

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
The Toledo Edison Company's for) Case No. 09-848-EL-ATA
Approval of Changes to its Electric)
Service Tariff.)

In the Matter of the Commission's)
 Review of Chapters 4901:1-10, 4901:1-21,) Case No. 06-653-EL-ORD
 4901:1-22, 4901:1-23, 4901:1-24, and)
 4901:1-25 of the Ohio Administrative Code.)

FINDING AND ORDER

The Commission finds:

- (1) Toledo Edison (TE) is a public utility as defined in Section 4905.02, Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) On November 5, 2008, in Case No. 06-653-EL-ORD, the Commission adopted revised Electric Service and Safety Standards (ESSS) in Chapter 4901:1-10 of the Ohio Administrative Code (O.A.C).
- (3) On May 6, 2009, the Commission issued an entry on rehearing in Case No. 06-653-EL-ORD, which ordered the electric utilities to file applications to revise their tariffs to be consistent with the revised rules within 60 days of their effective date. The ESSS rules became effective on June 29, 2009.
- (4) On September 23, 2009, TE filed an application to amend its Electric Service Tariff to modify the limitation of liability language. TE removed the reference to negligence in its limitation of liability provision to comply with Rule 4901:1-10-02(G), O.A.C.
- (5) On October 30, 2009, TE filed amended tariff sheets.
- (6) The Commission has reviewed TE's September 23, 2009, application to revise its tariff sheets and its amended tariff sheets filed on October 30, 2009, and finds that the modified tariff provisions filed pursuant to Section 4909.18, Revised

Code, comply with the requirements of Chapter 4901:1-10, O.A.C., are not for an increase in any rate, and do not appear to be unjust and unreasonable. Therefore, we find that the application, as amended, should be approved.

It is, therefore,

ORDERED, That TE's application to revise its tariff, as filed on September 23, 2009, and amended on October 30, 2009, be approved. It is, further,

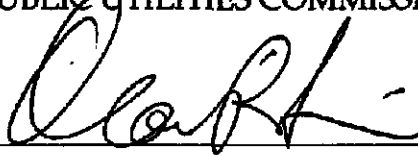
ORDERED, That TE is authorized to file, in final form, four complete copies of the tariff, consistent with this finding and order. TE shall file one copy in its TRF docket (or may make such filing electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That the effective date of the new tariff shall be a date not earlier than both the date of this finding and order and the date upon which a final tariff is filed with the Commission. It is, further,


ORDERED, That nothing in this finding and order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

ORDERED, That a copy of this finding and order be served upon TE and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



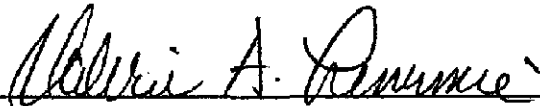
Alan R. Schriber, Chairman



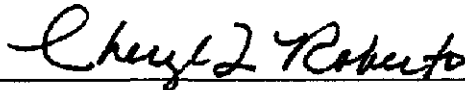
Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie




Cheryl L. Roberto

BJB:js

Entered in the Journal

NOV 24 2009



Renee J. Jenkins
Secretary