

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review)
of its Rules for the Alternative Energy)
Portfolio Standard Contained in Chapter) Case No. 13-652-EL-ORD
4901:1-40 of the Ohio Administrative)
Code.)

ENTRY

The attorney examiner finds:

- (1) R.C. 119.032 requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. At this time, the Commission is reviewing the Alternative Energy Portfolio Standard rules contained in Ohio Adm.Code Chapter 4901:1-40.
- (2) On June 13, 2014, the governor of the state of Ohio signed into law Substitute Senate Bill 310 (Sub.S.B. 310), through which the 130th General Assembly amended R.C. 3706.25, 4928.01, 4928.20, 4928.53, 4928.64, 4928.65, and 4928.66. Additionally, for the purpose of adopting the new R.C. 4928.645, the General Assembly amended R.C. 4928.65, 4928.6610, 4928.6611, 4928.6613, 4928.6614, 4928.6615, and 4928.6616. The amendments made by the General Assembly make changes to the renewable energy, energy efficiency, and peak demand reduction requirements for the state of Ohio. The effective date of Sub.S.B. 310 is September 12, 2014.
- (3) One amendment that the General Assembly made to R.C. 4928.64(B)(3) by Sub.S.B. 310 eliminates the existing requirement for electric distribution utilities and electric services companies to purchase at least one-half of their renewable energy resources through facilities located in the state of Ohio (the in-state requirement). As to this specific amendment, the Commission seeks comments and reply comments from interested persons to assist in the review of Ohio Adm.Code 4901:1-40-03 in conjunction with the Commission's implementation of Sub.S.B. 310. Comments should be limited to addressing the following questions:

- (A) Does the General Assembly's amendment to R.C. 4928.64(B)(3) by Sub.S.B. 310 require the Commission to amend Ohio Adm.Code 4901:1-40-03 to eliminate the in-state requirement in its entirety, including the portion of 2014 prior to the effective date of Sub.S.B. 310?
- (B) Does the General Assembly's amendment to R.C. 4928.64(B)(3) by Sub.S.B. 310 require the Commission to amend Ohio Adm.Code 4901:1-40-03 to prorate the in-state requirement for 2014 based upon the effective date of Sub.S.B. 310 and to eliminate the requirement thereafter?
- (4) The attorney examiner finds that comments on the questions set forth in finding (3) should be filed by interested persons by July 31, 2014, and reply comments by August 12, 2014.

It is, therefore,

ORDERED, That all interested persons shall have until July 31, 2014, to file comments and until August 12, 2014, to file reply comments in accordance with finding (4). It is, further,

ORDERED, That a copy of this Entry be served upon all electric distribution utilities and electric service companies in the state of Ohio, the Ohio Consumers' Counsel, the Electric-Energy industry list-serve, the Renewable and Advanced Energy Portfolio Standards list-serve, and all other interested persons.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Bryce McKenney

By: Bryce A. McKenney
Attorney Examiner

SEF/sc

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/11/2014 2:18:37 PM

in

Case No(s). 13-0652-EL-ORD

Summary: Attorney Examiner Entry directing comments be filed by 07/31/2014 and reply comments by 08/12/2014. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio