

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 1510  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  
TELECOPIER (513) 421-2764

**Via E-File**

November 30, 2012

Public Utilities Commission of Ohio  
PUCO Docketing  
180 E. Broad Street, 10th Floor  
Columbus, Ohio 43215

**In re: Case No. 12-2190-EL-POR, 12-2191-EL-POR and 12-2192-EL-POR**

Dear Sir/Madam:

Please find attached the POST HEARING REPLY BRIEF OF THE OHIO ENERGY GROUP for filing in the above-referenced matter.

Copies have been served on all parties on the attached certificate of service. Please place this document of file.

Respectfully yours,



David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.  
BOEHM, KURTZ & LOWRY  
**COUNSEL FOR THE OHIO ENERGY GROUP**

MLKkew  
Encl.  
Cc: Certificate of Service

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Review of Application of Ohio Edison	:	
Company, The Cleveland Electric Illuminating Company,	:	<b>Case Nos. 12-2190-EL-POR</b>
and The Toledo Edison Company for Approval of Their	:	<b>12-2191-EL-POR</b>
Energy Efficiency and Peak Demand Reduction Program	:	<b>12-2192-EL-POR</b>
Portfolio Plans for 2013 through 2015.	:	

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**REPLY BRIEF  
OF THE OHIO ENERGY GROUP**

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The Ohio Energy Group (“OEG”) submits this Reply Brief in response to the initial briefs of Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company (collectively, “FirstEnergy”), the Staff of the Public Utilities Commission of Ohio (“Commission”), and the Environmental Law and Policy Center/Ohio Environmental Council (“ELPC/OEC”).

In their initial briefs, multiple parties propose to increase the already substantial budget of FirstEnergy’s EE/PDR programs for Large Enterprise customers (rate schedules GP, GSU, and GT). For example, Staff recommends an increase in the amount budgeted for Ohio Edison and Cleveland Electric Illuminating Company’s Large C&I Energy Efficient Equipment programs relative to Toledo Edison’s program.<sup>1</sup> Additionally, FirstEnergy notes that it agrees to expand the Energy Efficient Buildings Program - Large by \$200,000, with certain Large C&I funds earmarked for hospital audits and benchmarking as well as the new proposed data center sub-program.<sup>2</sup> If approved, the costs associated with these proposed program budget increases would be passed on to Large Enterprise customers through the DSE2 charge.

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<sup>1</sup> Initial Post-Hearing Brief Submitted on Behalf of the Staff of the Public Utilities Commission of Ohio (November 20, 2012) at 3-6.

<sup>2</sup> Post-Hearing Brief of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company in Support of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plan for 2013 through 2015 (November 20, 2012) at 38-39.

As explained in the initial briefs of OEG and Nucor Steel Marion, the DSE2 charges have already been “inordinately high” for individual customers on rate schedule GT since they were first implemented in May 2011.<sup>3</sup> This may be the result of the flawed rate design of the DSE2 charge, which currently creates the potential for larger GT customers to subsidize smaller GT customers.<sup>4</sup> Given the possibility for additional increases to the already substantial budget of the Large Enterprise EE/PDR programs, it is even more critical that the Commission remedy the potential for disproportionately high DSE2 charges to individual large GT customers. The Commission should therefore establish an individual customer cost cap of no more than \$500,000 per year, which is equal to the maximum amount of rebate those customers can receive under the mercantile self-direct program.<sup>5</sup>

ELPC/OEC also argue that the Commission should not allow FirstEnergy’s plan to rely on the “as found” method of measurement for the 2013-2015 period.<sup>6</sup> The Commission already has a pending docket, Case No. 10-834-EL-POR, in which parties currently have the opportunity to comment on the “as found” method for calculating energy savings. OEG supports the continued use of the “as found” method. But issues related to the appropriateness of using the “as found” method are more appropriately addressed in that case, rather than this proceeding.

Respectfully submitted,



David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255 Fax: (513) 421-2764  
E-Mail: [DBoehm@BKLawfirm.com](mailto:DBoehm@BKLawfirm.com)  
[MKurtz@BKLawfirm.com](mailto:MKurtz@BKLawfirm.com)  
[JKyler@BKLawfirm.com](mailto:JKyler@BKLawfirm.com)

November 30, 2012

**COUNSEL FOR OHIO ENERGY GROUP**

<sup>3</sup> OEG Brief at 5 (citing Direct Testimony of Dennis Goins (“Goins Testimony”) at 8:7-8); Initial Brief by Nucor Steel Marion, Inc. at 3.

<sup>4</sup> Goins Testimony at 4:15-17.

<sup>5</sup> Tr. Vol. I (Oct. 23, 2012) at 37:11-20.

<sup>6</sup> Initial Brief of Environmental Law and Policy Center and Ohio Environmental Council (November 20, 2012) at 33-36.

## CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by electronic mail (when available) or ordinary mail, unless otherwise noted, this 30<sup>th</sup> day of November, 2012 to the following:



David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Jody Kyler Cohn, Esq.

\*BINGHAM, DEB J. MS.  
OFFICE OF THE OHIO CONSUMERS' COUNSEL  
10 W. BROAD ST., 18TH FL.  
COLUMBUS OH 43215

\*PARRAM, DEVIN D MR.  
OHIO ATTORNEY GENERAL'S OFFICE  
180 EAST BROAD STREET 6TH FLOOR  
COLUMBUS OH 43215

\*KOLICH, KATHY J MS.  
FIRSTENERGY CORP  
76 SOUTH MAIN STREET  
AKRON OH 44308

\*ZICCARELLI, CHRISSY MS.  
NATURAL RESOURCES DEFENSE COUNCIL  
1152 15TH ST. SUITE 300  
WASHINGTON DC 20005

\*MALLARNEE, PATTI  
THE OFFICE OF THE OHIO CONSUMERS COUNSEL  
10 W. BROAD ST. SUITE 1800  
COLUMBUS OH 43215

\*ROBINSON, THEODORE MR.  
CITIZEN POWER  
2121 MURRAY AVENUE  
PITTSBURGH OH 15217

\*DOUGHERTY, TRENT A MR.  
OHIO ENVIRONMENTAL COUNCIL  
1207 GRANDVIEW AVE. SUITE 201  
COLUMBUS OH 43212

\*ALLWEIN, CHRISTOPHER J MR.  
WILLIAMS, ALLWEIN & MOSER LLC  
1373 GRANDVIEW AVE SUITE 212  
COLUMBUS OH 43212

\*MOONEY, COLLEEN L  
OPAE  
231 WEST LIMA STREET  
FINDLAY OH 45840

\*WILLIAMS, TODD M MR.  
WILLIAMS ALLWEIN & MOSER, LLC  
TWO MARITIME PLAZA, 3RD FLOOR  
TOLEDO OH 43604

\*DUFFER, JENNIFER MRS.  
ARMSTRONG & OKEY, INC.  
222 EAST TOWN STREET 2ND FLOOR  
COLUMBUS OH 43215

\*ORAHOOD, TERESA  
BRICKER & ECKLER LLP  
100 SOUTH THIRD STREET  
COLUMBUS OH 43215-4291

\*OLIKER, JOSEPH E. MR.  
INDUSTRIAL ENERGY USERS-OHIO  
21 EAST STATE STREET SUITE 1700  
COLUMBUS OH 43215

\*POULOS, GREGORY J. MR.  
ENERNOC, INC.  
471 EAST BROAD STREET SUITE 1520  
NEW ALBANY OH 43215

\*LANG, JAMES F MR.  
CALFEE HALTER & GRISWOLD LLP  
THE CALFEE BUILDING 1405 EAST SIXTH STREET  
CLEVELAND OH 44114

\*VICKERS, JUSTIN M MR.  
ENVIRONMENTAL LAW & POLICY CENTER  
35 EAST WACKER DRIVE SUITE 1600  
CHICAGO IL 60601

\*WILLIAMS, TODD M MR.  
WILLIAMS ALLWEIN & MOSER, LLC  
TWO MARITIME PLAZA, 3RD FLOOR  
TOLEDO OH 43604  
ADVANCED ENERGY ECONOMY OHIO

CITIZEN POWER  
DAVID HUGHES, EX. DIR.  
2121 MURRAY AVENUE THIRD FLOOR  
PITTSBURGH PA 15217

OHIO PARTNERS FOR AFFORDABLE ENERGY  
MOONEY COLLEEN L  
1431 MULFORD RD  
COLUMBUS OH 43212

NATURAL RESOURCE DEFENSE COUNCIL  
CHRISTOPHER J. ALLWEIN 1373 GRANDVIEW AVE  
COLUMBUS OH 43212

Michael K. Lavanga, Esq.  
Brickfield Bruchette Ritts & Stone, PC  
1025 Thomas Jefferson Street, NW  
8th Floor, West Tower  
Washington, DC 20007-5201

\*MCDANIEL, NICHOLAS MR.  
ENVIRONMENTAL LAW AND POLICY CENTER  
1207 GRANDVIEW AVENUE STE. 201  
COLUMBUS OH 43212

SOMOZA, MANUEL  
SIERRA CLUB 85 SECOND STREET 2ND FLR  
SAN FRANCISCO CA 94105-3459

\*DUNN, CARRIE M MS.  
FIRSTENERGY SERVICE COMPANY  
76 MAIN STREET S  
AKRON OH 44308

OHIO CONSUMERS COUNSEL  
10 WEST BROAD STREET STE 1800  
COLUMBUS OH 43215-3485

SIERRA CLUB  
CHRISTOPHER ALLWEIN  
1373 GRANDVIEW AVE STE 212  
COLUMBUS OH 43212

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Summary: Reply OHIO ENERGY GROUP (OEG) POST-HEARING REPLY BRIEF  
electronically filed by Mr. Michael L. Kurtz on behalf of Ohio Energy Group