

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the BFE Scheduling, LLC)
Annual Renewable Portfolio Standard)
Status Report for 2014)**

Case No. 15-0458-EL-ACP

Findings and Recommendations of the PUCO Staff

I. Statutory Background

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's renewable portfolio standard (RPS) applicable to electric distribution utilities and electric service companies. The RPS is addressed principally in section 4928.64, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for 2014 are as follows:

- Renewable Energy Resources = 2.50% (includes solar requirement)
- Solar Energy Resources = 0.12%

The PUCO further developed rules to implement the Ohio RPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

4901:1-40-05(A), OAC:

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual alternative energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable alternative energy portfolio benchmarks and planning requirements have or will be met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the alternative energy portfolio standard.

4901:1-40-05(C), OAC:

Staff shall review each electric utility's or electric services company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

II. Company Filing Summarized

BFE Scheduling, LLC (BFE or Company) filed its RPS compliance status report for the 2014 compliance year on March 3, 2015. In its compliance filing, BFE indicated that it commenced serving Ohio electric customers in 2013. The Company proposed a baseline of 1,321 megawatt-hours (MWHs) which it indicated represents its Ohio retail electric sales for 2013. Applying the statutory benchmarks to its proposed baseline, BFE calculated its 2014 compliance obligations to be 2 solar MWHs and 33 non-solar MWHs. The Company indicated that it complied through the use of renewable energy credits (RECs) and solar RECs (S-RECs).

In addition, BFE indicated that it ceased its Ohio retail electric sales in November 2014 and allowed its Ohio CRES certification to expire in February 2015.¹

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) That BFE was an electric services company in Ohio with retail electric sales in the state of Ohio during 2014, and therefore the Company had an RPS obligation for 2014. The Company has since allowed its CRES certification to expire.²
- (2) That the baseline proposed by BFE is reasonable.

¹ Compliance status report, p. 2

² Case No. 13-0148-EL-CRS

- (3) That the Company accurately calculated its solar obligation, but that it overstated its non-solar obligation. To determine its non-solar obligation, the Company multiplied its baseline by 2.5%.³ Staff asserts that the non-solar obligation should have been calculated by multiplying the baseline by 2.38%, the total renewable requirement for 2014 net of the specific solar requirement. The application of Staff's equation results in a non-solar obligation of 31 MWHs.⁴
- (4) That the Company has transferred 33 RECs and 2 S-RECs to its PJM EIS Generation Attribute Tracking System (GATS) reserve subaccount for 2014 Ohio compliance purposes.
- (5) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its non-solar⁵ obligation for 2014. The RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2014.
- (6) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that the Company satisfied its solar obligation for 2014. The S-RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2014.
- (7) That as detailed above in Finding 3, the Company retired 2 more RECs than was necessary to satisfy its compliance obligations.

V. Staff Recommendations

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends the following:

- (1) That BFE is found to have satisfied its 2014 RPS compliance obligations.

³ $1,321 \text{ MWHs} \times 2.5\% = 33.025 \text{ MWHs}$ (rounded to 33)

⁴ $1,321 \text{ MWHs} \times 2.38\% = 31.4398 \text{ MWHs}$, which Staff would round to 31 MWHs

⁵ Staff uses "non-solar" in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific "non-solar" requirement in the applicable statute.

- (2) That because BFE retired more RECs than was necessary to satisfy its 2014 RPS compliance obligations, Staff recommends that the Company, Staff, and GATS representatives coordinate to adjust the quantity of RECs transferred to the reserve subaccount for 2014 compliance purposes so that the quantity transferred matches the Company's compliance obligation as determined by the Commission.
- (3) That for future compliance years in which the Company is utilizing GATS to demonstrate its Ohio compliance efforts, the Company initiates the transfer of the appropriate RECs and S-RECs to its GATS reserve subaccount between March 1st and April 15th so as to precede the filing of their Ohio annual compliance status report with the Commission.

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Summary: Staff Review and Recommendation electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff