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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 Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan	**Case No. 10-388-EL-SSO**

SECOND SUPPLEMENTAL STIPULATION

Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company ("Companies") and the other Signatory Parties hereto agree to all of the terms and conditions of the Stipulation and Recommendation (the "Stipulation") filed in Case No. 10-388-EL-SSO at the Public Utilities Commission of Ohio ("Commission") on March 23, 2010 (as modified by the Errata filed on March 30, 2010 and on April 13, 2010) subject to and including all of the additions and modifications set forth in the Supplemental Stipulation filed on May 13, 2010, and further subject to and including all of the following additions and modifications to and clarifications of such Stipulations ("Combined Stipulations"):

1. A new section A.11 will be added as follows:

> a. The Companies will work with any interested Signatory Parties or Non-Opposing Parties to the Stipulation in Case No. 10-388-EL-SSO to develop four RFPs to purchase RECs through ten year contracts. The Companies will file with the Commission, a separate application for approval of each of the four RFPs. The filing of the initial application shall occur on or before 90 days following the Commission's Opinion and Order in Case No. 10-388-EL-SSO. However, if the Commission or a court inhibits the implementation of the ESP provided for in the Combined Stipulations, implementation of the RFP shall only occur after all rights to appeal in Case No. 10-388-EL-SSO have been exhausted and if after any appeal, an ESP agreed to by the Companies is implemented.

b. The applications referenced above will seek Commission approval for the Companies to conduct a maximum of four (4) RFPs through which the Companies will seek competitive bids to purchase RECs through ten year contracts as described herein. The first application will seek approval for the first RFP for the Companies to seek competitive bids to purchase through ten year contracts: 1) the annual delivery of 5,000 PUCO-certified solar RECs originating in Ohio, with a delivery period between June 1, 2011 and and December 31, 2020 and, 2) the annual delivery of 20,000 non-solar PUCO-certified RECs originating in Ohio, with a delivery period between June 1, 2011 and December 31, 2020. The Companies' three subsequent applications to the PUCO will also provide for three subsequent RFPs to be conducted for ten year contracts for solar REC delivery periods of 2012 through 2021, 2013 through 2022 and finally 2014 through 2023 respectively, conditioned upon the following:

- If the standard service offer load of the Companies is less than 15,000,000 MWh: no additional solar RECs will be purchased that year.
- If the standard service offer load of the Companies is greater than 15,000,000 MWh and less than 27,000,0000, a minimum of an annual delivery of an additional 1,000 solar RECs will be purchased that year.
- If the standard service offer load of the Companies is greater than 27,000,000 MWh and less than 35,000,000, a minimum of an annual delivery of an additional 2,000 solar RECs will be purchased that year.
- If the standard service offer load of the Companies is greater than 35,000,000 MWh a minimum of an annual delivery of an additional 3,000 solar RECs will be purchased that year.

The applications for each of the three subsequent RFPs shall be filed for Commission approval no later than August 1st of each of 2011, 2012, and 2013. The standard service offer load of the Companies for the purpose of the thresholds set forth above is calculated by multiplying the Companies' prior year non-shopping percentage, as submitted by the Companies to Commission Staff in December of each year, by the Companies' long term forecast as filed with the Commission on April 15th for the year in which an RFP may occur.

c. Any RECs required by this section but not obtained through one of the RFPs described above due to under-subscription (including if such RFPs do not take place) will be carried over to be solicited in the next subsequent RFP. Provided, however, no obligation to conduct an RFP pursuant to this section of the Stipulation will be carried beyond 2014.

d. Any application seeking approval to conduct the long term RFPs described herein will request Commission approval for the timely recovery of REC costs in the year in which the RECs are delivered to the Companies and the Companies pay for RECs irrespective of the date the RECs may be retired. The Companies' solar REC requirements will be filled first by the Companies' Residential REC

