

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Alternative)
Energy Status Report of Ohio Edison)
Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company.)

In the Matter of the Application of Ohio) Case No. 11-2479-EL-ACP
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for a Force Majeure)
Determination for Their In-State Solar)
Resources Benchmark Pursuant to)
Section 4928.64(C)(4)(a), Revised Code.)

ENTRY

The attorney examiner finds:

- (1) On January 24, 2011, in Case No. 11-411-EL-ACP (11-411), Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) filed an application requesting that the Commission make a *force majeure* determination regarding the Companies' compliance with the solar energy resources (SER) benchmark for 2010. In the application, the Companies requested that the Commission make a *force majeure* determination to reduce the Companies' aggregate SER benchmark to the amount actually acquired by the Companies in 2010.
- (2) By entry issued March 2, 2011, the attorney examiner established a procedural schedule in 11-411 for the filing of comments and reply comments. The Office of the Ohio Consumers' Counsel (OCC), the Solar Alliance (SA), the Ohio Environmental Council (OEC), and the Environmental Law and Policy Center (ELPC) requested and were granted intervention and timely filed comments in 11-411.
- (3) On April 11, 2011, in 11-411, FirstEnergy filed a notice of withdrawal of its January 24, 2011, *force majeure* application on the basis that it had procured additional solar renewable energy credits (SRECs) originating in Ohio.

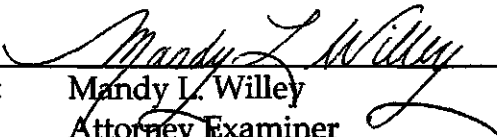
- (4) Thereafter, on April 15, 2011, in the above-captioned case, FirstEnergy refiled its *force majeure* to reflect the additional Ohio SRECs it had acquired. Additionally, FirstEnergy asserts that, despite its best efforts, it was able to acquire only 1,629 of the 3,206 SRECs required to meet its 2010 SER benchmark. Consequently, FirstEnergy requests a *force majeure* determination as to the shortfall, specifically, 1,577 SRECs.
- (5) In order to thoroughly review the Companies' refiled application, the attorney examiner finds that the following procedural schedule should be followed pursuant to Rule 4901:1-40-06(A), Ohio Administrative Code:
- (a) The deadline for the filing of comments on the Companies' refiled application shall be June 6, 2011.
- (b) The deadline for the filing of reply comments shall be June 20, 2011.

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (5) be adopted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

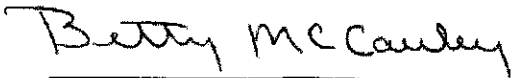
THE PUBLIC UTILITIES COMMISSION OF OHIO

By: 
Mandy L. Willey
Attorney Examiner

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Entered in the Journal

MAY 06 2011



Betty McCauley
Secretary