

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of The Dayton Power and )  
Light Company's Annual Alternative )  
Energy Portfolio Status Report )**

**Case No. 13-0873-EL-ACP**

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Findings and Recommendations of the PUCO Staff

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**I. Statutory Background**

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to 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 **2012** are as follows:

- Renewable Energy Resources = **1.50%** (includes solar requirement)
- Solar Energy Resources = **0.06%**

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.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

## **II. Company Filing Summarized**

The Dayton Power and Light Company (DP&L or Company) filed its 2012 AEPS compliance status report on April 15, 2013. Its filing includes a proposed baseline of 9,916,408 megawatt hours (MWHs), which the Company indicated is the average of its annual sales for 2009, 2010, and 2011. Using its proposed baseline and the statutory benchmarks for 2012, DP&L calculated its compliance obligations to be as follows:

- 5,950 Solar MWHs, of which at least 2,975 must originate from Ohio facilities
- 142,796 Non-Solar MWHs, of which at least 71,398 must originate from Ohio facilities

The Company asserted in its filing that it fully satisfied its 2012 compliance obligations. Attachment 1 of the Company's status report filing provided redacted details on the RECs and S-RECs that it proposed to use for its 2012 compliance requirements. During May 2013, DP&L transferred renewable energy credits (RECs) and solar RECs (S-RECs) to its PJM EIS Generation Attributes Tracking System (GATS) reserve subaccount for Ohio 2012 compliance activities.

## **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) That DP&L is an electric distribution utility in Ohio with retail electric sales in the state of Ohio, and, therefore, DP&L had an AEPS compliance obligation for 2012.
- (2) That DP&L filed its AEPS annual compliance status report for 2012 on April 15, 2013.

- (3) That DP&L appropriately calculated its baseline and 2012 compliance obligations.
- (4) That the Company retired RECs and S-RECs for 2012 via its account with GATS. The Companies' GATS reserve subaccount data showed the following having been retired for the 2012 compliance year:
  - 2,975 Ohio S-RECs
  - 2,975 Non-Ohio S-RECs
  - 71,398 Ohio Non-solar RECs
  - 71,398 Non-Ohio Non-solar RECs
- (5) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that DP&L satisfied its total non-solar<sup>1</sup> obligation, as well as the specific minimum in-state non-solar requirement, for 2012. The RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2012.
- (6) That following a review of the Company's reserve subaccount data on GATS, Staff confirmed that DP&L satisfied its total solar obligation, as well as the specific minimum in-state solar requirement, for 2012. The S-RECs that the Company transferred to its GATS reserve subaccount were sourced from generating facilities certified by the Commission and were appropriately associated with electricity generated between August 1, 2008, and December 31, 2012.

## **V. Staff Recommendations**

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends the following:

- (1) That DP&L be found to have satisfied its 2012 AEPS compliance obligations.
- (2) That for future compliance years in which the Company is utilizing GATS to demonstrate its Ohio compliance efforts, the Company initiates the transfer of

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<sup>1</sup> Staff uses "non-solar" in this context to refer to the total renewable requirement net of the specific solar carve-out. Staff acknowledges that there is not a specific "non-solar" requirement in the applicable statute.

the appropriate RECs and S-RECs to its GATS reserve subaccount between March 1<sup>st</sup> and April 15<sup>th</sup> so as to precede the filing of its Ohio annual compliance status report with the Commission.

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Summary: Staff Review and Recommendation electronically filed by Mr. Stuart M Siegfried on behalf of PUCO Staff