

FILE



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PUCO

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Chief of Docketing  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

April 12, 2010

SUBJECT: In Re Case 09-1947, et al


Dear friends,

We are faxing our Reply Brief for the above cases. We are also sending the requisite copies and the original by overnight express mail.

We are including an extra copy to be time-stamped and returned to us. We have also enclosed an envelope addressed back to us.

Thank you.

Very truly yours,

  
JOSEPH P. MEISSNER, 0022366  
ATTORNEY AT LAW  
Counsel for Citizens Coalition

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician SM Date Processed APR 13 2010

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**FIL**

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO **PUCO**

In the Matter of the Application of	)	
Ohio Edison Company, The	)	Case Nos. 09-1947-EL-POR
Cleveland Electric Illuminating Company	)	09-1948-EL-POR
and The Toledo Edison Company for Approval of	)	09-1949-EL-POR
their Energy Efficiency and Peak Demand	)	
Reduction Program portfolio Plans for	)	
2010 thro8gh 2012 and Associated	)	
Cost Recovery Mechanisms	)	
	)	
In the Matter of the Application of	)	
of Ohio Edison Company, The	)	Case Nos. 09-1942-EL-EEC
Cleveland Electric Illuminating Company,	)	09-1943-EL-EEC
and the Toledo Edison Company for	)	09-1944-EL-EEC
Approval of their Initial; Benchmark Reports	)	
	)	
In the Matter of the Energy Efficiency	)	
And Peak Demand Reduction Program	)	Case No. 09-580-EL-EEC
Portfolio of Ohio Edison Company, The	)	09-581-EL-EEC
Cleveland Electric Illuminating Company	)	09-582-EL-EEC
and The Toledo Edison Company	)	

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**REPLY BRIEF  
FILED ON BEHALF OF THE  
NEIGHBORHOOD ENVIRONMENTAL COALITION,  
THE EMPOWERMENT CENTER OF GREATER CLEVELAND,  
CLEVELAND HOUSING NETWORK,  
AND  
THE CONSUMERS FOR FAIR UTILITY RATES,  
(KNOWN AS THE CITIZENS COALITION)  
DATED April 12, 2010**

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The Neighborhood Environmental Coalition, The Empowerment Center of Greater Cleveland, Cleveland Housing Network and The Consumers for Fair Utility Rates (collectively "Citizens Coalition") hereby file the following Reply Brief, through their counsel in this proceeding. Evidentiary hearings have already been held in Columbus, Ohio, before the PUCO. Unfortunately, no public hearings have been held in this proceeding.

Initial Briefs were filed by various parties by March 29, 2010. The Citizens Coalition joined with the OCEA in filing an Initial Brief. The Citizens Coalition is again joining in the OCEA Reply Brief.

The Citizens Coalition again repeats its recommendation from its Initial Brief urging the PUCO and all involved in this proceeding to establish a functioning, representative, and objective collaborative. Secondly, the Citizens Coalition again urges that all involved in this proceeding cooperate to attain the maximum public involvement in these energy efficiency and peak load reduction efforts.

**1. AGAIN THE CITIZENS COALITION URGES FIRSTENERGY AND ITS OPERATING COMPANIES, THE OCC, AND ALL PARTIES TO THIS PROCEEDING TO ADOPT A COOPERATIVE AND COLLABORATIVE APPROACH IN CARRYING OUT THE ENERGY EFFICIENCY PROVISIONS OF SB 221. THE CITIZENS COALITION FURTHER REQUESTS THE PUCO TO USE ITS BEST EFFORTS IN HELPING THE PARTIES ESTABLISH A FUNCTIONING, REPRESENTATIVE, AND OBJECTIVE COLLABORATIVE.**

The Citizens Coalition in its Initial Brief already has stressed this argument and recommendation. The current FirstEnergy "Collaborative" is not a true collaborative. There are no established procedures. There are no officers chose by the collaborative.

There are voting procedures. There are no recorded votes. Meetings tend to be one-sided “power point” presentations by FirstEnergy personnel and hired personnel. Materials are sent out very late to members of the Collaborative. Finally, the Collaborative has no budget available to carry out its functions.

All of this needs to be corrected. Furthermore, the PUCO needs to assist in establishing a true collaborative.

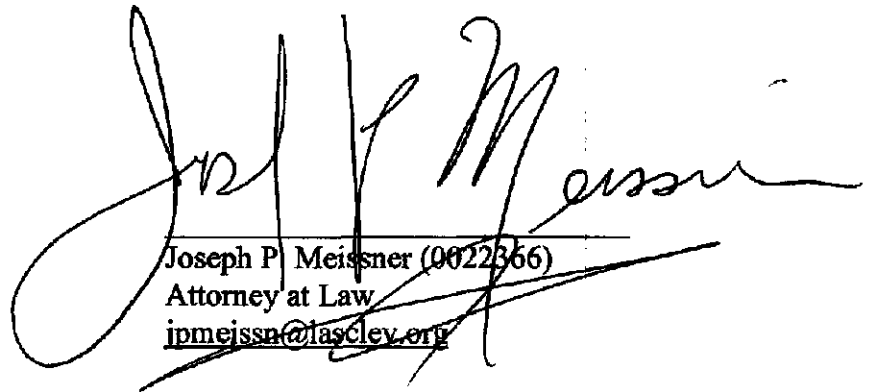
**2. AGAIN, AS IN OUR INITIAL BRIEF, THE CITIZENS COALITION URGES FIRSTENERGY AND ITS OPERATING COMPANIES, THE OCC, ALL PARTIES TO THIS PROCEEDING, AND THE PUCO TO SEEK ACTIVE AND COMPREHENSIVE PUBLIC INVOLVEMENT IN CARRYING OUT THE ENERGY EFFICIENCY PROVISIONS OF SB 221.**

Again in its Initial Brief, the Citizens Coalition has already outlined in our Initial Brief, how the public and the ordinary customers can and should be involved in all the energy efficiency programs and the peak load reduction activities. The failure to obtain active and enthusiastic public participation will result in the failure of these programs. On the other hand, obtaining public participation will lead to success and the achievement of the goals of SB 221.

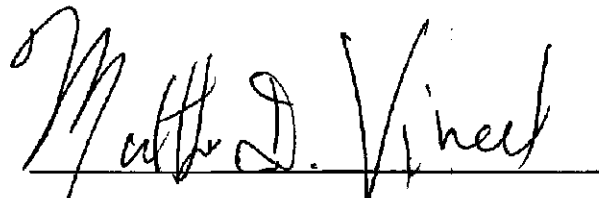
**CONCLUSION:**

We urge the PUCO, as well as all the parties to this proceeding, to adopt the arguments and recommendations of the Citizens Coalition.

Respectfully submitted,



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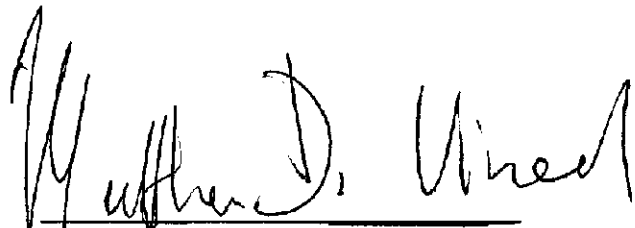


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**NOTICE OF SERVICE**

I hereby certify that a copy of the foregoing Initial Brief was served upon the address of the all parties in this PUCO proceeding by ordinary first class mail, postage prepaid, or by email service, on this 12<sup>th</sup> Day of April, 2010.

A handwritten signature in black ink that reads "Matthew D. Vincel". The signature is written in a cursive style with a horizontal line underneath the name.

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