

THE PUBLIC UTILITIES COMMISSION OF OHIO

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 TARIFF UPDATE OF
THE DEMAND SIDE MANAGEMENT AND
ENERGY EFFICIENCY RIDERS OF OHIO
EDISON COMPANY, THE CLEVELAND
ELECTRIC ILLUMINATING COMPANY, AND
THE TOLEDO EDISON COMPANY.

CASE No. 20-1673-EL-RDR

SIXTH ENTRY ON REHEARING

Entered in the Journal on July 13, 2022

I. SUMMARY

{¶ 1} The Commission finds that the application for rehearing filed by the Ohio Consumers' Counsel on January 29, 2021, should be deemed withdrawn.

II. DISCUSSION

{¶ 2} 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, were subject to the energy efficiency and peak demand reduction (EE/PDR) requirements under R.C. 4928.64 and 4928.66.

{¶ 3} R.C. 4928.66(G), which became effective on October 22, 2019, 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.

{¶ 4} Pursuant to R.C. 4928.66(G), on February 26, 2020, in Case No. 16-743-EL-POR, 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. *In re the Application of Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co. for Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2017 Through 2019*, Case No. 16-743-EL-POR (*Portfolio Case*), Finding and Order, (Feb. 26, 2020) at ¶ 44.

{¶ 5} Further, 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. *Portfolio Case*, Finding and Order, (Nov. 18, 2020). 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. On December 1, 2020, as amended on December 23, 2020, FirstEnergy filed tariff updates in *In re the Tariff Update of the Demand Side Management and Energy Efficiency Riders of Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case Nos. 20-1673-EL-RDR et al. (*Tariff Update Case*), to modify its Demand Side Management and Energy Efficiency (DSE) Riders, specifically modifying Rider DSE1, setting Rider DSE2 to zero, and establishing a Rider DSE3 charge.

{¶ 6} On December 30, 2020, the Commission issued an Entry in the *Portfolio Case* approving only the proposed compliance tariffs filed on December 23, 2020, in the *Tariff Update Case* to the extent they established revised charges for Rider DSE1 and set Rider DSE2 to zero. The Commission stated that the proposed Rider DSE3 provisions would be evaluated at a later time.

{¶ 7} On January 29, 2021, the Ohio Consumers' Counsel (OCC) filed an application for rehearing in the *Portfolio Case*, alleging two assignments of error with respect to the December 30, 2020 Entry. Specifically, OCC argued that the Commission should eliminate FirstEnergy's charges under its Economic Load Response program, which is

associated with FirstEnergy's Rider DSE1. On February 8, 2021, FirstEnergy and Industrial Energy Users-Ohio (IEU-Ohio) filed memoranda contra OCC's application for rehearing.

{¶ 8} On February 24, 2021, the Commission granted the application for rehearing filed by OCC on January 29, 2021, in order to provide the parties the opportunity to submit additional comments regarding the issues raised in the application for rehearing. Comments were filed on March 26, 2021, by Ohio Partners for Affordable Energy, FirstEnergy, Nucor Steel Marion, Inc. (Nucor), OCC, IEU-Ohio and Ohio Energy Group (OEG). Reply comments were filed on April 12, 2021, by IEU-Ohio, OCC, OEG, FirstEnergy and Nucor.

{¶ 9} On June 1, 2021, FirstEnergy filed a tariff update for Rider DSE.¹ On June 9, OCC filed objections to the tariff update. On June 11, 2021, OEG filed a response to OCC's objections. IEU-Ohio filed comments regarding the objections on June 24, 2021.

{¶ 10} Subsequently on December 3, 2021, OCC filed a notice of withdrawal of its January 29, 2021 application for rehearing in the *Portfolio Case*; March 26, 2021 comments in the *Portfolio Case*; April 12, 2021 reply comments in the *Portfolio Case*; and June 9, 2021 objections in the *Tariff Update Case*.

{¶ 11} Accordingly, the Commission finds that OCC's January 29, 2021 application for rehearing in the *Portfolio Case*, as well as the other comments and objections enumerated in Paragraph 10, be deemed withdrawn.

¹ According to the terms of FirstEnergy's Rider DSE tariff, DSE1 charges are updated semi-annually. A tariff update filed by June 1st of each year becomes effective on the following July 1st unless otherwise ordered by the Commission.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the application for rehearing filed by OCC on January 29, 2021, be deemed withdrawn. It is, further,

{¶ 14} ORDERED, That a copy of this Sixth Entry on Rehearing be served upon each party of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

GAP/hac

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in

Case No(s). 16-0743-EL-POR, 20-1673-EL-RDR

Summary: Entry finding that the application for rehearing filed by the Ohio Consumers' Counsel on January 29, 2021, should be deemed withdrawn electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio