

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Review of the)
Alternative Energy Rider Contained in the)
Tariffs of Ohio Edison Company, The) Case No. 11-5201-EL-RDR
Cleveland Electric Illuminating Company,)
and The Toledo Edison Company.)

ENTRY

The Commission finds:

- (1) On September 20, 2011, the Commission issued an entry on rehearing in *In the Matter of the Annual Alternative Energy Status Report of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 11-2479-EL-ACP. In that entry on rehearing, the Commission stated that it had opened the above-captioned case for the purpose of reviewing the Rider AER of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies). Additionally, the Commission stated that its review would include the Companies' procurement of renewable energy credits for purposes of compliance with Section 4928.64, Revised Code. The Commission further noted that it would determine the necessity and scope of an external auditor within the above-captioned case.
- (2) To assist the Commission with the audit, the Commission directed Staff to issue a request for proposal (RFP) for audit services on January 18, 2012, with proposals due on February 10, 2012.
- (3) Staff issued RFP No. EE12-FEAER-1 on January 18, 2012. Nine auditors submitted timely proposals.

- (4) Staff has evaluated the proposals received in response to the RFP. After consideration of the proposals received, the Commission selects Exeter Associates, Inc. (Exeter), to conduct the management/performance portion of the audit and Goldenberg Schneider, LPA (Goldenberg), to conduct the financial portion of the audit. The Commission finds that Exeter and Goldenberg have the necessary experience to complete the required work under the RFP.
- (5) FirstEnergy shall enter into contracts with Exeter and Goldenberg for the purpose of providing payment for their auditing services. The contracts shall incorporate the terms and conditions of the RFP, the auditors' proposals, and relevant Commission entries in this case.
- (6) Exeter and Goldenberg will execute their duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code. Exeter and Goldenberg are subject to the Commission's statutory duty under Section 4901.16, Revised Code, which provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding, 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. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the Commission.

- (7) Upon request of Exeter, Goldenberg, or Staff, FirstEnergy shall provide any and all documents or information requested. FirstEnergy may conspicuously mark such documents or information "confidential" if FirstEnergy believes the document should be deemed as such. In no event, however, shall FirstEnergy refuse or delay in providing such documents or information.
- (8) 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, Exeter, or Goldenberg may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period shall be computed according to Rule 4901-1-07, Ohio Administrative Code.
- (9) Exeter and Goldenberg shall perform their audits and investigations as independent contractors. Any conclusions, results, or recommendations formulated by Exeter or Goldenberg may be examined by any participant to this proceeding. Further, it shall be understood that the Commission and/or its Staff shall not be liable for any acts committed by Exeter, Goldenberg, or their agents in the preparation and presentation of the reports.

It is, therefore,


ORDERED, That Exeter and Goldenberg are hereby selected to perform the consulting activities set forth above. It is, further,

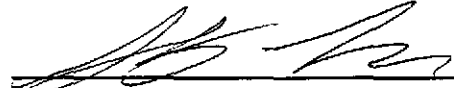
ORDERED, That FirstEnergy, Exeter, and Goldenberg shall observe the requirements set forth in this entry. It is, further,

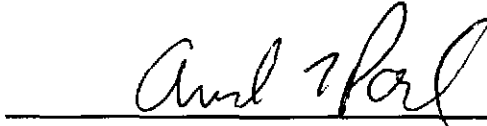
ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman

Paul A. Centolella

Steven D. Lesser

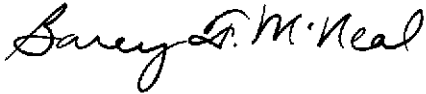
Andre T. Porter

Cheryl L. Roberto

MLW/sc

Entered in the Journal

FEB 23 2012



Barcy F. McNeal
Secretary