

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE AUDIT OF THE
ENERGY EFFICIENCY AND PEAK DEMAND
REDUCTIONS ACHIEVED BY THE
ELECTRIC DISTRIBUTION UTILITIES
PURSUANT TO R.C. 4928.66.

CASE NO. 19-02-EL-UNC

ENTRY

Entered in the Journal on March 13, 2019

I. SUMMARY

{¶ 1} The Commission selects Evergreen Economics to conduct the independent audit and verification of the energy efficiency savings and peak demand reductions achieved by Ohio's electric distribution utilities from 2014 through 2018, pursuant to R.C. 4928.66.

II. DISCUSSION

{¶ 2} Ohio Power Company, Duke Energy of Ohio, Inc., The Dayton Power and Light Company, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, electric utilities) are public utilities as defined in R.C. 4905.02, and, as such, are subject to the energy efficiency and peak demand reduction (EE/PDR) requirements of R.C. 4928.66 through 4928.662. Compliance with the EE/PDR requirements, is achieved through implementation of EE/PDR portfolio plans that have been proposed by each electric distribution utility (EDU) and approved by the Commission. R.C. 4928.66(B) requires the Commission to produce and docket a report containing the results of its verification of the annual levels of energy efficiency savings and peak demand reductions (EES/PDR) achieved by each of the electric utilities and to provide a copy of the report to the Ohio Consumers' Counsel.

{¶ 3} On January 3, 2019, the Commission issued an entry directing Staff to issue a request for proposals (RFP) for the independent audit and verification of each electric utility's EES/PDR achievements from 2014 through 2018, as well updating the Technical

Reference Manual (TRM) developed in Case No. 09-512-GE-UNC. All proposals were due on February 8, 2019.

{¶ 4} The proposals received in response to the RFP have been evaluated and after due consideration, the Commission selects Evergreen Economics (Evergreen or Auditor) to perform the audits and update the TRM. Each EDU is expected to provide information and access to personnel for Evergreen to begin its audit process, which shall begin immediately and conclude on September 30, 2019. Evergreen will provide Staff with draft audit reports and recommendations regarding updates to the TRM by October 4, 2019; and will file its final audit reports and updated TRM by November 1, 2019.

{¶ 5} The EDUs shall enter into a contract with Evergreen by March 27, 2019, for the purpose of providing payment for its services. The contract shall incorporate the terms and conditions of the RFP, Evergreen's proposal, and the relevant Commission directives in this case.

{¶ 6} The Commission, either directly or through Staff, shall solely direct the work of the Auditor. Staff will review and approve payment invoices submitted by the Auditor. The Auditor shall perform its audit and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by the Auditor may be examined by any participant to this proceeding. Further, neither the Commission nor its Staff shall be liable for any acts committed by the Auditor or its agents in the preparation and presentation of its reports or updates.

{¶ 7} The Auditor will execute its duties pursuant to the Commission's statutory authority to investigate and acquire records, contracts, reports, and other documentation under R.C. 4903.02, 4903.03, 4905.06, 4905.15, and 4905.16. The Auditor is subject to the Commission's statutory duty under R.C. 4901.16, which provides:

Except in his report to the public utilities commission or when called on to testify in any court or proceeding of the public utilities

commission, no employee or agent referred to in section 4905.13 of the Revised Code shall divulge any information acquired by him in respect to the transaction, property, or business of any public utility, while acting or claiming to act as such employee or agent. Whoever violates this section shall be disqualified from acting as agent, or acting in any other capacity under the appointment or employment of the commission.

{¶ 8} Upon request of the Auditor or Staff, each EDU shall provide any and all documents or information requested. Each utility may conspicuously mark such documents or information as "confidential" if it believes the document should be deemed as such. In no event, however, shall the EDU refuse or delay in providing such documents or information.

{¶ 9} Once disclosure is permitted by R.C. 4901.16, the following process applies to the release of any document or information marked as confidential. Three days' prior notice of intent to disclose shall be provided to the party claiming confidentiality. Three days after such notice, Staff or the Auditor may disclose or otherwise make use of such documents or information for any lawful purpose, unless the Commission receives a request for a protective order pertaining to such documents or information within the three-day notice period. The three-day notice period will be computed according to Ohio Adm.Code 4901-1-07.

{¶ 10} Evergreen shall perform its review and investigation as an independent contractor. Any conclusions, results, or recommendations formulated by Evergreen may be examined by any participant to this proceeding. Further, neither the Commission nor Staff shall be liable for any acts committed by Evergreen or its agents in the preparation and presentation of the audit reports or Evergreen's work product.

III. ORDER

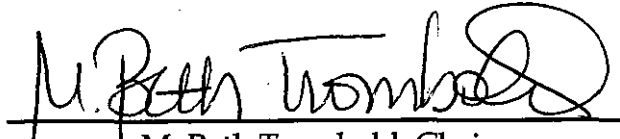
It is, therefore,


{¶ 11} ORDERED, That Evergreen be selected to perform the independent audit and verification of each utility's EE/PDR achievements from 2014 through 2018, as well any updates to the TRM. It is, further,


{¶ 12} ORDERED, That Evergreen and each EDU observe the requirements set forth herein. It is, further,


{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


M. Beth Trombold, Chair

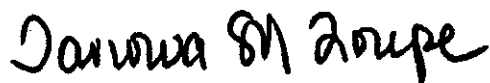

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