

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Joint Application of )  
Ohio Edison Company, The Cleveland )  
Electric Illuminating Company, The )  
Toledo Edison Company, Columbus )  
Southern Power Company, Ohio Power ) Case No. 12-2266-EL-WVR  
Company, The Dayton Power and Light )  
Company, and Duke Energy Ohio, Inc., )  
for a Waiver with Regard to Rule 4901:1- )  
39-05(C), Ohio Administrative Code. )

---

**JOINT APPLICATION  
OF  
OHIO EDISON COMPANY, THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, THE TOLEDO EDISON COMPANY, THE DAYTON POWER AND LIGHT  
COMPANY AND DUKE ENERGY OHIO, INC.,  
FOR WAIVER**

---

Revised Code Section 4928.66, adopted as part of Amended Substitute Senate Bill 221, (SB 221), requires electric distribution utilities (EDUs) to implement energy efficiency and peak demand reduction programs designed to achieve specified savings in electric usage.<sup>1</sup> To enable compliance with this requirement, the Public Utilities Commission of Ohio (Commission) promulgated Ohio Administrative Code (O.A.C.) Rule 4901:1-39-05, which establishes a variety of reporting requirements related to EDU progress with such programs. Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, The Dayton Power and Light Company, and Duke Energy Ohio, Inc., (collectively, the Applicants) herein request a waiver of only the filing date associated with the Rule. The Ohio Power Company and the Columbus Southern Power Company are not included in this Application because the

---

<sup>1</sup> R.C. 4928.66(A)(1)

Commission granted a waiver for the same purpose to these Companies, allowing the Companies to file their annual portfolio status reports on May 15 during each year of the EE/PDR Action Plan.<sup>2</sup>

Section (C) of Rule 4901:1-39-05 specifically requires every EDU to file an annual portfolio status report addressing the performance of all of its approved energy efficiency and peak demand reduction programs by no later than March 15 of each year. Compliance with this deadline is difficult for the Applicants since the data necessary for the report must first be collected and studied and then collated into the necessary format. However, much of the underlying participation data is not available from program participants until February or March of each year. Program data is often provided to the EDU by a contractor, a retailer, or a coupon processor, who then must relay the information to the implementation vendors who validate and summarize the data for use by the EDUs. The process imposes a natural delay and there is no alternative means by which to hasten this process.

In this Application, the Applicants respectfully request that the Commission grant a waiver from this requirement, allowing the reports to be filed on or before May 15 of each year from 2013 through 2017. The natural progression of program implementation and subsequent evaluation, measurement, and verification is unlikely to change in the short term and the relief afforded by the certainty of a more attainable status report date would enhance administrative efficiency.

The Applicants recognize the importance of the energy efficiency and peak demand reduction programs that were set in place by SB 221 and that are addressed by the annual portfolio status reports. Accordingly, it is in the best interest of customers, the Applicants, the

---

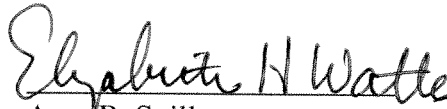
<sup>2</sup> *In the Matter of the Application of Columbus Southern Power Company for Approval of its Program Portfolio Plan and Request for Expedited Consideration*, Case No. 11-5568-EL-POR, Opinion and Order, March 21, 2012 at p. 17.

Commission, and the General Assembly for these reports to include the most accurate and up to date information as is reasonably possible. By extending the filing deadline until May 15 of each of the next five years, the Commission will enable that effort, which in turn will benefit Ohio ratepayers.

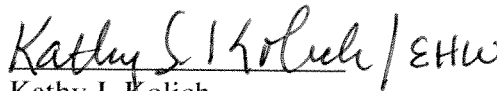
The Applicants submit that the extension of this filing deadline will enhance the overall energy efficiency and peak demand reduction portfolio reporting processes, and will optimize accuracy and timeliness.

Wherefore, the Applicants respectfully request that the Commission grant the request for a waiver of the March 15 deadline for the filing of the annual status report, as set forth in Rule 4901:1-39-05(C), O.A.C., so to allow for filing on or before May 15, for each of the next five years.

Respectfully submitted



Amy/B. Spiller  
Deputy General Counsel  
Elizabeth H. Watts  
Associate General Counsel  
139 East Fourth Street,  
Cincinnati, Ohio 45201



Kathy J. Kolich  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308



Judi L. Sobecki  
The Dayton Power and Light Company  
1065 Woodman Drive  
Dayton, Ohio 45432