



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

May 27, 2009

Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: FirstEnergy Solutions Corp.	ER09-134-000
FirstEnergy Generation Corporation	ER09-135-000
FirstEnergy Nuclear Generation Corporation	ER09-136-000
FirstEnergy Generation Mansfield Unit 1 Corp	ER09-137-000

Dear Ms. Bose:

This correspondence is in response to the FirstEnergy Service Company's (FirstEnergy's or Applicant's) May 15, 2009 letter docketed in the above-captioned proceedings. The intent of this correspondence is to clarify assertions within that letter regarding FirstEnergy's belief that the Public Utilities Commission of Ohio's (Ohio Commission's) January 21, 2009 Request for Rehearing and Clarification and/or Rehearing (Rehearing Request) of FERC's December 23, 2008 Order¹ in these proceedings is now moot. For the reasons identified below, the Ohio Commission contends that our Rehearing Request remains relevant and should be approved.

FirstEnergy's May 15, 2009 letter reflects that our Rehearing Request is moot in light of recent action taken by the Ohio Commission approving a stipulation and auction results for the Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company (Ohio Regulated Utilities).² The Ohio Commission confirms that we have approved the Ohio Regulated Utilities' stipulation and auction results on March 25, 2009, and May 14, 2009, respectively. We do dispute, however, FirstEnergy's idea that these Ohio Commission decisions have now rendered moot our Request for Rehearing. The Ohio Commission holds that these decisions have no relevance concerning the basis for our Rehearing Request.

¹ Order Accepting Tariff Revisions and Granting Waiver of Affiliate Sales Restriction, 125 FERC ¶ 61,356, Issued December 23, 2008.

² Ohio Commission Case Nos. 08-935-EL-SSO, 09-21-EL-ATA, 09-22-EL-AEM, and 09-23-EL-AAM. On line: <http://dis.puc.state.oh.us/>

On January 21, 2009, the Ohio Commission filed its Rehearing Request calling for FERC to limit FirstEnergy's affiliate restriction waiver to 90 days ending March 31, 2009. The Ohio Commission's Rehearing Request observed that the FirstEnergy's application for waiver did not provide a meaningful rationale for continuing the waiver of the normal affiliate transaction rules and that a showing should be required before a waiver is granted. The Ohio Commission continues to believe that the approval of a permanent waiver in perpetuity of FERC's affiliate transactions rules is not warranted and that the Applicant should be required to make a showing as to why any future waiver is necessary. The Ohio Commission questions if an auction were to be conducted at a later date why the Applicant should not be subject to the affiliate rules established by FERC to prevent abuse and to protect customers.

Similar to its original waiver request, the Applicant's May 15, 2009 letter provides no meaningful rationale for a permanent waiver of the affiliate transaction rules. The Ohio Commission continues to believe that FERC's December 23, 2008 Order erred by allowing the waiver of its affiliate transaction rules to continue without justification. The Ohio Commission holds that the resolution to this problem is for FERC to clarify its December 23, 2008 decision to indicate that the waivers granted were temporary. In addition, FERC should require the Applicant to file a new justification for a waiver of the affiliate transaction rules for future transactions.

The Ohio Commission thanks FERC for its attention concerning these matters.

Respectfully submitted,

/s/ Thomas W. McNamee

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TWM/cgp

cc: Dan Shields, Ohio Federal Energy Advocate

PROOF OF SERVICE

I hereby certify that the foregoing have been served in accordance with 18 C.F.R. Sec. 385.2010 upon each person designated on the official service list compiled by the Secretary in this proceeding.

/s/ Thomas W. McNamee

Thomas W. McNamee

Assistant Attorney General

Dated at Columbus, Ohio this May 27, 2009.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 93-7000-EL-FAD

Summary: Response to FirstEnergy's 5-15-09 letter to FERC, clarifying assertions regarding FE's belief that the PUCO's 1-21-09 Request for Rehearing is now moot. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio