

FILE

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May 12, 2010

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Public Utilities Commission of Ohio  
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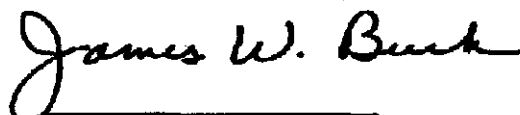
RECEIVED-DOCKETING DIV  
2010 MAY 13 AM 10:44  
PUCO

RE: Case No. 10-388-EL-SSO

Dear Ms. Jenkins:

Enclosed please find a Supplemental Stipulation in the above-referenced proceeding. Please file the attached Supplemental Stipulation in Case No. 10-388-EL-SSO. Please return two file stamped copies in the enclosed envelope. Thank you.

Sincerely,



James W. Burk  
Senior Attorney

Enclosures

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**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Application of Ohio  
Edison Company, The Cleveland Electric  
Illuminating Company and The Toledo  
Edison Company for Authority to  
Establish a Standard Service Offer  
Pursuant to R.C. § 4928.143 in the Form  
of an Electric Security Plan**

**Case No. 10-388-EL-SSO**

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**SUPPLEMENTAL STIPULATION**

Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company ("Companies") agree with the other Signatory Parties hereto to all of the terms and conditions of the Stipulation and Recommendation (the "Stipulation") filed in Case Nos. 10-388-EL-SSO at the Public Utilities Commission of Ohio ("Commission") on March 23, 2010 subject to and including all of the following additions and modifications to and clarifications of such Stipulation:

- 1. Delete the existing Section E.2 of the Stipulation appearing on pages 23-24, and insert the following:**

**E. Energy Efficiency/Demand Response, AMI & Smart Grid**

2. The administrators, as were identified and as the Companies were permitted to designate pursuant to Section E.6.i of the Stipulation in Case No. 08-935-EL-SSO, and who are Signatory Parties, shall continue to be administrators through the term of this ESP and, shall receive compensation based on terms as approved by the Commission in Case No. 09-553-EL-EEC, or as may be approved in the future by the Commission. The Companies may also name up to five additional administrators for commercial and industrial programs. Notwithstanding, and in lieu of the fixed monthly compensation

provided pursuant to Case No. 09-553-EL-EEC, the Companies will provide funding to the Council of Smaller Enterprises (“COSE”), Association of Independent Colleges and Universities of Ohio (“AICUO”), Ohio Hospital Association (“OHA”) and the Ohio Manufacturer’s Association (“OMA”) for their roles as energy efficiency administrators for completed energy efficiency projects in the following amounts: COSE -\$25,000 in 2011, \$50,000 in 2012, \$50,000 in 2013, and \$25,000 in 2014; AICUO - \$50,000 in 2011, \$25,000 in 2012, \$25,000 in 2013, and \$25,000 in 2014; OHA - \$25,000 in 2011, \$50,000 in 2012, \$50,000 in 2013, and \$25,000 in 2014; OMA - \$100,000 in 2011, \$100,000 in 2012, and \$100,000 in 2013, with such amounts recovered through Rider DSE.

2. **Delete the existing Section E.7 of the Stipulation appearing on page 25, and insert the following:**

**E. Energy Efficiency/Demand Response, AMI & Smart Grid**

7. To help make energy efficiency programs available to Cleveland residents in the CEI service territory and to enable the City of Cleveland to achieve its energy efficiency and sustainability goals, the Companies will provide funding to the City of Cleveland to be used only for the benefit of CEI customers in the City of Cleveland in the following amounts: \$100,000 in 2011; \$100,000 in 2012; and \$100,000 in 2013, with such amounts recovered through Rider DSE. To help make energy efficiency programs available to Akron residents in the Ohio Edison service territory and to enable the City of Akron to achieve its energy efficiency and sustainability goals, the Companies will provide funding to the City of Akron to be used only for the benefit of Ohio Edison customers in the City of Akron in the following amounts: \$100,000 in 2011; \$100,000 in 2012; and

\$100,000 in 2013, with such amounts recovered through Rider DSE.

3. The Signatory Parties, other than the Companies, IEU-Ohio (Cleveland Clinic), and the Staff, agree to withdraw all of their prefiled testimony, if any. The Signatory Parties agree not to oppose the Stipulation or the ESP as modified by this Supplemental Stipulation in any forum. The Signatory Parties do not waive and expressly reserve all of their rights with respect to taking any action to enforce the Stipulation and with respect to interpreting the Stipulation, as modified by the Supplemental Stipulation, consistent with the Signatory Parties' obligations expressly set forth herein.
4. The terms, conditions, and understandings contained herein are all contingent upon the Commission accepting the Stipulation as modified by this Supplemental Stipulation, without modification. The Signatory Parties agree that signing this Supplemental Stipulation binds them to the Stipulation (filed in this proceeding on March 23, 2010 as modified by the Errata filed on March 30, 2010 and the Second Errata filed on April 13, 2010) as modified by this Supplemental Stipulation.

IN WITNESS WHEREOF, this Supplemental Stipulation has been signed by the authorized agents of the undersigned Parties as of this 12th day of May 2010. The undersigned Parties respectfully request the Commission to issue its Opinion and Order approving and adopting the ESP as set forth in this Stipulation and this Supplemental Stipulation. The Supplemental Stipulation will be held open for additional interveners and parties to sign on as Signatory Parties until the issuance of an Order by the Commission.

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Commission of Ohio

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Industrial Energy Users - Ohio

James W. Burk  
Ohio Edison Company

Michael Kuntz JWB  
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Victoria Lauterbach JWB  
Morgan Stanley Capital Group, Inc.

**Signing as non-opposing parties:**

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Kroger Company

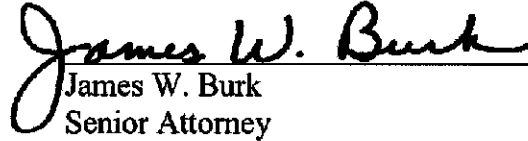
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Howard Petruciff *gub*  
PJM Power Providers Group

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## **CERTIFICATE OF SERVICE**

This is to certify that the foregoing Supplemental Stipulation has been served upon all of the parties of record in Case No. 10-388-EL-SSO by electronic mail this 12th day of May, 2010.

  
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