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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of :
Sumpter Energy Associates – Pine Tree :
Acres Facility for Certification as an : Case No. 11-4171-EL-REN
Eligible Ohio Renewable Energy :
Resource Generating Facility. :

**REVIEW AND RECOMMENDATIONS
SUBMITTED ON BEHALF OF THE STAFF OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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STAFF REVIEW

On June 6, 2011, Sumpter Energy Associates submitted an application seeking certification of Sumpter Energy Associates – Pine Tree Acres, an 8.8 MW landfill gas generating facility located 36540 29 Mile Road, Lenox, Michigan 48048, as an eligible Ohio renewable energy resource generating facility. According to the application, Sumpter Energy Associates – Pine Tree Acres would use landfill gas as its energy resource, and the placed-in-service date of the facility is May 1998.

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.

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- (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.

Staff believes that the location of the facility, the renewable fuel resource utilized, and the facility's placed-in-service date satisfy the three applicable statutory requirements above for an eligible renewable energy resource generating facility. Staff finds, however, that the facility cannot be certified as an eligible Ohio renewable energy resource generating facility, based upon the additional requirement that the facility register with an approved attribute tracking system.

While the application indicates that the facility is registered in M-RETS (Midwest Renewable Energy Tracking System), Staff has since confirmed through communication with the Applicant that the facility is actually registered in the Michigan Renewable Energy Certification System (MIRECS).

Section 4928.65, Revised Code, directed the Commission to specify in its rules the existing renewable energy credit registry(ies) that would be recognized under Ohio's program. The Commission's rules, specifically 4901:1-40-04, list M-RETS and the PJM EIS Generation Attribute Tracking System (GATS) as the only currently-recognized attribute tracking systems for Ohio.

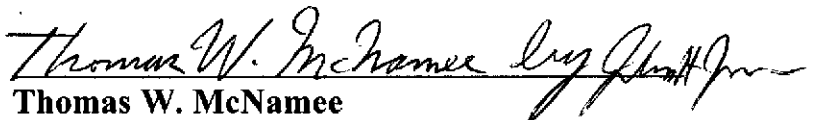
STAFF RECOMMENDATION

Because the Sumpter Energy Associates – Pine Tree Acres Facility is registered in an attribute tracking system other than that included within Commission rules, Staff recommends that the application be denied.

Respectfully submitted,

Michael DeWine
Ohio Attorney General

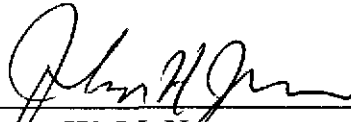
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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Review and Recommendation** submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, or hand-delivered, upon the following Parties of Record, this 29th day of February, 2012.



Thomas W. McNamee
Assistant Attorney General

Parties of Record:

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