

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) On April 23, 2008, the Ohio legislature adopted Amended Substitute Senate Bill No. 221 (SB 221), which became effective on July 31, 2008. Among the provisions of SB 221 is the requirement in Section 4928.66, Revised Code, for the Commission to take certain actions related to the implementation of energy efficiency and peak demand reduction programs by the electric utilities.
- (3) The Commission must be in a position to be able to ascertain, with reasonable certainty, the energy savings and demand reductions attributable to the energy efficiency programs undertaken by electric utilities, including mercantile customers, in order to do the following: (a) verify each electric utility's achievement of energy and peak-demand reduction requirements, pursuant to Section 4928.66(B), Revised Code; (b) consider exempting mercantile customers from cost recovery mechanisms pursuant to Section 4928.66(A)(2)(c), Revised Code; and (c) review cost recovery mechanisms for energy efficiency and/or peak-demand reduction programs implemented by the electric utilities.

- (4) On June 17, 2009, the Commission issued an entry establishing a procedure for the development of protocols for the measurement and verification of energy efficiency and peak demand reduction measures. On July 8, 2009, the Commission issued RFP No. EE-09-TRM-01 in order to obtain qualified engineering consulting services to assist the Commission with the evaluation and initial determination of values and protocols for a technical reference manual (TRM) that is being developed in this proceeding. On September 30, 2009, the Commission issued an Entry selecting the Vermont Energy Investment Corporation to develop the evaluation and initial determination of values and protocols for the TRM.
- (5) On January 27, 2010, the Commission directed Staff to issue RFP No. EE-10-PES-01 in order to obtain a qualified engineering consultant to serve as the statewide Independent Program Evaluator (Evaluator). Potential bidders were directed to submit electronic proposals on or before Friday, February 19, 2010, and print proposals on or before Monday, February 22, 2010. Potential bidders were required to demonstrate that they would be able to perform the required services, show a clear understanding of the tasks to be completed, demonstrate the experience and qualifications of the personnel who would perform the work, and show, in detail, the anticipated breakdown of project costs and schedule.
- (6) RFP No. EE-10-PES-01 sets forth the scope of work for the Evaluator, including, but not limited to, the following:
  - (a) evaluating and validating the electric energy savings and peak demand reductions resulting from each approved electric utility program and mercantile customer activity;
  - (b) determining program and portfolio cost-effectiveness; and
  - (c) conducting some program process evaluations of energy efficiency programs.
- (7) The proposals received in response to the RFP have been evaluated and, after consideration of those proposals, the Commission selects ECONorthwest. The Commission finds that ECONorthwest has the necessary experience to complete the required work and authorizes ECONorthwest to proceed with this project, at the direction of Staff.

- (8) The electric utilities shall enter into a contract by March 31, 2010, with ECONorthwest for the purpose of providing payment for its services under the RFP. The contract shall incorporate the terms and conditions of the RFP, the Evaluator's proposal, and relevant Commission entries in this case. The cost of the Evaluator's services rendered for the three-year period, pursuant to the RFP, shall not exceed \$2,000,000.
- (9) The Evaluator shall submit invoices for services completed as required by the contract, consistent with the terms of the RFP, or as detailed in its contract with the electric utilities, subject to approval by Staff. All invoices must be submitted to the Commission's project coordinator for approval and, subject to approval, will be forwarded to the electric utilities for payment to the Evaluator within 30 days of receipt by the electric utilities.
- (10) ECONorthwest 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 Evaluator 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 Evaluator or Staff, the electric utilities shall provide any and all documents and information requested. The electric utilities may conspicuously mark such documents or information "confidential." In no event shall the electric

utilities refuse or delay providing such information or documents to the Evaluator or Staff.

- (12) The following process shall apply to the release of any document or information the electric utilities mark as "confidential:" Staff or the Evaluator 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 utilities. Three days after such notice, Staff or the Evaluator may disclose or otherwise make use of such documents or information for any lawful purpose, unless the electric 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 Evaluator shall perform its duties as an independent contractor. Neither the Commission nor Staff shall be liable for any acts committed by the Evaluator in the performance of its duties.

It is, therefore,

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

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

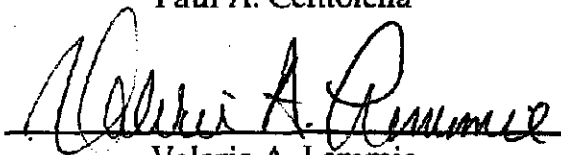
ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

Paul A. Centolella



Valerie A. Lemmie

Ronda Hartman Fergus

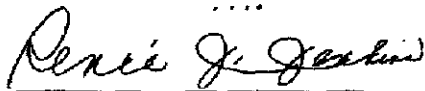


Cheryl L. Roberto

RLH/PAL:sc

Entered in the Journal

MAR 17 2010



Renee J. Jenkins  
Secretary