

FAX RECEIVED-DOCKETING DIV

2009 MAY 15 PM 3:54

PUCO



**BRIGHTPATH
ENERGY**

33 West 19th Street - 4th Floor
New York, NY 10011

May 15, 2009

Stuart Siegfried
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, OH 43215

Re: Ohio Alternative Energy Portfolio Standard final regulations, Amended Substitute Senate Bill No. 221, 4901:1-40, Case No. 08-888-EL-ORD

Mr. Siegfried,

BrightPath Energy would like to offer comment on the proposed final regulations as per the Ohio Public Utilities Commission (PUCO) 4901:1-40, Case No. 08-888-EL-ORD, included in Amended Substitute Senate Bill No. 221.

We recognize the contribution the Ohio Public Utilities Commission is making to renewable energy in general and Ohio in particular. It is this commitment that enables renewable energy from a regulatory and economic standpoint to advance for the benefit of everyone. We appreciate this opportunity for public comment.

BrightPath Energy is a renewable energy advisor and project developer based out of New York City. Our mission is to advance renewable energy in "frontier" states where most developers do not target. Ohio is one of those states, and we have been actively watching legislation and the Ohio Public Utilities Commission's activity. We have also been actively pursuing partnerships throughout the State with solar integrators and other renewable energy companies. We are consequently committed to advancing renewable energy in Ohio.

In light of this, we would like to propose that solar installations located in PJM and MISO, registered in the PJM-GATS or M-RETS tracking platform, within, contiguous or not contiguous to Ohio, be eligible for REC deliverability into Ohio.

The current deliverability requirement is as follows:

"Deliverable into this state" means that the electricity originates from a facility within a state contiguous to Ohio. It may also include electricity originating from other locations, pending a demonstration by an electric utility or electric services company that the electricity could be physically delivered to the state. (4901:1-40-01 Definitions-I)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician SM Date Processed MAY 15 2009

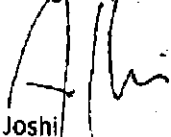
Given that the projects we develop are all located in the PJM power pool, will be registered into the PJM-GATS tracking platform for RECs, and would allow for delivery of net excess generation to the PJM grid where elements of Ohio is located, it is demonstrable in our opinion that renewable electricity could be delivered into Ohio. Given this demonstration our understanding is that projects not necessarily located in-state nor adjacent can qualify for Ohio REC deliverability.

This is not dissimilar to other PJM States such as Pennsylvania and the Washington D.C. Both of these states allow PJM located solar projects that are not necessarily located in-state nor adjacent to qualify.

We believe the solar renewable energy credits associated with electricity production from our developments could assist with Ohio RPS demand, as we have sold such RECs in other PJM-located states (PA, DC) as well.

Again – we appreciate the opportunity to offer our thoughts to the Ohio Public Utilities Commission.

Best regards,



AJ Joshi
Principal
BrightPath Energy LLC