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*Since 1905*

Chief of  
Docketing  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

January 15, 2010

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric )  
Illuminating Company and The Toledo )  
Edison Company for Approval of a )  
Market Rate Offer to Conduct a )  
Competitive Bidding Process for Standard )  
Service Offer Electric Generation Supply, )  
Accounting Modifications Associated )  
with Reconciliation Mechanism, and )  
Tariffs for Generation Service. )

Case No. 09-906-EL-SSCO

SSO

PUCO

2010 JAN 19 AM 11:34

RECEIVED-DOCKETING DIV

Dear friends:

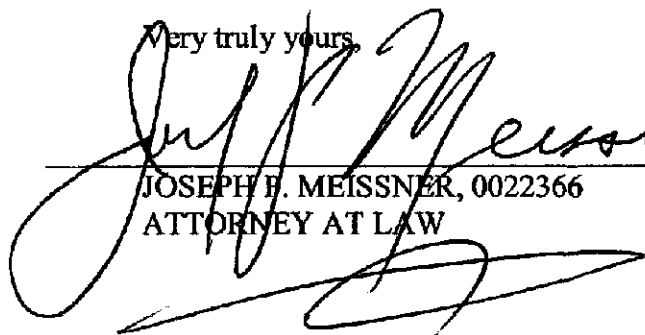
We are enclosing our Reply Brief in this case.

We have already faxed this. Please file it today. We are mailing by regular mail. Other parties are being served by email. We have also enclosed an envelope addressed back to us. Please time-stamp one of the enclosed copies and return this to us.

Let us know of any problems.

Thank you.

Very truly yours,

  
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**BEFORE**  
**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**REPLY POST-HEARING BRIEF**  
**BY**  
**THE CITIZENS COALITION**

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## **I. INTRODUCTION**

The Citizens Coalition has joined in an Initial Post-Hearing Brief and a Reply Post-Hearing Brief, that have been and are being filed by the Ohio Consumers' Counsel. The Coalition is filing this additional Reply Post-Hearing Brief in order to emphasize an issue of crucial importance to low-income customers of FirstEnergy and its Operating Companies. This issue concerns the ongoing existence of the Fund Program established through the generosity of FirstEnergy and its operating companies in order to provide a "last resort" payment system to insure that low-income customers and their families can maintain vitally needed utility service.

## **II. ARGUMENT: SHOULD THE PUCO ALLOW FE'S MRO REQUEST, THEN THE PUCO MUST ALSO INSURE THAT THE LOW-INCOME FUNDPROGRAM AS PROVIDED IN THE FE STIPULATIONS OF 2009 IS CONTINUED.**

The Citizens Coalition has already presented this Argument in its Initial Post-Hearing Brief. The Coalition had hoped that FirstEnergy or their counsel would contact us in order to resolve this. Although we know how busy everyone is at this time with all of the required filings and Briefing dates, we still have not heard from the Companies.

Again let us repeat the following. The Stipulations in 2009 which resolved the ESP litigation through agreement provided for a Fund Program to help low-income

families. The Fund Amount is Six Million dollars over a three year period for low-income families, in all the territories of the three FE operating companies, who need help after exhausting all other resources in order to prevent service disconnections.

The Citizens Coalition and their counsel have often in the past been extremely critical of FirstEnergy and its operating companies. But when FE and its operating companies deserve praise and thank-you's, the Citizens Coalition wants to be certain that these companies receive their well-deserved praised and congratulations. They certainly deserve praise for the Program Fund.

However, there are some problems which need to be addressed now. The Bill Payment Program began last year in 2009 and has already helped hundreds and hundreds of FE customers. The program will continue in 2110 which is the second year for it. However, in 2011, the program will be in its third year. It is only scheduled at this time for three years. Secondly, this program was established as the result of an ESP case. But if the MRO is granted to FirstEnergy, by statute there will be no more ESP cases. Furthermore, the MRO if allowed in this current case may not be back before the PUCO for years for any kind of review or proceedings. Third, we can expect that there will continue to be desperate and despairing customers of FE and its Operating Companies who will need help in upcoming years, including beyond the third year of the Funded Program

Thus it is necessary that all of us work together now to insure that the Fund Program will continue and will be available to needy and desperate families. When the electricity is shut off to premises, this is like an eviction of a family from their home. Where can these people go? Even if they find another place to live, how will they obtain

electricity which is necessary for survival? On the other hand, there have been customers who stay in premises where the electricity has been shut off and who have resorted to using candles and other lit materials after losing their electricity service. Given how much of the housing in Cleveland is old and made of wood, a spark or ember from lit materials or a candle can quickly lead to very destructive fires which can even threaten near-by homes and buildings. Finally, when electricity service is terminated, some people have been known to resort to tampering. This can be dangerous and certainly this is criminal.

