THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF OHIO POWER COMPANY FOR APPROVAL OF ITS ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAM PORTFOLIO PLAN FOR 2017 THROUGH 2020.	**CASE NO. 16-574-EL-POR**
IN THE MATTER OF THE APPLICATION OF DUKE ENERGY OHIO, INC. FOR APPROVAL OF ITS 2017-2019 ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAM PORTFOLIO PLAN.	**CASE NO. 16-576-EL-POR**
IN THE MATTER OF THE APPLICATION OF OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, AND THE TOLEDO EDISON COMPANY FOR APPROVAL OF THEIR ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAM PORTFOLIO PLANS FOR 2017 THROUGH 2019.	**CASE NO. 16-743-EL-POR**
IN THE MATTER OF THE APPLICATION OF THE DAYTON POWER AND LIGHT COMPANY FOR APPROVAL OF ITS ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PROGRAM PORTFOLIO PLAN FOR 2018-2020.	**CASE NO. 17-1398-EL-POR**

ENTRY

Entered in the Journal on June 14, 2021

I. SUMMARY

{¶ 1} The attorney examiner directs each electric distribution utility to file amended plans to re-establish low-income customer energy efficiency programs, which will remain in effect through December 31, 2021.

II. DISCUSSION

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio); Duke Energy Ohio, Inc. (Duke); The Dayton Power and Light Company (DP&L); and Ohio Edison Company, The

Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) are electric distribution utilities (EDUs) as defined in R.C. 4928.01(A)(6) and public utilities as defined in R.C. 4905.02 and, as such, are subject to the energy efficiency and peak demand reduction (EE/PDR) provisions of R.C. 4928.66.

{¶ 3} Ohio Adm.Code Chapter 4901:1-39 provides rules for the Commission's review of each electric utility's EE/PDR program portfolio plan that consists of cost-effective programs to encourage innovation and market access for all customer classes, achieve the statutory benchmarks for peak-demand reduction, and meet or exceed the statutory benchmarks for energy efficiency. Ohio Adm.Code 4901:1-39-06 authorizes cost recovery riders to recover the costs of each EDU's EE/PDR programs.

{¶ 4} R.C. 4928.66(G) terminated Ohio's annual energy efficiency savings requirements on December 31, 2020, and reduced the total cumulative savings requirement to a statewide collective benchmark of 17.5 percent.

{¶ 5} Pursuant to R.C. 4928.66, on February 26, 2020, the Commission determined that the termination of all EE/PDR portfolio plans must occur no later than December 31, 2020, and ordered a wind-down of the statutorily required EE/PDR programs to commence on September 30, 2020. Finding and Order, (Feb. 26, 2020) at ¶ 44. In addition, the Commission granted Duke's request to extend its existing portfolio plan as approved in Case No. 16-576-EL-POR through December 31, 2020. *Id.* at ¶ 40.

{¶ 6} On November 18, 2020, the Commission directed each EDU in this state to file, by December 1, 2020, proposed compliance tariffs for their respective EE/PDR cost recovery riders, setting the riders to zero, effective January 1, 2021. The Commission further directed each EDU to file an application for a final reconciliation of their EE/PDR cost recovery riders when the full information for such final reconciliation is available.

{¶ 7} On November 30, 2020, AEP Ohio filed its proposed compliance tariff in Case No. 16-574-EL-POR. On December 1, 2020, proposed compliance tariffs were filed by Duke and DP&L, in Case No. 16-576-EL-POR and Case No. 17-1398-EL-POR, respectively. Also, on December 1, 2020, as amended on December 23, 2020, FirstEnergy filed proposed compliance tariffs in Case No. 20-1673-EL-RDR and 20-1748-EL-ATA. On December 30, 2020, the Commission issued an Entry approving the proposed compliance tariffs filed by the EDUs regarding their respective EE/PDR cost recovery riders, setting the riders to zero subject to final reconciliation, effective January 1, 2021.

{¶ 8} On February 1, 2021, Staff (Staff) filed a letter in the above-captioned cases addressing the cumulative energy savings achieved by the EDUs for years 2009 through 2020 pursuant to R.C. 4928.66(G)(1). Therein, Staff reports that the cumulative energy savings goal of 17.5 percent of the 2021 baseline has been met with approximately 19.8 percent cumulative energy savings by the EDUs, collectively.

{¶ 9} On February 24, 2021, the Commission affirmed that the total cumulative savings requirement of a statewide collective benchmark of 17.5 percent had been met with approximately 19.8 percent cumulative energy savings by the EDUs, collectively, and the Commission directed that the EDUs' EE/PDR cost recovery riders terminate.

{¶ 10} R.C. 4928.661 states that if an EDU had a portfolio plan that terminated on December 31, 2020, pursuant to R.C. 4928.66(F), "and included a program that benefited, and was limited to low-income customers with an annual income at or below [200%] of the federal poverty level," the EDU shall re-establish the part of the portfolio plan that included the low-income program, including the same terms and conditions of the low-income program as it existed prior to the plan termination, including the funding level originally allocated to the program. R.C. 4928.661(A). However, portfolio program plans re-established under R.C. 4928.661(A) must terminate on December 31, 2021. R.C. 4928.661(B).

{¶ 11} Pursuant to R.C. 4928.661(C), the attorney examiner directs each EDU to file an amended portfolio plan, to the extent provided by R.C. 4928.661. Unless otherwise ordered by the Commission, each EDU shall file an amended plan within 30 days of the issuance of this Entry. These amended plans shall identify the specific low-income customer programs which are being re-established and the specific level of funding which is available for the programs under R.C. 4928.66(G)(3). As required by R.C. 4928.661(C), no new cost recovery mechanisms will be authorized for these programs.

{¶ 12} The EDUs may begin re-establishing the low-income programs upon filing of the amended plans, subject to future modification of the amended plans by the Commission. Interested parties may file an objection to all or part of an amended plan within 15 days of the filing of the amended plan.

{¶ 13} To the extent necessary, the Commission will waive all provisions of Ohio Adm.Code Chapter 4901:1-39 which are inconsistent with R.C. 4928.661 or the directives set forth in this Entry.

III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That each EDU file an amended plan to re-establish its program portfolio plan to the extent provided by R.C. 4928.661 within 30 days of the issuance of this Entry. It is, further,

{¶ 16} ORDERED, That objections to all or part of an amended plan be filed within 15 days of the filing of the amended plan. It is, further,

{¶ 17} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Gregory A. Price

By: Gregory A. Price
Attorney Examiner

JRJ/hac