

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE REALGY
ENERGY SERVICES 2019 RENEWABLE
PORTFOLIO STANDARD STATUS REPORT.

CASE NO. 20-780-EL-ACP

IN THE MATTER OF THE REALGY
ENERGY SERVICES 2020 RENEWABLE
PORTFOLIO STANDARD STATUS REPORT.

CASE NO. 21-424-EL-ACP

FINDING AND ORDER

Entered in the Journal on January 11, 2023

I. SUMMARY

{¶ 1} The Commission finds that Realgy Energy Services has not satisfied its renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Realgy Energy Services to remit to the Commission payment, as required under R.C. 4928.64, in the amount identified by Staff.

II. DISCUSSION

{¶ 2} Realgy Energy Services (Realgy Energy Services) is an electric services company as defined in R.C. 4928.01(A)(9) and, as such, is 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 renewable energy credits to meet its respective renewable energy and solar benchmarks. Ohio Adm.Code 4901:1-40-01(W) defines a REC as the environmental attributes associated with one megawatt hour of electricity generated by a non-solar renewable energy resource or its non-electric equivalent.

{¶ 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} Realgy Energy Services filed a RPS compliance report with the Commission on April 13, 2020 for the 2019 calendar year and on April 4, 2021 for the 2020 calendar year. In its RPS compliance reports, Realgy Energy Services proposed to pay \$42,476.14 for calendar year 2019 and \$157,100.13 for calendar year 2020.

{¶ 6} Staff filed a review and recommendation (Staff Report) in this case on November 2, 2021. Staff reports that Realgy Energy Services was an electric services company with retail electric sales in the state of Ohio during both 2019 and 2020, and thus, had an RPS obligation for 2019 and for 2020. In the Staff Report, Staff has directed that Realgy Energy Services make the following compliance payments, consistent with the rounding requirement set forth in Ohio Adm.Code 4901:1-40-08:

Entity	Compliance Year	Amount Owed
Realgy Energy Services	2019	\$44,717.84
Realgy Energy Services	2020	\$157,153.62

{¶ 7} The automatic approval process for calendar years 2019 and 2020 was suspended by the attorney examiner on December 2, 2021, pursuant to Ohio Adm.Code 4901:1-40-05.

{¶ 8} Realgy Energy Services did not file a response to the Staff Report or request a hearing in either proceeding.

{¶ 9} Upon review of Realgy Energy Services' RPS report and the records of these proceedings, we adopt Staff's recommendations for the compliance payments identified above. As we have determined Realgy Energy Services did not meet its 2019 and 2020 compliance obligations, a total aggregate alternative compliance payment of \$201,871.46 is warranted.¹ Payment should be remitted within 30 days of this Finding and Order.

{¶ 10} Realgy Energy Services' payment should be directed to the Public Utilities Commission of Ohio (PUCO), payable to "Treasurer State of Ohio." A letter should also be attached to the 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 Realgy Energy Services' case numbers 21-424 and 20-780, under which the Commission has ordered the aggregated payment. The address for the PUCO: Public Utilities Commission of Ohio, 180 East Broad Street, 4th Floor Finance, Columbus, Ohio 43215.

{¶ 11} Also, Realgy Energy Services should file an attestation consistent with the requirements set forth in Ohio Adm.Code 4901:1-40-08. This filing should be completed within 30 days of this Finding and Order.

¹ Staff's calculated aggregated payment is \$2,295.19 higher than that proposed by Realgy Energy Services.

{¶ 12} Finally, to the extent Staff has made any other recommendation regarding future compliance years, Realgy Energy Services is directed to comply with Staff's recommendations.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That Realgy Energy Services remit an alternative compliance payment for both calendar years within 30 days of this Finding and Order in accordance with the directives contained in Paragraphs 6-10. It is, further,

{¶ 15} ORDERED, That Realgy Energy Services file an attestation pursuant to Ohio Adm.Code 4901:1-40-08 within 30 days of this Finding and Order. It is, further,

{¶ 16} ORDERED, That Realgy Energy Services comply with Staff's recommendations for future compliance years. It is, further

{¶ 17} 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

MJA/IMM/dmh

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in

Case No(s). 20-0780-EL-ACP, 21-0424-EL-ACP

Summary: Finding & Order finding that Realgy Energy Services has not satisfied its renewable portfolio standard compliance obligations and consequently, an alternative compliance payment is warranted. The Commission directs Realgy Energy Services to remit to the Commission payment, as required under R.C. 4928.64, in the amount identified by Staff. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio