***OCC EXHIBIT\_\_\_\_\_\_\_***

**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 Standard Service Offer Pursuant to Ohio Revised Code Section 4928.143 in the Form of an Electric Security Plan.  In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Amend Tariffs, including its Certified Supplier Tariff, P.U.C.O. No. 20 and to Implement New Tariffs.  In the Matter of the Application of Duke Energy Ohio, Inc., for Accounting Authority, including any Necessary Deferrals. | )  )  )  )  )  )  )  )  )  )  )  )  ) | Case No. 24-278-EL-SSO  Case No. 24-279-EL-ATA  Case No. 24-280-EL-AAM |

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**DIRECT TESTIMONY**

**OF**

**COLLEEN SHUTRUMP**

**On Behalf of the**

**Office of the Ohio Consumers’ Counsel**

*65 East State Street, Suite 700*

*Columbus, Ohio 43215*

**October 30, 2024**

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# I. INTRODUCTION AND BACKGROUND

Q1. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.

***A1.*** My name is Colleen Shutrump. I am employed as a Senior Analyst for the Office of the Ohio Consumers’ Counsel (“OCC”). My business address is 65 East State Street, Suite 700, Columbus, Ohio 43215.

Q2. Please briefly summarize your education and professional experience.

***A2.*** I have a Bachelor of Science in Business Administration from Youngstown State University with a major in Management and a Master of Business Administration from Baldwin Wallace College with emphasis in International Affairs. I have 15 years’ experience in public utility regulation with emphasis on consumer-funded Demand-Side Management Programs (“DSM”) and other distributed energy resources. I started as a Utility Analyst at the Indiana Utility Regulatory Commission in 2009 serving as advisory staff to Commissioners. I was lead analyst for all electric public utility companies requesting approval of DSM programs and responsible for all regulatory issues associated with proposals by the Northern Indiana Public Service Company (“NIPSCO”). In 2015, I was promoted to Senior Utility Analyst before accepting a position at OCC.

In spring 2016, I attended a graduate level course on deregulation at the John Glenn College of Public Affairs.

q3. what are your duties at OCC?

***A3.*** I provide analytical support on issues impacting Ohio consumers’ interests and serve as lead analyst and policy advisor for the Consumers’ Counsel on cases and issues relating to DSM programs and other distributed energy resources. I was extensively involved in each of the 2016 electric energy efficiency portfolio cases of the four major Ohio electric utilities before the PUCO. My involvement included providing testimony in the AES[[1]](#footnote-2) (Case No. 16-649-EL-POR) and Duke Energy Ohio[[2]](#footnote-3) (Case No. 16-576-EL-POR) portfolio cases affecting consumers. I testified in the review of FirstEnergy’s 2014-2018 DSM rider (Case No. 17-2277-EL-RDR), affecting lost revenue charges to consumers.[[3]](#footnote-4) I also testified in Columbia’s DSM rider adjustment (Case No. 19-1940-GA-RDR) in Vectren’s rate case (Case No. 18-298-GA-AIR), and in Duke Energy Ohio’s rate case (Case No. 22-507-EL-AIR, et al.). More recent testimony includes both FirstEnergy’s[[4]](#footnote-5) and AEP’s[[5]](#footnote-6) respective Electric Security Plans (“ESP”). I serve as analytical lead for consumer issues related to the PUCO’s House Bill 6 cases.[[6]](#footnote-7)

Q4.  **WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

*****A4.*** The purpose of my testimony is to address and support OCC’s position protecting residential consumers as it relates to Duke’s proposal to 1) restore residential DSM programs and associated charges**[[7]](#footnote-8) **and 2) implement a new neighborhood income-qualified program. I also briefly discuss Duke’s proposal to continue its existing distribution decoupling rider.**[[8]](#footnote-9)

# II. SUMMARY OF RECOMMENDATIONS

Q5. Please summarize your recommendations.

***A5.*** My recommendations include:

1. Duke should withdraw its identical DSM application in Case No. 24-45-EL-POR. It is a waste of resources for the parties and the PUCO to address Duke’s two identical proposals pending in two different cases.
2. Duke’s non-low-income residential programs and proposed charges should be rejected because these programs are available in the competitive market and Duke’s projected consumer charges of $46 million to subsidize these programs through utility rates over three years is unreasonable.
3. The PUCO should approve Duke’s Neighborhood Energy Saver (“NES”) program, subject to the following consumer protections. First, Duke should eliminate the provision that allows it to earn profits on the program through what is called the “Joint Benefit Recognition” mechanism. Consumers should never pay profits on income qualified energy efficiency programs.[[9]](#footnote-10) Second, the PUCO should require Duke to tighten the eligibility requirements such that the programs and services are only available to consumers at or below 200% of the Federal Poverty Level (“FPL”) guidelines. As proposed, the eligibility requirements are too loosely defined. This increases the risk that non-low-income consumers will receive benefits at the expense of low-income consumers most in need of energy savings.
4. The PUCO should require oversight on the NES program, including a collaborative process that meets every three months to report status on savings benefits for low-income consumers. The collaborative should include the PUCO Staff, OCC, and other interested parties. And the local community action agencies in Butler, Warren and other counties in Duke’s service territory should be invited to attend.
5. The PUCO should reject Duke’s proposal to continue the Distribution Decoupling Rider (“Rider DDR”). The PUCO originally approved this rider under the construct of Ohio’s energy efficiency mandates as a better alternative than recovery of lost revenues from energy efficiency programs. However, energy efficiency mandates no longer exist in Ohio.[[10]](#footnote-11)
6. Should the PUCO approve any residential DSM program, Duke should not be allowed to collect lost revenues.

# III. DSM PROPOSAL FOR RESIDENTIAL CONSUMERS

Q6. did Duke propose the same RESIDENTIAL programs in a separate proceeding?

***A6.*** Yes. Duke proposed identical programs and consumer charges in a DSM portfolio case, Case No. 24-45-EL-POR, which is currently pending. Duke should withdraw the portfolio case proposal because it is identical to its proposal in this case. There is no reason to waste the resources of the PUCO, OCC and other stakeholders to review, analyze and litigate identical DSM proposals in two cases.

Q7. PLEASE EXPLAIN DUKE’S PROPOSAL FOR RESIDENTIAL DSM PROGRAMS.

***A7.*** Duke proposes six residential DSM programs, including one low-income energy efficiency program (NES) and one demand response program (Power Manager).[[11]](#footnote-12) The programs are intended to run for the term of the ESP, which is June 1, 2025, through May 31, 2028.[[12]](#footnote-13) In 2026, Duke will propose subsequent programs for years 2027 to 2029.[[13]](#footnote-14)

Q8. What is Duke’s proposal to collect consumer charges for DSM programs?

***A8.*** Duke proposes to restore Rider DSM to collect residential charges for DSM program and overhead costs, Measurement and Verification (“M&V”) costs, and profit in the form of a Joint Benefit Recognition mechanism.[[14]](#footnote-15) In total, Duke wants to spend nearly $46 million (Table 1) over three years for residential DSM programs. These costs are unreasonable and should be rejected.

Q9. do you have concerns about how the joint benefit reconition mechanism is calculated?

***A9.*** Yes. As shown in Table 1, Duke estimates collecting $3.2 million in profits over three years for the combined residential energy efficiency and demand response programs. Duke’s proposed profit mechanism is calculated by multiplying the total avoided transmission and distribution costs by 12.13 percent.[[15]](#footnote-16) It is not clear how these avoided costs are determined.[[16]](#footnote-17) Thus, the estimated profits proposed below could be greater than the $3.2 million collection that Duke proposes.



Q10. Has the PUCO previously ruled on Duke’s profit mechanism?

***A10.*** Yes. On its own motion, the PUCO struck Duke’s shared savings provision contained in the utility’s June 2020 request for a new energy efficiency portfolio, emphasizing the elimination of energy efficiency programs under H.B. 6 in R.C. 4929.02(A)(4).[[17]](#footnote-18) The PUCO stated:

[A]pproval of the shared savings provision contained in Duke’s application, where such shared savings are recovered…would be against the objectives of this state which favors outcomes that provide customers with effective choices of the selection of supplies and suppliers and would discourage market access for cost effective supply-and demand-side retail services.[[18]](#footnote-19)

Q11. has the puco ruled on dsm program proposals that include non-low-income programs?

***A11.*** The PUCO has considered non-low-income DSM programs on a case-by-case basis. For each case listed below in Table 2, the PUCO rejected non-low-income programs and charges, finding that DSM programs are best offered in the competitive market and noted unnecessary costs for consumers. Consistent with these rulings, OCC recommends that the PUCO reject the non-low-income programs.

