

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative )  
Energy Portfolio Status Report of ) Case No. 11-2470-EL-ACP  
Dominion Retail, Inc. )

FINDING AND ORDER

The Commission finds:

- (1) Dominion Retail, Inc. (Dominion Retail), 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 15, 2011, Dominion Retail 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, Dominion Retail states that it calculated its baseline for 2010 based on its average retail electricity sales in 2007, 2008, and 2009. Using this baseline and the 2010 statutory benchmarks, Dominion Retail reports that it met its overall renewable energy resources benchmark, its in-state renewable energy resources benchmark, and its overall SER benchmark through the use of renewable energy credits (RECs) and solar RECs. Further, Dominion Retail indicates that it fell short of meeting its in-state SER benchmark, which the Commission previously addressed in this case when it granted Dominion Retail's application for a *force majeure* determination.
- (5) On January 16, 2013, Staff filed findings and recommendations regarding Dominion Retail's alternative energy portfolio status report. Initially, Staff finds that Dominion Retail 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 Dominion Retail's calculated baseline is reasonable.

Additionally, Staff states that it reviewed Dominion Retail's Generation Attribute Tracking System (GATS) reserve subaccount data and confirms that, for 2010, Dominion Retail satisfied its overall renewable energy resources benchmark, in-state renewable energy resources benchmark, and overall SER benchmark. Staff notes that Dominion Retail did not meet its in-state SER benchmark, which was previously addressed by the Commission when it granted Dominion Retail's application for a *force majeure* determination. Staff further notes 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.

Accordingly, Staff recommends that Dominion Retail be found to be in compliance with its 2010 alternative energy compliance obligations, including its adjusted in-state SER benchmark. Further, Staff recommends that the shortfall of 11 in-state solar RECs be added to Dominion Retail's in-state SER benchmark for 2011, consistent with the Commission's decision addressing the application for a *force majeure* determination. Finally, Staff recommends that, for future compliance years in which Dominion Retail uses GATS to demonstrate its Ohio compliance efforts, Dominion Retail 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 Dominion Retail's alternative energy portfolio status report and Staff's findings and recommendations, the Commission finds that Dominion Retail 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 determination in this case granting a *force majeure*, the compliance deficiency of 11 in-state solar RECs should be added to Dominion Retail's in-state SER benchmark for 2011. Consequently, the Commission finds that Dominion Retail's alternative energy portfolio status report for 2010 should be accepted. Finally, the Commission finds that, with respect to future compliance years, Dominion Retail should 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 Dominion Retail's 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

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Todd A. Snitchler, Chairman

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Steven D. Lesser

*M. Beth Trombold*

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*Lynn Slaby*

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MWC/sc

Entered in the Journal

**SEP 18 2013**

*Barcy F. McNeal*

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Barcy F. McNeal  
Secretary