

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy )  
Portfolio Status Report for 2012 of ) Case No. 13-813-EL-ACP  
Industrial Energy Users-Ohio. )

FINDING AND ORDER

The Commission finds:

- (1) Industrial Energy Users-Ohio (IEU-Ohio or Company) is an electric services company as defined in R.C. 4928.01(A)(9) and, as such, is subject to the jurisdiction of this Commission.
- (2) R.C. 4928.64(B)(2) establishes benchmarks for electric services companies to acquire a portion of their electricity supply for retail customers in Ohio from renewable energy resources. Half of the renewable benchmark must be met with resources located within Ohio (in-state renewable benchmark), including a portion from solar energy resources (solar benchmark), half of which must be met with resources located within Ohio (in-state solar benchmark). The specific renewable compliance obligations for 2012 are 1.50 percent (which includes the solar requirement) and 0.06 percent for solar. R.C. 4928.65 provides that an electric utility or electric services company may use renewable energy credits (RECs) and solar energy credits (SRECs) to meet its respective renewable energy and solar benchmarks. Ohio Adm.Code 4901:1-40-01(BB) defines a REC as the environmental attributes associated with one MWh of electricity generated by a renewable energy resource, except for electricity generated by facilities as described in Ohio Adm.Code 4901:1-40-04(E).
- (3) Ohio Adm.Code 4901:1-40-05(A) requires each electric services company to annually file by April 15 an annual alternative energy portfolio status report (AEPS report), unless otherwise ordered by the Commission. The AEPS report must analyze all activities the company undertook in the previous year in order to demonstrate how pertinent alternative energy portfolio benchmarks have been met. Staff then conducts an annual compliance review with regard to the benchmarks.

- (4) On April 3, 2013, IEU-Ohio filed its 2012 AEPS report, pursuant to R.C. 4928.64 and Ohio Adm.Code 4901:1-40-05(A), in which it reports that the Company had no Ohio retail sales for the years 2009 through 2012, has not begun serving customers in Ohio, and does not project any future sales at the present time.
- (5) On May 6, 2013, Staff filed its review and recommendations of the Company's AEPS report. Staff confirmed that IEU-Ohio did not serve Ohio retail electric customers in 2012 and, therefore, the Company did not have an AEPS compliance obligation in 2012. Staff recommends that the Company's filing be accepted. Further, Staff recommends that, for future compliance years in which the Company has jurisdictional sales and utilizes the PJM EIS Generation Attribute Tracking System (GATS) to fulfill its Ohio AEPS compliance efforts, the Company should initiate the transfer of the appropriate RECs and SRECs to its GATS reserve subaccount between March 1 and April 15 so as to precede the filing of its annual AEPS report with the Commission.
- (6) Ohio Adm.Code 4901:1-40-02(A) expressly provides that any entity that does not serve Ohio retail electric customers shall not be required to comply with the AEPS rules. As IEU-Ohio did not serve Ohio retail electric customers in 2012, the Company did not have any AEPS reporting or compliance obligations for 2012, and need not have filed a report. The Commission notes Staff's recommendations for any future period in which the Company begins serving Ohio retail electric customers and directs the Company to comply with such recommendations at such time.

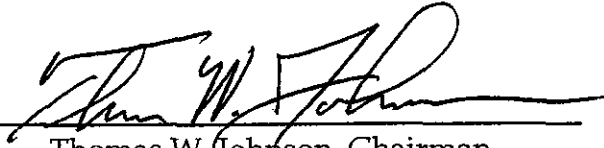
It is, therefore,


ORDERED, That IEU-Ohio comply with Staff's recommendations at such time that the Company begins serving Ohio retail electric customers. It is, further,


ORDERED, That this case be closed. It is, further,

ORDERED, That a copy of this Finding and Order be served upon all parties of record.

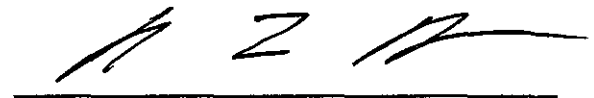
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

  
Steven D. Lesser

  
Lynn Slaby

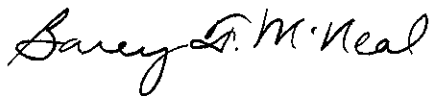
  
M. Beth Trombold

  
Asim Z. Haque

RMB/vrm

Entered in the Journal

**JUL 09 2014**



Barcy F. McNeal  
Secretary