

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
Ohio Edison Company, The Cleveland)	
Electric Illuminating Company, and)	Case No. 12-2190-EL-POR
The Toledo Edison Company for)	Case No. 12-2191-EL-POR
Approval of Their Energy Efficiency)	Case No. 12-2192-EL-POR
and Peak Demand Reduction Program)	
Portfolio Plans for 2013 through 2015.)	

ENTRY

The attorney examiner finds:

- (1) Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or 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 July 31, 2012, FirstEnergy filed an application for approval of the Companies' energy efficiency and peak demand reduction program portfolio plans for 2013 through 2015 pursuant to Section 4928.66, Revised Code, Rules 4901:1-39-04, 4901:1-39-05, 4901:1-39-06, and 4901:1-39-07, Ohio Administrative Code (O.A.C.), and the Commission's February 28, 2012, entry in Case No. 12-814-EL-UNC. In addition, FirstEnergy filed testimony in support of the application.

The Companies' application contains a proposed procedural schedule including a suggested deadline of September 17, 2012, for objections to the application and a suggested evidentiary hearing start date of October 22, 2012. In its procedural schedule proposal, FirstEnergy notes that its counsel has a conflict the first week of November 2012, and that one of the Companies' witnesses is unavailable the first two weeks of November 2012. Additionally, FirstEnergy requests that a Commission order be issued by December 12, 2012, in order to avoid any potential delay in implementing the plans on January 1, 2013.

- (3) Thereafter, on August 6, 2012, the Environmental Law and Policy Center, the Sierra Club, the Ohio Environmental Council, and the Natural Resources Defense Council (collectively, Environmental Advocates), filed a collective objection to the Companies' proposed procedural schedule. In their collective objection, the Environmental Advocates assert that FirstEnergy's proposed procedural schedule provides for a 45-day period from the date the application was filed for parties to file objections to the application. The Environmental Advocates point out that Rule 4901:1-34-04(D), O.A.C., provides for a 60-day period for the filing of objections, subject to change by the Commission. Additionally, the Environmental Advocates assert that FirstEnergy's proposed portfolio plans are large and complex and require more time for examination than FirstEnergy has allotted in its proposed procedural schedule. Further, the Environmental Advocates argue that FirstEnergy should have planned around its witness' and counsel's unavailability and filed its application sooner than July 31, 2012, if it desired a Commission order no later than December 12, 2012.
- (4) Chapter 4901:1-39, O.A.C., provides that the Commission should establish a procedural schedule for energy efficiency and peak demand reduction program portfolio plans. The attorney examiner has considered the procedural schedules proposed by FirstEnergy as well as the Environmental Advocates and finds that the following procedural schedule is appropriate for these proceedings:
 - (a) To assist interested persons in understanding the applications filed by FirstEnergy, a technical conference shall be held on August 30, 2012, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-B, Columbus, Ohio.
 - (b) Motions to intervene shall be filed by September 17, 2012.
 - (c) Pursuant to Rule 4901:1-39-04(D), O.A.C., all objections to FirstEnergy's energy efficiency and peak demand reduction program portfolio plans from 2013 through 2015 shall be filed by September 17, 2012. Pursuant to the rule, any

person filing objections shall specify the basis for the objections, including any proposed additional or alternative programs or modifications to the electric utility's proposed program portfolio plan.

- (d) Testimony on behalf of interveners regarding FirstEnergy's energy efficiency and peak demand reduction program portfolio plans shall be filed by October 5, 2012.
 - (e) Testimony on behalf of Staff regarding FirstEnergy's energy efficiency and peak demand reduction program portfolio plans shall be filed by October 9, 2012.
 - (f) The evidentiary hearing shall commence on October 22, 2012, at 10:00 a.m., at the offices of the Commission, 180 E. Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio.
- (5) Pursuant to Rule 4901:1-39-04(E), O.A.C., the Companies should publish legal notice of the scheduled hearing in a newspaper of general circulation in each county in the Companies' service territories. Publication of the notice should be completed by September 21, 2012. The hearing notice should not appear in the legal notices section of the newspaper. The notice should read as follows:

LEGAL NOTICE

The Public Utilities Commission of Ohio (PUCO) has scheduled a public hearing in Case Nos. 12-2190-EL-POR, 12-2191-EL-POR, and 12-2192-EL-POR, *In the Matter of the Application of 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 2013 through 2015*. The application was filed pursuant to Section 4928.66 of the Ohio Revised Code and Rules 4901:1-39-04 through 07 of the Ohio Administrative Code (O.A.C.). The companies are seeking PUCO approval of various proposed plans to increase energy efficiency by their

customers and to reduce energy usage by their customers during times of peak demand. The PUCO has scheduled a public hearing to consider the matters raised in the companies' application. The hearing will commence on October 22, 2012, at 10:00 a.m., at the offices of the PUCO, 180 E. Broad Street, 11th Floor, Hearing Room 11-A, Columbus, Ohio. Any person seeking to participate in the hearing should file with the PUCO a motion to intervene by September 17, 2012. Pursuant to Rule 4901:1-39-04(D), O.A.C., all objections to the companies' energy efficiency and peak demand reduction program portfolio plans for 2013 through 2015 and to the companies' initial benchmark report shall be filed with the PUCO by September 17, 2012. Pursuant to the rule, any person filing objections shall specify the basis for the objections, including any proposed additional or alternative programs or modifications to the electric utility's proposed program portfolio plan.

Further information may be obtained by contacting the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793; by calling the PUCO hotline at 1-800-686-7826; or by going to the PUCO website at www.puco.ohio.gov, selecting DIS, and entering a case number referenced above.

- (6) As set forth above, the hearing in this proceeding will commence on October 22, 2012. Efforts to resolve issues between the parties and reach consensus prior to the start of the hearing should be conducted as expeditiously as possible because requests to delay the start date of the hearing will not be viewed with favor. To help ensure that all parties are properly prepared for hearing, responses to discovery requests shall be due in 10 days instead of the 20 days provided by Rule 4901-1-19, O.A.C. Parties are encouraged to serve discovery requests and responses electronically. Should the need arise, motions to compel should be filed as early as possible. A response to a motion to compel shall be filed within three business days.

It is, therefore,

ORDERED, That the procedural schedule set forth in Finding (4) be adopted. It is, further,

ORDERED, That FirstEnergy publish legal notice as directed in Finding (5). It is, further,

ORDERED, That the parties comply with the discovery-related requirements set forth in Finding (6). It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Mandy Willey

By: Mandy L. Willey
Attorney Examiner

JRJ/sc

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 12-2190-EL-POR, 12-2191-EL-POR, 12-2192-EL-POR

Summary: Attorney Examiner Entry setting forth a procedural schedule and discovery-related requirements. - electronically filed by Sandra Coffey on behalf of Mandy Willey, Attorney Examiner, Public Utilities Commission of Ohio