

**In the Matter of the Following Joint
Application for Integration of
Mercantile Customer Energy
Efficiency or Peak-Demand Reduction
Programs between Duke Energy Ohio, Inc. and**

The Kroger Company (Case No. 10-3134-EL-EEC)

Rule 4901:1-39-05(F), Ohio Administrative Code (O.A.C.), permits a mercantile customer to file, either individually or jointly with an electric utility, an application to commit the customer's existing demand reduction, demand response, and energy efficiency programs for integration with the electric utility's programs. On December 30, 2010, The Kroger Company (Customer) and Duke Energy Ohio, Inc. filed a joint application in accordance with the mercantile application pilot program found in Commission Order 10-834-EL-EEC.

On January 28, 2011, the Customer filed a motion requesting a waiver of the 60-day automatic approval process under the pilot program in order to allow time to provide additional data. On February 6, 2011 the waiver was granted to suspend the case, pursuant to Commission entry. The additional data was subsequently filed on September 14, 2012.

The application includes a project overview that outlines the project, customer size, project installation date, kWh reduction, peak kW demand reduction, total project cost, incentive total, the eligible self direct incentive, and/or the exemption period from the rider. The Customer has attested to the validity of the information, and its intention to participate in the program.

The project presented in the Joint Application is consistent with the presumption that a mercantile project is part of a demand response, energy efficiency, or peak demand reduction program to the extent the project either provides for early retirement of fully functioning equipment, or achieves reduction in energy use and peak demand that exceed the reductions that would have occurred had the customer used standard new equipment or practices where practicable.

Based on its further review, Staff recommends approval of this mercantile commitment application as requested. With the energy savings achieved, The Kroger Company will receive a one time energy efficiency rebate payment in the amount of \$74,171.00.

Filed by: Kristin Braun
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Summary: Staff Review and Recommendation electronically filed by Kristin L Braun on behalf of PUCO Staff