

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of an Application of The Cleveland)
 Electric Illuminating Company Requesting)
 Approval of the Sale of Certain Electric Facilities) Case No. 08-704-EL-ATR
 to the City of Cleveland and Removal of Certain)
 Electric Facilities.)

FINDING AND ORDER

The Commission Finds:

- (1) On June 11, 2008, Cleveland Electric Illuminating Company (CEI) and the City of Cleveland jointly filed an application to approve the sale of certain electric facilities to and the removal of certain electric facilities by the City of Cleveland providing electric service as Cleveland Public Power municipal electric company (CPP).
- (2) According to the application, CEI is a public utility subject to the jurisdiction of this Commission by virtue of Sections 4905.02 and 4905.03(A)(4), Revised Code. CPP is a municipally owned electric utility located in Cuyahoga County, Ohio.
- (3) The Petitioners state that as a result of good faith negotiations, CEI and CPP have entered into a mutually beneficial agreement, whereby for a sum certain, CEI has agreed to sell certain electric facilities located in the City of Cleveland (Street Lights) to CPP. Upon approval of this application, CEI will be relieved of its obligation of maintaining and owning such facilities, wherein CPP will assume such obligation and allocate necessary resources to maintain and service the Street Lights. Electric service will be provided to the transferred Street Lights by CEI pursuant to the applicable tariff, as may be modified by the Commission.
- (4) CEI and CPP represent that persons, other than the parties to the contract, which are attached to the poles which will be sold or removed, either have existing agreements with CPP

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which will fully address and accommodate the impact of this transaction on those pole attachments or will otherwise be accommodated.

- (5) The Commission has jurisdiction over this application pursuant to Section 4905.48, Revised Code. Upon review of the application, the Commission finds that no hearing is required.
- (6) The Commission has reviewed the petition and the supporting documentation, and finds that the petition is reasonable and should be granted. The Commission is satisfied that the transfer of CEI's facilities to the CPP will not impair the quality of service presently provided, and that adequate service will continue.
- (7) The Petitioners should file a notice in this docket, within 30 days after the closing date of the transfer, informing the Commission that the transaction has been completed.

It is, therefore,

ORDERED, That the application for approval of the proposed transfer of the facilities be granted. It is, further,

ORDERED, That the Petitioners file notice in this docket, within 30 days after the closing date of the transfer, informing the Commission that the transaction has been completed. It is, further,

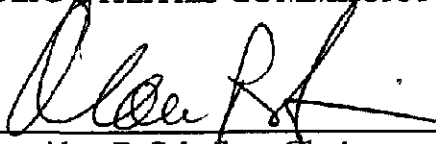
ORDERED, That the proposed transaction be recorded in accordance with the Uniform System of Accounts which the Commission has prescribed for use by electric companies in Ohio. It is, further

ORDERED, That nothing in this decision shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, rule, or regulation. It is, further,

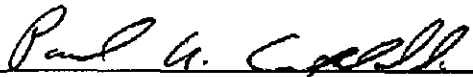
ORDERED, That approval of this application shall not constitute state action for purposes of antitrust laws. It is not our intent to insulate the Petitioners from the provision of any state or federal laws which prohibit the restraint of free trade. It is, further,

ORDERED, That a copy of the Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



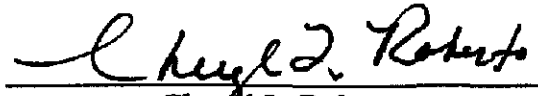
Paul A. Centolella



Ronda Hartman Ferguson



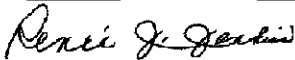
Valerie A. Lemmie



Cheryl L. Roberto

RR:djb

Entered in the Journal
AUG 20 2008



Renee J. Jenkins
Secretary