

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric )  
Illuminating Company, and The Toledo ) Case Nos. 10-176-EL-ATA  
Edison Company for Approval of a New )  
Rider and Revision of an Existing Rider. )

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy or the Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On February 12, 2010, FirstEnergy filed an application in this proceeding to revise its current tariffs in order to provide rate relief to certain all-electric customers.
- (3) On March 3, 2010, the Commission issued its Finding and Order in this proceeding, approving FirstEnergy's application as modified by the Commission and providing interim rate relief for all-electric residential customers. On March 8, 2010, the Ohio Consumers' Counsel (OCC) filed an application for rehearing. On April 6, 2010, the Commission granted rehearing for the purpose of further consideration of the matters specified in the application for rehearing. Subsequently, on April 15, 2010, the Commission denied rehearing in our Second Entry on Rehearing (April 15 Entry) in this proceeding.

On April 2, 2010, FirstEnergy also filed an application for rehearing regarding the Commission's March 3, 2010, Finding and Order. The Commission granted rehearing on April 28, 2010, in the Third Entry on Rehearing in this proceeding.

On May 14, 2010, FirstEnergy filed an application for rehearing regarding the April 15 Entry. Further, on May 17, 2010, Industrial Energy Users-Ohio (IEU-Ohio) and OCC each filed applications for rehearing arguing that the April 15

Entry is unreasonable and unlawful on two separate grounds. On June 9, 2010, the Commission granted rehearing for the purpose of further consideration of the matters specified in the May 14, 2010 FirstEnergy application for rehearing and the May 17, 2010 applications for rehearing filed by IEU-Ohio and by OCC.

- (4) In the Finding and Order issued on March 3, 2010, the Commission directed Staff to file a report regarding the appropriate long-term rates that should be provided to all-electric residential customers of FirstEnergy. The Commission further directed that Staff provide a range of options regarding proposed rates and discounts for all-electric residential customers and that each option be supported by a thorough statistical analysis, including the bill impact upon all-electric customers at various levels of consumption and the number of all-electric residential customers at each consumption level.
- (5) On September 24, 2010, the Staff filed its report as directed by the Commission. The Staff Report outlines six different options for the reduction or elimination of the discounts provided to all-electric customers as well as the bill impacts for each option.
- (6) The attorney examiner finds that the following procedural schedule should be established for these proceeding:
  - (a) Motions to intervene in this proceeding should be filed by November 1, 2010.
  - (b) Testimony on behalf of the Companies and intervenors should be filed by November 15, 2010.
  - (c) A prehearing conference should be held on November 18, 2010, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11<sup>th</sup> Floor, Hearing Room 11-A, Columbus, Ohio 43215.
  - (d) The evidentiary hearing shall commence on November 29, 2010, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11<sup>th</sup> Floor, Hearing Room 11-A, Columbus, Ohio 43215.

- (7) In order to provide customers of FirstEnergy a reasonable opportunity to provide public testimony regarding potential rates to be charged to all-electric customers, the following local public hearings will be conducted on the following dates:
- (a) Monday, October 25, 2010, at 6:00 p.m., at the Sandusky Community Church of the Nazarene, 1617 Milan Road, Sandusky, Ohio 44870.
  - (b) Tuesday, October 26, 2010, at 6:00 p.m., at the Maumee Municipal Building, 400 Conant Street, Maumee, Ohio 43537.
  - (c) Wednesday, October 27, 2010, at 6:00 p.m., at the Strongsville High School, 20025 Lunn Road, Strongsville, Ohio 44149.
  - (d) Wednesday, November 17, 2010, at 6:00 p.m., at the North Ridgeville Education Center Community Room, 5490 Mills Creek Lane, North Ridgeville, Ohio 44039.
  - (e) Wednesday, November 17, 2010, at 6:00 p.m., at Timmons Elementary School, 9595 East Washington Street, Chagrin Falls, Ohio 44023.
  - (f) Thursday, November 18, 2010, at 6:00 p.m., at the Springfield City Hall, City Forum - 1st Floor, 76 East High Street, Springfield, Ohio 45502.
- (8) Pursuant to Rule 4901:1-35-06(A), Ohio Administrative Code (O.A.C.), FirstEnergy should publish legal notice of the application and scheduled local and evidentiary hearings in a newspaper of general circulation in each county in its service territory. Publication of the notice should be completed by October 22, 2010. The hearing notice should not appear in the legal notices section of the newspaper. The notice should read as follows:

#### LEGAL NOTICE

The Public Utilities Commission of Ohio has scheduled local hearings and an evidentiary hearing in Case No. 10-176-EL-ATA, *In the Matter of the Application of Ohio Edison Company, The*

*Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a New Rider and Revision of an Existing Rider.* In this proceeding, the Commission will consider the companies' application to provide rate relief for certain all-electric residential customers. On September 24, 2010, the staff of the Public Utilities Commission of Ohio issued a report of its investigation into the application filed by the companies. In the staff report, staff provided a range of options regarding potential rates to be charged to all-electric residential customers.

The local hearings are scheduled for the purpose of providing an opportunity for interested members of the public to testify in this proceeding regarding potential rates to be charged to all-electric customers. The local hearings will be held as follows:

- (a) Monday, October 25, 2010, at 6:00 p.m., at the Sandusky Community Church of the Nazarene, 1617 Milan Road, Sandusky, Ohio 44870.
- (b) Tuesday, October 26, 2010, at 6:00 p.m., at the Maumee Municipal Building, 400 Conant Street, Maumee, Ohio 43537.
- (c) Wednesday, October 27, 2010, at 6:00 p.m., at the Strongsville High School, 20025 Lunn Road, Strongsville, Ohio 44149.
- (d) Wednesday, November 17, 2010, at 6:00 p.m., at the North Ridgeville Education Center Community Room, 5490 Mills Creek Lane, North Ridgeville, Ohio 44039.
- (e) Wednesday, November 17, 2010, at 6:00 p.m., at Timmons Elementary School, 9595 East Washington Street, Chagrin Falls, Ohio 44023.
- (f) Thursday, November 18, 2010, at 6:00 p.m., at the Springfield City Hall, City Forum - 1<sup>st</sup> Floor, 76 East High Street, Springfield, Ohio 45502.

The evidentiary hearing regarding the provisions of the companies' electric security plan will commence on Monday, November 29, 2010, at 10:00 a.m., at the offices of the

Commission, 11<sup>th</sup> Floor, Hearing Room 11-A, 180 East Broad Street, Columbus, Ohio 43215.

Further information or a copy of the staff report may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793; by calling the PUCO hotline at 1-800-686-7826; or by going to the PUCO website at [www.puco.ohio.gov](http://www.puco.ohio.gov), selecting DIS, and inserting the case number referenced above.

It is, therefore,


ORDERED, That the procedural schedule set forth in finding (6) be adopted. It is, further,

ORDERED, That local public hearings in this proceeding be held as set forth in finding (7). It is, further,

ORDERED, That FirstEnergy publish notice of the hearings as set forth in finding (8). It is, further,

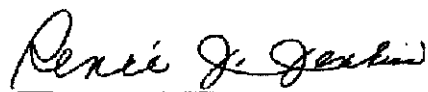
ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Henry H. Phillips-Gary  
Attorney Examiner

  
/vrn

Entered in the Journal  
OCT 08 2010



Renee J. Jenkins  
Secretary