

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

Texas Retail Energy (TRE or Company) filed its AEPS compliance status report for the 2012 compliance year on April 12, 2013. In its filing, the Company indicated that it had no Ohio retail electric sales in 2009, 2010, or 2011. The Company further indicated that its actual sales for 2012, which it proposed to use as its baseline, were 169,458 megawatt-hours (MWHs). TRE used its proposed baseline and the statutory benchmarks for 2012 to calculate the following compliance obligations:

- 102 solar renewable energy credits (S-RECs), at least 51 of which must originate from Ohio facilities
- 2,442 non-solar RECs, at least 1,221 of which must originate from Ohio facilities

TRE asserted in its compliance status report that it obtained the necessary RECs and S-RECs to achieve compliance with its 2012 AEPS requirements. Exhibit A of the Company's filing details the RECs and S-RECs used to satisfy its 2012 compliance obligations.

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) That TRE is an electric services company with retail electric sales in the state of Ohio, and, therefore, the Company had an AEPS compliance obligation for 2012.
- (2) That the Company filed its AEPS compliance report on April 12, 2013.

- (3) That the Company proposed a baseline of 169,458 MWHs which it indicated reflects its actual 2012 sales. With no Ohio electric sales during the period of 2009-2011, projected sales for 2012 could have been used to calculate the baseline. The use of projected sales, as referenced in 4901:1-40-03(B)(2)(b), OAC, was intended to facilitate a company's compliance planning in that it could quantify its compliance requirements earlier in the year. Staff acknowledges that the use of actual sales data, as proposed by the Company, is more accurate than using projected data and therefore Staff does not contest the proposed baseline.
- (4) That the Company accurately calculated its 2012 compliance obligations, given its proposed baseline.
- (5) That the Company retired RECs and S-RECs for 2012 compliance via its PJM EIS Generation Attribution Tracking system (GATS) account.
- (6) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its total non-solar¹ obligation, as well as the specific minimum in-state non-solar requirement, for 2012. The RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2012.
- (7) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its total solar obligation, while exceeding the specific minimum in-state solar requirement, for 2012. The S-RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2012.

V. Staff Recommendations

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

- (1) That TRE be found to have satisfied its 2012 AEPS compliance obligations.

¹ Staff uses "non-solar" in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific "non-solar" requirement in the applicable statute.

- (2) That for future compliance years in which the Company is utilizing GATS to demonstrate its Ohio compliance efforts, the Company initiates the transfer of the appropriate RECs and S-RECs to its GATS reserve subaccount between March 1st and April 15th so as to precede the filing of their Ohio annual compliance status report with the Commission.

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Summary: Staff Review and Recommendation electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff