

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)	Case No. 07-1003-EL-ATA
Edison Company for Authority to Modify)	Case No. 07-1004-EL-ATA
Certain Accounting Practices and for Tariff)	
Approvals.)	

ENTRY

The attorney examiner finds:

- (1) On January 9, 2008, the Commission approved the fuel cost recovery rider (Fuel Rider) proposed by Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company (collectively, FirstEnergy) to recover actual fuel costs incurred commencing January 1, 2008, and expiring December 31, 2008. The Commission directed FirstEnergy to adjust and reconcile quarterly the Fuel Rider to ensure no under- or over-recovery of actual fuel costs. Any differences between actual fuel costs and revenues would be deferred and recovered or returned through the reconciliation component of the Fuel Rider. The Commission also ordered that an audit be conducted after the expiration of the Fuel Rider to determine that the fuel cost expenditures were just and reasonable.
- (2) Pursuant to the Commission's January 9, 2008, finding and order, and in accordance with the reconciliation component of the Fuel Rider, on January 30, 2009, FirstEnergy filed the actual fuel costs and revenues received, as well as carrying charges, for 2008, which indicates an over-recovery of the actual fuel costs.
- (3) As set forth in the finding and order, FirstEnergy's filing initiates a Commission review and audit of the 2008 Fuel Rider. Accordingly, the following procedural schedule for the review and audit process is established:
 - (a) Staff Report filed no later than August 14, 2009.
 - (b) FirstEnergy and intervenor testimony filed no later than August 31, 2009.

- (c) Motions for intervention filed no later than August 31, 2009.
- (d) Discovery requests submitted no later than September 14, 2009.
- (e) Staff testimony filed no later than September 16, 2009.
- (f) Evidentiary hearing to begin on September 29, 2009.
- (4) This case should be scheduled for a hearing to begin on September 29, 2009, in hearing room 11-F at the Commission offices, 180 East Broad Street, 11th floor, Columbus, Ohio, 43215-3793.
- (5) In addition, the following procedures are established with respect to discovery and pleadings:
 - (a) Discovery responses will be submitted within 14 days of service of the discovery request.
 - (b) Service of discovery requests and the responses will be completed electronically.
 - (c) Service of pleadings will be completed electronically.

It is, therefore,

ORDERED, That the procedural schedule set forth in Finding (3) be adopted. It is, further,

ORDERED, That the hearing be scheduled to begin on September 29, 2009, in accordance with Finding (4). It is, further,

ORDERED, That the parties comply with the discovery and pleading procedures in Finding (5) above. It is, further,

ORDERED, That a copy of this Entry be served upon FirstEnergy and all other interested persons of record in this case.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Rebecca L. Hussey

By: Rebecca L. Hussey
Attorney Examiner

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Entered in the Journal
JUN 03 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary