

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy )  
Portfolio Status Report for 2012 of Texas ) Case No. 13-899-EL-ACP  
Retail Energy LLC. )

FINDING AND ORDER

The Commission finds:

- (1) Texas Retail Energy LLC (TRE 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 12, 2013, TRE filed its AEPS report using its actual Ohio retail sales for 2012 as its baseline, as the Company had no Ohio retail sales for the years 2009 through 2011. Using this baseline and the 2012 statutory benchmarks, TRE reports that it has met its renewable, in-state renewable, solar, and in-state solar benchmarks.
- (5) On May 21, 2013, Staff filed its review and recommendations of the Company's AEPS report. Staff finds that TRE was required to comply with the renewable benchmarks for its retail electric sales in Ohio in 2012, and agrees that the Company's baseline of its actual Ohio retail sales for 2012 is reasonable, since TRE had no intrastate retail sales for the years 2009 through 2011. Staff finds that TRE accurately calculated its baseline and compliance obligations for 2012. Further, Staff reviewed the Company's reserve subaccount data with the PJM EIS Generation Attribute Tracking System (GATS) and concluded that TRE has satisfied its compliance obligations for 2012. Staff also confirmed that the RECs and SRECs originated from generating facilities certified by the Commission and were associated with electricity generated during the applicable timeframe. Therefore, Staff recommends that TRE be found to be in compliance with its 2012 renewable energy compliance obligations. Finally, Staff recommends that, for future compliance years in which the Company utilizes GATS to demonstrate its Ohio compliance efforts, TRE 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) Upon review of the Company's AEPS report, as well as Staff's findings and recommendations, the Commission finds that the use of the Company's actual Ohio retail sales for 2012 as its baseline is reasonable, and TRE is in compliance with its 2012 AEPS obligations. Accordingly, the Company's AEPS report for 2012 should be accepted as filed. The Commission also directs that, for future compliance years, TRE initiate the transfer of the appropriate RECs and SRECs to its GATS reserve subaccount between March 1 and April 15, consistent with Staff's recommendations. Further, we note that TRE submitted details of its GATS reserve subaccount as Exhibit A to its AEPS report. The Company is advised that the

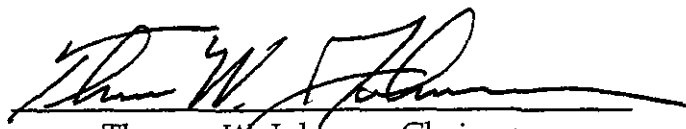
submission of such data is not necessary for Staff's review, and need not be included in future AEPS reports.

It is, therefore,

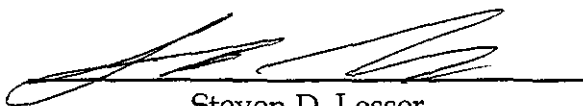
ORDERED, That the Company's AEPS report for 2012 be accepted as filed. It is, further,

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

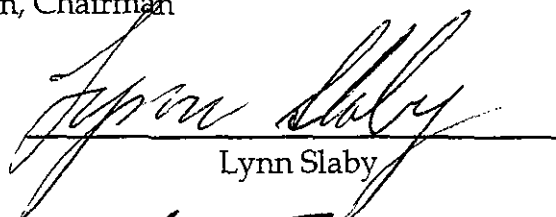
THE PUBLIC UTILITIES COMMISSION OF OHIO



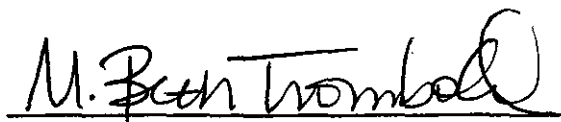
Thomas W. Johnson, Chairman



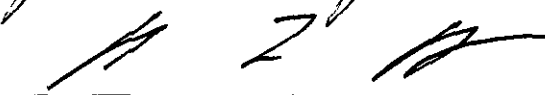
Steven D. Lesser



Lynn Slaby



M. Beth Trombold

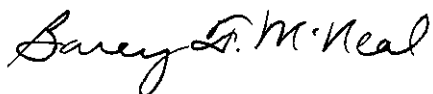


Asim Z. Haque

RMB/vrm

Entered in the Journal

**JUL 30 2014**



Barcy F. McNeal  
Secretary