

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)
Prairie View II Landfill Gas Facility for) Case No. 09-690-EL-REN
Certification as an Eligible Ohio)
Renewable Energy Resource Generating)
Facility.)

FINDING AND ORDER

The Commission finds:

- (1) On August 6, 2009, as amended on September 8, 2009 and October 2, 2009, Prairie View II Landfill Gas Facility (Prairie View II) filed an application for certification as an eligible Ohio renewable energy resource generating facility.
- (2) Consistent with Sections 4928.64 and 4928.65, Revised Code, 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 Section 4928.64(B)(3), Revised Code.
 - (b) The resource to be utilized in the generating facility is recognized as a renewable energy resource pursuant to Sections 4928.64(A)(1) and 4928.01(A)(35), Revised Code, or a new technology that may be classified by the Commission as a renewable energy resource pursuant to Section 4928.64(A)(2), Revised Code.
 - (c) The facility must satisfy the applicable placed-in-service date, delineated in Section 4928.64(A)(1), Revised Code.
- (3) Prairie View II submitted for certification a 3.2 MW landfill gas-to-electricity (LGE) generating facility located at 15505 Shively Road, Wyatt, Indiana 46595. The application indicates that the facility is a distributed generation facility, with an existing net

metering and interconnection agreement with Northern Indiana Public Service Company (NIPSCO). The application explains that the facility is located within the geographic area of the Midwest Independent Transmission System Operator. The application represents that, based upon its location in a state geographically contiguous to Ohio, the electricity generated from the Prairie View II facility is deliverable into the state. Accordingly, the Commission finds that the application satisfies the first criterion.

- (4) In its application, Prairie View II indicates that it uses landfill gas exclusively to fuel its gas turbines. LGE is recognized as a renewable resource pursuant to Section 4928.01(A)(35), Revised Code. Therefore, the Commission finds that the second criterion is satisfied.
- (5) Prairie View II indicates in its application that the in-service date for its system was August 23, 2007, thereby satisfying the requirement of Section 4928.64(A)(1), Revised Code. As such, the Commission finds that Prairie View II's facility meets the third criterion.
- (6) Given that Prairie View II's application demonstrates that its facility satisfies the requisite criteria to become certified as an eligible Ohio renewable energy resource generating facility, the Commission finds that its application should be approved. This approval is subject to the facility properly acquiring and maintaining all required local, state, and environmental permits.
- (7) In addition to satisfying the above-cited criteria, Section 4928.65, Revised Code, requires a renewable energy resource generating facility to be registered with an approved attribute tracking system, such as the Generation Attribute Tracking System (GATS), or the Midwest Renewable Energy Tracking System (M-RETS), for the facility's renewable energy credits to be used for compliance with Ohio's alternative energy portfolio standards. Prairie View II indicated in its application that it intends to register with GATS.
- (8) Prairie View II is hereby issued certification number 09-BIO-IN-GATS-0022 as an eligible Ohio renewable energy resource

generating facility. In the event of any substantive changes in the facility's operational characteristics, or significant changes in the information provided in the application, Prairie View II must notify the Commission within 30 days of such changes. Failure to do so may result in revocation of its certification.

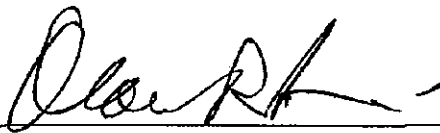
It is, therefore,

ORDERED, That Prairie View II's application for certification as an eligible Ohio renewable energy resource generating facility be granted as set forth herein. It is, further,

ORDERED, That Prairie View II be issued certification number 09-BIO-IN-GATS-0022 in accordance with finding (8). It is, further,

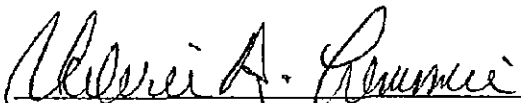
ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

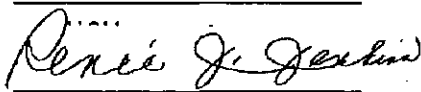

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Entered in the Journal

OCT 28 2009


Renee J. Jenkins
Secretary