

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Alternative Energy Resources)
Report for Calendar Year 2013 from Titan Gas,)
LLC d/b/a Titan Gas and Power) Case No. 14-0285-EL-ACP
)
)

REQUEST FOR WAIVER

Pursuant to Rule 4901:1-40-04(B) of the Ohio Administrative Code, Titan Gas, LLC d/b/a Titan Gas and Power (“Titan”) respectfully requests a waiver from Rule 4901:1-40-03(B)(2)(b) of the Ohio Administrative Code. Specifically, Titan requests that it be permitted to calculate as its initial base line the actual retail sales made for 2013 instead of a reasonable projection. No statute requires the use of a reasonable projection for this purpose; in fact, the use of actual data in calculating baseline is consistent with Ohio Revised Code § 4928.64(B), as well as being more accurate and equitable.

The reasons supporting this requested waiver are set forth in the accompanying memorandum in support. Titan submits that good cause exists for granting the requested waiver.

WHEREFOR, Titan Gas, LLC respectfully requests that the Commission grant its waiver and permit it to use the actual retail sales for the 2013 calendar year in lieu of a projection in calculating its initial baseline for purposes of preparing its alternative energy portfolio status report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dylan Borchers".

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MEMORANDUM IN SUPPORT

Titan Gas, LLC d/b/a Titan Gas and Power (“Titan”) was issued Ohio Certificate No. 13-700E(1) is case No. 11-5815-EL-CRS on June 17, 2013. It did not begin operations in Ohio until approximately December 2013.

As an electric services company, Titan is subject to the requirements of Rule 4901:1-40-03 of the Ohio Administrative Code regarding alternative energy resources. Titan is required to file its plan for compliance with future annual advanced and renewable energy benchmarks, including solar, utilizing at least a ten (10) year planning horizon, by April 15 of this year. Rule 4901:1-40-03(B)(2)(b) provides as follows:

(b) For an electric services company with no retail electric sales in the state during the preceding three calendar years, its initial baseline shall consist of a reasonable projection of its retail electric sales in the state for a full calendar year. Subsequent baseline shall consist of actual sales data, computed in a manner consistent with paragraph (B)(2)(a) of this rule.

Titan had no retail electric sales in Ohio during the preceding three calendar years. Instead of using a projection of retail electric sales for 2013, Titan is requesting a waiver from Rule 4901:1-40-03(B)(2)(b) to allow it to use actual retail sales for 2013 instead of a projection. Subsection (b)(2) of the same Rule allows electric service companies to compute the baseline based on an average of the three preceding calendar years of the total number of kilowatt hours electricity actually sold. Such an approach is also contained in Ohio Revised Code § 4928.64(B).

Because Rule 4901:1-40-03(B)(2) contemplates the use of an average of three years of actual sales data and because Titan has available to it the actual sales for 2013, good cause exists for granting the waiver and allowing Titan to use the 2013 actual sales data instead of a reasonable projection. No statute requires the use of a reasonable projection for calculating the initial baseline. The use of actual data is more accurate and equitable for calculating the initial baseline than the use of a projection.

In the case *In the Matter of the Annual Alternative Energy Portfolio Status Report of Public Power, LLC*, Case No. 13-884-EL-ACP, the Commission granted a similar request for waiver. There, Public Power, LLC, which had only operated in Ohio for a portion of 2012, requested a waiver to allow it to use actual retail sales for 2012 instead of a projection for the same reasons cited by Titan in the present request. The Commission granted Public Power, LLC's request for waiver. Similarly, the Commission should grant Titan's request.

Titan respectfully requests that the Commission find that good cause exists for granting the waiver and that the Commission or its Attorney examiner issue an Entry granting the requested waiver and allowing Titan to continue to compute its initial baseline using the actual 2013 sales data instead of a projection.

Respectfully submitted,



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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/21/2014 3:26:54 PM

in

Case No(s). 14-0285-EL-ACP

Summary: Request Request for Waiver electronically filed by Teresa Orahod on behalf of Dylan Borchers