009,650	660,233,976	589,358,074
Distribution	\$		137,000,000	150,000,000	151,000,000
Total Revenues Auction Reference Rate	\$		862,009,650	810,233,976	740,358,074
Total Revenues Discounted	\$	2,063,089,739	794,625,415	688,511,340	579,952,984

Reference NPV: Ohio Summary		Blank Alt. 1	Auction Ref. Case
ESP Revenues (NPV)		\$ 1,853,100,000	\$ 1,853,100,000
Auction Reference Revenues (NPV)		\$ 2,861,400,000	\$ 2,063,089,739
Benefits to Customers		\$ 1,008,300,000	\$ 209,989,739
Per Megawatt Hour Net Present Benefit			\$ 1.21

<u>2006</u>			<u>2007</u>			<u>2008</u>		
	% On Peak	% Off Peak		% On Peak	% Off Peak		% On Peak	% Off Peak
On Price	53.01%	46.99%	On Price	52.93%	47.07%	On Price	52.64%	47.36%
Off Price			Off Price			Off Price		
RTC06 =	\$48.50		RTC07 =	48.5		RTC08 =	47.5	
	29.25			\$29.25			29.25	
	\$39.45			\$39.44			\$38.86	
Term RTC		\$39.25						

Company
17
24.

CENTRAL POWER MARKETS

Forwards, dailies fall with NYMEX, temps

Forwards fell hard Tuesday as the NYMEX shed 30 cents in the prompt month contract, spurred by falling oil and a lack of cold weather. Dailies were considerably lower as warmer-than-normal temperatures were forecast for Wednesday, keeping demand low.

In Entergy, the prompt month fell \$2.30 to \$50.30/MWh. Winter was assessed at \$50.65/MWh, down \$2.20. Spring fell \$1.10 to \$49.50/MWh. In ERCOT, January dropped more than \$4 to \$51/MWh. Winter was assessed at \$51.45/MWh, down \$2.25. Spring dropped \$1.15 to \$51.70/MWh.

In Cinergy, January settled at \$52.05/MWh, February at \$52.45/MWh and winter at \$52.25/MWh, all falling 75 cents. The largest decline was seen in spring 2005, which fell \$1.50 to \$50/MWh. At the Northern Illinois Hub, January settled at \$51.55/MWh, February at \$52.15/MWh and winter at \$51.85/MWh. Spring fell \$1 to \$49.75/MWh.

Entergy dailies traded lower as mild weather kept demand low. Deals for Wednesday flow traded from \$37.90/MWh to \$41/MWh, down as much as \$3.50 from for-Tuesday deals. Wednesday forecasts had temperatures 7 degrees above normal, in the low 60s and low 70s. Balance-of-the-week trades were at \$40/MWh, while balance-of-the-month was stronger with bids at \$42.75/MWh on offers at \$45/MWh.

ERCOT traded about \$1 lower behind turbulent gas and mild weather. Peak deals in the Seller's Choice market traded from \$43.25/MWh to a high of \$46.50/MWh. Peak deals in the North Zone traded near \$47.75/MWh while Houston trades averaged near \$46.70/MWh. Forecasts had highs in the mid- and upper 60s across Texas, near normal to about 7 degrees above normal.

Midwest dailies for Wednesday delivery tumbled as forecasts called for high temperatures to stay more than 10 degrees above seasonal across most of the region.

In Cinergy, dailies traded near \$39.40/MWh, down about \$3.20. North ECAR dailies averaged near \$39.75/MWh. Balance-of-the-week traded at \$39/MWh. Cooling temperatures expected next week pushed next-week deals higher, with deals done from \$48.50/MWh to \$49/MWh.

The AEP/Dayton Hub stayed at \$1.50 discount to Cinergy. Forecasts called for highs to stay nearly 10 degrees above normal in Cincinnati, peaking at 54. Balance-of-the-week traded at \$39/MWh and next-week traded at \$46.50/MWh.

At the NI Hub, dailies averaged near \$37.59/MWh, down nearly \$4. Forecasts called for high temperatures in Chicago to reach 46, 10 degrees above normal. In MAPP, dailies traded in the low \$40s/MWh, down \$3 to \$4.

Day-ahead markets for delivery Dec 8 (\$/MWh)

Central	Index	Change	Range	Deals	Volume	Avg \$/Mo
On-Peak						
ECAR, North	39.75	-4.00	39.75-39.75	N.A.	N.A.	44.86
AD Hub	38.02	-4.63	37.00-39.25	22	1,100	42.87
Cinergy, into	39.41	-3.28	38.50-41.00	153	8,050	43.75
MAIN, North	45.00	3.00	45.00-45.00	N.A.	N.A.	48.33
MAIN, South	38.25	-4.25	38.25-38.25	N.A.	N.A.	42.29
NI Hub	37.59	-4.22	37.00-39.75	16	850	41.63
MAPP North	42.00	-3.00	42.00-42.00	N.A.	N.A.	46.08
MAPP South	41.00	-4.00	41.00-41.00	N.A.	N.A.	46.00
SPR North	40.00	-3.50	40.00-40.00	N.A.	N.A.	45.54
Entergy, into	39.35	-2.70	37.90-41.25	16	800	43.28
ERCOT	44.66	-0.73	43.25-46.50	53	3,026	49.76
ERCOT, North	47.67	-3.33	47.00-50.00	7	825	52.76
ERCOT, Houston	46.70	-0.93	44.50-47.35	23	1,250	51.50
ERCOT, West	46.00	-1.50	46.00-46.00	N.A.	N.A.	51.00
ERCOT, South	45.50	-0.75	45.50-45.50	N.A.	N.A.	50.21
Off-Peak						
ECAR, North	21.75	-1.75	21.75-21.75	N.A.	N.A.	25.25
AD Hub	17.29	-4.81	17.00-18.00	7	350	22.93
Cinergy, into	19.21	-3.62	18.00-21.00	29	1,500	23.74
MAIN, North	22.00	-1.50	22.00-22.00	N.A.	N.A.	22.58
MAIN, South	18.50	-0.50	18.50-18.50	N.A.	N.A.	18.96
NI Hub	18.00	0.00	18.00-18.00	N.A.	N.A.	18.38
MAPP North	19.00	-1.00	19.00-19.00	N.A.	N.A.	20.29
MAPP South	19.00	-2.00	19.00-19.00	N.A.	N.A.	20.33
SPR North	18.25	-2.75	18.25-18.25	N.A.	N.A.	20.92
Entergy, into	20.50	-2.50	20.50-20.50	N.A.	N.A.	23.33
ERCOT	19.42	-2.62	17.50-22.00	17	1,000	33.00
ERCOT, North	20.98	-8.07	20.00-22.00	12	850	35.38
ERCOT, Houston	20.00	-5.13	20.00-20.00	N.A.	N.A.	34.69
ERCOT, West	20.10	-7.40	20.10-20.10	N.A.	N.A.	34.39
ERCOT, South	19.75	-7.75	19.75-19.75	N.A.	N.A.	34.25

Near-term forward markets (\$/MWh)

Contract	Date	Deal
Cinergy, into		
Bal-week	12/7	39.00-39.00
Next-week	12/7	48.50-49.00
NI Hub		
Bal-week	12/7	38.50-38.50

Generation unit outage report

Plant/Operator	Cap	Fuel	State	Status	Return	Start
Dresden-2/Exelon	850	n	Ill.	MO	Unk	11/03/04
Dresden-3/Exelon	850	n	Ill.	RS	Unk	10/26/04
Pirkey/AEP	560	c	Texas	MO	Unk	11/12/04
Gibbons Creek/TMPA	480	c	Texas	MO	Unk	12/04/04

For more on methodology, see page 6.

Long-term Forward markets, Dec 7 (\$/MWh)

	Jan 05	Feb 05	Jan/Feb 05	Mar/Apr 05	May 05	Jun 05	Jul/Aug 05	Sep 05	Q4 05	Cal 2005	Cal 2006	Cal 2007
Cinergy, into	52.05	52.45	52.25	50.00	45.25	47.25	57.50	44.35	41.80	48.50	48.50	47.50
NI Hub	51.55	52.15	51.85	49.75	45.00	47.00	57.65	44.25	42.30	48.50	47.50	47.00
Entergy, into	50.30	51.00	50.65	49.50	46.50	50.55	57.15	50.25	50.05	51.00	50.95	48.50
ERCOT	51.00	51.90	51.45	51.70	54.60	55.50	59.85	54.65	50.85	53.60	52.55	49.85

† All forward prices are for on-peak delivery

CENTRAL POWER MARKETS

Dailies continue fall on above normal temps

Central dailies for Thursday delivery continued to trade lower as forecasts called for high temperatures to stay well above normal. Forwards fell despite small gains in the NYMEX natural gas market.

In Cinergy, dailies traded \$1.68 lower at \$37.73/MWh. Forecasts called for high temperatures in Cincinnati to reach 56, 12 degrees above normal. In the near-term, next-week traded from \$46.75/MWh to \$47.25/MWh, a strong premium to dailies as forecasts called for temperatures to return to normal next week. Balance-of-the-month traded at \$45/MWh.

Prices at the AEP/Dayton Hub fell even farther, dropping \$3.80 to \$34.27/MWh. North ECAR maintained a premium to Cinergy, trading at \$38.54/MWh.

At the Northern Illinois Hub, dailies averaged at \$34.42/MWh, down about \$3. Forecasts for Chicago called for highs to reach 48, 12 degrees above normal. In the near-term, next-week traded at \$45.50/MWh.

In MAPP, dailies fell \$1.50 to \$2, with North MAPP trading at \$43.50/MWh, a 50 cent premium to South MAPP.

ERCOT markets continued to slide, trading about \$1 lower again on mild weather and slipping gas. "This seems to be the pattern for December," one trader said. Deals in the Seller's Choice market traded between \$42.65/MWh and \$44.25/MWh. North zone deals traded up to \$47/MWh. Houston trades averaged near \$45.75/MWh. Off-peak trades were between \$18/MWh and \$20.50/MWh. Forecasts for Friday called for highs in the low and mid-70s across Texas, about 12 degrees above normal.

Entergy dailies traded about \$2 lower as spot gas in the Henry Hub shed about 5 cents. Weather forecasts called for little change, with highs remaining in the mid-60s and mid-70s, about 10 degrees above normal. Deals for Thursday flow traded from \$36/MWh to \$38/MWh. Off-peak deals traded near \$20/MWh.

In the forward markets, Cinergy's prompt month fell \$1.40 to \$50.65/MWh. February fell \$1.60 to \$50.85/MWh. Winter fell \$1.50 to \$50.75/MWh. In Entergy, the prompt month was assessed at \$50.80/MWh, up 50 cents. Winter was assessed at \$51.15/MWh, also a gain of 50 cents. Spring climbed 40 cents to \$49.90/MWh. Summer gained 45 cents at \$57.60/MWh. In ERCOT, January gained 45 cents to \$51.45/MWh. The winter package was assessed at \$51.95/MWh, up 50 cents. Spring climbed 45 cents to \$52.15/MWh. Summer was assessed at \$60.35/MWh, up 50 cents. At the NI Hub, the prompt month fell \$1.05 to \$50.50/MWh. February fell \$1.45 to \$50.70/MWh. Winter fell \$1.25 to \$50.60/MWh.

Day-ahead markets for delivery Dec 9 (\$/MWh)

Central	Index	Change	Range	Deals	Volume	Avg \$/Mo
On-Peak						
ECAR, North	38.54	-1.21	38.00-39.50	5	575	43.96
AD Hub	34.27	-3.75	33.50-35.50	11	560	41.47
Cinergy, into	37.73	-1.68	37.00-38.50	123	6,800	42.89
MAIN, North	44.00	-1.00	44.00-44.00	N.A.	N.A.	47.71
MAIN, South	35.25	-3.00	35.25-35.25	N.A.	N.A.	41.29
NI Hub	34.42	-3.17	33.50-35.50	11	650	40.60
MAPP North	43.50	1.50	43.50-43.50	N.A.	N.A.	45.71
MAPP South	43.00	2.00	43.00-43.00	N.A.	N.A.	45.57
SPR North	38.25	-1.75	38.25-38.25	N.A.	N.A.	44.50
Entergy, into	37.11	-2.24	36.00-38.00	20	1,000	42.39
ERCOT	43.48	-1.18	42.65-44.25	59	3,300	48.86
ERCOT, North	47.00	-0.67	46.00-49.50	6	350	51.94
ERCOT, Houston	45.71	-0.99	44.85-46.50	14	850	50.68
ERCOT, West	44.50	-1.50	44.50-44.50	N.A.	N.A.	50.07
ERCOT, South	44.00	-1.50	44.00-44.00	N.A.	N.A.	49.32
Off-Peak						
ECAR, North	21.50	-0.25	21.50-21.50	N.A.	N.A.	24.71
AD Hub	19.50	2.21	19.50-19.50	N.A.	N.A.	22.44
Cinergy, into	20.94	1.73	20.50-21.50	17	1,000	23.34
MAIN, North	20.00	-2.00	20.00-20.00	N.A.	N.A.	22.21
MAIN, South	18.00	-0.50	18.00-18.00	N.A.	N.A.	18.82
NI Hub	17.50	-0.50	17.50-17.50	N.A.	N.A.	18.25
MAPP North	18.50	-0.50	18.50-18.50	N.A.	N.A.	20.04
MAPP South	18.00	-1.00	18.00-18.00	N.A.	N.A.	20.00
SPR North	18.00	-0.25	18.00-18.00	N.A.	N.A.	20.50
Entergy, into	20.00	-0.50	20.00-20.00	N.A.	N.A.	22.86
ERCOT	18.09	-1.33	18.00-18.50	11	700	30.87
ERCOT, North	20.44	-0.64	20.00-21.50	7	400	33.24
ERCOT, Houston	19.25	-0.75	19.25-19.25	N.A.	N.A.	32.48
ERCOT, West	20.00	-0.10	20.00-20.00	N.A.	N.A.	32.34
ERCOT, South	18.50	-1.25	18.50-18.50	N.A.	N.A.	32.00

Near-term forward markets (\$/MWh)

Contract	Date	Deal
Cinergy, into		
Bal-month	12/8	45.00-45.00
Next-week	12/8	46.75-47.25
NI Hub		
Next-week	12/8	45.50-46.50

Generation unit outage report

Plant/Operator	Cap	Fuel	State	Status	Return	Shut
Dresden-2/Exelon	850	n	Ill.	MO	Unk	11/03/04
Pirkey/AEP	660	c	Texas	MO	Unk	11/12/04
Gibbons Creek/TMPA	480	c	Texas	MO	Unk	12/04/04

For more on methodology, see page 6.

Long-term Forward markets, Dec 8 (\$/MWh)

	Jan 05	Feb 05	Jan/Feb 05	Mar/Apr 05	May 05	Jun 05	Jul/Aug 05	Sep 05	Q4 05	Cal 2005	Cal 2006	Cal 2007
Cinergy, into	50.65	50.85	50.75	49.50	46.00	47.00	57.00	44.00	41.50	48.00	48.25	47.25
NI Hub	50.50	50.70	50.60	49.10	45.50	46.70	57.25	44.00	42.00	48.00	47.25	46.75
Entergy, into	50.80	51.50	51.15	49.90	46.90	50.95	57.60	50.65	50.40	51.40	51.20	48.65
ERCOT	51.45	52.45	51.95	52.15	55.00	55.95	60.35	55.10	51.20	54.05	52.75	49.85

† All forward prices are for on-peak delivery