

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Procurement of )  
Standard Service Offer Generation for )  
Customers of Ohio Edison Company, ) Case No. 10-1284-EL-UNC  
The Cleveland Electric Illuminating )  
Company, and The Toledo Edison )  
Company. )

ENTRY

The Commission finds:

- (1) Section 4928.141, Revised Code, provides that electric utilities shall provide consumers a standard service offer (SSO) of all competitive retail electric services in accordance with Section 4928.142 or 4928.143, Revised Code.
- (2) On March 23, 2010, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy or the Companies) filed an application for a standard service offer (SSO), in the form of an electric security plan (ESP), in accordance with Section 4928.143, Revised Code. *In re FirstEnergy*, Case No. 10-388-EL-SSO, Opinion and Order (August 25, 2010). In addition, during the proceeding, various signatory parties submitted an original stipulation and two supplemental stipulations (collectively, the Combined Stipulation). Among other terms, the Combined Stipulation provided that, for the period between June 1, 2011, through May 31, 2014, retail generation rates for the SSO will be determined by a competitive bid process (CBP). Further, the Combined Stipulation provided that the Commission may retain a consultant who, in addition to other duties, may monitor the CBP; the costs of the consultant will be included and recovered as part of the costs of the procurement. On August 25, 2010, the Commission issued its Opinion and Order, adopting the Combined Stipulation, as modified by the Commission.
- (3) The Commission has retained Boston Pacific Company, Inc., (Boston Pacific) as its consultant pursuant to the terms of the Combined Stipulation. Accordingly, FirstEnergy should enter into a contract with the Boston Pacific to pay its expenses. The proposed contract shall be submitted to the Staff.

- (4) Boston Pacific will execute its duties pursuant to the Commission's statutory authority to investigate and obtain records, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code. Boston Pacific shall be subject to the Commission's statutory duty under Section 4901.16, Revised Code, which states, in relevant part:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent.

Once disclosure is permitted by Section 4901.16, Revised Code, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, Staff or Boston Pacific may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission is moved for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Rule 4901-1-07, Ohio Administrative Code.

- (5) Upon request of Boston Pacific or Staff, FirstEnergy shall provide any and all documents or information requested. FirstEnergy may conspicuously mark such documents or information "confidential." In no event, however, shall FirstEnergy refuse or delay in providing such documents or information.
- (6) Boston Pacific shall perform its duties as an independent contractor. Neither the Commission nor its Staff shall be liable for any acts committed by the consultant in the performance of its duties.

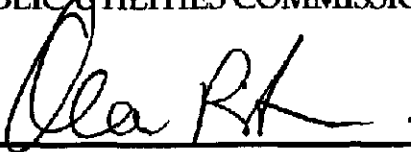
It is, therefore,

ORDERED, That, in accordance with Finding (3), FirstEnergy enter into a contract with Boston Pacific and pay Boston Pacific's expenses. It is, further,

ORDERED, That FirstEnergy and Boston Pacific shall observe the requirements set forth herein. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

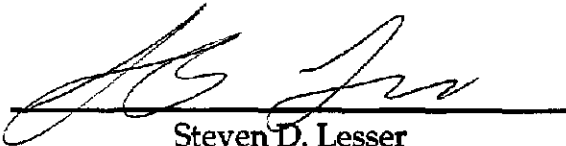


Alan R. Schriber, Chairman



Paul A. Centolella

Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

GAP/dah

Entered in the Journal

SEP 08 2010



Renee J. Jenkins  
Secretary