

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Adjustment    )  
of the Non-Solar Alternative            )    Case No. 12-1486-EL-ACP  
Compliance Payment Pursuant to        )  
Section 4928.64(C)(2)(b), Revised Code.    )

FINDING AND ORDER

The Commission finds:

- (1) Section 4928.64, Revised Code, establishes specific percentage benchmarks for kilowatt hours generated from renewable and solar energy resources sold by an electric utility for years beginning in 2009 and thereafter. Subsection 4928.64(C)(2)(b), Revised Code, creates a compliance payment pertaining to these non-solar renewable energy resource benchmarks that is equal to the number of additional renewable energy credits that the electric utility or electric services company would have needed to comply with the applicable benchmark in the period under review, multiplied by an at least \$45.00 and adjusted annually by the Commission to reflect any change in the consumer price index as defined in Section 101.27, Revised Code. Subsection 101.27(C)(1), Revised Code, defines consumer price index to mean the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100), or, if that index is no longer published, a generally available comparable index.
- (2) In Chapter 4901:1-40, Ohio Administrative Code (O.A.C.), the Commission adopted rules to implement the alternative energy portfolio standard established by Section 4928.64, Revised Code. Rule 4901:1-40-08, O.A.C., effective December 10, 2009, addresses compliance payments. Paragraph (A)(2) of this rule, which specifically focuses on the Commission's annual adjustment of the non-solar renewable energy resource compliance payment, provides:

The required payment for noncompliance with any renewable energy resource benchmark, excluding solar, shall be calculated by quantifying the level of noncompliance, rounded to the next MWh, and

multiplying this figure by an amount determined by the commission.

- (a) The per MWh payment for renewable energy resources for the year 2009 is forty-five dollars.
  - (b) Beginning in the year 2010, the per MWh payment for renewable energy resources will be adjusted annually to reflect the annual change to the consumer price index as defined in Section 101.27 of the Revised Code. Such adjustment shall be performed by staff no later than June first of each calendar year. This annual adjustment shall be calculated using the following formula:  
$$((CPI_{YR2}/CPI_{YR1}) * \text{current per MWh payment})$$
  - (c) In no event shall the compliance payment for renewable energy resources be less than forty-five dollars per MWh.
- (3) The most recent Consumer Price Index Detailed Report was published by the U.S. Bureau of Labor Statistics for March 2012 is available at [www.bls.gov/cpi/cpid1203.pdf](http://www.bls.gov/cpi/cpid1203.pdf). The U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100, is shown on Table 27, Page 90 of the March 2012 report; a copy of which is attached to this entry. The result of the calculation described in Rule 4901:1-40-08(A)(2)(b), O.A.C., for 2012 is \$47.56.  $((221.575/213.967) * \$45.93)$ . Accordingly, the non-solar renewable energy resource compliance payment under Section 4928.64(C)(2)(b), Revised Code, shall be \$47.56/MWh for 2012.

It is, therefore,

ORDERED, That the compliance payment for non-solar renewable energy resources under Section 4928.64(C)(2)(b), Revised Code, is \$47.56/MWh for 2012. It is, further,

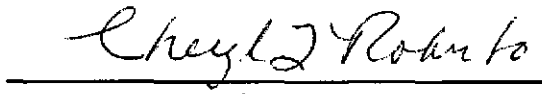
ORDERED, That notice of this Finding and Order be served upon each electric utility via the Commission's electric industry listserve.


THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Steven D. Lesser

  
Andre T. Porter

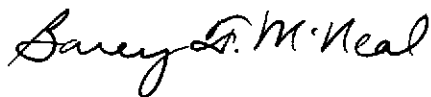
  
Cheryl L. Roberto

  
Lynn Slaby

RMB/dah

Entered in the Journal

**MAY 16 2012**



Barcy F. McNeal  
Secretary

**Table 27. Historical Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W): U. S. city average, all items-Continued**

(1982-84=100, unless otherwise noted)

Year	Semiannual averages		Annual avg.	Percent change from previous	
	1st half	2nd half		Dec.	Annual avg.
1970	-	-	39.0	5.5	5.7
1971	-	-	40.7	3.3	4.4
1972	-	-	42.1	3.4	3.4
1973	-	-	44.7	8.9	6.2
1974	-	-	49.6	12.3	11.0
1975	-	-	54.1	8.9	9.1
1976	-	-	57.2	4.8	5.7
1977	-	-	60.9	6.8	6.5
1978	-	-	65.6	9.0	7.7
1979	-	-	73.1	13.4	11.4
1980	-	-	82.9	12.6	13.4
1981	-	-	91.4	8.6	10.3
1982	-	-	96.9	3.8	6.0
1983	-	-	99.8	3.3	3.0
1984	102.1	104.4	103.3	3.6	3.5
1985	106.0	107.8	106.9	3.6	3.5
1986	108.2	109.0	108.6	.6	1.6
1987	111.2	113.7	112.5	4.5	3.6
1988	115.5	118.4	117.0	4.4	4.0
1989	121.3	123.9	122.6	4.5	4.8
1990	127.1	131.0	129.0	6.1	5.2
1991	133.3	135.2	134.3	2.8	4.1
1992	137.1	139.3	138.2	2.9	2.9
1993	141.3	142.9	142.1	2.5	2.8
1994	144.5	146.8	145.6	2.7	2.5
1995	148.9	150.6	149.8	2.5	2.9
1996	153.1	155.2	154.1	3.3	2.9
1997	157.0	158.1	157.6	1.5	2.3
1998	159.0	160.3	159.7	1.6	1.3
1999	162.0	164.5	163.2	2.7	2.2
2000	167.6	170.2	168.9	3.4	3.5
2001	173.2	173.8	173.5	1.3	2.7
2002	174.9	176.9	175.9	2.4	1.4
2003	179.3	180.3	179.8	1.6	2.2
2004	183.2	185.8	184.5	3.4	2.6
2005	188.8	193.2	191.0	3.5	3.5
2006	196.3	198.0	197.1	2.4	3.2
2007	201.069	204.466	202.767	4.3	2.9
2008	210.309	211.796	211.053	-.5	4.1
2009	207.883	211.377	209.630	3.4	-.7
2010	213.426	214.507	213.967	1.7	2.1
2011	220.196	222.954	221.575	3.2	3.6
2012	-	-	-	-	-

\* Data not available.

NOTE: Index applies to a month as a whole, not to any specific date.