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**Craig I. Smith  
Attorney at Law  
2824 Coventry Road  
Cleveland, Ohio 44120  
216-561-9410  
216-571-2717 (cell)  
wis29@yahoo.com**

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**PUCO**

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March 29, 2010

Public Utilities Commission of Ohio  
PUCO Docketing  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215

Re: In the Matter of the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company:

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

Case Nos. 09-1942-EL-EEC  
09-1943-EL-EEC  
09-1944-EL-EEC

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

Greetings:

Material Sciences Corporation files in these dockets its Initial Brief. The originals and necessary copies for both filings are enclosed. Any questions please contact me.

Regards



Craig I. Smith (0019207)  
Attorney at Law  
2824 Coventry Road  
Cleveland, Ohio 44120  
Tel. (216) 561-9410  
wis29@yahoo.com

Attorney for Material Sciences Corporation

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**PUCO**

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

**INITIAL BRIEF  
BY MATERIAL SCIENCES CORPORATION**

Material Sciences Corporation ("MSC") raised several objections<sup>1</sup> about TE's plans beginning June 1, 2011 to use a Request for Proposal process to receive commitments from customers to reduce their loads upon notice received as part of its Peak Demand Reduction portfolio plan.<sup>2</sup>

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<sup>1</sup> MSC Objections #1 through -#6 filed on February 16, 2010 in this docket.

<sup>2</sup> FE Ohio EDUs, Ohio Edison, The Cleveland Electric Illuminating Company, ("CEI") and The Toledo Edison Company ("TE") collectively referred to as the "Companies" each filed Energy Efficiency and Peak Demand Reduction Plans ("EE/PDR Plans") referred to as Companies Ex. 6--OE's EE/PDR Plan, Companies Ex. 7--CEI EE/PDR Plan, and Companies Ex. 8--TE EE/PDR Plan. Each Plan used "virtually identical" program designs. See Application, dated December 15, 2009, pg. 3, FN 3, Tr. Vol. I, pg. 103.

Approval of the RFP process is not ripe for adjudication because probative evidence in the hearing record fails to establish when if ever the RFP process goes into effect.<sup>3</sup> *Companies Ex. 8, at pg. 25, sec. 3, Tr. Vol. I, pg. 106-107.* Uncertain implementation status likewise makes unnecessary for the Commission to adjudicate whether TE's PDR Plan sufficiently describes the RFP process as required by OAC 4901:1-39-04 (C) (5) (a) through (l).<sup>4</sup> Wherefore, MSC requests the Commission refrain from specifically ruling on the RFP process until TE provides sufficient clarification on when if ever the RFP process goes into effect.<sup>5</sup>

Respectfully Submitted,



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Craig I. Smith (0019207)  
Attorney at Law  
2824 Coventry Road  
Cleveland, Ohio 44120  
Tel. (216) 561-9410  
wis29@yahoo.com

Attorney for Material Sciences Corporation

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<sup>3</sup> TE intends to update the Commission through annual filings due March 15 on when if ever the RFP process begins as contemplated in the PDR plan. *Companies Ex. 8, at pg. 25, sec. 3, Tr. Vol. I, pg. 106-107.*

<sup>4</sup> MSC's objection #2 avers TE, failed to describe or fully describe for the RFP process (i) the objectives and program metrics, (ii) target market, including participation requirements, (iii) program approach, rationale and description, (iv) implementation strategy, including expected changes that may occur in different program years, (v) program issues and risks, and risk management strategy, (vi) ramp-up strategy, (vii) marketing strategy, (viii) market transformation strategy, (ix) eligible measures and incentive strategies, (x) non-energy benefits, and (xi) other appropriate information. Also see Tr. Vol. I, pg. 107

<sup>5</sup> MSC expressly preserves its rights to otherwise respond to the Initial Brief filed on behalf of the Companies in this proceeding.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing MSC Initial Brief was served this 29<sup>th</sup> day of March 2010 by electronic mail upon the persons listed below.



Craig I. Smith

Arthur E. Korkosz  
Kathy J. Kolich (Counsel of Record)  
Ebony L. Miller  
FIRSTENERGY SERVICE COMPANY  
76 South Main Street  
Akron, Ohio 44308  
[korkosza@firstenergycorp.com](mailto:korkosza@firstenergycorp.com)  
[elmiller@firstenergycorp.com](mailto:elmiller@firstenergycorp.com)  
[kjkolich@firstenergycorp.com](mailto:kjkolich@firstenergycorp.com)

Jeffrey L. Small (Counsel of Record)  
Gregory J. Poulos  
Christopher J. Allwein  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
[small@occ.state.oh.us](mailto:small@occ.state.oh.us)  
[poulos@occ.state.oh.us](mailto:poulos@occ.state.oh.us)  
[allwein@occ.state.oh.us](mailto:allwein@occ.state.oh.us)

Samuel Randazzo (Counsel of Record)  
Lisa G. McAlister  
Joseph M. Clark  
MCNEES WALLACE & NURICK LLC  
Fifth Third Center  
21 East State Street, 17th Floor  
Columbus, OH 43215-4228  
[sam@mwncmh.com](mailto:sam@mwncmh.com)  
[lmcalister@mwncmh.com](mailto:lmcalister@mwncmh.com)  
[jlark@mwncmh.com](mailto:jlark@mwncmh.com)

