

**In the Matter of the Report of )  
Duke Energy Retail Sales, LLC. )  
Concerning its 2012 Annual )  
Alternative Energy Portfolio )  
Status Report )**

Staff shall conduct annual compliance reviews with regard to the benchmarks under the alternative energy portfolio standard.

4901:1-40-05(C), OAC:

Staff shall review each electric utility's or electric services company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

## **II. Company Filing Summarized**

Duke Energy Retail Sales, LLC. (Duke Retail or Company) filed its 2012 annual alternative energy portfolio status report and its compliance with advanced and renewable energy status report in Case No. 13-0897-EL-ACP. The focus of these Staff Findings and Recommendations is the Company's annual compliance report.

With respect to its annual compliance report for 2012, Duke Retail calculated its baseline of 6,461,018 megawatt-hours (MWHs) by averaging its annual sales for 2009, 2010, and 2011.<sup>1</sup> The Company reported no sales for 2008. Applying the statutory benchmarks to its proposed baseline, the Company calculated its compliance requirements<sup>2</sup> to be the following:

- Ohio Solar – 1,939 MWHs
- Non-Ohio Solar – 1,939 MWHs
- Ohio Non-Solar<sup>3</sup> Renewables – 46,520 MWHs
- Non-Ohio Non-Solar Renewables – 46,520 MWHs

Duke Retail asserts that it satisfied the above requirements. The Company indicated that it secured the necessary renewable energy credits (RECs) and solar renewable energy credits (S-RECs) through market purchases involving brokers and aggregators, in addition to purchases directly from owners of renewable energy resources.

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<sup>1</sup> Company status report, p. 3

<sup>2</sup> Ibid.

<sup>3</sup> Staff uses "non-solar" in this context to refer to the total renewable requirement net of the specific solar requirement. Staff acknowledges there is not a specific "non-solar" requirement in the applicable statute.

### **III. Filed Comments**

No comments were filed in this proceeding.

### **IV. Staff Findings**

Following its review of the annual status report and the record of RECs and S-RECs retired in the Company's GATS reserve subaccount for compliance year 2012, Staff makes the following findings:

- (1) That Duke Retail is an electric distribution utility in Ohio with retail electric sales during 2012. Therefore the Company has an AEPS compliance obligation for 2012.
- (2) That Duke Retail filed its annual alternative energy portfolio status report for 2012 on April 12, 2013.
- (3) That the Company accurately computed its baseline of 6,461,018 MWHs.
- (4) That the Company's 2012 compliance obligations, using the statutory benchmarks and the Company's baseline, are as follows:
  - Ohio Solar – 1,939 MWHs
  - Non-Ohio Solar – 1,939 MWHs
  - Ohio Non-Solar Renewables – 46,520 MWHs
  - Non-Ohio Non-Solar Renewables – 46,520 MWHs
- (5) That Duke Retail had sufficient RECs to satisfy both its solar and non-solar compliance obligation for 2012, including the in-state minimums. The RECs originated from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008 and December 31, 2012.
- (6) That the Company has transferred all of the RECs or S-RECs that it intends to use towards its 2012 compliance requirements to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount.

## **V. Staff Recommendations**

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends the following:

- (1) That the compliance obligations, as detailed above in IV(4), be applied to the Company for 2012.
- (3) That for future compliance years in which Duke Retail is utilizing GATS to demonstrate its Ohio compliance efforts, Duke Retail initiate the transfer of the appropriate RECs and S-RECs to its GATS reserve subaccount between March 1<sup>st</sup> and April 15<sup>th</sup> so as to precede the filing of its Ohio annual compliance status report with the Commission.

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 13-0897-EL-ACP**

Summary: Staff Report Filed electronically filed by Mr. Paul A Hutchison on behalf of Staff