

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Alternative Energy)
Resources Report for Calendar Year 2010) Case No. 11-2462-EL-ACP
from Noble Americas Energy Solutions LLC.)

FINDING AND ORDER

The Commission finds:

- (1) Noble Americas Energy Solutions LLC (Noble Solutions) is an electric services company as defined in Section 4928.01(A)(9), Revised Code, and, as such, is subject to the jurisdiction of the Commission.
- (2) Section 4928.64(B), Revised Code, establishes benchmarks for electric services companies to acquire a portion of their electricity supply for retail customers in Ohio from renewable energy resources. Specifically, the statute requires that, for 2010, a portion of the electricity sold by means of retail electric sales in Ohio must come from alternative energy resources (overall renewable energy resources benchmark), half of which must be met with resources located within Ohio (in-state renewable energy resources benchmark), and including 0.010 percent from solar energy resources (overall solar energy resources (SER) benchmark), half of which must be met with resources located within Ohio (in-state SER benchmark).
- (3) Rule 4901:1-40-05(A), Ohio Administrative Code (O.A.C.), requires that, unless otherwise ordered by the Commission, each electric services company file by April 15 of each year an annual alternative energy portfolio status report. The report must analyze all activities the company undertook in the previous year in order to demonstrate how pertinent alternative energy portfolio benchmarks and planning requirements have been or will be met. Additionally, the Commission's Staff (Staff) must conduct an annual compliance review with regard to the benchmarks. Finally, Rule 4901:1-40-

02(A), O.A.C., provides that electric services companies that do not serve Ohio retail electric customers are not required to comply with the terms of the alternative energy portfolio benchmarks.

- (4) On April 14, 2011, Noble Solutions filed its 2010 alternative energy portfolio status report, pursuant to Section 4928.64, Revised Code, and Rule 4901:1-40-05(A), O.A.C. In its report, Noble Solutions states that it had no Ohio retail sales in 2007 or 2008; and, accordingly, proposes a baseline based on its actual retail sales for 2009. Using this proposed baseline and the 2010 statutory benchmarks, Noble Solutions reports that it met its overall renewable energy resources benchmark, its in-state renewable energy resources benchmark, and its overall SER benchmark. Further, Noble Solutions reports that it did not meet its in-state SER benchmark, which the Commission previously addressed by granting a *force majeure* determination in Case No. 11-2384-EL-ACP. Noble Solutions further states that it fell short of meeting its 2009 in-state SER benchmark, and that the shortfall was carried forward to 2010, increasing its 2010 solar obligation.
- (5) On April 26, 2013, Staff filed findings and recommendations regarding Noble Solutions' alternative energy portfolio status report. Initially, Staff finds that Noble Solutions was required to comply with the terms of the alternative energy portfolio benchmarks for 2010, as it had retail electric sales in Ohio. Staff notes that Noble Solutions' proposed baseline is reasonable.

Additionally, Staff notes that it reviewed Noble Solutions' Generation Attribute Tracking System (GATS) reserve subaccount data and confirms that, for 2010, Noble Solutions satisfied its overall renewable energy resources benchmark, in-state renewable energy resource benchmark, and overall SER benchmark. Staff further indicates that it confirmed that the RECs and solar RECs originated from generating facilities certified by the Commission and were associated with electricity generated during the applicable timeframe.

Additionally, Staff notes that it reviewed the GATS reserve subaccount data and confirms that Noble Solutions satisfied a portion of its in-state SER benchmark, with the shortfall having been addressed in its request for a *force majeure*. Staff further states that these solar RECs originated from generating facilities certified by the Commission and were associated with electricity generated during the applicable timeframe.

Accordingly, Staff recommends that Noble Solutions be found to be in compliance with its 2010 alternative energy compliance obligations, including its adjusted in-state SER obligation. Staff further recommends that the in-state SER shortfall be added to Noble Solutions' 2011 SER obligation, consistent with the Commission's prior decision granting a *force majeure*. Finally, Staff recommends that, for future compliance years in which Noble Solutions uses GATS to demonstrate its Ohio compliance efforts, Noble Solutions initiate the transfer of the appropriate RECs and solar RECs to its GATS reserve subaccount between March 1 and April 15 so as to precede the filing of its annual alternative energy portfolio status report with the Commission.

- (6) Upon review of Noble Solutions' alternative energy portfolio status report and Staff's findings and recommendations, the Commission finds that Noble Solutions is in compliance with its 2010 overall renewable energy resources benchmark, in-state renewable energy resources benchmark, overall SER benchmark, and adjusted in-state SER benchmark. Further, consistent with the Commission's prior determination granting a *force majeure*, the in-state SER deficiency for 2010 should be added to Noble Solutions' in-state SER benchmarks for 2011. Consequently, the Commission finds that Noble Solutions' alternative energy portfolio status report for 2010 should be accepted. Finally, with respect to future compliance years, the Commission directs Noble Solutions to initiate the transfer of the appropriate RECs and solar RECs to its GATS reserve subaccount between March 1 and April 15, consistent with Staff's recommendation.

It is, therefore,

ORDERED, That Noble Solutions' alternative energy portfolio status report for 2010 be accepted in accordance with Finding (6). 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

Todd A. Snitchler, Chairman

Steven D. Lesser

M. Beth Trombold
M. Beth Trombold

Lynn Slaby
Lynn Slaby

Asim Z. Haque
Asim Z. Haque

MWC/sc

Entered in the Journal

SEP 18 2013

Barcy F. McNeal

Barcy F. McNeal
Secretary