

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual )  
Alternative Energy Portfolio Status ) Case No. 11-2481-EL-ACP  
Report of Direct Energy Services, LLC )  
for 2010. )

FINDING AND ORDER

The Commission finds:

- (1) Direct Energy Services, LLC (Direct Energy) is an electric services company as defined in Section 4928.01(A)(9), Revised Code, and, as such, is subject to the jurisdiction of this Commission.
- (2) Section 4928.64(B), Revised Code, establishes benchmarks for electric services companies to acquire a portion of their electricity supply for retail customers in Ohio from renewable energy resources. Specifically, the statute requires that, for 2010, a portion of the electricity sold by means of retail electric sales in Ohio must come from alternative energy resources, half of which must be met with resources located within Ohio, and including 0.010 percent from solar energy resources, half of which must be met with resources located within Ohio.
- (3) Rule 4901:1-40-05(A), Ohio Administrative Code (O.A.C.), requires that, unless otherwise ordered by the Commission, each electric services company file by April 15 of each year an annual alternative energy portfolio status report. The report must analyze all activities the company undertook in the previous year in order to demonstrate how pertinent alternative energy portfolio benchmarks and planning requirements have been or will be met. Additionally, Commission Staff (Staff) must conduct an annual compliance review with regard to the benchmarks. Finally, Rule 4901:1-40-02(A),

O.A.C., provides that electric services companies that do not serve Ohio retail electric customers are not required to comply with the terms of the alternative energy portfolio benchmarks.

- (4) On April 15, 2011, Direct Energy filed its 2010 alternative energy portfolio status report pursuant to Section 4928.64, Revised Code, and Rule 4901:1-40-05(A), O.A.C. In its report, Direct Energy indicates that, during 2010, it did not conduct any retail electric sales in Ohio.
- (5) On January 22, 2013, Staff filed findings and recommendations regarding Direct Energy's alternative energy portfolio status report. Staff reports that it has independently verified Direct Energy's claim that it did not conduct retail electric generation sales in Ohio during 2010. Staff concludes that, consequently, Direct Energy had no compliance obligation in 2010. Staff recommends that Direct Energy's filing be accepted and that no further steps be required.
- (6) Upon review of Direct Energy's alternative energy portfolio status report and Staff's findings and recommendations, the Commission finds that Direct Energy had no compliance obligation with respect to the alternative energy portfolio standards in 2010, as it did not conduct retail electric generation sales in Ohio during 2010, and that Direct Energy's 2010 alternative energy portfolio status report should be accepted.

It is, therefore,

ORDERED, That Direct Energy's alternative energy portfolio status report for 2010 be accepted in accordance with finding (6). It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

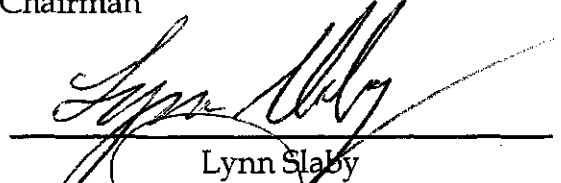
THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Shitchler, Chairman



Steven D. Lesser



Lynn Slaby

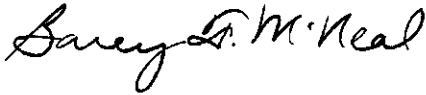


M. Beth Trombold

SJP/sc

Entered in the Journal

**JUN 05 2013**



Barcy F. McNeal

Barcy F. McNeal  
Secretary