

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)
Edison Company for Authority to Establish) Case No. 10-388-EL-SSO
a Standard Service Offer Pursuant to)
Section 4928.143, Revised Code, in the)
Form of an Electric Security Plan.)

SECOND ENTRY ON REHEARING

The Commission 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 October 20, 2009, FirstEnergy filed an application, in Case No. 09-906-EL-SSO (hereinafter, *MRO Case*), for its standard service offer (SSO) commencing June 1, 2011, pursuant to Section 4928.141, Revised Code. This application was for a market rate offer (MRO) in accordance with Section 4928.142, Revised Code.
- (3) Subsequently, on March 23, 2010, FirstEnergy filed an application in this proceeding, pursuant to Section 4928.141, Revised Code, for a SSO for the period between June 1, 2011, and May 31, 2014. This application is for an electric security plan (ESP), in accordance with Section 4928.143, Revised Code.
- (4) On August 25, 2010, the Commission issued its Opinion and Order in this proceeding, adopting three stipulation filed by various parties (the Combined

Stipulation), as modified by the Commission, and approving the proposed ESP.

- (5) Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.
- (6) On September 24, 2010, Citizen Power, Ohio Consumers' Counsel, and the Natural Resources Defense Council (Ohio Consumer and Environmental Advocates or OCEA) filed an application for rehearing, alleging that the Opinion and Order was unreasonable and unlawful on twelve separate grounds.¹
- (7) On October 4, 2010, Industrial Energy Users-Ohio, (IEU-Ohio), FirstEnergy, and Nucor Steel Marion, Inc., (Nucor) each filed memoranda contra the application for rehearing.
- (8) The Commission grants the application for rehearing filed by OCEA. We believe that sufficient reason has been set forth by OCEA to warrant further consideration of the matters specified in the application for rehearing.

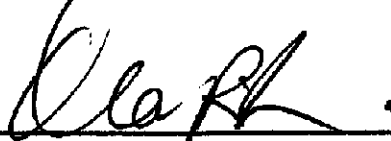
It is, therefore,

ORDERED, That the application for rehearing filed by OCEA be granted for further consideration of the matters specified in the application for rehearing. It is, further,

¹ OCEA included the case caption of the *MRO Case* in its application for rehearing and filed the application in the *MRO Case*. Since the *MRO Case* has not been consolidated with the instant proceeding, both including the *MRO Case* caption in the application for rehearing and the filing of the application for rehearing in the *MRO Case* were improper and will be disregarded by the Commission.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



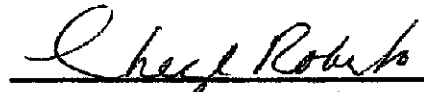
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

GAP/sc

Entered in the Journal

OCT 22 2010



Renee J. Jenkins
Secretary