

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Ohio )  
Edison Company, the Cleveland Electric )  
Illuminating Company, and the Toledo )  
Edison Company for Approval of Their ) Case No. 16-743-EL-POR  
Energy Efficiency and Peak Demand )  
Reduction Program Portfolio Plans for 2017 )  
through 2019. )

Tariff Update of the Demand Side )  
Management and Energy Efficiency Riders )  
of Ohio Edison Company, The Cleveland ) Case No. 20-1673-EL-RDR  
Electric Illuminating Company, and the )  
Toledo Edison Company. )

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**NOTICE OF WITHDRAWAL OF  
OPPOSITION TO ECONOMIC LOAD RESPONSE PROGRAM  
BY  
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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In another case, OCC and others signed a settlement involving refunds to consumers for FirstEnergy's significantly excessive profits. Under the settlement, "no Signatory Party will oppose the continuation of Rider ELR or any associated cost recovery, consistent with the terms and conditions of ESP IV, as approved by the PUCO in Case No. 14-1297-EL-SSO."<sup>1</sup> Further, "Upon approval of this Stipulation, Signatory Parties will withdraw any filings they made in Case Nos. 16-743-EL-POR and 20-1673-EL-POR that are inconsistent with this obligation."<sup>2</sup> The PUCO approved the Settlement, without modification, on December 1, 2021.<sup>3</sup>

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<sup>1</sup> Case Nos. 13-2173-EL-RDR, 14-1947-EL-RDR, 15-1843-EL-RDR, 16-2167-EL-RDR, 17-2277-EL-RDR, 18-857-EL-UNC, 19-1338-EL-UNC, 20-1033-EL-UNC, 20-1476-EL-UNC, 21-586-EL-UNC, and 21-1127-EL-ATA, Stipulation and Recommendation at 17-18 (Nov. 1, 2021) (the "Settlement").

<sup>2</sup> *Id.*, Settlement at 18.

<sup>3</sup> *Id.*, Finding & Order (Dec. 1, 2021).

Accordingly, OCC hereby withdraws the following filings:

1. In Case No. 16-743-EL-POR: (a) OCC's January 29, 2021 Application for Rehearing, (b) OCC's March 26, 2021 Comments, and (c) OCC's April 12, 2021 Reply Comments.
2. In Case No. 20-1673-EL-RDR: OCC's June 9, 2021 Objections.

Respectfully submitted,

Bruce Weston (0016973)  
Ohio Consumers' Counsel

*/s/ Christopher Healey*

Christopher Healey (0086027)  
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(willing to accept service by email)

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Withdrawal was served on the persons stated below via electronic transmission, this 3rd day of December 2021.

*/s/ Christopher Healey* \_\_\_\_\_  
Christopher Healey  
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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**in**

**Case No(s). 16-0743-EL-POR, 20-1673-EL-RDR**

Summary: Notice of withdrawal Notice of Withdrawal of Opposition to Economic Load Response Program by Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Healey, Christopher Mr.