

December 4, 2009

Betty McCauley  
Chief of Docketing  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

SUBJECT: Case Nos.     09-0847-EL-ATA  
                              06-0653-EL-ORD  
                              89-6006-EL-TRF

Dear Ms. McCauley:

In response to the Finding and Orders dated November 24, 2009 & November 5, 2008, in cases 09-847-EL-ATA & 06-653-EL-ORD respectively, please file the attached tariffs on behalf of Ohio Edison Company. Please file one copy of the tariffs in Case No. 09-847-EL-ATA, one copy in Case No. 06-653-EL-ORD, one copy in Case No. 89-6006-EL-TRF and two copies distributed to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. Thank you.

Sincerely,



Steven E. Ouellette  
Director, Rates & Regulatory Affairs

Enclosures

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The following rates, rules and regulations for electric service are applicable throughout the Company's service territory except as noted.

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## **ELECTRIC SERVICE REGULATIONS**

- F. Special Facilities:** All costs (including, without limitation, any government imposed fees) for any special services, facilities, or instrumentation which may be rendered or furnished by the Company for a customer at the customer's request or at the direction of any governmental authority, and not provided for in the Company's rate schedules and not ordinarily necessary or directly involved in the furnishing of electric service, shall be paid for by the customer for whom such services, facilities, or instrumentation are furnished, or by the customers residing within the boundaries of the governmental entity for whom such services, facilities, or instrumentation are furnished. Any such costs shall be in addition to the charges for electric service provided for in the applicable rate schedule, and may be itemized on the electric bill to such customer(s) or billed separately by the Company. Upon request by the customer and in the sole discretion of the Company, such special services, facilities, or instrumentation may be supplied and maintained by the customer at the customer's expense.
- G. Access To Premises:** The customer or, if applicable, the landlord, shall grant Company's employees and authorized agents access to the customer's premises at all reasonable hours for the purpose of reading, inspecting, testing, repairing, maintaining, replacing, installing, analyzing or removing meters or other Company property. In the event of an emergency, the Company's employees and authorized agents shall have access to customer's premises at any time.

If a customer or a landlord fails to grant access for reasons described above, and judicial redress is necessary to secure such access, the Company may collect from the customer or the landlord any and all costs incurred to secure such access.

## **X. CUSTOMER'S WIRING, EQUIPMENT AND SPECIAL SERVICES**

- A. Installation:** The customer shall supply all wiring on the customer's side of the point of attachment as designated by the Company. All of the customer's wiring and electrical equipment should be installed so as to provide not only for immediate needs but for reasonable future requirements and shall be installed and maintained by the customer to meet the provisions of the National Electrical Code, the regulations of the governmental authorities having jurisdiction over such installations and the reasonable requirements of the Company. As required by Chapter 4901:1-10 of the Ohio Administrative Code, before the Company connects service for any new installations, such installation must be inspected and approved by the local inspection authority or, when there is no local inspection authority, by a licensed electrician. An inspection is also necessary for any changes in wiring on the customer's premises.
- B. Limitation Of Liability:** The Company shall not be liable for any loss, cost, damage or expense that the customer may sustain by reason of damage to or destruction of any property, including the loss of use thereof, arising out of, or in any manner connected with, interruptions in service, variations in service characteristics, high or low voltage, phase failure, phase reversal, the use of electrical appliances or the presence of the Company's property on the customer's premises whether such damages are caused by or involve any fault or failure of the Company or otherwise except such damages that are caused by or due to the willful and wanton misconduct of the Company. The Company shall not be liable for damage to any customer or to third persons resulting from the use of the service on the customer's premises or from the presence of the Company's appliances or equipment on the customer's premises. The PUCO approval of the above tariff language does not constitute a determination that such limitation language should be upheld in a court of law. Approval by the Commission merely recognizes that since it is a court's responsibility to adjudicate consequent damage claims, it should be also the court's responsibility to determine the validity of the exculpatory clause.

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 09-0847-EL-ATA, 06-0653-EL-ORD, 89-6006-EL-TRF**

Summary: Tariff changes to specific liability language for Ohio Edison Company's Electric Service Tariffs electronically filed by Mr. George A Yurchisin on behalf of FirstEnergy Corp. and Ouellette, Steven E.