

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
RAIL SPLITTER WIND FARM, LLC FOR
CERTIFICATION OF AN ELIGIBLE OHIO
RENEWABLE ENERGY RESOURCE
GENERATING FACILITY.

CASE NO. 20-1692-EL-REN

FINDING AND ORDER

Entered in the Journal on January 13, 2021

I. SUMMARY

{¶ 1} The Commission approves the application of Rail Splitter Wind Farm, LLC for certification as an eligible Ohio renewable energy resource generating facility.

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(D), 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} On November 6, 2020, Rail Splitter Wind Farm, LLC (Applicant) submitted an application for certification of the Rail Splitter Wind Farm, LLC facility as an eligible Ohio renewable energy resource generating facility, as defined by R.C. 4928.01.

{¶ 4} Ohio Adm.Code 4901:1-40-04(D)(2) provides for automatic approval of an application for certification as an eligible Ohio renewable resource generating facility unless the Commission suspends the application within 30 days.

{¶ 5} On November 10, 2020, pursuant to Ohio Adm.Code 4901:1-40-04(D), the attorney examiner suspended the 30-day automatic approval of the application submitted

by the Applicant so that Staff could further review the application.

{¶ 6} On November 30, 2020, Staff filed a report of its review of the application and supplemental information. Staff notes that the facility appears to satisfy the requirements for certification as a renewable energy facility and recommends that the application be approved.

{¶ 7} 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(D), 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.

{¶ 8} 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, among other criteria, demonstrate in its application that it has satisfied all 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.

{¶ 9} First, pursuant to R.C. 4928.64(B)(3), the Commission considers whether the facility is located in this state or the resource can be shown to be deliverable into this state. This application seeks to certify a wind energy farm with a capacity of 100.5 megawatts (MW) installed in Hopedale, Illinois. In its report, Staff explains that if a facility is not located within Ohio or a contiguous state, an applicant must present a power flow study that demonstrates an impact on a transmission line in Ohio that is greater than five percent and an energy delivery value greater than one MW. See *In re Koda Energy LLC*, Case No. 09-555-EL-REN, Entry (Mar. 23, 2011) at 4. Staff notes that the Applicant provided a power flow study, performed by PJM Interconnection, LLC, that shows a 10.938% transmission line impact and 10.99 MW energy delivery value. Accordingly, the Commission finds that the application satisfies the first criterion as physically deliverable to Ohio.

{¶ 10} 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 application seeks certification of a wind energy farm. Wind energy is specifically recognized as a renewable resource pursuant to R.C. 4928.01(A)(37). Therefore, the Commission finds that the second criterion is satisfied.

{¶ 11} Third, the Commission considers whether the facility meets the placed-in-service requirement in R.C. 4928.64(A)(1). The application indicates that the placed-in-service date for this system was August 27, 2009, and thus was after January 1, 1998, which satisfies the requirement of R.C. 4928.64(A)(1). As such, the Commission finds that the application meets the third criterion.

{¶ 12} In addition to satisfying the above-cited criteria, Ohio Adm.Code 4901:1-40-04(C)(3) provides that renewable energy resource generating facilities must 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 Applicant indicates that it is currently registered with M-RETS, an approved attribute tracking system.

{¶ 13} Accordingly, the Commission finds reasonable Staff's recommendation that the application for certification be approved. In the event of any substantive changes in the

facility's operational characteristics, or significant changes in the information provided in the application, the Applicant or owner must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of this certification.

III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the application be approved. It is, further,

{¶ 16} ORDERED, That the Applicant be issued a certificate as an eligible Ohio renewable energy resource generating facility. It is, further,

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

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JWS/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/13/2021 3:19:35 PM

in

Case No(s). 20-1692-EL-REN

Summary: Finding & Order approving the application of Rail Splitter Wind Farm, LLC for certification as an eligible Ohio renewable energy resource generating facility. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio