

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Alternative Energy) Case No. 13-889-EL-ACP
Resources Report for Calendar Year 2012)
from Independence Energy Group LLC)

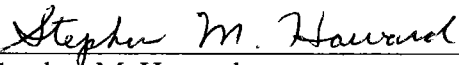
REQUEST FOR WAIVER

Pursuant to Rule 4901:1-40-02(B) of the Ohio Administrative Code, Independence Energy Group LLC (“Independence Energy”) respectfully requests a waiver from Rule 4901:1-40-03(B)(2)(b) of the Ohio Administrative Code. Specifically, Independence Energy 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.

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

WHEREFORE, Independence Energy Group 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,



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MEMORANDUM IN SUPPORT

Independence Energy Group LLC was issued Ohio Certificate No. 12-552E(1) in Case No. 12-2089-EL-CRS on August 17, 2012. Because it did not begin operations in Ohio until October, 2012, it had no sales in Ohio in prior years.

As an electric services company, Independence Energy is subject to the requirements of Rule 4901:1-40-03 of the Ohio Administrative Code regarding alternative energy resources. Independence Energy 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.

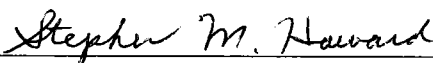
Independence Energy Group LLC had no retail electric sales in Ohio during the preceding three calendar years. Instead of using a projection of retail electric sales for 2012, Independence Energy is requesting a waiver from Rule 4901:1-40-03(B)(2)(b) to allow it to use actual retail sales for 2012 instead 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 Independence Energy has available to it the actual sales data for 2012, good cause exists for granting the waiver and allowing Independence Energy 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.

Independence Energy Group 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 Independence Energy Group LLC to compute its initial baseline using the actual 2012 sales data instead of a projection.

Respectfully submitted,



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Summary: Request Request for Waiver electronically filed by Mr. Stephen M Howard on behalf of Independence Energy Group LLC