

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Alternative Energy    ) Case No. 13-751-EL-ACP  
Resources Report for Calendar Year 2012    )  
from Liberty Power Holdings, LLC            )

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**REQUEST FOR WAIVER**

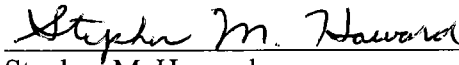
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Pursuant to Rule 4901:1-40-02(B) of the Ohio Administrative Code, Liberty Power Holdings, LLC (“Liberty Power”) respectfully requests a waiver from Rule 4901:1-40-03(B)(2)(b) of the Ohio Administrative Code. Specifically, Liberty Power requests that it be permitted to calculate as its initial base line the actual retail electric sales made for 2012 instead of a reasonable projection. No statute requires the use of a reasonable projection for this purpose; in fact, the use of actual data in calculating the baseline is consistent with Section 4928.64(B), Revised Code, besides being more accurate and equitable.

The reasons supporting this requested waiver are set forth in the accompanying memorandum in support. Liberty Power submits that good cause exists for granting the requested waiver.

WHEREFORE, Liberty Power Holdings, LLC respectfully requests that the Commission grant its waiver and permit it to use the actual retail electric sales for the 2012 calendar year in lieu of a projection in calculating its initial baseline for purposes of preparing its alternative energy portfolio status report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stephen M. Howard". The signature is written in dark ink and is positioned above a horizontal line.

Stephen M. Howard

Vorys, Sater, Seymour and Pease LLP

52 E. Gay Street

Columbus, OH 43215

614-464-5414

smhoward@vorys.com

Attorneys for Liberty Power Holdings, LLC

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**MEMORANDUM IN SUPPORT**

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Liberty Power Holdings, LLC was issued Ohio Renewal Certificate No. 07-137E(4) in Case No. 06-1388-EL-CRS on February 25, 2013. Because it did not begin operations in Ohio until approximately May, 2012, it reported zero sales in its 2011 annual report.

As an electric services company, Liberty Power Holdings is subject to the requirements of Rule 4901:1-40-03 of the Ohio Administrative Code regarding alternative energy resources. Liberty Power Holdings is required to file its plan for compliance with future annual advanced and renewal energy benchmarks, including solar, utilizing at least a ten (10) year planning horizon, by April 15 of this year. Rule 4901:1-40-03(B)(2)(b) provides as follows:

(b) For an electric services company with no retail electric sales in the state during the preceding three calendar years, its initial baseline shall consist of a reasonable projection of its retail electric sales in the state for a full calendar year. Subsequent baseline shall consist of actual sales data, computed in a manner consistent with paragraph (B)(2)(a) of this rule.

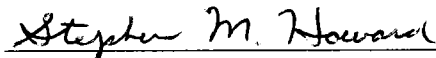
Liberty Power Holdings, LLC had no retail electric sales in Ohio during the preceding three calendar years. Instead of using a projection of retail electric sales for 2012, Liberty Power Holdings is requesting a waiver from Rule 4901:1-40-03(B)(2)(b) to allow it to use actual retail sales for 2012 instead of a projection. Subsection (b)(2) of the same Rule allows electric service companies to compute the baseline based on an average of the three preceding calendar years of

the total number of kilowatt hours of electricity actually sold. Such an approach is also contained in Section 4928.64(B), Revised Code.

Because Rule 4901:1-40-03(B)(2) contemplates the use of an average of three years of actual sales data and because Liberty Power Holdings has available to it the actual sales data for 2012, good cause exists for granting the waiver and allowing Liberty Power Holdings to use the 2012 actual sales data instead of a reasonable projection. No statute requires the use of a reasonable projection for calculating the initial baseline. The use of actual data is more accurate and equitable for calculating the initial baseline than the use of a projection.

Liberty Power Holdings, LLC respectfully requests that the Commission find that good cause exists for granting the waiver and that the Commission or its Attorney Examiner issue an Entry granting the requested waiver and allowing Liberty Power Holdings, LLC to compute its initial baseline using the actual 2012 sales data instead of a projection.

Respectfully submitted,



Stephen M. Howard  
Vorys, Sater, Seymour and Pease LLP  
52 E. Gay Street  
Columbus, OH 43215  
614-464-5414  
smhoward@vorys.com

Attorneys for Liberty Power Holdings, LLC

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Summary: Request Request for Waiver electronically filed by Mr. Stephen M Howard on behalf of Liberty Power Holdings, LLC