

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Industrial Energy        )  
Users-Ohio Annual Alternative                )  
Energy Portfolio Status Report for 2013        )**

**Case No. 14-0549-EL-ACP**

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Findings and Recommendations of the PUCO Staff

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**I.       Statutory Background**

Senate Bill 221, with an effective date of July 31, 2008, established Ohio's alternative energy portfolio standard (AEPS) applicable to electric distribution utilities and electric service companies. The AEPS is addressed principally in sections 4928.64 and 4928.65, Ohio Revised Code (ORC), with relevant resource definitions contained within 4928.01(A), ORC.

According to 4928.64(B)(2), ORC, the specific compliance obligations for **2013** are as follows:

- Renewable Energy Resources = **2.00%** (includes solar requirement)
- Solar Energy Resources = **0.09%**

In addition, there is a requirement that at least half of the renewable energy resources, including the solar energy resources, shall be met through facilities located in this state.

The PUCO further developed rules to implement the Ohio AEPS, with those rules contained within Ohio Administrative Code (OAC) 4901:1-40.

4901:1-40-05(A), OAC:

Unless otherwise ordered by the commission, each electric utility and electric services company shall file by April fifteenth of each year, on such forms as may be published by the commission, an annual alternative energy portfolio status report analyzing all activities undertaken in the previous calendar year to demonstrate how the applicable alternative energy portfolio benchmarks and planning requirements have or will be met. Staff shall conduct annual compliance reviews with regard to the benchmarks under the alternative energy portfolio standard.

4901:1-40-05(C), OAC:

Staff shall review each electric utility's or electric services company's alternative energy portfolio status report and any timely filed comments, and file its findings and recommendations and any proposed modifications thereto.

The findings and recommendations in this document pertain to the company's compliance status. This document does not address such matters as cost recovery or status relative to the statutory 3% cost provision.

## **II. Company Filing Summarized**

Industrial Energy Users-Ohio (IEU-OH) filed its AEPS compliance status report for the 2013 compliance year on April 3, 2014. In its compliance filing, IEU-OH specified that it had no Ohio electricity sales during the period of 2010-2012, the three years preceding the 2013 compliance year and it did not conduct any sales during 2013. IEU-OH thus concluded that it did not need to acquire renewable energy credits (RECs) or solar RECs (S-RECs) for 2013. IEU-OH also indicated in its filing that it did not anticipate making electricity sales in 2014, but that if it did, it would pursue the necessary RECs and S-RECs to achieve compliance.

## **III. Filed Comments**

No persons filed comments in this proceeding.

## **IV. Staff Findings**

Following its review of the annual status report and any timely comments submitted in this proceeding, Staff makes the following findings:

- (1) That IEU-OH is an electric services company in the state of Ohio.
- (2) That IEU-OH filed its 2013 AEPS status report on April 3, 2014.
- (3) That Staff verified IEU-OH's claim that it had zero Ohio retail electric sales in 2013 through independent review.
- (4) That OAC Section 4901:1-40-02, Purpose and Scope, indicates the following:

Parties affected by these alternative energy portfolio standard rules include all Ohio electric utilities and all electric services companies serving retail electric customers in Ohio. Any entities that do not serve

Ohio retail electric customers shall not be required to comply with the terms of the alternative energy portfolio standard.

- (5) That IEU-OH did not serve Ohio retail electric customers in 2013 and therefore did not have an AEPS compliance obligation in 2013.

## **V. Staff Recommendations**

Following its review of the information submitted in this proceeding and other relevant data, Staff recommends the following:

- (1) That IEU-OH is found to have satisfied its 2013 AEPS compliance obligations.
- (2) That for future compliance years in which the Company is utilizing GATS to demonstrate its Ohio compliance efforts, the Company initiates the transfer of the appropriate RECs and S-RECs to its GATS reserve subaccount between March 1<sup>st</sup> and April 15<sup>th</sup> so as to precede the filing of their Ohio annual compliance status report with the Commission.

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Summary: Staff Review and Recommendation electronically filed by Ms. Justine R Patmon on behalf of PUCO Staff