

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Akron)
Biosolids to Energy Project Phase 1 for) Case No. 09-1879-EL-REN
Certification as an Eligible Ohio)
Renewable Energy Resource Generating)
Facility.)

FINDING AND ORDER

The Commission finds:

- (1) On December 2, 2009, Akron Biosolids to Energy Project Phase 1 (Akron Biosolids) filed an application for certification as an eligible Ohio renewable energy resource generating facility.
- (2) Consistent with Sections 4928.64 and 4928.65, Revised Code, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:
 - (a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to Section 4928.64(B)(3), Revised Code.
 - (b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to Sections 4928.64(A)(1) and 4928.01(A)(35), Revised Code, or a new technology that may be classified by the Commission as a renewable energy resource pursuant to Section 4928.64(A)(2), Revised Code.
 - (c) The facility must satisfy the applicable placed-in-service date, delineated in Section 4928.64(A)(1), Revised Code.
- (3) Akron Biosolids submitted for certification a 0.335 MW biologically derived methane gas (biomethane gas) to electricity generating facility located at the City of Akron's wastewater treatment plant, at 2677 Riverview Road, Akron, Ohio 44313. The application indicates that the facility is a

distributed generation facility, with an existing interconnection agreement with the Ohio Edison Company. The application explains that the facility is located within the geographic area of the Midwest Independent Transmission System Operator, Inc. Based upon the application, and the facility's location in Ohio, the electricity generated from the Akron Biosolids facility will be deliverable into Ohio. Accordingly, the Commission finds that the application satisfies the first criterion.

- (4) In its application, Akron Biosolids indicates that it uses biomethane gas exclusively to fuel its gas turbines. Biomethane gas is recognized as a renewable resource pursuant to Section 4928.01(A)(35), Revised Code. Therefore, the Commission finds that the second criterion is satisfied.
- (5) Akron Biosolids indicates in its application that the placed-in-service date for its system was February 1, 2008, thereby satisfying the requirement of Section 4928.64(A)(1), Revised Code. As such, the Commission finds that Akron Biosolids' facility meets the third criterion.
- (6) Given that Akron Biosolids' application demonstrates that its facility satisfies the requisite statutory criteria to become certified as an eligible Ohio renewable energy resource generating facility, as well as the Commission's rules, the Commission finds that its application should be approved. This approval is subject to the facility properly acquiring and maintaining all required local, state, and environmental permits.
- (7) In addition to satisfying the above-cited criteria, Section 4928.65, Revised Code, requires a renewable energy resource generating facility to be registered with an approved attribute tracking system, such as the Generation Attribute Tracking System (GATS), or the Midwest Renewable Energy Tracking System (M-RETS), for the facility's renewable energy credits to be used for compliance with Ohio's alternative energy portfolio standards. Akron Biosolids indicated in its application that it intends to register with GATS.
- (8) Akron Biosolids is hereby issued certification number 10-BIO-OH-GATS-0021 as an eligible Ohio renewable energy resource

generating facility. In the event of any substantive changes in the facility's operational characteristics, or significant changes in the information provided in the application, Akron Biosolids must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of its certification.

It is, therefore,

ORDERED, That Akron Biosolids' application for certification as an eligible Ohio renewable energy resource generating facility be granted as set forth herein. It is, further,

ORDERED, That Akron Biosolids be issued certification number 10-BIO-OH-GATS-0021 in accordance with finding (8). It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

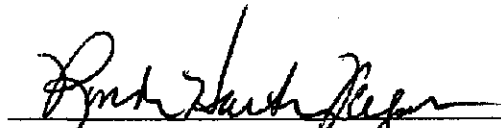
THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



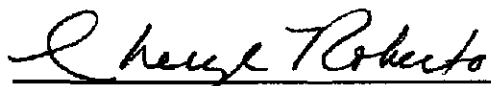
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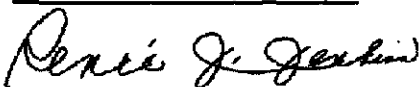


Cheryl L. Roberto

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Renee J. Jenkins
Secretary