

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 Rider)
 for the Collection of RTO Costs and) Case No. 04-1932-EL-ATA
 Transmission and Ancillary Service Costs)
 and for Accounting Authority to Modify)
 Their Accounting Procedures.)

In the Matter of the Application of Ohio)
 Edison Company, The Cleveland Electric)
 Illuminating Company, and The Toledo) Case No. 05-1125-EL-ATA
 Edison Company for Authority to Modify) Case No. 05-1126-EL-AAM
 Certain Accounting Practices and for Tariff) Case No. 05-1127-EL-UNC
 Approvals.)

ENTRY

The Attorney Examiner, in carrying out the authority granted by Rule 4901-1-14, Ohio Administrative Code (O.A.C.), finds:

- (1) On May 2, 2008, Ohio Partners for Affordable Energy (OPAE) filed a motion seeking an order from the Commission to enforce two stipulations previously approved by the Commission. First, OPAE seeks to enforce the supplemental stipulation¹ approved in Case No. 05-1125-EL-ATA by an Opinion and Order signed January 4, 2006. Next, OPAE seeks to enforce the stipulation² approved in Case No. 04-1932-EL-ATA by a Finding and Order signed February 14, 2007. In support of its motion, OPAE submits that it is a signatory party to both of the stipulations that it seeks to enforce. OPAE asserts

¹ See 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, Case Nos. 05-1125-EL-ATA, 05-1126-EL-AAM, and 05-1127-EL-UNC, Supplemental Stipulation filed November 7, 2005.

² See In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of a Rider for the Collection of RTO Costs and Transmission and Ancillary Service Costs and Authority to Modify Their Accounting Procedures, Case No. 04-1932-EL-ATA, Stipulation and Recommendation filed February 1, 2007.

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that in both stipulations, Ohio Edison Company (OE), The Cleveland Electric Illuminating Company (CEI), and The Toledo Edison Company (TE) (collectively, the Companies) agreed that OP&E would be the designated agency to administer \$1,500,000 of a Home Performance with Energy Star® (HPES) demand-side management program. OP&E contends that the Companies have not honored their agreement, as set forth in the Commission-approved stipulations.

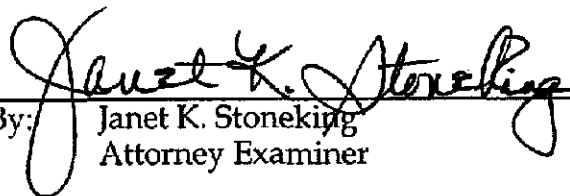
- (2) On May 9, 2008, the Office of the Ohio Consumers' Counsel (OCC) filed a memorandum in support of OP&E's motion to enforce the stipulation(s) with the Companies. On May 16, 2008, the Citizens Coalition (comprised of the Empowerment Center of Greater Cleveland, Consumers for Fair Utility Rates, and the Neighborhood Environmental Coalition) filed a letter in this docket in support of OP&E's motion to enforce the stipulation(s) with the Companies.
- (3) On May 19, 2008, the Companies filed a memorandum contra OP&E's motion. The Companies argue that OP&E's motion is wholly without merit. The Companies contend that OP&E has not complied with the terms, conditions, or parameters of the HPES demand-side management program. OP&E filed a reply to the Companies memorandum contra on May 20, 2008.
- (4) After a review of the recent pleadings, the Attorney Examiner finds that this matter should be set for hearing under an expedited timeframe. Further, because the issues in this matter are narrow, the Attorney Examiner finds that pre-filed witness testimony will not be required for this evidentiary hearing. Last, the Attorney Examiner finds that a brief period of discussion will be set aside, at the beginning of the hearing, for the parties to discuss this matter off-the-record to see if the issues can be resolved between the parties. If the parties are unable to resolve the issues, then the hearing will commence. Accordingly, this case should be set for hearing on Tuesday, July 15, 2008, to begin at 10:00 a.m., in Hearing Room 11-G, on the 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.


It is, therefore,

ORDERED, That, a hearing be scheduled for Tuesday, July 15, 2008, in accordance with Finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon the Companies, the parties of record and any other interested person of record.

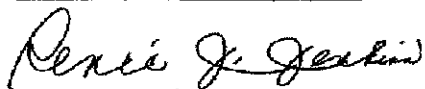
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Janet K. Stoneking
Attorney Examiner


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Entered in the Journal

JUN 19 2008



Renee J. Jenkins
Secretary