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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Energy Efficiency and
Peak Demand Reduction Program Portfolio
of Ohio Edison Company, The Cleveland
Electric Illuminating Company, and
The Toledo Edison Company.

Case No. 09-580-EL-EEC
Case No. 09-581-EL-EEC
Case No. 09-582-EL-EEC

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**THE CITIZENS COALITIONS' MOTION FOR PUBLIC HEARINGS AND
ACCEPTANCE OF COMMENTS BY INTERESTED PARTIES**

The Neighborhood Environmental Coalition, The Empowerment Center of
Greater Cleveland, United Clevelanders Against Poverty, Cleveland Housing
Network and The Consumers for Fair Utility Rates (collectively "Citizens Coalition")
hereby move the Commission to set public hearings in the above-captioned matter
and to permit interested parties to file comments with the Commission.

The reasons for granting this Motion are contained in the Memorandum in
Support attached hereto and hereby incorporated herein.

Respectfully submitted,



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**MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE MOTION FOR PUBLIC
HEARINGS AND ACCEPTANCE OF COMMENTS BY INTERESTED PARTIES**

I. Introduction

The above-referenced applications concern the residential and small business compact fluorescent light bulb program ("CFI Program") requested by Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company ("Companies"). The applications were approved by the Commission's September 23, 2009 Finding and Order. However, after concerns were expressed regarding the CFI program by the Governor, members of the General Assembly and Ohio consumers and additional costs of the program that were not approved by the Commission came to light, the Commission granted an application for rehearing by the Ohio Consumers' Counsel and set oral arguments for October 28, 2009.

II. Public Hearings and Comments are Appropriate in this Case to Adequately Address the Concerns Raised by the Public and Elected Officials

As indicated by both the OCC's application for rehearing and the Companies' memorandum contra that application, initiation of the CFL program caused a significant backlash from the public and, ultimately, from elected officials including Governor Strickland. The principal concern raised by the public was expressed by Governor Strickland in his press release on the subject, questioning how this program could be "thrust upon" the public "without their prior approval or knowledge."

Although the Citizens Coalition believes that the oral arguments scheduled by the Commission are a step in the right direction, more action is necessary to adequately resolve the issues facing the Commission. The proposed CFL program is a program that requires the acceptance and participation of the public in order for it to be even marginally effective. The oral arguments scheduled by the Commission permit only entities who are already parties to the case to participate. The public is once again prevented from having any opportunity to comment on this program and provide input to the Commission. If the public is not on board with the CFL program, it will undoubtedly fail, no matter what the Commission or any of the parties involved have to say about it. Shutting the public out the process again will only guarantee that failure.

Therefore, the Citizens Coalition moves the Commission to set public hearings in affected service areas similar to those required under R.C. § 4903.083

for applications for rate increases. The Commission should follow the time and notice requirements for § 4903.083 to assure adequate opportunity of the public to participate. In addition, the Commission should permit submission of written comments by non-parties. This would ensure that the public, as well as elected officials representing the public, could participate.

As the Companies indicated in their brief contra to the application for rehearing, "it's time for a reality check." But the reality is this—if the Commission and the parties to this case do not act to bring the public on board with the CFL program, it will be a well-publicized and expensive failure. Public hearings and the acceptance of written comments from the public will assist the Commission and the Parties in moving the CFL Program forward in a productive manner. The Citizens Coalition moves the Commission to take both these actions in addition to the oral arguments already scheduled in this case.

Respectfully submitted,



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NOTICE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Memorandum were served upon the address of the parties in this PUCO proceeding listed below by ordinary first class mail, postage prepaid, on this 26th day of October 2009.

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