

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
BAY BRANCH SOLAR LLC FOR
CERTIFICATION AS AN ELIGIBLE OHIO
RENEWABLE ENERGY RESOURCE
GENERATING FACILITY.

CASE NO. 20-1788-EL-REN

FINDING AND ORDER

Entered in the Journal on September 23, 2021

I. SUMMARY

{¶ 1} The Commission denies the application of Bay Branch Solar for certification as an eligible Ohio renewable energy resource generating facility.

II. DISCUSSION

{¶ 2} On November 25, 2020, Sol Systems, LLC filed an application on behalf of Bay Branch Solar, LLC (Applicant), for certification of a solar-powered, electric generation facility as an eligible Ohio renewable energy resource generating facility, as defined in R.C. 4928.01.

{¶ 3} Ohio Adm.Code 4901:1-40-04(D)(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 30 days. By Entry filed on December 18, 2020, the attorney examiner suspended the application in the above-captioned case to allow Staff additional time to review the application and obtain additional information from the Applicant.

{¶ 4} On June 25, 2021, Staff filed a report of its review of the application, indicating that the facility does not satisfy the statutory requirements for certification as a renewable energy facility, and recommending that the application be denied.

{¶ 5} 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.

{¶ 6} 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.

{¶ 7} 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. This application seeks to certify a facility located in North Carolina; a state not contiguous to Ohio. Consistent with the Commission's approach in *In the Matter of the Application of Koda Energy LLC*, Case No. 09-555-EL-REN, Finding and Order (March 23, 2011) at ¶¶ 7-9, deliverability is approached by requiring the applying facility's impact on a transmission line in Ohio be greater than five percent and greater than one megawatt (MW).

The Applicant submitted a DFAX power-flow study performed by PJM Interconnection, LLC. The power-flow study indicated that the highest DFAX value was 7.87 percent, which meets the requirement that the facility's impact on a transmission line be greater than five percent. The study also indicated that the highest DFAX value multiplied by the facility's nameplate capacity of 7.50545 MW results in a value of .591 MW, which does not satisfy the criterion that the facility's impact be great than 1 MW. Staff, therefore, concluded that the resource is not deliverable into this state. Accordingly, the Commission finds that the application fails to satisfy the first criterion.

{¶ 8} 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 solar photovoltaic facility specifically recognized as a renewable resource pursuant to R.C. 4928.01(A)(37)(a)(i). Therefore, the Commission finds that the second criterion is satisfied.

{¶ 9} 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 application also meets the third criterion where the facility has been placed in-service after January 1, 1998.

{¶ 10} In addition to satisfying the above-cited criteria, R.C. 4928.645(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 application indicates that the facility is registered with an approved attribute tracking system.

{¶ 11} Additionally, Ohio Adm.Code 4901:1-40-04(C)(2)(e) requires that facilities above six kilowatts measure their renewable output with a utility-grade meter. In its report, Staff explains that the meter described in the application satisfies this requirement.

{¶ 12} Accordingly, the facility identified in the application will be denied certification as an eligible Ohio renewable energy resource generating facility.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the application filed by Bay Branch Solar, LLC be denied. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JMD/mef

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Case No(s). 20-1788-EL-REN

Summary: Finding & Order denying the application of Bay Branch Solar for certification as an eligible Ohio renewable energy resource generating facility. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio