

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) Case No. 08-935-EL-SSO
 a Standard Service Offer Pursuant to)
 Section 4928.143, Revised Code, in the)
 Form of an Electric Security Plan.)

ENTRY

The Commission finds:

- (1) On July 31, 2008, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the Companies) filed an application for a standard service offer (SSO) pursuant to Section 4928.141, Revised Code. The application was for an electric security plan (ESP) in accordance with Section 4928.143, Revised Code. On December 19, 2008, the Commission issued an opinion and order that approved the Companies' proposed ESP with certain modifications.
- (2) On December 22, 2008, the Companies filed a notice that they were exercising their right pursuant to Section 4928.143(C)(2)(a), Revised Code, to withdraw and thereby terminate their application for an ESP. Also on December 22, 2008, the Companies filed proposed tariff sheets.
- (3) By finding and order issued January 7, 2009, the Commission determined that, pursuant to Section 4928.143(C)(2)(b), Revised Code, until a subsequent SSO is authorized by the Commission in accordance with Section 4928.142 or Section 4928.143, Revised Code, the Companies' most recent SSO in effect shall continue. Therefore, the Commission concluded that the Companies' SSO provisions, terms, and conditions, which are contained in the Companies' rate certainty plan (RCP) approved in Case No. 03-2144-EL-ATA and the related tariff schedules in effect on December 31, 2008, should continue from January 1, 2009, until such time as the Commission approves new SSO rates pursuant to Section 4928.141, Revised Code, which requires the electric utility to apply to the Commission

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
 Technician SM Date Processed JAN 14 2009

to establish the SSO in accordance with Section 4928.142 or Section 4928.143, Revised Code. Furthermore, the Commission found that the regulatory transition charges (RTCs) must be terminated on December 31, 2008, for OE and TE, that the Fuel Recovery Mechanism and the RTC Offset Rider should be terminated, and that the Fuel Cost Recovery Rider should remain in place for the limited purpose of collecting all remaining 2008 actual fuel costs. The Commission ordered the Companies to file final revised tariffs consistent with the January 7, 2009, finding and order by January 12, 2009.

- (4) On January 9, 2009, the Companies filed a motion requesting, *inter alia*, that the portion of the January 7, 2009, order, which requires the Companies to file tariffs on January 12, 2009, be stayed.
- (5) By entry issued January 9, 2009, the attorney examiner granted to Companies' motion to extend the January 12, 2009, filing date for the tariffs to allow the Commission time to address the issues raised.
- (6) On this same day, the Commission is issuing a finding and order in *FirstEnergy's Rider FUEL Cases*, Case Nos. 09-21-EL-ATA, 09-22-EL-AEM, and 09-23-EL-AAM, granting the Companies' proposal to implement Rider FUEL, on a temporary basis, to the extent that the rider includes the actual purchased power costs. Rider FUEL, according to the Companies' application in those cases, would apply a retail surcharge on all SSO retail electric customers for the difference in all costs incurred by the Companies to purchase power for customers receiving generation service and the unbundled generation revenue received for each of the Companies and customer classes as set out in the Companies current rate plan.
- (7) In light of our decision today in *FirstEnergy's Rider FUEL Cases*, and in order to ensure that the tariffs required in this case are effective along with the tariffs approved in *FirstEnergy's Rider FUEL Cases*, the Companies shall file their revised tariffs consistent with our January 7, 2009, order in this case.
- (8) As a final matter, the Commission acknowledges that there are various motions and applications for rehearing pending in this case. However, our decision in this entry to require the

Companies to file the revised tariffs is in no way a reflection of our consideration of those pending filings. Those filings will be reviewed and considered in due course within the context of this case.

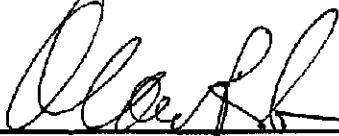
It is, therefore,

ORDERED, That the Companies file in final form tariffs consistent with our January 7, 2009, finding and order. It is, further,

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

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

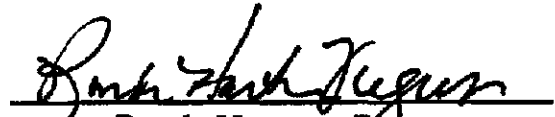
THE PUBLIC UTILITIES COMMISSION OF OHIO



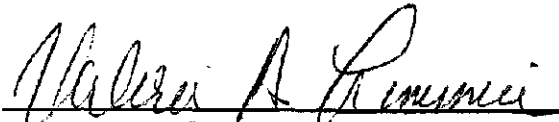
Alan R. Schriber, Chairman



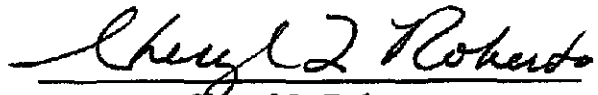
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

CMTP/vrm

Entered in the Journal

JAN 14 2009



Renee J. Jenkins
Secretary