

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Adjustment)
of the Non-Solar Compliance Payment for) Case No. 13-995-EL-ACP
2013.)

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 at least \$45.00 and adjusted annually by the Commission to reflect any change in the consumer price index (CPI) 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:
$$((CPIYR2/CPIYR1) * \text{current per MWh payment})$$
 - (c) In no event shall the compliance payment for renewable energy resources be less than forty-five dollars per MWh.
- (3) On April 22, 2013, the Commission Staff filed its report recommending that, based on the most recent CPI data, the non-solar renewable energy resource compliance payment under Section 4928.64(C)(2)(b), Revised Code, should be \$48.56/MWh for 2013. No objections to Staff's calculations have been filed. Accordingly, the non-solar renewable energy resource compliance payment under Section 4928.64(C)(2)(b), Revised Code, shall be \$48.56/MWh for 2013.

It is, therefore,

ORDERED, That the compliance payment for non-solar renewable energy resources under Section 4928.64(C)(2)(b), Revised Code, is \$48.56/MWh for 2013. It is, further,

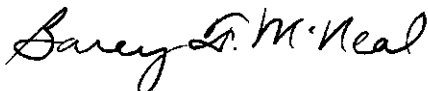
ORDERED, That notice or a copy of this Finding and Order be served upon each electric utility, the Commission's electric-energy industry listserve, and upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Steven D. Lesser
Lynn Slaby
M. Beth Trombold

RMB/vrm

Entered in the Journal

MAY 29 2013Barcy F. McNeal
Secretary