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**2009 MAY 14 PM 4: 26****RECEIVED-DOCKETING DIV****PUCO**

May 13, 2009

Stuart Siegfried  
Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, OH 43215

**Re: Ohio Alternative Energy Portfolio Standard final regulations, Amended Substitute  
Senate Bill No. 221, 4901:1-40, Case No. 08-888-EL-ORD**

Dear Mr. Siegfried,

KW Solar Solutions LLC appreciates the opportunity to offer comment on the proposed final regulations promulgated by the Ohio Public Utilities Commission (PUCO) 4901:1-40, Case No. 08-888-EL-ORD, included in Amended Substitute Senate Bill No. 221.

KW Solar Solutions is a full time renewable energy company providing high quality Solar PV and Solar Hot Water Systems to both Residential and Commercial customers. We are a Delaware company, locally owned and operated. Our mission is to provide top quality sales, design, installation, customer service and follow-up for our customers. Currently KW Solar Solutions has over 400 kW of solar PV installations in the state of Delaware.

The company strongly supports the development of solar renewable energy resources, and would like to limit its comments in relation to the deliverability requirement. We propose that the current language regarding solar energy resources be clarified to include customer-sited solar installations located in the PJM and MISO footprint and registered in either the PJM-GATS or M-RETS tracking/transfer platform to qualify under the Ohio RPS rules.

As put forth by the rules, a solar renewable energy resource can potentially qualify for the out-of-state Ohio renewable portfolio standard carve-out if it is to meet the deliverability requirements as follows:

"Deliverable into this state" means that the electricity originates from a facility within a state contiguous to Ohio. It may also include electricity originating from other locations, pending a demonstration by an electric utility or electric services company that the electricity could be physically delivered to the state. (4901:1-40-01 Definitions-I)

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Technician SM Date Processed MAY 15 2009

All of KW Solar Solution's current solar PV installations are customer-sited and located in the state of Delaware, within the footprint of the PJM power pool. All of our systems are also currently registered with the PJM-GATS tracking and transfer platform for renewable energy credits, and all are currently configured to deliver excess generation that is not consumed on-site, to the PJM grid. It is our understanding that our systems would therefore meet the distributed generation definition in the proposed rules as well:

"Distributed generation" means electricity production that is on-site or close to the load center and is capable of supplying energy to the utility distribution system. (4901:1-40-01 Definitions-I)

KW Solar Solutions would also like to note that other PJM States such as Pennsylvania and the District of Columbia's renewable portfolio standard programs do allow PJM located customer-sited solar systems that are not necessarily located in-state nor adjacent to qualify. The pertinent language in the legislation is below.

#### **Pennsylvania**

##### **Senate Bill 1030; Section 4. Portfolio requirements in other states**

If an electric distribution supplier or electric generation company provider sells electricity in any other state and is subject to renewable energy portfolio requirements in that state, they shall list any such requirement and shall indicate how it satisfied those renewable energy portfolio requirements. To prevent double-counting, the electric distribution supplier or electric generation company shall not satisfy Pennsylvania's alternative energy portfolio requirements using alternative energy used to satisfy another state's portfolio requirements. **Energy derived only from alternative energy sources inside the geographical boundaries of this Commonwealth or within the service territory of any regional transmission organization that manages the transmission system in any part of this Commonwealth shall be eligible to meet the compliance requirements under this act.**

To date, the Pennsylvania RPS program has certified over 50 customer-sited, out-of-state solar PV systems, but still located in the PJM footprint. These resources have contributed in adding flexibility for both the electric distribution companies and electric generation suppliers, who have to comply with the statute.

#### **District of Columbia**

##### **D.C. Code 34-1431; Section (3) Definitions**

"Renewable energy credit" or "credit" means a credit representing one megawatt-hour of electricity consumed within the PJM Interconnection region that is derived from a tier one renewable source or a tier two renewable source that is located: (A) In the PJM Interconnection region or in a state that is adjacent to the PJM Interconnection region; or (B) Outside the area described in subparagraph (A) of this paragraph but in a control area that is adjacent to the PJM Interconnection region, if the electricity is delivered into the PJM Interconnection region.

To date, the DC RPS program has certified around 10 customer-sited, out of state solar PV systems, but still located in the PJM footprint. Like Pennsylvania, these resources have contributed to adding flexibility for load serving entities that have to comply with the statute.

To summarize, KW Solar Solutions strongly supports clarifying the deliverability rules for solar to include customer-sited resources which are in the PJM or MISO footprint, and are registered with either the PJM-GATS or M-RETS tracking system. We believe the solar renewable energy credits associated with electricity production from our systems could assist with Ohio RPS demand, as we have sold such RECs in other PJM-located states as well. To date, we understand that in-state and adjacent state solar resources are limited, and therefore clarifying the deliverability requirement will contribute to market efficiency and continued state-level support for renewable energy.

Once again, we appreciate the opportunity to offer our views to the Ohio Public Utilities Commission, and we look forward to any questions you may have.

Sincerely,

**RIW**

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