

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy)
Portfolio Status Report of Industrial Energy) Case No. 10-530-EL-ACP
Users-Ohio.)

FINDING AND ORDER

The Commission finds:

- (1) Industrial Energy Users-Ohio (IEU-Ohio) is an electric services company as defined in Section 4928.01(A)(9), Revised Code.
- (2) Section 4928.64(B), Revised Code, establishes benchmarks for electric services companies to acquire a portion of their electricity supply for retail customers in Ohio from renewable energy resources. Specifically, the statute requires that, for 2009, a portion of the electricity sold by means of retail electric sales in Ohio must come from alternative energy resources, including 0.004 percent from solar energy resources (SER), half of which must be met with resources located within Ohio. This requirement increases to 0.010 percent for 2010.
- (3) Rule 4901:1-40-05(A), Ohio Administrative Code (O.A.C.), requires that, unless otherwise ordered by the Commission, each electric services company file by April 15 of each year an annual alternative energy portfolio status report. The report must analyze all activities the company undertook in the previous year in order to demonstrate how pertinent alternative energy portfolio benchmarks and planning requirements have been or will be met. Additionally, Commission Staff must conduct an annual compliance review with regard to the benchmarks. Finally, Rule 4901:1-40-02(A), O.A.C., provides that electric services companies that do not serve Ohio retail electric customers are not required to comply with the terms of the alternative energy portfolio benchmarks.
- (4) On April 19, 2010, IEU-Ohio filed its 2009 alternative energy portfolio status report pursuant to Section 4928.64,

Revised Code, and Rule 4901:1-40-05(A), O.A.C. IEU-Ohio recognizes that Rule 4901:1-40-05(A), O.A.C., requires the annual status report to be filed by April 15 but requests that the Commission grant it leave to file its report out of time, stating that it does not believe its late filing will cause any harm or prejudice to any potential parties. Additionally, IEU-Ohio reports that, during 2009, it did not conduct any retail electric sales of generation service. Consequently, IEU-Ohio states that it was not required to acquire solar or renewable energy credits.

- (5) On January 25, 2011, Staff filed findings and recommendations on the matter. Initially, Staff notes that, while IEU-Ohio's filing was late, it believes that IEU-Ohio will comply with future filing requirements in a timely manner. Additionally, Staff represents that it has independently verified IEU-Ohio's claim that it did not conduct retail electric generation sales in Ohio during 2009. Staff concludes that, consequently, IEU-Ohio had no compliance obligation in 2009. Staff recommends that IEU-Ohio's filing be accepted and that no further steps be required.
- (6) Upon review of IEU-Ohio's alternative energy portfolio status report and Staff's findings and recommendations, the Commission finds that IEU-Ohio's request for leave to file its report out of time is reasonable and should be granted.

Further, the Commission finds that IEU-Ohio had no compliance obligation with respect to the alternative energy portfolio standards in 2009, as it did not conduct retail electric generation sales in Ohio during 2009, and that IEU-Ohio's 2009 alternative energy portfolio status report should be accepted.


It is, therefore,

ORDERED, that IEU-Ohio's request for leave to file its 2009 alternative energy portfolio status report out of time be granted. It is, further,

ORDERED, that IEU-Ohio's 2009 alternative energy portfolio status report be accepted in accordance with finding (6). 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


Todd A. Snitchler, Chairman


Paul A. Centolella


Valerie A. Lemmie

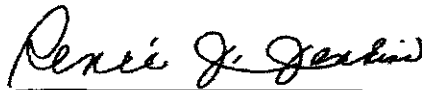

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Renee J. Jenkins
Secretary