To avoid these problems, it is crucial that FirstEnergy, its Operating Companies, and the general community have in place a program which can help these families when they have exhausted all other sources of assistance. The Citizens Coalition thus urges the PUCO to deal with this need now.

There are two possible ways of resolving this. First, FirstEnergy could simply offer to keep these programs in place even after 2011. Such a generous gesture would be extremely helpful. It should also enhance the acceptance of the MRO by the general public, including low-income families, by illustrating that customers will receive consideration under an MRO as well as an ESP.

A second way for insuring the continuation of the Fund Program would be for the PUCO to include this as a condition for the MRO. The MRO could lead to various problems for customer billings and even much higher bills. The Fund Program would provide a means for dealing with these. Already thru the initial funding, there are mechanisms in place to review customer requests for help, to work out payment arrangements, and distribute the moneys. All of these moneys go directly to the

companies to take care of bills. All of these mechanisms would continue to operate.

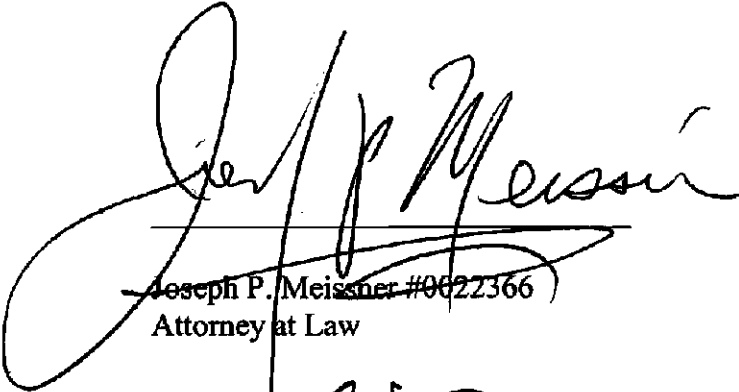
Agencies have already been recruited and are actively implementing the Fund Program.

The Citizens Coalition therefore urges the PUCO to insure that the Program Fund continues. Furthermore, while Two Million is helpful, the Coalition would urge that the Program Fund be increased. A reasonable increase would be to provide Four Million dollars a year in the same way and the same proportions that the current Two Million is provided.

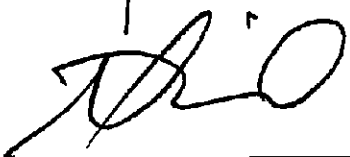
### **III. CONCLUSION**

The Commission should insure that the Fund Program be continued, especially if the PUCO allows FirstEnergy to obtain the MRO it is seeking. Furthermore, the amount of money for the Fund Program should be increased to Four Million Dollars a year.

Respectfully submitted,



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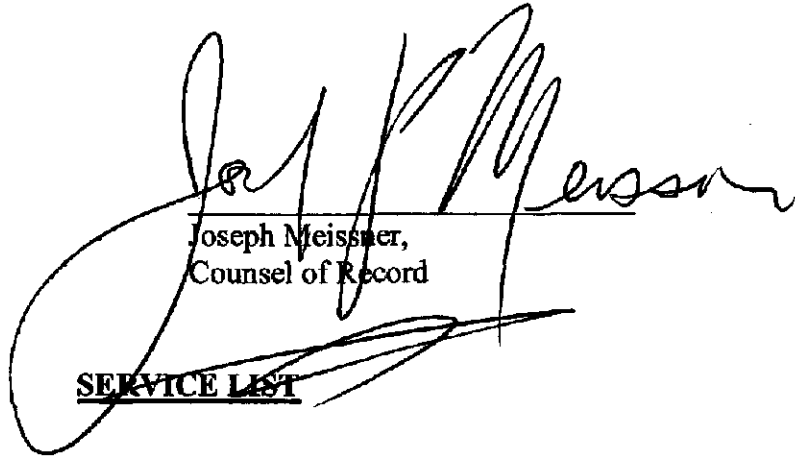
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this *Reply Post-Hearing Brief* was served on the persons stated below, electronically (as instructed by the Attorney Examiners), this 8<sup>th</sup> day of January, 2009.

  
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