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January 20, 2009

Renee J. Jenkins  
Secretary  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

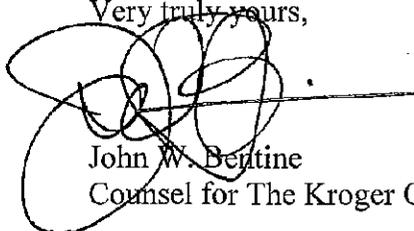
**RE: In the Matter of the Application of The Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of Rider Fuel and Related Accounting Authority.**  
*Case No. 09-0021-EL-ATA*

Dear Secretary Jenkins:

On January 13, 2009, in Case No. 09-0021-EL-ATA, the Ohio Consumer and Environmental Advocates ("OCEA") filed a motion to dismiss and, in the alternative, motion for expedited discovery and motion to set the matter for hearing. On January 14, 2009, without formally addressing the OCEA motions, the Commission approved the implementation of FirstEnergy's proposed Rider FUEL and ordered a hearing to conduct a prudency review of the costs incurred by FirstEnergy to purchase power in order to provide customers with electric service.

The Kroger Co. notes its support of OCEA's third motion for expedited discovery in the prudency review hearing ordered by the Commission. The Kroger Co. respectfully requests that the Commission grant OCAE's motion for expedited discovery in Case No. 09-0021-EL-ATA.

Very truly yours,



John W. Bentine  
Counsel for The Kroger Co.

JWB/MSW/kem

cc: Parties of Record

ND: 4817-5843-2259, v. 1

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