

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of the City )  
of Cincinnati for Integration of Mercantile )  
Customer Energy Efficiency or Peak- ) Case No. 14-1409-EL-EEC  
Demand Reduction Programs with Duke )  
Energy Ohio, Inc. )

ENTRY

The attorney examiner finds:

- (1) R.C. 4928.01(A)(19) defines a mercantile customer as a commercial or industrial customer that consumes more than 700,000 kilowatt hours of electricity per year or that is part of a national account involving multiple facilities in one or more states. R.C. 4928.66 imposes certain energy efficiency and peak demand reduction requirements upon Ohio's electric distribution utilities, but also enables mercantile customers to commit their peak demand reduction, demand response, and energy efficiency (EEDR) programs for integration with the electric utility's programs in order to meet the statutory requirements. Ohio Adm.Code 4901:1-39-05(G) permits a mercantile customer to file, either individually or jointly with an electric utility, an application to commit the customer's EEDR programs for integration with the electric utility's programs, pursuant to R.C. 4928.66.
- (2) On July 17, 2013, the Commission adopted a pilot program (EEC Pilot) in Case No. 10-834-EL-POR to expedite the review and approval process for applications filed by mercantile customers under Ohio Adm.Code 4901:1-39-05(G) until such time as the provisions of the EEC Pilot can be codified in Ohio Adm.Code Chapter 4901:1-39. The EEC Pilot program is intended to simplify the application process through the use of a standard application template for mercantile customers who commit their programs for integration with an electric utility. The EEC Pilot program includes an automatic approval process whereby applications conforming to the standard template are deemed to be approved 60 days after filing, unless suspended or otherwise ordered by the Commission or an attorney examiner.

- (3) On August 14, 2014, the City of Cincinnati, Ohio (City) filed an application, pursuant to Ohio Adm.Code 4901:1-39-05(G), to integrate a streetlight upgrade project with the EEDR programs of Duke Energy Ohio, Inc. (Duke or Company). The EEC Pilot program provides that this application will be deemed automatically approved 60 days after filing, unless suspended by order of the Commission or attorney examiner.
- (4) On September 9, 2014, Duke filed comments objecting to this application. The Company contends that this application refers to Duke's Efficient Outdoor Lighting SmartSaver Prescriptive Incentive Program (EOLS Program) that is part of the Company's EEDR portfolio supported by Duke's energy efficiency rider, Rider EE-PDR. The Company states that, as the City's streetlight service is under Duke's Unmetered Outdoor Lighting Electric Service, it does not pay a volumetric charge for energy consumed or any charges towards Duke's Rider EE-PDR. Therefore, Duke argues, the City should not be eligible to participate in the Company's EOLS Program since it does not contribute towards that program, which is paid for by other customers.
- (5) On September 14, 2014, the City filed a reply to Duke's comments, asserting that Duke's position is discriminatory in that Duke has jointly filed similar applications, such as that of the City of Blue Ash in Case No. 14-874-EL-EEC. The City states that the instant application is filed under the EEC Pilot Program, rather than Duke's EOLS Program, which was referenced for purposes of establishing the cost-effectiveness of the City's streetlight upgrade project in this case. The City argues that its project will benefit all customers that fund Duke's EEDR obligations, and notes that the City has nearly 550 accounts that contribute approximately \$360,000 annually under Duke's Rider EE-PDR. Finally, the City contends that Duke's position is not shared by any other Ohio electric utility and would constitute prior public policy since street lighting is a prime source for cost-effective EEDR.
- (6) As this application is opposed by, rather than jointly filed with Duke, Staff has requested that this application be suspended for further review. The attorney examiner finds good cause to suspend the 60-day automatic approval process for further review of this application.

It is, therefore,

ORDERED, That the automatic approval process established under the EEC Pilot program in Case No. 10-834-EL-POR be suspended for this application. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Richard M. Bulgrin

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By: Richard M Bulgrin  
Attorney Examiner

JRJ/dah

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 14-1409-EL-EEC**

Summary: Attorney Examiner Entry that the automatic approval process established under the EEC Pilot program in Case No. 10-834-EL-POR be suspended for this application; electronically filed by Debra Hight on behalf of Richard M. Bulgrin, Attorney Examiner.