

**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 Approval of a Force Majeure Determination for a Portion of the 2010 Solar Energy Resources Benchmark Requirement Pursuant to Section 4928.64(C)(4) of the Ohio Revised Code and Section 4901:1-40-06 of the Ohio Administrative Code**

**Case No. 11-0411-EL-ACP**

---

**NOTICE OF WITHDRAWAL OF OHIO EDISON COMPANY,  
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND  
THE TOLEDO EDISON COMPANY**

---

Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, “the Companies”) hereby give notice of their withdrawal of their Application for Approval of a Force Majeure Determination for a Portion of the 2010 Solar Energy Resources Benchmark Requirement Pursuant to Section 4928.64(C)(4) of the Ohio Revised Code and Section 4901:1-40-06 of the Ohio Administrative Code (hereinafter “Application”). The Companies filed their Application on January 24, 2011.

The Companies withdraw their Application for three reasons. First, in their Application, the Companies indicated that, out of their benchmark 3,206 solar renewable energy credits (“SRECs”) originating in Ohio, the Companies procured 112 delivered SRECs.<sup>1</sup> However, since the filing of the Application, the Companies have procured a total of 1,752 SRECs (1,613 delivered). The Companies believe the Commission should have the most recent and complete information in its review of the new force majeure

---

<sup>1</sup> At that time, the Companies also expected an additional 145 contracted SRECs to be delivered.

application, including the current number of SRECs acquired by the Companies. In addition, since the filing of their Application, the Companies have continued searching for SRECs that they can use for 2010 compliance purposes. Thus, the Companies withdraw their Application so that they may file a new force majeure application to reflect these continuing efforts.

Second, the Companies believe that it is appropriate to withdraw their Application and file a new force majeure application, which would re-start the 90-day time period in which the Commission has to review the application, contained in Section 4928.64(C)(4) of the Ohio Revised Code. This action will not prejudice the stakeholders and will give all interested parties the ability to review the Companies' new force majeure application within the 90-day time period.

Third, pursuant to Section 4901:1-40-05 of the Ohio Administrative Code, on April 15, 2011, the Companies are required to file a status report regarding their compliance with the State's Alternative Energy Portfolio Standards. Because the Companies' new force majeure application will incorporate much of the same information included in this status report, the Companies intend to file its new force majeure application contemporaneously with their status report.

Lastly, on Friday, April 8, 2011, the Companies notified all parties to this case of their intent to withdraw their Application. The Companies are not withdrawing their Application for purposes of delay but instead to ensure the Commission and other interested stakeholders have the most recent information and time to review it. For all of those foregoing reasons, the Companies withdraw their January 24, 2011 Application and request that the Attorney Examiner close this case.

Respectfully submitted,

/s/ Carrie M. Dunn

Kathy J. Kolich (0038855)

Counsel of Record

Carrie M. Dunn (0076952)

FIRSTENERGY SERVICE COMPANY

76 South Main Street

Akron, OH 44308

(330) 761-4580

(330) 384-3875 (fax)

kjkolich@firstenergycorp.com

cdunn@firstenergycorp.com

*Attorneys for Ohio Edison Company, The  
Cleveland Electric Illuminating Company and  
The Toledo Edison Company*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Notice of Withdrawal of Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Illuminating Company* was served electronically and via U.S. Mail upon the parties of record identified on below on this 11<sup>th</sup>, day of April, 2011.

Tara C. Santarelli  
Environmental Law & Policy Center  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
[tsantarelli@clpc.org](mailto:tsantarelli@clpc.org)

Christopher J. Allwein  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
[allwein@occ.state.oh.us](mailto:allwein@occ.state.oh.us)

Terrence O'Donnell  
Christopher Montgomery  
Bricker & Eckler LLP  
100 South Third Street  
Columbus, Ohio 43215  
[todonnell@bricker.com](mailto:todonnell@bricker.com)  
[cmontgomery@bricker.com](mailto:cmontgomery@bricker.com)

William T. Reisinger  
Nolan Moser  
Elizabeth Camille Yancey  
Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43212-3449  
[will@theoocc.org](mailto:will@theoocc.org)  
[Nolan@theoocc.org](mailto:Nolan@theoocc.org)  
[Camille@theoocc.org](mailto:Camille@theoocc.org)

William Wright  
Assistant Attorney General  
180 East Broad Street, 6<sup>th</sup> Floor  
Columbus, Ohio 43215-3793  
[william.wright@puc.state.oh.us](mailto:william.wright@puc.state.oh.us)

/s/ Carrie M. Dunn

One of the Attorneys for Ohio  
Edison Company, the Cleveland  
Electric Illuminating Company and  
the Toledo Edison Company

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/11/2011 4:22:54 PM**

**in**

**Case No(s). 11-0411-EL-ACP**

Summary: Notice of withdrawal of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company electronically filed by Ms. Carrie M Dunn on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company