Program and RECs supplied through contracts resulting from the RFPs described above, with the balance of such requirements obtained from other sources as the Companies select. The applications will seek Commission approval for the long term RFPs. Such RFP shall provide that should the Companies determine prior to entering into contracts that the Companies do not require those RECs to meet the requirements of R.C. § 4928.64, or that the purchase of those RECs would cause the Companies to exceed the cost cap set forth in R.C. § 4928.64(C)(3), then the Companies will not be required to purchase those RECs.

e. The applications to the Commission will seek approval for recovery of all reasonable costs associated with acquiring RECs through the aforementioned 10 year contracts consistent with Section A.11(d) above, including the costs associated with administering the RFP. Those costs will be recovered through Rider AER or such other rider that shall be established to effectuate the recovery of such costs. For the full period covered by each of the RFPs, such costs shall be recovered each year in which the RECs are delivered (including any period for reconciliation). The provision contained herein is not intended and shall not be construed to extend the three-year period of the Companies' proposed Electric Security Plan in Case No. 10-388-EL-SSO or to be inconsistent with banking provisions requiring that RECs must be consumed within 5 years of the date the RECs are delivered pursuant to the RFP(s) as described within.

f. Notwithstanding anything to the contrary in this section A.11, if the Commission's approval of the Combined Stipulations, or the Commission's subsequent approval of any of the Companies' RFP applications described above, changes the terms of this Section A.11 or the Companies' RFP applications filed consistent with the terms of the Combined Stipulations and this Section A.11, the Companies shall have no obligation to conduct the long term RFPs or purchase RECs as described in this Section A.11. Moreover, if the Commission's approval of the Combined Stipulations, changes the terms of the Combined Stipulations, in a manner that causes the Companies to reject the Combined Stipulations, the Companies shall have no obligation to conduct the long term RFPs or purchase RECs as described in this section A.11.

2. Paragraph A.7(a) of the Stipulation and Recommendation filed on March 23 shall be changed to read as follows:

a) If the allowed balance of Rider GCR reaches 5% of the generation expense in two consecutive quarters, as calculated below on an illustrative basis, then this balance would shift to recovery through a non-avoidable charge in Rider GCR.

Annual MWh	55,000,000
Quarterly MWh	13,750,000
Shopping %	50%
Average Price	65

Quarterly Rev	446,875,000
Increase Cap	5%
Allowed Balance	22,343,750

3. The second paragraph of Section B.2 shall be deleted and replaced in its entirety with the following language:

> The Signatory Parties agree that the quarterly Rider DCR update filing will not be an application to increase rates within the meaning of R.C. § 4909.18 and each Signatory Party further agrees it will not advocate a position to the contrary in any future proceeding. The first quarterly filing will be made on or about October 31, 2011, based on an estimated balance as of December 31, 2011 with rates effective on January 1, 2012 on a bills rendered basis. Thereafter, quarterly filings will be made on or about January 31, April 30, July 30, and October 31 with rates effective on a bills rendered basis effective April 1, July 1, October 1, and January 1, respectively. The quarterly filings will be based on estimated balances as of March 31, June 30 September 30, and December 31, respectively, with any reconciliations between actual and forecasted information being recognized in the following quarter. The Companies will bear the burden to demonstrate the accuracy of the quarterly filings. Upon the Companies meeting such burden, any party may challenge such expenditures with evidence. Upon a party presenting evidence that an expenditure is unreasonable, it shall be the obligation of the Companies to demonstrate that the expenditure was reasonable by a preponderance of the evidence. An annual audit shall be conducted by an independent auditor. The independent auditor shall be selected by Staff with the consent of the Companies, with such consent not being unreasonably withheld. The expense for the audit shall be paid by the Companies and be fully recoverable through Rider DCR. The audit shall include a review to confirm that the amounts for which recovery is sought are not unreasonable and will be conducted following the Companies' January 31, 2012, January 31, 2013 and January 31, 2014 filings, and one final audit following the Companies' July 30, 2014 final reconciliation filing. For purposes of such audits and any subsequent proceedings referred to in this paragraph, the determination of whether the amounts for which recovery is sought are not unreasonable shall be determined in light of the facts and circumstances known to the Companies at the time such expenditures were committed. Staff and Signatory Parties shall file their recommendations and/or objections within 120 days after the filing of the application. If no objections are filed within 120 days after the filing of the application, the proposed DCR rate will remain in effect without adjustment, except through the normal quarterly update process or as may be ordered by the Commission as a result of objections filed in a subsequent audit process. If the Companies are unable to resolve any objections within 150 days of the filing of the application, an expedited hearing process will be established in order to allow the parties to present evidence to the Commission regarding the conformance of the application with this Stipulation, and whether the amounts for which recovery is sought are not unreasonable.

