

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Duke)
Energy Ohio and The Kroger Co. for)
Integration of Mercantile Customer) Case No. 10-3134-EL-EEC
Energy Efficiency or Peak-Demand)
Reduction Programs.)

ENTRY

The attorney examiner finds:

- (1) Section 4928.01(A)(19), Revised Code, defines a mercantile customer as a commercial or industrial customer that consumes more than 700,000 kilowatt hours of electricity per year or that is part of a national account involving multiple facilities in one or more states. Section 4928.66, Revised Code, imposes certain energy efficiency and peak demand reduction requirements upon Ohio's electric distribution utilities, but also enables mercantile customers to commit their peak demand reduction, demand response, and energy efficiency programs for integration with an electric utility's programs in order to meet the statutory requirements. Rule 4901:1-39-05(G), Ohio Administrative Code (O.A.C.), permits a mercantile customer to file, either individually or jointly with an electric utility, an application to commit the customer's demand reduction, demand response, and energy efficiency programs for integration with the electric utility's programs.
- (2) On September 15, 2010, the Commission issued an entry in Case No. 10-834-EL-EEC adopting an 18-month pilot program to expedite the review and approval process for applications filed by mercantile customers under Rule 4901:1-39-05(G), O.A.C. This pilot program is intended to simplify the energy efficiency credits (EEC) application process through the development of a standard application template, and expedite the approval of certain applications through the creation of an automatic approval process, and simplify incentives for mercantile customers who commit their programs for integration with an electric utility. The pilot program's automatic approval process provides that applications using the standard template will be approved on the sixty-first calendar day after filing, unless the Commission, or an attorney

examiner, suspends or denies that automatic approval of the application. Automatic approval is, however, limited to applications where the mercantile customer has agreed to a cash rebate, rather than an exemption from the electric utility's energy efficiency rider.

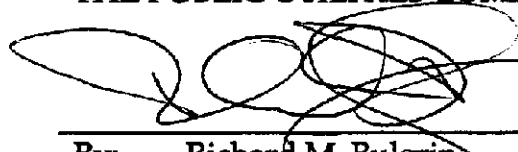
- (3) On December 30, 2010, The Kroger Co. (Kroger) filed an application under Rule 4901:1-39-05(G), O.A.C., jointly with Duke Energy Ohio (Duke), to commit energy efficiency projects under the pilot program established in Case No. 10-834-EL-EEC, and subject to a 60-day automatic approval unless suspended.
- (4) On January 28, 2011, the applicants filed a motion requesting waiver of the 60-day automatic approval process under the pilot program in order to allow the applicants time to provide additional data. Therefore, the attorney examiner finds good cause to suspend the 60-day automatic approval process and will suspend approval of this application accordingly.


It is, therefore,

ORDERED, That the automatic approval process established under the pilot program in Case No. 10-834-EL-EEC be suspended for this application. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record in this case.

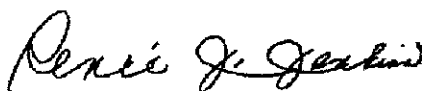
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Richard M. Bulgrin
Attorney Examiner

RMB/dah 

Entered in the Journal

FEB 18 2011



Renee J. Jenkins
Secretary