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March 30, 2000

**By Facsimile**  
Docketing Division  
PUCO  
180 East Broad Street  
Columbus, Ohio 43215

**Re: Case Nos. 99-1212-EL-ETP, 99-1213-EL-ATA, and 99-1214-EL-AAM**

To Docketing:

Please accept the enclosed original and twenty eight (28) copies of the Comments of Citizen Power in the above-named cases.

Please file the original and twenty seven (27) copies of the Comments in the above-named cases, and send a time-stamped copy to me in the enclosed self-addressed envelope.

Thank you for your assistance and cooperation.

Sincerely,

*William M. Ondrey Gruber*

William M. Ondrey Gruber

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician *Jean Schuyler* Date Processed *3-31-00*

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of FirstEnergy )  
Corp. on Behalf of Ohio Edison Company, The )  
Cleveland Electric Illuminating Company and The ) Case No. 99-1212-EL-ETP  
Toledo Edison Company for Approval for Their )  
Transition Plans and for Authorization To Collect )  
Transition Revenues. )

In the Matter of the Application of FirstEnergy )  
Corp. on Behalf of Ohio Edison Company, The )  
Cleveland Electric Illuminating Company and The ) Case No. 99-1213-EL-ATA  
Toledo Edison Company for Tariff Approval. )

In the Matter of the Application of FirstEnergy )  
Corp. on Behalf of Ohio Edison Company, The )  
Cleveland Electric Illuminating Company and The ) Case No. 99-1214-EL-AAM  
Toledo Edison Company for Certain Accounting )  
Authority. )

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Comments of Citizen Power  
On the Consumer Education Plan of FirstEnergy Corp.

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Citizen Power, an intervenor in the above-captioned cases, hereby respectfully presents to the Public Utilities Commission of Ohio ("Commission") its Comments on the Consumer Education Plan of FirstEnergy Corp. ("FirstEnergy" or "Company"). The Commission issued an Entry on March 23, 2000, which was received on or about March 27, 2000, providing essentially six (6) business days to provide comments on the Consumer Education Plan of FirstEnergy or risk the issues surrounding the Company's Plan being eliminated sua sponte from this proceeding.

The Commission's March 23<sup>rd</sup> Entry states that "(a)fter reviewing the consumer

education plan in FirstEnergy's application, as well as the staff's recommendations, the Commission believes that the consumer education aspect of FirstEnergy's plan may not require a hearing." (Page 2) Such an action, that is, the elimination of this issue from the proceeding, would be an arbitrary and unjust action, and a violation of the due process rights of parties to this proceeding. Moreover, such an action by the Commission would be a slap in the face of all customers of FirstEnergy, and would confirm their worst fears that residential and small business consumers are not going to have meaningful input in the State's transition to a competitive electric marketplace.

The Commission's conclusion about the issue of the Company's Consumer Education Plan has apparently been reached without considering any of the Preliminary Objections of the many parties, including Citizen Power, who have raised significant issues with regard to that Plan. The Commission states that it has reached its conclusion after reviewing the Plan and the Staff Report. The Staff Report was issued within a few days after the filing of Preliminary Objections by the intervening parties. While the Staff report claims to have considered the intervenors' objections, it would have been impossible for the Staff to have reviewed all of the objections and then publish the final Staff Report a couple of days later. Furthermore, the Staff Report's section on the Company's Consumer Education Plan does not mention a single issue raised by the intervenors.

The Commission's suggestion to eliminate this issue from further consideration is premature, because the testimony of intervenors will not be filed for two weeks. If it would ever be justified to consider eliminating this issue from the case, it certainly should not be done until at

least after the filing of testimony, when the Commission can see what evidence is being presented on this issue. Citizen Power is considering presenting testimony on this issue, and should not be foreclosed from this consideration. But regardless of whether testimony is presented, the fact remains that FirstEnergy's Plan is incomplete, and is not in compliance with Section 4928.42, Revised Code or the Commission's requirements for such plans as set forth in Case No. 99-1141-EL-ORD.

The Commission should review all of the Preliminary Objections of the intervenors that pertain to the Consumer Education Plan of the Company before issuing a ruling. Citizen Power sets forth its objections to FirstEnergy's Plan below:

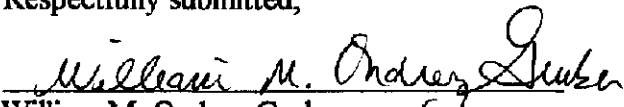
1. The Commission should reject FirstEnergy's Consumer Education Plan as inadequate and incomplete, and thus, for being in violation of Section 4928.42, Revised Code and the Commission's requirements for such plans established in Case No. 99-1141-EL-ORD..
2. The Company fails to set forth the details of a territory-specific plan, including a budget, major objectives, methods to be employed and other critical features that cannot be left up to the Company to address after this case is concluded, when consumers will have no recourse or input into the details.
3. The Company has failed to describe the process for the formation and workings of the Advisory Group required for the local territory-specific plan. This also cannot be left to the Company to determine and bring to the Commission after this proceeding is completed. Unfortunately, FirstEnergy cannot be trusted to form a local advisory group

that is in the best interests of consumers. It is likely the Company will exclude from such a panel those consumer representatives and organizations who have criticized the Company's Transition Plans or otherwise are not in favor with the Company. This is the same company, after all, that unlawfully and unilaterally dissolved the long-standing Consumer Advisory Panels of CEI that had been formed by Order of the Commission in settlement of a rate case. The Commission must require a comprehensive plan for the establishment of such Advisory Group or Groups, and require the submission of bylaws for its operation and purpose.

4. FirstEnergy's plans for a local advisory group is flawed, because there must be at least one group for each of the operating companies owned by FirstEnergy, that is, one each for CEI, Toledo Edison and Ohio Edison. FirstEnergy's position that it intends to have one, but that the decision as to the number of groups will be made later, is unreasonable and violates the Commission's Rules (Attachment II, Finding and Order, Case No. 99-1141-EL-ORD, November 30, 1999).
5. FirstEnergy's "plan" for consumer education fail to provide for the allocation of funds and resources to local community based groups and other consumer organizations that are knowledgeable about utility matters and consumer needs, as well as those that have particular credibility in and access to segments of the consumer population, for the provision of at least a portion of FirstEnergy's consumer education.

Wherefore, this Commission should not eliminate the important contested issue of the FirstEnergy Consumer Education Plan from this proceeding, and should allow the issue to proceed to hearing.

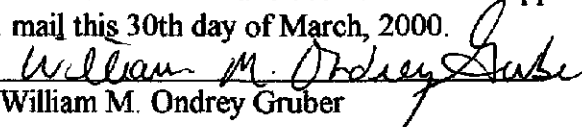
Respectfully submitted,

  
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March 30, 2000

Certificate of Service

I certify that a copy of these Comments have been sent to the Applicant and all Intervenors by E-mail or regular U. S. mail this 30th day of March, 2000.

  
William M. Ondrey Gruber