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ENVIRONMENTAL LAW & POLICY CENTER

Protecting the Midwest's Environment and Natural Heritage

December 15, 2014

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PUCO

Dear Eren,

I am writing to let you know that the Environmental Law & Policy Center ("ELPC"), the Ohio Environmental Council ("OEC"), and the Natural Resources Defense Council ("NRDC") will not participate in the FirstEnergy collaborative meeting on Tuesday, December 16. As you know, FirstEnergy has taken the position that statements it makes and materials it shares about its energy efficiency programs as part of the collaborative process are confidential information that must be kept secret from any entity or individual that is not a member of the collaborative. ELPC and OEC filed a motion nearly five months ago seeking a ruling by the Public Utilities Commission of Ohio ("Commission") that FirstEnergy's assertion of confidentiality has no merit and would stand in the way of an open public dialogue about ways to strengthen the Companies' energy efficiency and peak demand programs, which are funded by the public in the form of FirstEnergy's ratepayers. We also filed a renewed motion in September asking the Commission to issue a ruling. While we await a ruling, First Energy continues to insist that the information regarding its programs be kept from the public without any substantive explanation.

Now that a legislative committee formed under Senate Bill 310 is conducting an active inquiry into implementation of energy efficiency programs by Ohio utilities, it is even more important for the public to have access to timely facts regarding FirstEnergy's programs, such as current participation levels and program expenditures. Additionally, in a November 20, 2014 order approving FirstEnergy's application to amend its energy efficiency and peak demand reduction portfolio plan in Case No. 12-2190-EL-POR, the Commission reemphasized the important role of FirstEnergy's collaborative as a forum for resolving key issues regarding the implementation of the portfolio plan in compliance with Ohio law, a process that should not be conducted hidden from public view. Therefore, we are not willing to attend another collaborative meeting where you will again insist that all information must be kept confidential without providing any reason why it should be withheld from the public.

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We regret having to take this step, but we hope that it serves to communicate the depth of our concern regarding this issue. We look forward to further discussion once the collaborative process can be conducted in an open and transparent manner. Feel free to contact us by phone or email if you wish to discuss this further.

Sincerely,

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cc: Collaborative Participants
Chairman Thomas W. Johnson, PUCO
Commissioner Steven D. Lesser, PUCO
Commissioner Asim Z. Haque, PUCO
Commissioner Lynn Slaby, PUCO
Commissioner M. Beth Trombold, PUCO
Sen. Bill Seitz, Ohio Senate

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