

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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 No. 09-1947-EL-POR Case No. 09-1948-EL-POR Case No. 09-1949-EL-POR
In the Matter of the Application of The) Cleveland Electric Illuminating Company,) Ohio Edison Company, and The Toledo Edison) Company for Approval of Their Initial) Benchmark Reports.)	Case No. 09-1942-EL-EEC Case No. 09-1943-EL-EEC Case No. 09-1944-EL-EEC
In the Matter of the Energy Efficiency and Peak) Demand Reduction Program Portfolio of The) Cleveland Electric Illuminating Company,) Ohio Edison Company, and The Toledo Edison) Company.)	Case No. 09-580-EL-EEC Case No. 09-581-EL-EEC Case No. 09-582-EL-EEC

ENTRY

The attorney examiner finds:

- (1) The Cleveland Electric Illuminating Company, Ohio Edison 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) On December 15, 2009, FirstEnergy filed an application for approval of the Companies' initial benchmark reports and for approval of the Companies' energy efficiency and peak demand reduction program portfolio plans for 2010 through 2012.
- (3) On March 23, 2011, the Commission issued its Opinion and Order finding that the Companies' initial benchmark reports were supported by the record and should be approved. Additionally, the Commission found that the Companies' energy efficiency and peak demand reduction program

portfolio plans were reasonable and should be approved as modified in the Opinion and Order, with the exception of the following programs: the street lighting program; the transmission and distribution programs for which the Companies separately sought approval in Case Nos. 09-951-EL-EEC, et al.; the shared savings mechanism; and the residential energy efficient products program as it relates to water heaters for customers who have access to natural gas.

The Commission stated that the evidence in the record of the proceeding did not support approval of the street lighting program or the residential energy efficient products program as it relates to water heaters for customers who have access to natural gas. Further, the Commission found that the record did not support approval of the shared savings mechanism. Consequently, the Commission concluded that further proceedings were necessary regarding these three programs and directed the attorney examiner to schedule an additional hearing for that purpose. Thereafter, the Companies and Nucor filed applications for rehearing, which the Commission denied by entry on rehearing issued September 7, 2011.

- (4) By entry issued September 23, 2011, the attorney examiner set a procedural schedule pursuant to the directives of the Commission in the March 23, 2011, Opinion and Order, for purpose of hearing evidence on the street lighting program, the residential energy efficient products program as it relates to water heaters for customers with access to natural gas, and the shared savings mechanism. The attorney examiner scheduled the prehearing conference to commence on October 24, 2011, and an evidentiary hearing to commence on November 7, 2011.
- (5) On October 7, 2011, Staff filed a motion for a continuance of the hearing date on the basis that a hearing was not necessary on the street lighting program or residential water heating program because the Companies had elected not to pursue either program. Additionally, with respect to the shared savings mechanism, Staff stated its intention to present a strawman proposal in accordance with the March 23, 2011, Opinion and Order, at the prehearing conference scheduled for October 24, 2011. Consequently, the attorney examiner granted Staff's motion for a continuance of the evidentiary hearing from November 7, 2011, until December 7, 2011, in order to allow the parties to evaluate and discuss Staff's proposal.

- (6) On November 23, 2011, the Companies filed a motion for a continuance of the December 7, 2011, evidentiary hearing, until January 17 or 18, 2012. In support of their motion, the Companies state that the Companies and some of the parties to this case require additional time to discuss settlement of the issues related to the hearing. Additionally, the Companies state that no party opposes the request for a continuance.


- (7) The attorney examiner finds that the request for a continuance is reasonable and should be granted. Consequently, the attorney examiner finds that the evidentiary hearing shall be continued from December 7, 2011, until January 17, 2012, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the Companies' motion for a continuance of the hearing date be granted as set forth in Finding (7). It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Mandy L. Willey
Attorney Examiner

grf/sc

Entered in the Journal

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Betty McCauley
Secretary