

**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**

April 29, 2013

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 MEMORANDUM CONTRA 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, :	Case Nos. <b>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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**MEMORANDUM CONTRA APPLICATION FOR REHEARING  
OF THE OHIO ENERGY GROUP**

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The Ohio Energy Group (“OEG”) hereby submits this Memorandum Contra the Application for Rehearing filed by Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company (collectively, “FirstEnergy” or “Companies”) on April 19, 2013 in this proceeding. In its Application for Rehearing, FirstEnergy alleges that the Public Utilities Commission of Ohio (“Commission”) erred in its March 20, 2013 Opinion & Order (“Order”) when it mandated that FirstEnergy bid 75% of its “planned energy efficiency resources” into the 2016/17 PJM Base Residual Auction (“BRA”). OEG disagrees.

FirstEnergy argues that the Commission’s mandate exposes customers and the Companies to undue risk of PJM financial penalties and/or costs associated with resource shortfalls.<sup>1</sup> But the Commission can easily mitigate these risks by explicitly finding that FirstEnergy acted prudently in bidding 75% of its planned energy efficiency resources into the PJM BRA and that FirstEnergy may recover *reasonable* costs associated with PJM penalties and/or shortfalls incurred if a particular resource is not available in a given delivery year.<sup>2</sup> This would minimize the financial risk to both FirstEnergy and its customers. Hence, there is no compelling reason for the Commission to reverse its finding.

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<sup>1</sup> FirstEnergy Application for Rehearing at 4-11.

<sup>2</sup> FirstEnergy asks that, at minimum, the Commission allow the Companies to recover “any and all costs” arising from its mandate. Application for Rehearing at 17.

The Commission's finding that FirstEnergy must bid 75% of its planned energy efficiency resources into the 2016/17 PJM BRA serves to facilitate its goals of lowering PJM capacity auction prices and reducing Rider DSE costs for customers.<sup>3</sup> Moreover, if the Commission expressly clarifies that FirstEnergy must bid 75% of its Rider ELR and OLR interruptible load into the 2016/17 BRA, as OEG has recommended, it would provide even greater opportunity to achieve these goals. Therefore, the Commission should not only uphold its finding, but should also clarify that FirstEnergy is required to bid 75% of its interruptible load into the 2016/17 PJM BRA.

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)

[Jkylercohn@BKLawfirm.com](mailto:Jkylercohn@BKLawfirm.com)

April 29, 2013

**COUNSEL FOR OHIO ENERGY GROUP**

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<sup>3</sup> Order at 20 (emphasis added).

## 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 29<sup>th</sup> day of April, 2013 to the following:



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

FIRSTENERGY SERVICE COMPANY  
76 SOUTH MAIN ST  
AKRON OH 44308

OHIO EDISON COMPANY VP  
OF RATES & REG AFFAIRS  
WILLIAM R RIDMANN  
76 S MAIN ST  
AKRON OH 44308

\*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

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

KERN, KYLE L  
10 WEST BROAD STREET SUITE 1800  
COLUMBUS OH 43215-3485  
PHONE: 614-466-1291

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

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

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

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

\*MILLER, VESTA R  
PUBLIC UTILITIES COMMISSION OF OHIO  
180 EAST BROAD STREET  
COLUMBUS OH 43215

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

\*COFFEY, SANDRA  
PUBLIC UTILITIES COMMISSION OF OHIO  
180 E. BROAD ST.  
COLUMBUS OH 43215

\*SINGLETON, TAMERA J MS.  
FIRSTENERGY  
76 S MAIN ST  
AKRON OH 44308

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

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

INDUSTRIAL ENERGY USERS OF OHIO GENERAL  
COUNSEL  
SAMUEL C RANDAZZO  
MCNEES WALLACE & NURICK LLC FIFTH THIRD  
CENTER 21 EAST STATE ST 17TH FLOOR  
COLUMBUS OH 43215

\*O'BRIEN, THOMAS J MR.  
BRICKER & ECKLER, LLP  
100 SOUTH THIRD STREET  
COLUMBUS OH 43215

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

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

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

\*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

ENVIRONMENTAL LAW & POLICY CENTER  
NICHOLAS MCDANIEL  
1207 GRANDVIEW AVE STE 201  
COLUMBUS OH 43212

ALLWEIN, CHRISTOPHER J  
1373 GRANDVIEW AVE SUITE 212  
COLUMBUS OH 43212

NATURAL RESOURCES DEFENSE COUNCIL  
40 W 20TH ST  
NEW YORK NY 10011

NUCOR STEEL MARION, INC  
912 CHENEY AVENUE  
MARION OH 43302

OHIO ENVIRONMENTAL COUNCIL  
1207 GRANDVIEW AVE. SUITE 201  
COLUMBUS OH 43212-3449

OHIO HOSPITAL ASSOCIATION  
RICHARD L. SITES  
155 E. BROAD STREET 15TH FLOOR  
COLUMBUS OH 43215-3620

OMA ENERGY GROUP PRES  
ERIC BURKLAND  
33 N HIGH ST  
COLUMBUS OH 43215

THE SIERRA CLUB  
131 N HIGH ST STE 605  
COLUMBUS OH 43215-3026

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

ENERNOC INC SR DIR REG AFFAIRS  
KENNETH SCHISLER  
101 FEDERAL ST STE 1100  
BOSTON MA 02110

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

LAVANGA, MICHAEL K  
BRICKFIELD, BURCHETTE, RITTS & STONE, P.C.  
1025 THOMAS JEFFERSON STREET N.W. 8TH  
FLOOR WEST TOWER  
WASHINGTON DC 20007

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

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

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

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

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

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: Memorandum Ohio Energy Group's (OEG) Memorandum Contra Application for Rehearing electronically filed by Mrs. Jody Kyler Cohn on behalf of Ohio Energy Group