David F. Boehm, Esq.  
Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street  
Suite 1510  
Cincinnati, OH 45202  
[dboehm@bkllawfirm.com](mailto:dboehm@bkllawfirm.com)  
[mikurtz@bkllawfirm.com](mailto:mikurtz@bkllawfirm.com)

James F. Lang  
Laura C. McBride  
N. Trevor Alexander  
Kevin P. Shannon  
CALFEE, HALTER & GRISWOLD LLP  
1400 KeyBank Center  
800 Superior Ave  
Cleveland, OH 44114  
[jiang@calfee.com](mailto:jiang@calfee.com)  
[lmcbride@calfee.com](mailto:lmcbride@calfee.com)  
[tallexander@calfee.com](mailto:tallexander@calfee.com)  
[kshannon@calfee.com](mailto:kshannon@calfee.com)

Duane Luckey  
Thomas Lindgren  
Stephen Reilly  
Attorney General's Office  
Public Utilities Section  
180 East Broad Street, 9<sup>th</sup> Floor  
Columbus, Ohio 43215  
[duane.luckey@puc.state.oh.us](mailto:duane.luckey@puc.state.oh.us)  
[thomas.lindgren@puc.state.oh.us](mailto:thomas.lindgren@puc.state.oh.us)  
[stephen.reilly@puc.state.oh.us](mailto:stephen.reilly@puc.state.oh.us)

David C. Rinebolt  
Colleen L. Mooney  
Ohio Partners for Affordable Energy  
231 West Lima Street  
P.O. Box 1793  
Findlay, OH 45839-1793  
[drinebolt@aol.com](mailto:drinebolt@aol.com)  
[cmooney2@columbus.rr.com](mailto:cmooney2@columbus.rr.com)

Glenn S. Krassen  
BRICKER & ECKLER LLP  
1375 East Ninth Street  
Suite 1500  
Cleveland, Ohio 44114  
[GKrassen@Bricker.com](mailto:GKrassen@Bricker.com)

Thomas J. O'Brien  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, OH 43215-4291  
[tobrien@bricker.com](mailto:tobrien@bricker.com)

Richard L. Sites  
General Counsel & Sr. Director of Health Policy  
OHIO HOSPITAL ASSOCIATION  
155 East Broad Street, 15th Floor  
Columbus, OH 43215-3620  
[ricks@ohanet.org](mailto:ricks@ohanet.org)

Nolan Moser  
Will Reisinger  
Trent A. Dougherty  
The Ohio Environmental Council  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 4321  
[nmoser@theOEC.org](mailto:nmoser@theOEC.org)  
[will@theOEC.org](mailto:will@theOEC.org)  
[trent@theOEC.org](mailto:trent@theOEC.org)

Joseph P. Meissner, Esq.  
Matthew D. Vincel, Esq.  
The Legal Aid Society of Cleveland  
1223 W. 6th Street  
Cleveland, Ohio 44113  
[jpmcissn@lasclev.org](mailto:jpmcissn@lasclev.org)  
[mvincel@lasclev.org](mailto:mvincel@lasclev.org)

Michael E Heintz  
Environmental Law & Policy Center  
1207 Grandview Avenue, Suite 201  
Columbus, Ohio 43204  
[Mheintz@elpc.org](mailto:Mheintz@elpc.org)

Jacquiline Lake Roberts  
101 Federal Street  
Suite 1100  
Boston, MA.. 02110  
[jroberts@enemoc.com](mailto:jroberts@enemoc.com)

Matthew W. Warnock  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215  
[MWarnock@Bricker.com](mailto:MWarnock@Bricker.com)

Michael K. Lavanga  
E-Mail: [mkl@bbrslaw.com](mailto:mkl@bbrslaw.com)  
Counsel of Record  
Garrett A. Stone  
E-Mail: [gas@bbrslaw.com](mailto:gas@bbrslaw.com)  
Brickfield, Burchette, Ritts & Stone, P.C.  
1025 Thomas Jefferson Street, N.W.  
8<sup>th</sup> Floor, West Tower  
Washington, D.C. 20007

Henry W. Eckhart  
50 West Broad Street, #2117  
Columbus, Ohio 43215  
[henryeckhart@aol.com](mailto:henryeckhart@aol.com)

Theodore J. Robinson  
2121 Murray Avenue  
Pittsburgh, Pa. 15217  
[robinson@citizenpower.com](mailto:robinson@citizenpower.com)

Christopher L. Miller  
Andre T. Porter  
Gregory H. Dunn  
Schottenstein Zox & Dunn Co. LPA  
250 West Broad Street  
Columbus, Ohio 43215  
[cmiller@szd.com](mailto:cmiller@szd.com)  
[aporter@szd.com](mailto:aporter@szd.com)  
[gdunn@szd.com](mailto:gdunn@szd.com)

Robert J. Triozzi  
Director of Law, City of Cleveland, Ohio  
Steven Beeler  
Assistant Director of Law, City of  
Cleveland, Ohio  
Cleveland City Hall  
601 Lakeside Avenue, Room 106  
Cleveland, Ohio 44114  
[RTriozzi@city.cleveland.oh.us](mailto:RTriozzi@city.cleveland.oh.us)  
[SBeeler@city.cleveland.oh.us](mailto:SBeeler@city.cleveland.oh.us)