



Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

Janine L. Migden-Ostrander
Consumers' Counsel

January 5, 2009

Renee J. Jenkins, Secretary
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

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PUCO

RE: *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. 08-935-EL-SSO*

Dear Ms. Jenkins:

The Ohio Consumer and Environmental Advocates¹ ("OCEA") hereby submit this letter, pursuant to the Entry that the Public Utilities Commission of Ohio ("Commission" or "PUCO") journalized on December 26, 2008. In the Entry the PUCO invited comments regarding the tariff filings of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and the Toledo Edison Company ("FirstEnergy" or "Companies"). OCEA advises that its comments are below and in addition to the pleading that OCEA filed in this docket on December 23, 2008, entitled *Motion to Reject Applicants' Rate Filings under the Default Provisions for Standard Service Offers Pursuant to R.C. Chapter 4928 and Motion for a Commission Order Directing Applicants to Submit Tariffs Consistent with the Default Provisions*. OCEA incorporates the December 23, 2008 motions into its comments.

The Commission should direct the Companies to file tariffs that provide lawful standard service offers ("SSO") and generation service at the lowest prices available for the approximately 1.9 million residential customers of FirstEnergy. This would include requiring the Companies to submit replacement tariffs that comply with R.C. 4928.141(A) by eliminating the regulatory transition charges ("RTC") that Ohio Edison and Toledo Edison customers are now paying. Moreover, as of January 1, 2009, there will be no current Commission order in place regarding the Companies' tariffs. Thus, the Commission should also require a reconciliation of any tariff rates billed by the Companies that is later determined to be above the correct statutory rate.

¹ OCEA includes the Office of the Ohio Consumers' Counsel, Northeast Ohio Public Energy Council, Northwest Ohio Aggregation Coalition, Citizen Power, The Sierra Club Ohio Chapter, Citizens Coalition, Citizens for Fair Utility Rates, Neighborhood Environmental Coalition, Cleveland Housing Network and Empowerment Center for Greater Cleveland.

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Finally, on December 31, FirstEnergy conducted an auction for power delivery starting on January 5, 2009. This process should be as transparent as possible. Members of OCEA request that the Companies provide OCC with the responses to the request for proposals that FirstEnergy receives as part of the auction process. In addition, members of OCEA request that bid prices submitted during the December 31 auction be made available to all members of the public. It is in the public interest, and specifically in the interest of FirstEnergy's residential customers, to have access to this information to determine the auction was conducted properly and there has been no abuse of market power by the Companies' affiliates bidding into the auction.

For the reasons stated in OCEA's December 23, 2008 motions (now submitted as comments), the PUCO should protect the approximately 1.9 million FirstEnergy residential customers by rejecting the Companies' non-complying tariff filing and direct FirstEnergy to submit replacement tariffs that comply with Ohio law including the elimination of the RTC.

Sincerely,



Gregory J. Poulos
Assistant Consumers' Counsel

cc: Parties of Record

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