

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

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**COMMENTS  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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On February 21, 2014, Titan Gas, LLC d/b/a Titan Gas and Power (Titan Gas or Company) filed a Request for Waiver specifically seeking authorization to deviate from the baseline calculation methodology detailed in Ohio Administrative Code (OAC) 4901:1-40-03(B)(2)(b).

Rule 4901:1-40-02(B), OAC, indicates that the Commission may waive any portion of this rule provided that the request does not involve a statutory mandate. While 4928.64(B), Revised Code, does address the baseline computation for companies with sales during the preceding three calendar years, it does not present a methodology for competitive electric providers with a more limited Ohio electric retail sales history. Therefore, Staff concludes that the Commission may waive 4901:1-40-03(B)(2)(b), OAC, if it deems it appropriate to do so.

The rule dictates that active electric service companies utilize a reasonable projection of sales for a calendar year as their alternative energy portfolio standard (AEPS) compliance baseline in the event that they do not have any retail electric sales in the state during the three calendar years preceding the compliance year.

The company asserts in its filing that it had no Ohio retail electric sales during the period of 2010 – 2012, but that it began operations in Ohio in December 2013. In such a scenario, 4901:1-40-03(B)(2)(b), OAC, would require that Titan Gas' AEPS compliance baseline for the 2013 compliance year consist of a reasonable projection of its sales for a calendar year. However, the Company is proposing to use its actual 2013 retail sales as its baseline rather than a projection of sales.

The use of projected sales, as detailed in 4901:1-40-03(B)(2)(b), OAC, was intended to facilitate a company's compliance planning in that it could quantify its compliance requirements earlier in the year. However, Staff acknowledges that the use of actual sales data, as proposed by Titan Gas, is more accurate than using projected data and, therefore, Staff recommends that the requested waiver be granted.

If granted, the proposed use of actual Ohio sales from 2013 would comprise the compliance baseline for purposes of the Company's filing requirement for the 2013 compliance year under 4901:1-40-05, OAC. The annual filing requirement under 4901:1-40-03(C), OAC, should be unaffected by this waiver request.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **Comments** was served by electronic mail upon all parties of record, this 5th day of March, 2014.

Respectfully submitted,

/s/Thomas G. Lindgren  
**Thomas G. Lindgren**  
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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/5/2014 3:01:13 PM**

**in**

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

Summary: Comments electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO