

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

Case No. 15-0674-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

ResCom Energy, LLC (ResCom or Company) filed its RPS compliance status report for the 2014 compliance year on April 14, 2015. In its compliance filing, ResCom indicated that it commenced serving Ohio electric customers in February 2014. The Company proposed a baseline of 1,073 megawatt-hours (MWHs) which it indicated represents its Ohio retail electric sales for 2014.¹ Applying the statutory benchmarks to its proposed baseline, ResCom calculated its 2014 compliance obligations to be 1 solar MWH and 26 non-solar MWHs.

The Company indicated that it complied through the use of renewable energy credits (RECs) and solar RECs (S-RECs). The Company further indicated that it retired the necessary RECs and S-REC through its PJM EIS Generation Attributes Tracking System (GATS) account.

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 ResCom is 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 2014.²

¹ ResCom filed a Request for Waiver seeking authority to use its compliance year sales as its baseline, rather than using a projection of calendar year sales. Staff believes that such a waiver is no longer required, pursuant to revisions made to 4928.643(B), ORC, under Senate Bill 310. However, in the event such a Waiver Request is required, it must be filed by an attorney recognized by the state of Ohio, which does not appear to be the case in this instance.

² ResCom Energy was certified to provide power marketer services in Ohio during 2014; Case 13-0453-EL-CRS

- (2) That the baseline proposed by ResCom is reasonable. The Company used its compliance year sales to determine its baseline, which is an option available to companies beginning with the 2014 compliance year pursuant to 4928.643(B), ORC.
- (3) That given its proposed baseline and the statutory benchmarks, the Company accurately calculated its solar and non-solar³ obligation.
- (4) That the Company has transferred 26 RECs and 1 S-REC to its 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-solar 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-REC that the Company transferred to its GATS reserve subaccount was sourced from a generating facility certified by the Commission and was appropriately associated with electricity generated between August 1, 2008, and December 31, 2014.

V. Staff Recommendations

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

- (1) That ResCom is found to have satisfied its 2014 RPS compliance obligations.
- (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 1st and April 15th so as to precede the filing of their Ohio annual compliance status report with the Commission.

³ 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.

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