

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative)
Energy Portfolio Status Report for) Case No. 14-471-EL-ACP
2013 of Energy.me Midwest, LLC dba)
Energy.me.)

FINDING AND ORDER

The Commission finds:

- (1) Energy.me Midwest, LLC dba Energy.me (Energy.me) is an electric services company as defined in R.C. 4928.01(A)(9) , and a competitive retail electric service (CRES) provider certified by this Commission pursuant to R.C. 4928.06.
- (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. For the 2013 compliance year, half of the renewable benchmark must be met with resources located within Ohio (in-state renewable benchmark), including half of the solar energy resources benchmark (in-state solar benchmark). The specific renewable compliance obligations for 2013 are 2.00 percent, including the 0.09 percent solar requirement. For the 2014 compliance year, Sub.S.B. No. 310 of the 130th General Assembly (SB 310), which became effective September 12, 2014, amended R.C. 4928.64 and 4928.65 to eliminate the in-state renewable benchmarks and advanced energy component, freeze renewable energy benchmarks for 2015 and 2016, and allow actual sales in the compliance year to be used for the baseline calculation. R.C. 4928.645, formerly R.C. 4928.65 prior to the enactment of SB 310, 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 megawatt hour (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 file an annual alternative energy portfolio status report (AEPS report) by April 15 of each year, unless otherwise

ordered by the Commission. The AEPS report must demonstrate and analyze all the company's activities in the previous year to comply with applicable alternative energy portfolio benchmarks. To determine an electric service company's renewable benchmark compliance, the baseline must be calculated pursuant to the methodologies set forth in 4901:1-40-03(B)(2). The baseline is either the average of the three preceding calendar years of annual kilowatt-hour (kWh) of electricity sales or, if there are no in-state retail electric sales during the preceding three calendar years, the projection of in-state retail electric sales for a full calendar year. Staff then conducts an annual compliance review of the company's filing and records on the Generation Attribute Tracking System (GATS) owned and operated by PJM Environmental Information Services, Inc.¹ to ensure that RECs were sourced from generating facilities certified by the Commission and appropriately associated with electricity generated between August 1, 2008, and the end of the compliance reporting period.

- (4) On March 24, 2014, Energy.me filed its 2013 AEPS report and a motion for protective order. At Staff's request, Energy.me filed a revised report and a second motion for protective order on February 2, 2015. Energy.me indicates that it had no retail electric sales during 2010 or 2011. Accordingly, Energy.me proposes to use its 2012 actual retail electric sales of 16.109 MWh as its 2013 compliance baseline.
- (5) Ohio Adm.Code 4901-1-24 allows the Commission to issue an order to protect the confidentiality of information to the extent that state or federal law prohibits release of the information, including where the information is deemed to constitute a trade secret as defined by R.C. 1333.61(D). R.C. 4905.07 provides that all facts and information in the possession of the Commission shall be public, except as provided in R.C. 149.43, and as consistent with the purposes of R.C. Title 49. With respect to AEPS reports, the Commission has held that motions for protective orders should be granted for future projected data, but denied for any current or historical data that has been publicly disclosed, such as a company's historical intrastate sales or REC requirements that are a mathematical function of publicly-reported sales. *See, e.g., Public Power, LLC, Case No. 13-884-EL-ACP, Finding and Order*

¹ GATS tracks the creation and usage of RECs and SRECs for compliance verification. The system enables the Commission to track and verify when RECs have been used and the state of origin associated with the REC.

(Dec. 18, 2013) at 3-5, *Commerce Energy of Ohio, Inc., dba Just Energy*, Case No. 13-928-EL-ACP, Finding and Order (Dec. 18, 2013) at 2-4, and *Direct Energy Services, LLC*, Case No. 12-1233-EL-ACP, Finding and Order (Dec. 11, 2013) at 5-6.

- (6) With respect to the instant case, Energy.me's motion should be granted, as it concerns confidentiality for the ten-year forecast of SRECs, non-SRECs, and total RECs, as well as the Ohio Ten Year Forecast. This information should remain under seal in the Commission's Docketing Division for a 24-month period from the date of this Order. Energy.me should note that, pursuant to Ohio Adm.Code 4901:1-24(F), any motion to extend such period of confidential treatment should be filed at least 45 days in advance of the expiration date, pursuant to Ohio Adm.Code 4901-1-24(F), or this information may be released without further notice.
- (7) On March 25, 2015, Staff filed its review and recommendations for Energy.me's AEPS report. Staff reports that Energy.me is an electric services company in Ohio and that the baseline proposed by Energy.me is reasonable. Staff also determined that Energy.me has satisfied its total solar and non-solar obligation, as well as the specific minimum in-state solar and non-solar obligation. Finally, Staff states that Energy.me has transferred RECs and SRECs, which were sourced from generating facilities certified by the Commission and appropriately associated with electricity generated between August 1, 2008, and the end of the compliance reporting period, to its GATS subaccount for Ohio compliance purposes.
- (8) Upon review of Energy.me's AEPS report, as well as Staff's findings and recommendations, the Commission finds that Energy.me's AEPS compliance obligations for 2013 be based upon its 2012 actual retail sales, and that Energy.me has met its compliance obligations for 2013. The Commission also directs that, for any future compliance years, Energy.me should 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.

It is, therefore,

ORDERED, That Energy.me's 2012 actual retail sales 16.109 MWh be accepted as its 2013 baseline sales. It is, further,

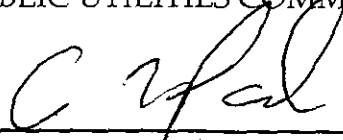
ORDERED, That the Company's 2013 AEPS report, as amended, be accepted as filed, as Energy.me has satisfied its 2013 AEPS compliance obligations. It is, further,

ORDERED, That Energy.me's motion for protective order be granted, and that such information remain under seal in the Docketing Division for a 24-month period. It is, further,

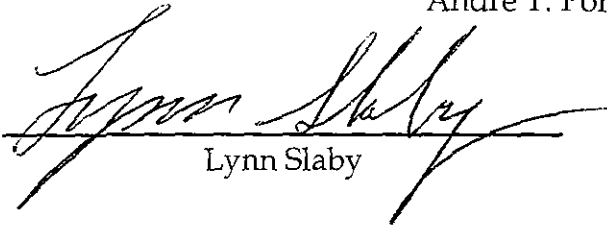
ORDERED, That Energy.me comply with Staff's recommendations adopted herein. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



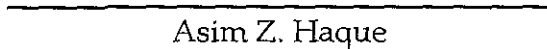
Andre T. Porter, Chairman



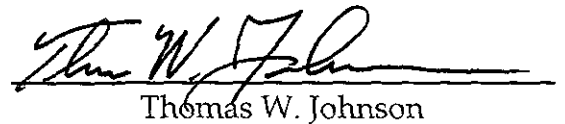
Lynn Slaby



M. Beth Trombold



Asim Z. Haque



Thomas W. Johnson

JML/RMB/sc

Entered in the Journal JUL 08 2015



Barcy F. McNeal
Secretary