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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 Approval of Rider FUEL and Related Accounting Authority	)	**Case Nos. 09-21-EL-ATA 09-22-EL-AEM 09-23-EL-AAM**
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 R.C. § 4928.143 in the Form of an Electric Security Plan	)	**Case No. 08-935-EL-SSO**

DIRECT TESTIMONY OF

DEAN W. STATHIS

ON BEHALF OF

OHIO EDISON COMPANY
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
THE TOLEDO EDISON COMPANY

Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND POSITION.

A. My name is Dean W. Stathis and my business address is 2800 Pottsville Pike, Reading, Pennsylvania 19612. I am employed by FirstEnergy Service Company as Director, Regulated Commodity Sourcing. I am testifying on behalf of The Cleveland Electric Illuminating Company, Ohio Edison Company and The Toledo Edison Company ("Companies").

Q. DESCRIBE YOUR BACKGROUND AND PROFESSIONAL QUALIFICATIONS.

A. I have a master's degree in Economics from Youngstown State University. I have over 26 years of experience in the electric utility industry and have extensive experience in both physical and financial power supply and natural gas procurement activities. I have been in my current position as Director, Regulated Commodity Sourcing since June 2006. My qualifications and professional experience are described in more detail in Appendix A.

Q. WHAT IS THE REGULATED COMMODITY SOURCING DEPARTMENT?

A. The Regulated Commodity Sourcing ("RCS") department is responsible for procuring power for all of FirstEnergy's utilities[1]. RCS is independent of, and

[1] Jersey Central Power & Light (JCP&L), Metropolitan Edison Company (Met-Ed), Ohio Edison Company, Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power), The Cleveland Electric Illuminating Company, The Toledo Edison Company

separate from, FirstEnergy Corp's unregulated subsidiary, FirstEnergy Solutions ("FES").

Q. DESCRIBE YOUR RESPONSIBILITIES AS DIRECTOR, REGULATED COMMODITY SOURCING.

A. In my current position, my primary responsibility is to oversee the power supply procurement process and associated activities for each of these utilities. Under my direction and oversight, the FirstEnergy utilities in Ohio, Pennsylvania and New Jersey have conducted thirty-eight (38) competitive power procurement processes utilizing both auction and request for proposal ("RFP") formats and I am very familiar with the attributes and mechanics of these procurement processes. Each procurement process is tailored to the specific circumstances and market conditions existing at the time of the solicitation. For example, our procurements in PJM are tailored to be consistent with PJM rules and business practices while our procurements in the Midwest Independent Transmission System Operator ("MISO") RTO conform to its rules and business practices.

A primary function of RCS is to provide oversight in the implementation of these power procurement processes, including but not limited to, supporting the procurement plans of the utilities in regulatory proceedings, development of both solicitation material and contract materials, conducting bidder information sessions, management of electronic web sites, interaction with independent RFP/auction managers, execution of contracts, and many of the operational aspects of these solicitations which require interfacing with relevant suppliers and RTO personnel.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to (1) discuss the circumstances surrounding the Companies' power supply RFP for the period January 5, 2009 through March 31, 2009 ("delivery period"); (2) explain the guiding principles behind this competitive procurement; (3) describe the power supply product that was bid; (4) discuss the RFP bid selection criteria provided by the Companies and used by the independent RFP manager; (5) discuss the need for, and source of, the potential bidder list used by the independent RFP manager; (6) summarize the RFP results; and (7) discuss the post-RFP power supply transactions executed to complete the Companies' power supply needs.

I CIRCUMSTANCES LEADING TO THE RFP

Q. WHAT EVENTS LED TO THE DECISION TO PROCURE THE COMPANIES' POWER SUPPLY NEEDS THROUGH AN RFP FOR THE JANUARY 5, 2009 THROUGH MARCH 31, 2009 DELIVERY PERIOD?

A. The primary reasons for the Companies' RFP were regulatory in nature, and more specifically, the timing and nature of regulatory decisions issued by the Public Utilities Commission of Ohio ("PUCO"). The Companies filed both a Market Rate Offer ("MRO") and Electric Security Plan ("ESP") on July 31, 2008. The MRO provided for procurement of the necessary POLR supply through a descending clock auction for a multi-year period. This proposal was rejected on November 25, 2008 by the PUCO. Following the rejection of the MRO, the Companies announced that they would pursue a competitive solicitation process in the event that the PUCO did not approve an acceptable ESP. The proposed ESP was based upon a full requirements power supply agreement with FES, an affiliate of the Companies. The PUCO significantly modified the Companies' proposed ESP on December 19, 2008 in a manner unacceptable to the Companies. Accordingly, the Companies withdrew their ESP on December 22, 2008. The absence of an approved and acceptable ESP or an approved MRO combined with the expiration of the power supply contract with FES through which the Companies obtained 100% of their power supply needs for the period 2006-2008, left the Companies with no power supply beginning January 2009. As further explained in my testimony, I believe the approach we took, the MISO spot market for January 1-4 and a competitive RFP process for January 5 through March 31, 2009, was the most prudent approach.

Q. WHY IS THE MISO SPOT MARKET NOT AN ACCEPTABLE TERM POWER SUPPLY OPTION FOR THE COMPANIES?

A. Given the historical volatility associated with purchasing spot energy supplies and the corresponding financial uncertainties, the Companies did not feel this alternative was an acceptable term power supply option. The Companies' Pennsylvania and New Jersey affiliates both currently have state commission approved procurement plans in place that do not include any spot purchase exposure for their customers, except for contingency events. These plans recognize that reliance on spot market purchases may expose customers and companies alike to the many supply and demand uncertainties that underpin the spot markets, including, but not limited to, weather risk, fuel price risk, and grid infrastructure risk. The Companies have taken a consistent position of low tolerance with respect to exposure to spot market volatility and the Companies' general risk philosophy is to avoid unnecessary risk and to effectively manage exposure to risk in a prudent manner. The testimony of Companies' witness Scott Jones discusses the disadvantages associated with spot purchases in additional detail.

Moreover, under MISO's new Resource Adequacy Requirements (RAR), load serving entities are required to demonstrate to MISO that they have sufficient capacity to serve their native load plus a 13.7% reserve margin. Since there is currently no centrally administered capacity market in the MISO, the Companies would be required to obtain the capacity necessary to meet MISO's requirements by bilateral purchases.

Q. **PLEASE DISCUSS WHY, GIVEN OTHER POWER SUPPLY ALTERNATIVES, THE COMPANIES DECIDED TO CONDUCT THE RFP.**

A. The bid process that the Companies proposed in the MRO requires a fairly significant lead time to implement since it requires training all users with respect to the bidding software and round by round bidding rules. Thus, when that approach was denied on November 25, 2008, and the PUCO significantly modified the Companies' ESP necessitating its withdraw on December 22, 2008, the Companies were effectively left with an RFP procurement approach as the only feasible approach to procuring their power supply needs beginning January 2009. Because the Companies are divested of generation assets and current contracts for purchased power expired at the end of 2008, the Companies purchased competitively priced power on the wholesale market, via the RFP, in order to provide Standard Service Offer ("SSO") generation service beginning January 1, 2009. Moreover, the RFP approach is simple, flexible and reasonably easy to implement. Given the "pay as bid" approach adopted by the Companies, the RFP approach was well understood by potential bidders. Limiting the bid term to roughly three months also limited potential bidders' exposure to regulatory uncertainty, credit risk, and supply volatility. Finally, for the reasons discussed previously, simply purchasing in the MISO spot market was not an acceptable approach.

II GUIDING PRINCIPLES OF THE RFP

Q. PLEASE EXPLAIN THE COMPANIES' GUIDING PRINCIPLES IN CONDUCTING THE RFP PROCESS.

A. The Companies' guiding principles in conducting an RFP process were to: (1) utilize a competitive solicitation that was fair and transparent and intended to promote competitive bidding in a non-discriminatory fashion and apply methodology for choosing the least-cost bid for wholesale supplies; (2) conduct an RFP process that was open to all potential bidders; (3) conduct an RFP process which would be easily understood by potential bidders and which would facilitate their ability to complete their risk and costs assessments and prepare an offer given the compressed time frame of the solicitation; and, (4) minimize the MISO requirements for potential bidders to facilitate greater participation . The Companies retained an independent RFP manager, CRA International, to design and implement the RFP process providing additional assurance that the RFP would satisfy these principles, guided by Federal Energy Regulatory Commission's criteria adopted in *Allegheny Energy*.

Q. WHY IS A COMPETITIVE OUTCOME IMPORTANT FOR THE COMPANIES TO ACHIEVE?

A. The Companies opted for a competitively determined solution via an independently run RFP process which would allow willing and creditworthy suppliers to bid on the Companies' power supply needs. This approach is superior to a spot market strategy for the reasons previously discussed in my testimony. Moreover, RFP processes by their nature reflect the dynamic supply and demand price determination that head to head competition offers.

Q. WHAT ARE THE FEDERAL ENERGY REGULATORY COMMISSION'S ("FERC") EDGAR/ALLEGHENY CRITERIA AND WHAT IS THEIR RELATIONSHIP TO THIS RFP?

A. The *Edgar/Allegheny* criteria provide guidance as to the standards FERC will use in evaluating an RFP such that no affiliate should receive undue preference during any stage of the RFP. The following four guidelines help FERC determine if an RFP satisfies that underlying principle.

a. Transparency: the competitive solicitation process should be open and fair.

b. Definition: the product or products sought through the competitive solicitation should be precisely defined.

c. Evaluation: evaluation criteria should be standardized and applied equally to all bids and bidders.

d. Oversight: an independent third party should design the solicitation, administer bidding, and evaluate bids prior to the company's selection.

The testimony of the Companies' witness Brad Miller addresses the Companies' compliance with these FERC standards.

Q. DO THE COMPANIES HAVE EXPERIENCE IN IMPLEMENTING COMPETITIVE SOLICITATIONS THAT MEET THE EDGAR/ALLEGHENY STANDARDS?

A. Yes. The Companies' Pennsylvania affiliates, Met-Ed, Penelec, and Penn Power, have all used RFP solicitation processes in securing their respective power supply and those processes have been explicitly reviewed by FERC and found to be in compliance with *Edgar/Allegheny*. Except for some customization necessary to accommodate the specific circumstances of this RFP, the solicitation design was the same as that used in these other procurements – and therefore met, in my opinion, the FERC *Edgar/Allegheny* criteria for competitive solicitations.

Q. WHAT OTHER PRINCIPLES WERE IMPORTANT TO THE DESIGN OF THIS RFP?

A. Recognizing that the timing of the solicitation, which was dictated by the timing of various regulatory events, and that the RFP timeline would be compressed within the month of December 2008, generating bidder interest was a primary objective. The Companies took care in designing an RFP with attributes that would serve to enhance bidder interest given these timing issues and designed a product that did not require heavy interaction with the MISO RTO. This attribute as well as others are detailed in Section III. – Product Definition.

III. PRODUCT DEFINITION

Q. PLEASE DESCRIBE THE PRINCIPAL ATTRIBUTES OF THE POWER SUPPLY PRODUCT OF THIS RFP.

A. The RFP power supply product has the following attributes: (1) load-following slice of system energy and capacity tranches, (2) a three month term, (3) the

Companies remain the Load Serving Entity ("LSE") in MISO, thus the Companies continue to bear network transmission and ancillary costs, and (4) no Ohio renewable standards requirement. I will address each of these attributes below.

Q. WHAT IS MEANT BY LOAD FOLLOWING SLICE OF SYSTEM ENERGY AND CAPACITY TRANCHE?

A. The RFP solicited the aggregate hourly wholesale energy and capacity the Companies expect to need to serve their aggregate retail load for the period January 5, 2009 through March 31, 2009 ("delivery period"). The capacity product is known as Designated Network Resources ("DNR") in MISO and is inclusive of MISO planning reserve requirements. The aggregate load was divided into 100 identical units called tranches each representing one percent (1%) of the actual hourly energy and capacity required for the delivery period. For energy, this obligation is for an amount of energy which varies each hour but was nominally estimated as a maximum of 88 MW for the peak hour during the delivery period (as determined by the maximum expected delivery period hourly peak of 8800 MW in January 2009 divided by 100 units). For capacity, each tranche represented a fixed 100 MW for January 2009, 98 MW for February 2009 and 82 MW for March 2009. These RFP product volumes are summarized in Exhibit DWS-1.

Q. IS A LOAD FOLLOWING CAPACITY AND ENERGY TRANCHE A STANDARD FEATURE OF THE RFP'S THAT YOU HAVE CONDUCTED?

A. Yes. While some RFPs further define tranche bidding by customer classes, load following tranches are a standard feature of many RFPs or descending clock auctions such as in New Jersey, and are well understood by bidders.

Q. WHAT IS THE TERM OF THE RFP PRODUCT?

A. As previously indicated, the term of the RFP product is January 5, 2009 through March 31, 2009. The choice of this time frame reflected the balancing of multiple considerations, including risk and regulatory uncertainty. Conducting a solicitation at the end of December left too few business days to execute contracts and establish the necessary scheduling to ensure power flow by January 1. At least one business day would be needed to work through these details. Thus, for an RFP held on December 31, 2009, the following business day, Friday, January 2, 2009, would be needed to execute contracts and arrange power scheduling. This resulted in the contract start date of Monday, January 5, 2009.

Q. WHY DID THE COMPANIES RETAIN THE LSE OBLIGATION WITH MISO?

A. Given a compressed time frame to design the RFP, the Companies did not want to add to the burden for potential bidders with MISO registration protocols – especially during the holidays. To require each bidder to become an LSE in advance of the offering may have resulted in many bidders determining that filing the proper registration documents and meeting MISO deadlines was too burdensome and, therefore, the pool of interested bidders would have been limited. Keeping the Companies as the LSE would allow a more streamlined administrative process and would eliminate the incentive for bidders to add premiums to bids for any perceived MISO administrative risks or costs.

Q. WHO BEARS THE COST OF TRANSMISSION AND ANCILLARIES?

A. With the Companies retaining LSE status, they will bear the cost of transmission and ancillary service for the power supply procured for the delivery period. Further, by having the Companies retain these costs, bidders have no need to add premiums for any perceived risks of changes in transmission and/or ancillary costs during the delivery period.

Q. WHO WILL BEAR THE COST OF MEETING OHIO'S RENEWABLE STANDARDS FOR THE 2009 REPORTING YEAR?

A. The Companies are working on a separate process to meet renewable requirements for reporting year 2009 and thus did not include renewable attributes as part of the RFP product definition. Moreover, the added complexity of adding renewable requirements to the product definition in the already compressed RFP time frame would likely further have discouraged bidder participation in the process. Structuring the renewable obligation separately permits the Companies to canvas a larger renewable pool of resources including the many smaller renewable suppliers that only deal with renewable energy supply and not bundled load following energy and capacity products such as the one solicited in this RFP. Additionally, similar to network transmission, ancillaries and administrative costs, bidders have no need to add premiums to cover renewable attributes and/or the uncertainties thereof.

Q. WHAT PROCESS DID THE COMPANIES USE TO COMMUNICATE THE DETAILS OF THE RFP PRODUCT?

A. The Companies used two primary methods. First, the Companies maintained an RFP website that contained bidder rules and the SSO Supply Agreement that described the RFP product in detail. This web site, http://www.firstenergy-auction.com/RFP/index.html, also contained a Question & Answer ("Q&A") feature managed by the independent RFP Manager. In this way, any issues or concerns about the product not addressed in the documents on the web site could be brought up to the RFP Manager for resolution. Exhibit DWS-2 is a list of Q&As that were submitted during the pre-bid period.

Second, the RFP Manager could also be contacted directly, instead of through the RFP Q&A feature, for discussion of any RFP product issue or detail. In these two ways, the Companies helped bidders understand the specific slice of system load-following energy and capacity RFP product that was the feature of the solicitation.

IV. BID SELECTION CRITERIA

Q. WHAT EVALUATION CRITERIA WERE USED TO DETERMINE THE SELECTION OF WINNING BIDDERS?

A. The RFP Manager used a combination of non-price and price factors in determining the winning bidders. These evaluation criteria were clearly defined in the Bidder Rules starting on page 14, Article V. Evaluation of Proposals, a copy of which is attached as Exhibit DWS-3.

Q. WHAT WERE THE NON-PRICE CRITERIA USED BY THE RFP MANGER – CRA INTERNATIONAL?

A. The non-price criteria used in the evaluation process are described in the RFP Manager's "Post-RFP Report on the FirstEnergy Ohio Utilities' Competitive Procurement for Standard Service Offer Supply December 2008 RFP Process" starting on page 10, Section 5.3.1 Non-price factors. This report is attached as Exhibit DWS-4. These non-price criteria included the following:

- Membership in the Midwest ISO,
- Authorization by FERC,
- Compliance with the RFP Rules,
- Compliance with the SSO Supply Agreement,
- Ability to Execute the SSO Supply Agreement, and
- Independence and Non-collusion.

An assessment of these non-price criteria by CRA International is addressed in the testimony of Companies' witness Brad Miller.

Q. IN GENERAL, HOW WAS THE PRICE CRITERIA PROCESS APPLIED BY THE RFP MANGER?

A. Once the non-price criteria were met, conforming bids were subject to evaluation based on price. The RFP pricing rule was paid-as-bid, meaning winning bidders are paid the price they bid rather than a single uniform price paid to all winning bidders. Conforming bids received by CRA were ordered from lowest to highest prices, with tranches being awarded to the lowest-priced tranches up to the maximum number of tranches to be awarded. Using the rank order approach to award tranches by price is consistent with the FERC's evaluation guidelines.

Q. WERE THE PRICE CRITERIA SUBJECT TO LOAD CAPS?

A. Yes. No bidder was permitted to win more than 75 tranches. The 75 tranche level (or 75% of the load) was consistent with other load caps used in other Company filings in Ohio, most recently the Companies' 2007 power procurement plan proposal. The 75% cap was also consistent with CRA International's observations of other utility procurements where caps were used and their input played a key role in this specific number being adopted by the Companies. From the Companies perspective, a 75% load cap balances the need to allow for the procurement of tranches from the lowest bidder with providing for and facilitating supplier diversity. At the same time, the load cap was set at a level high enough to reduce the Companies' potential exposure to the spot market in the event only one company submitted a conforming bid with tranches that were priced at or below the reservation price thresholds.

Q. WHAT RESERVATION PRICE WAS USED BY THE RFP MANAGER AND WHO DEVELOPED THAT PRICE?

A. The Companies developed a 2-stage reservation price that the RFP Manager was to apply to the price criteria process described above. The 2-stage reservation price was applied to all bidders and all tranches from conforming bids as follows:

- A lower reservation price would be used to award all tranches up to 100 tranches that were priced no higher than this lower reservation price.
- If fewer than 100 tranches were awarded based on the lower reservation price, a higher reservation price would be used to award additional tranches up to a total of 95 tranches.
- No tranches would be awarded that were priced above the higher reservation price.

This 2-stage reservation price rule was sent by me to the RFP Manager on December 30, 2008, a copy of which is attached as Exhibit DWS-5.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

V. BIDDER LIST

Q. HOW WAS THE BIDDER LIST DETERMINED?

A. The Companies routinely track creditworthiness and other risk factors of the many companies that they conduct business with and routinely keep contact information. As part of the Companies' efforts to make sure a representative amount of the wholesale power supplier community was aware of the RFP, and to further provide for robust participation, a list of companies complete with contact information was prepared.

Q. HOW MANY COMPANIES WERE ON THAT LIST?

A. Twenty-six (26).

Q. WERE THE COMPANIES ON THIS LIST THE ONLY COMPANIES WHO COULD BID ON THE RFP?

A. No. This bidder list supplied to CRA was provided as a supplement to other general publicity associated with the RFP such as the press release issued December 22, 2008 and the articles published by Platts, all of which ensure bidder awareness of the process and to enhance bidder interest and participation in the process while maintaining an open solicitation that would maximize the pool of qualified bidders.

Q. WHEN WAS THE LIST SUPPLIED TO CRA?

A. This list of suppliers was provided to Brad Miller of CRA International, the RFP Manager on December 17, 2008. CRA informed these companies after the RFP process was announced in order to make them aware of the opportunity.

VI. RFP RESULTS

Q. WHEN DID THE COMPANIES LEARN OF THE RFP RESULTS?

A. The Companies were informed by CRA, the RFP Manager, on December 31, 2008 summarizing the results of the RFP. This correspondence is provided in Exhibit DWS-6.

Q. PLEASE SUMMARIZE THE RFP RESULTS.

A. As shown in Exhibit DWS-6, the RFP resulted in four (4) suppliers providing 97 tranches out of the 100 tranches available. The average RFP price was $66.68/MWh. [redacted]

Q. WHAT HAPPENED TO THE 3 TRANCHES THAT WERE NOT SUBSCRIBED IN THE RFP?

A. The disposition of the 3 unsubscribed RFP tranches is described below in Section VII – Post-RFP Transactions.

VII. POST-RFP TRANSACTIONS

Q. DID THE COMPANIES ENTER INTO OTHER TRANSACTIONS OUTSIDE THE RFP PROCESS IN ORDER TO COMPLETE ITS POWER SUPPLY NEEDS FOR THE DELIVERY PERIOD?

A. Yes. The Companies entered into two separate transactions outside the RFP process. The Companies made purchases of day-ahead spot power from the MISO RTO for the period January 1, 2009 through January 4, 2009. The Companies also obtained energy for three unfilled tranches from the MISO administered energy markets during the period from January 5 through January 11. The second transaction was the purchase of the remaining three (3) tranches from the RFP. The delivery period for this transaction was January 12, 2009 through March 31, 2009.

Q. WHY DID THE COMPANIES PURCHASE DAY-AHEAD SPOT POWER FOR THE FIRST FOUR (4) DAYS OF 2009?

A. As explained in Section III - Product Definition, the RFP process was confined to the month of December 2008. With bids due on December 31, 2008, the Companies needed at least one business day to execute contracts and arrange schedules with winning suppliers. To accommodate this and with Thursday, January 1, 2009 being a holiday, Friday, January 2, 2009 was targeted as the day to execute contracts with winning suppliers and arrange the necessary power supply delivery schedules needed by both the Companies and MISO. Therefore, the first business day that followed this timing was Monday, January 5, 2009 which became the first day of power flow for the new contracts. With this timeline established in the RFP rules, it was necessary to purchase power supply needs in the MISO day-ahead spot market for the first four (4) days of 2009 – which, given the holiday schedule, included mostly off-peak hours. Off-peak hours tend to exhibit lower volatility from a historical perspective and a thus a time frame like January 1, 2009 through January 4, 2009, with a heavy weighting toward off-peak hours, would tend to limit the Companies' exposure to price volatility risk.

Q. WHY DID THE COMPANIES ENTER INTO AN AGREEMENT TO PURCHASE THE 3 UNSUBSCRIBED TRANCHES FROM THE RFP AND HOW DID THE COMPANIES DETERMINE THE COUNTERPARTY TO EXECUTE THIS TRANSACTION?

A. As stated previously in Section I – Circumstances leading to the RFP, the Companies do not view the spot market as a primary sourcing option for procuring power supply needs. The highly volatile spot market is only relied upon either in temporary, very short-term procurements or as a potential contingency step in supplier default events. When the Companies received the RFP results from the RFP Manager on December 31, 2008, there were still three (3) remaining tranches that could be served with MISO spot supplies. However, given the preference for not serving load from volatile spot market supplies, the

Companies approached the lowest bidder from the completed RFP and offered to purchase from this bidder the 3 remaining tranches at this bidder's highest priced tranche. This purchase price was in fact still lower than all other tranche prices from the other RFP bidders, as shown in Exhibit DWS-7, and the Companies offer to buy at this price served as an incentive for the lowest bidder to serve this load. This supplier was approached on January 6^{th} 2009 and, on January 7^{th}, 2009, agreed to sell the three (3) tranches. The Companies quick action to purchase these three (3) tranches limited their exposure to the MISO on-peak spot market from January 5, 2009 through January 11, 2009 while at the same time, moved price volatility risk, through a transparent process, to the winning supplier at a price lower than the average price of the RFP.

Q. DOES THIS COMPLETE YOUR TESTIMONY?

A. Yes.

<u>List of Exhibits</u>

Exhibit DWS-1	RFP Product Volumes
Exhibit DWS-2	RFP Web Site submitted Q&A of Bidders
Exhibit DWS-3	RFP Bidder Rules
Exhibit DWS-4	CRA Post-RFP Report
Exhibit DWS-5	Stathis Email to CRA revealing 2-Stage Reservation Price algorithm
Exhibit DWS-6	CRA Email to Stathis summarizing RFP Results
Exhibit DWS-7	Redacted RFP Bid Curves
Appendix A	Stathis Professional Experience

Exhibit DWS-1

Energy Component				**DNR Component**					
January-March 2009				January-09		February-09		March-08	
Number of Tranches #	Size of Tranche (%)	Historical SSO Maximum Hourly Energy (MW/hr)	Nominal Size of Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)
100	1%	8,800	88	10,006	100	9,848	98	8,227	82

Ohio RFP Frequently Asked Questions Exhibit DWS-2

FAQ#	Date of Posting	Question / Answer
PAY001	24-Dec-08	**Question:** When will winning suppliers be paid?
		Answer: As described in Section 9.1 of the SSO Supply Agreement, the Companies will create and send invoices within 6 business days after the close of the Billing Month. SSO Suppliers will receive payment on the first business day after the 19th of each calendar month.
PAY002	24-Dec-08	**Question:** What are the terms of collateral postings?
		Answer: Please refer to Section 6.7 of the SSO Supply Agreement for the terms of posting margin and return of surplus margin.
PAY003	24-Dec-08	**Question:** Does interest apply to late payments?
		Answer: Yes. Please refer to Section 9.1 item (h) of the SSO Supply Agreement.
AGR001	24-Dec-08	**Question:** Can I submit changes to the SSO Supply Agreement?
		Answer: No. Any changes to the SSO Supply Agreement or any of the forms to be submitted as part of the bid proposal will cause the bid proposal to be considered non-conforming and subject to immediate rejection by the RFP Manager.
AGR002	24-Dec-08	**Question:** If I already have a Master Agreement with FirstEnergy, can I supply power under the terms of our pre-existing agreement?
		Answer: No. The terms of this supply contract are embodied in the SSO Supply Agreement and cannot be changed as part of the RFP process.
AGR003	26-Dec-08	**Question:** Must bidders offer both energy and capacity for each tranche bid or can a supplier bid capacity only?
		Answer: Under the SSO Supply Agreement, the obligation and therefore the bids are for both energy and capacity.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
AGR004	26-Dec-08	**Question:** Is it permissible for a different party to sign the SSO Supply Agreement than the person named as the Authorized Representative?
		Answer: The company representative who signs the bid submission must have the power to bind the Company. A winning bidder may have a different representative with binding signatory power sign the SSO Supply Agreement.
AGR005	29-Dec-08	**Question:** If rates for the FirstEnergy Ohio Utilities' Standard Service Offer Supply customers are different than the winning bidder prices of this RFP, who will be responsible for the difference between the rates paid by customers and the prices paid to suppliers?
		Answer: This RFP is a "pay-as-bid" solicitation. Specifically, the price paid to the winning bidders in $/MWh will be the average price of the tranches that the winning bidder has won for power delivered during the Delivery Period under the terms of the SSO Supply Agreement. The amount paid to winning bidders is not contingent upon, or impacted by, retail rates for FirstEnergy Ohio Utilities' Standard Service Offer customers or any difference between those rates and winning bid prices.
AGR006	29-Dec-08	**Question:** Will a supplier ever be paid anything different than its winning prices for its SSO Responsibility Share?
		Answer: This RFP is a "pay-as-bid" solicitation. Specifically, the price paid to the winning bidders in $/MWh will be the average price of the tranches that the winning bidder has won for power delivered during the Delivery Period under the terms of the SSO Supply Agreement.
AGR007	30-Dec-08	**Question:** *Could you please provide more* details around the logistics of scheduling the load. Based on one of the posted FAQ answers, it seems that FirstEnergy will be bidding the load in on behalf of all SSO suppliers and final load quantities will be settled after 6 days. Please confirm.
		Answer: The process for determining the amount of energy to be delivered by winning SSO bidders to the FirstEnergy Ohio Utilities is illustrated below using one specific day for a reference point: Given:

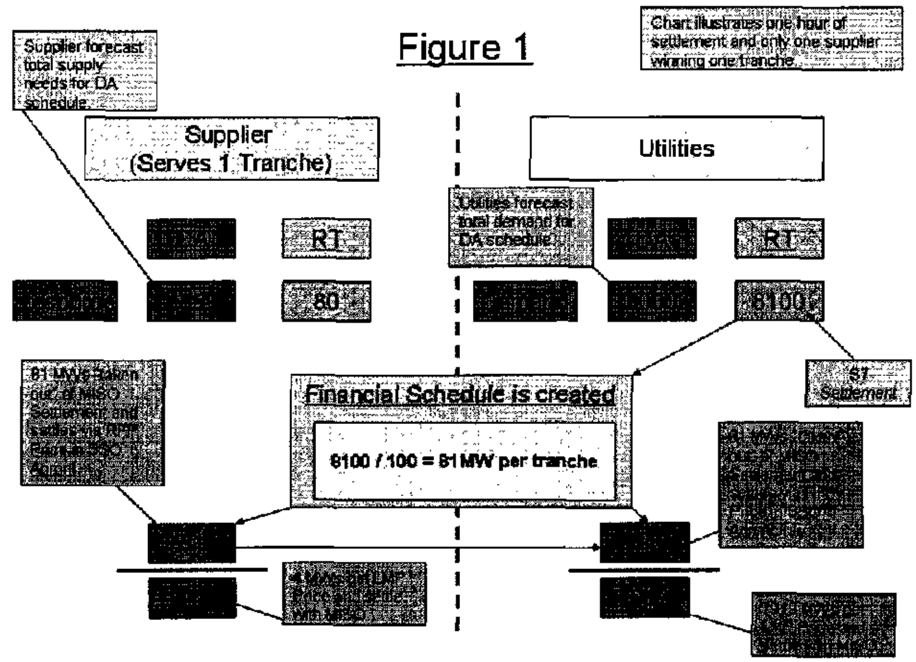
FAQ#	Date of Posting	Question / Answer
		(1) Operating Day: January 5, 2009 (2) S7 Settlement Due: January 11, 2009, by Noon EST (3) Financial Schedule (Finsched) Update Due: January 11, 2009, by Noon EST Process: (1) On or before January 4, 2009, winning SSO suppliers and the FirstEnergy Ohio Utilities will create Financial Schedules (Finscheds) at MISO; the creation of the Finsched will be handled by the FirstEnergy Ohio Utilities using information supplied by winning SSO suppliers (i.e., for items such as source node). (2) Volume settlement for the Finsched will be based on S7 volume settlement data broken up by the number of tranches won by each supplier. Finscheds will be updated as S7 settlement data are finalized and submitted to MISO. (3) Once S7 data are submitted to MISO, the same volume will be broken up by supplier in proportion to the amount of tranches won in the RFP. The Finscheds will be updated accordingly to reflect the amount of load served under the SSO Supply Agreement. The FirstEnergy Ohio Utilities will determine the supplier Finsched amounts and update the Finscheds accordingly. This amount also becomes the amount to be paid to suppliers under the settlement provisions of the SSO Supply Agreement. (4) Winning SSO suppliers will not be responsible for deviations attributable to S55 and S105 re-settlements. Each party will be responsible for scheduling their respective obligations outside of the financial schedule process accordingly. It should be noted that these Finscheds will be settled in the Day Ahead market.
AGR008	30-Dec-08	**Question:** Will suppliers be responsible for any load deviation between the day-ahead Finsched load and the S7 volumes?
		Answer: Since the day-ahead Finscheds will be developed with the S7 volumes, by definition there will be no deviation.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
AGR009	30-Dec-08	**Question:** Will suppliers be paid at the wholesale or retail level? If at the retail level then please provide the distribution loss factors.
		Answer: Suppliers will be paid based on wholesale volumes (like those used in MISO LSE settlements) which are calculated by taking SSO retail load volumes for each hour and adding an amount of energy to reflect distribution losses. For reference, the distribution loss values utilized in load settlement calculations can be found at the following links: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff - OH/OESupplierTariff.pdf http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff - OH/CEISupplierTariff.pdf http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff - OH/TESupplierTariff.pdf
AGR010	30-Dec-08	**Question:** Will suppliers be provided with any Auction Revenue Rights (ARRs)? If so, please provide details on paths or value per tranche.
		Answer: Because the FirstEnergy Ohio Utilities will remain the LSE, no ARRs will transfer to winning SSO Suppliers.
AGR011	30-Dec-08	**Question:** Will suppliers be provided with the Marginal Loss component refunds?
		Answer: No. The FirstEnergy Ohio Utilities, as the LSE, will receive the Marginal Loss component refund, if any, from MISO. These funds will remain with the FirstEnergy Ohio Utilities and will not be distributed to winning SSO suppliers.

FAQ#	Date of Posting	Question / Answer
AGR012	30-Dec-08	**Question:** Please describe the daily energy forecasting and scheduling process as you expect it to work. Section 7.3 of the SSO Supply Agreement indicates that FirstEnergy Ohio Utilities will not provide any load forecasting services and that the SSO supplier will be responsible for scheduling energy to meet its obligations under the agreement. However, in both the Rules and General FAQ answers on the RFP website, it is stated that, "A winning bidder's projected energy requirements will be submitted on a day-ahead basis to MISO by the FirstEnergy Ohio Utilities." Are suppliers expected to submit their day-ahead load projection to FE, and they, in turn, will submit the schedule to MISO? If so, by what time does FE expect to receive such schedules?
		Answer: The answer to this question may be best described by the process outlined in Figure 1 below. Also, the FirstEnergy Ohio Utilities' expectations are as follows: (1) The FirstEnergy Ohio Utilities will create and submit the day-ahead (DA) Load schedule. (2) SSO Suppliers will provide to the FirstEnergy Ohio Utilities the Source node needed to create the financial schedules (Finscheds). (3) The FirstEnergy Ohio Utilities will obtain the energy at the Sink node (FE.FESR). (4) The timing of the submission of market data (i.e., DA source schedules, DA load schedules, Real Time (RT) load data, Finscheds, etc.) will follow MISO processes and timelines. (5) The Finscheds will be submitted by the FirstEnergy Ohio Utilities and will reflect S7 RT demand volumes. Suppliers will approve the Finscheds.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
		Figure 1 
AGR013	30-Dec-08	**Question:** Please verify that FirstEnergy is the LSE and will be responsible for ancillary services. If so, please confirm that the product we are bidding is only energy and capacity and will not include ancillary services. If FirstEnergy as the LSE will have to procure ancillary services, will there be another auction for ancillary services?
		Answer: The FirstEnergy Ohio Utilities, as the LSE, will procure ancillary services from MISO via schedule charges and the Ancillary Services Market. There are no plans to procure ancillary services using a competitive solicitation. Further, the product to be bid on is energy and capacity — the energy is delivered to the CP Node FE.FESR (this means the SSO Supplier is responsible for congestion and marginal losses up to delivery at that node).

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
AGR014	30-Dec-08	**Question:** What is the volume of the settled load? Is it the MWh measured at the retail meter, at retail meter + distribution losses (like the load data provided), or retail meter + distribution + transmission losses?
		Answer: The volume of the settled load is at the retail meter + distribution losses (like the load data provided) as reported to MISO for S7 settlement.
AGR015	30-Dec-08	**Question:** With respect to the historical loads you have posted, are the special contract loads that are expiring being actively renegotiated, and if you are successful, would they stay as SSO load? Are some of the "extending special contracts" expiring during the 3 month term of this RFP delivery period?
		Answer: The load associated with customers currently served under special contracts is part of the load that is being procured in this RFP process. Whether a customer remains under contract or is served on tariff rates, the load procured through the RFP process will continue to be used to serve those customers for the Delivery Period.
AGR016	30-Dec-08	**Question:** Can you clarify the intent of section 15.6 of the SSO Supply Agreement, which appears to contradict the first sentence, relative to FirstEnergy 'Customers' as sole beneficiaries of the agreement while not being parties to the agreement?
		Answer: Section 15.6 does not contain a contradiction. It is meant to indicate that the SSO Supply Agreement is intended solely for the benefit of the Parties but may not be construed to create any duty, or standard of care with reference to, or any liability to, any person not a Party to the Agreement.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
DAT001	30-Dec-08	**Question:** Is there a reference sheet or glossary of terms used in the load data file on the Ohio RFP website that can be made available to potential bidders?
		Answer: Here are the definitions: RES: Residential GS: General Service GP: General Service Primary GSU: General Service Subtransmission GT: General Service Transmission TFL: Traffic Lighting POL: Private Outdoor Lighting STL: Street Lighting Total: Total of all rate schedules Settlement: MISO Settlement 105 = S105 Settlement 55 = S55 Settlement 7 = S7 Settlement S7: Corresponding S7 Settlement Data to the data shown in Total
DAT002	30-Dec-08	**Question:** It appears that the provided load data are inclusive of distribution losses only. Is this equivalent to MISO settlement level data?
		Answer: Yes. Load settlement volumes used in MISO are based on wholesale volumes or customer meter data grossed up for distribution losses.

FAQ#	Date of Posting	Question / Answer
DAT003	30-Dec-08	**Question:** Are customer count data for shopping and non-shopping customers by class available to bidders?
		Answer: Yes. The following chart shows the number of customer shopping for a given month.

		TOTAL CUSTOMERS			TOTAL SHOPPED			PERCENT SHOP		
YEAR	MONTH	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
2006	1	1,876,207	236,761	3,460	277,341	55,947	671	14.78%	23.63%	19.39%
2006	2	1,876,920	236,643	3,435	276,016	55,495	588	14.71%	23.45%	17.12%
2006	3	1,877,551	236,894	3,445	273,985	54,398	533	14.59%	22.96%	15.47%
2006	4	1,876,136	237,017	3,433	272,016	53,949	534	14.50%	22.76%	15.55%
2006	5	1,875,439	237,245	3,456	270,972	53,755	535	14.45%	22.66%	15.48%
2006	6	1,874,413	237,411	3,447	266,633	53,398	533	14.22%	22.49%	15.46%
2006	7	1,873,416	237,426	3,428	264,348	53,003	535	14.11%	22.32%	15.61%
2006	8	1,873,303	237,405	3,466	270,739	53,099	529	14.45%	22.37%	15.26%
2006	9	1,872,760	237,399	3,440	270,602	52,729	527	14.45%	22.21%	15.32%
2006	10	1,875,059	237,411	3,433	268,109	53,170	525	14.30%	22.40%	15.29%
2006	11	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
2006	12	1,877,414	237,473	3,420	247,757	50,340	509	13.20%	21.20%	14.88%
2007	1	1,879,280	237,622	3,416	247,155	48,899	503	13.15%	20.58%	14.72%
2007	2	1,880,046	237,715	3,412	250,103	48,193	506	13.30%	20.27%	14.83%
2007	3	1,878,343	237,735	3,409	248,767	47,836	506	13.24%	20.12%	14.84%
2007	4	1,877,620	238,006	3,408	247,088	47,808	512	13.16%	20.09%	15.02%
2007	5	1,873,403	238,246	3,377	247,612	47,553	511	13.22%	19.96%	15.13%
2007	6	1,869,697	238,092	3,381	247,224	47,291	497	13.22%	19.86%	14.70%
2007	7	1,868,231	238,200	3,394	243,781	47,825	500	13.05%	20.08%	14.73%
2007	8	1,866,845	238,061	3,395	241,876	47,898	502	12.96%	20.12%	14.83%
2007	9	1,863,679	237,934	3,404	247,909	47,970	503	13.30%	20.16%	14.78%
2007	10	1,861,949	237,935	3,385	247,751	47,755	499	13.31%	20.07%	14.74%
2007	11	1,866,424	237,968	3,392	246,721	47,543	502	13.22%	19.98%	14.80%
2007	12	1,866,945	237,991	3,391	244,827	47,295	507	13.11%	19.87%	14.95%
2008	1	1,870,053	238,033	3,402	242,855	46,949	512	12.99%	19.72%	15.05%
2008	2	1,871,566	237,976	3,394	242,467	47,078	518	12.96%	19.78%	15.26%
2008	3	1,872,032	237,878	3,364	246,535	46,925	523	13.17%	19.73%	15.55%
2008	4	1,872,297	238,086	3,377	245,384	46,551	523	13.10%	19.55%	15.49%
2008	5	1,870,804	238,149	3,377	243,705	46,250	522	13.03%	19.42%	15.46%
2008	6	1,867,976	238,202	3,371	242,846	46,103	520	13.00%	19.35%	15.43%
2008	7	1,866,066	238,113	3,369	239,992	45,731	519	12.86%	19.21%	15.41%
2008	8	1,863,610	238,092	3,378	241,448	45,502	518	12.96%	19.11%	15.33%
2008	9	1,862,641	238,119	3,369	248,228	45,449	517	13.33%	19.09%	15.35%
2008	10									
2008	11									
2008	12									

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
DAT004	30-Dec-08	**Question:** Can you clarify what IT systems are required for a winning supplier to be able to send and receive data to/from FirstEnergy?
		Answer: Winning suppliers will only need standard email and excel spreadsheet software to receive monthly invoice and/or related supporting data from the FirstEnergy Ohio Utilities.
RUL001	24-Dec-08	**Question:** May bidders contact FirstEnergy personnel to learn about details of this RFP?
		Answer: No. With the exception of MISO scheduling protocols or business rules, all questions regarding this RFP must be directed to the RFP Manager. The contact for the RFP Manager team is Brad Miller of CRA International who can be reached via RFPManager@crai.com or 617.425.3384.
RUL002	24-Dec-08	**Question**: Who will contact me in the event my company is a winning bidder? Not a winning bidder?
		Answer: CRA International, the independent RFP Manager, will contact both winning and unsuccessful bidders following the conclusion of the bid evaluations on Wednesday, December 31, 2008.
RUL003	24-Dec-08	**Question:** How does a winning bidder schedule energy to the FE.FESR delivery point?
		Answer: *A winning bidder's energy will be submitted day-ahead to MISO by the FirstEnergy* Ohio Utilities. The bidders must also approve this day-ahead financial schedule known as a finsched. Six days later, FirstEnergy Ohio Utilities will resubmit the S7 volume settlement and the bidder will have to reapprove the final schedule in the MISO market portal.
RUL004	24-Dec-08	**Question:** Can a bidder team up with two separate companies and submit separate bids for each consortium?
		Answer: No. A bidder is precluded from being associated with another bidder or collaborating on its bidding preparation, bidding strategy, or bids in accordance with the RFP rules.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
RUL005	29-Dec-08	**Question:** What is the basis for the determination of "specific, price-based selection criteria" that First Energy will be providing to the RFP Manager to evaluate bids (Bidder Rules V.3.1)?
		Answer: The "specific, price-based selection criteria" serve as a reservation price above which tranches will not be awarded. Application of these criteria to the submitted bids may result in the determination that fewer than 100 tranches bid meet the selection criteria, or even that no tranches bid meet the selection criteria.
RUL006	29-Dec-08	**Question:** Can the Appendices from the RFP bidder rules document needed for submission of bids be made available in Word form so the information can be entered on them? If so when?
		Answer: The entry fields associated with the Appendices of the RFP bidder rules are available in Word format and allow bidders to electronically fill in the required information. The Word format Appendices are posted to http://www.firstenergy-auction.com/RFP/Supplier_Documents.html.
RUL007	30-Dec-08	**Question:** Can a bidder who already submitted a bid during the 2-hour bid submission timeframe (9:00-11:00 AM ET) modify the bid before the 11:00 AM ET deadline? If yes, what are the steps to do so? Can a bidder withdraw a bid already submitted?
		Answer: Multiple bid submissions from a bidder are allowed during the bid submission timeframe of 9:00-11:00 AM prevailing Eastern Time on Wednesday, December 31, 2008 via the bid submission process of faxing bids. A bid submission during the 2-hour bidding timeframe will replace any prior bid submissions from the bidder; that is, no prior bid submissions from the bidder will be considered. The only bid submission to be considered will be the last one received from the bidder as of the end of the 2-hour bidding timeframe. Therefore, it is important that each bid submission be complete and legible. A bidder wishing to withdraw a bid should submit a new bid form during the bid submission timeframe that clearly indicates the bidder's bid of zero tranches. No bid submissions after the close of the bid submission time frame will be considered.
RUL008	30-Dec-08	**Question:** When will winning bidders be notified?
		Answer: The RFP Manager will notify bidders of the results on December 31 after the bid

FAQ#	Date of Posting	Question / Answer
		evaluation is completed.
CRE001	24-Dec-08	**Question:** How can I confirm my Independent Credit Threshold and Unsecured Credit Limit before bids are due?
		Answer: If a bidder would like to have its Independent Credit Threshold and Unsecured Credit Limit determined before bids are due, the bidder must complete Appendix 3 of the bidder rules and fax it to the RFP Manager at 617.425.6574 by noon ET, Monday, December 29, 2008. Otherwise, the bidder's Independent Credit Threshold and Unsecured Credit Limit will not be determined unless and until the bidder's bid proposal is submitted on December 31, 2008.
CRE002	24-Dec-08	**Question:** If I disagree with the Independent Credit Threshold and Unsecured Credit Limit prior to submitting my bid, how will this disagreement be resolved?
		Answer: If the bidder disagrees with the Independent Credit Threshold and Unsecured Credit Limit prior to submitting its bid, the bidder needs to provide the RFP Manager with its own calculation of the Independent Credit Threshold and Unsecured Credit Limit. The RFP Manager will contact the FirstEnergy Ohio Utilities' Credit Representative to review the bidder's calculation and respond back to the bidder before the bids are submitted.
CRE003	24-Dec-08	**Question:** How is the credit support of a Guarantor taken into account in determining my Independent Credit Threshold and Unsecured Credit Limit?
		Answer: Please refer to Section 6.4 of the SSO Supply Agreement to determine the Independent Credit Threshold if the supplier is using the credit support of a Guarantor. Please refer to Section 6.6 of the SSO Supply Agreement to determine the Unsecured Credit Limit if the supplier is using the credit support of a Guarantor
CRE004	24-Dec-08	**Question:** How can I develop my own calculations of the credit requirements prior to submitting a bid?
		Answer: Please refer to Article 6: Creditworthiness in the SSO Supply Agreement along with Appendix B, which shows an example of how mark-to-market is calculated, to determine the credit requirements.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
CRE005	26-Dec-08	**Question:** Is a Letter of Credit required for this auction? If it is required, when are proposed modifications due?
		Answer: Under the SSO Supply Agreement, there may be conditions under which a letter of credit is required. If any of those conditions prevail prior to the signing of the SSO Supply Agreement, the counterparty will be required to post cash or a letter of credit. For examples, see sections 6.4(a), 6.4(a)(i), 6.4(a)(ii), and 6.6(i) of the SSO Supply Agreement. Under certain conditions, the company will be required to post cash or a letter of credit at the time of, or prior to, the execution of the SSO Supply Agreement. Please provide to the RFP Manager a completed Appendix 3 from the RFP bidder rules by noon ET December 29 if you would like to confirm your Independent Credit Threshold and Unsecured Credit Limit prior to submitting a bid.
CRE006	29-Dec-08	**Question:** Please explain the intent of the following provision (Bidder Rules V.5.2): "......... The SSO Supply Agreement provides, among other things, that if the FirstEnergy Ohio Utilities exercise their right to collect on financial guarantees, any contractual rights or other entitlements of the winners, the SSO Supply Agreement will immediately terminate without further notice by the FirstEnergy Ohio Utilities."
		Answer: Counterparties to the SSO Supply Agreement are required to comply with the credit requirements described in the SSO Supply Agreement. Submission of a bid is a binding obligation to comply with the terms of the SSO Supply Agreement. If a winning bidder fails to meet the credit requirements prior to the signing of the SSO Supply Agreement or thereafter, the FirstEnergy Ohio Utilities can exercise their right to terminate the contract and bidders will be liable for any damages as though the winning bidder was a defaulting party to the SSO Supply Agreement.

GEN001	24-Dec-08	**Question:** How does a winning bidder schedule DNR to the FE.FESR delivery point?
		Answer: The winning bidder would need to complete and submit a MISO Module E submission that designates the resources that will be employed in satisfying the contracted tranche load level. Within the Module E, winning bidders will need to point to the necessary resources that will be utilized in serving the load. To address details on Module E requirements please contact Mr. Brian Pederson of the MISO Resource Adequacy Department at bpedersen@midwestiso.org.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
GEN002	24-Dec-08	**Question**: Who can a winning bidder contact to learn more about specific MISO scheduling protocols?
		Answer: For information concerning the MISO operational protocols of this RFP, please contact MISO Client Relations at 866-296-6476.
GEN003	24-Dec-08	**Question:** How do I submit a bid?
		Answer: Bids must be submitted by fax between 9:00 a.m. and 11:00 a.m. prevailing Eastern Time on Wednesday, December 31, 2008. Bids received before or after the 9:00 a.m. to 11:00 a.m. window as determined by the RFP Manager based on the fax machine transmittal, will be rejected. Fax your bid proposal to the RFP Manager at 617.425.6574. A complete proposal consists of the submission of four Appendices by the Bid Date as further explained in ARTICLE IV. Proposal Requirements of the RFP Rules.
GEN004	24-Dec-08	**Question:** Is the RFP process and selected winning bids subject to the approval of the state Public Utilities Commission of Ohio (PUCO) and/or FERC?
		Answer: This RFP process involves a wholesale transaction for energy and capacity and is therefore outside the jurisdiction of the PUCO. To the extent necessary, the provision of wholesale electric service pursuant to this RFP by a bidder affiliated with the FirstEnergy Ohio Utilities may be conditioned upon necessary FERC approval(s) of an agreement between the affiliated bidder and the FirstEnergy Ohio Utilities.
GEN005	24-Dec-08	**Question:** Why are the FirstEnergy Ohio Utilities the load serving entities (LSEs)?
		Answer: The FirstEnergy Ohio Utilities will remain the LSE due to timing issues associated with MISO Market Participant registration process. Specifically, MISO registration timelines require that Market registration requests, including the request for CP Nodes, must be completed months in advanced of the start of service. In this case, the registrations and requests would have to have been submitted to MISO on or before September 15, 2008
GEN006	24-Dec-08	**Question:** Can competitive retailers who service competitive load in Ohio submit a bid in response to the RFP?

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
		Answer: Any bidder that meets the various requirements set forth in the RFP Rules and the SSO Supply Agreement may submit a bid. Notwithstanding the aforementioned, all bids will be subject to review by the RFP Manager.
GEN007	24-Dec-08	**Question:** Does the winning bidder have to be licensed/approved as a competitive retailer in Ohio?
		Answer: No. The winning bidder does not have to be licensed/approved as a competitive retailer in Ohio, but must meet the requirements set forth in the RFP Rules and the SSO Supply Agreement and comply with the MISO requirements to provide wholesale electricity and meet capacity requirements. The FirstEnergy Ohio Utilities will remain the Load Serving Entity responsible for providing Standard Service Offer Supply as further defined in the RFP Rules.
GEN008	24-Dec-08	**Question:** Does the winning bidder have to own generation in Ohio?
		Answer: No, but the bidder must be an "Asset Owner" as that term is defined by MISO. An Asset Owner may own generation or have claims to such generation through contractual agreements or other market arrangements.
GEN009	24-Dec-08	**Question:** How does a winning bidder schedule energy to the FE.FESR delivery point?
		Answer: A winning bidder's projected energy requirements will be submitted on a day-ahead basis to MISO by the FirstEnergy Ohio Utilities. The bidders must approve this day-ahead financial schedule known as finSched.
GEN010	26-Dec-08	**Question:** Will there be a bidder's information session or conference call? What is the process by which questions can be asked?
		Answer: No bidder's information session or conference call is planned. The RFP website at http://www.firstenergy-auction.com can be used to ask the RFP Manager questions, via the RFP Manager email address (RFPManager@crai.com). Answers will be posted in the FAQ section of the website for all potential bidders to review.
GEN011	26-Dec-08	**Question:** Why are the FirstEnergy Ohio Utilities providing the bid evaluation criteria to the RFP Manager? What are the criteria based on? Will the criteria be revealed to bidders?

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
		Answer: The bid selection criteria will be developed by the FirstEnergy Ohio Utilities (as is common in procurements) and then transferred to the RFP Manager the day before bids are due. The application of bid selection criteria by the RFP Manager, instead of by the FirstEnergy Ohio Utilities, ensures that all bids are evaluated in a fair, impartial and consistent manner. The objective criteria will be price-based only, i.e., a dollar per MWh value. The criteria will be held confidential.
GEN012	26-Dec-08	**Question:** By when can the RFP process be terminated before it is concluded?
		Answer: The RFP bidder rules document (I.1.3) states: "Prior to 4:00 p.m. prevailing Eastern Time on Tuesday, December 30, 2008, the Companies may, for any reason and at their sole discretion, terminate or suspend this RFP Process."
GEN013	26-Dec-08	**Question:** What happens if 100% of the SSO load is not procured through this RFP process?
		Answer: The FirstEnergy Ohio Utilities will purchase any unsubscribed tranches in the MISO spot market.
GEN014	26-Dec-08	**Question:** What happens after March 31? How will SSO load be supplied?
		Answer: As noted in the December 22, 2008 press release, the current expectation is that a bid process consistent with the current RFP process will be conducted at a later date to meet customer supply needs beyond March 31, 2009.
GEN015	26-Dec-08	**Question:** When will details be provided for the competitive solicitation that will cover supply deliveries beyond March 31, 2009? What will be the frequency of the bid solicitation(s) to procure supply for the rest of 2009 beyond March 31?
		Answer: Details of one or more competitive procurements for deliveries beyond March 31, 2009 will not be available until after completion of the current process for deliveries through the first quarter of 2009.
GEN016	26-Dec-08	**Question:** Is approval of winning bids by the Ohio PUC required?

FAQ#	Date of Posting	Question / Answer
		Answer: No.
GEN017	26-Dec-08	**Question:** Is the load being served by the supply procured in this RFP solicitation all of the utilities' load in Ohio? How many MW?
		Answer: As shown in Table 1 of the bidder rules document, there are 100 tranches and each tranche represents one percent (1%) of the actual hourly energy required for the SSO Load for the Delivery Period as well as one percent (1%) of the required Designated Network Resources (DNR) for the Delivery Period as shown in Table 1. Table 1 shows the nominal MW quantity associated with the energy to be delivered for each tranche based solely on historical data for the maximum hourly energy but is not necessarily indicative of the actual energy quantity to be delivered for each tranche because the amount of actual SSO Load will depend upon many factors, including but not limited to, customer migration to CRES Suppliers and weather conditions. Bidders are responsible for evaluating the uncertainties associated with providing the wholesale energy needed to serve the FirstEnergy Ohio Utilities SSO Load. Thus, the energy obligation for each tranche could vary each hour from the nominal 88 MW of maximum hourly energy for the Delivery Period shown in Table 1. In contrast to the MW quantity that will be associated with the energy to be delivered for each tranche, the MW quantity associated with the DNR quantity to be delivered for each tranche is fixed since this capacity obligation has already been established under the MISO protocols. For the DNR component, the SSO DNR obligation is 10,006 MW, 9,848 MW, and 8,227 MW for January, February, and March 2009, respectively.
GEN018	29-Dec-08	**Question:** When do you expect the Commission to approve the results of the Auction?
		Answer: Approval of the results of the RFP by the Public Utilities Commission of Ohio (PUCO) or the Federal Energy Regulatory Commission (FERC) is not required.
GEN019	29-Dec-08	**Question:** Would the LSE be willing to give the FTR credits to the winning supplier if pricing stated this was part of it?
		Answer: Under the SSO Supply Agreement, the obligation and therefore the bids are for both energy and capacity for delivery to MISO delivery point FE.FESR. FTR credits are not included in the SSO Supply Agreement and modifying the agreement to include such credits would make the proposal submission a non-conforming bid.

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
GEN020	29-Dec-08	**Question:** What will be the contract date on the SSO Supply Agreement and Transaction Confirmation?
		Answer: The SSO Supply Agreement is to be signed by winning bidders within one (1) business day following submission of bids. Although the date both parties sign the agreement could be earlier, the most likely contract date is January 2, 2009.
GEN021	29-Dec-08	**Question:** Do you have acknowledgement from MISO that the Market Participant Registration requirements, specifically the CPNode registration requirements, are satisfied via FE remaining the LSE?
		Answer: Yes, with the expectation that winning RFP suppliers can perform according to the SSO Supply Agreement requirements. For example, the settlement and delivery of bilateral energy in the MISO is accomplished with the use of financial schedules (Finscheds). Winning RFP suppliers would need to be MISO Market Participants, as required by the SSO Supply Agreement, to be able to set up with the FirstEnergy Ohio Utilities the Finscheds associated with the transaction.
GEN022	30-Dec-08	**Question:** Are there any shopping rules/restrictions that bidders should be aware of?
		Answer: Information about shopping rules and restrictions such as enrollment timelines, minimum enrollment periods, etc., can be found at the links below. For Cleveland Electric Illuminating, see Section VII — Customer Enrollment Process at the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/CEISupplierTariff.pdf and Sections XIII — Changing Electric Suppliers, XIV — Return to Standard Offer Supply, and XV — Certified Supplier Billing and Payment in the Standard Rules and Regulations in the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/CEI-2008%20-%20PUCO%20No.%2013.pdf

FAQ#	Date of Posting	Question / Answer
		For Toledo Edison, see Section VII — Customer Enrollment Process in the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/TESupplierTariff.pdf and Sections XIII — Changing Electric Suppliers, XIV — Return to Standard Offer Supply, and XV — Certified Supplier billing and Payment in the Standard Rules and Regulations in the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/TE-2008%20-%20PUCO%20No.%208.pdf For the Ohio Edison Company, see Section VII — Customer Enrollment Process in the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/OESupplierTariff.pdf and Sections XIII — Changing Electric Suppliers, XIV — Return to Standard Offer Supply, and XV — Certified Supplier Billing and Payment in the Standard Rules and Regulations in the following: http://www.firstenergycorp.com/Residential_and_Business/Customer_Choice/files/Tariff_-_OH/OE-2008%20-%20PUCO%20No.%2011.pdf
GEN023	30-Dec-08	**Question:** How will the RFP Manager report the results to the FirstEnergy Ohio Utilities?
		Answer: In applying the bid evaluation criteria to conforming bid proposals, the RFP Manager will determine the winning tranches after ranking all conforming bids from lowest to highest price. The RFP Manager will then report to the FirstEnergy Ohio Utilities who the winning bidders are, and for each winning bidder the number of tranches won by the winning bidder and the average price to be paid to the winning bidder. The average price will be rounded to the nearest cent per MWh.
GEN024	30-Dec-08	**Question:** If the RFP proceeds, what time will the RFP Manager notify respondents if they are

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
		successful or not?
		Answer: The RFP Manager will notify respondents if they are successful or not on December 31, 2008 after applying the bid evaluation criteria.
GEN025	30-Dec-08	**Question:** How will rates be set for the FirstEnergy Ohio Utilities' Standard Service Offer Supply customers during the Delivery Period of January 5, 2009 through March 31, 2009?
		Answer: The FirstEnergy Ohio Utilities initially will keep current retail tariff rates in place for the Delivery Period.
GEN026	30-Dec-08	**Question:** If the First Energy utilities cancel the RFP (given the short time frame in which this RFP was announced), why should market participants believe any future solicitations would proceed?
		Answer: The FirstEnergy Ohio Utilities have not exercised their right to terminate the RFP process.
GEN027	30-Dec-08	**Question:** If this RFP is terminated on December 30th how will FirstEnergy procure energy and capacity?
		Answer: The FirstEnergy Ohio Utilities have not exercised their right to terminate the RFP process.
GEN028	30-Dec-08	**Question:** Can an analyst (non-officer) of the bidding company be the Authorized Representative on Appendix 1 in the Bidder Rules and sign the certifications as long as an officer of the company signs Appendix 2 (the confidentiality form) and Appendix 4 the Bid Submittal Form? Should the bidding company win any load in the RFP, the officer of the Company would also sign the SSO Supply Agreement.
		Answer: A non-officer of the bidding company may be the Authorized Representative on Appendix 1 in the Bidder Rules and sign the certifications as long as such person is authorized to attest to the various certifications and limitations listed in Appendix 1 including, but not limited to: certify that he/she is authorized by the bidder to serve as Authorized Representative and represent the bidder in the RFP; certify that he/she has read and understands the RFP Rules and that the bidder will comply with the Rules; certify that the bidder has read and understands the SSO Supply Agreement and that the bidder accepts its terms; certify that if the bidder becomes a winning bidder, the bidder will execute the SSO Supply Agreement within one (1) business day following the close of the solicitation; certify the bidder's agreement that the

Ohio RFP Frequently Asked Questions

FAQ#	Date of Posting	Question / Answer
		submission of any bid in the RFP creates a binding and irrevocable offer to provide service under the terms set forth in the SSO Supply Agreement and that a binding and enforceable contract to provide service with respect to the number of tranches for which the bidder were a winner in the RFP shall arise under the SSO Supply Agreement.
GEN029	30-Dec-08	**Question:** Appendix B of the SSO Supply Agreement states that on the closing day of solicitation four parameters are set: 1) Expected On-Peak Load per tranche; 2) Expected Off-Peak Load per tranche; 3) A table of monthly on-peak forward prices; and 4) A table of monthly on- and off-peak energy prices to determine the ratio of off-peak price to on-peak prices. Will the Companies communicate this information to each SSO Supplier? In addition, will the Companies provide, at the SSO Supplier's request, the daily forward pricing information that is being used as a part of the MtM Exposure calculation?
		Answer: Yes. The Companies will communicate Appendix B parameters to the SSO Suppliers and will also provide, upon request, the daily forward pricing information to be used by the Companies for MtM exposure calculation.

Exhibit DWS-3

FIRSTENERGY OHIO UTILITIES

REQUEST FOR PROPOSALS

WHOLESALE ENERGY AND CAPACITY

JANUARY 5, 2009 to MARCH 31, 2009

BIDDER RULES

TABLE OF CONTENTS

ARTICLE I. INTRODUCTION

I. 1. Overview

I. 1. 1. This Request for Proposal[1] ("RFP") is a solicitation process by which The Cleveland Electric Illuminating Company, The Toledo Edison Company and Ohio Edison Company (hereafter referred to as the "FirstEnergy Ohio Utilities") are seeking to procure wholesale energy and capacity for the provision of retail electric generation service ("Standard Service Offer Load" or "SSO Load") which is load not being served by a Competitive Retail Electric Service ("CRES") Supplier. This solicitation specifically seeks to procure 100% of the aggregate wholesale energy and capacity requirements the FirstEnergy Ohio Utilities need to serve their retail SSO Load for the period January 5, 2009 through March 31, 2009 ("Delivery Period"). Winning bidders will be required to execute the SSO Supply Agreement within one (1) business day following the close of the solicitation.

I. 1. 2. The RFP solicitation is designed to procure tranches of load-following energy and capacity for the FirstEnergy Ohio Utilities to serve their retail SSO Load. The FirstEnergy Ohio Utilities will remain the Load Serving Entity ("LSE") and, as such, will be responsible for transmission and ancillary related costs incurred by the FirstEnergy Ohio Utilities under the Midwest Independent Transmission System Operator ("MISO") Open Access Transmission and Energy Markets Tariff. Winning bidders will be required to schedule and deliver their respective wholesale energy and capacity obligations under the SSO Supply Agreement to the FE.FESR delivery point in MISO. Winning bidders will not be required to provide alternative or renewable energy under any state of federal rules or programs, as any such obligation will remain with the FirstEnergy Ohio Utilities.

[1] Capitalized terms utilized in this document have the meaning set forth in the Definitions section of the SSO Supply Agreement.

I. 1. 3. Prior to 4:00 p.m. prevailing Eastern Time on Tuesday, December 30, 2008, the Companies may, for any reason and at their sole discretion, terminate or suspend this RFP Process.

I. 1. 4. Winning bidders must be both MISO Market Participants and Asset Owners as those terms are defined in the MISO tariffs and agreements, and must be knowledgeable and capable of adhering to all MISO-related protocols necessary to conduct business with respect to delivering wholesale energy and capacity to the FE.FESR delivery point, including but not limited to, the use of MISO's financial scheduling protocols.

I. 2. Product Definition – Energy and Capacity to be Procured

I. 2. 1. The FirstEnergy Ohio Utilities are seeking to procure the wholesale energy and capacity needed to serve retail SSO Load. Capacity, or Designated Network Resources ("DNR"), will include the MISO Planning Reserve Margin requirements. SSO Load will be divided into 100 identical units called tranches, each representing an equivalent percentage of SSO Load. Each tranche represents one percent (1%) of the actual hourly energy required for the SSO Load for the Delivery Period as well as one percent (1%) of the required DNR for the Delivery Period as shown in Table 1 below.

I. 2. 2. The table below shows the nominal MW quantity associated with the energy to be delivered for each tranche based solely on historical data for the maximum hourly energy but is not necessarily indicative of the actual energy quantity to be delivered for each tranche because the amount of actual SSO Load will depend upon many factors, including but not limited to, customer migration to CRES Suppliers and weather conditions. Bidders are responsible for evaluating the uncertainties associated with providing the wholesale energy needed to serve the FirstEnergy Ohio Utilities SSO Load. Thus, energy tranches could vary each hour from the nominal 88 MW of maximum hourly energy for the Delivery Period shown in Table 1. In contrast to the MW quantity that will be associated with the energy to be delivered for each tranche, the MW quantity associated with the DNR quantity to be delivered for each tranche is fixed since this capacity obligation has already been established under the MISO protocols.

Table 1. Tranches for Energy and DNR.

Energy Component				**DNR Component**					
January-March 2009				January-09		February-09		March-08	
Number of Tranches #	Size of Tranche (%)	Historical SSO Maximum Hourly Energy (MW/hr)	Nominal Size of Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)	SSO DNR Obligation (MW)	Size of Fixed Tranche (MW)
100	1%	8,800	88	10,006	100	9,848	98	8,227	82

I. 3. Payment to Winning Bidders

I. 3. 1. This RFP is a "pay-as-bid" solicitation. Specifically, the price paid to the winning bidders in $/MWh will be the average price of the tranches that the winning bidder has won. The SSO Supply Agreement provides the payment terms.

ARTICLE II. RFP Information

II. 1. Information Provided for Bidders

II. 1. 1. Relevant documents, data and information related to this RFP is available by accessing www.firstenergy-auction.com and clicking on "Ohio RFP".

II. 1. 2. The web site will contain, among other information, the following documents:

- SSO Supply Agreement.
- RFP Process Rules.
- Frequently Asked Questions ("FAQ"). The FAQ document and associated "web links" will allow prospective suppliers to interface with the RFP Manager about any aspect of this solicitation.
- RFP Timeline.
- All forms needed to submit bids with necessary instructions.
- Hourly Load Data.

ARTICLE III. Bidder Requirements

III. 1. General Requirements

III. 1. 1. A bidder will be required to adhere to the terms and conditions of the SSO Supply Agreement, including but not limited to, the following:

- Agree to comply with all rules of the RFP;

- Agree that if the bidder becomes a winning bidder, to execute the SSO Supply Agreement within one (1) business day following the close of the solicitation;
- Certify that the bidder is both a MISO Market Participant and Asset Owner as those terms are defined in the MISO tariffs and agreements;
- Agree that if the bidder becomes a winning bidder, to comply with the creditworthiness requirements set forth in the SSO Supply Agreement;
- Agree to be bound by the bids entered and submitted by the bidder which shall constitute a firm offer to supply energy and capacity in accordance with the SSO Supply Agreement;
- Certify that the bidder is bidding independently of other bidders and is not associated with another bidder. A bidder is associated with another bidder if the two bidders have ties that could allow them to act in concert or that could prevent them from competing actively against each other;
- Certify that the signatory that provides the binding bid in response to this RFP has the authority to bind and act on behalf of the bidder to perform the terms and conditions of the SSO Supply Agreement at the prices and for the tranches specified in its proposal;
- Agree that sanctions may be imposed on the bidder for failing to disclose information relevant to determining associations, for coordinating with another bidder, or for failing to abide by any of the certifications that it will have made. Such sanctions can include, but are not limited to, loss of all rights to provide supply for the FirstEnergy Ohio Utilities won by such bidder, prosecution under applicable state and federal laws, and debarment from participation in future solicitations. Moreover, if any bidder is found to provide faulty or misleading information, misrepresent its financial or

operational characteristics or omit any pertinent information, the FirstEnergy Ohio Utilities reserve the right to eliminate such bidder from the RFP process and may terminate the SSO Supply Agreement at any time;

- Accept at the bidder's own cost and expense, an obligation to defend the RFP Manager, FirstEnergy Ohio Utilities and its subsidiaries, affiliates, successors and assigns, and each and every one of their respective past, present, or future officers, directors, trustees, employees, shareholders, executors, administrators, successors and assigns, against any and all manner of past, present, or future claims, demands, disputes, controversies, complaints, suits, actions, proceedings, or allegations of any kind which in any manner relate to, arise out of, or result from any false statement in the bidder's proposal or breach of any covenant by the bidder set forth herein.

- Indemnify and hold harmless the RFP Manager, FirstEnergy Ohio Utilities, its parent Companies, subsidiaries, affiliates, successors and assigns, and each and every one of their respective past, present, or future officers, directors, trustees, employees, shareholders and agents, as well as the heirs, executors, administrators, successors and assigns against any and all liens, judgments, liabilities, losses, injuries, damages, fees, fines, costs or expenses which in any manner relate to, arise out of, or result from any false statement or misrepresentation in the proposal or breach of any certification by the bidder as set forth herein.

ARTICLE IV. Proposal Requirements

IV. 1. Proposal Definition

IV. 1. 1. A complete proposal consists of the submission of the following four Appendices attached to this document by the Bid Date:

- Appendix 1 – Attestation Form. This form contains certain certifications made by the bidder to ensure all bidders act in a fair and compliant manner and abide by the RFP requirements and protocols.
- Appendix 2 - Confidentiality Statement Form. Bidders must acknowledge and agree to the confidentiality provisions of the RFP Rules and, consistent with those rules, agree to take reasonable precautions to ensure that all data and information supplied by bidders in response to the RFP are maintained in confidence and not disclosed to the public.
- Appendix 3 - Bidder's Credit Representative Form. This form contains the information of the bidder's credit representative who can answer questions or provide information about the bidder's credit with respect to the credit requirements set forth in the SSO Supply Agreement.
- Appendix 4 - Bid Submittal Form. The bidder must use the Bid Submittal Form provided in Appendix 4 to submit a bid, in addition to completing all other Appendices. The Bid Submittal Form is the sole means by which bids are to be submitted to the RFP Manager. The format of the Bid Submittal Form shows that for each bid on the form a bid consists of a bid number, the number of tranches of the bid, and the price of the bid in dollars per MWh at which the bidder is willing to supply the tranches in the bid. A bid price must be in dollars per MWh rounded to the nearest cent ($xx.xx). Only bids on the Bid Submittal Form with bid prices that are expressed in dollars per MWh will be considered; other bids not in the required format on the Bid

Submittal Form will be rejected. A bid price that is not rounded to the nearest cent will be rounded down to the nearest cent. The bidder may not bid on less than a full tranche. The bidder may not bid on fractions, portions, or parts of tranches.

IV. 1. 2. The submission of a proposal (Appendices 1, 2, 3 and 4) to the RFP Manager by the specified Bid Date constitutes the bidder's acknowledgement, acceptance, and binding agreement to all the terms and conditions of this RFP process, regardless of the outcome of this RFP or such proposal. All such Appendices are required to be completed and submitted correctly by the specified Bid Date.

IV. 2. Credit Information

IV. 2. 1. The FirstEnergy Ohio Utilities will calculate the Independent Credit Threshold and the total unsecured credit to be granted to each winning bidder. Before submitting its proposal, if the bidder wants to confirm its total unsecured credit in accordance with Section 6.4 and 6.6 in the SSO Supply Agreement, bidders need to provide the RFP Manager a completed Appendix 3 by noon prevailing Eastern Time on Monday, December 29, 2008.

IV. 2. 2. Bidders will be required to meet the credit terms in accordance with Article 6, Creditworthiness in the SSO Supply Agreement. In accordance with Section 6.3, the Independent Credit Requirement (ICR) per tranche will be required of winning bidders under the SSO Supply Agreement. In accordance with Section 6.6, the FirstEnergy Ohio Utilities will assess the creditworthiness of winning bidders to determine the credit limit to cover the Total Exposure Amount as defined in the SSO Supply Agreement.

IV. 2. 3. For an illustrative example of the Mark to Market Credit and Margining Methodology, see the SSO Supply Agreement.

IV. 3. MISO Requirements

IV. 3. 1. The bidder must be a Market Participant and an Asset Owner, as those terms are defined by MISO, in MISO at the time the proposal is submitted and otherwise meet or satisfy the requirements of the SSO Supply Agreement that apply or require (directly or implicitly) membership and participation in MISO.

IV. 4. Bid Submission Requirements

IV. 4. 1. Each RFP Bidder must fax its Proposal to the following address:

CRA International
John Hancock Tower
200 Clarendon Street, T-33
Boston, MA 02116-5092
Phone 617-425-3384
Fax 617-425-6574
Attn: Brad Miller / RFP Manager

IV. 4. 2. Bids must be faxed between 9:00 a.m. and 11:00 a.m. prevailing Eastern Time on Wednesday, December 31, 2008 ("Bid Date"). Bids received before or after the 9:00 a.m. to 11:00 a.m. window as determined solely by the RFP Manager based on the fax machine transmittal, will be rejected.

IV. 4. 3. Bids must be submitted in the complete legal name of the party that will execute the SSO Supply Agreement with the FirstEnergy Ohio Utilities. Bids must be submitted by a person that has the authority to bind and act on behalf of the bidder to perform the terms and conditions of the SSO Supply Agreement at the prices and for the tranches specified in its proposal. By submitting a bid, each bidder agrees that its proposal will remain in full force and effect for at least one (1) business day following submission of the proposal on the required Bid Date.

IV. 5. Independence and Confidentiality

IV. 5. 1. Each bidder will make certifications regarding associations to ensure that it is bidding independently of other bidders and to ensure the confidentiality of information regarding the RFP. By submitting a proposal, a bidder certifies that it is bidding independently of any other bidders and that it has no knowledge of any proposal being submitted by another bidder in response to this RFP.

IV. 6. Certifications and Disclosures to Be Made

IV. 6. 1. Bidders will be required to disclose any bidding agreement or any other arrangement, including, but not limited to, the amount to bid at certain prices, in which the bidder may have entered and that is related to its participation in the RFP. A bidder that has entered into such an agreement or arrangement must name the entities with which the bidder has entered into a bidding agreement, or a joint venture for the purpose of participating in the RFP, or a bidding consortium, or any other arrangement pertaining to participating in the RFP.

IV. 6. 2. In addition, a bidder will be required to make the following certifications.

- A bidder must certify that it will not substitute another entity in its place, transfer its rights or obligations to another entity, or otherwise assign its status as a bidder (or winning bidder) to another entity. The bidder must further certify that it understands that any such substitution, transfer, or assignment is null and void, and will result in its exclusion from further participation in the RFP and termination of the SSO Supply Agreement.

- A bidder must certify that it agrees that the submission of any bid creates a binding and irrevocable offer to provide energy and capacity under the terms set forth in the SSO Supply Agreement.

- A bidder must certify that a binding and enforceable contract to provide service with respect to the number of tranches for which the bidder is a winner will arise under the SSO Supply Agreement, and that the bidder will within one (1) business day following the close of solicitation, execute the SSO Supply Agreement and comply with the creditworthiness requirements contained therein to supply the number of tranches for which the bidder is a winner.

- A bidder must certify that it does not have any knowledge of confidential information relative to the bidding preparation, bidding strategy, or bids of any other bidder and a bidder must certify that it will not disclose confidential information relative to its own bidding preparation, bidding strategy or bids to any other bidder. A bidder must also certify that it will not, at any time, disclose any confidential information regarding the RFP.

- No bidder can reveal winning or losing bid prices or any other outcome of the RFP process prior to this information being publicly released by the FirstEnergy Ohio Utilities.

IV. 7. Sanctions

IV. 7. 1. Sanctions may be imposed on a bidder for failing to properly disclose information relevant to determining independence, for coordinating with another bidder without disclosing this fact, for releasing confidential information or disclosing information during the RFP, and in general for failing to abide by any of the certifications that the bidder will have made. Such sanctions can include, but are not limited to, any one or more of the following: the loss of all rights to provide tranches won by such bidder; action (including prosecution) under applicable state and/or federal laws; attorneys' fees and court costs incurred in any litigation that arises out of the bidder's improper disclosure; termination of the SSO Supply Agreement, debarment from participation in future RFPs; and/or any other sanctions that may be appropriate.

ARTICLE V. Evaluation of Proposals

V. 1. Proposal Processing

V. 1. 1. A proposal that does not include all four Appendices properly completed, or is otherwise non-conforming to these RFP rules, as determined by the RFP Manager, will be rejected.

V. 2. Load Cap

V. 2. 1. A single bidder may not be awarded more than the RFP load cap. For this RFP, the load cap is 75 tranches for the Delivery Period. If a bidder submits bids for more tranches than the load cap, only the lowest priced tranches bid by the bidder up to the load cap will be considered.

V. 3. **Bid Selection Criteria**

V. 3. 1. Prior to the Bid Date, the FirstEnergy Ohio Utilities will provide the RFP Manager with specific, price-based selection criteria that the RFP Manager will use to evaluate bids. Application of these criteria to the submitted bids may result in the determination that fewer than 100 tranches bid meet the selection criteria, or even that no tranches bid meet the selection criteria.

V. 4. **Proposal Evaluation**

V. 4. 1. The RFP Manager will evaluate all proposals in a manner that is independent from the FirstEnergy Ohio Utilities. The RFP Manager reserves the right, in its sole and exclusive discretion, to reject any and all proposals on the grounds that such proposal does not conform to the terms and conditions of this RFP or on the grounds that the bidder has not complied with provisions of this RFP. In addition, the RFP Manager may waive minor or administrative errors in proposals received.

V. 4. 2. The bids from conforming proposals will be ranked from lowest to highest price. If two or more bidders submit bids with the same price, these bids will be considered "tied bids" at that price and will be addressed as described below.

V. 4. 3. If there are no tied bids at the price of the highest-priced winning bid, but the number of tranches in the highest-priced winning bid would result in more than 100 tranches being procured, only the number of tranches in the highest-priced winning bid corresponding to a total number of 100 tranches across all winning bids being procured would be considered winning tranches. For example, if a bidder's bid comprises 5 tranches, all priced the same, and the 5 tranches would correspond to winning tranches 98 through 102, only three of the tranches would be selected as winning tranches.

V. 4. 4. If there are tied bids at the price of the highest-priced winning bid and selecting all tied bids as winning bids would result in more than 100 tranches being procured, the RFP Manager will use a tie-breaking procedure. The bidder with the fewest number of tranches that otherwise would be considered winning tranches bid at prices at or below the price of the tied bids will be favored such that its tied bid will be selected before the other tied bid(s) are selected as winning bids. If the bidders with the tied bids have the same number of tranches bid at or below the price of the tied bids, then the RFP Manager will assign a random number to each such bidder and the bidder with the highest random number will be favored.

V. 4. 5. After bids are ranked from lowest to highest, including incorporation of the tie-breaking procedure, if applicable, the RFP Manager will independently apply the FirstEnergy Ohio Utilities' pre-determined Bid Selection Criteria and determine which bids (and tranches), if any, meet the criteria as winning bids.

V. 4. 6. After the RFP Manager applies the Bid Selection Criteria to the bids, the RFP Manager will then notify the FirstEnergy Ohio Utilities of the identity of winning bidders, the number of tranches won by each winning bidder, and the prices for the tranches won, if any. The FirstEnergy Ohio Utilities will, within one (1) business day following the close of the solicitation, execute the SSO Supply Agreement with each winning bidder.

V. 5. After Bidding Ends

V. 5. 1. Upon conclusion of the bid evaluation, the RFP Manager will notify winning bidders of how many tranches they have won and at what prices. The RFP Manager will also notify the unsuccessful bidders that they have not won any tranches.

V. 5. 2. Upon the conclusion of the RFP solicitation, the winning bidders and the FirstEnergy Ohio Utilities will, within one (1) business day following the close of the solicitation, execute the SSO Supply Agreement. To participate in the RFP process, a bidder must certify that it accepts the terms of the SSO Supply Agreement and, should it be a winning bidder, sign the SSO Supply Agreement within one (1) business day following the close of the solicitation and comply with all creditworthiness requirements set forth in the SSO Supply Agreement. The SSO Supply Agreement provides, among other things, that if the FirstEnergy Ohio Utilities exercise their right to collect on financial guarantees, any contractual rights or other entitlements of the winners, the SSO Supply Agreement will immediately terminate without further notice by the FirstEnergy Ohio Utilities. In addition, the SSO Supply Agreement further provides that bidders will be liable for any damages incurred by the FirstEnergy Ohio Utilities, which will be determined in accordance with the terms of the SSO Supply Agreement, as though the winning bidders were a defaulting party to the SSO Supply Agreement.

V. 6. Confidentiality

V. 6. 1. Confidential information shall consist of oral, electronic and written information that is confidential, proprietary, or generally not available to the public. The FirstEnergy Ohio Utilities will consider all data and information provided by bidders in response to this RFP to be confidential and will make all reasonable attempts to protect the confidentiality, restrict the use of and limit the disclosure of such information to the public in accordance with the provisions of this Section. The FirstEnergy Ohio Utilities will also take reasonable action to ensure that its employees, representatives and agents authorized to consider and evaluate all proposals protect the confidentiality of such data and information.

V. 6. 2. Each bidder will be asked to certify that it will undertake to appropriately restrict its disclosure of confidential information relative to its bidding preparation, bidding strategy and bids, and confidential information regarding the RFP. Bidders will be required to certify that they will continue to maintain the confidentiality of any non-public information that they will have acquired through their participation in the RFP.

V. 6. 3. Absolute protection from public disclosure of the bidders' data and information filed in response to this RFP cannot be provided. By submitting a proposal in response to this RFP, each bidder acknowledges and agrees to the confidentiality provisions set forth herein, as well as any limitations thereto.

V. 6. 4. In addition, the bidder agrees the bidder's data and information submitted in response to the RFP will be disclosed if required by any federal, state or local agency (including, without limitation, the Public Utilities Commission of Ohio "PUCO") or by a court of competent jurisdiction. However, the FirstEnergy Ohio Utilities will endeavor to notify the bidder in advance of such disclosure. In any event, neither the FirstEnergy Ohio Utilities nor the RFP Manager, or any of their employees or agents will not be responsible to the bidders or any other party or liable for any disclosure of such designated materials before, during or subsequent to this RFP. Notwithstanding the above, the FirstEnergy Ohio Utilities and the RFP Manager reserve the right to use and communicate publicly and/or to third parties any and all information/data submitted in any proposal in any proceedings before FERC, the PUCO, and any other regulatory body and the courts, if necessary, without the prior consent/approval of, or notice to, any such bidder.

ARTICLE VI. MISCELLANEOUS

VI. 1. Warranty on Information

VI. 1. 1. **The information provided in the RFP, or on the RFP website, has been prepared to assist bidders in evaluating the RFP. It does not purport to contain all the information that may be relevant to a bidder in satisfying its due diligence efforts. Neither the FirstEnergy Ohio Utilities nor the RFP Manager make any representation or warranty, expressed or implied, as to the accuracy or completeness of the information, and shall not, either individually or as a corporation, be liable for any representation expressed or implied in the RFP or any omissions from the RFP, or any information provided to a bidder by any other source. A bidder should check the website frequently to ensure it has the latest documentation and information. Neither the FirstEnergy Ohio Utilities, nor the RFP Manager, nor any of their representatives, shall be liable to a bidder or any of its representatives for any consequences relating to or arising from the bidder's use of outdated information.**

VI. 2. Hold Harmless

VI. 2. 1. Bidder shall hold the FirstEnergy Ohio Utilities and the RFP Manager harmless of and from all damages and costs, including but not limited to legal costs, in connection with all claims, expenses, losses, proceedings or investigations that arise as a result of the RFP or the award of a bid pursuant to the RFP.

VI. 3. Proposals Become the FirstEnergy Ohio Utilities' Property

VI. 3. 1. All proposals submitted by RFP Bidders in response to this RFP will become the exclusive property of the FirstEnergy Ohio Utilities upon the receipt of a conforming bid.

VI. 4. Bidder's Acceptance

VI. 4. 1. The submission of a proposal shall constitute a bidder's acknowledgement and acceptance of all the terms, conditions and requirements of this RFP and the SSO Supply Agreement. Bidders and their representatives agree to submit to the personal jurisdiction of any State or Federal court sitting in and for Summit County, Ohio and any appellate court thereof in respect to any action, dispute or proceeding arising out of this RFP process, including but not limited to the execution, implementation and performance of the SSO Supply Agreement.

VI. 5. Permits, Licenses, Compliance with the Law and Regulatory Approvals

VI. 5. 1. Bidders shall obtain all licenses and permits and status that may be required by any governmental body or agency necessary to conduct business or to perform hereunder. Bidders' subcontractors, employees, agents and representatives of each in performance hereunder shall comply with all applicable governmental laws, ordinances, rules, regulations, orders and all other governmental requirements.

APPENDIX 1

ATTESTATION FORM

Authorized Representative

The Authorized Representative is authorized to represent the bidder in the RFP. The Authorized Representative must ensure that only authorized persons act on behalf of the bidder in the RFP. The Authorized Representative is the only person authorized to distribute confidential information. The RFP Manager will communicate exclusively with the Authorized Representative.

The person designated below is the bidder's Authorized Representative.

Last Name *Given Name(s)*
Mr/Mrs/Ms/Dr/(other)

Title

Bidder Name

Street Address

City *State* *Zip Code*

Telephone No. *Cell Phone No.* *Email Address*

Communications with the Authorized Representative are typically done via fax and by courier. Please provide below a fax number at which the Authorized Representative will be able to receive faxes from the RFP Manager in a secure and timely fashion.

Fax No.

The bidder hereby acknowledges that any notification or other communication given by the RFP Manager to the bidder shall be delivered by hand to the address provided above or sent by fax to the fax number provided above and shall be deemed received by the bidder at the time of delivery or transmission.

This certification must be signed by the Authorized Representative and the signature must be notarized.

1. I hereby certify that I am authorized by the bidder to serve as Authorized Representative and represent the bidder in the RFP. I further certify that I will be responsible for all confidential information regarding the RFP and I will distribute confidential information only to other individuals who are authorized to act on behalf of the bidder.

[redacted] [redacted]

Signature of Authorized Representative Date

[redacted] [redacted]

Signature and Seal from Notary Public Date

2. I hereby certify that bidder is a member of the Midwest Independent Transmission System Operator ("MISO") and qualified as a market buyer and market seller in good standing able to secure generation or otherwise obtain and deliver electricity in MISO through compliance with all applicable requirements of MISO to fulfill the obligations of the SSO Supply Agreement. I further certify that bidder has been authorized by the Federal Energy Regulatory Commission ("FERC") to make sales of energy, capacity and ancillary services at market based rates, pursuant to the Federal Power Act and the provisions of FERC's regulations promulgated there under. The bidder's authorization to make such sales at market based rates was granted in Docket No(s).[redacted]

[redacted] [redacted]

Signature and Seal from Notary Public Date

[redacted] [redacted]

Signature of Authorized Representative Date

Additional Certifications

All bidders must make these certifications. Completion of the following certifications also signifies your acknowledgement that you do not know of or cannot reasonably anticipate any events that might cause these certifications to become untrue during the period to which each certification applies.

Please certify that you have read and understand the RFP Rules and that you will comply with these Rules. Please further certify that you have read and understand the SSO Supply Agreement and that you accept its terms. Please also certify that if you become a winning bidder, you will execute the SSO Supply Agreement within one (1) business day following the close of the solicitation. Moreover, no bidder in the RFP shall substitute another party, transfer its rights to another party, or otherwise assign its status as a bidder to another party. Any such substitutions, transfers, or assignments shall be null and void and will result in the exclusion of the bidder from the RFP. Please certify that you agree to the limitations and certifications set forth in this paragraph.

[redacted] [redacted]

Signature of Authorized Representative   Date

Please certify that you will be bidding independently of other bidders and are not associated with, to the best of your knowledge, another bidder such that the association could allow both bidders to act in concert or could prevent both bidders from competing actively against each other.

[redacted] [redacted]

Signature of Authorized Representative   Date

Please certify that you have not entered into any agreement with another bidder, directly or indirectly, regarding bids in the RFP.

[redacted] [redacted]

Signature of Authorized Representative   Date

Please certify your agreement that the submission of any bid in the RFP creates a binding and irrevocable offer to provide service under the terms set forth in the SSO Supply Agreement and that a binding and enforceable contract to provide service with respect to the number of tranches for which you were a winner in the RFP shall arise under the SSO Supply Agreement. The submission of such binding offer shall constitute the bidder's acknowledgment and acceptance of all the terms, conditions and requirements of this RFP.

[redacted] [redacted]

Signature of Authorized Representative   Date

APPENDIX 2

CONFIDENTIALITY STATEMENT FORM

I agree and acknowledge that I am authorized to submit a bid on behalf of my respective company or affiliate to supply a portion of FirstEnergy Ohio Utilities' SSO Load for the period January 5, 2009 through March, 31 2009. In addition, I certify that I am authorized to execute the SSO Supply Agreement, a binding and enforceable contract. In the aforesaid capacity, I hereby acknowledge and understand the confidentiality provisions of the RFP Rules and, consistent with those rules, agree to take reasonable precautions to ensure that all data and information supplied by bidders in response to the RFP are maintained in confidence and not disclosed to the public, except as may be permitted by the RFP Rules. I further certify that:

- I do not have any knowledge of confidential information that is relevant to the bidding preparation, bidding strategy, or bids of any other bidder;
- I will not disclose confidential information relative to my bidding preparation, bidding strategy, or bids;
- I will not disclose any confidential information regarding the RFP to any party.

[redacted]

Name Print:

[redacted]

Signature:

[redacted]

Title:

[redacted]

Date:

[redacted]

Bidder Name:

APPENDIX 3

BIDDER CREDIT REPRESENTATIVE FORM

The bidder's credit representative is the bidder's in-house credit representative who can answer questions or provide information about the bidder's credit with respect to the credit requirements for the RFP.

The person designated below is the bidder's credit representative.

Last Name *Given Name(s)*
Mr/Mrs/Ms/Dr/(other)

Title

Bidder Name

Street Address

City *State* *Zip Code*

Telephone No. *Fax No.* *Email Address*

APPENDIX 4

BID SUBMITTAL FORM

OVERVIEW

Bidder____________________ willingly and knowingly submits the following bid(s) to the FirstEnergy Ohio Utilities with all rights and obligations as described in the Request for Proposals Rules and the SSO Supply Agreement. This bid submittal form is the exclusive way in which bids may be submitted to the RFP Manager in response to the RFP. Bids submitted under this bid submittal form must fulfill all requirements set out in the RFP Rules.

The format of the Bid Submittal Form shows that for each bid on the form, a bid consists of a bid number, the number of tranches of the bid, and the price of the bid in dollars per MWh at which the bidder is willing to supply the tranches in the bid. A bid price must be in dollars per MWh rounded to the nearest cent ($xx.xx). Only bids on the Bid Submittal Form with bid prices that are expressed in dollars per MWh will be considered; other bids not in the required format on the Bid Submittal Form will be rejected. A bid price that is not rounded to the nearest cent will be rounded down to the nearest cent. The bidder may not bid on less than a full tranche. The bidder may not bid on fractions, portions, or parts of tranches.

