

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the GDF Suez Retail        )  
Energy Solutions, LLC Annual Renewable )  
Portfolio Standard Status Report for 2014    )**

**Case No. 15-0660-EL-ACP**

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Findings and Recommendations of the PUCO Staff

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**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**

GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy (Think Energy or Company) filed its RPS compliance status report for the 2014 compliance year on April 8, 2015. In its compliance filing, Think Energy asserts that it did not have any Ohio retail electric sales during 2014 and therefore did not have an RPS obligation.

## **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 Think Energy is an electric services company in Ohio<sup>1</sup>.
- (2) That Think Energy filed its 2014 RPS compliance report on April 8, 2015.
- (3) That Think Energy indicated it had zero Ohio retail electric sales in 2014, a claim verified by Staff through independent review.
- (4) That Section 4901:1-40-02, OAC, Purpose and Scope, indicates the following:

Parties affected by these alternative energy portfolio standard rules include all Ohio electric utilities and all electric services companies serving retail electric customers in Ohio. Any entities that do not serve

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<sup>1</sup> GDF Suez Retail Energy Solutions, LLC d/b/a/ Think Energy is certified to provide power marketer services in Ohio;  
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Ohio retail electric customers shall not be required to comply with the terms of the alternative energy portfolio standard.

- (5) That Think Energy did not serve Ohio retail electric customers in 2014 and therefore did not have an RPS compliance obligation in 2014.

## **V. Staff Recommendations**

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

- (1) That Think Energy's filing in this proceeding is accepted, with no further actions required.
- (2) 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 1<sup>st</sup> and April 15<sup>th</sup> 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