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August 28, 2006

Attn: Fred Agler  
Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

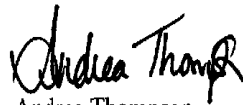
Re: *Michael D. Kelly v. Ohio Edison Company*  
Case No.: 05-1457-EL-CSS

RECEIVED-DOCKETING DIV  
2006 AUG 29 PM 12: 06  
PUCO

Dear Mr. Agler:

Enclosed please find the stipulation of facts that should have been attached as exhibit A to the motion to consider without hearing that was filed last week. Should you have any questions regarding this matter, please contact the undersigned at the telephone number noted above.

Very truly yours,



Andrea Thompson  
Legal Assistant to  
ADAM B. LANDON, Attorney at Law

/alt  
Enclosures

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THE PUBLIC UTILITIES COMMISSION OF OHIO



In the Matter of the Complaint of  
Michael D. Kelly,

Complainant

and

Ohio Edison Company

Respondent.

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Case No. 05-1457-EL-CSS

**STIPULATION OF FACTS**

Now come Michael D. Kelly and Ohio Edison Company and submit the following stipulation of facts:

1. Complainant represents that Complainant is the sole member of Evrol, LLC which is the owner of real property commonly known as 1605 Bank Street, Atwater, Ohio 44201 located in Atwater Township in Portage County (the "Premises").
2. Complainant represents that there has been no construction activity at the Premises since Evrol, LLC purchased the Premises in February of 2005.
3. Complainant has requested that Ohio Edison install a meter at the Premises and energize electric service.
4. Complainant represents that the purpose for which Complainant has requested electric service at the Premises is to energize security lighting to prevent further vandalism which purpose has been represented to Ohio Edison Company.

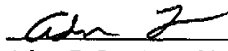
5. Complainant represents that Complainant had an electrical inspection performed by a licensed electrician, Mark Kearney of Kearney Electric, on March 6, 2006.
6. Complainant represents that the electrical inspection by Mark Kearney indicated the electrical equipment and distribution system at the Premises to be in a good, safe and satisfactory condition.
7. Ohio Edison Company has not proceeded to install a meter or energize electric service at the Premises since it is Ohio Edison Company's understanding that the Portage County Building Department is the "local inspection authority" as specified by Ohio Administrative Code Section 4901:1-10-05(E) and that the Portage County Building Department has not inspected or approved the meter base or associated equipment at the Premises.
8. Complainant and Ohio Edison Company agree that the issue to be determined by the PUCO is whether an inspection and approval is required by the Portage County Building Department or whether the inspection by a licensed electrician satisfies the requirements of the Ohio Administrative Code § 4901:1-10-05(E) in this case.

9. For purposes of this Stipulation of Facts, Ohio Edison Company has taken the representations of the Complainant as made herein as truthful and accurate and has not independently verified any such facts.



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Carol L. Dacoros 0068319  
FirstEnergy Service Company  
On behalf of Ohio Edison Company



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Adam B. Landon 0073949  
Critchfield Critchfield & Johnston  
On behalf of Michael Kelly