PRODUCT QUANTITY

SSO Load will be divided into identical tranches. A tranche represents a fixed percentage of the SSO Load. A winning bidder that serves one tranche is responsible for serving the percentage of the SSO Load represented by one tranche as further described in the Article 1.

USE OF THE FORM

This form provides for: (i) identifying each bid from the bidder by a bid number, (ii) the number of tranches a bidder is bidding on for each bid on the form, and (iii) the price at which the bidder is willing to supply the tranches for each bid on the form.

APPENDIX 4

BID SUBMITTAL FORM

Bid Number	Number of Tranches Bid	Price ($/MWh)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

The bids contained herein constitute a binding and irrevocable offer to provide service under the terms set forth in the SSO Supply Agreement. I am an Authorized Representative of the bidder empowered to undertake contracts and bind the bidder.

______________________	______________________
Name and Position	Bidder Name
______________________	______________________
Address	Email
______________________	______________________
Signature of Officer of Bidder	Phone/Fax

Exhibit DWS-4

INTERNATIONAL

FINAL REPORT

Post-RFP Report on the FirstEnergy Ohio Utilities' Competitive Procurement for Standard Service Offer Supply

December 2008 RFP Process

Submitted to:

FirstEnergy Ohio Utilities

Submitted by:

CRA International, Inc.
Boston, Massachusetts

January 9, 2009

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Executive Summary

This is the report of CRA International, Inc. ("CRA") to the FirstEnergy Ohio Utilities ("FirstEnergy") regarding our role as the RFP Manager and our assessment of FirstEnergy's competitive bidding process to procure wholesale energy and capacity for the provision of retail electric generation service as the provider of last resort ("Standard Service Offer Load" or "SSO Load").[1] The competitive bidding process used a Request for Proposal ("RFP") format with bids due on December 31, 2008 for delivery during the supply period beginning January 5, 2009 through March 31, 2009 ("Delivery Period").

Context of the Competitive Procurement Process

FirstEnergy is obligated to provide service to retail customers who choose not to shop with an alternative supplier. The Companies, which do not own any electric generation, serve approximately 2.1 million customers in Ohio. The RFP process was conducted to ensure that customers have a reliable supply of electricity and specifically sought to procure up to 100 percent of the aggregate wholesale energy and capacity requirements FirstEnergy requires to serve its SSO Load.

FirstEnergy approached CRA in mid-November 2008 to oversee the design and implementation of a competitive procurement process that would meet the requirements adopted by the Federal Energy Regulatory Commission ("Commission") in *Edgar* and *Allegheny*, two separate cases in which the Commission approved affiliate transactions resulting from competitive bidding processes (hereafter referenced as Edgar/Allegheny).[2] An important aspect of the Commission's approval in these cases was the evidence that the outcome resulted from "direct head-to-head competition between affiliated and competing unaffiliated suppliers."[3]

FirstEnergy advised CRA that it desired to obtain its wholesale electric energy and capacity requirements for the Delivery Period by means of a competitive RFP solicitation process.

CRA's Role in the RFP Process

FirstEnergy asked CRA to develop and implement a competitive procurement process in which potential suppliers would compete directly with each other by bidding to supply the energy and capacity required

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[1] FirstEnergy Ohio Utilities refers to The Cleveland Electric Illuminating Company, The Toledo Edison Company, and Ohio Edison Company ("the Companies").

[2] *See Boston Edison Company Re: Edgar Electric Energy Company*, 55 FERC ¶ 61,382 (1991) (*Edgar*); *Allegheny Energy Supply Company, LLC*, 108 FERC ¶ 61,082 (2004) (*Allegheny*).

[3] *Edgar*, 55 FERC ¶ 61,382 at 62,167-69. *See also Connecticut Light & Power Co. and Western Massachusetts Electric Co.*, 90 FERC ¶ 61,195 at 61,633-34 (2000); *Aquila Energy Marketing Corp.*, 87 FERC ¶ 61,217 at 61,857-58 (1999); *MEP Pleasant Hill, LLC*, 88 FERC ¶ 61,027 at 61,059-60 (1999).

Executive Summary

for FirstEnergy to meet its SSO Load. It was critical to design and implement the competitive procurement process in a way that met the conditions described by the Commission that no affiliate should receive undue preference during any stage of the process.

CRA designed the competitive procurement process, led implementation of the competitive procurement process, evaluated bid submissions to determine winning suppliers, and notified FirstEnergy and bidders of the results.

Results of RFP Process

The bid evaluation criteria selected the lowest-priced tranches up to the maximum number of tranches to be sold. The pricing rule was paid-as-bid, meaning winning bidders are paid the price they bid rather than a single uniform price paid to all winning bidders.

The following table summarizes the results of the RFP process.

Table ES-1. Summary of FirstEnergy's RFP Process

Period of Delivery	January 5, 2009 - March 31, 2009
Number of Companies that Submitted Bids	5
Number of Companies that Submitted Conforming Bids	4
Number of Winning Bidders	4
Maximum Number of Tranches to be Purchased	100
Number of Tranches Purchased	97
Average Price for Tranches Purchased	$66.68/MWh

Assessment of the RFP Process

The Commission stated four guidelines that would help it determine if a procurement process satisfied their underlying principles for competitive solicitation: transparency, definition, evaluation, and oversight. In evaluating whether the RFP process meets these requirements, the RFP Manager assessed the process against the requirements described by the Commission that would indicate those underlying principles had been met.

The RFP process was consistent with the requirements of Edgar/Allegheny:

Executive Summary

- The RFP process was designed and implemented without undue preference for any supplier that is affiliated with FirstEnergy;
- The analysis of bids did not favor any affiliate of FirstEnergy; and
- Even though an affiliated supplier's bid was selected, such selection was based on a reasonable combination of price and non-price factors.

Conclusion

The FirstEnergy RFP process to procure energy and capacity for the SSO Load of FirstEnergy met the requirements described by the Commission in Edgar/Allegheny and resulted in a direct head-to-head competition between the affiliate and non-affiliates of FirstEnergy.

The RFP process was designed and implemented without undue preference to FirstEnergy affiliates, and the analysis of bids was performed according to the bidding rules in an objective, non-discriminatory manner that did not favor an affiliate. Even though a FirstEnergy affiliate was awarded a portion of the tranches up for bid, this selection was based on a reasonable combination of price and non-price factors that were established in advance of the bidding window.

1. Introduction

FirstEnergy retained CRA to act as the RFP Manager for FirstEnergy's competitive process to procure energy and capacity to meet the requirements of its SSO Load. A competitive RFP process was conducted with bids due on December 31, 2008. This report is the post-RFP assessment of the competitive procurement process.

The competitive procurement process and the window for bidding were announced by FirstEnergy Corp. in a press release on Monday, December 22, 2008 in the afternoon. The press release referenced the FirstEnergy auctions Website (www.firstenergy-auction.com) where additional details regarding the RFP, documents and data that bidders could review were posted. The press release also referenced that CRA International was the RFP Manager, and further inquiries could be directed to Brad Miller at CRA using the email address (RFPManager@crai.com) or phone number provided in the press release and on the Website.

At any time from December 22, 2008 to the bidding date, parties could raise questions and provide comments on the RFP process to the RFP Manager. Upon receipt of an inquiry, the RFP Manager would relay the inquiry, without reference to who submitted the question, to FirstEnergy. The RFP Manager and FirstEnergy would develop an answer to the question, and both the question and answer would be posted on the Website. The RFP Manager then would respond directly to the inquirer with the answer and inform all registrants that the Website had been updated.

As scheduled, the bidding window opened on December 31, 2008 at 9:00 am and closed at 11:00 am Eastern Prevailing Time on the same day. All bids were faxed to the RFP Manager on a dedicated fax line at CRA's headquarters in Boston, Massachusetts. Until the results were determined, only CRA personnel had access to the bids; FirstEnergy did not have a representative onsite at CRA's offices and did not receive a copy of the submissions of winning bidders until after the bid evaluation was completed. FirstEnergy did not receive a copy of the non-winning bid submissions.

On the day bids were due, the RFP Manager reviewed bid submissions, evaluated them against the pre-specified criteria referred to in the bidding rules, and determined the winning bids. The RFP Manager then informed FirstEnergy of the winning bidders, their number of winning tranches, and the average price of the winning tranches for each winning bidder. The RFP Manager subsequently informed the winning bidders of the number of tranches and average price they had been awarded, and informed the one bidder who had submitted a non-conforming bid that its bid had been rejected for being non-conforming.

CRA's efforts as the RFP Manager in assisting FirstEnergy through this process are summarized as follows:

- Designing the competitive RFP process, including review and recommendations of possible bidding rules, protocols, and documentation.

Introduction

- Reviewing and providing comments on documents to be disclosed to potential bidders in advance of the bidding window, namely the press release, Standard Service Offer Supply Agreement ("SSO Supply Agreement"), bidding rules, and Website.

- Preparing internal memoranda and real-time documentation on the resolution of key aspects of the RFP operations, including Communications Protocols, Credit Review to be performed for potential bidders, and the process to be followed during the bidding.

- Registering potential bidders and ensuring communication with registrants occurred in a fair, open and non-discriminatory way.

- Fielding inquiries from potential bidders concerning the RFP, confirming receipt of their inquiry, answering questions, communicating other inquiries to FirstEnergy without bidder identification, drafting answers, reviewing answers, and approving responses to be posted on the Website. Once answers to inquiries were approved, the RFP Manager would respond directly to the inquirer with the answer and would inform all registrants that new questions and answers had been posted to the FAQ section of the Website.

- Receiving bids, determining if they were conforming or non-conforming, evaluating them against the pre-specified bid evaluation criteria described in the bidding rules, and determining the winning and non-winning bidders.

- Providing the results of winning bids to FirstEnergy.

- Notifying bidders of their results.

- Participating with FirstEnergy in a post-RFP review of the competitive procurement process, held on January 2, 2009.

Our final task as the RFP Manager of this RFP is the preparation of this post-RFP report, which is organized as follows.

- Section 2 summarizes the context of the competitive procurement process and key considerations in the design and implementation of the RFP.

- Section 3 summarizes CRA's roles and responsibilities in the RFP process.

- Section 4 summarizes the results of the RFP process.

- Section 5 provides our assessment of the RFP process, focusing on the Edgar/Allegheny requirements of transparency, definition, evaluation, and oversight.

2. Context of the Competitive Procurement Process

This section of the report provides the context surrounding FirstEnergy's RFP process.

FirstEnergy is obligated to provide service to retail customers who choose not to shop with an alternative supplier. FirstEnergy, which does not own any electric generation, serves approximately 2.1 million customers in Ohio. The RFP process was conducted to ensure that customers have a reliable supply of electricity and specifically sought to procure up to 100 percent of the aggregate wholesale energy and capacity requirements FirstEnergy requires to serve its SSO Load.

FirstEnergy approached CRA in mid-November to oversee the design and implementation of a competitive procurement process that would meet the requirements adopted by the Commission in Edgar/Allegheny, two separate cases in which the Commission approved affiliate transactions resulting from competitive bidding processes.[1] An important aspect of the Commission's approval in these cases was the evidence that the outcome resulted from "direct head-to-head competition between affiliated and competing unaffiliated suppliers."[2]

FirstEnergy advised CRA that it desired to obtain its wholesale electric energy and capacity requirements for the Delivery Period by means of a competitive RFP solicitation process.

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[1] *See Boston Edison Company Re: Edgar Electric Energy Company*, 55 FERC ¶ 61,382 (1991) (*Edgar*); *Allegheny Energy Supply Company, LLC*, 108 FERC ¶ 61,082 (2004) (*Allegheny*).

[2] *Edgar*, 55 FERC ¶ 61,382 at 62,167-69. *See also Connecticut Light & Power Co. and Western Massachusetts Electric Co.*, 90 FERC ¶ 61,195 at 61,633-34 (2000); *Aquila Energy Marketing Corp.*, 87 FERC ¶ 61,217 at 61,857-58 (1999); *MEP Pleasant Hill, LLC*, 88 FERC ¶ 61,027 at 61,059-60 (1999).

3. CRA's Role in the RFP Process

FirstEnergy asked CRA to act as the RFP Manager for a competitive procurement process in which potential suppliers would compete directly with each other by bidding to supply the energy and capacity required for FirstEnergy to meet its SSO Load. It was critical to design and implement the competitive procurement process in a way that met the conditions described by the Commission that no affiliate should receive undue preference during any stage of the process.

In its role as RFP Manager, CRA designed the competitive procurement process, led implementation of the RFP process, evaluated bid submissions to determine winning suppliers, and notified FirstEnergy and bidders of the results. This section summarizes CRA's roles and responsibilities as the RFP Manager in each of these areas.

3.1. Design

CRA started working with FirstEnergy on November 23, 2008 to design a competitive procurement process. Over the next five weeks, CRA and FirstEnergy worked together with regular conference calls to develop the RFP rules, list of potential bidders, public announcement, and the documentation that would be available to bidders. CRA and FirstEnergy also worked through the venue of communication (the FirstEnergy auctions Website) and the content that would be provided on the Website.

Internally, CRA developed protocols, processes, and draft templates that would be followed during the RFP process.

3.2. Implementation of the Competitive Procurement Process

Once the competitive procurement was announced on December 22, the RFP Manager forwarded the press release to 26 different companies and referenced the FirstEnergy auctions Website where additional information could be found. Starting on December 22, CRA fielded inquiries from potential bidders in its role as the RFP Manager, forwarding specific questions and, in some cases, draft answers to FirstEnergy. In its communications with FirstEnergy regarding bidder inquiries, CRA did not disclose the names of potential bidders and ensured that the inquiries forwarded to FirstEnergy did not identify the potential bidders who had submitted the questions.

The RFP Manager also served as the primary contact for potential bidders interested in confirming their credit requirements as described in the SSO Supply Agreement. Although the SSO Supply Agreement described the relevant calculations for determining the credit and whether cash or a letter of credit would be required, potential bidders could confirm their calculations by contacting the RFP Manager before noon Eastern Prevailing Time on December 29, 2008. Upon receipt of a request for confirmation, the RFP Manager would confirm the Independent Credit Threshold and Unsecured Credit Limit for the requesting bidder with FirstEnergy's credit department before responding to the potential bidder with these values.

3.3. Bid Submission Compilation and Bid Evaluation

In preparation for the competitive RFP, CRA developed a bid evaluation tool that would be used to assess the bids according to the evaluation criteria in the bidding rules and the pricing criteria FirstEnergy provided to CRA the day before the bidding window opened. When bids were received, CRA identified whether a bid was conforming or non-conforming, compiled the information in the conforming bids, and used the bid evaluation tool to rank the conforming bids according to the pre-defined criteria.

3.4. Notification to FirstEnergy, Winning Bidders and Unsuccessful Bidders

Once the bids were evaluated and the winning bidders were determined, CRA, in its role as the RFP Manager, notified the relevant parties:

- **FirstEnergy:** The RFP Manager provided FirstEnergy with a list of winning bidders, the number of tranches each had won, and the average price in $/MWh to be paid to each winning bidder.
- **Winning Bidders:** The RFP Manager notified each winning bidder that it had won, the number of tranches it had won, and the average price in $/MWh for those tranches.
- **Unsuccessful bidders:** The RFP Manager notified one unsuccessful bidder that it had not been awarded any tranches due to its submission of a non-conforming bid.