4. Add as new paragraphs 5, 6 and 7 of Section C of the Stipulation:

5. The Companies, NOPEC and NOAC agree that the Companies have used, and the Companies agree to continue to use, best efforts to take actions at FERC and with PJM and PJM members to mitigate allocation of costs billed by PJM for 500 kV and above RTEP projects which are approved by the PJM board prior to June 1, 2011 to ATSI and, in turn, to the Companies ("Legacy RTEP Costs"). For purposes of this paragraph, "best efforts" shall be limited to advocating and litigating up to the Federal Circuit Court in favor of positions that would result in mitigating, to the maximum extent practicable, the Legacy RTEP Cost impact on Ohio retail customers of the Companies in FERC Docket Nos. ER 09-1589, EL10-6-000, EL05-121-000, and RM10-23-000. The Companies will provide Signatory Parties a report of actions taken by the Companies and their results pursuant to this paragraph prior to the expiration of the ESP on May 31, 2014. Nothing in this paragraph shall preclude the Companies from accepting or supporting a settlement which reduces the Companies' obligation for Legacy RTEP Costs, provided any settlement shall not abrogate the Companies' obligation in paragraph 6 below.

6. The Companies collectively agree to not seek recovery through retail rates from Ohio retail customers of Legacy RTEP Costs for the longer of: (1) the five year period from June 1, 2011 through May 31, 2016 or (2) when a total of $360 million of Legacy RTEP Costs has been paid for by the Companies and has not been recovered by the Companies in the aggregate through retail rates from Ohio retail customers. If FERC issues an order or there is an appellate decision that results in the ATSI zone avoiding responsibility for payment of Legacy RTEP Costs on a load ratio share basis such that Ohio retail customers of the Companies avoid at least $360 million of such Legacy RTEP Costs, all obligations of the Companies under this Agreement with respect to Legacy RTEP costs will be satisfied. Consistent with Section C.2 of the Stipulation and Recommendation and subject to this paragraph 6, the Companies may recover in retail rates all RTEP costs billed by PJM to ATSI commencing June 1, 2016.

7. NOPEC and NOAC, together with their respective successors and assigns, for themselves expressly waive, release and relinquish any and all rights or claims regarding Legacy RTEP Costs and further agree not to bring suit, initiate or make or support any claim to challenge rate recovery, in any forum or jurisdiction, of all RTEP costs on any basis related to the integration into PJM, provided that the Companies perform their obligations under this RTEP Section of the Stipulation.

5. A new section E.8 shall be added as follows:

To help make energy efficiency programs available to Lucas County electric consumers in the Toledo Edison service territory and to enable Lucas County to achieve its energy efficiency and sustainability goals, the Companies will provide

funding to Lucas County to be used only for the benefit of Toledo Edison customers in Lucas County in the following amounts: $100,000 in 2011, $100,000 in 2012, and $100,000 in 2013, with such amounts recovered through Rider DSE.

6. A new paragraph G. 9 shall be added as follows:

In order to assist low-income customers (defined as customers at or below 200 percent of the Federal Poverty Guideline) in paying their electric bills from the Companies, a fuel fund provided by the Companies shall be created consisting of $4 million to be spent in each calendar year from 2012 through 2014. Any unspent funds from the $4 million annual fuel fund provided herein will be carried over through the following calendar year. The dollars will be allocated as follows: $660,000 per year in the Toledo Edison service territory, $1,390,000 per year in the Cleveland Electric Illuminating Company service territory; and $1,950,000 per year in the Ohio Edison service territory. Fuel fund monies shall be distributed to the same agencies, on the same pro-rata basis, as set forth in Exhibit D to the letter filed on July 28, 2009 in Case No. 09-641-EL-ATA, and pursuant to the Fuel Fund Grant Program Agreement as set forth in Exhibit C to that letter, and as may be modified by mutual agreement of the parties thereto.

Such fuel fund shall only be available to distribution customers of the Companies. As a condition of receiving the funds, any organization receiving funds from the Companies shall provide the Companies and the Commission Staff with an annual accounting of how the dollars were disbursed and will agree to an audit of those dollars if requested by the Companies or the Commission Staff. The funds for the respective calendar year shall be made available by January 31 of that year. Any unused amounts as of May 31, 2011 arising out of the settlement in Case No. 08-935-EL-SSO shall be continued in the fuel fund and shall also remain available for use during the ESP period covered by the Stipulation and Recommendation herein. If the Stipulation and Recommendation is rejected or modified due to court or regulatory action and terminated by the Companies, the Companies will have no obligation to continue the fuel fund for periods after the effective ESP termination date, other than to exhaust any remaining balance from the May 31, 2011 carry-over and to exhaust any remaining balance calculated on a pro-rata basis for the periods that the ESP contemplated under this Stipulation and Recommendation was in effect. Any such remaining balances shall be used within one year after such termination or May 31, 2014, whichever occurs first.

7. In addition to the modifications proposed in Attachment A of the Stipulation and Recommendation filed on March 23, the Master SSO Supply Agreement will include:

1. An update to account for Duke Energy Ohio's pending move to PJM and the potential effect that the move will have on the Cinergy Hub pricing point,

such that the Mark-to-Market Credit Exposure Methodology will be modified so as to allow for another liquid pricing point located within PJM's geographic footprint to be used for the Mark-to-Market Credit Exposure calculation purposes.

2. The option for suppliers to pledge First Mortgage Bonds to cover margin calls in excess of $400 million consistent with the provision that was included in the Master SSO Supply Agreement in Case No. 08-935-EL-SSO. The First Mortgage Bond collateral alternative will be in addition to the option to use cash or letters of credit for margin calls.

3. The clarification that the Mark-to-Market Exposure Amount will be limited to a rolling forward 24 month period starting from the Effective Date of the Agreement.

8. A new Attachment D shall be added to the Stipulation as follows and be fully incorporated into the Stipulation:

Governmental Aggregation.

This Attachment D applies to the situation where the Commission has ordered a phase-in, pursuant to its authority in R.C. § 4928.144, of the generation prices arising out of the auction provided for in Section A.1 of this Stipulation and a governmental aggregation group, with agreement from its Governmental Aggregation Generation Supplier ("GAGS"), elects to phase-in such generation costs.

1. For every kWh of energy that a GAGS delivers to a governmental aggregation customer, such customer will be entitled to receive a phase-in credit ("GAGS Phase-In Generation Credit") in an amount equal to the $/kWh phase-in credit for the Company's(ies') SSO customers approved by the Commission for the period of this ESP.

2. For every kWh of energy that a GAGS delivers to a governmental aggregation customer, the GAGS will be granted the right to receive a

receivable amount from the Companies equal to the GAGS Phase-In Generation Credit, plus carrying charges at the rate of 0.7066 percent per month ("GAGS Receivables").

3. Pursuant to R.C. § 4928.144, the Commission shall provide for the creation of regulatory assets for the Companies by authorizing the deferral of incurred generation costs equal to the amount not collected due to a phase-in, plus carrying charges at the rate of 0.7066 percent per month.

