

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
OHIO POWER COMPANY FOR APPROVAL OF
ITS ENERGY EFFICIENCY AND PEAK
DEMAND REDUCTION PROGRAM
PORTFOLIO PLAN FOR 2017 THROUGH 2020.

CASE NO. 16-574-EL-POR

IN THE MATTER OF THE APPLICATION OF
DUKE ENERGY OHIO, INC. FOR APPROVAL
OF ITS 2017-2019 ENERGY EFFICIENCY AND
PEAK DEMAND REDUCTION PROGRAM
PORTFOLIO PLAN.

CASE NO. 16-576-EL-POR

IN THE MATTER OF THE APPLICATION OF
THE OHIO EDISON COMPANY, THE
CLEVELAND ELECTRIC ILLUMINATING
COMPANY, AND THE TOLEDO EDISON
COMPANY FOR APPROVAL OF THEIR
ENERGY EFFICIENCY AND PEAK DEMAND
REDUCTION PROGRAM PORTFOLIO PLANS
FOR 2017 THROUGH 2019.

CASE NO. 16-743-EL-POR

IN THE MATTER OF THE APPLICATION OF
THE DAYTON POWER AND LIGHT
COMPANY FOR APPROVAL OF ITS ENERGY
EFFICIENCY AND PEAK DEMAND
REDUCTION PROGRAM PORTFOLIO PLAN
FOR 2018-2020.

CASE NO. 17-1398-EL-POR

ENTRY

Entered in the Journal on September 4, 2020

{¶ 1} Ohio Power Company d/b/a AEP Ohio (AEP Ohio); Duke Energy Ohio, Inc. (Duke); The Dayton Power and Light Company (DP&L); and the Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy) are electric distribution utilities (EDUs) as defined in R.C. 4928.01(A)(6) and 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 under R.C. 4928.64 and 4928.66.

{¶ 2} Ohio Adm.Code Chapter 4901:1-39 provides rules for the Commission's review of each electric utility's EE/PDR program portfolio plan that consists of cost-effective programs to encourage innovation and market access for all customer classes, achieve the statutory benchmarks for peak-demand reduction, and meet or exceed the statutory benchmarks for energy efficiency. Ohio Adm.Code 4901:1-39-04(A) requires each EDU to file a new program portfolio plan by September 1st of the last year of an existing Commission-approved portfolio plan and by September 1st of each year thereafter.

{¶ 3} R.C. 4928.66(G), which became effective on October 22, 2019, terminates Ohio's annual energy efficiency savings requirements on December 31, 2020, and reduces the total cumulative savings requirement to a statewide collective benchmark of 17.5 percent.

{¶ 4} Pursuant to R.C. 4928.66(G), on February 26, 2020, the Commission determined that the termination of all EE/PDR portfolio plans must occur no later than December 31, 2020, and ordered a wind-down of the statutorily required EE/PDR programs to commence on September 30, 2020. In addition, the Commission granted Duke's request to extend its existing portfolio plan as approved in Case No. 16-576-EL-POR through December 31, 2020.

{¶ 5} On March 27, 2020, Duke filed an application for rehearing. The Commission granted rehearing for further consideration of the matters raised on rehearing on April 22, 2020.

{¶ 6} Ohio Adm.Code 4901:1-39-02(B) provides that the Commission may, sua sponte, waive any requirement of the chapter, other than a requirement mandated by statute, for good cause shown.

{¶ 7} The attorney examiner notes that, as the provisions of Ohio Adm.Code 4901:1-39-04(A) are not requirements mandated by statute, the provisions can be waived by the Commission. Moreover, the Commission has directed the EDUs in the state to commence a

wind-down of their EE/PDR programs and to terminate those programs on December 31, 2020. Accordingly, the attorney examiner finds that the requirements for the filing of a new EE/PDR program portfolio plan contained in Ohio Adm.Code 4901:1-39-04(A) should be waived. It is unnecessary and impractical for the EDUs to file new EE/PDR program portfolio plans if those programs are to be terminated on December 31, 2020. This waiver will remain in effect until otherwise ordered by the Commission.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the provisions of Ohio Adm.Code 4901:1-39-04(A) be waived until otherwise ordered by the Commission. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Gregory A. Price

By: Gregory A. Price
Attorney Examiner

NJW/hac

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Case No(s). 16-0574-EL-POR, 16-0576-EL-POR, 16-0743-EL-POR, 17-1398-EL-POR

Summary: Attorney Examiner Entry that the provisions of Ohio Adm.Code 4901:1-39-04(A) be waived until otherwise ordered by the Commission electronically filed by Heather A Chilcote on behalf of Gregory A. Price, Attorney Examiner, Public Utilities Commission of Ohio