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April 28, 2014

VIA OVERNIGHT DELIVERY

Ms. Barcy F. McNeal, Secretary
Public Utilities Commission of Ohio
180 E. Broad St. 11th Floor
Columbus, OH 43215-3793

RECEIVED-DOCKETING DIV
2014 APR 28 PM 3:47
PUCO


Re: Case No. 14-~~793~~⁷¹³-EL-ACP
Annual Alternative Energy Portfolio Status Report for Calendar Year 2013

Dear Ms. McNeal:

On behalf of EDF Industrial Power Services (OH), LLC ("EIPS OH"), I respectfully submit EIPS OH's Alternative Energy Portfolio Status Report for Calendar Year 2013 ("Annual Report"). Included is a public version of the Annual Report that is redacted and three confidential and unredacted copies of the Annual Report submitted under seal. Pursuant to Ohio Adm. Code 4901-1-24(D), a motion for protective order also is included with this filing to protect the confidential information contained in the Annual Report. Additionally, EIPS OH includes together with the Annual Report a request for limited waiver of the Commission's rules in order to use actual data from 2013 for its baseline and benchmark calculations.

Thank you for your consideration.

Respectfully yours,

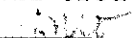

Allison E. Haedt

*Attorney for EDF Industrial Power Services
(OH), LLC*

Enclosures:

Annual Alternative Energy Portfolio Status Report 2013 and Exhibit A
Motion for Protective Order
Request for Limited Waiver

HUI-167201v1

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BEFORE

RECEIVED-DOCKETING DIV

THE PUBLIC UTILITIES COMMISSION OF OHIO

2014 APR 28 PM 3:48

PUCO

In the Matter of EDF Industrial Power)
Services (OH), LLC's Annual Alternative)
Energy Portfolio Status Report and Plan for)
Compliance with Future Annual Advanced)
and Renewable Energy Benchmarks)

Case No. 14-~~193~~-EL-ACP

EDF Industrial Power Services (OH), LLC's
Request for Limited Waiver

EDF Industrial Power Services (OH), LLC ("EIPS OH") is a Competitive Retail Electric Service ("CRES") Provider, as defined in Ohio Revised Code ("R.C.") § 4928.01(A)(4), and an electric services company as defined in R.C. § 4928.01(A)(9). EIPS OH is a wholly owned subsidiary of EDF Trading North America, LLC. The Public Utilities Commission of Ohio (the "Commission") granted EIPS OH's request for CRES certification on March 11, 2013.¹ EIPS OH entered into Retail Electricity Sales Agreements with certain industrial customers in December 2013. These agreements had start dates that began "on the first utility meter read 'Utility Transfer Date' occurring on or after December 31, 2013." EIPS OH received meter readings for a limited number of industrial retail customers dated during the last days of December 2013. Because of these meter readings and out of an abundance of caution, EIPS OH submits this Annual Alternative Energy Status Report for the period January 1, 2013 through December 31, 2013 (the "Annual Report"), pursuant to Ohio Adm. Code 4901:1-40-03 and 4901:1-40-05. EIPS OH made no other retail electric sales in Ohio in 2013, and therefore, seeks

¹ EDF Industrial Power Services (OH), LLC, Certificate No. 13-644E (1), Case No. 13-0327-EL-CRS (Mar. 11, 2013).

a limited waiver of Ohio Adm. Code 4901:1-40-03 and any and all additional waivers as may be necessary for the Commission to accept this Annual Report.

Good cause exists for granting such waivers given the extremely limited nature of EIPS OH's participation in the retail electric market in Ohio in 2013.² R.C. § 4928.64(B) and Ohio Adm. Code 4901:1-40-03(B)(2) require CRES Providers use as their baseline for their Annual Report the average of the preceding three years of kilowatt-hours sold. Ohio Adm. Code 4901:1-40-03(B)(2)(b) allows companies with no retail electric sales in Ohio over the past three years to use a reasonable projection of sales for the year. But EIPS OH has only a few days worth of meter readings for 2013. Thus, any projection based on such a small sample size would be inaccurate or misleading or both. Accordingly, EIPS OH requests a limited waiver of Ohio Adm. Code 4901:1-40-03 so that it may use the actual meter readings during calendar year 2013 to calculate its compliance baseline for 2013. The Commission has granted such waivers in the past for electric service providers who were similarly unable to show three years' worth of data.³

Accordingly, for the good cause shown, EIPS OH respectfully requests waiver of Ohio Adm. Code 4901:1-40-03(B)(2)(b), and any and all additional waivers as may be necessary for the Commission to accept its 2013 Annual Report.

² See Ohio Adm. Code 4901:1-40-02(B) ("The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.")

³ See, e.g., *BlueStar Energy Services, Inc.*, Case No. 12-1239-EL-ACP (Jan. 29, 2014); see also, AEPS Compliance Filing Requirements: Staff Guidance and Worksheets for 2013 Compliance Year, P 5, Scenario D, <http://www.puco.ohio.gov/puco/index.cfm/industry-information/industry-topics/ohioe28099s-renewable-and-advanced-energy-portfolio-standard/aeps-compliance-filing-requirements-staff-guidance-and-worksheet-for-2013-compliance-year/> (last visited April 16, 2014).

Respectfully submitted,

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Dated April 28, 2014.

HUI-167157v3