4. The Companies are authorized by the Commission to create regulatory assets and to charge, collect and receive from customers of the Companies the accrued GAGS Receivables that are to be paid to the GAGS subject to the provisions of R.C. § 4928.20(I). The Companies shall recover the accrued deferred cost amounts associated with such regulatory assets, including carrying charges at the rate of .7066 percent per month, through a Commission approved cost recovery rider. The cost recovery rider shall be non-bypassable for customers of the Companies subject to and consistent with the provisions of R.C. § 4928.20(I) and R.C. § 4928.144 and shall be reconciled on a quarterly basis.

5. Payment to the GAGS of amounts actually received by the Company(ies) shall occur under the same process as with other CRES provider payments received directly from customers. Uncollectible GAGS Receivables arising out of supplying generation and transmission to a governmental aggregation group electing to phase-in prices as approved by the Commission and as described above shall be included in the cost recovery rider referenced in paragraph 4 above.

6. The Company(ies) must use commercially reasonable efforts to promptly enter into an agreement with the GAGS which will provide the GAGS with assurance of full recovery of all costs related to the GAGS' recovery of its GAGS Receivables.

7. Any payments to be made by the Companies to the GAGS contemplated hereunder shall be made not later than 3 days after receipt by the Companies of payment from the Companies' customers.

8. The GAGS' right to receive the GAGS Receivables and the Companies' right to defer and collect such amounts is authorized by the Commission by its approval of this Stipulation.

9. The Signatory Parties to this Second Supplemental Stipulation and all parties signing this Second Supplemental Stipulation as non-opposing parties, other than the Companies, Cleveland Clinic, and the Staff, agree that their filed testimony and any briefs that were filed in response to the filing of the Stipulation and Recommendation which were not in support of this ESP are hereby withdrawn. The Signatory Parties agree to support this Stipulated ESP as modified by the Supplemental Stipulation and this Second Supplemental Stipulation in any forum.

10. For purposes of Paragraph H of the Stipulation and Recommendation filed on March 23, 2010, any and all references to the "ESP" shall be considered to include not only such Stipulation (as modified by the Errata filed on March 30, 2010 and on April 13, 2010) but also the Supplemental Stipulation filed May 13, 2010, and this Second Supplemental Stipulation.

IN WITNESS WHEREOF, this Supplemental Stipulation has been signed by the authorized agents of the undersigned Parties as of this 22 day of July 2010. The undersigned Parties respectfully request the Commission to issue its Opinion and Order approving and adopting the ESP as set forth in this Stipulation, the Supplemental Stipulation and this Second Supplemental Stipulation. The Second Supplemental Stipulation will be held open for additional parties to sign on as Signatory Parties until the issuance of an Order by the Commission.

Staff of the Public Utilities Commission of Ohio

Industrial Energy Users - Ohio

Ohio Edison Company

Ohio Energy Group

The Toledo Edison Company

Ohio Hospital Association

The Cleveland Electric Illuminating Company

Ohio Partners for Affordable Energy

City of Akron

Ohio Schools Council

Nucor Steel Marion, Inc.

City of Cleveland

Council of Smaller Enterprises

Material Sciences Corporation

Constellation New Energy, Inc.

Constellation Energy Commodities Group, Inc

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Northwest Ohio Aggregation Coalition

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Signing as non-opposing parties:

PJM Power Providers Group

Mark Yurick
Kroger Company

Joseph Meissner
Consumer Protection Association
Cleveland Housing Network
Empowerment Center
Consumers for Fair Utility Rates

Michael Heintz
Environmental Law and Policy Center*
*(Supports Section A.11 of this Second Supplemental Stipulation, as set forth above, and believes it makes the ESP more favorable than an MRO. ELPC is non-opposing as to all other provisions of the ESP contemplated by the Stipulation and Recommendation (as amended and supplemented)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Second Supplemental Stipulation was sent by e-mail to the following persons this 22nd day of July, 2010.

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