

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Protocols for the )  
Measurement and Verification of Energy ) Case No. 09-512-GE-UNC  
Efficiency and Peak Demand Reduction )  
Measures. )

ENTRY

The Commission finds:

- (1) Ohio Power Company; Columbus Southern Power Company; Duke Energy of Ohio, Inc.; the Dayton Power and Light Company; the Toledo Edison Company; Ohio Edison Company; and the Cleveland Electric Illuminating Company (collectively, electric utilities) are public utilities, as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction and general supervision of the Commission, in accordance with Sections 4905.04, 4905.05, and 4905.06, Revised Code.
- (2) Columbia Gas of Ohio, Inc.; the East Ohio Gas Company d/b/a Dominion East Ohio; Vectren Energy Delivery of Ohio, Inc.; and Duke Energy of Ohio, Inc. (collectively, gas utilities) are public utilities, as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction and general supervision of the Commission, in accordance with Sections 4905.04, 4905.05, and 4905.06, Revised Code.
- (3) On June 24, 2009, the Commission issued an entry, establishing a procedure for the development of protocols for the evaluation, measurement, and verification of energy efficiency and peak demand reduction measures to be embodied in a Technical Reference Manual (TRM). In that entry, the Commission indicated that it would issue a request for proposal (RFP) for engineering consulting services to assist the Commission with the evaluation and initial determination of values and protocols for the TRM that is being developed in this proceeding. The entry also noted that the cost of the engineering consulting services will be shared by the electric and gas utilities.
- (4) On July 8, 2009, the Commission issued RFP No. EE-09-TRM-1 in order to obtain qualified engineering consulting services for the

purposes described in the RFP. Potential bidders were directed to submit electronic proposals to the Commission Staff by August 3, 2009, and hard copies by August 4, 2009. Bidders were directed to demonstrate that they would be able to perform the required services by showing a clear understanding of the tasks to be completed, the experience and qualifications of the personnel who will perform the work, and the anticipated breakdown of costs and timing.

- (5) RFP No. EE-090TRM-1 outlined the scope of work for the TRM, delineating the following five phases: Phase 1 requires the consultant selected as a result of the RFP to prepare a framework TRM by November 11, 2009; Phase 2 requires the consultant to prepare a plan for developing the 2010 TRM scope and development plan; Phase 3 involves the preparation of the 2010 TRM scope and development plan; Phase 4 contemplates the preparation of a 2010 TRM interactive web-based interface; and Phase 5 involves updating the 2010 TRM, and providing ongoing services as requested by the Commission.
- (6) The proposals received in response to RFP No. EE-09-TRM-1 have been evaluated and, after consideration of those proposals, the Commission selects Vermont Energy Investment Corporation (VEIC). VEIC is authorized to proceed with Phases 1, 2, and 3. As indicated in the RFP, the Commission will determine at some future date whether it wishes to proceed with Phases 4 and 5. The Commission finds that VEIC has the necessary experience to complete the required work.
- (7) The electric and gas utilities shall enter into a contract with VEIC for the purpose of providing payment for its services under Phases 1 and 2 of the RFP. The contract shall incorporate the terms and conditions of the RFP, the consultant's proposal, and relevant Commission entries in this case. The cost of Phases 1 and 2 shall not exceed \$150,000. As noted in the RFP, the Phase 3 budget will be finalized based on the results of Phase 2. Thus, VEIC will have to submit and the Commission will have to approve its bid for Phase 3 of the project.
- (8) The consultant shall submit invoices for services completed as required by the contract consistent with the terms of the RFP, or as agreed by contract with the electric and gas utilities. All invoices must be submitted to the Commission's project

coordinator for approval and, subject to approval, will be forwarded to the electric and gas utilities for payment to the consultant within 30 days of receipt of the invoices by the electric and gas utilities.

- (9) Section 4928.64, Revised Code, requires the electric utilities to meet certain energy efficiency and peak demand reduction benchmarks. Although there are no statutory energy efficiency benchmarks for the gas utilities, they have been encouraged by the Commission to implement energy efficiency measures and use the TRM when developing energy efficiency programs. The Commission believes that both the electric and gas utilities will benefit from the use of the TRM and should share the TRM development and maintenance costs in proportion to the benefits received. Therefore, the electric utilities will each pay 1/8 of the TRM development costs. The remaining 1/8 will be divided equally among the gas utilities.
- (10) VEIC will execute its duties pursuant to the Commission's statutory authority to investigate and obtain records, reports, and other documentation under Sections 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16, Revised Code. The consultant shall be subject to the Commission's statutory duty under Section 4901.16, Revised Code, which states, in relevant part:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.

- (11) Upon request of the consultant or Staff, the electric and gas utilities shall provide any and all documents and information requested. The electric and gas utilities may conspicuously mark such documents or information "confidential." In no event shall

the electric and gas utilities refuse or delay providing such information or documents to the consultant or Staff.

- (12) The following process shall apply to the release of any document or information the electric or gas utilities mark as "confidential:" Staff or the consultant shall not publicly disclose any document marked "confidential," except upon three days' prior written notice of intent to disclose served upon counsel for the electric or gas utilities. Three days after such notice, Staff or the consultant may disclose or otherwise make use of such documents or information for any lawful purpose, unless the electric or gas utilities move the Commission for a protective order pertaining to such information within the three-day notice period. The three-day notice period will be computed according to Rule 4901-1-07, Ohio Administrative Code. Service shall be complete upon mailing or delivery in person.
- (13) The consultant shall perform its duties as an independent contractor. Neither the Commission nor Staff shall be liable for any acts committed by the consultant in the performance of its duties.

It is, therefore,

ORDERED, That VEIC be selected to perform the consulting activities set forth above. It is, further,

ORDERED, That the electric and gas utilities and VEIC observe the requirements set forth in this Entry. It is further,

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

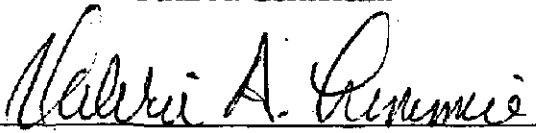
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

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RLH/PAL:ct

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Renee J. Jenkins  
Secretary