

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption of Rules for)
Alternative and Renewable Energy)
Technology, Resources, and Climate)
Regulations, and Review of Chapters) Case No. 08-888-EL-ORD
4901:5-1, 4901:5-3, 4901:5-5, and 4901:5-7 of)
the Ohio Administrative Code, Pursuant)
to Amended Substitute Senate Bill No. 221.)

ENTRY ON REHEARING

The Commission finds:

- (1) On July 31, 2008, Amended Substitute Senate Bill No. 221 (SB 221) was enacted to, among other things, substantially revise Chapter 4928 of the Revised Code, to address energy efficiency and alternative energy resources, renewable energy credits, clean coal technology, and environmental regulations.
- (2) On April 15, 2009, the Commission issued its opinion and order (April 15 Order), adopting three new chapters of the Ohio Administrative Code (O.A.C.): Chapter 4901:1-39, Energy Efficiency and Demand Reduction Benchmarks; Chapter 4901:1-40, Alternative Energy Portfolio Standard and Chapter 4901:1-41, Greenhouse Gas Reporting and Carbon Dioxide Control Planning. The April 15 Order also modified relevant forecast rules contained in Chapters 4901:5-1, 4901:5-3, and 4901:5-5, O.A.C.
- (3) On May 15, 2009, applications for rehearing were filed pursuant to Section 4903.10, Revised Code, by 15 parties or groups. On June 10, 2009, the Commission issued an entry granting rehearing for further consideration of the matters specified. On June 17, 2009, the Commission issued a third entry on rehearing (June 17 Entry), addressing the substantive issues raised and modifying many of the rules adopted in the April 15 Order. On June 24, 2009, the Commission issued an entry correcting, *nunc pro tunc*, several errors in the June 17 Entry. On October 15, 2009, the Commission issued a fourth entry on rehearing (October 15 Entry), addressing issues raised by the parties and modifying Rules 4901:1-39-01, 4901:1-39-04, 4901:1-39-05, 4901:1-39-08, 4901:1-40-01, 4901:1-40-04, and

4901:5-5-06. On October 28, 2009, the Commission issued an entry (October 28 Entry) further modifying Rules 4901:1-39-05, 4901:1-39-08, and 4901:1-40-04, to clarify certain rules and to correct clerical errors. The rules adopted by the Commission, reflecting all modifications to date, are available on the Commission's website at:

www.puco.ohio.gov/puco/rules/ via the link:
Implementation of S.B. 221 - Green Rules: Energy Efficiency & Alternative Energy Portfolio Standard, and Modifications to Forecast.

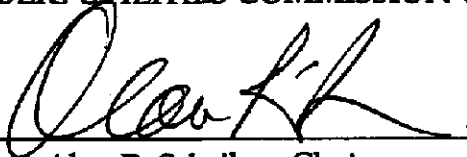
- (4) Section 4903.10, Revised Code, provides that any party who has entered an appearance in a Commission proceeding may apply for rehearing with respect to any matters determined by filing an application within 30 days after the entry of the order upon the journal of the Commission.
- (5) On November 13, 2009, Ohio Edison Company, Cleveland Electric Illuminating Company, and Toledo Edison Company (collectively, FirstEnergy), Duke Energy Ohio, Inc. (Duke), and the Ohio Consumer and Environmental Advocates (OCEA) filed applications for rehearing of the October 15 and 28 Entries. On November 16, 2009, the Industrial Energy Users-Ohio (IEU) filed an application for rehearing or, in the alternative, request for clarification. Memorandum contra the applications for rehearing of Duke, FirstEnergy, and IEU were filed by OCEA; and memorandum contra the applications for rehearing of OCEA were filed by FirstEnergy, American Municipal Power, Inc. (AMP), and The Ohio Manufacturers' Association and the Ohio Hospital Association (OMA) on November 23, 2009.
- (6) These parties have raised several assignments of error which merit further consideration. Accordingly, the Commission grants the applications for rehearing to allow further consideration of the matters specified therein.

It is, therefore,

ORDERED, That the applications for rehearing be granted for further consideration of the matters specified therein. It is, further,


ORDERED, That a copy of this retry on rehearing be served upon all parties filing comments in this docket and all interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

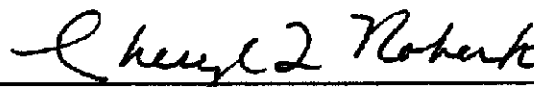
Paul A. Centolella



Valerie A. Lemmie



Ronda Hartman Fergus



Cheryl L. Roberto

RMB:dah

Entered in the Journal

DEC 09 2009



Renee J. Jenkins
Secretary