

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 No. 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) 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.
- (4) Further, by entry issued on October 8, 2010, this case was set for an evidentiary hearing on November 29, 2010. The evidentiary hearing in this matter commenced as scheduled on November 29, 2010, and was then continued until January 27, 2011.
- (5) By entry issued on November 17, 2010 (November 17 Entry), Sue Steigerwald, Citizens for Keeping the All-Electric Promise (CKAP), Joan Heginbotham, and Bob Schmitt Homes, Inc. (Bob Schmitt Homes) (collectively, CKAP Parties) were granted intervention in this proceeding.
- (6) On December 15, 2010, FirstEnergy filed a motion to compel, moving for an order compelling the CKAP Parties to provide complete responses to FirstEnergy's First and Third Sets of Interrogatories and Requests for Production. On December 17,

2010, FirstEnergy filed another motion to compel, this time seeking an order compelling the Office of the Ohio Consumers' Counsel (OCC) to provide complete responses to FirstEnergy's First, Second, and Third Sets of Interrogatories and Requests for Production. OCC responded by filing a memorandum contra on December 27, 2010.

- (7) On December 22, 2010, FirstEnergy filed a motion for issuance of a subpoena. OCC responded on December 28, 2010, by filing a motion to quash FirstEnergy's subpoena and memorandum contra.
- (8) On December 23, 2010, OCC filed a motion to compel responses, moving for an order compelling FirstEnergy to fully and specifically respond to two interrogatories served by OCC.
- (9) The attorney examiner finds that, in order to resolve all pending discovery issues, a prehearing conference should be held in this matter on January 7, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. At the prehearing conference, the parties should be prepared to make arguments on the record regarding the pending discovery motions.

It is, therefore,


ORDERED, That a prehearing conference be held in this matter on January 7, 2011, in accordance with finding (9). 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


/vrm

Entered in the Journal

JAN 03 2011



Renee J. Jenkins
Secretary