

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 Company for)	Case No. 09-1947-EL-POR
Approval of Their Energy Efficiency and)	Case No. 09-1948-EL-POR
Peak Demand Reduction Program)	Case No. 09-1949-EL-POR
Portfolio Plans for 2010 through 2012)	
and Associated Cost Recovery)	
Mechanism.)	

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

In the Matter of the Energy Efficiency)	
and Peak Demand Reduction Program)	
Portfolio of The Cleveland Electric)	Case No. 09-580-EL-EEC
Illuminating Company, Ohio Edison)	Case No. 09-581-EL-EEC
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 for the 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 October 7, 2011, Staff filed a motion for a continuance of the hearing date on the basis that a hearing was not necessary on the street lighting program or residential water heating program because the Companies had elected not to pursue either program. Additionally, with respect to the shared savings mechanism, Staff stated its intention to present a strawman proposal in accordance with the

March 23, 2011, Opinion and Order, at the prehearing conference scheduled for October 24, 2011. Consequently, the attorney examiner granted Staff's motion for a continuance of the evidentiary hearing from November 7, 2011, until December 7, 2011.

- (6) Thereafter, on November 23, 2011, the Companies filed a motion for a continuance of the December 7, 2011, evidentiary hearing. By entry issued November 29, 2011, the attorney examiner granted the motion and rescheduled the hearing for January 17, 2012.
- (7) Further, on December 27, 2011, the Companies filed a motion requesting a continuance of the January 17, 2012, evidentiary hearing. By entry issued January 5, 2012, the attorney examiner granted the motion and rescheduled the hearing for February 21, 2012.
- (8) Thereafter, on January 31, 2012, the Companies filed a motion to stay the proceedings in this case indefinitely. In support, the Companies state that, while the Companies, Staff, and other interested parties are engaged in serious discussions regarding the shared savings mechanism, the Companies are well into the process of developing their next three-year energy efficiency and peak demand reduction portfolio (EEPDR) plan for the period of January 1, 2013, through December 31, 2015, which the Companies intend to file in the second quarter of 2012. Consequently, the Companies state that, rather than litigating a single issue involving the shared savings mechanism in this docket, it would be more efficient to continue settlement discussions with a goal of including the incentive mechanism in the Companies' next three-year EEPDR plan. Finally, the Companies indicate that the active parties in these proceedings related to the shared savings mechanism have indicated that they do not oppose an indefinite stay.
- (9) Subsequently, on February 1, 2012, the Ohio Energy Group (OEG) filed a memorandum in support of the Companies' motion to stay the proceedings in this case indefinitely. In its memorandum in support, OEG echoes the Companies' argument that it would be more efficient to continue proceedings related to the shared savings mechanism in the Companies' next three-year EEPDR plan.

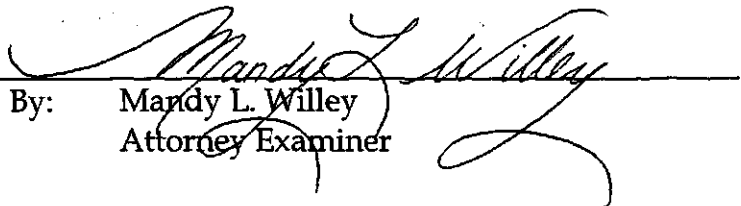
- (10) The attorney examiner finds that these proceedings related to the shared savings mechanism should be stayed indefinitely pending further action by the Commission.

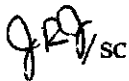
It is, therefore,

ORDERED, That the Companies' motion for an indefinite stay of these proceedings be granted as set forth in Finding (10). It is, further,

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

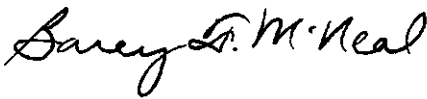
THE PUBLIC UTILITIES COMMISSION OF OHIO


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Secretary