

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Direct Energy Business LLC)
for a Waiver from Meeting the 2010 Ohio) Case No. 11-2447-EL-ACP
Sited Solar Energy Resource Benchmarks.)

ENTRY

The attorney examiner finds:

- (1) On April 14, 2011, Direct Energy Business LLC (DEB) filed an application requesting that the Commission make a *force majeure* determination regarding DEB's compliance with the solar energy resources (SER) benchmark for 2010. In the application, DEB notes that it made a similar request for 2009 that was approved by the Commission, contingent upon DEB meeting a revised 2010 SER benchmark, which was increased to include the shortfall for 2009.¹ DEB states that it was unable to meet its revised 2010 SER benchmark. Consequently, DEB requests that the Commission make a *force majeure* determination and reduce DEB's revised 2010 SER benchmark to the amount of solar renewable energy credits actually acquired by DEB, contingent upon DEB meeting a revised 2011 SER benchmark that is increased to include the shortfall for 2009 and 2010.
- (2) In order to thoroughly review DEB's application, the attorney examiner finds that the following procedural schedule should be established, pursuant to Rule 4901:1-40-06(A), Ohio Administrative Code:
 - (a) The deadline for the filing of comments on DEB's application shall be May 26, 2011.
 - (b) The deadline for the filing of reply comments shall be June 6, 2011.

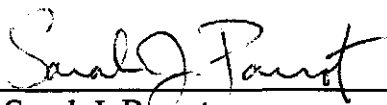
¹ In the Matter of the Application of the Retail Electric Supply Association for an Amendment to the 2009 Solar Energy Resource Benchmark Pursuant to Section 4928.64(C)(4), Revised Code, Case No. 10-428-EL-ACP, Finding and Order (April 28, 2010).

It is, therefore,

ORDERED, That the procedural schedule set forth in finding (2) be adopted. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Sarah J. Parrot
Attorney Examiner

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Entered in the Journal

MAY 05 2011

Betty McCauley

Betty McCauley
Secretary