

**FILE**

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of the  
Ohio Edison Company, The Cleveland  
Electric Illuminating Company, and The  
Toledo Edison company for Approval Of  
Their Energy Efficiency and Peak Demand  
Reduction Program Portfolio Plans for  
2010 through 2012 and Associated Cost  
Recovery Mechanism.

Case Nos. 09-1947-EL-POR  
09-1948-EL-POR  
09-1949-EL-POR

In the Matter of the Application of the Ohio  
Edison Company, The Cleveland Electric  
Illuminating Company, and The Toledo  
Edison Company for Approval Of Their  
Initial Benchmark Reports.

Case Nos. 09-1942-EL-EEC  
09-1943-EL-EEC  
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 Nos. 09-580-EL-EEC  
09-581-EL-EEC  
09-582-EL-EEC

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**OBJECTIONS  
SUBMITTED BY THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION**

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The Staff has the following objections to the First Energy Operating Companies 3-Year Energy Efficiency Portfolio Filing of December 15, 2009:

- The Companies have stated that the programs presented in the filing may not provide adequate incentives to achieve targeted participation rates and energy/demand savings. It is up to the Companies to provide adequate incentives for their customers to reach the annual benchmarks as stated in Senate Bill 221. However, such incentives should not exceed the Companies avoided costs nor exceed the incremental energy efficiency costs of the measure(s) to be installed.
- The Companies have submitted Total Resource Cost Tests that are less than 1 for the Small Enterprise Sector, Large Enterprise Sector, and the Governmental Sector in their plan. Generally, programs that do not pass the TRC test should be discouraged from being implemented since purchasing avoided generation would be less expensive. It appears that the commercial lighting measures which would make up the bulk of the commercial and governmental energy efficiency savings are the reason for the failure to meet the TRC test. Staff has reviewed the other Ohio jurisdictional electric utilities market potential studies and other filings and have observed that the other electric utilities have found on a preliminary basis that commercial and governmental lighting programs pass the TRC test. Staff has objections to some of the assumptions used in the commercial lighting analysis

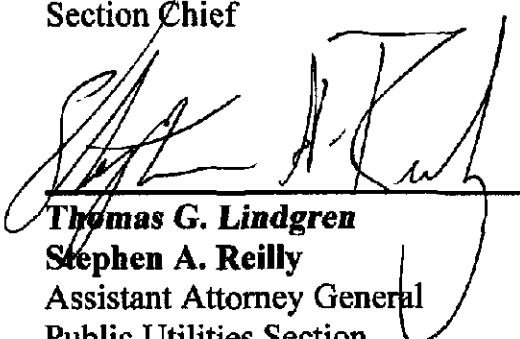
that would likely cause the preliminary analysis to show that these lighting programs do not pass a TRC test.

- Staff objects that there is no provision for peak demand reduction programs for customers past May 31, 2011. The Companies should allow for the integration of customers participating in the RTO demand response programs to be committed toward their annual Peak Demand Reduction benchmarks.

Respectfully submitted,

**Richard Cordray**  
Attorney General of Ohio

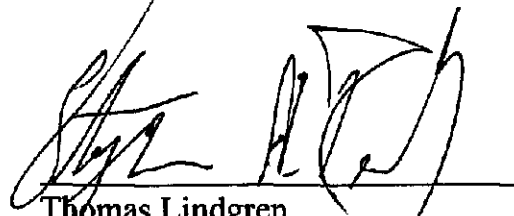
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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing *Objections* submitted by the Staff of the Public Utilities of Ohio was sent by electronic mail and by U.S. postage paid mail to the parties listed on February 17<sup>th</sup>, 2010.



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