

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	
Electric Illuminating Company, and)	Case No. 09-787-EL-ATA
The Toledo Edison Company to)	Case No. 09-788-EL-ATA
Amend Their Electric Generation)	Case No. 09-789-EL-ATA
Supplier Distribution Tariffs.)	

FINDING AND ORDER

The Commission finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On September 10, 2009, the Companies filed applications seeking to amend their electric generation supplier coordination tariffs and certain standard tariff rules and regulations.
- (3) On September 14, 2009, a motion for leave to intervene was filed by Constellation New Energy, Inc., and Constellation Energy Commodities Group, Inc. (collectively, Constellation). No memoranda contra were filed in opposition to the motion for leave to intervene. The Commission finds that the motion for leave to intervene is reasonable and should be granted.

Additionally, on September 14, 2009, Constellation filed a motion for admission *pro hac vice*, requesting that Cynthia Fonner Brady be admitted to practice before the Commission in this proceeding. Ms. Brady represents Constellation, is an active member of the Illinois Bar, and has practiced before numerous state regulatory bodies. The Commission finds that the motion for admission *pro hac vice* is reasonable and should be granted.

- (4) On March 13, 2011, and March 21, 2011, the Companies filed amended applications and attachments to replace the original applications and attachments filed on September 10, 2009. The Companies no longer seek approval of the proposed tariff filed on September 10, 2009, but instead seek approval of the proposed tariff attached to the amended application.
- (5) The Companies' tariffs were revised to incorporate needed changes as a result of the approval of the Companies' ESP applications in Case Nos. 08-935-EL-SSO and 10-388-EL-SSO, and governmental aggregator customer processing fees in Case No. 09-423-EL-CSS. Additionally, the changes were designed to conform to PJM requirements, processes, and provisions due to the Companies' move to PJM effective June 1, 2011. Specifically, the tariffs will provide clearer delineation of transmission and distribution loss factors, update settlement and pricing services offered by the Companies, and revise supplier registration requirements.
- (6) The Commission has reviewed the proposed revised tariffs and finds that they do not appear to be unjust and unreasonable. Therefore, we find that the proposed revised tariffs should be approved. Further, we find that it is unnecessary to hold a hearing on the revised tariffs.

It is, therefore,

ORDERED, That the motion for leave to intervene filed by Constellation be granted.
It is, further,

ORDERED, That the motion for admission *pro hac vice* of Cynthia Fonner Brady be granted. It is, further

ORDERED, That the Companies' proposed revised tariffs be approved. It is, further,

ORDERED, That the Companies are authorized to file in final form four complete copies of tariffs consistent with this Finding and Order. The Companies shall file one copy in the appropriate TRF docket (or may make such finding electronically as directed in Case No. 06-900-AU-WVR) and one copy in this case docket. The remaining two copies shall be designated for distribution to the Rates and Tariffs, Energy and Water Division of the Commission's Utilities Department. It is, further,

ORDERED, That the effective date of the new tariffs shall be a date not earlier than the date of this Finding and Order and the date upon which four complete copies are filed with the Commission. The new tariffs shall be effective for services rendered on or after such effective date. It is, further,

ORDERED, That the Companies shall notify all affected customers of the tariff changes via bill message, bill insert, or separate mailing within 30 days of the effective date of the tariffs. A copy of the customer notice shall be submitted to the Commission's Service Monitoring and Enforcement Department, Reliability and Service Analysis Division, at least 10 days prior to its distribution to customers. It is, further,

ORDERED, That nothing in this Finding and Order shall be binding upon this Commission in any future proceeding or investigation involving the justness or reasonableness of any rate, charge, or regulation. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record in this proceeding.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

Paul A. Centolella



Steven D. Lesser



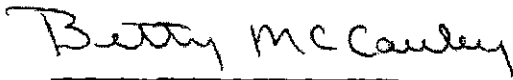
Andre T. Porter

Cheryl L. Roberto

JR/MLW/sc

Entered in the Journal

MAY 19 2011



Betty McCauley
Secretary