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| **Table 2. PUCO Order and Ruling** | |
| For Vectren: Case No. 22-1015-GA-UNC Opinion & Order (Aug. 21, 2024) at 22, approving modified stipulation. | “[T]he market for EE services and products has developed to the extent that customers should be aware of and sufficiently knowledgeable to explore the availability and benefits of such services and products through the competitive marketplace.” |
| For FirstEnergy: Case No. 23-301-EL-SSO, Opinion & Order (May 15, 2024) at 130, approving modified application. | “Instead, and consistent with recent precedent, we agree with several of the points raised by NRG, OELC, OMAEG, Kroger, Nucor, RESA, NOAC, OCC, and IGS in opposition to these programs and find they are better suited for the competitive market, where both residential and non-residential customers will be able to obtain products and services to meet their individual needs.” |
| For Enbridge: Case No. 21-1109-GA-ALT Opinion & Order (Oct. 4, 2023) at 18, approving the application in part. | “The Commission is not convinced by the record of this case that there continues to be a need for expansive, utility sponsored DSM/EE programs as presented in Dominion’s application.”  “[W]e find that the subsidization of the costs of these programs across Dominion’s footprint acts as a burden on the Company’s ratepayers.” |
| For AEP Ohio: Case No. 20-585-EL-AIR Opinion & Order (Nov. 17, 2021) at 47-48, approving the stipulation. | “[A]s we have previously stated, the future of energy efficiency programs in this state, in light of Am. Sub. H.B. 6, will be best served by reliance on market-based approaches such as those available through PJM and CRES providers.” |
| For Columbia Gas: Case No. 21-637-GA-AIR (Jan. 26, 2023) at 19, approving the modified stipulation. | [T]he Commission notes that, as codified at R.C. 4929.02(A), it is the policy of the state to promote the availability of unbundled and comparable natural gas services and goods that provide wholesale and retail consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs; promote diversity of natural gas supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers; and encourage innovation and market access for cost-effective supply- and demand-side natural gas services and goods.  [I]t is time to look to competitive markets to play a more significant role in the provision of energy efficiency services in this state.” |

# IV. LOW-INCOME ENERGY EFFICIENCY PROPOSAL

q12. has the puco APPROVED LOW-INCOME DSM programs AFTER H.B. 6?

***A12.*** Yes. Post-H.B. 6, the PUCO has approved *only* energy efficiency programs that reach low-to-moderate income consumers, except for a smart thermostat rebate program approved in Case No. 23-301-EL-SSO. Examples are provided in Table 2 above. But income-qualified energy efficiency programs continue to need consumer protections for those that participate, and those that fund these programs.

The PUCO should require oversight of these programs including a collaborative process that meets every three months to report status on savings benefits for low-to-moderate income consumers. The collaborative should include the PUCO Staff, OCC and other interested parties. And the local community action agencies and others who understand consumer needs at the local level should be invited to the collaboratives.

q13. please explain duke’s proposal for the low-income-energy efficiency program.

***A13.*** Duke proposes the NES Program.[[19]](#footnote-20) This program offers installation of energy efficiency measures for consumers at or below 200 percent of the Federal Poverty Level guidelines.

Q14. do you have concerns about the NES program?

***A14.*** Yes. The proposal lacks consumer protections and PUCO oversight. Approval of Duke’s proposal should be subject to revisions. In 2023, the number of Ohio consumers in poverty rose for the first time in decades indicating the necessity for well-designed low-income energy efficiency programs.[[20]](#footnote-21) While low-income energy efficiency programs provide benefits to those most in need, these programs need consumer protections.

My primary concern is that Duke’s proposal allows profits, which is wrong. The PUCO should never allow profits on low-income programs under any circumstances. This merely inflates the costs to all consumers that pay for the programs. Additionally, Duke’s program design obscures how consumer funds will be used and appears poorly designed. Finally, the program lacks PUCO oversight. For these reasons, the program as proposed needs revisions.

Q15. Please explain further why the NES program obscures how consumer funds will be used and is poorly designed.

