

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the GDF Suez Retail)
Energy Solutions, LLC d/b/a Think)
Energy Annual Alternative Energy)
Portfolio Status Report for 2012)**

Case No. 13-1976-EL-ACP

Findings and Recommendations of the PUCO Staff

I. Statutory Background

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to electric distribution utilities and electric service companies. The AEPS is addressed principally in sections 4928.64 and 4928.65, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for **2012** are as follows:

- Renewable Energy Resources = **1.50%** (includes solar requirement)
- Solar Energy Resources = **0.06%**

In addition, there is a requirement that at least half of the renewable energy resources, including the solar energy resources, shall be met through facilities located in this state.

The PUCO further developed rules to implement the Ohio AEPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

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

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual alternative energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable alternative energy portfolio benchmarks and planning requirements have or will be met. 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

GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy (Think Energy or Company) filed its AEPS compliance status report for the 2012 compliance year on March 29, 2013 under Case No. [04-1015-EL-CRS](#), which is the case record for the application for certified retail electric service for GDF Suez Energy Resources North America, Inc. (GDF Suez). Commission Staff requested that Think Energy's report be cross-filed under new Case No. 13-1976-EL-ACP.

In its filing, the Company indicated that it had no Ohio retail electric sales in 2009, 2010, 2011, or 2012. Moreover, the Company asserted that it had no compliance requirements for the 2012 compliance period. Think Energy currently is a certified supplier which holds Certificate No. 11-407E(2), issued November 15, 2013 in Case No. [11-5466-EL-CRS](#).

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 Think Energy is an electric services company in the state of Ohio, issued Certificate No. 11-407E in Case No. 11-5466-EL-CRS.
- (2) That Think Energy is affiliated with, but a separate entity from, GDF Suez Energy Resources North America, Inc. which holds Certificate No. 04-118E issued in Case No. 04-1015-EL-CRS.
- (3) That Staff confirmed the Company's claim that it had zero Ohio retail electric sales in 2012 through independent review of sales from Think Energy.

- (4) That OAC Section 4901:1-40-02, Purpose and Scope, indicates the following:

Parties affected by these alternative energy portfolio standard rules include all Ohio electric utilities and all electric services companies serving retail electric customers in Ohio. Any entities that do not serve Ohio retail electric customers shall not be required to comply with the terms of the alternative energy portfolio standard.

- (5) That the Company did not serve Ohio retail electric customers in 2012 and therefore did not have an AEPS compliance obligation in 2012.

V. Staff Recommendations

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

- (1) That Think Energy's filing in this proceeding be accepted.
- (2) That for future compliance years in which the Company is utilizing GATS to demonstrate their Ohio compliance efforts, the Company initiates the transfer of the appropriate RECs and S-RECs to their 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.
- (3) That for each future compliance year, Think Energy reserves a new case number with the purpose code EL-ACP, which differs from the EL-ACP case number used by GDF Suez, and subsequently files the Company's Annual Alternative Energy Portfolio Status Report in the docket of that case.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/22/2013 7:41:06 AM

in

Case No(s). 04-1015-EL-CRS, 13-1976-EL-ACP

Summary: Staff Review and Recommendation electronically filed by Mr. Thomas E Stikeleather on behalf of PUCO Staff.