

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Alternative Energy Portfolio Standard) Case No. 13-1909-EL-ACP
Report to the General Assembly for the)
2012 Compliance Year.)

ENTRY

The attorney examiner finds:

- (1) Amended Substitute Senate Bill 221 (SB221) of the 127th General Assembly (2008 Ohio Laws S221, effective July 31, 2008), initiated Ohio's Alternative Energy Portfolio Standard (AEPS), now codified in R.C. 4928.64 and 4928.65. The AEPS consists of both renewable energy resources and advanced energy resources, and contains specific compliance benchmarks for total renewable energy resources, including a specific solar requirement, beginning in 2009. R.C. 4928.64(D)(1) requires the Commission to submit a report to the General Assembly describing the compliance of electric distribution utilities and electric services companies with R.C. 4928.64(B), and any strategy for utility and company compliance or for encouraging the use of alternative energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts. The statute also requires the Commission to solicit and consider public comments on the report prior to its submission to the General Assembly. Ohio Adm.Code 4901:1-40-09 provides for a 30-day public comment period prior to the submission of the report to the General Assembly.
- (2) Amended Substitute Senate Bill 315 (SB 315) of the 129th General Assembly amended R.C. 4928.64(D)(1)(b), effective September 10, 2012, to require that all Commission annual AEPS reports to the General Assembly issued after September 10, 2012, include details on the average annual cost of renewable energy credits (RECs) purchased by utilities and companies for the year covered in the report.
- (3) By entry issued October 29, 2013, each electric distribution utility and electric services company with a 2012 AEPS compliance requirement was directed to file by November 15,

2013, the average cost data for the RECs that it has retired, or will be retiring, to demonstrate compliance with its 2012 Ohio AEPS obligations. If any reporting company believed that its average REC cost data for the 2012 compliance year should be protected from public disclosure as a trade secret, it was directed to file the information under seal with a motion for protective order pursuant to Ohio Adm.Code 4901-1-24.

- (4) Motions for protective order were filed by Palmco Power OH, LLC., Duke Energy Ohio, Inc., Integrys Energy Services, Inc., MidAmerican Energy Company, North American Power and Gas, LLC, Champion Energy Services LLC, The Dayton Power and Light Company, DPL Energy Resources Inc., Ohio Power Company, Direct Energy Services, LLC and Direct Energy Business, LLC, AEP Energy, Inc., Noble Americas Energy Solutions LLC, Commerce Energy Inc., dba Just Energy, Duke Energy Retail Sales, LLC, Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company, NextEra Energy Services Ohio, LLC, Interstate Gas Supply, Inc., dba IGS Energy, Public Power, LLC, Cincinnati Bell Energy LLC, Constellation NewEnergy, Inc., and Liberty Power Holdings, LLC. These motions allege that the average REC cost data contained in these filings should be protected from public disclosure as trade secrets. No objections to any of these motions have been filed.
- (5) As these motions for protective orders appear reasonable and no opposition has been filed to any motion, these motions should be granted for a period of 24 months from the issuance of this entry.
- (6) On January 14, 2014, Staff filed a draft of the AEPS report in this docket and is posted on the Commission's website at:

<http://www.puco.ohio.gov/puco/renewables/>
- (7) Pursuant to Ohio Adm.Code 4901:1-40-09, interested persons are invited to file comments regarding the draft AEPS report by February 14, 2014. Any reply comments should be filed by February 21, 2014.

It is, therefore,

ORDERED, That interested persons are invited to file comments regarding the proposed AEPS report to be submitted to the General Assembly pursuant to R.C. 4928.64(D)(1), by February 14, 2014. Any reply comments should be filed by February 21, 2014. It is, further,

ORDERED, That each motion for protective order filed pursuant to Ohio Adm.Code 4901-1-24, be granted for a period of 24 months from the issuance of this entry. It is, further,

ORDERED, That notice or a copy of this entry be served via the electric-energy listserve, and upon all Ohio electric distribution utilities and certified providers of competitive retail electric services, and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Richard M. Bulgrin

By: Richard M Bulgrin
Attorney Examiner

jrj/vrm

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in

Case No(s). 13-1909-EL-ACP

Summary: Attorney Examiner Entry ordering that interested persons are invited to file comments regarding the proposed AEPS report to be submitted to the General Assembly pursuant to R.C. 4928.64(D)(1), by February 14, 2014. Any reply comments should be filed by February 21, 2014. Ordering each motion for protective order filed pursuant to Ohio Adm. Code 4901-1-24, be granted for a period of 24 months from the issuance of this entry; electronically filed by Vesta R Miller on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio