

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Stowe)
Power Generation Plant (Pottstown) for) Case No. 09-877-EL-REN
Certification as an Eligible Ohio)
Renewable Energy Resource Generating)
Facility.

FINDING AND ORDER

The Commission finds:

- (1) On October 27, 2009, as supplemented on October 30, 2009, Stowe Power Generation Plant (Pottstown) (Stowe Power) 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) Stowe Power seeks certification of a 6.2 MW landfill gas-to-electricity (LGE) generating facility located at 1425 Sell Road, Pottstown, Pennsylvania 19464. At that location, Stowe Power operates two generators placed in service in 1988 and 1989.

- (4) Although the application demonstrates that the facility satisfies the first two criteria, by producing a renewable energy resource that is deliverable into Ohio, the facility also has to satisfy the third criterion delineated in Section 4928.64(A)(1), Revised Code. A facility can satisfy this placed-in-service requirement in any one of three ways: (1) a placed-in-service date of January 1, 1998, or after; (2) the modification or retrofit of a facility placed into service prior to January 1, 1998, which created a renewable energy resource on or after January 1, 1998; or (3) the commitment of a mercantile customer-sited renewable energy resource, whether new or existing, for integration into an electric utility's demand-response, energy efficiency, or peak demand programs as provided under Section 4928.66(A)(2)(c), Revised Code.

The Commission finds that Stowe Power fails to satisfy the placed-in-service requirement. Stowe Power's generators entered service prior to January 1, 1998. The application fails to describe any modifications or retrofits made to the facility rendering it eligible for consideration as a qualified renewable resource. Finally, the application does not demonstrate that the Stowe Power facility is a mercantile customer-sited advanced energy resource or renewable energy resource that has been committed for integration into an electric utility's demand-response, energy efficiency, or peak demand reduction program. As such, the Commission finds that Stowe Power's facility does not meet the placed-in-service criterion required by Section 4928.64(A)(1), Revised Code.

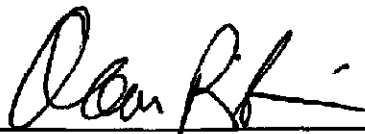
- (5) Given that Stowe Power's application fails to demonstrate that its facility satisfies the requisite criteria to become certified as an eligible Ohio renewable energy resource generating facility, the Commission finds that its application should be denied.

It is, therefore,

ORDERED, That Stowe Power's application for certification as an eligible Ohio renewable energy resource generating facility be denied as set forth herein. 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



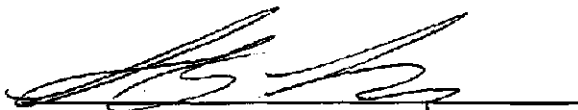
Alan R. Schriber, Chairman



Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

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Renee J. Jenkins
Secretary