

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of Ohio</b>	<b>)</b>	
<b>Edison Company, The Cleveland</b>	<b>)</b>	<b>Case No. 11-126-EL-EEC</b>
<b>Electric Illuminating Company and The</b>	<b>)</b>	<b>Case No. 11-127-EL-EEC</b>
<b>Toledo Edison Company to Amend Their</b>	<b>)</b>	<b>Case No. 11-128-EL-EEC</b>
<b>2010 Energy Efficiency and Peak</b>	<b>)</b>	
<b>Demand Reduction Benchmarks</b>	<b>)</b>	

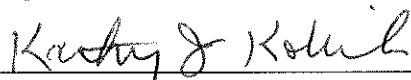
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**MOTION FOR AN EXTENSION OF TIME TO FILE THE  
2010 ENERGY EFFICIENCY AND PEAK DEMAND REDUCTION PORTFOLIO STATUS REPORT  
AND SUPPORTING MEMORANDUM**

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Pursuant to Rule 4901-1-12, O.A.C., and for reasons more fully discussed in the attached memorandum in support, Ohio Edison Company ("Ohio Edison"), The Cleveland Electric Illuminating Company ("CEI") and The Toledo Edison Company ("Toledo Edison") (collectively, "Companies") respectfully request an extension of time in which to file their 2010 Energy Efficiency ("EE") and Peak Demand Reduction ("PDR") Status Report ("2010 Status Report") until ten (10) days after the Commission issues its ruling on the Companies' January 11, 2011 Application for an Amendment to their 2010 EE and PDR Benchmarks.

Respectfully submitted,

  
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ATTORNEYS FOR APPLICANTS, OHIO  
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ELECTRIC ILLUMINATING COMPANY  
AND THE TOLEDO EDISON COMPANY

## MEMORANDUM IN SUPPORT OF MOTION

On December 15, 2009, the Companies filed their respective three year Energy Efficiency and Peak Demand Reduction Plans (“EEPDR Plans”) in Case No. 09-1947-EL-POR et al (“Portfolio Case”)<sup>1</sup> On October 27, 2009, as allowed by R.C. § 4928.66(A)(2)(b) and Commission Rule 4901:1-39-05(J), O.A.C., the Companies, for various reasons, requested an amendment to their 2009 statutory EE benchmarks in Case No. 09-1004-EL-EEC et al (“2009 Amendment Case”).<sup>2</sup> Pursuant to the January 7, 2010 Finding and Order issued by the Public Utilities Commission of Ohio (“Commission”) in the 2009 Amendment Case, the Companies’ 2009 statutory benchmarks for EE were amended to zero, contingent on the Companies meeting revised benchmarks in subsequent years that would be determined as part of the Commission’s review of the Companies’ EEPDR Plans in the Portfolio Case.

Because the Commission had not issued an Order in the Portfolio Case by the end of 2010, the Companies, on January 11, 2011, submitted an Application for an amendment to their respective 2010 EE and PDR benchmarks (“2010 Application”), *if and only to the extent* one was necessary for the Companies to be in compliance with their yet-to-be-defined revised benchmarks (“2010 Amendment Case”).<sup>3</sup> As of the date of this filing, the Commission has not issued a ruling on the 2010 Application submitted in this proceeding, but in a March 9, 2011 Finding and Order in this proceeding, the Commission extended the deadline for submitting the

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<sup>1</sup> See generally, *In re, Application of [the Companies] for Approval of Their Energy Efficiency and Peak Demand Reduction Program Portfolio Plans for 2010 Through 2012 and Associated Cost Recovery Mechanism*, Case No. 09-1947-EL-POR et al, Application and Related Reports (Dec. 15, 2009).

<sup>2</sup> See *In the Matter of the Application of [the Companies] to Amend Their 2009 Energy Efficiency Benchmarks*, Application (Oct. 27, 2009).

<sup>3</sup> See generally, *In re Application of [the Companies] to Amend Their 2010 Energy Efficiency and Peak Demand Reduction Benchmarks*, Case No. 11-126-EL-EEC et al, Application (Jan. 11, 2011).

Companies' 2010 Status Report to May 15, 2011.<sup>4</sup> Further, on March 23, 2011, the Commission issued its Order in the Portfolio Case, stating:

Based upon the record in this proceeding, the Commission finds that it is unnecessary to further revise the specific statutory benchmarks for 2010, 2011 and 2012, provided that [the Companies] meet the cumulative energy efficiency savings for the three years implicit in Section 4928.66(A)(1)(a), Revised Code.<sup>5</sup>

In light of this provision, any shortfalls in EE results for any of the Companies in either 2009 or 2010 will be made up no later than the end of 2012. Accordingly, based on the above statement by the Commission in the Portfolio Case, the Companies' request for an Amendment to their 2010 EE Benchmarks is now moot.

However, because the above ruling by the Commission only addresses the Companies' energy efficiency savings requirements, and not their respective PDR requirements, the latter aspect of the Companies' 2010 Application for Amendment still must be addressed. Until it is, it will be difficult for the Companies to submit their 2010 Status Report in which they must indicate whether they complied with their 2010 PDR obligations.

As indicated in the 2010 Application, Ohio Edison could not achieve its 2010 statutory PDR benchmarks due to regulatory reasons beyond its control – it could not launch the programs included in its EEPDR Plan because the Plan had not been approved during 2010. As also indicated, both CEI and Toledo Edison achieved their respective statutory 2010 PDR benchmarks – Toledo Edison, based on actual results; and CEI, based on both actual results from approved applications and projected results from applications pending approval, assuming the latter would all be approved as filed. Because of the uncertainty surrounding the pending

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<sup>4</sup> *Id.*, Finding and Order, p. 2 (Mar. 9, 2011).

<sup>5</sup> Portfolio Case, Finding and Order, p. 6 (Mar. 23, 2011).

applications, CEI cannot be certain that it has achieved its 2010 statutory PDR benchmarks. Therefore, it asked the Commission to amend its 2010 PDR benchmark to actual levels achieved, only if it becomes necessary should subsequent Commission rulings on pending applications drive CEI PDR results below levels required by statute.

Rather than speculate in the 2010 Status Report on their compliance with PDR obligations, the Companies ask that their reporting deadline for submitting their 2010 Status Report be extended from May 16, 2011, to ten (10) days after the Commission issues its ruling on the 2010 Application and indicates whether it has granted (i) Ohio Edison's request for an amendment to its 2010 PDR benchmark to actual levels achieved; and (ii) CEI's request to adjust its 2010 statutory PDR benchmark to actual levels achieved, should it be determined, based on Commission rulings subsequently issued on pending applications, that CEI failed to achieve its 2010 statutory PDR levels. No ruling is necessary for Toledo Edison PDR compliance.

Based on the foregoing, the Companies respectfully ask that their Motion be granted.

Respectfully submitted,



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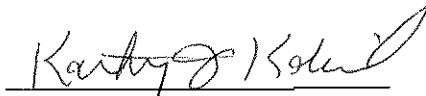
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ATTORNEYS FOR APPLICANTS, OHIO  
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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion for an Extension of Time in Which to File Their 2010 Energy Efficiency and Peak Demand Reduction Status Report and Supporting Memorandum being submitted by Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company was served this 16<sup>th</sup> day of May, 2011, on the persons set forth below via electronic mail and electronic filing through the docketing system of the Public Utilities Commission of Ohio.

  
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Summary: Motion for Extension of Time in Which to File Their 2010 Energy Efficiency and Peak Demand Reduction Status Report and Supporting Memorandum electronically filed by Ms. Kathy J Kolich on behalf of Ohio Edison Company and The Cleveland Electric Illuminating Company and The Toledo Edison Company