

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATIONS
FOR CERTIFICATION OF A RENEWABLE
ENERGY RESOURCE GENERATING
FACILITY FILED BY:

LARRY CLAWSON,	CASE NO. 20-509-EL-REN
JEREMIAH KRICKENBARGER,	CASE NO. 20-510-EL-REN
JAMES LAMBERT,	CASE NO. 20-517-EL-REN
HENRY SANDERS,	CASE NO. 20-759-EL-REN
STEVE AND KAREN	CASE NO. 20-847-EL-REN
ECONOMOPOULOS,	
ROGER HOLT,	CASE NO. 20-848-EL-REN
ALMO CORPORATION -	CASE NO. 20-849-EL-REN
COMMERCE,	
ZIMMERMAN FARMS,	CASE NO. 20-850-EL-REN
LYON'S & HOHL INC.,	CASE NO. 20-851-EL-REN
KEN SHIRK,	CASE NO. 20-898-EL-REN
ELKWOOD CONSTRUCTION	CASE NO. 20-901-EL-REN
SERVICES, LLC,	
GARY BURKHOLDER,	CASE NO. 20-902-EL-REN
LEIF CHRISTIANSEN,	CASE NO. 20-903-EL-REN
JAMES EATON,	CASE NO. 20-934-EL-REN
DANIEL KLEAR,	CASE NO. 20-947-EL-REN
PHILIP SCHULTZ,	CASE NO. 20-948-EL-REN
BENJAMIN DIETRICH,	CASE NO. 20-949-EL-REN
NICOLO RIZZO,	CASE NO. 20-950-EL-REN
TIPPECANOE SOLAR POWER	CASE NO. 20-1073-EL-REN
PLANT,	
B-LINE HEIGHTS SOLAR POWER	CASE NO. 20-1074-EL-REN
PLANT,	
C2 OH OTSEGO I, LLC, AND	CASE NO. 20-1089-EL-REN
RICHARD PALSKI.	CASE NO. 20-1090-EL-REN

FINDING AND ORDER

Entered in the Journal on June 17, 2020

I. SUMMARY

{¶ 1} The Commission approves the applications in the above-captioned proceedings for certification as eligible Ohio renewable energy resource generating facilities.

II. DISCUSSION

{¶ 2} R.C. 4928.64 and 4928.645 contain the renewable energy resource requirements for electric utility and electric services companies providing electric retail generation in Ohio. R.C. 4928.01(A)(37) defines the types of renewable energy resource generating facilities that qualify in meeting the statutory mandates. Pursuant to Ohio Adm.Code 4901:1-40-04(F), any entity that desires to be designated an eligible renewable energy resource generating facility for the state of Ohio shall file an application for certification that demonstrates the facility satisfies the requirements of R.C. 4928.64 and 4928.645.

{¶ 3} Applications were filed in the above-captioned proceedings for certification of various generation facilities as eligible Ohio renewable energy resource generating facilities, as defined in R.C. 4928.01.

{¶ 4} Ohio Adm.Code 4901:1-40-04(F)(2) provides for automatic approval of an application for certification as an eligible Ohio renewable energy resource generating facility unless the Commission suspends the application within sixty days.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order

was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 6} On March 16, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC, directing that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter, including the 60-day automatic approval process for applications for certification as an eligible Ohio renewable energy resource, as well as the 90-day period for the Commission to approve or deny a suspended application, be suspended. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings during the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 16, 2020) at ¶ 5.

{¶ 7} On May 20, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC directing that the tolling provision of the March 16, 2020 Entry be terminated effective June 1, 2020. Due to the date of filing in the above-captioned cases, however, the applications listed above were subject to the tolling provisions of the March 16, 2020 Entry and were suspended from automatic approval during the tolling. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings during the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (May 20, 2020) at ¶ 6.

{¶ 8} Staff filed reports of its review of each application, indicating that the facilities satisfy the statutory requirements for certification as renewable energy facilities, and recommending that the applications be approved.

{¶ 9} Pursuant to R.C. 4928.64 and 4928.645, in order to qualify as a certified eligible Ohio renewable energy resource generating facility, a facility must demonstrate in its application that it has satisfied all of the following criteria:

- a) The generation produced by the renewable energy resource generating facility can be shown to be deliverable into the state of Ohio, pursuant to R.C. 4928.64(B)(3);
- b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to R.C. 4928.64(A)(1) and 4928.01(A)(37), or a new technology that may be classified by the Commission as a renewable energy resource pursuant to R.C. 4928.64(A)(2); and
- c) The facility must satisfy the applicable placed-in-service date, delineated in R.C. 4928.64(A)(1), which requires that a facility have been placed-in-service on or after January 1, 1998, or have been modified or retrofitted to create a renewable energy resource after January 1, 1998.

{¶ 10} First, pursuant to R.C. 4928.64(B)(3), the Commission considers whether the facility is located in this state or whether the resource can be shown to be deliverable into this state. These applications seek to certify facilities in this state or can be shown to be deliverable into this state. Accordingly, the Commission finds that the applications satisfy the first criterion.

{¶ 11} Second, the Commission considers whether the resource to be utilized by the generating facility is recognized as a renewable energy resource by Ohio law. The applications seek certification of facilities specifically recognized as renewable resources pursuant to R.C. 4928.01(A)(37). Therefore, the Commission finds that the second criterion is satisfied.

{¶ 12} Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.64(A)(1). Upon review, the Commission finds that the applications also meet the third criterion.

{¶ 13} In addition to satisfying the above-cited criteria, R.C. 4928.64(B)(2) provides that renewable energy resource generating facilities should be registered with an approved

attribute tracking system for the facility's renewable energy credits to be used for compliance with Ohio's alternative energy portfolio standards. The applications indicate that the facilities are registered with an approved attribute tracking system.

{¶ 14} Accordingly, the facilities identified in the applications will be certified as eligible Ohio renewable energy resource generating facilities. In the event of any substantive changes in the facilities' operational characteristics, or significant changes in the information provided in the applications, the applicants or owners of each respective application must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of these certifications.

III. ORDER

{¶ 15} It is, therefore,

{¶ 16} ORDERED, That the applications filed in the above-captioned cases be approved. It is, further,

{¶ 17} ORDERED, That each applicant be issued a certificate as an eligible Ohio renewable energy resource generating facility. It is, further,

{¶ 18} 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

DMH/kck

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Case No(s). 20-0509-EL-REN, 20-0510-EL-REN, 20-0517-EL-REN, 20-0759-EL-REN, 20-0847-EL-REN,

Summary: Finding & Order approving the applications in the above-captioned proceedings for certification as eligible Ohio renewable energy resource generating facilities electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio