



April 2, 2014

Ms. Carlotta S. Stauffer
Director, Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: Docket No. 130199-EI Florida Power & Light Company
Docket No. 130200-EI Duke Energy Florida, Inc.
Docket No. 130201-EI Tampa Electric Company
Docket No. 130202-EI Gulf Power Company
Docket No. 130203-EM JEA
Docket No. 130204-EM Orlando Utilities Commission
Docket No. 130205-EI Florida Public Utilities Company

Dear Ms. Stauffer:

Enclosed for filing in the above-stated dockets please find Sierra Club's Motion for Leave to File Reply to Responses to Sierra Club's Motion, and Sierra Club's Reply attached as Exhibit 1. Thank you for your attention to this Motion.

Sincerely,

/s/ Diana A. Csank

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Washington DC 20001
(202) 548-4595 (direct)
Diana.Csank@sierraclub.org
Qualified Representative for Sierra Club

Enclosures

CERTIFICATE OF SERVICE
DOCKET NOS. 130199-130205

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic delivery this 2nd day of April, 2014 to the following:

<p>Florida Public Service Commission Charles Murphy, Theresa Tan, Kelley Corbari, Shalonda Hopkins 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 cmurphy@psc.state.fl.us ltan@psc.state.fl.us kcorbari@psc.state.fl.us shopkins@psc.state.fl.us</p>	<p>Duke Energy Mr. Paul Lewis, Jr., Dianne Triplett, John Burnett, Matthew Bernier 106 East College Avenue, Suite 800 Tallahassee, FL 32301-7740 paul.lewisjr@duke-energy.com john.burnett@duke-energy.com dianne.triplett@duke-energy.com matthew.bernier@duke-energy.com</p>
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<p>Florida Power & Light Company (Miami) Kevin Donaldson 4200 West Flagler Street Miami, FL 33134 kevin.donaldson@fpl.com</p>	<p>Tampa Electric Company Ms. Paula K. Brown Regulatory Affairs P. O. Box 111 Tampa, FL 33601-0111 Regdept@tecoenergy.com</p>
<p>Florida Power & Light Company Mr. Ken Hoffman 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p>	<p>Hopping Law Firm Gary V. Perko P.O. Box 6526 Tallahassee, FL 32314 Gperko@hgslaw.com</p>
<p>Florida Public Utilities Company Ms. Cheryl M. Martin 1641 Worthington Road, Suite 220 West Palm Beach, FL 33409-6703 cyoung@fpuc.com</p>	<p>Beggs & Lane J. Stone/R. Badders/S. Griffin P.O. Box 12950 Pensacola, FL 32591-2950 srg@beggslane.com</p>
<p>Orlando Utilities Commission Mr. W. Christopher Browder P. O. Box 3193 Orlando, FL 32802-3193</p>	<p>Gulf Power Company Mr. Robert L. McGee, Jr. One Energy Place Pensacola, FL 32520-0780</p>

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Southern Alliance for Clean Energy George Cavros 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 George@cavros-law.com	
Earthjustice Alisa Coe/David G. Guest 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 acoe@earthjustice.org Attorney for SACE	Florida Department of Agriculture and Consumer Services Steven L. Hall, Senior Attorney Office of General Counsel 407 South Calhoun Street, Suite 520 Tallahassee, FL 32399 Steven.Hall@FreshFromFlorida.com
JEA Mr. P. G. Para 21 West Church Street, Tower 16 Jacksonville, FL 32202-3158 parapg@jea.com	

DATED this 2nd day of April, 2014.

/s/ Diana A. Csank

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).

DOCKET NO. 130199-EI

In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).

DOCKET NO. 130200-EI

In re: Commission review of numeric conservation goals (Tampa Electric Company).

DOCKET NO. 130201-EI

In re: Commission review of numeric conservation goals (Gulf Power Company).

DOCKET NO. 130202-EI

In re: Commission review of numeric conservation goals (JEA).

DOCKET NO. 130203-EM

In re: Commission review of numeric conservation goals (Orlando Utilities Commission).

DOCKET NO. 130204-EM

In re: Commission review of numeric conservation goals (Florida Public Utilities Company).

DOCKET NO. 130205-EI

Filed: April 2, 2014

MOTION FOR LEAVE TO FILE REPLY TO
RESPONSES TO SIERRA CLUB'S MOTION

Pursuant to Rule 28-106.204(1), Florida Administrative Code (F.A.C.), Sierra Club moves for leave to file the Reply attached as Exhibit 1 (the "Reply") in opposition to the Responses by Florida Power & Light Company (FPL), Duke Energy Florida, Inc. (DEF), Tampa Electric Company (TECO), Gulf Power Company (GPC), and JEA (the "Responses") to Sierra Club's Motion dated March 14, 2014 ("Sierra Club's Motion"). In support of this Motion, Sierra Club states that the Reply highlights the undisputed facts that support granting the relief requested in Sierra Club's Motion. Because Sierra Club's members have an abiding interest in

the above-captioned, consolidated dockets, they also have an abiding interest in the requested relief to allow Sierra Club a meaningful opportunity to participate in these dockets.

WHEREFORE, Sierra Club respectfully seeks leave to file the Reply.

RESPECTFULLY SUBMITTED this 2nd day of April, 2014.

/s/ Diana A. Csank

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<p>Florida Power & Light Company (Juno) John Butler/Jessica Cano 700 Universe Blvd Juno Beach, FL 33408 John.Butler@FPL.com Jessica.Cano@fpl.com</p>	<p>Florida Industrial Power Users Group Jon C. Moyle, Jr./Karen Putnal c/o Moyle Law Firm 118 North Gadsden Street Tallahassee, FL 32301 jmoyle@moylelaw.com</p>

<p>Florida Power & Light Company (Miami) Kevin Donaldson 4200 West Flagler Street Miami, FL 33134 kevin.donaldson@fpl.com</p>	<p>Tampa Electric Company Ms. Paula K. Brown Regulatory Affairs P. O. Box 111 Tampa, FL 33601-0111 Regdept@tecoenergy.com</p>
<p>Florida Power & Light Company Mr. Ken Hoffman 215 South Monroe Street, Suite 810 Tallahassee, FL 32301-1858 ken.hoffman@fpl.com</p>	<p>Hopping Law Firm Gary V. Perko P.O. Box 6526 Tallahassee, FL 32314 Gperko@hgslaw.com</p>
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<p>Orlando Utilities Commission Mr. W. Christopher Browder P. O. Box 3193 Orlando, FL 32802-3193 cbrowder@ouc.com</p>	<p>Gulf Power Company Mr. Robert L. McGee, Jr. One Energy Place Pensacola, FL 32520-0780 rlmcgee@southernco.com</p>
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<p>Earthjustice Alisa Coe/David G. Guest 111 S. Martin Luther King Jr. Blvd. Tallahassee, FL 32301 acoe@earthjustice.org Attorney for SACE</p>	<p>Florida Department of Agriculture and Consumer Services Steven L. Hall, Senior Attorney Office of General Counsel 407 South Calhoun Street, Suite 520 Tallahassee, FL 32399 Steven.Hall@FreshFromFlorida.com</p>
<p>JEA Mr. P. G. Para 21 West Church Street, Tower 16 Jacksonville, FL 32202-3158 parapg@jea.com</p>	

DATED this 2nd day of April, 2014.

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EXHIBIT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Commission review of numeric conservation goals (Florida Power & Light Company).	DOCKET NO. 130199-EI
In re: Commission review of numeric conservation goals (Duke Energy Florida, Inc.).	DOCKET NO. 130200-EI
In re: Commission review of numeric conservation goals (Tampa Electric Company).	DOCKET NO. 130201-EI
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In re: Commission review of numeric conservation goals (JEA).	DOCKET NO. 130203-EM
In re: Commission review of numeric conservation goals (Orlando Utilities Commission).	DOCKET NO. 130204-EM
In re: Commission review of numeric conservation goals (Florida Public Utilities Company).	DOCKET NO. 130205-EI
	Filed: April 2, 2014

SIERRA CLUB'S REPLY TO RESPONSES TO SIERRA CLUB'S MOTION

Pursuant to Rule 28-106.204(1), Florida Administrative Code (F.A.C.), Sierra Club files this Reply to the Responses by Florida Power & Light Company (FPL), Duke Energy Florida, Inc. (DEF), Tampa Electric Company (TECO), Gulf Power Company (GPC), and JEA (the "Responses") to Sierra Club's Motion dated March 14, 2014 ("Sierra Club's Motion"). In support hereof, Sierra Club states the following facts, none of which are disputed by the Parties:

1. That the Florida Energy Efficiency and Conservation Act (FEECA) Section 366.82(6), F.S., requires the evaluation of "the full technical potential of all available demand-side and supply-side conservation and efficiency measures, including demand-side renewable

energy systems,” and that the data underlying this evaluation are needed for meaningful participation in the above-captioned, consolidated FEECA dockets;

2. That the Commission ordered the utilities subject to FEECA (“Utilities”) to complete on or around September 30, 2013, their updates to the Technical Potential Study used in the previous FEECA goals proceeding;

3. That, based on the completion of the technical potential updates in September 2013, the Commission set controlling dates with utility testimony due on April 2, 2014, and intervenor testimony due of May 5, 2014;

4. That Sierra Club requested the technical potential updates, including the underlying data, in October 2013—over six months before intervenor testimony was to be filed in this proceeding;

5. That Utilities refused to provide the technical potential updates to Sierra Club, providing instead limited, tentative information in December 2013;

6. That shortly thereafter, Sierra Club moved to intervene in this proceeding in December 2013—over four months before intervenor testimony was to be filed in this proceeding;

7. That Sierra Club was granted intervention in these dockets in February 2014;

8. That Sierra Club shortly thereafter, at the status update meeting on February 13, 2014, requested the technical potential updates from the utilities;

9. That the utilities again refused to provide the updates to Sierra Club;

10. That Sierra Club filed discovery seeking the updates on March 12, 2014;

11. That on Friday March 28, 2014—mere days before utility testimony was due in this proceeding, on April 2, 2014—FPL finally provided Sierra Club with its technical potential updates including the underlying data;

12. That as of today, April 2, 2014, none of the other Utilities have provided Sierra Club with their technical potential updates or their underlying data; and

13. That on May 5, 2014—roughly four weeks from today—Sierra Club must submit its expert testimony analyzing the technical potential updates, and still Sierra Club and its experts have not been provided with the core data on which the FEECA process depends, with the exception of FPL.

14. Given these facts there can be no dispute that the Utilities' refusal to provide the technical potential updates to Sierra Club over the last seven months severely prejudices Sierra Club's ability to participate in this docket. Indeed, for this reason, it is a common requirement in state public utility regulatory proceedings across the country for utilities or regulators to publish potential studies ahead of the regulatory proceedings that rely on them. *See, e.g.*, Georgia Public Service Commission, Stipulation Resolving all Issues in Georgia Power Company's 2010 IRP, Docket No. 31081, and Georgia Power Company's Application for Certification of a DSM Plan, Docket No. 31082, Appendix H (requiring Georgia Power to "file a new energy efficiency potential study one year in advance of the 2013 IRP"), attached as Exhibit 2. As Sierra Club's Motion noted, this Commission published the 2009 Technical Potential Study in the last FEECA goal-setting proceeding nearly three months before intervenor testimony was due, thus facilitating the development of independent expert assessments based on the Technical Potential Study, and ultimately helping to ensure that regulatory decisions were based on the best available information. *See Document No. 03144-09.*

15. Moreover, none of the Utilities have identified any harm whatsoever to their interests from granting Intervenors six additional weeks to file testimony. The only harm identified is an alleged harm to the Commission from a delay in the FEECA proceedings. Yet nowhere do Utilities assert that the six additional weeks requested by Sierra Club will prevent the Commission from setting new goals by the December 2014 statutory deadline. Also, Sierra Club's Motion was timely filed under Rule 28-106.204(4), F.A.C. As discussed in that Motion, the controlling dates that Sierra Club seeks to adjust are weeks or months away, thus allowing all Parties ample time to adjust to new dates. Because the Utilities' opposition nonetheless rests mostly on unsupported assertions that the requested relief would, somehow, delay the proceeding, that opposition plainly fails.

16. As to Sierra Club's request to promote public engagement, Utilities do not dispute that this request adheres to the Commission's primary goals to (1) "provide an open, accessible, and efficient regulatory process that is fair and unbiased," and (2) "provide appropriate regulatory oversight to protect consumers." FPSC, Statement of Agency Organization & Operations, *available at* <http://www.psc.state.fl.us/home/files/SAOO.pdf>. It is also beyond dispute that Sierra Club's request to promote public engagement through dedicated time for public testimony at a hearing in central Florida is consistent with FEECA's express purpose of protecting consumers and the Legislature's call for the Act's liberal construction. *See* Section 366.81, F.S.

17. Finally, the alternative relief suggested by DEF and TECO to reduce discovery response times to somewhere between 14 days and 30 days, alone, cannot address the undisputed prejudice to Sierra Club's—and the general public's—participation in this proceeding. FEECA

goal-setting is too important and occurs too infrequently to deny the full procedural relief that is needed here to ensure an open, accessible, and efficient FEECA process that is fair and unbiased.

WHEREFORE, for the foregoing reasons, Sierra Club respectfully requests that the Prehearing Officer grant the requested relief in Sierra Club's Motion.

RESPECTFULLY SUBMITTED this 2nd day of April, 2014.

/s/ Diana A. Csank

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<p>JEA Mr. P. G. Para 21 West Church Street, Tower 16 Jacksonville, FL 32202-3158 parapg@jea.com</p>	

This 2nd day of April, 2014.

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EXHIBIT 2

Georgia Public Service Commission, Stipulation Resolving All Issues in Georgia Power Company's 2010 IRP, Docket No. 31081, and Georgia Power Company's Application for Certification of a DSM Plan, Docket No. 31082, Appendix H

Top-Down Approach for Developing DSM Programs

1. *Georgia Power, using an RFP process, will select a third party consultant to assist in the Technology Catalog update, research active programs nationally, and assist in developing proposed programs.*
2. *Georgia Power will utilize a technical and economic potential study for Georgia Power's service territory to assist in targeting DSM programs in the areas where the highest market potential exists. For the 2013 IRP, Georgia Power will file a new energy efficiency potential study one year in advance of the 2013 IRP filing .*
3. *Georgia Power, along with its consultant, will update the DSM Measures in the Technology Catalog for the purpose of producing the energy efficiency potential study. The starting point will be the 2010 IRP Technology Catalog. Additional technologies will be added once Georgia Power's consultant is chosen and begins its work. The Company will then use the results of the potential study to identify a list of DSM measures that passes the TRC test to be used in program plans. This list of measures will then be presented to the DSMWG. The Company will work closely with members of the DSMWG through this process, and DSMWG members may also propose new measures to be added at any point in the measure evaluation process.*

For each DSM measure that passes the TRC test included in the Technology Catalog, the utility shall provide all members of the DSM Working Group with the following information:

- (i) A brief description of the measure;*
- (ii) Measure costs and the exact source for these costs;*
- (iii) Measure kW and kWh load impacts and the exact source for such load impacts;*
- (iv) The forecast of electric and other avoided costs used to value measure or program savings;*
- (v) Measure useful life and the exact source for measure life data;*

- (vi) Measure levelized cost per lifetime kWh saved (for energy efficiency measures only);*
- (vii) Size of the eligible market;*
- (viii) Forecast of achievable market penetration;*
- (ix) Current saturation of the energy efficiency or demand response measure and the source of this data;*
- (x) Assumptions on participant benefits, if any, other than electricity savings; and*
- (xi) Any other supporting data deemed pertinent by the utility.*

The update of the Technology Catalog will be completed by January 1, 2012.

- 4. Once the Technology Catalog is updated, Georgia Power will propose the bundling of measures into programs. Georgia Power, along with its consultant, will prepare a proposed program presentation for review by the DSMWG. Any other member of the DSMWG may propose programs as well. The DSMWG will meet to facilitate sufficient discussions on the programs to be evaluated. An electronic version of this presentation will be provided to the DSMWG at least two weeks prior to the in-person meeting where this information will be presented.*
- 5. As part of the program design development, the Company intends to collect and share customer data/feedback with the DSMWG. In the event that the Company reasonably determines that certain data/feedback cannot be shared with the DSMWG, the DSMWG will be made aware of that withholding and the reasons for that withholding. This could include information obtained from surveys, customer focus groups, impact and process evaluations, Georgia Power Account Representatives, etc.*
- 6. Once the Company determines which programs are to be analyzed, it will perform an economic screening of the programs in greater detail using the EnerSim and PRICEM models. For each program proposed by a member of the DSMWG that Georgia Power decides not to analyze, Georgia Power shall provide to the DSMWG justification for its decision. The economic screening will include RIM, participants test ("PT"), total resource costs tests ("TRC"), and the Program Administrator Test for use in program design development.*

The results of the economic screening will be shared with the DSMWG for discussion. This economic screening will be presented to the DSMWG no later than third quarter of 2012.

- 7. Attempts to reach consensus and finalize all programs to be proposed for implementation in the 2013 IRP must be completed by third quarter of 2012 in order to allow the Resource Planning group adequate time for inclusion in their process. Preliminary cost-effectiveness tests using PRICEM for revenue and avoided costs inputs will be developed for each program. These programs will be divided into programs that are passive (energy efficiency programs whose response is not controlled) versus active (demand response programs that are generally under dispatch control of the utility). Load reductions associated with passive programs will be used to adjust the load and energy forecast. Capacity associated with active programs will be modeled as resources. This information will be evaluated as two different system configurations with a base case without any new DSM (the base case would include the effects of continuation of existing DSM programs) and a Company DSM change case with both passive and active new DSM.*
- 8. As part of the sensitivity analysis, the Company will also analyze at least one aggressive DSM change case developed with the assistance of the DSMWG. The aggressive DSM change case(s) could include technically viable and economically efficient DSM programs and resources that were not included in the Company DSM change case. The aggressive DSM change case(s) could also include higher penetrations of the DSM programs proposed in the Company DSM change case.*
- 9. The Company will use the difference in costs between the base case and the DSM change case configurations to determine the avoided generation cost impact of the DSM programs in each DSM change case. As the final step, the cost effectiveness tests mentioned in item 6 (above) will be calculated based on the inputs and adjustments from the system tools. Revenue impacts will be based on current rates and escalations based on the Company's financial projections adjusted for the DSM cost impacts. The avoided generation costs from the system tools and the avoided Transmission and Distribution ("T&D") revenue requirements as estimated by PRICEM will be used to calculate the benefits of*

the RIM, TRC and Program Administrator test for each DSM change case. The projected deadline for including new programs in the system planning process is mid 2012.