

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio)	
Edison Company, The Cleveland Electric)	
Illuminating Company, and The Toledo)	
Edison Company for Authority to)	Case No. 12-1230-EL-SSO
Establish a Standard Service Offer)	
Pursuant to R.C. § 4928.143 in the Form)	
of an Electric Security Plan.)	

**MOTION TO TAKE ADMINISTRATIVE NOTICE
BY
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

The Office of the Ohio Consumers' Counsel ("OCC"), on behalf of FirstEnergy's residential utility customers, submits this Motion for taking administrative notice of facts in the record in Case Nos. 12-2190-EL-POR, 12-2191-EL-POR, and 12-2192-EL-POR ("*Peak Demand Cases*").¹ The following documents below include facts that are sought to be administratively noticed:

- (1) Attachment A, Ohio Edison Company Energy Efficiency & Peak Demand Reduction Program Portfolio, Appendix C-3, Table PUCO 2: Summary of Portfolio Energy and Demand Savings, that provides the estimated energy savings and demand savings by year for the years 2013-2015;
- (2) Attachment B, The Cleveland Electric Illuminating Company Energy Efficiency & Peak Demand Reduction Program Portfolio, Appendix C-3, Table PUCO 2: Summary of Portfolio Energy and Demand Savings by year for the years 2013-2015;

¹ *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*, Case Nos. 12-2190-EL-POR, 12-2191-EL-POR, and 12-2192-EL-POR.

- (3) Attachment C, Toledo Edison Company Energy Efficiency & Peak Demand Reduction Program Portfolio, Appendix C-3. Table PUCO 2: Summary of Portfolio Energy and Demand Savings by year for the years 2013-2015;
- (4) Attachment A, Ohio Edison Company Energy Efficiency & Peak Demand Reduction Program Portfolio, Appendix C-3 Table PUCO 4: Program Summaries;
- (5) Attachment B, The Cleveland Electric Illuminating Company Energy Efficiency & Peak Demand Reduction Program Portfolio, Appendix C-3, Table PUCO 4: Program Summaries.
- (6) Referring to Attachment C, Toledo Edison Company Energy Efficiency & Peak Demand Reduction Program Portfolio, filed on April 13, 2012, Appendix C-3, Table PUCO 4: Program Summaries.

Moreover and as OCC explains in the attached Memorandum in Support, the information contained in the documents (Attachments A-C) was requested by OCC in this proceeding in discovery sent to FirstEnergy in May, 2012. OCC never received the six items from FirstEnergy. Instead, OCC found the information on the PUCO website under the filings of the *Peak Demand Cases* on July 31, 2012.

OCC (and residential consumers) were prejudiced when OCC did not receive the information contained in the documents (regarding the 2013-2015 lost distribution revenues associated with energy efficiency) when originally requested by OCC or under the Companies' continuing duty to supplement discovery responses under Ohio Adm. Code 4901-1-16(D)(3). OCC relied on the response of FirstEnergy that an estimation of the lost distribution revenue for 2013-2015 (based on the energy efficiency and demand reduction) was unavailable because the energy efficiency measures for that period were

currently being planned.² Only FirstEnergy knows when the information contained in those documents was available. By OCC not receiving an estimation of lost distribution revenue for 2013-2015 (based on the energy efficiency and demand reduction plan), OCC (and by implication the trier of fact, the PUCO) received an incomplete set of data regarding FirstEnergy's Electric Security Plan. It also should be noted that the rushed schedule in this case constrained OCC's ability to obtain and then use this information in advocating for consumers. Administrative notice should be at least one remedy in this circumstance.

Ohio Adm. Code 4901-1-12 allows for motions and 4901-1-14 allows for rulings on procedural matters. Accordingly, this Motion should be granted for reasons more fully explained in the attached Memorandum in Support.

² See Attachment 1.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

The PUCO has broad discretion to conduct its own hearings.³ The PUCO is not stringently confined to the rules of evidence,⁴ but is directed by statute to observe the practice and rules of evidence in civil proceedings.⁵

Under Rule 201 of the Ohio Rules of Evidence, judicial notice may be taken of any adjudicative fact that is not subject to reasonable dispute. This rule permits courts to fill gaps in the record. Accordingly, courts have judicially noted documents filed, testimony given, and orders or findings. Under subsection (F) of Rule 201, “Judicial notice may be taken at any stage of the proceeding.”

The Supreme Court of Ohio has held that while there is no absolute right for the taking of administrative notice, there is no prohibition against the Commission taking administrative notice of facts outside the record in a case.⁶ The Court has held that the

³ See, e.g., R.C. 4903.02, 4903.03, 4903.04; Ohio Adm. Code 4901-1-27.

⁴ See *Greater Cleveland Welfare Rights v. Pub. Util. Comm.* (1982), 2 Ohio St.3d 62.

⁵ R.C. 4903.22.

⁶ See *Canton Storage and Transfer Co. v. Pub. Util. Comm.* (1995), 72 Ohio St.3d 1, 17-18 (citing to *Allen, D.B.A. J & M Trucking, et al., v. Pub. Util. Comm.* (1988), 40 Ohio St.3d 184, 185.

Commission may take administrative notice of the record of an earlier proceeding, subject to review on a case-by-case basis.⁷ The important factors for applying administrative notice, according to the Court, are that the complaining party has prior knowledge of and an opportunity to rebut the materials judicially noticed.⁸

The PUCO itself has recognized that it may take administrative notice of adjudicative facts,⁹ cases,¹⁰ entries,¹¹ expert opinion testimony, and briefs and other pleadings filed in separate proceedings.¹² The PUCO has also taken administrative

⁷ *Allen*, 40 Ohio St.3d at 185-186.

⁸ *See, e.g., id.*, 40 Ohio St.3d at 186.

⁹ *In the Matter of the Review of the Interim Emergency and Temporary PIP Plan Riders Contained in the Approved Rate Schedules of Electric and Gas Companies*, Case No. 83-303-GE-COI, Entry at ¶6 (Feb. 22, 1989) (administrative notice taken of facts adduced at hearing in another investigation, information compiled by Staff from the 1980 Census Report, and customer information reported pursuant to the Ohio Administrative Code).

¹⁰ *In the Matter of the Amendment of Chapter 4901:1-13, Ohio Administrative Code, to Establish Minimum Gas Service Standards*, Case No. 05-602-GA-ORD, Entry on Rehearing at 33 (May 16, 2006) (administrative notice taken of case filed where utility presented problems with remote technology, and sought to discontinue new installation of remote meters).

¹¹ *In the Matter of the Application of Ohio Edison Company for Authority to Change Certain of Its Filed Schedules Fixing Rates and Charges for Electric Service*, Case No. 89-1001-EL-AIR, Opinion and Order at 110 (Aug. 19, 1990) (administrative notice taken by the Attorney Examiner of entries and orders issued in an audit proceeding and an agreement filed in the audit docket).

¹² *See In the Matter of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company for Authority to Provide for a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 12-1230-EL-SSO, Opinion and Order at 18-21 (finding that the Court has placed no restrictions on taking administrative notice of expert opinion testimony, and that it declined to impose such restrictions); *In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan*, Case No. 10-388-EL-SSO, Entry at ¶6 (Apr. 6, 2010), *aff'd* by Entry on Rehearing at ¶14 (May 13, 2010) (both Entries allowing the entire record of a prior proceeding to be administratively noticed in the ESP proceeding and ruling that all briefs and pleadings “may be used for any appropriate purposes”).

notice of the entire record¹³ and evidence presented in separate cases.¹⁴ And the PUCO, in taking administrative notice of the entire record of a prior proceeding in a FirstEnergy Electric Security Plan proceeding, allowed all briefs and other pleadings administratively noticed to be “used for any appropriate purposes.”¹⁵ Additionally, the Commission has followed Rule 201(F) and has permitted administrative notice to be taken at any time, and as late as the time when applications for rehearing are being filed.¹⁶

The Commission has stated that it would have been derelict in its duty to the public if it does not take administrative notice of its own records.¹⁷ The Ohio Supreme Court held that the administrative notice of zone enlargement petition proceedings was reasonable.¹⁸ The Commission may also take judicial notice of prior cases¹⁹ and investigative cases in complaint cases.²⁰

OCC seeks administrative notice of facts included in documents filed in the recent *Peak Demand Cases*, proceedings closely related to this case. FirstEnergy is the party who filed these documents with the Commission. The documents OCC seeks to have

¹³ Case No. 10-388-EL-SSO, Entry at ¶6 (Apr. 6, 2010), aff’d by Entry on Rehearing at ¶14 (May 13, 2010).

¹⁴ *Id.*; *In the Matter of the Application of The Cincinnati Gas & Electric Company for an Increase in Electric Rates in its Service Area*, Case No. 91-410-EL-AIR, Opinion and Order at 19 (May 12, 1992) (administrative notice taken of the record in the Zimmer restatement case and evidence presented in the case); *In the Matter of the Application of Columbus Southern Power Company for Authority to Amend its Filed Tariffs to Increase the Rates and Charges for Electric Service.*, Case No. 91-418-EL-AIR, Opinion and Order (taking administrative notice of entire record of Zimmer Restatement Case).

¹⁵ Case No. 10-388-EL-SSO, Entry at ¶6 (Apr. 6, 2010), aff’d by Entry on Rehearing at ¶14 (May 13, 2010).

¹⁶ *Cincinnati Bell Telephone Company v. Pub. Util. Comm.* (1984), 12 Ohio St.3d 280, 284-285 (Supreme Court upheld administrative notice taken through an application for rehearing).

¹⁷ *Allen*, 40 Ohio St.3d at 185-186, citing *Schuster v. Pub. Util. Comm.* (1942), 139 Ohio St.3d 458, 461.

¹⁸ *Id.*, citing *J.V. McNicholas Transfer Co. v. Pub. Util. Comm.* (1975), 44 Ohio St.2d 23, 27.

¹⁹ *Id.*, citing *Canton v. Pub. Util. Comm.* (1980), 63 Ohio St.2d 76, 80.

²⁰ *Id.*, citing *County Commrs. Assn. v. Pub. Util. Comm.* (1980), 63 Ohio St.2d 243, 247.

administratively noticed are not subject to reasonable dispute. The documents in the *Peak Demand Cases* are exactly what they are purported to be and they were prepared for the *Peak Demand Cases* by FirstEnergy.

The attached documents (Attachments A-C) were filed on July 31, 2012 by FirstEnergy. The information included in these documents will be helpful to the decision making process of the PUCO. The information from items 1-3 identified in OCC's Motion (columns labeled "MWh Saved") would allow the Commission to approximate the incremental distribution lost revenue for the years 2013-2015 that the Companies could seek to collect from customers. The columns labeled "kW Saved" provide a good proxy for estimating the incremental energy efficiency that the Companies could have bid into the 2015/2016 PJM base residual auction.

In the formal ESP proceeding, in response to OCC's request for the amount of "lost distribution revenues associated with Commission approved Programs and based on the Companies upcoming three year energy efficiency portfolio filing,"²¹ the Company only provided a lost distribution revenue figure for the years 2011-2012.²² Should the Commission take administrative notice of these facts, the lost distribution revenue figure for the years 2011-2012 in Attachment 1 would be put in context, and credence would be added to the concerns raised by OCC in testimony²³ and on brief.²⁴

The information in items 4-6 in OCC's Motion (columns labeled "Net Lifetime MWh Savings") for each sector (residential, small enterprise, mercantile, mercantile-

²¹ See Attachment 1.

²² See Attachment 1.

²³ OCC Hearing Ex. No. 11, Direct Testimony of Wilson Gonzalez (May 21, 2012) at 37-39.

²⁴ Joint Initial Post Hearing Brief (June 22, 2012) at 34-38.

utility, and Government Portfolio Programs) allows the Commission to achieve a better understanding of the maximum distribution lost revenue that the Companies could collect from customers under the open-ended Stipulation.

These documents should be administratively noticed in this proceeding to assist the PUCO in determining the appropriate lost revenue cost recovery mechanism. Moreover, the PUCO has stated before that it would be derelict in its duty to the public to not take administrative notice of its records.²⁵ Here, these documents were introduced in the *Peak Demand Cases* by FirstEnergy, not the OCC or any other opposing party. FirstEnergy would have difficulty arguing that these documents prejudice it because FirstEnergy prepared these documents with inevitable future litigation in mind. The PUCO has taken administrative notice of zone enlargement petition proceedings,²⁶ prior cases,²⁷ and investigative cases in complaint cases;²⁸ these are decisions that have been made by impartial actors.

On the other hand, FirstEnergy produced these documents in the *Peak Demand Cases*. The OCC, an opposing party, is asking the Commission to administratively notice the facts contained in these documents for the purposes of this proceeding. FirstEnergy had control over the content of these documents. FirstEnergy had incentive and the opportunity to ensure the accuracy of the documents and to compile the data to put its case in the best light possible. Since FirstEnergy will not be prejudiced by the

²⁵ *Allen*, 40 Ohio St.3d at 185-186, citing *Schuster v. Pub. Util. Comm.* (1942), 139 Ohio St.3d 458, 461.

²⁶ *Id.*, citing *J.V. McNicholas Transfer Co. v. Pub. Util. Comm.* (1975), 44 Ohio St.2d 23, 27.

²⁷ *Id.*, citing *Canton v. Pub. Util. Comm.* (1980), 63 Ohio St.2d 76, 80.

²⁸ *Id.*, citing *County Commrs. Assn. v. Pub. Util. Comm.* (1980), 63 Ohio St.2d 243, 247.

introduction of this evidence, the PUCO should fulfill its public duty and grant the requested administrative notice.²⁹

Moreover, as explained in OCC's Motion, the information contained in the documents (Attachments A-C) was requested by OCC in discovery in this case in May, 2012. OCC never received the information from FirstEnergy. Instead, OCC found the information on the PUCO website under the filings of the *Peak Demand Cases* on July 31, 2012.

OCC was prejudiced when OCC did not receive the information contained in the documents (regarding the 2013-2015 lost distribution revenues associated with energy efficiency) when originally requested by OCC or under the Companies' continuing duty to supplement discovery responses under Ohio Adm. Code 4901-1-16(D)(3). OCC relied on the response of FirstEnergy that an estimation of the lost distribution revenue for 2013-2015 (based on the energy efficiency and demand reduction) was unavailable because the energy efficiency measures for that period were currently being planned.³⁰ Only FirstEnergy knows when the information contained in those documents was available. By OCC not receiving an estimation of lost distribution revenue for 2013-2015 (based on the energy efficiency and demand reduction plan), OCC (and by implication the trier of fact, the PUCO) received an incomplete set of data regarding FirstEnergy's Electric Security Plan. It also should be noted that the rushed schedule in this case constrained OCC's ability to obtain and then use this information in advocating for consumers. Administrative notice should be at least one remedy in this circumstance.

²⁹ *Id.*

³⁰ *See* Attachment 1.

For the reasons above, OCC has established good cause for the Commission to administratively notice the facts contained in the documents requested herein. Taking administrative notice will provide the Commission with additional information for consideration in this proceeding. Allowing administrative notice will also partly address OCC not receiving information responsive to OCC's discovery request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Take Administrative Notice has been served electronically upon those persons listed below this 17th day of August 2012.

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OCC Set 1**Witness: Ridmann****Case No. 12-1230-EL-SSO**

Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan

RESPONSES TO REQUEST

OCC Set 1 – Referring to the Direct Testimony of William Ridmann filed on April 13, 2012, On Page 8,
INT-1 please provide the following charges (actuals and estimates, where actuals are not available) to customers by class for the recovery of lost distribution revenues associated with Commission approved programs and based on the Companies upcoming three year energy efficiency portfolio filing:

- a. Lost distribution charges by year and by class for the years 2011 – 2015
- b. Are the Companies requesting lost distribution revenue recovery for the life of an installed energy efficiency measure? If not, how many years of the measure life will FE collect lost revenues?
- c. If combined heat and power ("CHP") becomes an eligible energy efficiency measure as proposed in Senate Bill 315, will the Companies collect lost distribution revenues from CHP applications?
- d. How is the continuation of the lost distribution revenue recovery mechanism responsive to Chairman Snitchler's concurring opinion in Case No. 09-1947-EL-POR (March 23, 2011) that "I will be most reluctant to approve any future proposals which include the collection of lost distribution revenues resulting from the statutory mandates for energy efficiency savings and peak demand reduction."?

Response:

- a. For actual 2011 and projected 2012 lost distribution revenue, please see OCC-Set 1-INT-1 Attachment 1.
 For 2013 – 2015 lost distribution revenue, the energy efficiency measures that will be employed during that period are currently being planned, and therefore an estimation of lost distribution revenue for that period based on the energy efficiency and demand reduction plan for years 2013 through 2015 is unavailable.
- b. The Companies are requesting to receive lost distribution revenue for all energy efficiency and peak demand reduction programs approved by the Commission through May 31, 2016.
- c. During the term of this ESP 3, the Companies shall be entitled to receive lost distribution revenue for all energy efficiency and peak demand reduction programs approved by the Commission.
- d. It reflects our Company's belief that an investor-owned utility needs to be made whole in the form of recovery of lost distribution revenue due to the intensive fixed-cost nature of our business.

Summary of Portfolio Lost Distribution Revenue - ProRata						
MWh Saved for Consumption Reductions	Program Year 2011 (Actual)			Program Year 2012 (3+9 Forecast)		
	OE	TE	CE	OE	TE	CE
kW Saved for Peak Load Reductions						
Residential Sector (inclusive of Low-Income) - Cumulative Projected Portfolio Savings	\$ 2,456,454	\$ 864,500	\$ 2,128,395	\$ 4,218,277	\$ 1,531,692	\$ 3,194,404
Small Enterprise - Cumulative Projected Portfolio Savings	\$ 121,507	\$ 20,340	\$ 159,890	\$ 942,209	\$ 159,158	\$ 564,957
Mercantile-Self Direct						
Mercantile-Utility (Large Enterprise)- Cumulative Projected Portfolio Savings	\$ 11,110	\$ 1,187	\$ 5,156	\$ 388,367	\$ 27,580	\$ 45,240
Government - Traffic Lighting						
Government - Street Lighting						
TOTAL	\$ 2,589,071	\$ 886,027	\$ 2,293,441	\$ 5,548,853	\$ 1,718,430	\$ 3,804,601



Ohio Edison Company

Energy Efficiency & Peak Demand Reduction Program Portfolio

(For the Period January 1, 2013 through December 31, 2015)

July 31, 2012

Docket No. 12-2190-EL-POR

Appendix C-3

PUCO 2: Summary of Portfolio Energy and Demand Savings

Ohio Edison Summary of Portfolio Energy and Demand Savings - Pro rata						
MWh Saved for Consumption Reductions kW Saved for Peak Load Reductions	Program Year 2013		Program Year 2014		Program Year 2015	
	MWh Saved	kW Saved	MWh Saved	kW Saved	MWh Saved	kW Saved
Residential Sector (inclusive of Low- Income) - Cumulative Projected Portfolio Savings	40,613	48,708	124,062	61,536	206,795	73,986
Small Enterprise - Cumulative Projected Portfolio Savings	29,994	44,442	105,656	63,859	184,642	81,934
Mercantile - Cumulative Projected Portfolio Savings	40,166	39,450	68,705	44,017	88,789	47,230
Mercantile-Utility (Large Enterprise)- Cumulative Projected Portfolio Savings	10,050	93,165	29,631	99,140	49,610	99,259
Government Sector - Cumulative Projected Portfolio Savings	75	18	251	36	438	54
Transmission & Distribution	0	0	0	0	0	0
Portfolio Plan Total - Cumulative Projected Savings	120,898	225,783	328,307	268,587	530,273	302,463

Appendix C-3

PUCO 4: Program Summaries

Ohio Edison Program Summaries								
	E.E. Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh Savings, %
Residential Portfolio Programs (Inclusive of Low Income)		X	Direct Load Control Program	RES	The program consists of a customer having their central air conditioning compressor cycled during summer peak periods.	-	24,669	0.0%
	X		Appliance Turn-In Program	RES	The program consists of customers receiving a rebate for turning in a working refrigerator, freezer, or room air conditioner.	312,404	58,143	4.9%
	X		Energy Efficient Products Program	RES	The program provides rebates to consumers and financial incentives and support to retailers that sell energy efficient products, such as HVAC, appliances, lighting, home electronics, and other electricity conservation products.	985,821	137,354	15.6%
	X		Home Performance Program	RES	This program is a combination of the existing Comprehensive Residential Retrofit, Online Audit, and Efficient New Homes programs. In addition, this program also consists of energy efficiency kits and a behavioral program being offered to customers.	925,319	123,094	14.6%
	X		Low-Income Program	LJ RES	The program consists of weatherization services being offered to low-income customers.	16,149	2,103	0.3%
			Totals for Residential Sector			2,239,692	345,363	35.3%

Appendix C-3

PUCO 4: Program Summaries

Ohio Edison Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh savings %
Small Enterprise	X		C&I Energy Efficiency Equipment Program-Small	Small C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participants.	1,490,971	409,605	23.5%
	X		Energy Efficient Buildings Program-Small	Small C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and incentives towards energy efficiency audits.	302,840	60,856	4.8%
			Totals for Small Enterprise			1,793,810	470,462	28.3%

Appendix C-3

PUCO 4: Program Summaries

Ohio Edison Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh savings %
Mercantile	X		Mercantile Customer Program		Captures energy efficiency and peak demand reduction projects committed to the Company by Mercantile customers as provided for by O.R.C. 4928.01 and 4928.66	1,331,828	213,093	21.0%
			Totals for Mercantile			1,331,828	213,093	21.0%
Mercantile-Utility (Large Enterprise)		X	Demand Reduction Program	Large C&I	Captures load curtailment and curtailable capacity from the Companies' Interruptible Load Programs (Economic Load Response and Optional Load Response) and from additional demand resources including resources participating in the PJM market or through contracts for demand response attributes with customers or PJM CSPs.	-	198,229	0.0%
	X		C/I Energy Efficient Equipment Program-Large	Large C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participants/participants and incentives towards energy efficiency audits.	864,830	186,212	13.6%
	X		Energy Efficient Buildings Program-Large	Large C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and audits coupled with direct installation of low cost measures.	100,619	11,486	1.6%
			Totals for Large Enterprise			965,448	395,927	15.2%

Appendix C-3

PUCO 4: Program Summaries

Ohio Edison Program Summaries							
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings
Government Portfolio Programs	X		Government Tariff Lighting Program	Gov't	Provides financial incentives and support to customers for implementing energy efficient street lighting or traffic lighting technologies.	5,979	539
			<i>Totals for Gov't Sector Programs</i>			5,979	539
Transmission & Distribution	X	X	Conservation Voltage Reduction	T&D	The Company is proposing to study a Conservation Voltage Reduction (CVR) Program by carefully analyzing their distribution circuit designs to identify operational changes that potentially could achieve additional energy savings and demand reductions.	-	-
	X	X	T&D Improvements	T&D	Capture savings achieved through various T&D projects that reduce line losses, which in turn results in a more efficient delivery system.	-	-
		X	Smart Grid Modernization Initiative	T&D	The intent of the project is to produce an integrated system of protection, performance, efficiency and economy that extends across the energy delivery system for multiple stakeholder benefits.	-	-
			<i>Totals for T&D Sector Programs</i>			-	-
Total for Plan						6,336,758	1,425,383
							0.0%
							100.0%



**The Cleveland Electric Illuminating
Company**

**Energy Efficiency & Peak Demand Reduction
Program Portfolio**

(For the Period January 1, 2013 through December 31, 2015)

July 31, 2012

Docket No. 12-2191-EL-POR

Appendix C-3

PUCO 2: Summary of Portfolio Energy and Demand Savings

Cleveland Electric Summary of Portfolio Energy and Demand Savings - Pro rata						
MWh Saved for Consumption Reductions kW Saved for Peak Load Reductions	Program Year 2013		Program Year 2014		Program Year 2015	
	MWh Saved	kW Saved	MWh Saved	kW Saved	MWh Saved	kW Saved
Residential Sector (inclusive of Low- Income) - Cumulative Projected Portfolio Savings	18,751	33,341	53,819	39,608	92,127	46,363
Small Enterprise - Cumulative Projected Portfolio Savings	20,125	37,463	68,367	49,776	121,185	62,100
Mercantile - Cumulative Projected Portfolio Savings	18,999	49,317	32,297	51,684	41,797	53,374
Mercantile-Utility (Large Enterprise)- Cumulative Projected Portfolio Savings	5,881	53,972	17,667	62,864	29,999	66,395
Government Sector - Cumulative Projected Portfolio Savings	93	9	351	18	659	27
Transmission & Distribution	0	0	0	0	0	0
Portfolio Plan Total - Cumulative Projected Savings	63,849	174,101	172,501	203,949	285,767	228,259

Appendix C-3

PUCO 4: Program Summaries

Cleveland Electric Program Summaries						
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Percentage of Portfolio and Total Lifetime MWh Savings %
Residential Portfolio Programs (Inclusive of Low Income)		X	Direct Load Control Program	RES	The program consists of a customer having their central air conditioning compressor cycled during summer peak periods.	14,418 0.0%
	X		Appliance Turn-In Program	RES	The program consists of customers receiving a rebate for turning in a working refrigerator, freezer, or room air conditioner.	39,102 5.7%
	X		Energy Efficient Products Program	RES	The program provides rebates to consumers and financial incentives and support to retailers that sell energy efficient products, such as HVAC, appliances, lighting, home electronics, and other electricity conservation products.	58,824 10.6%
	X		Home Performance Program	RES	This program is a combination of the existing Comprehensive Residential Retrofit, Online Audit, and Efficient New Homes programs. In addition, this program also consists of energy efficiency kits and a behavioral program being offered to customers.	61,251 12.8%
	X		Low-Income Program	L1 RES	The program consists of weatherization services being offered to low-income customers.	2,744 0.6%
			Totals for Residential Sector			176,338 29.7%

Appendix C-3

PUCO 4: Program Summaries

Cleveland Electric Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh savings %
Small Enterprise	X		C&I Energy Efficiency Equipment Program-Small	Small C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participants.	1,162,177	310,390	31.9%
	X		Energy Efficient Buildings Program-Small	Small C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and incentives towards energy efficiency audits.	150,634	29,285	4.1%
				</				

Appendix C-3

PUCO 4: Program Summaries

Cleveland Electric Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh savings %
Mercantile	X		Mercantile Customer Program		Captures energy efficiency and peak demand reduction projects committed to the Company by Mercantile customers as provided for by O.R.C. 4928.01 and 4928.66	626,951	111,582	17.2%
			<i>Totals for Mercantile</i>			<i>626,951</i>	<i>111,582</i>	<i>17.2%</i>
Mercantile-Utility (Large Enterprise)		X	Demand Reduction Program	Large C&I	Captures load curtailment and curtailable capacity from the Companies' Interruptible Load Programs (Economic Load Response and Optional Load Response) and from additional demand resources including resources participating in the PJM market or through contracts for demand response attributes with customers or PJM CSPs.	-	133,765	0.0%
	X		C/I Energy Efficient Equipment Program-Large	Large C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participant;participants and incentives towards energy efficiency audits.	535,017	108,298	14.7%
	X		Energy Efficient Buildings Program-Large	Large C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and audits coupled with direct installation of low cost measures.	74,326	8,485	2.0%
			<i>Totals for Large Enterprise</i>			<i>609,343</i>	<i>250,549</i>	<i>16.7%</i>

Appendix C-3

PUCO 4: Program Summaries

Cleveland Electric Program Summaries							
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings
							Percentage of Portfolio and Total Lifetime MWh Savings %
Government Portfolio Programs	X		Government Tariff Lighting Program	Gov't	Provides financial incentives and support to customers for implementing energy efficient street lighting or traffic lighting technologies.	11,060	269
			<i>Totals for Gov't Sector Programs</i>			<i>11,060</i>	<i>269</i>
Transmission & Distribution	X	X	Conservation Voltage Reduction	T&D	The Company is proposing to study a Conservation Voltage Reduction (CVR) Program by carefully analyzing their distribution circuit designs to identify operational changes that potentially could achieve additional energy savings and demand reductions.	-	-
	X	X	T&D Improvements	T&D	Capture savings achieved through various T&D projects that reduce line losses, which in turn results in a more efficient delivery system.	-	-
		X	Smart Grid Modernization Initiative	T&D	The intent of the project is to produce an integrated system of protection, performance, efficiency and economy that extends across the energy delivery system for multiple stakeholder benefits.	-	-
			<i>Totals for T&D Sector Programs</i>			-	-
Total for Plan						3,641,701	878,413
							100.0%



Toledo Edison Company

**Energy Efficiency & Peak Demand Reduction
Program Portfolio**

(For the Period January 1, 2013 through December 31, 2015)

July 31, 2012

Docket No. 12-2192-EL-POR

Appendix C-3

PUCO 2: Summary of Portfolio Energy and Demand Savings

Toledo Edison Summary of Portfolio Energy and Demand Savings - Pro rata						
MWh Saved for Consumption Reductions kW Saved for Peak Load Reductions	Program Year 2013		Program Year 2014		Program Year 2015	
	MWh Saved	kW Saved	MWh Saved	kW Saved	MWh Saved	kW Saved
Residential Sector (inclusive of Low- Income) - Cumulative Projected Portfolio Savings	12,791	11,847	42,538	16,403	68,222	19,704
Small Enterprise - Cumulative Projected Portfolio Savings	16,140	14,899	53,753	24,408	88,578	31,815
Mercantile - Cumulative Projected Portfolio Savings	20,115	40,006	33,877	42,208	43,405	43,732
Mercantile-Utility (Large Enterprise)- Cumulative Projected Portfolio Savings	13,335	145,147	39,410	26,522	66,091	32,276
Government Sector - Cumulative Projected Portfolio Savings	13	4	39	7	64	11
Transmission & Distribution	0	0	0	0	0	0
Portfolio Plan Total - Cumulative Projected Savings	62,393	211,903	169,617	109,548	266,360	127,538

