

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Annual Alternative)
Energy Portfolio Status Report of) Case No. 10-0530-EL-ACP
Industrial Energy Users - Ohio.)**

Findings and Recommendations of the PUCO Staff

I. Statutory Background

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to both electric distribution utilities and electric service companies. The AEPS is addressed principally in sections 4928.64 and 4928.65, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for 2009 are as follows:

- Renewable Energy Resources = 0.25% (includes solar carve-out)
- Solar Energy Resources = 0.004%

In addition, there is a requirement that at least half of the renewable energy resources, including the solar energy resources, shall be met through facilities located in this state.

The PUCO further developed rules to implement the Ohio AEPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

4901:1-40-05(A), OAC:

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual alternative energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable alternative energy portfolio benchmarks and planning requirements have or will be met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the alternative energy portfolio standard.

4901:1-40-05(C), OAC:

Staff shall review each electric utility's or electric services company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

II. Company Filing Summarized

In its filing, Industrial Energy Users – Ohio (IEU-OH) acknowledges that it is an electric services company. IEU-OH further indicated that it had no Ohio electricity sales during 2009, and thus concluded that it did not need to acquire renewable energy credits (including solar) for 2009.¹ IEU-OH also indicated in its filing that it did not intend to make electricity sales in 2010, but that if it did, it would pursue the necessary renewable energy credits to achieve compliance.² IEU-OH's annual status report was filed on April 19th, 2010, and IEU-OH seeks leave to file its report late.³

III. Filed Comments

No persons filed comments in this proceeding.

IV. Staff Findings

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) IEU-OH is an electric services company in the state of Ohio.
- (2) IEU-OH submitted its annual status report for 2009 compliance activities on April 19, 2010. While Staff finds that this filing is late relative to the filing requirements of 4901:1-40-05(A), Staff believes that IEU-OH will comply with future filing requirements in a timely manner.
- (3) Staff independently verified IEU-OH's claim that it had zero Ohio retail electric sales in 2009.
- (4) OAC Section 4901:1-40-02, Purpose and Scope, indicates the following:

¹ P. 2 of Company filing

² P. 2 of Company filing

³ P. 1 of Company filing

Parties affected by these alternative energy portfolio standard rules include all Ohio electric utilities and all electric services companies serving retail electric customers in Ohio. Any entities that do not serve Ohio retail electric customers shall not be required to comply with the terms of the alternative energy portfolio standard.

- (5) Staff finds that IEU-OH did not serve Ohio retail electric customers in 2009 and therefore did not have a compliance obligation in 2009.

V. Staff Recommendations

Following its review of the information submitted in this proceeding, Staff recommends the following:

- (1) IEU-OH's filing in this proceeding be accepted, with no further steps required.

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Case No(s). 10-0530-EL-ACP

Summary: Staff Review and Recommendation In the Matter of the Annual Alternative Energy Portfolio Status Report of Industrial Energy Users - Ohio electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff