

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of
Chapters 4901:1-10 and 4901:1-21, Ohio
Administrative Code, Regarding Electric
Companies and Competitive Retail Electric
Service, to Implement 2014 Sub. S.B. No.
310

Case No. 14-1411-EL-ORD

OHIO EDISON COMPANY,
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
AND THE TOLEDO EDISON COMPANY'S MEMORANDUM CONTRA SECOND
APPLICATION FOR REHEARING

Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company (collectively, "Companies") hereby file their Memorandum Contra to the Second Application for Rehearing ("Application") of The Environmental Law & Policy Center ("ELPC") solely to clarify some of the facts alleged by ELPC in its Application.¹

ELPC utilizes certain information regarding the Companies to support its argument that the Commission was "unreasonable to read R.C. 4928.65 to require disclosure of interruptible program costs as 'costs of compliance' with R.C. 4928.66 because the costs of those programs in large part have no relation to the statutory benchmarks."² ELPC is incorrect. First, the Companies' Rider ELR tariff clearly states:

(vi) the customer commits its demand response capability to Company for integration into Company's R.C. §4928.66 compliance programs; and (vii) the Commission finds that the demand response capabilities of customers

¹ The Companies' failure to respond to any of the facts alleged by ELPC do not indicate agreement therewith.

² Application at p. 3.

electing service under this rider shall count towards the Company's compliance with the peak demand reduction benchmarks set forth in R.C. §4928.66 as applied by the Commission's applicable rules and regulations and shall be considered incremental to interruptible load on the Company's system that existed in 2008.³

Second, ELPC makes the conclusory statement that "Ohio utilities are generally using little to none of the demand reductions generated by their interruptible programs in order to meet their statutory PDR obligations."⁴ ELPC is incorrect. The Companies claimed all of the Rider ELR contracted demand response attributes for compliance with the statutory mandate. ELPC's generalizations that "third party programs are likely to produce most if not all of the demand reduction" is simply not correct.

Last, ELPC's assertion that the Companies "appear to be able to meet its obligations under R.C. 4928.66 through a program component that costs under \$4,000" in 2014 is also not correct.⁵ The costs for Rider ELR were approved outside of the Companies EE/PDR Plans and therefore were not included in the report cited by ELPC. However, that does not mean that the costs associated with Rider ELR may simply be ignored. The Rider ELR tariff clearly indicates that the peak demand reduction attributes are utilized for compliance and the Companies did, indeed, utilize them for compliance.

³ Rider ELR applicability section.

⁴ Application at p. 1.

⁵ *Id.* at p. 6.

Respectfully submitted,

/s/ Carrie M. Dunn

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CERTIFICATE OF SERVICE

I certify that this Memorandum Contra was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 10th day of August 2015. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record. Courtesy email copies have also been sent to:

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in

Case No(s). 14-1411-EL-ORD

Summary: Memorandum Contra Second Application for Rehearing electronically filed by Ms. Carrie M Dunn on behalf of The Toledo Edison Company and The Cleveland Electric Illuminating Company and Ohio Edison Company