

FILE

**FirstEnergy**

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2008 JUN -3 AM 10: 06

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PUCO

June 2, 2008

**VIA OVERNIGHT MAIL**

Ms. Renee J. Jenkins  
Director, Administration Department  
Secretary to the Commission  
Docketing Division  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

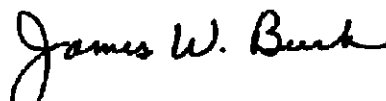
RE: PUCO Case No. 08-124-EL-ATA, Case No. 08-125-EL-AAM  
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric  
Illuminating Company, and The Toledo Edison Company for Authority to Modify  
Certain Accounting Practices and for Tariff Approvals  
Motion to Suspend Proceedings; Memorandum in Support

Dear Ms. Jenkins:

Enclosed for filing please find the original and twelve (12) copies of *Motion To Suspend Proceedings*; and *Memorandum in Support* for docketing regarding the above-referenced case which was fax-filed today. Please file the attached. File-stamp the two extra copies and return them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

  
James W. Burk

JWB:ls  
Enclosures 12

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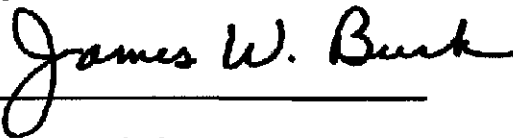
**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	
<b>Illuminating Company, and The Toledo</b>	)	
<b>Edison Company for Authority to</b>	)	<b>Case No. 08-124-EL-ATA</b>
<b>Modify Certain Accounting Practices</b>	)	<b>Case No. 08-125-EL-AAM</b>
<b>and for Tariff Approvals</b>	)	

**MOTION TO SUSPEND PROCEEDINGS**

Come now Ohio Edison Company (hereinafter "OE"), The Cleveland Electric Illuminating Company (hereinafter "CEI"), and The Toledo Edison Company (hereinafter "TE", with OE, CEI and TE, collectively referred to as the "Companies"), and respectfully request the Public Utilities Commission of Ohio ("Commission") to suspend all filings, discovery, testimony, and proceedings in the abovementioned cases otherwise required by the Commission's April 4, 2008 Entry in this matter, including the hearing scheduled in this matter for July 15, 2008, for the reason that the issues in this case may be resolved in another proceeding. A memorandum in support of this motion is attached providing the detailed basis for this motion.

Respectfully submitted,

  
\_\_\_\_\_

James W. Burk, Counsel of Record  
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Attorney  
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On behalf of Ohio Edison Company,  
The Cleveland Electric Illuminating Company,  
and The Toledo Edison Company

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	)	
<b>Edison Company, The Cleveland Electric</b>	)	
<b>Illuminating Company, and The Toledo</b>	)	
<b>Edison Company for Authority to</b>	)	<b>Case No. 08-124-EL-ATA</b>
<b>Modify Certain Accounting Practices</b>	)	<b>Case No. 08-125-EL-AAM</b>
<b>and for Tariff Approvals</b>	)	

**MEMORANDUM IN SUPPORT**

Following a prehearing conference that occurred in this proceeding on March 27, 2008, the Attorney Examiner issued an Entry setting forth a procedural schedule for the aforementioned matter and addressing other procedural matters. That procedural schedule required the filing of a staff report on or before June 4, Company and intervener testimony on June 15, motions for interventions to be filed on or before June 20, discovery requests submitted no later than July 1, staff testimony on July 3, and a hearing commencing on July 15.

Simultaneously, at the time of the prehearing conference, the state legislature was considering and debating new energy legislation for the state of Ohio, with one of the primary issues centering around how generation pricing will be accomplished commencing in 2009. This legislation, known as Am. Sub. S.B. 221, was passed by both houses and later signed into law by the Governor on May 1, 2009. One outcome of that legislation was that all electric distribution utilities are required to file an electric security plan ("ESP") with the Commission. Such ESP must include a proposal for the supply and pricing of retail generation service, and may include any number of other proposals, including without limitation, deferrals and the recovery of deferrals.

While the Companies' ESP has not yet been filed with the Commission, the Companies expect at this time that such filing will contain a proposal addressing the recovery of deferred fuel costs, which is the subject matter of the instant proceeding. At the time of the prehearing conference, the requirements of

the new legislation, that the Companies' ESP would address the issue of the recovery of the deferred fuel costs, and the fact that the Commission's consideration of the instant proceeding and the ESP would almost completely overlap all were not known.

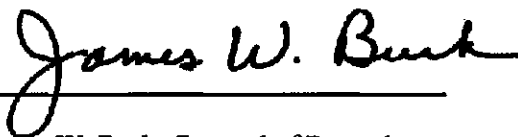
With this motion, the Companies request that the procedural schedule previously established in this proceeding be suspended in its entirety. Granting such request will permit the issue of recovery of deferred fuel costs to be considered and resolved in a single proceeding. This will avoid having the same issue under consideration in two separate, simultaneous proceedings. Further, it will allow the Commission, the Companies, and all interveners to focus their time and resources on a single case, the ESP, which will address and resolve a host of issues within the same proceeding including the recovery of deferred fuel cost issue. This approach is preferable to the alternative of dealing with identical issues on a piecemeal basis scattered across numerous dockets. Granting the Companies' request will result in avoiding duplicative proceedings and provide the most administratively efficient process to address and resolve the issues pending in this proceeding.

If resolution of the recovery of deferred fuel costs issue is not reached in the ESP, then the suspension of this matter may be lifted, and this proceeding may then be reinstated at that time to finalize the issue.

The Companies are also requesting the Commission to rule on this matter on an expedited basis, given that filings under the Commission's April 4, 2008 Entry are otherwise required to occur commencing this week, less than the 15 days normally permitted for other parties to file a response. O.A.C. 4901-1-12(C). The Companies served this request by email on all parties to the proceeding, as specified in the April 4<sup>th</sup> Entry, asking each party to respond whether they had any objections to the motion. Given the compressed time schedule, however, responses from all the parties have not been received at the time this motion was filed with the Commission.

For the reasons set forth above, the Companies respectfully request that the procedural schedule as set forth in the Commission's April 4, 2008 Entry be suspended, and that such motion be granted on an expedited basis, and for all other relief just and proper in the premise.

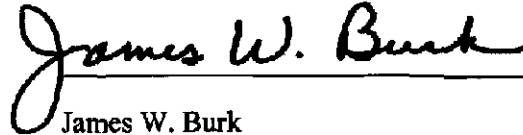
Respectfully submitted,

A handwritten signature in black ink that reads "James W. Burk". The signature is written in a cursive style and is positioned above a horizontal line.

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On behalf of Ohio Edison Company,  
The Cleveland Electric Illuminating Company,  
and The Toledo Edison Company

## CERTIFICATE OF SERVICE

This is to certify that the foregoing Motion to Suspend Proceedings has been served upon the parties listed below by electronic mail transmission and by U.S. Mail, postage prepaid, this 2<sup>nd</sup> day of June, 2008.

  
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