4. Results of the RFP Process

The bid evaluation criteria selected the lowest-priced tranches up to the maximum number of tranches to be sold subject to the pricing criteria established by FirstEnergy and communicated to CRA the day before the bid window opened. The pricing rule was paid-as-bid, meaning winning bidders are paid the price they bid rather than a single uniform price paid to all winning bidders.

4.1. Registration

Between the initial press release and the bidding window, eleven (11) companies registered with the RFP Manager to receive ongoing information on the RFP process. The RFP Manager corresponded with registrants as a group at least nine times before the bidding window opened, often referencing updates to the auctions Website and providing links to the updated pages.

4.2. The RFP Process

The bidding window opened at 9:00 am Eastern Prevailing Time on Wednesday, December 31, 2008, and closed at 11:00 am Eastern Prevailing Time on the same day. During the bid submission window, the RFP Manager received five submissions. Four of the submissions were deemed to be conforming bids. One of the submissions was non-conforming and was excluded from the bid evaluation process. No additional submissions were received before or after the bidding window.

Although the pricing criteria provided to the RFP Manager by FirstEnergy included a volume adjustment after a certain level of prices, no volume adjustment was made during the bid evaluation process because that price threshold was not reached. So, the pre-bidding tranche target of 100 was unchanged for the bid evaluation process.

4.3. Results

The following tables summarize the results of the RFP process.

Results of the RFP Process

Table 1. Summary of FirstEnergy's RFP Process

Period of Delivery	January 5, 2009 - March 31, 2009
Number of Companies that Submitted Bids	5
Number of Companies that Submitted Conforming Bids	4
Number of Winning Bidders	4
Maximum Number of Tranches to be Purchased	100
Number of Tranches Purchased	97
Average Price for Tranches Purchased	$66.68/MWh

5. Assessment of the RFP Process

This section of our report provides our assessment of the FirstEnergy RFP process, focusing on the standards expressed in Edgar/Allegheny concerning affiliate inclusion in competitive procurement processes.

In order to approve market-based rate sales agreements between regulated and unregulated affiliates, the Commission has established the *Edgar* criteria in order to have assurance that: (1) a competitive solicitation process was designed and implemented without undue preference for an affiliate; (2) the analysis of bids did not favor affiliates, particularly with respect to non-price factors; and (3) the affiliate was selected based on some reasonable combination of price and non-price factors.[6]

In *Allegheny*, the Commission also stated four guidelines that would help the Commission determine if a competitive solicitation process satisfied its requirements in *Edgar*: transparency, definition, evaluation, and oversight.

The RFP process was consistent with the requirements of Edgar/Allegheny:

- The RFP process was designed and implemented without undue preference for any supplier that is affiliated with FirstEnergy;
- The analysis of bids did not favor any affiliate of FirstEnergy; and
- Even though an affiliated supplier's bid was selected, such selection was based on a reasonable combination of price and non-price factors.

We apply the four guidelines established in Allegheny below.

5.1. The RFP Process was Transparent

Allegheny states that the underlying transparency principle is that the competitive solicitation should be open and fair. In the design and implementation of the RFP process, many decisions were made to encourage participation and competitive bidding and ensure that any affiliates were not given an undue advantage. Specific ways in which this RFP process was open and fair include the following design characteristics:

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[6] *Edgar*, 55 FERC ¶ 61,382 at 62,168.

Assessment of the RFP Process

- **Public Announcement:** The RFP process was announced with a public press release that set forth the activities and timeline for the RFP process, directed all inquiries to the RFP Manager, and provided opportunities for bidders to respond. Potential bidders could register to receive further information from the RFP Manager.

- **Equal Access to Information:** Potential bidders had equal access to information related to the RFP process using FirstEnergy's public auctions Website. Potential bidders were informed of how to contact the RFP Manager and were able to submit their inquiries by phone, fax, or email. Answers to bidder inquiries along with the inquiries were posted anonymously (without identifying the inquirer) on the Website for all potential bidders to review. Notifications that questions and answers had been posted were emailed to all registrants.

- **Low Barriers to Entry:** Any company able to meet the requirements of the SSO Supply Agreement and bidding rules could submit a bid. In order to allow as many bidders as possible to qualify, winning bidders would schedule and deliver their respective wholesale energy and capacity obligations under the SSO Supply Agreement to the FE.FESR delivery point in the Midwest ISO.

- **Tranche Limit:** No bidder was allowed to bid or win more than 75 tranches. This winning tranche limit, or load cap, assured bidders that this RFP would not result in a "winner-take-all" outcome.

- **Non-discriminatory Credit Requirements:** All bidders were subject to the same credit requirement criteria, based on their credit rating and financial position.

- **Independent Evaluation:** The RFP Manager, and not FirstEnergy, determined which bids satisfied the pre-defined bid evaluation criteria.

These efforts provided an open, transparent, and non-discriminatory bidding process for all bidders.

5.2. The RFP Process was Defined Appropriately

The RFP satisfies the definition criteria because the products procured through the RFP process were defined in a clear and non-discriminatory manner.

- **Product Design:** The product was clearly defined as a tranche, or one (1) percent of the aggregate wholesale load-following energy and capacity requirements FirstEnergy would need to serve their SSO Load for the delivery period of January 5, 2009 through March 31, 2009. By defining the product as a tranche equal to one percent of energy and capacity requirements, many more bidders would be able to meet the credit requirements and manage the risk associated with delivering the product.

Assessment of the RFP Process

- **Pre-defined Bidder Qualification Criteria:** Bidder qualification criteria and bid evaluation methods were provided in the bidding rules in advance of the bid submission deadline. Bidders thus had knowledge of the bidding and evaluation process before they placed their bids.

- **Pre-defined Contractual Requirements:** The SSO Supply Agreement was posted on the Website in advance of the bid submission deadline. Bidders had to agree to the terms of the SSO Supply Agreement in advance; there was no post-bid negotiation. Bidders thus had knowledge of the contractual obligations to which they would be subject if awarded their bids.

The products and bidder qualification criteria were clearly defined and publicly available to all potential bidders in advance of the bidding window.

5.3. The RFP Process Met the Evaluation Criteria Requirements

The evaluation criteria were clearly defined in the bidding rules. In selecting winning bidders, the RFP Manager applied a reasonable combination of price and non-price factors. Selection of winning bidders was based on the criteria summarized in the bidding rules, which identified the requirements for winning bidders described below.

5.3.1. Non-price factors

As part of the bid submission, bidders were required to certify that they met certain non-price requirements. Any bid submission that did not have acceptable certification that the bidder met these requirements would be considered a non-conforming bid and would be excluded from the price criteria evaluation. The required non-price factors were the same for all bidders and included the following:

- **Membership in the Midwest ISO:** Bidders were required to be a member of the Midwest Independent Transmission System Operator and qualified as a market buyer and market seller in good standing able to secure generation or otherwise obtain and deliver electricity in MISO through compliance with all applicable requirements of MISO to fulfill the obligations of the SSO Supply Agreement.

- **Authorization by FERC:** Bidders were required to be authorized by the Commission to make sales of energy, capacity, and ancillary services at market based rates, pursuant to the Federal Power Act and the provisions of regulations promulgated there under.

- **Compliance with RFP Rules:** Bidders were required to certify that they had read and understood the RFP rules and would comply with the rules.

- **Compliance with SSO Supply Agreement:** Bidders were required to certify that they had read and understood the SSO Supply Agreement and would accept its terms.
- **Ability to Execute the SSO Supply Agreement:** Bidders were required to submit their bids with the signature of a person able to bind the company, and were required to be able to execute the SSO Supply Agreement within one (1) business day following the close of the solicitation.
- **Independence and Non-collusion:** Bidders were required to bid independently of other bidders and not enter into any agreement with another bidder directly or indirectly.

These requirements are reasonable and necessary for purposes of delivering power to the designated delivery point in the Midwest ISO wholesale market to meet FirstEnergy's objectives to procure a reliable supply of energy and capacity for its SSO Load in the timeframe required by FirstEnergy. In addition, the independence and non-collusion requirement helped to assure a competitive procurement process.

5.3.2. Price factors

Once the non-price criteria were met, conforming bids were subject to evaluation based on price. The pricing rule was paid-as-bid, meaning winning bidders are paid the price they bid rather than a single uniform price paid to all winning bidders.

Winning bids were determined based on the criteria defined in the bidding rules. Conforming bids were ordered from lowest to highest prices, with tranches being awarded to the lowest-priced tranches up to the maximum number of tranches to be awarded. No bidder was allowed to win more than 75 tranches. In the event the number of tranches to be awarded could be met at the same price by multiple bidders, preference would be given to the bidder who would win the lowest number of tranches, with additional tie-breaking rules that would generate a random outcome. However, given the bids, there was no need for application of the tie-breaking rules.

In addition, the RFP Manager incorporated the price-based reservation prices which were provided by FirstEnergy the day before the bidding window opened. The reservation prices were applied to all bidders and all tranches from conforming bids as follows:

- A lower reservation price would be used to award all tranches up to 100 tranches that were priced no higher than this lower reservation price.
- If fewer than 100 tranches were awarded based on the lower reservation price, a higher reservation price would be used to award additional tranches up to a total of 95 tranches awarded that were priced no higher than this higher reservation price.
- No tranches would be awarded that were priced above the higher reservation price.

Assessment of the RFP Process

Although FirstEnergy chose to develop a reservation price, and withhold the details of those price values from bidders, it was disclosed in advance that FirstEnergy would be developing such price-based criteria and would provide them to the RFP Manager in advance of the bidding window.

Using the rank order approach to award tranches by price is consistent with the Commission's evaluation guidelines.

5.4. The RFP Process Met the Oversight Criteria

CRA served as the RFP Manager. CRA is not affiliated with FirstEnergy or its affiliates, and has no financial interest in any of the potential bidders, or in the outcome of the RFP process.

The RFP Manager had direct interaction with potential bidders and served as the sole link for transmitting information between potential bidders and the RFP issuer. This ensured that the RFP design, implementation, and evaluation did not favor any particular bidder, particularly an affiliate.

The involvement of an independent, experienced consultant in all stages of the RFP process provided sufficient independent third-party management and oversight of the design, administration, and bid evaluation stages of the process.

5.5. Conclusion

The FirstEnergy RFP process to procure energy and capacity for the SSO Load of FirstEnergy met the requirements described by the Commission in Edgar/Allegheny and resulted in a direct head-to-head competition between the affiliate and non-affiliates of FirstEnergy.

The RFP process was designed and implemented without undue preference to FirstEnergy affiliates, and the evaluation of bids was performed according to the bidding rules in an objective, non-discriminatory manner such that no affiliate was favored. Even though a FirstEnergy affiliate was awarded a portion of the tranches up for bid, this selection was based on a reasonable combination of price and non-price factors that applied equally to all bidders and that were established in advance of the bidding window.

Exhibit DWS - 6

"Miller, Brad" <BMiller@crai.com>
12/31/2008 12:18 PM

TO: <dstathis@firstenergycorp.com>, haydenm@firstenergycorp.com

CC: "Drzemiecki, James" <jdrzemiecki@crai.com>, "Bodell, Tarya" TBodell@crai.com

Subject: Notification of Results for FirstEnergy Ohio Utilities' RFP Procurement Process for SSO Supply

Dean and Mark:

Attached is a letter from the RFP Manager to FirstEnergy Ohio Utilities providing the results for today's RFP procurement for SSO supply.

CRA will be emailing letters to the bidders shortly. The emails to winning bidders will cc you.

Regards,
Brad Miller
RFP Manager

Bradley A. Miller, Vice President
CRA International, Inc.
John Hancock Tower, T-32
200 Clarendon Street
Boston, Massachusetts 02116-5092
617.425.3384
617.425.3132 fax
bmiller@crai.com
www.crai.com

Privileged and Confidential

DELIVERED BY EMAIL CRA No. D13965-00

December 31, 2008

Dean Stathis
Director, FE Regulated Commodity Sourcing
FirstEnergy Corporation
2800 Pottsville Pike
Reading, PA 19605

Re: Notification of RFP Results

Dear Mr. Stathis:

This is to inform you that we have confirmed the results of the Request for Proposal (RFP) to procure supply for Standard Service Offering (SSO) for the FirstEnergy Ohio Utilities on Wednesday, December 31, 2008 as follows.

Period of Delivery January 5, 2009 - March 31, 2009
Number of Companies that Submitted Bids 5
Number of Companies that Submitted Conforming Bids 4
Number of Winning Bidders 4
Number of Tranches in RFP 100
Number of Tranches Procured 97
Average Price $66.68/MWh

The winning bidders, the number of their winning tranches and average prices weighted by the number of tranches per price are as follows.

Winning Bidder Number of Winning Tranches Average Price to be Paid ($/MWh)
[redacted]
TOTAL 97 66.68

Winning bidders should be contacted directly to execute the SSO Supply Agreement within the next business day in accordance with the Bidding Rules and results of this competitive process.

John Hancock Tower 200 Clarendon Street, T-33 Boston, Massachusetts 02116-5092
617-425-3000 Fax 617 425 3132

Sincerely yours,

CRA INTERNATIONAL, INC.

Bradley A. Miller
Vice President

The RFP Manager

cc:
Steven E. Strah, Regional President, Ohio Edison
Trent A. Smith, Regional President, The Toledo Edison Company
Dennis M. Chack, Regional President, The Cleveland Electric Illuminating Company
Mark Hayden, FirstEnergy Corporation

EDUCATIONAL AND PROFESSIONAL BACKGROUND

My name is Dean W. Stathis and my business address is 2800 Pottsville Pike, Reading Pennsylvania 19605. I am employed by FirstEnergy Service Company as Director of the Regulated Commodity Sourcing Department. This position is responsible for overseeing the power supply procurement activities associated with FirstEnergy Corp.'s utility subsidiaries, including compliance with all Alternative Energy Portfolio Standards ("AEPS") Act requirements.

I received a Bachelor of Arts degree in Economics from Youngstown State University in May 1979 and a Master of Arts degree in Economics from Youngstown State University in August 1981.

In September 1981, I was employed by the Middle South Utilities (currently doing business as Entergy) as a forecasting analyst. From September 1981 through April 1989, I was responsible for the development and maintenance of the Company's sales, peak load and economic forecasting models as well as various load research activities.

In May 1989, I became a staff analyst for GPU Service Inc. ("GPUS") and held various forecasting-related positions in the Load Forecasting Department. In August 1996, I became Manager, Natural Gas Transactions in the GPUS Power Supply Department. My responsibilities included procurement of natural gas for both Company-owned generating units and certain gas-fired Non-Utility Generators ("NUGs") and the development of fuel forecasts for budget purposes.

In January 2001, I became a Financial Trader for the Power Supply group of both the Jersey Central Power & Light Company ("JCP&L") and GPU's Pennsylvania affiliates. My responsibilities in this capacity included identification of power supply related risks and the deployment of financial hedge instruments to offset these associated risks.

In January 2002, I became Manager of JCP&L's Commodity Sourcing Department with primary responsibilities including oversight of the Company's participation in the BGS Auction process and management of JCP&L's 900 MWs of non-utility generation.

In June 2006, I assumed my current position.

I have presented or prepared testimony in the following proceedings:

Penelec Transmission Service Charge:	Docket No. M-2008-2036188
Met-Ed Transmission Service Charge:	Docket No. M-2008-2036197
Penn Power Interim POLR Supply Plan:	Docket No. P - 00052188
Penn Power Interim Default Service Supply Plan:	Docket No. P - 00072305
Deferred Balances Audit for JCP&L:	Docket No. ER - 02080507