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March 29, 2010

Public Utilities Commission of Ohio
PUCO Docketing
180 East Broad Street, 11th Floor
Columbus, Ohio 43215

Re: In the Matter of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company:

Case Nos. 09-1947-EL-POR
09-1948-EL-POR
09-1949-EL-POR

Case Nos. 09-1942-EL-EEC
09-1943-EL-EEC
09-1944-EL-EEC

Case Nos. 09-580-EL-EEC
09-581-EL-EEC
09-582-EL-EEC

Greetings:

Material Sciences Corporation files in these dockets its Initial Brief. The originals and necessary copies for both filings are enclosed. Any questions please contact me.

Regards

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the
Ohio Edison Company, The Cleveland
Electric Illuminating Company, and The
Toledo Edison Company for Approval
Of Their Energy Efficiency and Peak
Demand Reduction Program Portfolio
Plans for 2010 through 2012 and
Associated Cost Recovery Mechanism.

Case Nos. 09-1947-EL-POR
09-1948-EL-POR
09-1949-EL-POR

In the Matter of the Application of the
Ohio Edison Company, The Cleveland
Electric Illuminating Company, and The
Toledo Edison Company for Approval
Of Their Initial Benchmark Reports.

Case Nos. 09-1942-EL-EEC
09-1943-EL-EEC
09-1944-EL-EEC

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 Nos. 09-580-EL-EEC
09-581-EL-EEC
09-582-EL-EEC

**INITIAL BRIEF
BY MATERIAL SCIENCES CORPORATION**

Material Sciences Corporation ("MSC") raised several objections¹ about TE's plans beginning June 1, 2011 to use a Request for Proposal process to receive commitments from customers to reduce their loads upon notice received as part of its Peak Demand Reduction portfolio plan.²

¹ MSC Objections #1 through -#6 filed on February 16, 2010 in this docket.

² FE Ohio EDUs, Ohio Edison, The Cleveland Electric Illuminating Company, ("CEI") and The Toledo Edison Company ("TE") collectively referred to as the "Companies" each filed Energy Efficiency and Peak Demand Reduction Plans ("EE/PDR Plans") referred to as Companies Ex. 6--OE's EE/PDR Plan, Companies Ex. 7--CEI EE/PDR Plan, and Companies Ex. 8--TE EE/PDR Plan. Each Plan used "virtually identical" program designs. See Application, dated December 15, 2009, pg. 3, FN 3, Tr. Vol. I, pg. 103.

Approval of the RFP process is not ripe for adjudication because probative evidence in the hearing record fails to establish when if ever the RFP process goes into effect.³ *Companies Ex. 8, at pg. 25, sec. 3, Tr. Vol. I, pg. 106-107.* Uncertain implementation status likewise makes unnecessary for the Commission to adjudicate whether TE's PDR Plan sufficiently describes the RFP process as required by OAC 4901:1-39-04 (C) (5) (a) through (l).⁴ Wherefore, MSC requests the Commission refrain from specifically ruling on the RFP process until TE provides sufficient clarification on when if ever the RFP process goes into effect.⁵

Respectfully Submitted,



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³ TE intends to update the Commission through annual filings due March 15 on when if ever the RFP process begins as contemplated in the PDR plan. *Companies Ex. 8, at pg. 25, sec. 3, Tr. Vol. I, pg. 106-107.*

⁴ MSC's objection #2 avers TE, failed to describe or fully describe for the RFP process (i) the objectives and program metrics, (ii) target market, including participation requirements, (iii) program approach, rationale and description, (iv) implementation strategy, including expected changes that may occur in different program years, (v) program issues and risks, and risk management strategy, (vi) ramp-up strategy, (vii) marketing strategy, (viii) market transformation strategy, (ix) eligible measures and incentive strategies, (x) non-energy benefits, and (xi) other appropriate information. Also see Tr. Vol. I, pg. 107

⁵ MSC expressly preserves its rights to otherwise respond to the Initial Brief filed on behalf of the Companies in this proceeding.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing MSC Initial Brief was served this 29th day of March 2010 by electronic mail upon the persons listed below.



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