

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of The)	
Cleveland Electric Illuminating Company,)	
Ohio Edison Company, and The Toledo Edison)	Case No. 09-1947-EL-POR
Company for Approval of Their Energy)	Case No. 09-1948-EL-POR
Efficiency and Peak Demand Reduction)	Case No. 09-1949-EL-POR
Program Portfolio Plans for 2010 through 2012)	
and Associated Cost Recovery Mechanism.)	

In the Matter of the Application of The)	
Cleveland Electric Illuminating Company,)	Case No. 09-1942-EL-EEC
Ohio Edison Company, and The Toledo Edison)	Case No. 09-1943-EL-EEC
Company for Approval of Their Initial)	Case No. 09-1944-EL-EEC
Benchmark Reports.)	

In the Matter of the Energy Efficiency and Peak)	
Demand Reduction Program Portfolio of The)	Case No. 09-580-EL-EEC
Cleveland Electric Illuminating Company,)	Case No. 09-581-EL-EEC
Ohio Edison Company, and The Toledo Edison)	Case No. 09-582-EL-EEC
Company.)	

ENTRY

The attorney examiner finds:

- (1) The Cleveland Electric Illuminating Company, Ohio Edison Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) On December 15, 2009, FirstEnergy filed an application for approval of the Companies' initial benchmark reports and for approval of the Companies' energy efficiency and peak demand reduction program portfolio plans for 2010 through 2012.
- (3) On March 23, 2011, the Commission issued its Opinion and Order finding that the Companies' initial benchmark reports were supported by the record and should be approved. Additionally, the Commission found that the Companies' energy efficiency and peak demand reduction program portfolio plans were reasonable

and should be approved as modified in the Opinion and Order, with the exception of the following programs: the street lighting program; the transmission and distribution programs for which the Companies separately sought approval in Case Nos. 09-951-EL-EEC, et al.; the shared savings mechanism; and the residential energy efficient products program as it relates to water heaters for customers who have access to natural gas.

The Commission stated that the evidence in the record of the proceeding did not support approval of the street lighting program or the residential energy efficient products program as it relates to water heaters for customers who have access to natural gas. Further, the Commission found that the record did not support approval of the shared savings mechanism. Consequently, the Commission concluded that further proceedings were necessary regarding these three programs and directed the attorney examiner to schedule an additional hearing for that purpose. Thereafter, the Companies and Nucor filed applications for rehearing, which the Commission denied by entry on rehearing issued September 7, 2011.

- (4) By entry issued September 23, 2011, the attorney examiner set a procedural schedule pursuant to the directives of the Commission in the March 23, 2011, Opinion and Order, for purpose of hearing evidence on the street lighting program, the residential energy efficient products program as it relates to water heaters for customers with access to natural gas, and the shared savings mechanism. The attorney examiner scheduled the prehearing conference to commence on October 24, 2011, and an evidentiary hearing to commence on November 7, 2011.
- (5) On September 30, 2011, FirstEnergy filed a motion to vacate the attorney examiner's September 23, 2011, Entry setting the procedural schedule. In its memorandum in support, FirstEnergy argues that such a hearing is unnecessary at this time because the Companies have elected not to pursue the street lighting program or the residential water heating program. Further, FirstEnergy argues that Staff has not yet provided a strawman proposal for a shared savings mechanism as required the March 23, 2011, Opinion and Order.
- (6) On October 7, 2011, Staff filed a motion for a continuance of the hearing date. In its memorandum in support, Staff concurs with

FirstEnergy's assertion that a hearing is not necessary on the street lighting program or residential water heating program because the Companies are not currently pursuing either program. Additionally, with respect to the shared savings mechanism, Staff states that it intends to present a strawman proposal in accordance with the March 23, 2011, Opinion and Order, at the prehearing conference scheduled for October 24, 2011. Staff proposes that the evidentiary hearing date be continued from November 7, 2011, until December 7, 2011, in order to allow the parties to evaluate and discuss Staff's proposal.

- (7) The attorney examiner finds that Staff's motion for a continuance of the evidentiary hearing from November 7, 2011, until December 7, 2011, is reasonable and should be granted. Additionally, as Staff intends to present its strawman proposal at the October 24, 2011, prehearing, the attorney examiner finds that FirstEnergy's motion to vacate the entry setting the procedural schedule shall be denied as to hearing evidence on the shared savings mechanism. However, as FirstEnergy has stated and Staff has concurred that it is unnecessary to hear evidence on the street lighting program and residential water heating program because FirstEnergy has elected not to pursue these programs at this time, the attorney examiner finds that FirstEnergy's motion to vacate the Entry as to the street lighting program and residential water hearing program should be granted.

Consequently, the attorney examiner finds that the prehearing conference shall take place, as previously scheduled, on October 24, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793. The evidentiary hearing shall be continued from November 7, 2011, to December 7, 2011, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That FirstEnergy's motion to vacate the September 23, 2011, Entry is granted in part and denied in part as set forth in Finding (7). It is, further,

ORDERED, That Staff's motion for a continuance of the hearing date be granted as set forth in Finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Gregory A. Price
Attorney Examiner

JRG/sc

Entered in the Journal

OCT 20 2011

Betty McCauley

Betty McCauley
Secretary