

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Alternative Energy)
Portfolio Status Report of FirstEnergy) Case No. 12-763-EL-ACP
Solutions Corp. for 2011.)

FINDING AND ORDER

The Commission finds:

- (1) FirstEnergy Solutions Corp. (FES) is an electric services company as defined in Section 4928.01(A)(9), Revised Code, and, as such, is subject to the jurisdiction of this 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 2011, 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 0.030 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). This requirement increased to 0.060 percent for 2012.
- (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 February 24, 2012, FES filed its 2011 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, FES proposes a baseline of 14,117,478 megawatt-hours, which is based on the average of its annual retail sales in Ohio for 2008 through 2010. Using this baseline and the 2011 statutory benchmarks, FES reports that it met its overall renewable energy resources benchmark of 136,940 renewable energy credits (RECs), including an in-state renewable energy resources benchmark of 68,470 RECs, and also met its overall SER benchmark of 4,236 solar RECs, including an in-state SER benchmark of 2,118 solar RECs.
- (5) On August 29, 2012, Staff filed findings and recommendations regarding FES' alternative energy portfolio status report. Initially, Staff finds that FES was required to comply with the terms of the alternative energy portfolio benchmarks for 2011, as it had retail electric sales in Ohio. Staff reports that FES appropriately calculated its baseline and 2011 compliance obligations.

Additionally, Staff states that it reviewed FES' Generation Attribute Tracking System (GATS) reserve subaccount data and confirms that, for 2011, FES satisfied its overall renewable energy resources benchmark, in-state renewable energy resources benchmark, overall SER benchmark, and in-state SER benchmark. Staff further indicates that it reviewed FES' GATS reserve subaccount information and confirmed that the RECs originated from generating facilities certified by the Commission and were associated with electricity generated during the applicable timeframe.

Accordingly, Staff recommends that FES be found to be in compliance with its 2011 alternative energy compliance obligations. Staff further recommends that, for future compliance years in which FES uses GATS to demonstrate its Ohio compliance efforts, FES 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 FES' alternative energy portfolio status report and Staff's findings and recommendations, the Commission finds that FES has complied with its 2011 overall renewable energy resources benchmark, in-state renewable energy resources benchmark, overall SER benchmark, and in-state SER benchmark. Consequently, the Commission finds that FES' alternative energy portfolio status report for 2011 should be accepted. With respect to future compliance years, the Commission directs FES 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,

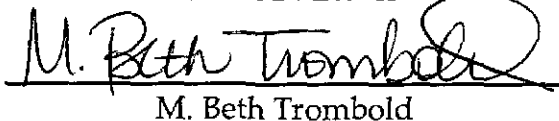
ORDERED, That FES' alternative energy portfolio status report for 2011 be accepted in according with Finding (6). It is, further,

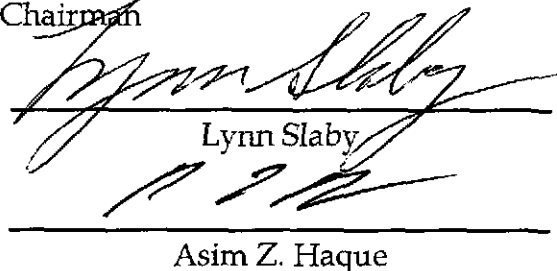

ORDERED, That a copy of this Finding and Order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

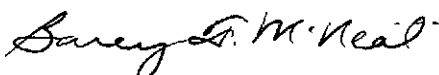

M. Beth Trombold


Lynn Slaby

Asim Z. Haque

MWC/sc

Entered in the Journal

NOV 13 2013



Barcy F. McNeal
Secretary