

**BEFORE
THE PUBLIC UTILITY 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 Demand Reduction Program Portfolio Plans for 2010 and Associated Cost Recovery Mechanisms.))	Case No. 09-1947-EL-POR
))	Case No. 09-1948-EL-POR
))	Case No. 09-1949-EL-POR
))	
In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of Their Initial Benchmark Reports.))	Case No. 09-1942-EL-EEC
))	Case No. 09-1943-EL-EEC
))	Case No. 09-1944-EL-EEC
))	
In the Matter of the Energy Efficiency and Peak Demand Reduction Program Portfolio of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company.))	Case No. 09-580-EL-EEC
))	Case No. 09-581-EL-EEC
))	Case No. 09-582-EL-EEC

OBJECTIONS OF THE OHIO SCHOOLS COUNCIL

I. INTRODUCTION

Pursuant to Section 4901:1-39-07(B) of the Ohio Administrative Code, and the Legal Director's Entry dated January 14, 2010, the Ohio Schools Council ("OSC") submits its objections to the energy efficiency and peak demand reduction program portfolio plan filed in the above-captioned proceeding by The Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively "FirstEnergy").

On December 15, 2009, FirstEnergy filed an Application for approval of its: 1) initial three-year energy efficiency and peak demand reduction program portfolio; and 2) initial compliance report with the energy efficiency and peak demand benchmarks set forth in Amended Senate Bill 221. Page 9 of FirstEnergy's Application expressly states that FirstEnergy

is requesting the modification of its existing Rider DSE 2 to include the recovery of shared savings resulting from its portfolio plan filing. According to the testimony of FirstEnergy witness Ouellette, the shared savings component in Rider DSE will be triggered when one or more of the FirstEnergy Operating Companies exceeds the benchmarks in Section 4928.66 of the Ohio Revised Code in a given year. According to Mr. Ouellette, the shared savings component will provide FirstEnergy with 15% of the net benefit as calculated by the utility cost test, net of taxes, for generating savings in excess of the particular Operating Company's benchmarks.

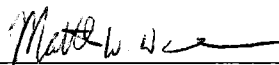
II. OBJECTIONS

The OSC objects to FirstEnergy's inclusion of a shared savings mechanism in their proposed portfolio plan. OSC agrees with, and adopts, the arguments against the shared savings mechanism as set forth in the Joint Objections filed by the Ohio Manufacturers' Association and Ohio Hospital Association.

III. CONCLUSION

WHEREFORE, the Ohio Schools Council respectfully objects to the shared savings mechanism included in FirstEnergy's portfolio plan filing in the above-captioned proceeding.

Respectfully submitted,



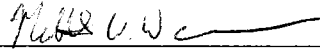
Glenn S. Krassen
BRICKER & ECKLER LLP
1375 East Ninth Street, Suite 1500
Cleveland, Ohio 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
E-Mail: gkrassen@bricker.com

Matthew W. Warnock
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2388
Facsimile: (614) 227-2390
E-Mail: mwarnock@bricker.com

Attorneys for Ohio Schools Council

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Intervene was served upon the parties of record listed below this 17th day of February 2010 *via* electronic mail.



Matthew W. Warnock

Kathy J. Kolich
Ebony L. Miller
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
kjkolich@firstenergycorp.com
elmiller@firstenergycorp.com

David C. Rinebolt
Colleen L. Mooney
Ohio Partners for Affordable Energy
231 West Lima Street
Findlay, OH 45839-1793
cmooney2@columbus.rr.com
drinebolt@ohiopartners.org

James F. Lang
Laura C. McBride
N. Trevor Alexander
Calfee, Halter & Griswold LLP
1400 KeyBank Center
800 Superior Ave.
Cleveland, OH 44114
jlang@calfee.com
lmcbride@calfee.com
talexander@calfee.com

Todd Jones
Christopher Miller
Andre Porter
Gregory Dunn
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, OH 43215
cmiller@szd.com
aporter@szd.com
gdunn@szd.com

Will Reisinger
Trent Dougherty
Nolan Moser
1207 Grandview Avenue, Ste. 201
Columbus, OH 43212-3449
will@theOEC.org
trent@theOEC.org
nolan@theOEC.org

Gregory J. Poulos
Christopher J. Allwein
Jeffrey L. Small
Assistant Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
small@occ.state.oh.us
poulos@occ.state.oh.us
allwein@occ.state.oh.us

Henry W. Eckhart
50 West Broad Street, #2117
Columbus, OH 43215
henryeckhart@aol.com

Michael E. Heintz
1207 Grandview Ave., Ste. 201
Columbus, OH 43204
mheintz@elpc.org

Samuel C. Randazzo
Lisa G. McAlister
Joseph M. Clark
McNees Wallace & Nurick LLC
21 East State Street, 17th Floor
Columbus, OH 43215
sam@mwncmh.com
lmcalister@mwncmh.com
jlark@mwncmh.com

Joseph P. Meissner
Matthew D. Vincel
The Legal Aid Society of Cleveland
1223 West 6th St.
Cleveland, OH 44113
jpmessin@lasclev.org
mvincel@lasclev.org

Matthew W. Warnock
Bricker & Eckler LLP
100 South Third Street
Columbus, OH 43215
mwarnock@bricker.com

Thomas Lindgren
Attorney General's Office
Public Utilities Section
180 East Broad Street 6th Floor
Columbus, OH 43215
Thomas.lindgren@puc.state.oh.us

Jacqueline Lake Roberts
101 Federal Street, Suite 1100
Boston, MA 02110
jroberts@enernoc.com

David F. Boehm, Esq.
Michael L. Kurtz, Esq.
Boehm, Kurtz & Lowry
36 East Seventh St., Ste. 1510
Cincinnati, OH 45202
dboehm@BKLLawfirm.com
mkurtz@BKLLawfirm.com

Theodore Robinson
Staff Attorney and Counsel
Citizen Power
2121 Murray Ave.
Pittsburgh, PA 15217
robinson@citizenpower.com

Glenn S. Krassen
Bricker & Eckler LLP
1375 East Ninth St., Ste. 1500
Cleveland, OH 44114
gkrassen@bricker.com

Michael K. Lavanga
Garrett A. Stone
Brickfield, Burchette, Ritts & Stone, P.C.
1025 Thomas Jefferson Street, N.W.
8th Floor, West Tower
Washington, D.C. 20007
mkl@bbrslaw.com
gas@bbrslaw.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/17/2010 3:28:25 PM

in

Case No(s). 09-1947-EL-POR

Summary: Objection of The Ohio Schools Council electronically filed by Teresa Orahod on behalf of Ohio Schools Council