

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy)
Ohio, Inc. for a Waiver to File a New Energy) Case No. 16-576-EL-WVR
Efficiency and Peak Demand Reduction)
Portfolio Application.)

**OBJECTIONS OF
OHIO PARTNERS FOR AFFORDABLE ENERGY**

Pursuant to Ohio Administrative Code 4901:1-39-04(D), Ohio Partners for Affordable Energy (“OPAE”) hereby submits to the Public Utilities Commission of Ohio (“Commission”) these objections to this Duke Energy Ohio, Inc., (“Duke”) energy efficiency and peak demand portfolio application. In its portfolio plan, Duke proposes a shared savings mechanism. Duke proposes to retain ten percent of shared savings benefits with no cap on the shared savings incentive.

1. OPAE objects to the shared savings mechanism in Duke’s portfolio plan. Duke failed to produce enough energy savings to meet the annual statutory benchmark requirements in its last portfolio plan. Duke used banked savings from previous years to achieve compliance with the statutory benchmarks, but Duke did not qualify for a shared savings incentive. Nevertheless, Duke unlawfully claimed a shared savings incentive for years 2013 and 2014 by using excess savings from previous years to reach the annual statutory benchmarks. The Commission’s May 20, 2015 Finding and Order in Case No. 14-457-EL-RDR rejected Duke’s use of banked savings to earn an incentive in years when Duke complied with the statutory benchmarks by using prior years’ savings.

Duke's shared savings mechanism expired at the end of 2015. Duke had no basis to claim any shared savings incentive for calendar years 2013, 2014, 2015, and 2016 under current Commission precedent. Under the circumstances, OPAE objects to the inclusion of the shared savings mechanism in this Duke Portfolio Plan.

2. OPAE has filed an application for rehearing from the Commission's May 20, 2015 Finding and Order in Case No. 14-457-EL-RDR seeking a cap on Duke's excessive shared savings incentive claims. OPAE's application for Rehearing is still pending before the Commission. OPAE objects to the shared savings mechanism in its entirety, but if a shared savings mechanism is approved, there must be a cap on the amount of shared savings Duke is allowed.

3. Duke's energy efficiency efforts have been less than stellar. Duke underachieved and did not meet its annual benchmarks during the time of its last Portfolio Plan. Duke could have lawfully earned shared savings incentives for energy efficiency savings in 2013, 2014, and 2015 if Duke had met the benchmarks, but Duke chose not to do so. Duke must improve the performance of its portfolio plan with better programs. The shared savings mechanism has not resulted in better performance from Duke. Duke has under-achieved and should not be awarded for under-achieving.

Respectfully submitted,

Colleen Mooney

Colleen L. Mooney

Reg. No. 0015668

Ohio Partners for Affordable Energy

231 West Lima Street

Findlay, OH 45839-1793

Telephone: (419) 425-8860

FAX: (419) 425-8862

e-mail: cmooney@ohiopartners.org

(electronically subscribed)

CERTIFICATE OF SERVICE

A copy of the foregoing Objections will be served electronically by the Commission's Docketing Division on the parties listed below who are electronically subscribed on this 15th day of August 2016.

Colleen Mooney
Colleen L. Mooney
cmooney@ohiopartners.org
(electronically subscribed)

Amy.Spiller@duke-energy.com
Elizabeth.Watts@duke-energy.com
ORourke@carpenterlipps.com
fdarr@mwncmh.com
mpritchard@mwncmh.com
bojko@carpenterlipps.com
ghiloni@carpenterlipps.com
mfleisher@elpc.org
tdougherty@theOEC.org
mleppla@theoec.org
jfinnigan@edf.org
Rick.Sites@ohiohospitals.org
mwarnock@bricker.com
dborchers@bricker.com
Christopher.healey@occ.ohio.gov
callwein@keglerbrown.com
dstinson@bricker.com
rdove@attorneydove.com
joliker@igsenergy.com
John.Jones@ohioattorneygenral.gov

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/15/2016 12:24:58 PM

in

Case No(s). 16-0576-EL-POR

Summary: Objection electronically filed by Colleen L Mooney on behalf of Ohio Partners for Affordable Energy