Appendix C-3

PUCO 4: Program Summaries

Toledo Edison Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two-Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh Savings, %
Residential Portfolio Programs (Inclusive of Low Income)		X	Direct Load Control Program	RES	The program consists of a customer having their central air conditioning compressor cycled during summer peak periods.	-	3,264	0.0%
	X		Appliance Turn-In Program	RES	The program consists of customers receiving a rebate for turning in a working refrigerator, freezer, or room air conditioner.	95,118	17,624	2.7%
	X		Energy Efficient Products Program	RES	The program provides rebates to consumers and financial incentives and support to retailers that sell energy efficient products, such as HVAC, appliances, lighting, home electronics, and other electricity conservation products.	291,820	42,312	8.4%
	X		Home Performance Program	RES	This program is a combination of the existing Comprehensive Residential Retrofit, Online Audit, and Efficient New Homes programs. In addition, this program also consists of energy efficiency kits and a behavioral program being offered to customers.	305,187	39,473	8.8%
	X		Low-Income Program	LI RES	The program consists of weatherization services being offered to low-income customers.	8,538	1,139	0.2%
			Totals for Residential Sector			700,663	103,813	20.2%

Appendix C-3

PUCO 4: Program Summaries

Toledo Edison Program Summaries							
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings
							Percentage of Portfolio and Total Lifetime MWh savings %
Small Enterprise	X		C&I Energy Efficiency Equipment Program-Small	Small C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participants.	732,125	211,540
	X		Energy Efficient Buildings Program-Small	Small C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and incentives towards energy efficiency audits.	106,597	21,130
			<i>Totals for Small Enterprise</i>			838,722	232,670
							24.1%

PUCO 4: Program Summaries

Tulalo Edison Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh Savings %
Mercantile	X		Mercantile Customer Program		Captures energy efficiency and peak demand reduction projects committed to the Company by Mercantile customers as provided for by O.R.C. 4928.01 and 4928.66	651,077	104,172	18.7%
			Totals for Mercantile			651,077	104,172	18.7%
Mercantile-Utility (Large Enterprise)		X	Demand Reduction Program	Large C&I	Captures load curtailment and curtailable capacity from the Companies' Interruptible Load Programs (Economic Load Response and Optional Load Response) and from additional demand resources including resources participating in the PJM market or through contracts for demand response attributes with customers or PJM CSPs.	-	139,840	0.0%
	X		CA Energy Efficient Equipment Program-Large	Large C&I	Provides financial incentives (Prescriptive & Performance) and support to customers directly or through retailers for implementing energy efficient equipment and products. Other delivery mechanisms may include EE kits provided to participants; participants and incentives towards energy efficiency audits.	1,131,677	250,079	32.6%
	X		Energy Efficient Buildings Program-Large	Large C&I	Provides financial incentives and support to customers for implementing energy efficient custom building shell or system improvements. Other delivery mechanisms include EE kits provided to participants and audits coupled with direct installation of low cost measures.	153,709	17,547	4.4%
			Totals for Large Enterprise			1,285,386	407,467	37.0%

Appendix C-3

PUCO 4: Program Summaries

Toledo Edison Program Summaries								
	EE Program (check box)	PDR Program (check box)	Program Name	Program Market	Program Two Sentence Summary	Net Lifetime MWh Savings	Net Peak Demand kW Savings	Percentage of Portfolio and Total Lifetime MWh savings %
Government Portfolio Programs	X		Government Tariff Lighting Program	Gov't	Provides financial incentives and support to customers for implementing energy efficient street lighting or traffic lighting technologies.	755	108	0.0%
			Totals for Gov't Sector Programs			755	108	0.0%
Transmission & Distribution	X	X	Conservation Voltage Reduction	T&D	The Company is proposing to study a Conservation Voltage Reduction (CVR) Program by carefully analyzing their distribution circuit designs to identify operational changes that potentially could achieve additional energy savings and demand reductions.	-	-	0.0%
	X	X	T&D Improvements	T&D	Capture savings achieved through various T&D projects that reduce line losses, which in turn results in a more efficient delivery system.	-	-	0.0%
		X	Smart Grid Modernization Initiative	T&D	The intent of the project is to produce an an integrated system of protection, performance, efficiency and economy that extends across the energy delivery system for multiple stakeholder benefits.	-	-	0.0%
			Totals for T&D Sector Programs			-	-	0.0%
Total for Plan						3,476,604	848,229	100.0%

This foregoing document was electronically filed with the Public Utilities

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8/17/2012 4:30:07 PM

in

Case No(s). 12-1230-EL-SSO

Summary: Motion Motion to Take Administrative Notice by the Office of the Ohio Consumers' Counsel electronically filed by Patti Mallarnee on behalf of Sauer, Larry S.