***A15.*** First, Duke proposes a “non-traditional approach”[[21]](#footnote-22) to an income-qualified energy efficiency program. The program serves income-qualified consumers in neighborhoods where only 50 percent of those households are at or below 200 percent of the FPL guidelines. This obscures how consumer funds will be used because the other 50 percent of households in that neighborhood could include consumers that *are not* at or below 200 percent of the FPL. As stated by Mr. Duff, while the goal is to serve neighborhoods where most consumers are low-income, the program is available to all Duke Energy customers within the selected neighborhood.[[22]](#footnote-23) Allowing Duke to implement programs and services to all consumers within such neighborhoods increases the risk that consumers who need bill savings the most will not be served. And Duke’s consumers deserve transparency and assurance that their funding dollars will be used appropriately.

Second, Duke proposes to re-start the previously offered NES program and add NES 2.0 which has different eligibility requirements. Eligibility for NES 2.0 includes customers that Duke deems high energy users. Again, eligibility requirements are loosely defined. This increases the risk that low-income consumers will not benefit from the program.

***Q16. WHAT CHANGES DO YOU RECOMMEND FOR THE ELIGIBILITY REQUIREMENTS?***

***A16.*** I recommend that the programs and services be limited to consumers who are at or below 200 percent of the FPL guidelines.

Q17. Why does the NES program need PUCO oversight?

***A17.*** The NES program lacks accountability, oversight and collaboration. Low-income energy efficiency programs need oversight to include consistent collaboration with the PUCO Staff, OCC and other interested stakeholders including the local community action agencies. Additionally, there is an opportunity in a collaborative setting to get input from the local communities. They could assist in helping Duke maximize savings per household, maximize the number of households served and prioritize consumer funding. Challenges faced by low-income consumers may extend to other temporary or long-term factors impacting a person’s overall economic well-being. Examples include (but are not limited to) a temporary crisis, long-term unemployment, disability, and food insecurity. For Ohioans, economic well-being is unstable and likely to get worse.[[23]](#footnote-24) Identifying these consumers could help to prioritize funds for the proposed NES program. And when energy bills are reduced, this frees up money in the family budget for more urgent needs.

Q18. do you have an example of other interested stakeholders that should be invited to attend the collaborative you propose?

***A18.*** Yes. In 2020, three community assistance agencies in Brown County (2-1-1, Family Service Crisis Center and the Aging and Disability Resource Center of Brown County or (“ADRC”)) collaborated to study patterns of community needs and service gaps.[[24]](#footnote-25) These agencies have direct contact with consumers and participate in database collaboration to identify crisis-related needs. Those consumers are then connected to the appropriate resources. According to their 2020 report, utilities were among the top 10 issues for callers contacting 2-1-1.[[25]](#footnote-26) In addition, electric service payment assistance was identified as a service gap.[[26]](#footnote-27) A service gap refers to people living in poverty, without financial or informal supports and struggle to access formal services provided by community agencies to meet their basic needs. Data and first-hand knowledge of consumer needs at the local level could provide meaningful input on where consumer-funded dollars are needed most.

# V. DECOUPLING RIDER

***Q19. PLEASE EXPLAIN DUKE’S PROPOSAL TO CONTINUE ITS EXISTING DISTRIBUTION DECOUPLING RIDER.***

***A19.*** Duke proposes to continue its existing Distribution Decoupling Rider (“Rider DDR”) with one modification. Duke witness Amy Spiller discusses this proposal in her testimony. Ms. Spiller proposes to modify Rider DDR to include adjustments for weather.[[27]](#footnote-28) Ms. Spiller states that the rider allows it to mitigate revenue erosion that may result from reduced revenues which could be a result of energy efficiency measures.[[28]](#footnote-29)

***Q20. PLEASE EXPLAIN THE BACKGROUND OF RIDER DDR.***

***A20.*** Rider DDR was originally approved as a “placeholder” rider in Duke’s second electric security plan case in Case No. 11-3549-EL-SSO (“ESP II”)[[29]](#footnote-30) to adjust rates between rate cases to remove the throughput incentive related to its energy efficiency programs.

The placeholder rider was approved as part of a settlement. Then in Case No. 11-5905-EL-RDR, the PUCO approved a three-year distribution decoupling rider (January 1, 2012 through December 31, 2014).[[30]](#footnote-31)

The PUCO continued Rider DDR beyond 2014 in Duke’s ESP III application on the basis that the rider allows Duke to help consumers become more energy efficient.[[31]](#footnote-32) Rider DDR was again continued in Duke’s ESP IV case.[[32]](#footnote-33) The PUCO’s approval was again premised upon the decoupling being linked to energy efficiency.

