

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Nucor Steel Marion, Inc.,)

Complainant,)

v.)

Ohio Edison Company, The Cleveland)
Electric Illuminating Company, and)
The Toledo Edison Company,)

Respondents.)

Case No. 09-46-EL-CSS

ENTRY

The Commission finds:

- (1) On January 21, 2009, Nucor Steel Marion, Inc., (Nucor) filed a complaint against Ohio Edison Company (OE), The Cleveland Electric Illuminating Company (CEI), The Toledo Edison Company (TE) (collectively, FirstEnergy), alleging that FirstEnergy had instituted a new policy for calling economic interruptions that changed the operation of interruptible rates in a manner detrimental to customers.
- (2) On February 2, 2009, OE filed its answer to the complaint. In addition, CEI and TE filed their answer on February 2, 2009.
- (3) On March 17, 2009, Nucor filed a request for withdrawal of the complaint with prejudice. Nucor notes that it is a party to the stipulation filed in *In re FirstEnergy*, Case No. 08-935-EL-SSO, et al., and that, pursuant to the stipulation, the signatory parties agreed to withdraw, with prejudice, all cases pending at the Commission regarding interruptible protocols applied prior to June 1, 2009.
- (4) Accordingly, the Commission finds that the request for withdrawal of the complaint, with prejudice, is reasonable and should be granted and that the complaint should be dismissed.

- (5) Further, on January 21, 2009, Nucor filed a motion for admission *pro hac vice* on behalf of Garrett A. Stone and Michael K. Lavanga. The Commission finds that this motion is reasonable and should be granted.

It is, therefore,

ORDERED, That Nucor's request for withdrawal of the complaint, with prejudice, be granted and that the complaint be dismissed and closed of record. It is, further,

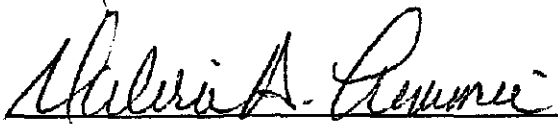
ORDERED, That the motion for admission *pro hac vice* submitted on behalf of Garrett A. Stone and Michael K. Lavanga be granted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

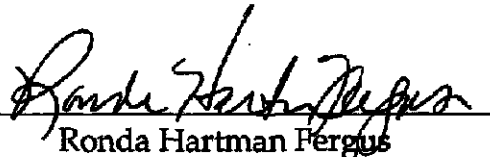
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Paul A. Centolella



Valerie A. Lemmie



Ronda Hartman Fergus

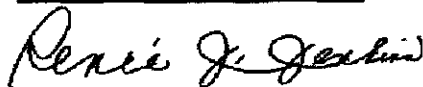


Cheryl L. Roberto

GAP:ct

Entered in the Journal

SEP 30 2009



Renee J. Jenkins
Secretary