76 South Main St. Akron, Ohio 44308

2008 DFC 22 PM 4: 22

December 22, 2008

1-800-546-0400

PUCO

Chairman Alan Schriber
Public Utilities of Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43215

Re:

In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Increase Rates for Distribution Service, Modify Certain Accounting Practices and for Tariff Approval

Case No. 07-551-EL-AIR Case No. 07-552-EL-ATA Case No. 07-553-EL-AAM Case No. 07-554-EL-UNC

## Dear Chairman Schriber:

On June 7, 2007, the Companies in the above-captioned cases filed an Application pursuant to Section 4909.18 and related sections of the Ohio Revised Code for authority to make changes and implement an overall increase in electric distribution rates applicable to customers within the Companies' respective service territories and to make modifications to the Companies' tariffs and accounting practices.

To date, the Commission has failed to issue a final order in these cases. As of December 3, 2008, five hundred forty-five (545) days had elapsed since the filing of the Companies' Application. Pursuant to Section 4909.42 of the Revised Code, public utilities have the right to put the proposed increase into effect and shall have no obligation to make a refund of amounts collected.

While the Companies would be within their rights to implement the increase on January 1, 2009, instead Ohio Edison Company and The Toledo Edison Company hereby notice the Commission that on January 15, 2009 they intend to exercise their right under Section 4909.42 of the Revised Code and put the increased rates into effect if the Commission has not issued an Order in the above-referenced cases by that date.

The Companies are available to discuss the specifics of the implementation of these increases with Staff.

Sincerely,

Stephen L. Feld Counsel of Record

cc:

Paul A. Centolella Ronda Hartman Fergus Valerie A. Lemmie Cheryl L. Roberto

Renee Jenkins, Secretary Docking Division Service List