***Q21. WHAT IS YOUR RECOMMENDATION FOR RIDER DDR?***

***A21.*** The PUCO should reject Duke’s proposal to continue Rider DDR because the PUCO’s original rationale for approving Rider DDR no longer exists. R.C. 4928.66(G) terminated Ohio’s annual energy efficiency savings requirements effective October 22, 2019. On November 18, 2020, the PUCO directed each utility to terminate their respective EE/PDR cost recovery riders effective January 1, 2021, subject to final reconciliation.[[33]](#footnote-34)

Duke’s proposal under Rider DDR is merely an attempt to recession-proof the utility. There is no recession proofing for consumers. Rider DDR lacks justification and is not good public policy.

In the present case, Duke proposes to re-establish a portfolio of energy efficiency and demand-side management programs. As discussed earlier in my testimony, OCC opposes these programs except for the programs offered for low-income consumers. The PUCO should not approve the re-establishment of these programs because consumers can obtain these programs and services through the competitive market. Additionally, nonparticipants would not have to subsidize participants.

# VI. LOST REVENUE BACKUP PLAN

Q22. Does Duke’s proposal include a backup plan should continuation of rider DDR be denied?

***A22.*** Yes. Under Duke’s proposal, residential consumers would pay the decoupling rider but not lost revenues. In the present case, Duke Witness Ziolkowski recommends that if Rider DDR were to be modified or eliminated, it would be appropriate to modify Rider DSM rates to collect lost revenues.[[34]](#footnote-35)

Q23. Should the PUCO allow Duke to collect lost revenues from residential customers?

***A23.*** No. First, Duke is not obligated to offer DSM programs. Duke could instead withdraw their non-low-income program proposal and their concerns about being made whole from DSM programs would no longer apply.

Second, R.C. 4928.143(h) allows a revenue decoupling mechanism or lost revenues to be a provision of an electric security plan. But the law does not require the PUCO to approve either mechanism. Under the energy efficiency mandates, lack of consumer protections in calculating lost revenues created a pro-utility scheme that harmed consumers.

Q24. Do you have an example of a pro-utility scheme related to consumer charges for lost revenues?

***A24.*** Yes. The most egregious example is FirstEnergy. During 2014-2018 FirstEnergy’s calculation of lost revenues resulted in consumers paying nearly 135% more in lost revenues than they paid for program costs.[[35]](#footnote-36)

Regardless of whether the PUCO approves any residential program (including the low-income program), I recommend not approving Rider DDR. Additionally, lost revenues on any residential energy efficiency program should also be denied.

# VII. CONCLUSION

Q25. Does this conclude your testimony?

***A25.*** Yes. However, I reserve the right to supplement my testimony if additional testimony is filed, or if new information or data in connection with this proceeding becomes available.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Direct Testimony of Colleen Shutrump on Behalf of the Office of the Ohio Consumers’ Counsel was served on the persons stated below via electronic transmission, this 30th day of October 2024.

*/s/ John Finnigan*

John Finnigan

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

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1. Direct Testimony of Colleen Shutrump (Jan. 30, 2017), *In re* *the Application of the Dayton Power and Light Company for Approval of Its Energy Efficiency and Peak Demand Reduction Program Portfolio Plan for 2017 Through 2019*, Case No. 16-649-EL-POR. [↑](#footnote-ref-2)
2. Direct Testimony of Colleen Shutrump (Feb. 6, 2017), *In re* *the Application of Duke Energy Ohio, Inc. for Approval of Its Energy Efficiency and Peak Demand Reduction Portfolio of Programs*, Case No. 16-576-EL-POR. [↑](#footnote-ref-3)
3. Direct Testimony of Colleen Shutrump (June 22, 2020), *In re the Matter of the 2018 Review of the Demand Side Management and Energy Efficiency Rider of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company*, Case No. 17-2277-EL-RDR. [↑](#footnote-ref-4)
4. Direct Testimony of Colleen Shutrump (Oct. 23, 2023), *In re the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 23-301-EL-SSO. [↑](#footnote-ref-5)
5. Direct Testimony of Colleen Shutrump (Sept. 20, 2023), *In re the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case No. 23-23-EL-SSO, et al. [↑](#footnote-ref-6)
6. Case Nos. 17-974-EL-UNC, 20-1629-EL-RDR, 17-2474-EL-RDR and 20-1502-EL-UNC. [↑](#footnote-ref-7)
7. Direct Testimony of Amy Spiller at 22 (April 1, 2024). [↑](#footnote-ref-8)
8. *Id*. at 9 [↑](#footnote-ref-9)
9. Duke consumers pay the decoupling rider, not lost revenues. [↑](#footnote-ref-10)
10. R.C. 4928.66(G) terminated Ohio’s annual energy efficiency mandates on Oct. 22, 2019. [↑](#footnote-ref-11)
11. Direct Testimony of James E. Ziolkowski (April 1, 2024), JEZ-5 DSM Workpapers. [↑](#footnote-ref-12)
12. Spiller Testimony at 5. [↑](#footnote-ref-13)
13. Ziolkowski Testimony at 13. [↑](#footnote-ref-14)
14. *Id.*, JEZ-5 DSM Work Papers. [↑](#footnote-ref-15)
15. Ziolkowski Testimony at 13. [↑](#footnote-ref-16)
16. JEZ-5 Workpapers, pp. 1-5. [↑](#footnote-ref-17)
17. *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of Its 2021 Energy Efficiency and Demand Side Management Portfolio of Programs and Cost Recovery Mechanism*, Case No. 20-1013-EL-POR, Entry (June 17, 2020) at 2. [↑](#footnote-ref-18)
18. *Id.* [↑](#footnote-ref-19)
19. Direct testimony of Tim Duff (April 1, 2024), Attachment TJD-1. [↑](#footnote-ref-20)
20. Karen Kasler, The Statehouse News Bureau, “Report shows rate of Ohioans in poverty rose for the first time in a decade” (July 11, 2023), <https://www.statenews.org/government-politics/2023-07-11/report-shows-rate-of-ohioans-in-poverty-rose-for-first-time-in-a-decade>. [↑](#footnote-ref-21)
21. Duff Testimony at 7. [↑](#footnote-ref-22)
22. *Id.* [↑](#footnote-ref-23)
23. *See* Ohio Association of Community Action Agencies, *The State of Poverty in Ohio, Vulnerable to Disruption*, *2023 Report*, <https://oacaa.org/wp-content/uploads/2023/07/State-of-Poverty-2023-web_FINAL-UPDATE.pdf>. [↑](#footnote-ref-24)
24. *See* 211, Crisis Center and ADRC, *2020 Collaborative Community Report* (2021), <https://adrcofbrowncounty.org/wp-content/uploads/2021/08/2020-Collaborative-Report-211-Crisis-Center-ADRC.pdf>. [↑](#footnote-ref-25)
25. *Id.* [↑](#footnote-ref-26)
26. *Id.* [↑](#footnote-ref-27)
27. Spiller Testimony at 10. [↑](#footnote-ref-28)
28. Spiller Testimony at 9. [↑](#footnote-ref-29)
29. *In the Matter of the Application of Duke Energy Ohio for Authority to Establish a Standard Service Offer Pursuant to Section 4928.143, Revised Code, in the Form of an Electric Security Plan, Accounting Modifications and Tariffs for Generation Service,* Case No. 11-3549-EL-SSO, Opinion and Order at 44 (Nov. 22, 2011). [↑](#footnote-ref-30)
30. *In the Matter of the Application of Duke Energy Ohio, Inc, for Approval of a Distribution Decoupling Rider,* Case No. 11-5905-EL-RDR, Finding and Order at 4 (May 30, 2012). [↑](#footnote-ref-31)
31. *In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service*, Case No. 14-841-EL-SSO, et al. Opinion and Order (April 2, 2015). [↑](#footnote-ref-32)
32. *In the Matter of Application of Duke Energy Ohio, Inc. for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service*, Case No. 17-1263-EL-SSO, et al., Opinion & Order (Dec. 19, 2018) [↑](#footnote-ref-33)
33. *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. 16-574-EL-POR, et al., Finding & Order (Feb. 24, 2021) at ¶ 7. [↑](#footnote-ref-34)
34. Ziolkowski Testimony at 15. [↑](#footnote-ref-35)
35. Direct Testimony of Colleen Shutrump at 13 (June 6, 2020), *In the Matter of the 2014, 2015, 2016, 2017 and 2018 Review 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. 13-2173-EL-RDR, et al. [↑](#footnote-ref-36)