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FirstEnergy

76 South Main St.
Akron, Ohio 44308

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FILE

September 22, 2009

Betty McCauley
Chief of Docketing
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

RECEIVED-DOCKETING DIV
2009 SEP 23 AM 10:54
PUCO

SUBJECT: Case Nos. 09-~~846~~-EL-ATA
06-0653-EL-ORD
89-6008-EL-TRF

Dear Ms. McCauley:

In response pursuant to the Commission's Order in Docket No. 06-653-EL-ORD requiring changes to The Toledo Edison Company's Electric Service Tariffs and the modification of specific liability language therein, enclosed please find an original and 15 copies of the proposed filing for The Toledo Edison Company.

Please open a new ATA docket and assign a case number. Also please file one copy of this filing in Case No. 06-0653-EL-ORD, one copy in Case No. 89-6008-EL-TRF, and return two time-stamped copies (with the assigned case number) in the enclosed envelope.

Thank you.

Sincerely,



Steven E. Ouellette
Director, Rates & Regulatory Affairs

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Sm Date Processed SEP 23 2009

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**Application NOT Involving an Increase in Rates,
pursuant to Section 4909.18 Revised Code**

In the Matter of the Application of)
The Toledo Edison Company)
to modify specific liability language)
in the Electric Service Regulations)
)
)

Case No. 09- 848 -EL-ATA
Case No. 06-0653-EL-ORD
Case No. 89-6008-EL-TRF

1. APPLICANT RESPECTFULLY PROPOSES: (Check applicable proposals)

- | | |
|---|---|
| <input type="checkbox"/> New Service | <input type="checkbox"/> Change in Rule or Regulation |
| <input type="checkbox"/> New Classification | <input type="checkbox"/> Reduction Rates |
| <input type="checkbox"/> Change in Classification | <input type="checkbox"/> Correction of Error |
| <input checked="" type="checkbox"/> Other, not involving increase in rates | |
| <input type="checkbox"/> Various related and unrelated textual revision, without change in intent | |

2. DESCRIPTION OF PROPOSAL: Reflect changes proposed pursuant to the Commission's Order in Docket No. 06-653-EL-ORD requiring the modification of specific liability language for The Toledo Edison Company.

3. TARIFFS AFFECTED: (If more than 2, use additional sheets)

4. Attached hereto and made a part hereof are: (Check applicable Exhibits)

- ☒ Exhibit A - existing schedule sheets (to be superseded) if applicable
- ☒ Exhibit B - proposed schedule sheets

___ Exhibit C-1

- a) if new service is proposed, describe;
Description included on attached Exhibit C-1.
- b) if new equipment is involved, describe (preferably with a picture, brochure, etc.)
and where appropriate, a statement distinguishing proposed service from existing
services;
- c) if proposed service results from customer requests, so state, giving if available,
the number and type of customers requesting proposed service.

___ Exhibit C-2 - if a change of classification, rule or regulation is proposed, a statement
explaining reason for change.

X Exhibit C-3 - statement explaining reason for any proposal not covered in Exhibits C-
1 or C-2.

- 5. This application will not result in an increase in any rate, joint rate, toll, classification, charge
or rental.
- 6. Applicant respectfully requests the Commission to approve the requested changes to Cleveland
Electric Illuminating Company's Electric Service Tariffs and the modification of specific
liability language and to authorize the Cleveland Electric Illuminating Company to file same in
final form, and to be in the form and content shown in Exhibit B.



Ebony L. Miller

Attorney

NAME and TITLE

76 South Main Street
Akron, Ohio 44308

ADDRESS

330-384-5969

TELEPHONE NUMBER

TABLE OF CONTENTS

The following rates, rules and regulations for electric service are applicable throughout the Company's service territory except as noted.

	<u>Sheet</u>	<u>Effective Date</u>
TABLE OF CONTENTS	1	09-01-09
DEFINITION OF TERRITORY	3	01-23-09
ELECTRIC SERVICE REGULATIONS	4	05-01-09
ELECTRIC SERVICE SCHEDULES		
Residential Service (Rate "RS")	10	01-23-09
General Service - Secondary (Rate "GS")	20	01-23-09
General Service - Primary (Rate "GP")	21	01-23-09
General Service - Subtransmission (Rate "GSU")	22	01-23-09
General Service - Transmission (Rate "GT")	23	01-23-09
Street Lighting Provisions	30	01-23-09
Street Lighting (Rate "STL")	31	06-01-09
Traffic Lighting (Rate "TRF")	32	01-23-09
Private Outdoor Lighting (Rate "POL")	33	06-01-09
MISCELLANEOUS CHARGES	75	01-23-09
OTHER SERVICE		
Partial Service	52	01-01-06
Cogeneration and Small Power Producer	70	01-01-03
Interconnection Tariff	76	01-01-09

ELECTRIC SERVICE REGULATIONS

- F. Special Facilities:** All costs (including, without limitation, any government imposed fees) for any special services, facilities, or instrumentation which may be rendered or furnished by the Company for a customer at the customer's request or at the direction of any governmental authority, and not provided for in the Company's rate schedules and not ordinarily necessary or directly involved in the furnishing of electric service, shall be paid for by the customer for whom such services, facilities, or instrumentation are furnished, by the customers residing within the boundaries of the governmental entity for whom such services, facilities, or instrumentation are furnished. Any such costs shall be in addition to the charges for electric service provided for in the applicable rate schedule, and may be itemized on the electric bill to such customer(s) or billed separately by the Company. Upon request by the customer and in the sole discretion of the Company, such special services, facilities, or instrumentation may be supplied and maintained by the customer at the customer's expense.
- G. Access To Premises:** The customer or, if applicable, the landlord, shall grant Company's employees and authorized agents access to the customer's premises at all reasonable hours for the purpose of reading, inspecting, testing, repairing, maintaining, replacing, installing, analyzing or removing meters or other Company property. In the event of an emergency, the Company's employees and authorized agents shall have access to customer's premises at any time.

If a customer or a landlord fails to grant access for reasons described above, and judicial redress is necessary to secure such access, the Company may collect from the customer or the landlord any and all costs incurred to secure such access.

X. CUSTOMER'S WIRING, EQUIPMENT AND SPECIAL SERVICES

- A. Installation:** The customer shall supply all wiring on the customer's side of the point of attachment as designated by the Company. All of the customer's wiring and electrical equipment should be installed so as to provide not only for immediate needs but for reasonable future requirements and shall be installed and maintained by the customer to meet the provisions of the National Electrical Code, the regulations of the governmental authorities having jurisdiction over such installations and the reasonable requirements of the Company. As required by Chapter 4901:1-10 of the Ohio Administrative Code, before the Company connects service for any new installations, such installation must be inspected and approved by the local inspection authority or, when there is no local inspection authority, by a licensed electrician. An inspection is also necessary for any changes in wiring on the customer's premises.
- B. Limitation Of Liability:** The Company shall not be liable for any loss, cost, damage or expense that the customer may sustain by reason of damage to or destruction of any property, including the loss of use thereof arising out of, or in any manner connected with interruptions in service, variations in service characteristics, high or low voltage, phase failure, phase reversal, the use of electrical appliances or the presence of the Company's property on the customer's premises whether such damages are caused by or involve any fault, failure or negligence of the Company or otherwise except such damages that are caused by or due to the willful and wanton misconduct of the Company. The Company shall not be liable for damage to any customer or to third persons resulting from the use of the service on the customer's premises or from the presence of the Company's appliances or equipment on the customer's premises.

The PUCO approval of the above tariff language in respect to the limitation of liability arising from the Company's negligence does not constitute a determination that such limitation language should be upheld in a court of law. Approval by the Commission merely recognizes that since it is a court's responsibility to adjudicate negligence and consequent damage claims, it should be also the court's responsibility to determine the validity of the exculpatory clause.

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Filed pursuant to Order dated January 21, 2009 _____, in Case No. 07-651-EL-AIR _____,

before

The Public Utilities Commission of Ohio

Issued by: Richard R. Grigg, President

Effective: January 23, 2009 _____

EXHIBIT C-3

Statement of Proposal

This tariff filing is designed to make changes to the Company's tariffs which reflect new rules approved in the Commission's May 6, 2009 Order in Docket No. 06-653-EL-ORD. Said rules possess an effective date of June 29, 2009.

VERIFICATION

State of Ohio, Summit County, ss:

James F. Pearson, VP and Treasurer,
Name of Officer

James F. Pearson, (and)
(President) (Vice President)

Jacqueline S. Cooper, Asst. Corp. Sec.
Name of Officer

Jacqueline S. Cooper
(Secretary) (Treasurer)

The Cleveland Electric Illuminating Company, being first duly sworn hereby verify this application

Sworn and subscribed before me this 21st day of September, 2009

Michele A. Buchtel
Notary Public

Michele A. Buchtel
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 08/28/11

