

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Rules for)
Alternative and Renewable Energy)
Technology, Resources, and Climate)
Regulations, and Review of Chapters 4901:5-1,) Case No. 08-888-EL-ORD
4901:5-3, 4901:5-5, and 4901:5-7 of the Ohio)
Administrative Code, Pursuant to Chapter)
4928.66, Revised Code, as Amended by)
Amended Substitute Senate Bill No. 221.)

ENTRY ON REHEARING

The Commission finds:

- (1) On July 31, 2008, Amended Substitute Senate Bill No. 221 was enacted to, among other things, substantially revise Chapter 4928 of the Revised Code, to address energy efficiency and alternative energy resources, renewable energy credits, clean coal technology, and environmental regulations.
- (2) On April 15, 2009, the Commission issued its opinion and order adopting three new chapters of the Ohio Administrative Code (O.A.C.), Chapter 4901:1-39: Energy Efficiency and Demand Reduction Benchmarks, Chapter 4901:1-40: Alternative Energy Portfolio Standard, and Chapter 4901:1-41: Greenhouse Gas Reporting and Carbon Dioxide Control Planning. The opinion also modified relevant forecast rules contained in Chapters 4901:5-1, 4901:5-3, and 4901:5-5, O.A.C.
- (3) Section 4903.10, Revised Code, provides that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by filing an application within 30 days after the entry of the order upon the journal of the Commission.
- (4) On May 15, 2009, applications for rehearing were filed by the Solid Waste Authority of Central Ohio; the city of Hamilton, Ohio; Industrial Energy Users-Ohio (IEU); The Kroger Co. (Kroger); American Municipal Power-Ohio, Inc. (AMP-Ohio); Constellation NewEnergy, Inc., Direct Energy Services, LLC, and Integrys Energy Services, Inc. (collectively, Competitive Suppliers); FirstEnergy Solutions Associates (FESA); the

FirstEnergy Corporation operating companies, Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company (FirstEnergy); Buckeye Power, Inc.; Duke Energy Ohio, Inc. (Duke); The Ohio Energy Group; The American Electric Power Company operating companies, Columbus Southern Power Company and Ohio Power Company (AEP); the Ohio Consumer and Environmental Advocates; the Ohio Hospital Association and the Ohio Manufacturers' Association; and The Dayton Power and Light Company.

- (5) On May 27, 2009, memoranda contra were timely filed by Kroger, AMP-Ohio, FESC, FirstEnergy, the Competitive Suppliers, AEP, IEU, the Ohio Environmental Council, OCEA, and Duke.
- (6) In conjunction with its application for rehearing, FirstEnergy Service Company filed a motion to intervene on behalf of its affiliates, FirstEnergy Solutions Corp., FirstEnergy Generation Corp., FirstEnergy Nuclear Generation Corp., and FirstEnergy Nuclear Operating Company (collectively, FESA); and a motion for admission *pro hac vice* of Morgan E. Parke. In support of its motion to intervene, FirstEnergy Service Company asserts that the FirstEnergy generating and nuclear operating affiliates will be adversely affected by the greenhouse gas reporting requirements of Chapter 4901:1-41, and the modifications to the forecast chapters. The Commission finds good cause to grant FESA leave to file its application for rehearing and the motion for admission *pro hac vice*.
- (7) These parties raise a multitude of assignments of error associated with the rules that the Commission adopted on April 15, 2009. The Commission grants the applications for rehearing as we find that sufficient reasons have been set forth to warrant further consideration of the matters specified therein.

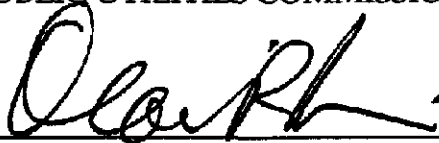
It is, therefore,

ORDERED, That FESA be granted leave to file its application for rehearing, and that FESA's motion for admission *pro hac vice* of Morgan E. Parke, be granted. It is, further,

ORDERED, That the applications for rehearing be granted for further consideration of the matters specified therein. It is, further,

ORDERED, That a copy of this entry on rehearing be served upon all parties filing comments in this docket and all interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



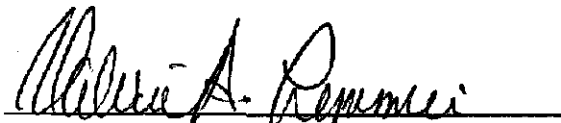
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

RMB:geb

Entered in the Journal

JUN 10 2009



Renee J. Jenkins
Secretary