

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Direct Energy Business)
LLC for a Waiver from Meeting the 2010)
Ohio Sited Solar Energy Resource) Case No. 11-2447-EL-ACP
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) By entry issued May 5, 2011, the attorney examiner established a deadline of May 26, 2011, for the filing of comments on DEB's application, and June 6, 2011, for the filing of reply comments.
- (3) On May 23, 2011, Staff filed a motion requesting an extension of the deadlines for filing comments and reply comments. In support of the motion, Staff states that

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).

additional time is needed due to the press of other work and scheduling conflicts, as well as to allow a more thorough review and analysis of DEB's application. Staff requests that the deadline for filing comments be extended to June 15, 2011, and that the deadline for filing reply comments be extended to June 29, 2011. Finally, Staff notes that counsel for DEB has no objection to the requested extension.

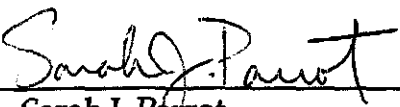
- (4) The attorney examiner finds that Staff's motion is reasonable and should be granted. Accordingly, the deadline for filing comments on DEB's application should be extended to June 15, 2011. Reply comments should be filed by June 29, 2011.

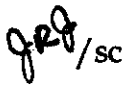
It is, therefore,

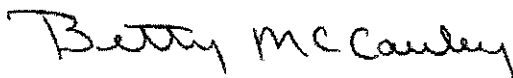
ORDERED, That Staff's motion for an extension of the procedural schedule be granted in accordance with finding (4). It is, further,

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


Entered in the Journal
MAY 26 2011



Betty McCauley
Secretary