

## THE PUBLIC UTILITIES COMMISSION OF OHIO

### IN THE MATTER OF THE RENEWABLE PORTFOLIO STANDARD COMPLIANCE STATUS REPORTS FOR:

JOSCO ENERGY USA, LLC  
FREEPOINT ENERGY SOLUTIONS,  
LLC  
INSPIRE ENERGY HOLDINGS, LLC  
FIRST POINT POWER, LLC  
MEGA ENERGY OF OHIO, LLC  
FIRST POINT POWER, LLC  
REALGY, LLC DBA REALGY  
ENERGY SERVICES  
NATIONAL GAS & ELECTRIC, LLC

CASE No. 18-395-EL-ACP

CASE No. 18-617-EL-ACP

CASE No. 18-643-EL-ACP

CASE No. 18-681-EL-ACP

CASE No. 19-607-EL-ACP

CASE No. 19-797-EL-ACP

CASE No. 19-847-EL-ACP

CASE No. 19-879- EL-ACP

### FINDING AND ORDER

Entered in the Journal on May 20, 2020

#### I. SUMMARY

{¶ 1} The Commission finds that the above-noted entities have not satisfied their renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Josco Energy USA, LLC, Freepoint Energy Solutions, LLC, Inspire Energy Holdings, LLC, First Point Power, LLC, Mega Energy of Ohio, LLC, Realgy, LLC, dba Realgy Energy Services, and National Gas & Electric, LLC to remit to the Commission payments, as required under R.C. 4928.64, in the amounts identified by Staff.

#### II. DISCUSSION

{¶ 2} Josco Energy USA, LLC, Freepoint Energy Solutions, LLC, Inspire Energy Holdings, LLC, First Point Power, LLC, Mega Energy of Ohio, LLC, Realgy, LLC, dba Realgy Energy Services, and National Gas & Electric, LLC (collectively, the Companies) are electric services companies as defined in R.C. 4928.01(A)(9) and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} 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).<sup>1</sup>

{¶ 4} Ohio Adm.Code 4901:1-40-05(A) requires each electric services company to annually file by April 15 a renewable portfolio standard compliance status report (RPS report), unless otherwise ordered by the Commission. The RPS 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.

{¶ 5} In each of the cases identified in the caption, the Companies have filed RPS reports. Staff has also filed reviews and recommendations (Staff Reports) in the cases. In the Staff Reports, Staff has directed that the Companies make the following compliance payments, consistent with the rounding requirement set forth in Ohio Adm.Code 4901:1-40-08:

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<sup>1</sup> These particular cases were initiated when the prior version of Ohio Adm.Code Chapter 4901:1-40 was in effect. The current version of this chapter became effective March 26, 2020. In order to be consistent with the references in the reports filed by the Companies and related Staff Reports, all Ohio Adm.Code Chapter 4901:1-40 citations in this Finding and Order refer to the version in effect until March 25, 2020.

Entity	Compliance year	Amount owed
Josco Energy USA, LLC	2017	\$2,057.44
Freepoint Energy Solutions, LLC	2017	\$5,821.84
Inspire Energy Holdings, LLC	2017	\$702.16
First Point Power, LLC	2017	\$450.96
Mega Energy of Ohio, LLC.	2018	\$506.55
First Point Power, LLC	2018	\$660.48
Realgy, LLC dba Realgy Energy Services	2018	\$3,674.67
National Gas & Electric, LLC	2016	\$2,790.50

{¶ 6} Upon review of the Companies’ RPS reports and the records of these proceedings, we adopt Staff’s recommendations for the compliance payments identified above. As such, the following payments should be remitted within 30 days of this Finding and Order because the Companies did not meet their 2016, 2017 or 2018 compliance obligations and therefore must make alternative compliance payments.

{¶ 7} The Companies’ payments should be directed to the Public Utilities Commission of Ohio (PUCO), payable to “Treasurer State of Ohio.” A letter should also be attached to each payment stating that it is a compliance payment required by R.C. 4928.64 for deposit to the credit of the Advanced Energy Fund, under the control of the Ohio Development Services Agency and created under R.C. 4928.61. The letter should also cite each entity’s respective case number, under which the Commission has ordered the payment. The address for the PUCO: Public Utilities Commission of Ohio, 180 East Broad Street, 4th Floor Finance, Columbus, Ohio 43215.

{¶ 8} Also, the Companies should file an attestation in each of their respective cases consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08(D). This filing should be completed within 30 days of this Finding and Order.

{¶ 9} Finally, to the extent Staff has made any other recommendation regarding future compliance years, the Companies are directed to comply with Staff's recommendations.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the Companies identified in the above-captioned cases remit alternative compliance payments within 30 days of this Finding and Order in accordance with the directives contained in Paragraph 5-7. It is, further,

{¶ 12} ORDERED, That the Companies file an attestation pursuant to Ohio Adm.Code 4901:1-40-08(D) within 30 days of this Finding and Order. It is, further,

{¶ 13} ORDERED, That the Companies comply with Staff's recommendations for future compliance years. It is, further,

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

#### COMMISSIONERS:

##### *Approving:*

Sam Randazzo, Chairman  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

AS/kck

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**Case No(s). 18-0395-EL-ACP, 18-0617-EL-ACP, 18-0643-EL-ACP, 18-0681-EL-ACP, 19-0607-EL-ACP, 1**

Summary: Finding & Order finding that the above-noted entities have not satisfied their renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Josco Energy USA, LLC, Freepoint Energy Solutions, LLC, Inspire Energy Holdings, LLC, First Point Power, LLC, Mega Energy of Ohio, LLC, Realgy, LLC, dba Realgy Energy Services, and National Gas & Electric, LLC to remit to the Commission payments, as required under R.C. 4928.64, in the amounts identified by Staff. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio