

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy )  
Portfolio Status Reports for 2012 and 2013 ) Case No. 13-905-EL-ACP  
of Constellation NewEnergy, Inc. ) Case No. 14-610-EL-ACP

FINDING AND ORDER

The Commission finds:

- (1) Constellation NewEnergy, Inc. (Constellation or the 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. R.C. 4928.645 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 annually file by April 15 an 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 of the company's filing and the records of the applicable attribute tracking system to ensure that RECs were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated for the compliance period.

- (4) On April 15, 2013, Constellation filed its 2012 AEPS report in Case No. 13-905-EL-ACP, in which Constellation uses a baseline of 863,801 MWh, the average of its Ohio retail electric sales for 2009 through 2011, and states that it has satisfied its 2012 compliance obligations.
- (5) On April 14, 2014, Constellation filed its 2013 AEPS report in Case No. 14-610-EL-ACP in which Constellation calculates its compliance baseline to be 1,409,571 MWh, the average of its jurisdictional sales for 2010 through 2012, and asserts that it has satisfied its 2013 compliance obligations.
- (6) On April 20, 2015, Staff filed its Review and Recommendations for Constellation's 2012 and 2013 AEPS reports. Staff reports that Constellation is an electric services company in the state of Ohio, and thus had an AEPS obligation for 2012 and 2013. Staff reviewed the Company's AEPS reports and REC tracking accounts to verify compliance, and determined that Constellation has satisfied its 2012 and 2013 AEPS compliance obligations. Staff notes that in its 2013 report, the Company used excess RECs and S-RECs from prior years as directed by the Commission. *See, Constellation NewEnergy, Inc.*, Case No. 12-1218-EL-ACP, Finding and Order (Dec. 17, 2014) at 5. For future compliance years, Staff recommends that Constellation initiate the transfer of the appropriate RECs and SRECs to its REC tracking accounts between March 1 and April 15 so as to precede the filing of its annual AEPS report with the Commission.
- (7) Upon review of the Company's 2012 and 2013 AEPS reports, and the records of these proceedings, we adopt Staff's recommendations. We find that Constellation's 2012 and 2013 proposed compliance baselines are reasonable, that Constellation has met its compliance obligations for 2012 and 2013. Further, the Company is directed to comply with Staff's recommendations for future compliance years.

It is, therefore,

ORDERED, That Constellation has met its AEPS compliance obligations for 2012 and 2013, and its 2012 and 2013 AEPS reports are accepted as filed. It is, further,

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

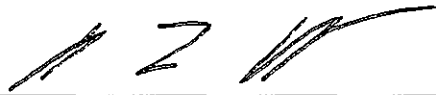
ORDERED, That a copy of this Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

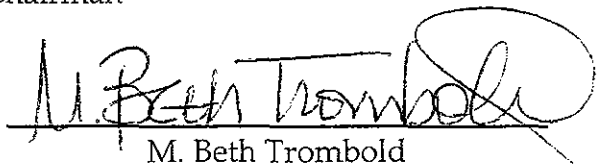


Andre T. Porter, Chairman

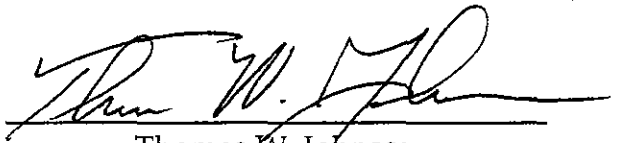
Lynn Slaby



Asim Z. Haque



M. Beth Trombold



Thomas W. Johnson

RMB/dah

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DEC 09 2015



Barcy F. McNeal  
Secretary