

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Energy Plus)
Holdings LLC Annual Renewable)
Portfolio Status Report for 2016)**

Case No. 17-0940-EL-ACP

Staff Findings and Recommendations

I. Statutory Background

Amended Substitute Senate Bill 221, of the 127th General Assembly (2008 Ohio Laws S221, effective 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 Ohio Revised Code (R.C.) 4928.64, with relevant resource definitions also contained within R.C. 4928.01(A).

According to R.C. 4928.64(B)(2), the compliance obligations for 2016 are as follows:

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

The Public Utilities Commission of Ohio (PUCO or Commission) further developed rules to implement the Ohio RPS, contained within Ohio Administrative Code (Ohio Adm.Code) 4901:1-40.

Ohio Adm.Code 4901:1-40-05(A), states:

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.

Ohio Adm.Code 4901:1-40-05(C), states:

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

Energy Plus Holdings LLC (Energy Plus or Company) filed its RPS compliance status report for the 2016 compliance year on April 10, 2017. In its compliance filing, the Company proposed a baseline of 8,333 megawatt-hours (MWhs), which it indicated was its actual Ohio retail electric sales for 2016. Applying the statutory benchmarks to its proposed baseline, the Company calculated its 2016 compliance obligations to be as follows:

- 10 Solar MWhs
- 198 Non-Solar¹ MWhs

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the Energy Plus 2016 annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) Energy Plus is an electric services company in Ohio with retail electric sales in the state of Ohio during 2016, and therefore the Company had an RPS obligation for 2016.
- (2) The baseline proposed by the Company in its compliance filing is reasonable, and given the proposed baseline and the 2016 statutory benchmarks, the Company has accurately calculated its RPS compliance obligations.²

¹ "Non-solar" in this context refers 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 Solar obligation: 8,333 MWh * 0.12% = 9.9996 MWh, which Staff rounds to 10 MWh
Non-solar obligation: 8,333 MWh * 2.38% = 198.3254 MWh, which Staff rounds to 198 MWh

- (3) Following a review of the Company's reserve subaccount data on the PJM EIS Generation Attribute Tracking System (GATS), Staff finds that for Ohio compliance purposes, the Company has transferred renewable energy credits (RECs) and solar RECs (S-RECs) to its 2016 GATS reserve subaccount in the following quantities:
 - 10 S-RECs
 - 198 RECs
- (4) The S-RECs and RECs that the Company transferred to its 2016 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, 2016.
- (5) The Company has not applied the 5 S-RECs that were in excess of its 2015 solar requirement³ towards its 2016 solar requirement. Likewise, the Company has not applied the 105 RECs that were in excess of its 2015 non-solar requirement³ towards its 2016 non-solar requirement.
- (6) The excess retirement from 2015, combined with the Company's retirement for 2016, exceeds its 2016 compliance obligations as illustrated by Exhibit 1. After satisfying its 2016 obligations, the Company is still left with an excess retirement of 5 S-RECs and 105 RECs.

V. Staff Recommendations

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

- (1) Energy Plus is found to have satisfied its 2016 RPS compliance obligations.
- (2) The excess S-REC and REC retirement detailed in Staff Finding (6) be applied towards the Company's RPS compliance obligations for 2017, provided that the timing of such application does not conflict with Ohio Adm.Code 4901:1-40-04(D)(3).
- (3) 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

³ Case No. 16-0779-EL-ACP, Findings and Recommendations of the PUCO Staff, February 9, 2017, page 3, Finding (9).

March 1st and April 15th so as to precede the filing of its Ohio annual compliance status report with the Commission.

Exhibit 1

Compliance Plan Status Report for Compliance Year 2016 Summary Sheet						
	Sales Unadjusted (MWHs)	Proposed Adjustments (MWHs)	Sales Adjusted (MWHs)	Source of Sales Volume Data		
2013		0	n/a		(A)	
2014		0	n/a		(B)	
2015		0	n/a		(C)	
Baseline for 2016 Compliance Obligation (MWHs)			8,333	(Actual 2016 Sales)		
(Note: If using 2016 sales as your baseline, insert that figure in cell I14 and indicate in cell K16 if 2016 sales are adjusted or not. I.e., Not Adjusted						
2.50%	2016 Statutory Compliance Obligation					
	2016 Non-Solar Renewable Benchmark		2.38%		(E)	
	2016 Solar Renewable Benchmark		0.12%		(F)	
	Per R.C., 4928.64(B)(2)					
	2016 Compliance Obligation					
	Non-Solar RECs Needed for Compliance		198		(G) = (D) * (E)	
	Solar RECs Needed for Compliance		10		(H) = (D) * (F)	
	Carry-Over from Previous Year(s), if applicable					
	Non-Solar (RECs)		-105		(I)	
	Solar (S-RECs)		-5		(J)	
	Total 2016 Compliance Obligations					
	Non-Solar RECs Needed for Compliance		93		(K) = (G) + (I)	
	Solar RECs Needed for Compliance		5		(L) = (H) + (J)	
	2016 Performance (Per GATS and/or MRETS Data)					
	Non-Solar (RECs)		198		(M)	
	Solar (S-RECs)		10		(N)	
	Under Compliance in 2016, if applicable					
	Non-Solar (RECs)		-105		(O) = (K) - (M)	
	Solar (S-RECs)		-5		(P) = (L) - (N)	
	2016 Alternative Compliance Payments					
	Non-Solar, per REC (Refer to Case 16-0714-EL-ACP)		\$49.75		(Q)	
	Solar, per S-REC (Refer to R.C. 4928.64(C)(2)(a))		\$300.00		(R)	
	2016 Payments, if applicable					
	Non-Solar Total		\$0.00		(S) = (O) * (Q)	
	Solar Total		\$0.00		(T) = (P) * (R)	
	TOTAL		\$0.00		(U) = (S) + (T)	

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