

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio )  
Edison Company, The Cleveland Electric ) Case No. 11-126-EL-EEC  
Illuminating Company, and The Toledo ) Case No. 11-127-EL-EEC  
Edison Company to Amend Their Energy ) Case No. 11-128-EL-EEC  
Efficiency and Peak Demand Reduction )  
Benchmarks. )

FINDING AND ORDER

The Commission finds:

- (1) Ohio Edison Company (OE), The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy or the Companies) are public utilities as defined in Section 4905.02, Revised Code, and, as such, are subject to the jurisdiction of this Commission.
- (2) Section 4928.66, Revised Code, requires electric utilities to meet certain annual energy efficiency and peak demand reduction benchmarks specified in the statute.
- (3) On January 11, 2011, FirstEnergy filed an application, pursuant to Section 4928.66(A)(2)(b), Revised Code, to amend its 2010 energy efficiency and peak demand reduction benchmarks.

In its application, FirstEnergy notes that, when the Commission approved FirstEnergy's proposed amendment of its 2009 energy efficiency benchmarks, the Commission held that revised benchmarks for 2010, 2011, and 2012 would be established in FirstEnergy's energy efficiency program portfolio plan proceeding, *In the Matter of the Application of The Cleveland Electric Illuminating Company, Ohio Edison 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 et al. FirstEnergy claims that, since the Commission has not issued an order in that proceeding, the Companies are unable to report on their compliance with their respective energy efficiency benchmarks for 2010. In addition,

the Companies report that it appears that OE will not meet its 2010 energy efficiency benchmark or its 2010 peak demand reduction benchmark.

Therefore, the Companies seek amendments to their 2010 energy efficiency benchmarks if and only to the degree such amendments are deemed necessary to bring each of them into compliance with their modified energy efficiency benchmarks. Further, OE requests that its 2010 peak demand reduction benchmark be amended to its actual 2010 peak demand levels.

- (4) Ohio Environmental Council (OEC), Ohio Partners for Affordable Energy (OPAE), the Natural Resources Defense Council (NRDC) Nucor Marion, Inc. (Nucor), The Environmental Law and Policy Center (ELPC), and the Ohio Consumers' Counsel (OCC) each filed a motion to intervene in this proceeding. No memorandum contra were filed in response to the motions to intervene. The Commission finds that the motions to intervene are reasonable and should be granted. Further, on February 8, 2011, a motion *pro hac vice* was filed by Owen Kopon. The Commission finds that this motion is reasonable and should be granted.
- (5) The Commission finds that additional time is necessary for consideration of FirstEnergy's application. However, the Commission also recognizes that a decision on FirstEnergy application is necessary before FirstEnergy can file its 2010 benchmark status report pursuant to Rule 4901:1-39-05, Ohio Administrative Code. Accordingly, the Commission will extend the deadline for FirstEnergy to file its 2010 benchmark status report, from March 15, 2011 to May 15, 2011.

It is, therefore,

ORDERED, That deadline for FirstEnergy to file its 2010 benchmark status report be extended from March 15, 2011 to May 15, 2011. It is, further,

ORDERED, That the motions to intervene filed by OEC, OPAE, NRDC, Nucor, ELPC, and OCC be granted. It is, further,

ORDERED, That the motion for admission *pro hac vice* submitted on behalf of Owen Kopon be granted. It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record.

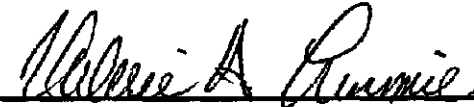
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Todd A. Snitchler, Chairman



Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

GAP/sc

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Renee J. Jenkins  
Secretary