**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Nonresidential Energy Efficiency Program for Inclusion in its Energy Efficiency Portfolio. | :  :  :  :  : | Case No. 14-1575-EL-POR |

**REPLY COMMENTS**

**SUBMITTED ON BEHALF OF THE STAFF OF**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

After reviewing IEU-Ohio’s Initial Comments in this case, Staff would like to reit­erate its position that the Company’s request to include the SEiO pilot program in the Company’s current EE Portfolio Plan is not an amendment to the Plan.

The SEiO pilot program was contemplated in the Company’s EE Portfolio Plan. In the Plan, the Company provided: “additional program offerings may be filed with the Commission to seek approval, as appropriate.”[[1]](#footnote-1) The application in this case is an appli­cation for such a program offering.

Each of the EDUs have collaborative meetings that meet quarterly to report on the performance of their energy efficiency programs and to receive input from members on how they can improve and modify their portfolio plans. If the Company found that a pro­gram was failing, the Company should cancel or modify that program going forward. At the same time, if a successful new idea or technology becomes available, the Company should be able to adopt that technology in its current EE Portfolio Plan, as was provided for in the Plan. The Company’s EE Portfolio Plan was not designed to prevent the Com­pany from making any changes to the Plan. Furthermore, Section 7(B) allows the Com­mission to take “actions necessary to administer the implementation of existing portfolio plans.”

Staff believes that flexibility is necessary to implement the Company’s EE Port­folio Plan. Therefore, the Staff recommends that the Commission approve this pilot pro­gram as a part of the Company’s currently approved EE Portfolio Plan.

Respectfully submitted,

**Michael DeWine**

Ohio Attorney General

**William L. Wright**

Section Chief

*/s/ Katie L. Johnson*

**Katie L. Johnson**

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# PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Reply** **Comments** submitted on behalf of the Staff of the Public Utilities Commis­sion of Ohio,was served via electronic mail upon the following Parties of Record, this 12th day of February, 2015.

*/s/ Katie L. Johnson*

**Katie L. Johnson**

Assistant Attorney General

**Parties of Record:**

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| Amy B. Spiller  Elizabeth H. Watts  Duke Energy Business Services, LLC  139 East Fourth Street, 1303 Main  Cincinnati, OH 45202  [amy.spiller@duke-energy.com](mailto:amy.spiller@duke-energy.com)  [elizabeth.watts@duke-energy.com](mailto:elizabeth.watts@duke-energy.com) |  |

1. *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of Its Energy Efficiency and Peak Demand Reduction Portfolio of Programs,* Case No. 13-431-EL-POR (Application at 6) (Feb. 19, 2013). [↑](#footnote-ref-1)