

FILE
FILE



The
Legal Aid Society
of Cleveland
Since 1905

2009 OCT 27 PM 12:28

RECEIVED-DOCKETING DIV

PUCO

October 26, 2009

Matthew Vincel
216.861.5210
216.861.0704 Fax
mvincel@lasclev.org

Public Utilities Commission of Ohio
PUCO Docketing
180 East Broad Street, 10th Floor
Columbus, OH 43215

Cuyahoga County
& ADMINISTRATIVE OFFICES
1223 West Sixth Street
Cleveland, OH 44113
Phone: 216.687.1900
Toll-Free: 888.817.3777
Fax: 216.687.0779

Re: Case Nos. 09-580-EL-BEC/09-581-EL-BEC/09-582-EL-BEC, *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.*

Dear Sir/Madam:

Ashtabula County
121 East Walnut Street
Jefferson, OH 44047
Phone: 440.576.8120
Toll-Free: 866.873.9665
Fax: 440.576.3021

Please find enclosed an original and 20 copies of the Citizens Coalition's Motion for Public Hearings and Acceptance of Comments by Interested Parties and Brief in Support. We have enclosed a self-addressed, postage-paid envelope. Please send a time-stamped copy back to us.

Lake & Geauga Counties
8 North State Street
Suite 300
Painesville, OH 44077
Phone: 440.352.6200
Toll-Free: 888.808.2800
Fax: 440.352.0015

A copy of this was also sent via facsimile to PUCO Docketing. Copies have been served on all parties on the attached certificate of service.

Thank you for your assistance.

Lorain County
538 West Broad Street
Suite 300
Elyria, OH 44035
Phone: 440.323.8240
Toll-Free: 800.111.7318
Fax: 440.323.8526

Respectfully yours,

Matthew D. Vincel
Attorney at Law

enc.

www.lasclev.org

LSC

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician Ann Date Processed 10/27/09

**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

RECEIVED-DOCKETING
2009 OCT 27 PM 12:28
PUCO

**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,



Joseph P. Meissner (0022366)

jpmeyssn@lasclev.org

Matthew D. Vincel (0084422)

mvincel@lasclev.org

Counsel for the Citizens Coalition

The Legal Aid Society of Cleveland

1223 West 6th Street

Cleveland, OH 44113

Tel: 216.687.1900, Exts. 5672, 5032

Fax: (216) 861-0704

**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

**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 ("CFL 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 CFL 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,



Joseph P. Meissner (0022366)

jmeissn@lasclev.org

Matthew D. Vincel (0084422)

mvincel@lasclev.org

Counsel for the Citizens Coalition

The Legal Aid Society of Cleveland

1223 West 6th Street

Cleveland, OH 44113

Tel: 216.687.1900, Exts. 5672, 5032

Fax: (216) 861-0704

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.

Arthur E. Korkosz
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

Jeffrey Small
Office of the Ohio Consumers' Counsel
10 West Broad Street, Ste. 1800
Columbus, OH 43215-3485

David C. Rinebolt
Ohio Partners for Affordable Energy
231 West Lima Street
P.O. Box 1793
Findlay, OH 45839

Duane W. Luckey
Attorney General's Office
Public Utilities Section
180 East Broad Street 9th Floor
Columbus, OH 43215

Henry W. Eckhart
50 West Broad Street #2117
Columbus, OH 43215

Samuel C. Randazzo
McNees Wallace & Nurick
21 East State Street 17th Floor
Columbus, OH 43215

Theodore S. Robinson
Citizen Power
2121 Murray Ave.
Pittsburgh, PA 15217



Matthew D. Vincel (0084422)

The Legal Aid Society of Cleveland
1223 West 6th Street
Cleveland, OH 44113
Telephone: 216.861.5210